



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5278

Introduced 1/31/2022, by Rep. Mark L. Walker

#### SYNOPSIS AS INTRODUCED:

New Act  
225 ILCS 110/4.3 new

Creates the Audiology and Speech-Language Pathology Interstate Compact Act. Enters into the compact, which may be entered into by any state, commonwealth, district, or territory of the United States of America, in order to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services, along with other stated objectives. Defines terms. Provides that a license issued to an audiologist or speech-language pathologist by a home state to a resident in that state shall 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. Contains other provisions relating to: state participation in the compact; compact privilege, including practicing telehealth; designation of home state by active military or their spouses; taking adverse actions against audiologists and speech-language pathologists; creation of the Audiology and Speech-Language Pathology Compact Commission, including rulemaking authority; database and reporting system; oversight, dispute resolution, and enforcement; construction and severability; and the binding effect of compact and other laws. Provides that the Compact shall come into effect on the date on which the Compact is enacted into law in the 10th member state, commonwealth, district, or territory. Amends the Illinois Speech-Language Pathology and Audiology Practice Act. Provides that, if the Audiology and Speech-Language Pathology Interstate Compact becomes law, the Department of Financial and Professional Regulation shall revise its rules related to implementing and enforcing the Illinois Speech-Language Pathology and Audiology Practice Act to be in conformance with the Compact, if necessary. Provides that the Department shall also make recommendations in a report to the General Assembly as to what portions of the Act and other laws should be modified, if at all, to be consistent with the Compact.

LRB102 23799 AWJ 32990 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Audiology and Speech-Language Pathology Interstate Compact  
6 Act.

7 Section 5. Execution of compact. The Audiology and  
8 Speech-Language Pathology Interstate Compact is hereby enacted  
9 into law and entered into with any state, commonwealth,  
10 district or territory of the United States of America which  
11 legally joins in substantially the following form:

12 "SECTION 1: PURPOSE

13 The purpose of this Compact is to facilitate interstate  
14 practice of audiology and speech-language pathology with the  
15 goal of improving public access to audiology and  
16 speech-language pathology services. The practice of audiology  
17 and speech-language pathology occurs in the state where the  
18 patient/client/student is located at the time of the  
19 patient/client/student encounter. The Compact preserves the  
20 regulatory authority of states to protect public health and  
21 safety through the current system of state licensure.

22 This Compact is designed to achieve the following

1 objectives:

2 1. Increase public access to audiology and  
3 speech-language pathology services by providing for the  
4 mutual recognition of other member state licenses;

5 2. Enhance the states' ability to protect the public's  
6 health and safety;

7 3. Encourage the cooperation of member states in  
8 regulating multistate audiology and speech-language  
9 pathology practice;

10 4. Support spouses of relocating active duty military  
11 personnel;

12 5. Enhance the exchange of licensure, investigative  
13 and disciplinary information between member states;

14 6. Allow a remote state to hold a provider of services  
15 with a compact privilege in that state accountable to that  
16 state's practice standards; and

17 7. Allow for the use of telehealth technology to  
18 facilitate increased access to audiology and  
19 speech-language pathology services.

20 SECTION 2: DEFINITIONS

21 As used in this Compact, and except as otherwise provided,  
22 the following definitions shall apply:

23 A. "Active duty military" means full-time duty status in  
24 the active uniformed service of the United States, including  
25 members of the National Guard and Reserve on active duty  
26 orders pursuant to 10 U.S.C. Section 1209 and 1211.

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

8           C. "Alternative program" means a non-disciplinary  
9 monitoring process approved by an audiology or speech-language  
10 pathology licensing board to address impaired practitioners.

11           D. "Audiologist" means an individual who is licensed by a  
12 state to practice audiology.

13           E. "Audiology" means the care and services provided by a  
14 licensed audiologist as set forth in the member state's  
15 statutes and rules.

16           F. "Audiology and Speech-Language Pathology Compact  
17 Commission" or "Commission" means the national administrative  
18 body whose membership consists of all states that have enacted  
19 the Compact.

20           G. "Audiology and speech-language pathology licensing  
21 board," "audiology licensing board," "speech-language  
22 pathology licensing board," or "licensing board" means the  
23 agency of a state that is responsible for the licensing and  
24 regulation of audiologists and/or speech-language  
25 pathologists.

26           H. "Compact privilege" means the authorization granted by

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

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

14 J. "Data system" means a repository of information about  
15 licensees, including, but not limited to, continuing  
16 education, examination, licensure, investigative, compact  
17 privilege and adverse action.

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

23 L. "Executive Committee" means a group of directors  
24 elected or appointed to act on behalf of, and within the powers  
25 granted to them by, the Commission.

26 M. "Home state" means the member state that is the

1 licensee's primary state of residence.

2 N. "Impaired practitioner" means individuals whose  
3 professional practice is adversely affected by substance  
4 abuse, addiction, or other health-related conditions.

5 O. "Licensee" means an individual who currently holds an  
6 authorization from the state licensing board to practice as an  
7 audiologist or speech-language pathologist.

8 P. "Member state" means a state that has enacted the  
9 Compact.

10 Q. "Privilege to practice" means a legal authorization  
11 permitting the practice of audiology or speech-language  
12 pathology in a remote state.

13 R. "Remote state" means a member state other than the home  
14 state where a licensee is exercising or seeking to exercise  
15 the compact privilege.

16 S. "Rule" means a regulation, principle or directive  
17 promulgated by the Commission that has the force of law.

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

23 U. "Speech-language pathologist" means an individual who  
24 is licensed by a state to practice speech-language pathology.

25 V. "Speech-language pathology" means the care and services  
26 provided by a licensed speech-language pathologist as set

1     forth in the member state's statutes and rules.

2           W. "State" means any state, commonwealth, district or  
3     territory of the United States of America that regulates the  
4     practice of audiology and speech-language pathology.

5           X. "State practice laws" means a member state's laws,  
6     rules and regulations that govern the practice of audiology or  
7     speech-language pathology, define the scope of audiology or  
8     speech-language pathology practice, and create the methods and  
9     grounds for imposing discipline.

10          Y. "Telehealth" means the application of telecommunication  
11     technology to deliver audiology or speech-language pathology  
12     services at a distance for assessment, intervention and/or  
13     consultation.

14                   SECTION 3. STATE PARTICIPATION IN THE COMPACT

15          A. A license issued to an audiologist or speech-language  
16     pathologist by a home state to a resident in that state shall  
17     be recognized by each member state as authorizing an  
18     audiologist or speech-language pathologist to practice  
19     audiology or speech-language pathology, under a privilege to  
20     practice, in each member state.

21          B. A state must implement or utilize procedures for  
22     considering the criminal history records of applicants for  
23     initial privilege to practice. These procedures shall include  
24     the submission of fingerprints or other biometric-based  
25     information by applicants for the purpose of obtaining an  
26     applicant's criminal history record information from the

1 Federal Bureau of Investigation and the agency responsible for  
2 retaining that state's criminal records.

3 1. A member state must fully implement a criminal  
4 background check requirement, within a time frame  
5 established by rule, by receiving the results of the  
6 Federal Bureau of Investigation record search on criminal  
7 background checks and use the results in making licensure  
8 decisions.

9 2. Communication between a member state, the  
10 Commission and among member states regarding the  
11 verification of eligibility for licensure through the  
12 Compact shall not include any information received from  
13 the Federal Bureau of Investigation relating to a federal  
14 criminal records check performed by a member state under  
15 Public Law 92-544.

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

24 D. Each member state shall require an applicant to obtain  
25 or retain a license in the home state and meet the home state's  
26 qualifications for licensure or renewal of licensure, as well



1 as, all other applicable state laws.

2 E. For an audiologist:

3 1. Must meet one of the following educational  
4 requirements:

5 a. On or before, Dec. 31, 2007, has graduated with  
6 a master's degree or doctorate in audiology, or  
7 equivalent degree regardless of degree name, from a  
8 program that is accredited by an accrediting agency  
9 recognized by the Council for Higher Education  
10 Accreditation, or its successor, or by the United  
11 States Department of Education and operated by a  
12 college or university accredited by a regional or  
13 national accrediting organization recognized by the  
14 board; or

15 b. On or after, Jan. 1, 2008, has graduated with a  
16 Doctoral degree in audiology, or equivalent degree,  
17 regardless of degree name, from a program that is  
18 accredited by an accrediting agency recognized by the  
19 Council for Higher Education Accreditation, or its  
20 successor, or by the United States Department of  
21 Education and operated by a college or university  
22 accredited by a regional or national accrediting  
23 organization recognized by the board; or

24 c. Has graduated from an audiology program that is  
25 housed in an institution of higher education outside  
26 of the United States (a) for which the program and

1 institution have been approved by the authorized  
2 accrediting body in the applicable country and (b) the  
3 degree program has been verified by an independent  
4 credentials review agency to be comparable to a state  
5 licensing board-approved program.

6 2. Has completed a supervised clinical practicum  
7 experience from an accredited educational institution or  
8 its cooperating programs as required by the board;

9 3. Has successfully passed a national examination  
10 approved by the Commission;

11 4. Holds an active, unencumbered license;

12 5. Has not been convicted or found guilty, and has not  
13 entered into an agreed disposition, of a felony related to  
14 the practice of speech-language pathology, under  
15 applicable state or federal criminal law;

16 6. Has a valid United States Social Security or  
17 National Practitioner Identification number.

18 F. For a speech-language pathologist:

19 1. Must meet one of the following educational  
20 requirements:

21 a. Has graduated with a master's degree from a  
22 speech-language pathology program that is accredited  
23 by an organization recognized by the United States  
24 Department of Education and operated by a college or  
25 university accredited by a regional or national  
26 accrediting organization recognized by the board; or

1           b. Has graduated from a speech-language pathology  
2 program that is housed in an institution of higher  
3 education outside of the United States (a) for which  
4 the program and institution have been approved by the  
5 authorized accrediting body in the applicable country  
6 and (b) the degree program has been verified by an  
7 independent credentials review agency to be comparable  
8 to a state licensing board-approved program.

9           2. Has completed a supervised clinical practicum  
10 experience from an educational institution or its  
11 cooperating programs as required by the Commission;

12           3. Has completed a supervised postgraduate  
13 professional experience as required by the Commission;

14           4. Has successfully passed a national examination  
15 approved by the Commission;

16           5. Holds an active, unencumbered license;

17           6. Has not been convicted or found guilty, and has not  
18 entered into an agreed disposition, of a felony related to  
19 the practice of speech-language pathology, under  
20 applicable state or federal criminal law;

21           7. Has a valid United States Social Security or  
22 National Practitioner Identification number.

23           G. The privilege to practice is derived from the home  
24 state license.

25           H. An audiologist or speech-language pathologist  
26 practicing in a member state must comply with the state

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

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

21 J. Member states may charge a fee for granting a compact  
22 privilege.

23 K. Member states must comply with the bylaws and rules and  
24 regulations of the Commission.

25 SECTION 4. COMPACT PRIVILEGE

26 A. To exercise the compact privilege under the terms and

1 provisions of the Compact, the audiologist or speech-language  
2 pathologist shall:

3 1. Hold an active license in the home state;

4 2. Have no encumbrance on any state license;

5 3. Be eligible for a compact privilege in any member  
6 state in accordance with Section 3;

7 4. Have not had any adverse action against any license  
8 or compact privilege within the previous 2 years from date  
9 of application;

10 5. Notify the Commission that the licensee is seeking  
11 the compact privilege within a remote state(s);

12 6. Pay any applicable fees, including any state fee,  
13 for the compact privilege;

14 7. Report to the Commission adverse action taken by  
15 any non-member state within 30 days from the date the  
16 adverse action is taken.

17 B. For the purposes of the compact privilege, an  
18 audiologist or speech-language pathologist shall only hold one  
19 home state license at a time.

20 C. Except as provided in Section 6, if an audiologist or  
21 speech-language pathologist changes primary state of residence  
22 by moving between two-member states, the audiologist or  
23 speech-language pathologist must apply for licensure in the  
24 new home state, and the license issued by the prior home state  
25 shall be deactivated in accordance with applicable rules  
26 adopted by the Commission.

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

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

9           F. If an audiologist or speech-language pathologist  
10 changes primary state of residence by moving from a member  
11 state to a non-member state, the license issued by the prior  
12 home state shall convert to a single-state license, valid only  
13 in the former home state.

14           G. The compact privilege is valid until the expiration  
15 date of the home state license. The licensee must comply with  
16 the requirements of Section 4A to maintain the compact  
17 privilege in the remote state.

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

22           I. A licensee providing audiology or speech-language  
23 pathology services in a remote state is subject to that  
24 state's regulatory authority. A remote state may, in  
25 accordance with due process and that state's laws, remove a  
26 licensee's compact privilege in the remote state for a

1 specific period of time, impose fines, and/or take any other  
2 necessary actions to protect the health and safety of its  
3 citizens.

4 J. If a home state license is encumbered, the licensee  
5 shall lose the compact privilege in any remote state until the  
6 following occur:

- 7 1. The home state license is no longer encumbered; and
- 8 2. Two years have elapsed from the date of the adverse  
9 action.

10 K. Once an encumbered license in the home state is  
11 restored to good standing, the licensee must meet the  
12 requirements of Section 4A to obtain a compact privilege in  
13 any remote state.

14 L. Once the requirements of Section 4J have been met, the  
15 licensee must meet the requirements in Section 4A to obtain a  
16 compact privilege in a remote state.

#### 17 SECTION 5. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

18 Member states shall recognize the right of an audiologist  
19 or speech-language pathologist, licensed by a home state in  
20 accordance with Section 3 and under rules promulgated by the  
21 Commission, to practice audiology or speech-language pathology  
22 in any member state via telehealth under a privilege to  
23 practice as provided in the Compact and rules promulgated by  
24 the Commission.

#### 25 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

26 Active duty military personnel, or their spouse, shall

1 designate a home state where the individual has a current  
2 license in good standing. The individual may retain the home  
3 state designation during the period the service member is on  
4 active duty. Subsequent to designating a home state, the  
5 individual shall only change their home state through  
6 application for licensure in the new state.

7 SECTION 7. ADVERSE ACTIONS

8 A. In addition to the other powers conferred by state law,  
9 a remote state shall have the authority, in accordance with  
10 existing state due process law, to:

11 1. Take adverse action against an audiologist's or  
12 speech-language pathologist's privilege to practice within  
13 that member state.

14 2. Issue subpoenas for both hearings and  
15 investigations that require the attendance and testimony  
16 of witnesses as well as the production of evidence.  
17 Subpoenas issued by a licensing board in a member state  
18 for the attendance and testimony of witnesses or the  
19 production of evidence from another member state shall be  
20 enforced in the latter state by any court of competent  
21 jurisdiction, according to the practice and procedure of  
22 that court applicable to subpoenas issued in proceedings  
23 pending before it. The issuing authority shall pay any  
24 witness fees, travel expenses, mileage and other fees  
25 required by the service statutes of the state in which the  
26 witnesses or evidence are located.



1           3. Only the home state shall have the power to take  
2           adverse action against an audiologist's or speech-language  
3           pathologist's license issued by the home state.

4           B. For purposes of taking adverse action, the home state  
5           shall give the same priority and effect to reported conduct  
6           received from a member state as it would if the conduct had  
7           occurred within the home state. In so doing, the home state  
8           shall apply its own state laws to determine appropriate  
9           action.

10          C. The home state shall complete any pending  
11          investigations of an audiologist or speech-language  
12          pathologist who changes primary state of residence during the  
13          course of the investigations. The home state shall also have  
14          the authority to take appropriate action(s) and shall promptly  
15          report the conclusions of the investigations to the  
16          administrator of the data system. The administrator of the  
17          coordinated licensure information system shall promptly notify  
18          the new home state of any adverse actions.

19          D. If otherwise permitted by state law, recover from the  
20          affected audiologist or speech-language pathologist the costs  
21          of investigations and disposition of cases resulting from any  
22          adverse action taken against that audiologist or  
23          speech-language pathologist.

24          E. Take adverse action based on the factual findings of  
25          the remote state, provided that the home state follows its own  
26          procedures for taking the adverse action.

1 F. Joint Investigations.

2 1. In addition to the authority granted to a member  
3 state by its respective audiology or speech-language  
4 pathology practice act or other applicable state law, any  
5 member state may participate with other member states in  
6 joint investigations of licensees.

7 2. Member states shall share any investigative,  
8 litigation, or compliance materials in furtherance of any  
9 joint or individual investigation initiated under the  
10 Compact.

11 G. If adverse action is taken by the home state against an  
12 audiologist's or speech language pathologist's license, the  
13 audiologist's or speech-language pathologist's privilege to  
14 practice in all other member states shall be deactivated until  
15 all encumbrances have been removed from the state license. All  
16 home state disciplinary orders that impose adverse action  
17 against an audiologist's or speech language pathologist's  
18 license shall include a statement that the audiologist's or  
19 speech-language pathologist's privilege to practice is  
20 deactivated in all member states during the pendency of the  
21 order.

22 H. If a member state takes adverse action, it shall  
23 promptly notify the administrator of the data system. The  
24 administrator of the data system shall promptly notify the  
25 home state of any adverse actions by remote states.

26 I. Nothing in this Compact shall override a member state's

1 decision that participation in an alternative program may be  
2 used in lieu of adverse action.

3 SECTION 8. ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE  
4 PATHOLOGY COMPACT COMMISSION

5 A. The Compact member states hereby create and establish a  
6 joint public agency known as the Audiology and Speech-Language  
7 Pathology Compact Commission:

8 1. The Commission is an instrumentality of the Compact  
9 states.

10 2. Venue is proper and judicial proceedings by or  
11 against the Commission shall be brought solely and  
12 exclusively in a court of competent jurisdiction where the  
13 principal office of the Commission is located. The  
14 Commission may waive venue and jurisdictional defenses to  
15 the extent it adopts or consents to participate in  
16 alternative dispute resolution proceedings.

17 3. Nothing in this Compact shall be construed to be a  
18 waiver of sovereign immunity.

19 B. Membership, Voting and Meetings.

20 1. Each member state shall have two (2) delegates  
21 selected by that member state's licensing board. The  
22 delegates shall be current members of the licensing board.  
23 One shall be an audiologist and one shall be a  
24 speech-language pathologist.

25 2. An additional five (5) delegates, who are either a  
26 public member or board administrator from a state

1           licensing board, shall be chosen by the Executive  
2           Committee from a pool of nominees provided by the  
3           Commission at Large.

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

7           4. The member state board shall fill any vacancy  
8           occurring on the Commission, within 90 days.

9           5. Each delegate shall be entitled to one (1) vote  
10          with regard to the promulgation of rules and creation of  
11          bylaws and shall otherwise have an opportunity to  
12          participate in the business and affairs of the Commission.

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

17          7. The Commission shall meet at least once during each  
18          calendar year. Additional meetings shall be held as set  
19          forth in the bylaws.

20          C. The Commission shall have the following powers and  
21          duties:

22                1. Establish the fiscal year of the Commission;

23                2. Establish bylaws;

24                3. Establish a Code of Ethics;

25                4. Maintain its financial records in accordance with  
26          the bylaws;

1           5. Meet and take actions as are consistent with the  
2 provisions of this Compact and the bylaws;

3           6. Promulgate uniform rules to facilitate and  
4 coordinate implementation and administration of this  
5 Compact. The rules shall have the force and effect of law  
6 and shall be binding in all member states;

7           7. Bring and prosecute legal proceedings or actions in  
8 the name of the Commission, provided that the standing of  
9 any state audiology or speech-language pathology licensing  
10 board to sue or be sued under applicable law shall not be  
11 affected;

12           8. Purchase and maintain insurance and bonds;

13           9. Borrow, accept, or contract for services of  
14 personnel, including, but not limited to, employees of a  
15 member state;

16           10. Hire employees, elect or appoint officers, fix  
17 compensation, define duties, grant individuals appropriate  
18 authority to carry out the purposes of the Compact, and to  
19 establish the Commission's personnel policies and programs  
20 relating to conflicts of interest, qualifications of  
21 personnel, and other related personnel matters;

22           11. Accept any and all appropriate donations and  
23 grants of money, equipment, supplies, materials and  
24 services, and to receive, utilize and dispose of the same;  
25 provided that at all times the Commission shall avoid any  
26 appearance of impropriety and/or conflict of interest;

1           12. Lease, purchase, accept appropriate gifts or  
2           donations of, or otherwise to own, hold, improve or use,  
3           any property, real, personal or mixed; provided that at  
4           all times the Commission shall avoid any appearance of  
5           impropriety;

6           13. Sell convey, mortgage, pledge, lease, exchange,  
7           abandon, or otherwise dispose of any property real,  
8           personal, or mixed;

9           14. Establish a budget and make expenditures;

10          15. Borrow money;

11          16. Appoint committees, including standing committees  
12          composed of members, and other interested persons as may  
13          be designated in this Compact and the bylaws;

14          17. Provide and receive information from, and  
15          cooperate with, law enforcement agencies;

16          18. Establish and elect an Executive Committee; and

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

21          D. The Executive Committee. The Executive Committee shall  
22          have the power to act on behalf of the Commission according to  
23          the terms of this Compact:

24                 1. The Executive Committee shall be composed of ten  
25                 (10) members:

26                         a. Seven (7) voting members who are elected by the

1 Commission from the current membership of the  
2 Commission;

3 b. Two (2) ex-officios, consisting of one  
4 nonvoting member from a recognized national audiology  
5 professional association and one nonvoting member from  
6 a recognized national speech-language pathology  
7 association; and

8 c. One (1) ex-officio, nonvoting member from the  
9 recognized membership organization of the audiology  
10 and speech-language pathology licensing boards.

11 E. The ex-officio members shall be selected by their  
12 respective organizations.

13 1. The Commission may remove any member of the  
14 Executive Committee as provided in bylaws.

15 2. The Executive Committee shall meet at least  
16 annually.

17 3. The Executive Committee shall have the following  
18 duties and responsibilities:

19 a. Recommend to the entire Commission changes to  
20 the rules or bylaws, changes to this Compact  
21 legislation, fees paid by Compact member states such  
22 as annual dues, and any commission Compact fee charged  
23 to licensees for the compact privilege;

24 b. Ensure Compact administration services are  
25 appropriately provided, contractual or otherwise;

26 c. Prepare and recommend the budget;

1           d. Maintain financial records on behalf of the  
2 Commission;

3           e. Monitor Compact compliance of member states and  
4 provide compliance reports to the Commission;

5           f. Establish additional committees as necessary;  
6 and

7           g. Other duties as provided in rules or bylaws.

8           4. Meetings of the Commission. All meetings shall be  
9 open to the public, and public notice of meetings shall be  
10 given in the same manner as required under the rulemaking  
11 provisions in Section 10.

12           5. The Commission or the Executive Committee or other  
13 committees of the Commission may convene in a closed,  
14 non-public meeting if the Commission or Executive  
15 Committee or other committees of the Commission must  
16 discuss:

17           a. Non-compliance of a member state with its  
18 obligations under the Compact;

19           b. The employment, compensation, discipline or  
20 other matters, practices or procedures related to  
21 specific employees or other matters related to the  
22 Commission's internal personnel practices and  
23 procedures;

24           c. Current, threatened, or reasonably anticipated  
25 litigation;

26           d. Negotiation of contracts for the purchase,



1 lease, or sale of goods, services, or real estate;

2 e. Accusing any person of a crime or formally  
3 censuring any person;

4 f. Disclosure of trade secrets or commercial or  
5 financial information that is privileged or  
6 confidential;

7 g. Disclosure of information of a personal nature  
8 where disclosure would constitute a clearly  
9 unwarranted invasion of personal privacy;

10 h. Disclosure of investigative records compiled  
11 for law enforcement purposes;

12 i. Disclosure of information related to any  
13 investigative reports prepared by or on behalf of or  
14 for use of the Commission or other committee charged  
15 with responsibility of investigation or determination  
16 of compliance issues pursuant to the Compact; or

17 j. Matters specifically exempted from disclosure  
18 by federal or member state statute.

19 6. If a meeting, or portion of a meeting, is closed  
20 pursuant to this provision, the Commission's legal counsel  
21 or designee shall certify that the meeting may be closed  
22 and shall reference each relevant exempting provision.

23 7. The Commission shall keep minutes that fully and  
24 clearly describe all matters discussed in a meeting and  
25 shall provide a full and accurate summary of actions  
26 taken, and the reasons therefore, including a description

1 of the views expressed. All documents considered in  
2 connection with an action shall be identified in minutes.  
3 All minutes and documents of a closed meeting shall remain  
4 under seal, subject to release by a majority vote of the  
5 Commission or order of a court of competent jurisdiction.

6 8. Financing of the Commission.

7 a. The Commission shall pay, or provide for the  
8 payment of, the reasonable expenses of its  
9 establishment, organization, and ongoing activities.

10 b. The Commission may accept any and all  
11 appropriate revenue sources, donations, and grants of  
12 money, equipment, supplies, materials, and services.

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

24 9. The Commission shall not incur obligations of any  
25 kind prior to securing the funds adequate to meet the  
26 same; nor shall the Commission pledge the credit of any of

1 the member states, except by and with the authority of the  
2 member state.

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

12 F. Qualified Immunity, Defense, and Indemnification.

13 1. The members, officers, executive director,  
14 employees and representatives of the Commission shall be  
15 immune from suit and liability, either personally or in  
16 their official capacity, for any claim for damage to or  
17 loss of property or personal injury or other civil  
18 liability caused by or arising out of any actual or  
19 alleged act, error or omission that occurred, or that the  
20 person against whom the claim is made had a reasonable  
21 basis for believing occurred within the scope of  
22 Commission employment, duties or responsibilities;  
23 provided that nothing in this paragraph shall be construed  
24 to protect any person from suit and/or liability for any  
25 damage, loss, injury, or liability caused by the  
26 intentional or willful or wanton misconduct of that

1 person.

2 2. The Commission shall defend any member, officer,  
3 executive director, employee or representative of the  
4 Commission in any civil action seeking to impose liability  
5 arising out of any actual or alleged act, error, or  
6 omission that occurred within the scope of Commission  
7 employment, duties, or responsibilities, or that the  
8 person against whom the claim is made had a reasonable  
9 basis for believing occurred within the scope of  
10 Commission employment, duties, or responsibilities;  
11 provided that nothing herein shall be construed to  
12 prohibit that person from retaining his or her own  
13 counsel; and provided further, that the actual or alleged  
14 act, error, or omission did not result from that person's  
15 intentional or willful or wanton misconduct.

16 3. The Commission shall indemnify and hold harmless  
17 any member, officer, executive director, employee, or  
18 representative of the Commission for the amount of any  
19 settlement or judgment obtained against that person  
20 arising out of any actual or alleged act, error or  
21 omission that occurred within the scope of Commission  
22 employment, duties, or responsibilities, or that person  
23 had a reasonable basis for believing occurred within the  
24 scope of Commission employment, duties, or  
25 responsibilities, provided that the actual or alleged act,  
26 error, or omission did not result from the intentional or

1 willful or wanton misconduct of that person.

2 SECTION 9. DATA SYSTEM

3 A. The Commission shall provide for the development,  
4 maintenance, and utilization of a coordinated database and  
5 reporting system containing licensure, adverse action, and  
6 investigative information on all licensed individuals in  
7 member states.

8 B. Notwithstanding any other provision of state law to the  
9 contrary, a member state shall submit a uniform data set to the  
10 data system on all individuals to whom this Compact is  
11 applicable as required by the rules of the Commission,  
12 including:

- 13 1. Identifying information;
- 14 2. Licensure data;
- 15 3. Adverse actions against a license or compact  
16 privilege;
- 17 4. Non-confidential information related to alternative  
18 program participation;
- 19 5. Any denial of application for licensure, and the  
20 reason(s) for denial; and
- 21 6. Other information that may facilitate the  
22 administration of this Compact, as determined by the rules  
23 of the Commission.

24 C. Investigative information pertaining to a licensee in  
25 any member state shall only be available to other member  
26 states.



1 rules by the Commission, and at least thirty (30) days in  
2 advance of the meeting at which the rule shall be considered  
3 and voted upon, the Commission shall file a Notice of Proposed  
4 Rulemaking:

5 1. On the website of the Commission or other publicly  
6 accessible platform; and

7 2. On the website of each member state audiology or  
8 speech-language pathology licensing board or other  
9 publicly accessible platform or the publication in which  
10 each state would otherwise publish proposed rules.

11 E. The Notice of Proposed Rulemaking shall include:

12 1. The proposed time, date, and location of the  
13 meeting in which the rule shall be considered and voted  
14 upon;

15 2. The text of the proposed rule or amendment and the  
16 reason for the proposed rule;

17 3. A request for comments on the proposed rule from  
18 any interested person; and

19 4. The manner in which interested persons may submit  
20 notice to the Commission of their intention to attend the  
21 public hearing and any written comments.

22 F. Prior to the adoption of a proposed rule, the  
23 Commission shall allow persons to submit written data, facts,  
24 opinions and arguments, which shall be made available to the  
25 public.

26 G. The Commission shall grant an opportunity for a public

1 hearing before it adopts a rule or amendment if a hearing is  
2 requested by:

- 3 1. At least twenty-five (25) persons;
- 4 2. A state or federal governmental subdivision or  
5 agency; or
- 6 3. An association having at least twenty-five (25)  
7 members.

8 H. If a hearing is held on the proposed rule or amendment,  
9 the Commission shall publish the place, time, and date of the  
10 scheduled public hearing. If the hearing is held via  
11 electronic means, the Commission shall publish the mechanism  
12 for access to the electronic hearing.

13 1. All persons wishing to be heard at the hearing  
14 shall notify the executive director of the Commission or  
15 other designated member in writing of their desire to  
16 appear and testify at the hearing not less than five (5)  
17 business days before the scheduled date of the hearing.

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

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

23 4. Nothing in this section shall be construed as  
24 requiring a separate hearing on each rule. Rules may be  
25 grouped for the convenience of the Commission at hearings  
26 required by this section.



1 I. Following the scheduled hearing date, or by the close  
2 of business on the scheduled hearing date if the hearing was  
3 not held, the Commission shall consider all written and oral  
4 comments received.

5 J. If no written notice of intent to attend the public  
6 hearing by interested parties is received, the Commission may  
7 proceed with promulgation of the proposed rule without a  
8 public hearing.

9 K. The Commission shall, by majority vote of all members,  
10 take final action on the proposed rule and shall determine the  
11 effective date of the rule, if any, based on the rulemaking  
12 record and the full text of the rule.

13 L. Upon determination that an emergency exists, the  
14 Commission may consider and adopt an emergency rule without  
15 prior notice, opportunity for comment, or hearing, provided  
16 that the usual rulemaking procedures provided in the Compact  
17 and in this section shall be retroactively applied to the rule  
18 as soon as reasonably possible, in no event later than ninety  
19 (90) days after the effective date of the rule. For the  
20 purposes of this provision, an emergency rule is one that must  
21 be adopted immediately in order to:

22 1. Meet an imminent threat to public health, safety,  
23 or welfare;

24 2. Prevent a loss of Commission or member state funds;  
25 or

26 3. Meet a deadline for the promulgation of an

1 administrative rule that is established by federal law or  
2 rule.

3 M. The Commission or an authorized committee of the  
4 Commission may direct revisions to a previously adopted rule  
5 or amendment for purposes of correcting typographical errors,  
6 errors in format, errors in consistency, or grammatical  
7 errors. Public notice of any revisions shall be posted on the  
8 website of the Commission. The revision shall be subject to  
9 challenge by any person for a period of thirty (30) days after  
10 posting. The revision may be challenged only on grounds that  
11 the revision results in a material change to a rule. A  
12 challenge shall be made in writing and delivered to the chair  
13 of the Commission prior to the end of the notice period. If no  
14 challenge is made, the revision shall take effect without  
15 further action. If the revision is challenged, the revision  
16 may not take effect without the approval of the Commission.

17 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

18 A. Dispute Resolution.

19 1. Upon request by a member state, the Commission  
20 shall attempt to resolve disputes related to the Compact  
21 that arise among member states and between member and  
22 non-member states.

23 2. The Commission shall promulgate a rule providing  
24 for both mediation and binding dispute resolution for  
25 disputes as appropriate.

26 B. Enforcement.

1           1. The Commission, in the reasonable exercise of its  
2           discretion, shall enforce the provisions and rules of this  
3           Compact.

4           2. By majority vote, the Commission may initiate legal  
5           action in the United States District Court for the  
6           District of Columbia or the federal district where the  
7           Commission has its principal offices against a member  
8           state in default to enforce compliance with the provisions  
9           of the Compact and its promulgated rules and bylaws. The  
10          relief sought may include both injunctive relief and  
11          damages. In the event judicial enforcement is necessary,  
12          the prevailing member shall be awarded all costs of  
13          litigation, including reasonable attorney's fees.

14          3. The remedies herein shall not be the exclusive  
15          remedies of the Commission. The Commission may pursue any  
16          other remedies available under federal or state law.

17          SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE  
18          COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY  
19          PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

20          A. The Compact shall come into effect on the date on which  
21          the Compact statute is enacted into law in the 10th member  
22          state. The provisions, which become effective at that time,  
23          shall be limited to the powers granted to the Commission  
24          relating to assembly and the promulgation of rules.  
25          Thereafter, the Commission shall meet and exercise rulemaking  
26          powers necessary to the implementation and administration of

1 the Compact.

2 B. Any state that joins the Compact subsequent to the  
3 Commission's initial adoption of the rules shall be subject to  
4 the rules as they exist on the date on which the Compact  
5 becomes law in that state. Any rule that has been previously  
6 adopted by the Commission shall have the full force and effect  
7 of law on the day the Compact becomes law in that state.

8 C. Any member state may withdraw from this Compact by  
9 enacting a statute repealing the same.

10 1. A member state's withdrawal shall not take effect  
11 until six (6) months after enactment of the repealing  
12 statute.

13 2. Withdrawal shall not affect the continuing  
14 requirement of the withdrawing state's audiology or  
15 speech-language pathology licensing board to comply with  
16 the investigative and adverse action reporting  
17 requirements of this act prior to the effective date of  
18 withdrawal.

19 D. Nothing contained in this Compact shall be construed to  
20 invalidate or prevent any audiology or speech-language  
21 pathology licensure agreement or other cooperative arrangement  
22 between a member state and a non-member state that does not  
23 conflict with the provisions of this Compact.

24 E. This Compact may be amended by the member states. No  
25 amendment to this Compact shall become effective and binding  
26 upon any member state until it is enacted into the laws of all

1 member states.

2 SECTION 13. CONSTRUCTION AND SEVERABILITY

3 This Compact shall be liberally construed so as to  
4 effectuate the purposes thereof. The provisions of this  
5 Compact shall be severable and if any phrase, clause, sentence  
6 or provision of this Compact is declared to be contrary to the  
7 constitution of any member state or of the United States or the  
8 applicability thereof to any government, agency, person or  
9 circumstance is held invalid, the validity of the remainder of  
10 this Compact and the applicability thereof to any government,  
11 agency, person or circumstance shall not be affected thereby.  
12 If this Compact shall be held contrary to the constitution of  
13 any member state, the Compact shall remain in full force and  
14 effect as to the remaining member states and in full force and  
15 effect as to the member state affected as to all severable  
16 matters.

17 SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

18 A. Nothing herein prevents the enforcement of any other  
19 law of a member state that is not inconsistent with the  
20 Compact.

21 B. All laws in a member state in conflict with the Compact  
22 are superseded to the extent of the conflict.

23 C. All lawful actions of the Commission, including all  
24 rules and bylaws promulgated by the Commission, are binding  
25 upon the member states.

26 D. All agreements between the Commission and the member

1 states are binding in accordance with their terms.

2 E. In the event any provision of the Compact exceeds the  
3 constitutional limits imposed on the legislature of any member  
4 state, the provision shall be ineffective to the extent of the  
5 conflict with the constitutional provision in question in that  
6 member state."

7 Section 10. The Illinois Speech-Language Pathology and  
8 Audiology Practice Act is amended by adding Section 4.3 as  
9 follows:

10 (225 ILCS 110/4.3 new)

11 Sec. 4.3. Audiology and Speech-Language Pathology  
12 Interstate Compact Act. If the Audiology and Speech-Language  
13 Pathology Interstate Compact becomes law as provided in  
14 Section 5 of the Audiology and Speech-Language Pathology  
15 Interstate Compact Act, the Department shall revise its rules  
16 related to implementing and enforcing the Illinois  
17 Speech-Language Pathology and Audiology Practice Act to be in  
18 conformance with the Compact, if necessary. The Department  
19 shall also make recommendations in a report to the General  
20 Assembly as to what portions of this Act and other laws should  
21 be modified, if at all, to be consistent with the Compact."