CHAPTER 67

Speech-Language Pathologists and Audiologists

Article 1

General Provisions

**SECTION 40-67-5. Application of chapter; conflicts of laws.**

 Unless otherwise provided for in this chapter, Article 1, Chapter 1, Title 40 applies to speech-language pathologists and audiologists. However, if there is a conflict between this chapter and Article 1, Chapter 1, Title 40, the provisions of this chapter control.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-10. Creation of Board of Examiners in Speech-Language Pathology and Audiology; purpose of board; membership; vacancies; oath.**

 (A) There is created the Board of Examiners in Speech-Language Pathology and Audiology under the administration of the Department of Labor, Licensing and Regulation. The purpose of this board is to protect the public through the regulation of professionals who identify, assess, and provide treatment, including dispensing and fitting appropriate devices to promote communication, for individuals with communication disorders through the administration and enforcement of this chapter and any regulations promulgated under this chapter.

 (B) The Board of Examiners in Speech-Language Pathology and Audiology consists of five members: two speech-language pathologists, two audiologists, and one lay member. Each speech-language pathologist and audiologist must hold active and valid licenses issued under this chapter.

 (C) All members must be appointed by the Governor with the advice and consent of the Senate. Nominations for appointment to the board may be submitted to the Governor from a group, individual, or association and must be considered in accordance with Section 40-1-45. Members shall serve terms of four years and until a successor has been appointed and qualifies.

 (D) A vacancy on the board must be filled for the remainder of the unexpired term in the manner of the original appointment.

 (E) The Governor may remove a member of the board in accordance with Section 1-3-240.

 (F) Each member of the board, before entering upon the discharge of the duties of the office, shall take and file with the Secretary of State, in writing, an oath to perform properly the duties of the office as a member of the board and to uphold the Constitution of this State and the United States.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-20. Definitions.**

 As used in this chapter:

 (1) "ASHA" means the American Speech-Language Hearing Association.

 (2) "Audiologist" means an individual who practices audiology.

 A person represents himself to be an audiologist when he holds himself out to the public by any title or description of services which incorporates the words "audiologist", "audiology", "acoustician", "auditory integrative trainer", "hearing clinician", "hearing therapist", or any similar variation of these terms or any derivative term or uses terms such as "hearing", "auditory", "acoustic", "aural", or "listening" in combination with words such as "communicologist", "correctionist", "specialist", "pathologist", "therapist", "conservationist", "center", "clinic", "consultant", or "otometrist" to describe a function or service he performs.

 (3) "Audiology" or "audiology service" means screening, identifying, assessing, diagnosing, habilitating, and rehabilitating individuals with peripheral and central auditory and vestibular disorders; preventing hearing loss; researching normal and disordered auditory and vestibular functions; administering and interpreting behavioral and physiological measures of the peripheral and central auditory and vestibular systems; selecting, fitting, programming, and dispensing all types of amplification and assistive listening devices including hearing aids, and providing training in their use; providing aural habilitation, rehabilitation, and counseling to hearing impaired individuals and their families; designing, implementing, and coordinating industrial and community hearing conservation programs; training and supervising individuals not licensed in accordance with this chapter who perform air conduction threshold testing in the industrial setting; designing and coordinating infant hearing screening and supervising individuals not licensed in accordance with this chapter who perform infant hearing screenings; performing speech or language screening, limited to a pass-fail determination; screening of other skills for the purpose of audiological evaluation; and identifying individuals with other communication disorders.

 (4) "Board" means the South Carolina State Board of Examiners in Speech-Language Pathology and Audiology.

 (5) "Director" means the Director of the Department of Labor, Licensing and Regulation.

 (6) "Intern" means an individual who has met the requirements for licensure as a speech-language pathology or audiology intern under this chapter and has been issued this license by the board.

 (7) "License" means an authorization to practice speech-language pathology or audiology issued by the board pursuant to this chapter and includes an authorization to practice as a speech-language pathology intern, an audiology intern, and a speech-language pathology assistant.

 (8) "Licensee" means an individual who has met the requirements for licensure under this chapter and has been issued a license for speech language pathology or audiology or for speech language pathology or audiology intern or speech-language pathology assistant.

 (9) "Person" means an individual, organization, or corporation, except that only individuals can be licensed under this chapter.

 (10) "The practice of audiology" means the rendering of or the offering to render any audiology service to an individual, group, organization, or the public.

 (11) "The practice of speech-language pathology" means the rendering of or the offering to render any speech-language pathology services to an individual, group, organization, or the public.

 (12) "Regionally accredited institution" means a school, college, or university which is a candidate for accreditation or is accredited by any accreditation body established to serve six defined geographic areas in the United States.

 (13) "Speech-language pathologist" means an individual who practices speech-language pathology.

 A person represents himself to be a speech-language pathologist when he holds himself out to the public by any title or description of services incorporating the words "speech pathologist", "speech pathology", "speech therapy", "speech correction", "speech correctionist", "speech therapist", "speech clinic", "speech clinician", "language pathology", "language pathologist", "logopedics", "logopedist", "communicology", "communicologist", "aphasiologist", "voice therapy", "voice therapist", "voice pathologist", "voice pathology", "voxologist", "language therapist", "phoniatrist", "cognitive communication therapist clinician", or any similar variation of these terms or any derivative term, to describe a function or service he performs. "Similar variations" include the use of words such as "speech", "voice", "language", or "stuttering" in combination with other words which imply a title or service relating to the practice of speech-language pathology.

 (14) "Speech-language pathology" or "speech-language pathology service" means screening, identifying, assessing, interpreting, diagnosing, rehabilitating, researching, and preventing disorders of speech, language, voice, oral-pharyngeal function, and cognitive/communication skills; developing and dispensing augmentative and alternative communication systems and providing training in their use; providing aural rehabilitation and counseling services to hearing impaired individuals and their families; enhancing speech-language proficiency and communication effectiveness; screening of hearing, limited to a pass-fail determination; screening of other skills for the purpose of speech-language evaluation; and identifying individuals with other communication disorders.

 (15) "Speech-language pathology assistant" means an individual who provides speech-language pathology services as prescribed, directed, and supervised by a speech-language pathologist licensed under this chapter. A person represents himself to be a speech-language pathology assistant when he holds himself out to the public by any title or description of services incorporating the words "speech aid", "speech-language support personnel", "speech assistant", "communication aid", "communication assistant", "speech pathology technician", or any similar variation of these terms, to describe a function or service he performs.

 (16) "Supervised Professional Employment" or "SPE" means a minimum of thirty hours a week of professional employment in speech-language pathology or audiology for at least nine months whether or not for wages or other compensation under the supervision of a speech-language pathologist or audiologist licensed under this chapter. The supervisor must have a minimum of three years of full-time work experience.

HISTORY: 1997 Act No. 96, § 1; 2014 Act No. 167 (S.997), § 1, eff May 16, 2014.

**SECTION 40-67-30. Licensure requirement for practice of speech-language pathology and audiology; supervision of interns and assistants.**

 No person may practice speech-language pathology or audiology without a license issued in accordance with this chapter. A speech-language pathology intern and a speech-language pathology assistant only may practice under the direct supervision of a speech-language pathologist, and an audiology intern only may practice under the direct supervision of an audiologist as specified by the board.

HISTORY: 1997 Act No. 96, § 1; 2019 Act No. 34 (S.277), § 2, eff May 13, 2019.

**SECTION 40-67-50. Repealed by 2014 Act No. 207, SECTION 1, eff July 1, 2014.**

**SECTION 40-67-60. Election of chairman, vicechairman and other officers; meetings; quorum; adoption of rules and procedures; seal; positive majority vote.**

 (A) The board annually shall elect from among its members a chairman, vicechairman, and other officers as the board determines necessary.

 (B) The board shall meet quarterly and at other times upon the call of the chairman or a majority of the board.

 (C) Three members of the board constitute a quorum; however, if there is a vacancy on the board, a majority of the members serving constitutes a quorum.

 (D) The board shall adopt rules and procedures reasonably necessary for the performance of its duties and the governance of its operations and proceedings.

 (E) The board may have and use an official seal bearing the name of the board.

 (F) Any business conducted by the board must be by a positive majority vote. For purposes of this subsection, "positive majority vote" means a majority vote of the entire membership of the board, reduced by any vacancies existing at the time.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-70. Additional powers and duties of board.**

 In addition to the powers and duties enumerated in Sections 40-1-70 through 40-1-100, the board shall:

 (1) regulate the issuance of speech-language pathology and audiology licenses;

 (2) promulgate regulations and establish policies and procedures necessary to carry out this chapter; and

 (3) discipline licensees in any manner permitted by this chapter or under Sections 40-1-110 through 40-1-150.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-75. Responsibilities and supervision of speech-language pathology assistants.**

 A speech-language pathology assistant may adhere to the responsibilities within the scope for speech-language pathology assistants set forth by the American Speech-Language-Hearing Association. A speech-language pathologist supervising a speech-language pathology assistant may adhere to the guidelines for supervision of a speech-language pathology assistant set forth by the American Speech-Language-Hearing Association.

HISTORY: 2019 Act No. 34 (S.277), § 1, eff May 13, 2019.

**SECTION 40-67-80. Investigations; subpoena authority, taking evidence, and requiring production of documents or records.**

 For the purpose of conducting an investigation or proceeding under this chapter, the board or a person designated by the board may subpoena witnesses, take evidence, and require the production of any documents or records which the board considers relevant to the inquiry.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-100. Restraining orders and cease and desist orders.**

 Restraining orders and cease and desist orders must be issued in accordance with Section 40-1-100.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-110. Actions warranting disciplinary action.**

 In addition to grounds for disciplinary action as set forth in Section 40-1-110 and in accordance with Section 40-67-120, the board may take disciplinary action against a licensee who:

 (1) violates federal, state, or local laws relating to speech-language pathology or audiology;

 (2) violates a provision of this chapter or an order issued under this chapter or a regulation promulgated under this chapter;

 (3) fraudulently or deceptively attempts to use, obtain, alter, sell, or barter a license;

 (4) aids or abets a person who is not a licensed audiologist or speech-language pathologist in illegally engaging in the practice of audiology or speech-language pathology within this State;

 (5) participates in the fraudulent procurement or renewal of a license for himself or another person or allows another person to use his license;

 (6) commits fraud or deceit in the practice of speech-language pathology or audiology including, but not limited to:

 (a) misrepresenting an educational degree, training, credentials, competence, or any other material fact;

 (b) using or promoting or causing the use of any misleading, deceiving, improbable, or untruthful advertising matter, promotional literature, testimonial guarantee, warranty, label, brand, insignia, or any other representation;

 (c) wilfully making or filing a false report or record in the practice of audiology or speech-language pathology or in satisfying requirements of this chapter;

 (d) submitting a false statement to collect a fee or obtaining a fee through fraud or misrepresentation;

 (7) commits an act of dishonest, immoral, or unprofessional conduct while engaging in the practice of speech-language pathology or audiology including, but not limited to:

 (a) engaging in illegal, incompetent, or negligent practice of speech-language pathology or audiology;

 (b) providing professional services while mentally incompetent or under the influence of alcohol or drugs;

 (c) providing services or promoting the sale of devices, appliances, or products to a person who cannot reasonably be expected to benefit from the services, devices, appliances, or products;

 (d) diagnosing or treating individuals for speech or hearing disorders by mail or telephone unless the individual had been previously examined by the licensee and the diagnosis or treatment is related to the examination;

 (8) is convicted of or pleads guilty or nolo contendere to a felony or crime involving moral turpitude or a violation of a federal, state, or local alcohol or drug law, whether or not an appeal or other proceeding is pending to have the conviction or plea set aside;

 (9) is disciplined by a licensing or disciplinary authority of another state, country, or nationally recognized professional organization or convicted of or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under this section;

 (10) fails to obtain informed consent when performing an invasive procedure or fails to obtain informed written consent when engaging in an experimental procedure;

 (11) violates the code of ethics promulgated in regulation by the board.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-115. Jurisdiction of the board.**

 The board has jurisdiction over the actions of licensees and former licensees as provided for in Section 40-1-115.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-120. Imposition of fine.**

 Upon a determination by the board that one or more of the grounds for discipline of a licensee exists, as provided for in Sections 40-67-110 or 40-1-110, the board, in addition to the actions provided for in Section 40-1-120, may impose a fine of not more than one thousand dollars.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-130. Denial of licensure on grounds of possible disciplinary action.**

 The board may deny licensure to an applicant based on the grounds for which the board may take disciplinary action against a licensee.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-140. Denial of licensure on grounds of prior criminal record.**

 A license may be denied based on a person's prior criminal record as provided for in Section 40-1-140.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-150. Voluntary surrender of license.**

 A licensee who is under investigation for any of the grounds provided for in Section 40-67-110 or Section 40-1-110 voluntarily may surrender his license to the board in accordance with Section 40-1-150.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-160. Appeal.**

 A person aggrieved by an action of the board may seek review of the decision in accordance with Section 40-1-160.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-170. Payment of investigation and prosecution costs.**

 A person found in violation of this chapter or regulations promulgated under this chapter may be required to pay costs associated with the investigation and prosecution of the case in accordance with Section 40-1-170.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-180. Collection and enforcement of costs and fines.**

 All costs and fines imposed pursuant to this chapter must be paid in accordance with and are subject to the collection and enforcement provisions of Section 40-1-180.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-190. Privileged communications.**

 Communications made in connection with an investigation or hearing relevant to a complaint against a licensee are privileged as provided for in Section 40-1-190.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-200. Submission of false information for purpose of obtaining a license; penalties.**

 (A) A person who practices or offers to practice speech-language pathology or audiology in this State in violation of this chapter or a regulation promulgated under this chapter or who knowingly submits false information to the board for the purpose of obtaining a license is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than six months, or both.

 (B) A person violating any other provision of this chapter or a regulation promulgated under this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than six months, or both.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-210. Civil and injunctive relief.**

 In addition to initiating a criminal proceeding for a violation of this chapter, the board also may seek civil and injunctive relief pursuant to Section 40-1-210.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-220. Period of licensure; qualifications for licensure; submittal of documented evidence; inactive licensure.**

 (A) A license must be issued independently in either speech-language pathology or audiology. A license is valid for two years; however, an intern license only is valid for one year. A license application received after December thirty-first is valid for the next licensure period.

 (B) To be licensed by the board as a speech-language pathologist or audiologist an individual must have:

 (1)(a) earned a post-graduate degree in speech-language pathology or audiology from a school or program with regional accreditation determined by the board to be equivalent to those accredited by the Council of Academic Accreditation (CAA) for Audiology and Speech-Language Pathology of the American Speech-Language Hearing Association (ASHA) or other board-approved authority;

 (b) achieved a passing score on a national examination as approved by the board; and

 (c) completed Supervised Professional Employment (SPE) as defined by the board in regulation; or

 (2) met ASHA's Standards for Certificate of Clinical Competence, or its equivalent as approved by the board, in speech-language pathology or audiology in effect at the time of application; or

 (3) a current ASHA Certificate of Clinical Competence or its equivalent as approved by the board.

 (C) An applicant for active licensure in audiology with a master's in audiology degree awarded before January 1, 2007, must submit or cause to be submitted documented evidence of the following:

 (1)(a) holding at least a master's degree in audiology or its equivalent from a school or program determined by the board to be equivalent to those accredited by the Council of Academic Accreditation (CAA) for Audiology and Speech-Language Pathology for the American Speech-Language Hearing Association (ASHA);

 (b) successful completion of a supervised clinical practicum approved by the board; and

 (c) successful completion of postgraduate professional experience approved by the board; or

 (2) meeting ASHA's standards for Certificate of Clinical Competence or its equivalent as approved by the board.

 (D) An applicant for active licensure in audiology with a doctorate in audiology degree awarded after January 1, 2007, must submit or cause to be submitted documented evidence of:

 (1) holding a doctoral degree in audiology from a school or educational institution with regional accreditation determined by the board to be equivalent to those accredited by the Council of Academic Accreditation (CAA) for Audiology and Speech-Language Pathology of the American Speech-Language Hearing Association (ASHA); or

 (2) meeting ASHA's standards for Certificate of Clinical Competence or its equivalent as approved by the board.

 (E)(1) A speech-language pathology or audiology intern license must be issued to an applicant who has satisfied the requirement of subsection (B)(1)(a) and who has not passed the examination required by subsection (B)(1)(b) or who lacks the supervised professional employment as required by subsection (B)(1)(c), or both.

 (2) A person who has been issued a license as an intern who has not met the requirement of subsection (B)(1)(b) must pass an examination approved by the board within twelve months of the issuance of the intern license.

 (F) To be licensed as a speech-language pathology assistant, an applicant must have earned a bachelor's degree from a regionally accredited institution in speech-language pathology and must submit an application which includes a supervisory agreement and an on-the-job training plan, both of which must comply with requirements established by the board in regulation. Speech-language pathologists who use a speech-language pathology assistant in their practices must comply with guidelines promulgated by the board in regulation.

 (G) A person requesting inactive licensure must demonstrate documented evidence of:

 (1) holding a valid unrestricted license issued by this board at the time that inactive licensure is requested;

 (2) agreeing not to practice speech-language pathology or audiology while holding an inactive license. An inactive license may be renewed for a maximum of four biennial renewal periods.

HISTORY: 1997 Act No. 96, § 1; 2014 Act No. 167 (S.997), § 3, eff May 16, 2014.

**SECTION 40-67-230. Notarized application for licensure; fee and documentation of eligibility.**

 An individual applying for a license as a speech-language pathologist or audiologist must file a notarized application with the board. Each application must be accompanied by the appropriate fee and documentation of eligibility as prescribed by the board.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-240. Issuance of license upon satisfaction of all requirements; personal right; display of license; title; duplicate license.**

 (A) If an applicant satisfies all licensure requirements as provided for in this chapter, the board shall issue a license to the applicant. A license is a personal right and not transferable, and the issuance of a license is evidence that the person is entitled to all rights and privileges of a speech-language pathologist or an audiologist, or of an assistant or intern while the license remains current and unrestricted. However, the license is the property of the State and upon suspension or revocation immediately must be returned to the board.

 (B) A person licensed under this chapter must display the document in a prominent and conspicuous place in the person's place of business or place of employment.

 (C) Only a person licensed under this chapter may use the title of "speech-language pathologist" or "audiologist" or "speech-language pathology assistant".

 (D) A duplicate license may be issued by the board as provided by law.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-250. Issuance of license to person holding current license in another state.**

 The board may issue a license to a person who holds a current speech-language pathology or audiology license in another state if the standards for licensure in that state are at least the substantial equivalent to the licensing standards provided for in this chapter, and the person satisfies any other requirements the board may prescribe including, but not limited to, continuing education requirements.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-260. License renewal; conditions; continuing education; records.**

 (A) As a condition of license renewal, a speech-language pathologist or audiologist shall satisfactorily complete sixteen hours of approved continuing education or 1.6 continuing education units (CEUs) during each license period.

 (B) As a condition of an intern license renewal, a speech-language pathologist or audiologist shall satisfactorily complete eight hours of approved continuing education or 0.8 CEUs during each license period.

 (C) As a condition of an assistant license renewal, a speech-language pathology assistant shall satisfactorily complete eight hours of approved continuing education or 0.8 CEUs during each license period.

 (D) Continuing education must be reported on forms and in the time and manner specified by the board in regulation.

 (E) A licensee shall maintain records of continuing education hours or CEUs earned for a period of four years, and these records must be made available to the director or his designee upon request for an audit that the board biennially may conduct.

HISTORY: 1997 Act No. 96, § 1; 2014 Act No. 167 (S.997), § 4, eff May 16, 2014; 2019 Act No. 34 (S.277), § 3, eff May 13, 2019.

**SECTION 40-67-270. Renewal periods; renewal fee; evidence of continuing education; reinstatement of license.**

 (A) A speech-language pathology or audiology license and a speech-language pathology assistant license must be renewed biennially and expire on March 31 of the second year. A speech-language pathology or audiology intern license may only be renewed for one twelve-month period for the purpose of completing the supervised professional employment required by Section 40-67-220(B)(1)(c).

 (B) To renew a license the individual shall:

 (1) pay a renewal fee as provided by law;

 (2) submit evidence of compliance with continuing education requirements as provided for in Section 40-67-260.

 (C) A license which was not renewed by March 31 is invalid and only may be reinstated upon receipt of a renewal application postmarked before May 1 and accompanied by the biennial license fee and the reinstatement fee. A renewal request not postmarked before May 1 only may be reinstated upon receipt of an application for licensure submitted under the license requirements in effect at the time the renewal request is submitted and accompanied by the biennial license fee and reinstatement fee.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-280. Activation of inactive license.**

 To activate an inactive license, an individual shall submit a form approved by the board and evidence attesting to his satisfactory completion of sixteen hours of approved continuing education or 1.6 CEUs for each two years of inactive licensure.

HISTORY: 1997 Act No. 96, § 1; 2014 Act No. 167 (S.997), § 5, eff May 16, 2014; 2019 Act No. 34 (S.277), § 4, eff May 13, 2019.

**SECTION 40-67-290. Promulgation of code of ethics.**

 The Board of Examiners in Speech-Language Pathology and Audiology may promulgate regulations setting forth a code of ethics for persons licensed by the board.

HISTORY: 1997 Act No. 96, § 1.

**SECTION 40-67-300. Limits on applicability of chapter.**

 This chapter does not apply to:

 (1) A speech-language pathologist or audiologist employed by a state or federal agency or a political subdivision of the State before September 1, 2020, while engaged in the discharge of official duties; however, federal and state or political subdivision employees or employees of a political subdivision of the State who are licensed by this board are subject to the provisions of this chapter.

 (2) A student of speech-language pathology or audiology enrolled in a course of study at an accredited institution of higher learning whose activities constitute a part of the course of study.

 (3) A hearing aid specialist licensed to fit and sell hearing aids pursuant to Chapter 25; provided, nothing in this chapter is in lieu of, may conflict with, or supersede Chapter 25 and the rights of those licensed under Chapter 25.

 (4) A registered nurse, licensed practical nurse, or other certified technician trained to perform audiometric screening tests in industrial operations and whose work is under the supervision of a company physician, otological consultant, or licensed audiologist.

 (5) A person licensed by the State under this title or any other provision of law whose scope of practice overlaps with the practice of speech-language pathology or audiology unless the person holds himself out to be a practitioner of speech-language pathology or audiology.

 (6) An educator certified by the State Board of Education, including an educator certified as a speech-language therapist who is not licensed as a speech-language pathologist and does not hold a certificate of clinical competence in speech-language pathology credential from the American Speech-Language-Hearing Association.

HISTORY: 1997 Act No. 96, § 1; 2019 Act No. 34 (S.277), § 5, eff May 13, 2019.

**SECTION 40-67-350. Severability.**

 If a provision of this chapter or the application of a provision to a person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

HISTORY: 1997 Act No. 96, § 1.

Article 3

Audiology and Speech-Language Pathology Interstate Compact Act

**SECTION 40-67-500. Citation.**

 This article may be cited as the "Audiology and Speech-Language Pathology Interstate Compact Act".

HISTORY: 2022 Act No. 160 (H.3840), § 1, eff May 13, 2022.

**SECTION 40-67-510. Purpose.**

 The purpose of this compact is to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and speech-language pathology occurs in the state where the patient, client, or student is located at the time of the patient, client, or student's encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. This compact is designed to achieve the following objectives:

 (1) increase public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses;

 (2) enhance the states' ability to protect the public's health and safety;

 (3) encourage the cooperation of member states in regulating multistate audiology and speech-language pathology practice;

 (4) support spouses of relocating active duty military personnel;

 (5) enhance the exchange of licensure, investigative, and disciplinary information between member states;

 (6) allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards; and

 (7) allow for the use of telehealth technology to facilitate increased access to audiology and speech-language pathology services.

HISTORY: 2022 Act No. 160 (H.3840), § 1, eff May 13, 2022.

**SECTION 40-67-520. Definitions.**

 As used in this article:

 (1) "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapters 1209 and 1211.

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

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

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

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

 (6) "Audiology and Speech-Language Pathology Compact Commission" or "Commission" means the national administrative body whose membership consists of all states that have enacted the compact.

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

 (8) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech-language pathologist in the remote state under its laws and rules. The practice of audiology or speech-language pathology occurs in the member state where the patient, client, or student is located at the time of the patient, client, or student encounter.

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

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

 (11) "Encumbered license" means a license in which an adverse action restricts the practice of audiology or speech-language pathology by the licensee and said adverse action has been reported to the National Practitioners Data Bank (NPDB).

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

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

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

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

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

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

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

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

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

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

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

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

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

 (25) "Telehealth" means the application of telecommunication technology to deliver audiology or speech-language pathology services at a distance for assessment, intervention, or consultation.

HISTORY: 2022 Act No. 160 (H.3840), § 1, eff May 13, 2022.

**SECTION 40-67-530. State participation in compact.**

 (A) A license issued to an audiologist or speech-language pathologist by a home state to a resident in that state must be recognized by each member state as authorizing an audiologist or speech-language pathologist to practice audiology or speech-language pathology, under a privilege to practice, in each member state.

 (B) In addition to other requirements established by law and for the purpose of determining an applicant's eligibility for an initial compact privilege, the department shall require a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of this criminal records check must be reported to the department. The South Carolina Law Enforcement Division is authorized to retain the fingerprints for certification purposes and for notification of the department regarding criminal charges. Costs of conducting a criminal history background check must be borne by the applicant. The department shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed as may be necessary to support the administrative action. The results of this criminal records check must not be shared outside the department.

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

 (D) Each member state must require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as, all other applicable state laws.

 (E) An audiologist must:

 (1) meet one of the following educational requirements:

 (a) on or before December 31, 2007, graduate with a master's degree or doctorate in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board;

 (b) on or after January 1, 2008, graduate with a doctoral degree in audiology, or equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board;

 (c) graduate from an audiology program that is housed in an institution of higher education outside of the United States: (i) for which the program and institution have been approved by the authorized accrediting body in the applicable country and (ii) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program;

 (2) complete a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the commission;

 (3) pass a national examination approved by the commission;

 (4) hold an active, unencumbered license;

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

 (6) have a valid United States Social Security or National Practitioner Identification number.

 (F) A speech-language pathologist must:

 (1) meet one of the following educational requirements:

 (a) graduate with a master's degree from a speech-language pathology program that is accredited by an organization recognized by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

 (b) graduate from a speech-language pathology program that is housed in an institution of higher education outside the United States: (i) for which the program and institution have been approved by the authorized accrediting body in the applicable country and (ii) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program;

 (2) complete a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the commission;

 (3) complete a supervised postgraduate professional experience as required by the commission;

 (4) pass a national examination approved by the commission;

 (5) hold an active, unencumbered license;

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

 (7) have a valid United States Social Security or National Practitioner Identification number.

 (G) The privilege to practice is derived from the home state license.

 (H) An audiologist or speech-language pathologist practicing in a member state must comply with the state practice laws of the state in which the client is located at the time the service is provided. The practice of audiology and speech-language pathology includes all audiology and speech-language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech-language pathology in a member state under a privilege to practice subjects an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the courts, and the laws of the member state in which the client is located at the time service is provided.

 (I) Individuals not residing in a member state may apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals is not recognized as granting the privilege to practice audiology or speech-language pathology in any other member state. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

 (J) Member states may charge a fee for granting a compact privilege.

 (K) Member states must comply with the bylaws and rules and regulations of the commission.

HISTORY: 2022 Act No. 160 (H.3840), § 1, eff May 13, 2022.

**SECTION 40-67-540. Compact privilege.**

 (A) To exercise the compact privilege under the terms and provisions of the compact, the audiologist or speech-language pathologist must:

 (1) hold an active license in the home state;

 (2) have no encumbrance on any state license;

 (3) be eligible for a compact privilege in any member state in accordance with Section 40-67-530;

 (4) have not had any adverse action against any license or compact privilege within the previous two years from the date of application;

 (5) notify the commission that the licensee is seeking the compact privilege within a remote state;

 (6) pay any applicable fees, including any state fee, for the compact privilege; and

 (7) report to the commission adverse action taken by any nonmember state within thirty days from the date the adverse action is taken.

 (B) For the purposes of the compact privilege, an audiologist or speech-language pathologist may hold only one home state license at a time.

 (C) Except as provided for in Section 40-67-560, if an audiologist or speech-language pathologist changes primary state of residence by moving between two member states, the audiologist or speech-language pathologist must apply for licensure in the new home state, and the license issued by the prior home state must be deactivated in accordance with applicable rules adopted by the commission.

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

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

 (F) If an audiologist or speech-language pathologist changes primary state of residence by moving from a member state to a nonmember state, the license issued by the prior home state converts to a single-state license, valid only in the former home state.

 (G) The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of subsection (A) to maintain the compact privilege in the remote state.

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

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

 (J) If a home state license is encumbered, the licensee loses compact privilege in any remote state until:

 (1) the home state license is no longer encumbered; and

 (2) two years have elapsed from the date of the adverse action.

 (K) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of subsection (A) to obtain a compact privilege in any remote state.

 (L) Once the requirements of subsection (J) have been met, the licensee must meet the requirements in subsection (A) to obtain a compact privilege in a remote state.

HISTORY: 2022 Act No. 160 (H.3840), § 1, eff May 13, 2022.

**SECTION 40-67-550. Compact privilege to practice telehealth.**

 Member states shall recognize the right of an audiologist or speech-language pathologist, licensed by a home state in accordance with Section 40-67-530 and under rules promulgated by the commission, to practice audiology or speech-language pathology in any member state via telehealth under a privilege to practice as provided in the compact and rules promulgated by the commission.

HISTORY: 2022 Act No. 160 (H.3840), § 1, eff May 13, 2022.

**SECTION 40-67-560. Active duty military personnel or their spouses.**

 Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual only may change their home state through application for licensure in the new state.

HISTORY: 2022 Act No. 160 (H.3840), § 1, eff May 13, 2022.

**SECTION 40-67-570. Adverse actions.**

 (A) In addition to the other powers conferred by state law, a remote state has the authority, in accordance with existing state due process law, to:

 (1) take adverse action against an audiologist's or speech-language pathologist's privilege to practice within that member state;

 (2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state must be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court, applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located; and

 (3) only the home state has the power to take adverse action against an audiologist's or speech-language pathologist's license issued by the home state.

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

 (C) The home state must complete any pending investigations of an audiologist or speech-language pathologist who changes primary state of residence during the course of the investigations. The home state also has the authority to take appropriate actions and promptly shall report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions.

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

 (E) The member state may take adverse action based on the factual findings of the remote state, provided that the member state follows its own procedures for taking the adverse action.

 (F) In addition to the authority granted to a member state by its respective audiology or speech-language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

 (G) If adverse action is taken by the home state against an audiologist's or speech language pathologist's license, the audiologist's or speech-language pathologist's privilege to practice in all other member states is deactivated until all encumbrances are removed from the state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech language pathologist's license must include a statement that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

 (H) If a member state takes adverse action, it promptly must notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

 (I) Nothing in this compact overrides a member state's decision that participation in an alternative program may be used in lieu of adverse action.

HISTORY: 2022 Act No. 160 (H.3840), § 1, eff May 13, 2022.

**SECTION 40-67-580. Establishment of the Audiology and Speech-Language Pathology Compact Commission.**

 (A) The compact member states create and establish a joint public agency known as the Audiology and Speech-Language Pathology Compact Commission.

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

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

 (3) Nothing in this compact may be construed to be a waiver of sovereign immunity.

 (B) With respect to membership, voting, and meetings:

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

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

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

 (4) The member state board shall fill any vacancy occurring on the commission, within ninety days.

 (5) Each delegate is entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

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

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

 (C) The commission has the following powers and duties:

 (1) establish the fiscal year of the commission;

 (2) establish bylaws;

 (3) establish a code of ethics;

 (4) maintain its financial records in accordance with the bylaws;

 (5) meet and take actions as are consistent with the provisions of this compact and the bylaws;

 (6) promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules have the force and effect of law and shall be binding in all member states;

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

 (8) purchase and maintain insurance and bonds;

 (9) borrow, accept, or contract for services of personnel including, but not limited to, employees of a member state;

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

 (11) accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety and conflict of interest;

 (12) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use, any property, real, personal, or mixed; provided that at all times the commission shall avoid any appearance of impropriety;

 (13) sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

 (14) establish a budget and make expenditures;

 (15) borrow money;

 (16) appoint committees, including standing committees composed of members, and other interested persons as may be designated in this compact and the bylaws;

 (17) provide and receive information from, and cooperate with, law enforcement agencies;

 (18) establish and elect an executive committee; and

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

 (D) The executive committee has the power to act on behalf of the commission according to the terms of this compact. The executive committee shall be composed of ten members:

 (1) seven voting members who are elected by the commission from the current membership of the commission;

 (2) two ex officios, consisting of one nonvoting member from a recognized national audiology professional association and one nonvoting member from a recognized national speech-language pathology association; and

 (3) one ex officio, nonvoting member from the recognized membership organization of the audiology and speech-language pathology licensing boards.

 (E) The ex officio members shall be selected by their respective organizations.

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

 (2) The executive committee shall meet at least annually.

 (3) The executive committee shall have the following duties and responsibilities:

 (a) recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege;

 (b) ensure compact administration services are appropriately provided, contractual or otherwise;

 (c) prepare and recommend the budget;

 (d) maintain financial records on behalf of the commission;

 (e) monitor compact compliance of member states and provide compliance reports to the commission;

 (f) establish additional committees as necessary; and

 (g) other duties as provided in rules or bylaws.

 (4) All meetings must be open to the public, and public notice of meetings must be given in the same manner as required under the rulemaking provisions in Section 40-67-600.

 (5) The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss:

 (a) noncompliance of a member state with its obligations under the compact;

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

 (c) current, threatened, or reasonably anticipated litigation;

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

 (e) accusing any person of a crime or formally censuring any person;

 (f) disclosure of trade secrets or commercial or financial information that is privileged or confidential;

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

 (h) disclosure of investigative records compiled for law enforcement purposes;

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

 (j) matters specifically exempted from disclosure by federal or member state statute.

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

 (7) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action must be identified in minutes. All minutes and documents of a closed meeting must remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

 (8) With respect to financing the commission:

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

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

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

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

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

 (F) With respect to qualified immunity, defense, and indemnification:

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

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

 (3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties, or responsibilities, or that person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or wilful or wanton misconduct of that person.

HISTORY: 2022 Act No. 160 (H.3840), § 1, eff May 13, 2022.

**SECTION 40-67-590. Data system.**

 (A) The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

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

 (1) identifying information;

 (2) licensure data;

 (3) adverse actions against a license or compact privilege;

 (4) nonconfidential information related to alternative program participation;

 (5) any denial of application for licensure, and the reason(s) for denial; and

 (6) other information that may facilitate the administration of this compact, as determined by the rules of the commission.

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

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

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

 (F) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information must be removed from the data system.

HISTORY: 2022 Act No. 160 (H.3840), § 1, eff May 13, 2022.

**SECTION 40-67-600. Rulemaking.**

 (A) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

 (B) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, the rule shall have no further force and effect in any member state.

 (C) Rules or amendments to the rules must be adopted at a regular or special meeting of the commission.

 (D) Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule is being considered and voted upon, the commission shall file a notice of proposed rulemaking:

 (1) on the website of the commission or other publicly accessible platform; and

 (2) on the website of each member state audiology or speech-language pathology licensing board or other publically accessible platform or the publication in which each state would otherwise publish proposed rules.

 (E) The notice of proposed rulemaking must include:

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

 (2) the text of the proposed rule or amendment and the reason for the proposed rule;

 (3) a request for comments on the proposed rule from any interested person; and

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

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

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

 (1) at least twenty-five persons;

 (2) a state or federal governmental subdivision or agency; or

 (3) an association having at least twenty-five members.

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

 (1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing no less than five business days before the scheduled date of the hearing.

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

 (3) All hearings shall be recorded. A copy of the recording shall be made available on request.

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

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

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

 (K) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

 (L) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section are retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

 (1) meet an imminent threat to public health, safety, or welfare;

 (2) prevent a loss of commission or member state funds; or

 (3) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

 (M) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions must be posted on the website of the commission. The revision must be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

HISTORY: 2022 Act No. 160 (H.3840), § 1, eff May 13, 2022.

**SECTION 40-67-610. Oversight; dispute resolution; enforcement.**

 (A) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and non-member states.

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

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

 (D) By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees.

 (E) The remedies herein are not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

HISTORY: 2022 Act No. 160 (H.3840), § 1, eff May 13, 2022.

**SECTION 40-67-620. Date of implementation; associated rules; withdrawal; amendment.**

 (A) The compact takes effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

 (B) Any state that joins the compact subsequent to the commission's initial adoption of the rules is subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission has the full force and effect of law on the day the compact becomes law in that state.

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

 (1) A member state's withdrawal does not take effect until six months after enactment of the repealing statute.

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

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

 (E) This compact may be amended by the member states. No amendment to this compact becomes effective and binding upon any member state until it is enacted into the laws of all member states.

HISTORY: 2022 Act No. 160 (H.3840), § 1, eff May 13, 2022.

**SECTION 40-67-630. Construction and severability.**

 This compact must be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact is held contrary to the constitution of any member state, the compact remains in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

HISTORY: 2022 Act No. 160 (H.3840), § 1, eff May 13, 2022.

**SECTION 40-67-640. Binding effect of compact and other laws.**

 (A) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

 (B) All laws in a member state in conflict with the compact are superseded to the extent of the conflict.

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

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

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

HISTORY: 2022 Act No. 160 (H.3840), § 1, eff May 13, 2022.