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**SUBSTITUTE HOUSE BILL 1043**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** House Health Care & Wellness (originally sponsored by Representatives Leavitt, Rude, Dufault, Kloba, Ryu, Ortiz-Self, Dolan, Wylie, Harris, Simmons, Goodman, Bronoske, Kirby, and MacEwen)

READ FIRST TIME 02/03/22.

1 AN ACT Relating to the audiology and speech-language pathology  
2 interstate compact; adding a new chapter to Title 18 RCW; and  
3 providing a contingent effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The purpose of this compact is to  
6 facilitate interstate practice of audiology and speech-language  
7 pathology with the goal of improving public access to audiology and  
8 speech-language pathology services. The practice of audiology and  
9 speech-language pathology occurs in the state where the patient,  
10 client, or student is located at the time of the patient, client, or  
11 student encounter. The compact preserves the regulatory authority of  
12 states to protect public health and safety through the current system  
13 of state licensure.

14 (2) This compact is designed to achieve the following objectives:

15 (a) Increase public access to audiology and speech-language  
16 pathology services by providing for the mutual recognition of other  
17 member state licenses;

18 (b) Enhance the states' ability to protect the public's health  
19 and safety;

20 (c) Encourage the cooperation of member states in regulating  
21 multistate audiology and speech-language pathology practice;

- 1 (d) Support spouses of relocating active duty military personnel;
- 2 (e) Enhance the exchange of licensure, investigative, and  
3 disciplinary information between member states;
- 4 (f) Allow a remote state to hold a provider of services with a  
5 compact privilege in that state accountable to that state's practice  
6 standards; and
- 7 (g) Allow for the use of telehealth technology to facilitate  
8 increased access to audiology and speech-language pathology services.

9 NEW SECTION. **Sec. 2.** As used in this compact, and except as  
10 otherwise provided, the following definitions shall apply:

11 (1) "Active duty military" means full-time duty status in the  
12 active uniformed service of the United States, including members of  
13 the national guard and reserve on active duty orders pursuant to 10  
14 U.S.C., chapters 1209 and 1211.

15 (2) "Adverse action" means any administrative, civil, equitable,  
16 or criminal action permitted by a state's laws which is imposed by a  
17 licensing board or other authority against an audiologist or speech-  
18 language pathologist, including actions against an individual's  
19 license or privilege to practice such as revocation, suspension,  
20 probation, monitoring of the licensee, or restriction on the  
21 licensee's practice.

22 (3) "Alternative program" means a nondisciplinary monitoring  
23 process approved by an audiology or speech-language pathology  
24 licensing board to address impaired practitioners.

25 (4) "Audiologist" means an individual who is licensed by a state  
26 to practice audiology.

27 (5) "Audiology" means the care and services provided by a  
28 licensed audiologist as set forth in the member state's statutes and  
29 rules.

30 (6) "Audiology and speech-language pathology compact commission"  
31 or "commission" means the national administrative body whose  
32 membership consists of all states that have enacted the compact.

33 (7) "Audiology and speech-language pathology licensing board,"  
34 "audiology licensing board," "speech-language pathology licensing  
35 board," or "licensing board" means the agency of a state that is  
36 responsible for the licensing and regulation of audiologists, speech-  
37 language pathologists, or both.

38 (8) "Compact privilege" means the authorization granted by a  
39 remote state to allow a licensee from another member state to

1 practice as an audiologist or speech-language pathologist in the  
2 remote state under its laws and rules. The practice of audiology or  
3 speech-language pathology occurs in the member state where the  
4 patient, client, or student is located at the time of the patient,  
5 client, or student encounter.

6 (9) "Current significant investigative information" means  
7 investigative information that a licensing board, after an inquiry or  
8 investigation that includes notification and an opportunity for the  
9 audiologist or speech-language pathologist to respond, if required by  
10 state law, has reason to believe is not groundless and, if proved  
11 true, would indicate more than a minor infraction.

12 (10) "Data system" means a repository of information about  
13 licensees including, but not limited to, continuing education,  
14 examination, licensure, investigative, compact privilege, and adverse  
15 action.

16 (11) "Encumbered license" means a license in which an adverse  
17 action restricts the practice of audiology or speech-language  
18 pathology by the licensee and said adverse action has been reported  
19 to the national practitioners data bank.

20 (12) "Executive committee" means a group of directors elected or  
21 appointed to act on behalf of, and within the powers granted to them  
22 by, the commission.

23 (13) "Home state" means the member state that is the licensee's  
24 primary state of residence.

25 (14) "Impaired practitioner" means individuals whose professional  
26 practice is adversely affected by substance abuse, addiction, or  
27 other health-related conditions.

28 (15) "Licensee" means an individual who currently holds an  
29 authorization from the state licensing board to practice as an  
30 audiologist or speech-language pathologist.

31 (16) "Member state" means a state that has enacted the compact.

32 (17) "Privilege to practice" means a legal authorization  
33 permitting the practice of audiology or speech-language pathology in  
34 a remote state.

35 (18) "Remote state" means a member state other than the home  
36 state where a licensee is exercising or seeking to exercise the  
37 compact privilege.

38 (19) "Rule" means a regulation, principle, or directive  
39 promulgated by the commission that has the force of law.

1 (20) "Single-state license" means an audiology or speech-language  
2 pathology license issued by a member state that authorizes practice  
3 only within the issuing state and does not include a privilege to  
4 practice in any other member state.

5 (21) "Speech-language pathologist" means an individual who is  
6 licensed by a state to practice speech-language pathology.

7 (22) "Speech-language pathology" means the care and services  
8 provided by a licensed speech-language pathologist as set forth in  
9 the member state's statutes and rules.

10 (23) "State" means any state, commonwealth, district, or  
11 territory of the United States of America that regulates the practice  
12 of audiology and speech-language pathology.

13 (24) "State practice laws" means a member state's laws, rules,  
14 and regulations that govern the practice of audiology or speech-  
15 language pathology, define the scope of audiology or speech-language  
16 pathology practice, and create the methods and grounds for imposing  
17 discipline.

18 (25) "Telehealth" means the application of telecommunication,  
19 audio-visual, or other technologies that meet the applicable standard  
20 of care to deliver audiology or speech-language pathology services at  
21 a distance for assessment, intervention, or consultation.

22 NEW SECTION. **Sec. 3.** (1) A license issued to an audiologist or  
23 speech-language pathologist by a home state to a resident in that  
24 state shall be recognized by each member state as authorizing an  
25 audiologist or speech-language pathologist to practice audiology or  
26 speech-language pathology, under a privilege to practice, in each  
27 member state where the licensee obtains such a privilege.

28 (2) A state must implement or utilize procedures for considering  
29 the criminal history records of applicants for initial privilege to  
30 practice. These procedures shall include the submission of  
31 fingerprints or other biometric-based information by applicants for  
32 the purpose of obtaining an applicant's criminal history record  
33 information from the federal bureau of investigation and the agency  
34 responsible for retaining that state's criminal records.

35 (a) A member state must fully implement a criminal background  
36 check requirement, within a time frame established by rule, by  
37 receiving the results of the federal bureau of investigation record  
38 search on criminal background checks and use the results in making  
39 licensure decisions.

1 (b) Communication between a member state, the commission, and  
2 among member states regarding the verification of eligibility for  
3 licensure through the compact shall not include any information  
4 received from the federal bureau of investigation relating to a  
5 federal criminal records check performed by a member state under  
6 Public Law 92-544.

7 (3) Upon application for a privilege to practice, the licensing  
8 board in the issuing remote state shall ascertain, through the data  
9 system, whether the applicant has ever held, or is the holder of, a  
10 license issued by any other state, whether there are any encumbrances  
11 on any license or privilege to practice held by the applicant,  
12 whether any adverse action has been taken against any license or  
13 privilege to practice held by the applicant.

14 (4) Each member state shall require an applicant to obtain or  
15 retain a license in the home state and meet the home state's  
16 qualifications for licensure or renewal of licensure as well as all  
17 other applicable state laws.

18 (5) An audiologist must:

19 (a) Meet one of the following educational requirements:

20 (i) On or before December 31, 2007, have graduated with a  
21 master's degree or doctorate in audiology, or equivalent degree  
22 regardless of degree name, from a program that is accredited by an  
23 accrediting agency recognized by the council for higher education  
24 accreditation, or its successor, or by the United States department  
25 of education and operated by a college or university accredited by a  
26 regional or national accrediting organization recognized by the  
27 licensing board; or

28 (ii) On or after January 1, 2008, have graduated with a doctoral  
29 degree in audiology, or equivalent degree, regardless of degree name,  
30 from a program that is accredited by an accrediting agency recognized  
31 by the council for higher education accreditation, or its successor,  
32 or by the United States department of education and operated by a  
33 college or university accredited by a regional or national  
34 accrediting organization recognized by the licensing board; or

35 (iii) Have graduated from an audiology program that is housed in  
36 an institution of higher education outside of the United States (A)  
37 for which the program and institution have been approved by the  
38 authorized accrediting body in the applicable country and (B) the  
39 degree program has been verified by an independent credentials review  
40 agency to be comparable to a state licensing board-approved program;

1 (b) Have completed a supervised clinical practicum experience  
2 from an accredited educational institution or its cooperating  
3 programs as required by the commission;

4 (c) Have successfully passed a national examination approved by  
5 the commission;

6 (d) Hold an active, unencumbered license;

7 (e) Have not been convicted or found guilty, and has not entered  
8 into an agreed disposition, of a felony related to the practice of  
9 audiology, under applicable state or federal criminal law; and

10 (f) Have a valid United States social security or national  
11 practitioner identification number.

12 (6) A speech-language pathologist must:

13 (a) Meet one of the following educational requirements:

14 (i) Have graduated with a master's degree from a speech-language  
15 pathology program that is accredited by an organization recognized by  
16 the United States department of education and operated by a college  
17 or university accredited by a regional or national accrediting  
18 organization recognized by the licensing board; or

19 (ii) Have graduated from a speech-language pathology program that  
20 is housed in an institution of higher education outside of the United  
21 States (A) for which the program and institution have been approved  
22 by the authorized accrediting body in the applicable country and (B)  
23 the degree program has been verified by an independent credentials  
24 review agency to be comparable to a state licensing board-approved  
25 program;

26 (b) Have completed a supervised clinical practicum experience  
27 from an educational institution or its cooperating programs as  
28 required by the commission;

29 (c) Have completed a supervised postgraduate professional  
30 experience as required by the commission;

31 (d) Have successfully passed a national examination approved by  
32 the commission;

33 (e) Hold an active, unencumbered license;

34 (f) Have not been convicted or found guilty, and has not entered  
35 into an agreed disposition, of a felony related to the practice of  
36 speech-language pathology, under applicable state or federal criminal  
37 law;

38 (g) Have a valid United States social security or national  
39 practitioner identification number.

1 (7) The privilege to practice is derived from the home state  
2 license.

3 (8) An audiologist or speech-language pathologist practicing in a  
4 member state must comply with the state practice laws of the state in  
5 which the client is located at the time service is provided. The  
6 practice of audiology and speech-language pathology shall include all  
7 audiology and speech-language pathology practice as defined by the  
8 state practice laws of the member state in which the client is  
9 located. The practice of audiology and speech-language pathology in a  
10 member state under a privilege to practice shall subject an  
11 audiologist or speech-language pathologist to the jurisdiction of the  
12 licensing board, the courts, and the laws of the member state in  
13 which the client is located at the time service is provided.

14 (9) Individuals not residing in a member state shall continue to  
15 be able to apply for a member state's single-state license as  
16 provided under the laws of each member state. However, the single-  
17 state license granted to these individuals shall not be recognized as  
18 granting the privilege to practice audiology or speech-language  
19 pathology in any other member state. Nothing in this compact shall  
20 affect the requirements established by a member state for the  
21 issuance of a single-state license.

22 (10) Member states may charge a fee for granting a compact  
23 privilege.

24 (11) Member states must comply with the bylaws and rules and  
25 regulations of the commission.

26 NEW SECTION. **Sec. 4.** (1) To exercise the compact privilege  
27 under the terms and provisions of the compact, the audiologist or  
28 speech-language pathologist shall:

29 (a) Hold an active license in the home state;

30 (b) Have no encumbrance on any state license;

31 (c) Be eligible for a compact privilege in any member state in  
32 accordance with section 3 of this act;

33 (d) Have not had any adverse action against any license or  
34 compact privilege within the previous two years from the date of  
35 application;

36 (e) Notify the commission that the licensee is seeking the  
37 compact privilege within a remote state or states;

38 (f) Pay any applicable fees, including any state fee, for the  
39 compact privilege; and

1 (g) Report to the commission adverse action taken by any  
2 nonmember state within 30 days from the date the adverse action is  
3 taken.

4 (2) For the purposes of the compact privilege, an audiologist or  
5 speech-language pathologist shall only hold one home state license at  
6 a time.

7 (3) Except as provided in section 6 of this act, if an  
8 audiologist or speech-language pathologist changes primary state of  
9 residence by moving between two member states, the audiologist or  
10 speech-language pathologist must apply for licensure in the new home  
11 state, and the license issued by the prior home state shall be  
12 deactivated in accordance with applicable rules adopted by the  
13 commission.

14 (4) The audiologist or speech-language pathologist may apply for  
15 licensure in advance of a change in primary state of residence.

16 (5) A license shall not be issued by the new home state until the  
17 audiologist or speech-language pathologist provides satisfactory  
18 evidence of a change in primary state of residence to the new home  
19 state and satisfies all applicable requirements to obtain a license  
20 from the new home state.

21 (6) If an audiologist or speech-language pathologist changes  
22 primary state of residence by moving from a member state to a  
23 nonmember state, the license issued by the prior home state shall  
24 convert to a single-state license, valid only in the former home  
25 state and the privilege to practice in any member state shall be  
26 deactivated in accordance with rules promulgated by the commission.

27 (7) The compact privilege is valid until the expiration date of  
28 the home state license. The licensee must comply with the  
29 requirements of subsection (1) of this section to maintain the  
30 compact privilege in the remote state.

31 (8) A licensee providing audiology or speech-language pathology  
32 services in a remote state under the compact privilege shall function  
33 within the laws and regulations of the remote state.

34 (9) A licensee providing audiology or speech-language pathology  
35 services in a remote state is subject to that state's regulatory  
36 authority. A remote state may, in accordance with due process and  
37 that state's laws, remove a licensee's compact privilege in the  
38 remote state for a specific period of time, impose fines, or take any  
39 other necessary actions to protect the health and safety of its  
40 citizens.



1 (10) If a home state license is encumbered, the licensee shall  
2 lose the compact privilege in any remote state until the following  
3 occur:

4 (a) The home state license is no longer encumbered; and

5 (b) Two years have elapsed from the date of the adverse action.

6 (11) Once an encumbered license in the home state is restored to  
7 good standing, the licensee must meet the requirements of subsection  
8 (1) of this section to obtain a compact privilege in any remote  
9 state.

10 (12) Once the requirements of subsection (10) of this section  
11 have been met, the licensee must meet the requirements in subsection  
12 (1) of this section to obtain a compact privilege in a remote state.

13 NEW SECTION. **Sec. 5.** Member states shall recognize the right of  
14 an audiologist or speech-language pathologist, licensed by a home  
15 state in accordance with section 3 of this act and under rules  
16 promulgated by the commission, to practice audiology or speech-  
17 language pathology in any member state via telehealth under a  
18 privilege to practice as provided in the compact and rules  
19 promulgated by the commission. A licensee providing audiology or  
20 speech-language pathology services in a remote state under the  
21 compact privilege shall function within the laws and regulations of  
22 the state where the patient, client, or student is located.

23 NEW SECTION. **Sec. 6.** Active duty military personnel, or their  
24 spouse, shall designate a home state where the individual has a  
25 current license in good standing. The individual may retain the home  
26 state designation during the period the service member is on active  
27 duty. Subsequent to designating a home state, the individual shall  
28 only change their home state through application for licensure in the  
29 new state.

30 NEW SECTION. **Sec. 7.** (1) In addition to the other powers  
31 conferred by state law, a remote state shall have the authority, in  
32 accordance with existing state due process law, to:

33 (a) Take adverse action against an audiologist's or speech-  
34 language pathologist's privilege to practice within that member  
35 state;

36 (b) Issue subpoenas for both hearings and investigations that  
37 require the attendance and testimony of witnesses as well as the

1 production of evidence. Subpoenas issued by a licensing board in a  
2 member state for the attendance and testimony of witnesses or the  
3 production of evidence from another member state shall be enforced in  
4 the latter state by any court of competent jurisdiction, according to  
5 the practice and procedure of that court applicable to subpoenas  
6 issued in proceedings pending before it. The issuing authority shall  
7 pay any witness fees, travel expenses, mileage, and other fees  
8 required by the service statutes of the state in which the witnesses  
9 or evidence are located.

10 (2) Only the home state shall have the power to take adverse  
11 action against an audiologist's or speech-language pathologist's  
12 license issued by the home state.

13 (3) For purposes of taking adverse action, the home state shall  
14 give the same priority and effect to reported conduct received from a  
15 member state as it would if the conduct had occurred within the home  
16 state. In so doing, the home state shall apply its own state laws to  
17 determine appropriate action.

18 (4) The home state shall complete any pending investigations of  
19 an audiologist or speech-language pathologist who changes primary  
20 state of residence during the course of the investigations. The home  
21 state shall also have the authority to take appropriate action and  
22 shall promptly report the conclusions of the investigations to the  
23 administrator of the data system. The administrator of the data  
24 system shall promptly notify the new home state of any adverse  
25 actions.

26 (5) If otherwise permitted by state law, the member state may  
27 recover from the affected audiologist or speech-language pathologist  
28 the costs of investigations and disposition of cases resulting from  
29 any adverse action taken against that audiologist or speech-language  
30 pathologist.

31 (6) The member state may take adverse action based on the factual  
32 findings of the remote state, provided that the member state follows  
33 the member state's own procedures for taking the adverse action.

34 (7) (a) In addition to the authority granted to a member state by  
35 its respective audiology or speech-language pathology practice act or  
36 other applicable state law, any member state may participate with  
37 other member states in joint investigations of licensees.

38 (b) Member states shall share any investigative, litigation, or  
39 compliance materials in furtherance of any joint or individual  
40 investigation initiated under the compact.

1 (8) If adverse action is taken by the home state against an  
2 audiologist's or speech-language pathologist's license, the  
3 audiologist's or speech-language pathologist's privilege to practice  
4 in all other member states shall be deactivated until all  
5 encumbrances have been removed from the state license. All home state  
6 disciplinary orders that impose adverse action against an  
7 audiologist's or speech-language pathologist's license shall include  
8 a statement that the audiologist's or speech-language pathologist's  
9 privilege to practice is deactivated in all member states during the  
10 pendency of the order.

11 (9) If a member state takes adverse action against a licensee, it  
12 shall promptly notify the administrator of the data system. The  
13 administrator of the data system shall promptly notify the home state  
14 and any remote states in which the licensee has a privilege to  
15 practice of any adverse actions by the home state or remote states.

16 (10) Nothing in this compact shall override a member state's  
17 decision that participation in an alternative program may be used in  
18 lieu of adverse action.

19 NEW SECTION. **Sec. 8.** (1) The compact member states hereby  
20 create and establish a joint public agency known as the audiology and  
21 speech-language pathology compact commission:

22 (a) The commission is an instrumentality of the compact states.

23 (b) Venue is proper and judicial proceedings by or against the  
24 commission shall be brought solely and exclusively in a court of  
25 competent jurisdiction where the principal office of the commission  
26 is located. The commission may waive venue and jurisdictional  
27 defenses to the extent it adopts or consents to participate in  
28 alternative dispute resolution proceedings.

29 (c) Nothing in this compact shall be construed to be a waiver of  
30 sovereign immunity.

31 (2)(a) Each member state shall have two delegates selected by  
32 that member state's licensing board. The delegates shall be current  
33 members of the licensing board. One shall be an audiologist and one  
34 shall be a speech-language pathologist.

35 (b) An additional five delegates, who are either a public member  
36 or board administrator from a state licensing board, shall be chosen  
37 by the executive committee from a pool of nominees provided by the  
38 commission at large.

1 (c) Any delegate may be removed or suspended from office as  
2 provided by the law of the state from which the delegate is  
3 appointed.

4 (d) The member state licensing board shall fill any vacancy  
5 occurring on the commission, within 90 days.

6 (e) Each delegate shall be entitled to one vote with regard to  
7 the promulgation of rules and creation of bylaws and shall otherwise  
8 have an opportunity to participate in the business and affairs of the  
9 commission.

10 (f) A delegate shall vote in person or by other means as provided  
11 in the bylaws. The bylaws may provide for delegates' participation in  
12 meetings by telephone or other means of communication.

13 (g) The commission shall meet at least once during each calendar  
14 year. Additional meetings shall be held as set forth in the bylaws.

15 (3) The commission shall have the following powers and duties:

16 (a) Establish the fiscal year of the commission;

17 (b) Establish bylaws;

18 (c) Establish a code of ethics;

19 (d) Maintain its financial records in accordance with the bylaws;

20 (e) Meet and take actions as are consistent with the provisions  
21 of this compact and the bylaws;

22 (f) Promulgate uniform rules to facilitate and coordinate  
23 implementation and administration of this compact. The rules shall  
24 have the force and effect of law and shall be binding in all member  
25 states to the extent and in the manner provided for in the compact;

26 (g) Bring and prosecute legal proceedings or actions in the name  
27 of the commission, provided that the standing of any state audiology  
28 or speech-language pathology licensing board to sue or be sued under  
29 applicable law shall not be affected;

30 (h) Purchase and maintain insurance and bonds;

31 (i) Borrow, accept, or contract for services of personnel  
32 including, but not limited to, employees of a member state;

33 (j) Hire employees, elect or appoint officers, fix compensation,  
34 define duties, grant individuals appropriate authority to carry out  
35 the purposes of the compact, and establish the commission's personnel  
36 policies and programs relating to conflicts of interest,  
37 qualifications of personnel, and other related personnel matters;

38 (k) Accept any and all appropriate donations and grants of money,  
39 equipment, supplies, materials, and services, and to receive,  
40 utilize, and dispose of the same; provided that at all times the

1 commission shall avoid any appearance of impropriety and/or conflict  
2 of interest;

3 (l) Lease, purchase, accept appropriate gifts, or donations of,  
4 or otherwise to own, hold, improve, or use, any property, real,  
5 personal, or mixed; provided that at all times the commission shall  
6 avoid any appearance of impropriety;

7 (m) Sell, convey, mortgage, pledge, lease, exchange, abandon, or  
8 otherwise dispose of any property real, personal, or mixed;

9 (n) Establish a budget and make expenditures;

10 (o) Borrow money;

11 (p) Appoint committees, including standing committees composed of  
12 members, and other interested persons as may be designated in this  
13 compact and the bylaws;

14 (q) Provide and receive information from, and cooperate with, law  
15 enforcement agencies;

16 (r) Establish and elect an executive committee; and

17 (s) Perform other functions as may be necessary or appropriate to  
18 achieve the purposes of this compact consistent with the state  
19 regulation of audiology and speech-language pathology licensure and  
20 practice.

21 (4) The commission shall have no authority to change or modify  
22 the laws of the member state which define the practice of audiology  
23 and speech-language pathology in the respective states.

24 (5) The executive committee shall have the power to act on behalf  
25 of the commission within the powers of this compact.

26 (a) (i) The executive committee shall be composed of ten members:

27 (A) Seven voting members who are elected by the commission from  
28 the current membership of the commission;

29 (B) Two ex officios, consisting of one nonvoting member from a  
30 recognized national audiology professional association and one  
31 nonvoting member from a recognized national speech-language pathology  
32 association; and

33 (C) One ex officio, nonvoting member from the recognized  
34 membership organization of the audiology and speech-language  
35 pathology licensing boards.

36 (ii) The ex officio members shall be selected by their respective  
37 organizations.

38 (b) The commission may remove any member of the executive  
39 committee as provided in the bylaws.

40 (c) The executive committee shall meet at least annually.

1 (d) The executive committee shall have the following duties and  
2 responsibilities:

3 (i) Recommend to the entire commission changes to the rules or  
4 bylaws, changes to this compact legislation, fees paid by compact  
5 member states such as annual dues, and any commission compact fee  
6 charged to licensees for the compact privilege;

7 (ii) Ensure compact administration services are appropriately  
8 provided, contractual or otherwise;

9 (iii) Prepare and recommend the budget;

10 (iv) Maintain financial records on behalf of the commission;

11 (v) Monitor compact compliance of member states and provide  
12 compliance reports to the commission;

13 (vi) Establish additional committees as necessary; and

14 (vii) Other duties as provided in the rules or bylaws.

15 (6) All meetings of the commission or executive committee shall  
16 be open to the public, and public notice of meetings shall be given  
17 in the same manner as required under the rule-making provisions in  
18 section 10 of this act.

19 (7) The commission or the executive committee or other committees  
20 of the commission may convene in a closed, nonpublic meeting if the  
21 commission or executive committee or other committees of the  
22 commission must discuss:

23 (a) Noncompliance of a member state with its obligations under  
24 the compact;

25 (b) The employment, compensation, discipline or other matters,  
26 practices, or procedures related to specific employees or other  
27 matters related to the commission's internal personnel practices and  
28 procedures;

29 (c) Current, threatened, or reasonably anticipated litigation;

30 (d) Negotiation of contracts for the purchase, lease, or sale of  
31 goods, services, or real estate;

32 (e) Accusing any person of a crime or formally censuring any  
33 person;

34 (f) Disclosure of trade secrets or commercial or financial  
35 information that is privileged or confidential;

36 (g) Disclosure of information of a personal nature where  
37 disclosure would constitute a clearly unwarranted invasion of  
38 personal privacy;

39 (h) Disclosure of investigative records compiled for law  
40 enforcement purposes;

1 (i) Disclosure of information related to any investigative  
2 reports prepared by or on behalf of or for use of the commission or  
3 other committee charged with responsibility of investigation or  
4 determination of compliance issues pursuant to the compact; or

5 (j) Matters specifically exempted from disclosure by federal or  
6 member state statute.

7 (8) If a meeting, or portion of a meeting, is closed pursuant to  
8 this provision, the commission's legal counsel or designee shall  
9 certify that the meeting may be closed and shall reference each  
10 relevant exempting provision.

11 (9) The commission shall keep minutes that fully and clearly  
12 describe all matters discussed in a meeting and shall provide a full  
13 and accurate summary of actions taken, and the reasons therefore,  
14 including a description of the views expressed. All documents  
15 considered in connection with an action shall be identified in  
16 minutes. All minutes and documents other than those for closed  
17 meetings shall be made available to the public upon request and at  
18 the requesting person's expense. All minutes and documents of a  
19 closed meeting shall remain under seal, subject to release by a  
20 majority vote of the commission or order of a court of competent  
21 jurisdiction.

22 (10)(a) The commission shall pay, or provide for the payment of,  
23 the reasonable expenses of its establishment, organization, and  
24 ongoing activities.

25 (b) The commission may accept any and all appropriate revenue  
26 sources, donations, and grants of money, equipment, supplies,  
27 materials, and services.

28 (c) The commission may levy on and collect an annual assessment  
29 from each member state or impose fees on other parties to cover the  
30 cost of the operations and activities of the commission and its  
31 staff, which must be in a total amount sufficient to cover its annual  
32 budget as approved each year for which revenue is not provided by  
33 other sources. The aggregate annual assessment amount shall be  
34 allocated based upon a formula to be determined by the commission,  
35 which shall promulgate a rule binding upon all member states.

36 (11) The commission shall not incur obligations of any kind prior  
37 to securing the funds adequate to meet the same; nor shall the  
38 commission pledge the credit of any of the member states, except by  
39 and with the authority of the member state.

1 (12) The commission shall keep accurate accounts of all receipts  
2 and disbursements. The receipts and disbursements of the commission  
3 shall be subject to the audit and accounting procedures established  
4 under its bylaws. However, all receipts and disbursements of funds  
5 handled by the commission shall be audited yearly by a certified or  
6 licensed public accountant, and the report of the audit shall be  
7 included in and become part of the annual report of the commission.

8 (13)(a) The members, officers, executive director, employees, and  
9 representatives of the commission shall be immune from suit and  
10 liability, either personally or in their official capacity, for any  
11 claim for damage to or loss of property or personal injury or other  
12 civil liability caused by or arising out of any actual or alleged  
13 act, error, or omission that occurred, or that the person against  
14 whom the claim is made had a reasonable basis for believing occurred  
15 within the scope of commission employment, duties, or  
16 responsibilities; provided that nothing in this subsection (12)(a)  
17 shall be construed to protect any person from suit or liability for  
18 any damage, loss, injury, or liability caused by the intentional or  
19 willful or wanton misconduct of that person.

20 (b) The commission shall defend any member, officer, executive  
21 director, employee, or representative of the commission in any civil  
22 action seeking to impose liability arising out of any actual or  
23 alleged act, error, or omission that occurred within the scope of  
24 commission employment, duties, or responsibilities, or that the  
25 person against whom the claim is made had a reasonable basis for  
26 believing occurred within the scope of commission employment, duties,  
27 or responsibilities; provided that nothing herein shall be construed  
28 to prohibit that person from retaining his or her own counsel; and  
29 provided further, that the actual or alleged act, error, or omission  
30 did not result from that person's intentional or willful or wanton  
31 misconduct.

32 (c) The commission shall indemnify and hold harmless any member,  
33 officer, executive director, employee, or representative of the  
34 commission for the amount of any settlement or judgment obtained  
35 against that person arising out of any actual or alleged act, error,  
36 or omission that occurred within the scope of commission employment,  
37 duties, or responsibilities, or that person had a reasonable basis  
38 for believing occurred within the scope of commission employment,  
39 duties, or responsibilities, provided that the actual or alleged act,



1 error, or omission did not result from the intentional or willful or  
2 wanton misconduct of that person.

3 NEW SECTION. **Sec. 9.** (1) The commission shall provide for the  
4 development, maintenance, and use of a coordinated database and  
5 reporting system containing licensure, adverse action, and  
6 investigative information on all licensed individuals in member  
7 states.

8 (2) Notwithstanding any other provision of state law to the  
9 contrary, a member state shall submit a uniform data set to the data  
10 system on all individuals to whom this compact is applicable as  
11 required by the rules of the commission, including:

- 12 (a) Identifying information;
- 13 (b) Licensure data;
- 14 (c) Adverse actions against a license or compact privilege;
- 15 (d) Nonconfidential information related to alternative program  
16 participation;
- 17 (e) Any denial of application for licensure, and the reason or  
18 reasons for denial; and
- 19 (f) Other information that may facilitate the administration of  
20 this compact, as determined by the rules of the commission.

21 (3) Investigative information pertaining to a licensee in any  
22 member state shall only be available to other member states.

23 (4) The commission shall promptly notify all member states of any  
24 adverse action taken against a licensee or an individual applying for  
25 a license. Adverse action information pertaining to a licensee in any  
26 member state shall be available to any other member state.

27 (5) Member states contributing information to the data system may  
28 designate information that may not be shared with the public without  
29 the express permission of the contributing state.

30 (6) Any information submitted to the data system that is  
31 subsequently required to be expunged by the laws of the member state  
32 contributing the information shall be removed from the data system.

33 NEW SECTION. **Sec. 10.** (1) The commission shall exercise its  
34 rule-making powers pursuant to the criteria set forth in this section  
35 and the rules adopted thereunder. Rules and amendments shall become  
36 binding as of the date specified in each rule or amendment.

37 (2) If a majority of the legislatures of the member states  
38 rejects a rule, by enactment of a statute or resolution in the same

1 manner used to adopt the compact within four years of the date of  
2 adoption of the rule, the rule shall have no further force and effect  
3 in any member state.

4 (3) Rules or amendments to the rules shall be adopted at a  
5 regular or special meeting of the commission.

6 (4) Prior to promulgation and adoption of a final rule or rules  
7 by the commission, and at least 30 days in advance of the meeting at  
8 which the rule shall be considered and voted upon, the commission  
9 shall file a notice of proposed rule making:

10 (a) On the website of the commission or other publicly accessible  
11 platform; and

12 (b) On the website of each member state audiology or speech-  
13 language pathology licensing board or other publicly accessible  
14 platform or the publication in which each state would otherwise  
15 publish proposed rules.

16 (5) The notice of proposed rule making shall include:

17 (a) The proposed time, date, and location of the meeting in which  
18 the rule shall be considered and voted upon;

19 (b) The text of the proposed rule or amendment and the reason for  
20 the proposed rule;

21 (c) A request for comments on the proposed rule from any  
22 interested person; and

23 (d) The manner in which interested persons may submit notice to  
24 the commission of their intention to attend the public hearing and  
25 any written comments.

26 (6) Prior to the adoption of a proposed rule, the commission  
27 shall allow persons to submit written data, facts, opinions, and  
28 arguments, which shall be made available to the public.

29 (7) The commission shall grant an opportunity for a public  
30 hearing before it adopts a rule or amendment if a hearing is  
31 requested by:

32 (a) At least 25 persons;

33 (b) A state or federal governmental subdivision or agency; or

34 (c) An association having at least 25 members.

35 (8) If a hearing is held on the proposed rule or amendment, the  
36 commission shall publish the place, time, and date of the scheduled  
37 public hearing. If the hearing is held via electronic means, the  
38 commission shall publish the mechanism for access to the electronic  
39 hearing.

1 (a) All persons wishing to be heard at the hearing shall notify  
2 the executive director of the commission or other designated member  
3 in writing of their desire to appear and testify at the hearing not  
4 less than five business days before the scheduled date of the  
5 hearing.

6 (b) Hearings shall be conducted in a manner providing each person  
7 who wishes to comment a fair and reasonable opportunity to comment  
8 orally or in writing.

9 (c) All hearings shall be recorded. A copy of the recording shall  
10 be made available to any person upon request and at the requesting  
11 person's expense.

12 (d) Nothing in this section shall be construed as requiring a  
13 separate hearing on each rule. Rules may be grouped for the  
14 convenience of the commission at hearings required by this section.

15 (9) Following the scheduled hearing date, or by the close of  
16 business on the scheduled hearing date if the hearing was not held,  
17 the commission shall consider all written and oral comments received.

18 (10) If no written notice of intent to attend the public hearing  
19 by interested parties is received, the commission may proceed with  
20 promulgation of the proposed rule without a public hearing.

21 (11) The commission shall, by majority vote of all members, take  
22 final action on the proposed rule and shall determine the effective  
23 date of the rule, if any, based on the rule-making record and the  
24 full text of the rule.

25 (12) Upon determination that an emergency exists, the commission  
26 may consider and adopt an emergency rule without prior notice,  
27 opportunity for comment, or hearing, provided that the usual rule-  
28 making procedures provided in the compact and in this section shall  
29 be retroactively applied to the rule as soon as reasonably possible,  
30 in no event later than 90 days after the effective date of the rule.  
31 For the purposes of this provision, an emergency rule is one that  
32 must be adopted immediately in order to:

33 (a) Meet an imminent threat to public health, safety, or welfare;

34 (b) Prevent a loss of commission or member state funds; or

35 (c) Meet a deadline for the promulgation of an administrative  
36 rule that is established by federal law or rule.

37 (13) The commission or an authorized committee of the commission  
38 may direct revisions to a previously adopted rule or amendment for  
39 purposes of correcting typographical errors, errors in format, errors  
40 in consistency, or grammatical errors. Public notice of any revisions

1 shall be posted on the website of the commission. The revision shall  
2 be subject to challenge by any person for a period of 30 days after  
3 posting. The revision may be challenged only on grounds that the  
4 revision results in a material change to a rule. A challenge shall be  
5 made in writing and delivered to the chair of the commission prior to  
6 the end of the notice period. If no challenge is made, the revision  
7 shall take effect without further action. If the revision is  
8 challenged, the revision may not take effect without the approval of  
9 the commission.

10 NEW SECTION. **Sec. 11.** (1)(a) Upon request by a member state,  
11 the commission shall attempt to resolve disputes related to the  
12 compact that arise among member states and between member and  
13 nonmember states.

14 (b) The commission shall promulgate a rule providing for both  
15 mediation and binding dispute resolution for disputes as appropriate.

16 (2)(a) The commission, in the reasonable exercise of its  
17 discretion, shall enforce the provisions and rules of this compact.

18 (b) By majority vote, the commission may initiate legal action in  
19 the United States district court for the District of Columbia or the  
20 federal district where the commission has its principal offices  
21 against a member state in default to enforce compliance with the  
22 provisions of this compact and its promulgated rules and bylaws. The  
23 relief sought may include both injunctive relief and damages. In the  
24 event judicial enforcement is necessary, the prevailing member shall  
25 be awarded all costs of litigation, including reasonable attorneys'  
26 fees.

27 (c) The remedies herein shall not be the exclusive remedies of  
28 the commission. The commission may pursue any other remedies  
29 available under federal or state law.

30 NEW SECTION. **Sec. 12.** (1) The compact shall come into effect on  
31 the date on which the compact statute is enacted into law in the  
32 tenth member state. The provisions, which become effective at that  
33 time, shall be limited to the powers granted to the commission  
34 relating to assembly and the promulgation of rules. Thereafter, the  
35 commission shall meet and exercise rule-making powers necessary to  
36 the implementation and administration of this compact.

37 (2) Any state that joins this compact subsequent to the  
38 commission's initial adoption of the rules shall be subject to the

1 rules as they exist on the date on which this compact becomes law in  
2 that state. Any rule that has been previously adopted by the  
3 commission shall have the full force and effect of law on the day the  
4 compact becomes law in that state.

5 (3) Any member state may withdraw from this compact by enacting a  
6 statute repealing the same.

7 (a) A member state's withdrawal shall not take effect until six  
8 months after enactment of the repealing statute.

9 (b) Withdrawal shall not affect the continuing requirement of the  
10 withdrawing state's audiology or speech-language pathology licensing  
11 board to comply with the investigative and adverse action reporting  
12 requirements of this act prior to the effective date of withdrawal.

13 (4) Nothing contained in this compact shall be construed to  
14 invalidate or prevent any audiology or speech-language pathology  
15 licensure agreement or other cooperative arrangement between a member  
16 state and a nonmember state that does not conflict with the  
17 provisions of this compact.

18 (5) This compact may be amended by the member states. No  
19 amendment to this compact shall become effective and binding upon any  
20 member state until it is enacted into the laws of all member states.

21 NEW SECTION. **Sec. 13.** This compact shall be liberally construed  
22 so as to effectuate the purposes thereof. The provisions of this  
23 compact shall be severable and if any phrase, clause, sentence, or  
24 provision of this compact is declared to be contrary to the  
25 constitution of any member state or of the United States or the  
26 applicability thereof to any government, agency, person, or  
27 circumstance is held invalid, the validity of the remainder of this  
28 compact and the applicability thereof to any government, agency,  
29 person, or circumstance shall not be affected thereby. If this  
30 compact shall be held contrary to the constitution of any member  
31 state, this compact shall remain in full force and effect as to the  
32 remaining member states and in full force and effect as to the member  
33 state affected as to all severable matters.

34 NEW SECTION. **Sec. 14.** (1) Nothing herein prevents the  
35 enforcement of any other law of a member state that is not  
36 inconsistent with this compact.

37 (2) All laws in a member state in conflict with this compact are  
38 superseded to the extent of the conflict.

1 (3) All lawful actions of the commission, including all rules and  
2 bylaws promulgated by the commission, are binding upon the member  
3 states.

4 (4) All agreements between the commission and the member states  
5 are binding in accordance with their terms.

6 (5) In the event any provision of this compact exceeds the  
7 constitutional limits imposed on the legislature of any member state,  
8 the provision shall be ineffective to the extent of the conflict with  
9 the constitutional provision in question in that member state.

10 NEW SECTION. **Sec. 15.** To the extent necessary to implement this  
11 act, the board of hearing and speech is authorized to adopt rules  
12 necessary to implement the audiology and speech-language pathology  
13 interstate compact.

14 NEW SECTION. **Sec. 16.** Sections 1 through 15 of this act  
15 constitute a new chapter in Title 18 RCW.

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