

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 753**

Introduced by Blood, 3.

Read first time January 08, 2020

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to audiology and speech-language pathology; to  
2 amend sections 38-513 and 38-515, Reissue Revised Statutes of  
3 Nebraska, and section 38-1509, Revised Statutes Cumulative  
4 Supplement, 2018; to adopt the Audiology and Speech-Language  
5 Pathology Interstate Compact; to harmonize provisions; and to repeal  
6 the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-513, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 38-513 Nothing in the Audiology and Speech-Language Pathology  
4 Practice Act shall be construed to prevent or restrict (1) a qualified  
5 person licensed in this state from engaging in the profession for which  
6 he or she is licensed if he or she does not present himself or herself to  
7 be an audiologist or speech-language pathologist or (2) the performance  
8 of audiology or speech-language pathology services in this state by any  
9 person not a resident of this state who is not licensed under the act or  
10 in a member state of the Audiology and Speech-Language Pathology  
11 Interstate Compact, if such services are performed for not more than  
12 thirty days in any calendar year, if such person meets the qualifications  
13 and requirements for application for licensure under the act, if such  
14 person is working under the supervision of a person licensed to practice  
15 speech-language pathology or audiology, and if such person registers with  
16 the board prior to initiation of professional services.

17 Sec. 2. Section 38-515, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 38-515 (1) Every applicant for a license to practice audiology shall  
20 (a)(i) for applicants graduating prior to September 1, 2007, present  
21 proof of a master's degree, a doctoral degree, or the equivalent of a  
22 master's degree or doctoral degree in audiology from an academic program  
23 approved by the board, and (ii) for applicants graduating on or after  
24 September 1, 2007, present proof of a doctoral degree or its equivalent  
25 in audiology, (b) present proof of no less than thirty-six weeks of full-  
26 time professional experience or equivalent half-time professional  
27 experience in audiology, supervised in the area in which licensure is  
28 sought, and (c) successfully complete an examination approved by the  
29 board.

30 (2) Every applicant for a license to practice speech-language  
31 pathology shall (a) present proof of a master's degree, a doctoral

1 degree, or the equivalent of a master's degree or doctoral degree in  
2 speech-language pathology from an academic program approved by the board,  
3 (b) present proof of no less than thirty-six weeks of full-time  
4 professional experience or equivalent half-time professional experience  
5 in speech-language pathology, supervised in the area in which licensure  
6 is sought, and (c) successfully complete an examination approved by the  
7 board.

8 (3) Presentation of official documentation of certification by a  
9 nationwide professional accrediting organization approved by the board  
10 shall be deemed equivalent to the requirements of this section.

11 (4) Every applicant for a privilege to practice audiology or speech-  
12 language pathology under the Audiology and Speech-Language Pathology  
13 Interstate Compact shall present proof of authorization from a member  
14 state, as defined in section 4 of this act, to practice as an audiologist  
15 or speech-language pathologist.

16 Sec. 3. Section 38-1509, Revised Statutes Cumulative Supplement,  
17 2018, is amended to read:

18 38-1509 (1) Except as otherwise provided in this section, no person  
19 shall engage in the sale of or practice of fitting hearing instruments or  
20 display a sign or in any other way advertise or represent himself or  
21 herself as a person who practices the fitting and sale or dispensing of  
22 hearing instruments unless he or she holds an unsuspended, unrevoked  
23 hearing instrument specialist license issued by the department as  
24 provided in the Hearing Instrument Specialists Practice Act. A hearing  
25 instrument specialist license shall confer upon the holder the right to  
26 select, fit, and sell hearing instruments. A person holding a license  
27 issued under the act prior to August 30, 2009, may continue to practice  
28 under such license until it expires under the terms of the license.

29 (2) A licensed audiologist who maintains a practice pursuant to (a)  
30 licensure as an audiologist, or (b) a privilege to practice audiology  
31 under the Audiology and Speech-Language Pathology Interstate Compact, in

1 which hearing instruments are regularly dispensed or who intends to  
2 maintain such a practice shall be exempt from the requirement to be  
3 licensed as a hearing instrument specialist.

4 (3) Nothing in the act shall prohibit a corporation, partnership,  
5 limited liability company, trust, association, or other like organization  
6 maintaining an established business address from engaging in the business  
7 of selling or offering for sale hearing instruments at retail without a  
8 license if it employs only properly licensed natural persons in the  
9 direct sale and fitting of such products.

10 (4) Nothing in the act shall prohibit the holder of a hearing  
11 instrument specialist license from the fitting and sale of wearable  
12 instruments or devices designed for or offered for the purpose of  
13 conservation or protection of hearing.

14 Sec. 4. The State of Nebraska adopts the Audiology and Speech-  
15 Language Pathology Interstate Compact in the form substantially as  
16 follows:

17 Section 1

18 PURPOSE

19 The purpose of this Compact is to facilitate interstate practice of  
20 audiology and speech-language pathology with the goal of improving public  
21 access to audiology and speech-language pathology services. The practice  
22 of audiology and speech-language pathology occurs in the state where the  
23 patient, client, or student is located at the time of the patient,  
24 client, or student encounter. The Compact preserves the regulatory  
25 authority of states to protect public health and safety through the  
26 current system of state licensure.

27 This Compact is designed to achieve the following objectives:

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

31 (2) Enhance the states' ability to protect the public's health and

1 safety;

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

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

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

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

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

12 Section 2

13 DEFINITIONS

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

16 A. Active duty military means full-time duty status in the active  
17 uniformed service of the United States, including members of the National  
18 Guard and Reserve on active duty orders pursuant to 10 U.S.C. 1209 and  
19 1211.

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

26 C. Alternative program means a nondisciplinary monitoring process  
27 approved by an audiology or speech-language pathology licensing board to  
28 address impaired practitioners.

29 D. Audiologist means an individual who is licensed by a state to  
30 practice audiology.

31 E. Audiology means the care and services provided by a licensed

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

2 F. Audiology and Speech-Language Pathology Compact Commission or  
3 Commission means the national administrative body whose membership  
4 consists of all states that have enacted the Compact.

5 G. Audiology and speech-language pathology licensing board,  
6 audiology licensing board, speech-language pathology licensing board, or  
7 licensing board each means the agency of a state that is responsible for  
8 the licensing and regulation of audiologists or speech-language  
9 pathologists.

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

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

22 J. Data system means a repository of information about licensees,  
23 including, but not limited to, continuing education, examination,  
24 licensure, investigative, compact privilege, and adverse action.

25 K. Encumbered license means a license in which an adverse action  
26 restricts the practice of audiology or speech-language pathology by the  
27 licensee and such adverse action has been reported to the National  
28 Practitioners Data Bank.

29 L. Executive Committee means a group of directors elected or  
30 appointed to act on behalf of, and within the powers granted to them by,  
31 the Commission.

1        M. Home state means the member state that is the licensee's primary  
2 state of residence.

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

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

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

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

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

14       S. Rule means a regulation, principle, or directive promulgated by  
15 the Commission that has the force of law.

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

20       U. Speech-language pathologist means an individual who is licensed  
21 by a state to practice speech-language pathology.

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

25       W. State means any state, commonwealth, district, or territory of  
26 the United States that regulates the practice of audiology and speech-  
27 language pathology.

28       X. State practice laws means a member state's laws, rules, and  
29 regulations that govern the practice of audiology or speech-language  
30 pathology, define the scope of audiology or speech-language pathology  
31 practice, and create the methods and grounds for imposing discipline.

1       Y. Telehealth means the application of telecommunication technology  
2 to deliver audiology or speech-language pathology services at a distance  
3 for assessment, intervention, or consultation.

4       Section 3

5       STATE PARTICIPATION IN THE COMPACT

6       A. A license issued to an audiologist or speech-language pathologist  
7 by a home state to a resident in that state shall be recognized by each  
8 member state as authorizing an audiologist or speech-language pathologist  
9 to practice audiology or speech-language pathology, under a privilege to  
10 practice, in each member state.

11       B. A state must implement or utilize procedures for considering the  
12 criminal history records of applicants for initial privilege to practice.  
13 These procedures shall include the submission of fingerprints or other  
14 biometric-based information by applicants for the purpose of obtaining an  
15 applicant's criminal history record information from the Federal Bureau  
16 of Investigation and the agency responsible for retaining that state's  
17 criminal records.

18       1. A member state must fully implement a criminal background check  
19 requirement, within a timeframe established by rule, by receiving the  
20 results of the Federal Bureau of Investigation record search on criminal  
21 background checks and use the results in making licensure decisions.

22       2. Communication between a member state, the Commission, and among  
23 member states regarding the verification of eligibility for licensure  
24 through the Compact shall not include any information received from the  
25 Federal Bureau of Investigation relating to a federal criminal records  
26 check performed by a member state under Public Law 92-544.

27       C. Upon application for a privilege to practice, the licensing board  
28 in the issuing remote state shall ascertain, through the data system,  
29 whether the applicant has ever held, or is the holder of, a license  
30 issued by any other state, whether there are any encumbrances on any  
31 license or privilege to practice held by the applicant, or whether any

1 adverse action has been taken against any license or privilege to  
2 practice held by the applicant.

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

7 E. For an audiologist:

8 1. Must meet one of the following educational requirements:

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

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

23 c. Has graduated from an audiology program that is housed in an  
24 institution of higher education outside of the United States (a) for  
25 which the program and institution have been approved by the authorized  
26 accrediting body in the applicable country and (b) the degree program has  
27 been verified by an independent credentials review agency to be  
28 comparable to a state licensing board-approved program;

29 2. Has completed a supervised clinical practicum experience from an  
30 accredited educational institution or its cooperating programs as  
31 required by the licensing board;

1           3. Has successfully passed a national examination approved by the  
2 Commission;

3           4. Holds an active, unencumbered license;

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

7           6. Has a valid United States Social Security or National  
8 Practitioner Identification number.

9           F. For a speech-language pathologist:

10           1. Must meet one of the following educational requirements:

11           a. Has graduated with a master's degree from a speech-language  
12 pathology program that is accredited by an organization recognized by the  
13 United States Department of Education and operated by a college or  
14 university accredited by a regional or national accrediting organization  
15 recognized by the licensing board; or

16           b. Has graduated from a speech-language pathology program that is  
17 housed in an institution of higher education outside of the United States  
18 (a) for which the program and institution have been approved by the  
19 authorized accrediting body in the applicable country and (b) the degree  
20 program has been verified by an independent credentials review agency to  
21 be comparable to a state licensing board-approved program;

22           2. Has completed a supervised clinical practicum experience from an  
23 educational institution or its cooperating programs as required by the  
24 Commission;

25           3. Has completed a supervised postgraduate professional experience  
26 as required by the Commission;

27           4. Has successfully passed a national examination approved by the  
28 Commission;

29           5. Holds an active, unencumbered license;

30           6. Has not been convicted or found guilty, and has not entered into  
31 an agreed disposition, of a felony related to the practice of speech-

1 language pathology, under applicable state or federal criminal law; and

2 7. Has a valid United States Social Security or National  
3 Practitioner Identification number.

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

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

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

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

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

26 Section 4

27 COMPACT PRIVILEGE

28 A. To exercise the compact privilege under the terms and provisions  
29 of the Compact, the audiologist or speech-language pathologist shall:

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

31 2. Have no encumbrance on any state license;

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

3       4. Have not had any adverse action against any license or compact  
4 privilege within the previous two years from date of application;

5       5. Notify the Commission that the licensee is seeking the compact  
6 privilege within one or more remote states;

7       6. Pay any applicable fees, including any state fee, for the compact  
8 privilege;

9       7. Report to the Commission adverse action taken by any nonmember  
10 state within thirty days from the date the adverse action is taken.

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

14       C. Except as provided in Section 6, if an audiologist or speech-  
15 language pathologist changes primary state of residence by moving between  
16 two member states, the audiologist or speech-language pathologist must  
17 apply for licensure in the new home state, and the license issued by the  
18 prior home state shall be deactivated in accordance with applicable rules  
19 adopted by the Commission.

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

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

27       F. If an audiologist or speech-language pathologist changes primary  
28 state of residence by moving from a member state to a nonmember state,  
29 the license issued by the prior home state shall convert to a single-  
30 state license, valid only in the former home state.

31       G. The compact privilege is valid until the expiration date of the

1 home state license. The licensee must comply with the requirements of  
2 Section 4A to maintain the compact privilege in the remote state.

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

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

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

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

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

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

22 Section 5

23 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

24 Member states shall recognize the right of an audiologist or speech-  
25 language pathologist, licensed by a home state in accordance with Section  
26 3 and under rules promulgated by the Commission, to practice audiology or  
27 speech-language pathology in any member state via telehealth under a  
28 privilege to practice as provided in the Compact and rules promulgated by  
29 the Commission.

30 Section 6

31 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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

7       Section 7

8       ADVERSE ACTIONS

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

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

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

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

27       B. For purposes of taking adverse action, the home state shall give  
28 the same priority and effect to reported conduct received from a member  
29 state as it would if the conduct had occurred within the home state. In  
30 so doing, the home state shall apply its own state laws to determine  
31 appropriate action.

1        C. The home state shall complete any pending investigations of an  
2 audiologist or speech-language pathologist who changes primary state of  
3 residence during the course of the investigations. The home state shall  
4 also have the authority to take appropriate action and shall promptly  
5 report the conclusions of the investigations to the administrator of the  
6 data system. The administrator of the coordinated licensure information  
7 system shall promptly notify the new home state of any adverse action.

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

12        E. Take adverse action based on the factual findings of the remote  
13 state, provided that the home state follows its own procedures for taking  
14 the adverse action.

15        F. Joint Investigations

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

20        2. Member states shall share any investigative, litigation, or  
21 compliance materials in furtherance of any joint or individual  
22 investigation initiated under the Compact.

23        G. If adverse action is taken by the home state against an  
24 audiologist's or speech language pathologist's license, the audiologist's  
25 or speech-language pathologist's privilege to practice in all other  
26 member states shall be deactivated until all encumbrances have been  
27 removed from the state license. All home state disciplinary orders that  
28 impose adverse action against an audiologist's or speech-language  
29 pathologist's license shall include a statement that the audiologist's or  
30 speech-language pathologist's privilege to practice is deactivated in all  
31 member states during the pendency of the order.

1        H. If a member state takes adverse action, it shall promptly notify  
2 the administrator of the data system. The administrator of the data  
3 system shall promptly notify the home state of any adverse actions by  
4 remote states.

5        I. Nothing in this Compact shall override a member state's decision  
6 that participation in an alternative program may be used in lieu of  
7 adverse action.

8        Section 8

9        ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT  
10 COMMISSION

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

14       1. The Commission is an instrumentality of the Compact states.

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

21       3. Nothing in this Compact shall be construed to be a waiver of  
22 sovereign immunity.

23       B. Membership, Voting, and Meetings

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

28       2. An additional five delegates, who are either a public member or  
29 board administrator from a state licensing board, shall be chosen by the  
30 Executive Committee from a pool of nominees provided by the Commission at  
31 large.

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

3           4. The member state board shall fill any vacancy occurring on the  
4 Commission, within ninety days.

5           5. Each delegate shall be entitled to one vote with regard to the  
6 promulgation of rules and creation of bylaws and shall otherwise have an  
7 opportunity to participate in the business and affairs of the Commission.

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

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

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

14           1. Establish the fiscal year of the Commission;

15           2. Establish bylaws;

16           3. Establish a Code of Ethics;

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

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

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

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

27           8. Purchase and maintain insurance and bonds;

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

30           10. Hire employees, elect or appoint officers, fix compensation,  
31 define duties, grant individuals appropriate authority to carry out the

1 purposes of the Compact, and to establish the Commission's personnel  
2 policies and programs relating to conflicts of interest, qualifications  
3 of personnel, and other related personnel matters;

4 11. Accept any and all appropriate donations and grants of money,  
5 equipment, supplies, materials, and services, and to receive, utilize and  
6 dispose of the same; provided that at all times the Commission shall  
7 avoid any appearance of impropriety or conflict of interest;

8 12. Lease, purchase, accept appropriate gifts or donations of, or  
9 otherwise to own, hold, improve or use, any property, real, personal or  
10 mixed; provided that at all times the Commission shall avoid any  
11 appearance of impropriety;

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

14 14. Establish a budget and make expenditures;

15 15. Borrow money;

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

19 17. Provide and receive information from, and cooperate with, law  
20 enforcement agencies;

21 18. Establish and elect an Executive Committee; and

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

25 D. The Executive Committee

26 The Executive Committee shall have the power to act on behalf of the  
27 Commission according to the terms of this Compact:

28 1. The Executive Committee shall be composed of ten members:

29 a. Seven voting members who are elected by the Commission from the  
30 current membership of the Commission;

31 b. Two ex officios, consisting of one nonvoting member from a

1 recognized national audiology professional association and one nonvoting  
2 member from a recognized national speech-language pathology association;  
3 and

4 c. One ex officio, nonvoting member from the recognized membership  
5 organization of the audiology and speech-language pathology licensing  
6 boards.

7 E. The ex officio members shall be selected by their respective  
8 organizations.

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

11 2. The Executive Committee shall meet at least annually.

12 3. The Executive Committee shall have the following duties and  
13 responsibilities:

14 a. Recommend to the entire Commission changes to the rules or  
15 bylaws, changes to this Compact legislation, fees paid by Compact member  
16 states such as annual dues, and any commission Compact fee charged to  
17 licensees for the compact privilege;

18 b. Ensure Compact administration services are appropriately  
19 provided, contractual or otherwise;

20 c. Prepare and recommend the budget;

21 d. Maintain financial records on behalf of the Commission;

22 e. Monitor Compact compliance of member states and provide  
23 compliance reports to the Commission;

24 f. Establish additional committees as necessary; and

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

26 4. Meetings of the Commission

27 All meetings shall be open to the public, and public notice of  
28 meetings shall be given in the same manner as required under the  
29 rulemaking provisions in Section 10.

30 5. The Commission or the Executive Committee or other committees of  
31 the Commission may convene in a closed, nonpublic meeting if the

1 Commission or Executive Committee or other committees of the Commission  
2 must discuss:

3 a. Noncompliance of a member state with its obligations under the  
4 Compact;

5 b. The employment, compensation, discipline or other matters,  
6 practices or procedures related to specific employees or other matters  
7 related to the Commission's internal personnel practices and procedures;

8 c. Current, threatened, or reasonably anticipated litigation;

9 d. Negotiation of contracts for the purchase, lease, or sale of  
10 goods, services, or real estate;

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

12 f. Disclosure of trade secrets or commercial or financial  
13 information that is privileged or confidential;

14 g. Disclosure of information of a personal nature where disclosure  
15 would constitute a clearly unwarranted invasion of personal privacy;

16 h. Disclosure of investigative records compiled for law enforcement  
17 purposes;

18 i. Disclosure of information related to any investigative reports  
19 prepared by or on behalf of or for use of the Commission or other  
20 committee charged with responsibility of investigation or determination  
21 of compliance issues pursuant to the Compact; or

22 j. Matters specifically exempted from disclosure by federal or  
23 member state statute.

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

28 7. The Commission shall keep minutes that fully and clearly describe  
29 all matters discussed in a meeting and shall provide a full and accurate  
30 summary of actions taken, and the reasons therefore, including a  
31 description of the views expressed. All documents considered in

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

5 8. Financing of the Commission

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

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

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

20 9. The Commission shall not incur obligations of any kind prior to  
21 securing the funds adequate to meet the same; nor shall the Commission  
22 pledge the credit of any of the member states, except by and with the  
23 authority of the member state.

24 10. The Commission shall keep accurate accounts of all receipts and  
25 disbursements. The receipts and disbursements of the Commission shall be  
26 subject to the audit and accounting procedures established under its  
27 bylaws. However, all receipts and disbursements of funds handled by the  
28 Commission shall be audited yearly by a certified or licensed public  
29 accountant, and the report of the audit shall be included in and become  
30 part of the annual report of the Commission.

31 F. Qualified Immunity, Defense, and Indemnification

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

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

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

1 misconduct of that person.

2 Section 9

3 DATA SYSTEM

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

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

12 1. Identifying information;

13 2. Licensure data;

14 3. Adverse actions against a license or compact privilege;

15 4. Nonconfidential information related to alternative program  
16 participation;

17 5. Any denial of application for licensure, and any reason for  
18 denial; and

19 6. Other information that may facilitate the administration of this  
20 Compact, as determined by the rules of the Commission.

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

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

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

30 F. Any information submitted to the data system that is subsequently  
31 required to be expunged by the laws of the member state contributing the

1 information shall be removed from the data system.

2 Section 10

3 RULEMAKING

4 A. The Commission shall exercise its rulemaking powers pursuant to  
5 the criteria set forth in this Section and the rules adopted thereunder.  
6 Rules and amendments shall become binding as of the date specified in  
7 each rule or amendment.

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

12 C. Rules or amendments to the rules shall be adopted at a regular or  
13 special meeting of the Commission.

14 D. Prior to promulgation and adoption of a final rule or rules by  
15 the Commission, and at least thirty days in advance of the meeting at  
16 which the rule shall be considered and voted upon, the Commission shall  
17 file a Notice of Proposed Rulemaking:

18 1. On the web site of the Commission or other publicly accessible  
19 platform; and

20 2. On the web site of each member state audiology or speech-language  
21 pathology licensing board or other publicly accessible platform or the  
22 publication in which each state would otherwise publish proposed rules.

23 E. The Notice of Proposed Rulemaking shall include:

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

26 2. The text of the proposed rule or amendment and the reason for the  
27 proposed rule;

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

30 4. The manner in which interested persons may submit notice to the  
31 Commission of their intention to attend the public hearing and any

1 written comments.

2 F. Prior to the adoption of a proposed rule, the Commission shall  
3 allow persons to submit written data, facts, opinions and arguments,  
4 which shall be made available to the public.

5 G. The Commission shall grant an opportunity for a public hearing  
6 before it adopts a rule or amendment if a hearing is requested by:

7 1. At least twenty-five persons;

8 2. A state or federal governmental subdivision or agency; or

9 3. An association having at least twenty-five members.

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

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

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

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

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

27 I. Following the scheduled hearing date, or by the close of business  
28 on the scheduled hearing date if the hearing was not held, the Commission  
29 shall consider all written and oral comments received.

30 J. If no written notice of intent to attend the public hearing by  
31 interested parties is received, the Commission may proceed with

1 promulgation of the proposed rule without a public hearing.

2 K. The Commission shall, by majority vote of all members, take final  
3 action on the proposed rule and shall determine the effective date of the  
4 rule, if any, based on the rulemaking record and the full text of the  
5 rule.

6 L. Upon determination that an emergency exists, the Commission may  
7 consider and adopt an emergency rule without prior notice, opportunity  
8 for comment, or hearing, provided that the usual rulemaking procedures  
9 provided in the Compact and in this section shall be retroactively  
10 applied to the rule as soon as reasonably possible, in no event later  
11 than ninety days after the effective date of the rule. For the purposes  
12 of this provision, an emergency rule is one that must be adopted  
13 immediately in order to:

- 14 1. Meet an imminent threat to public health, safety, or welfare;  
15 2. Prevent a loss of Commission or member state funds; or  
16 3. Meet a deadline for the promulgation of an administrative rule  
17 that is established by federal law or rule.

18 M. The Commission or an authorized committee of the Commission may  
19 direct revisions to a previously adopted rule or amendment for purposes  
20 of correcting typographical errors, errors in format, errors in  
21 consistency, or grammatical errors. Public notice of any revisions shall  
22 be posted on the web site of the Commission. The revision shall be  
23 subject to challenge by any person for a period of thirty days after  
24 posting. The revision may be challenged only on grounds that the revision  
25 results in a material change to a rule. A challenge shall be made in  
26 writing and delivered to the chairperson of the Commission prior to the  
27 end of the notice period. If no challenge is made, the revision shall  
28 take effect without further action. If the revision is challenged, the  
29 revision may not take effect without the approval of the Commission.

30 Section 11

31 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

1           A. Dispute Resolution

2           1. Upon request by a member state, the Commission shall attempt to  
3 resolve disputes related to the Compact that arise among member states  
4 and between member and nonmember states.

5           2. The Commission shall promulgate a rule providing for both  
6 mediation and binding dispute resolution for disputes as appropriate.

7           B. Enforcement

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

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

18           3. The remedies herein shall not be the exclusive remedies of the  
19 Commission. The Commission may pursue any other remedies available under  
20 federal or state law.

21           Section 12

22           DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY  
23 AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL,  
24 AND AMENDMENT

25           A. The Compact shall come into effect on the date on which the  
26 Compact statute is enacted into law in the tenth member state. The  
27 provisions, which become effective at that time, shall be limited to the  
28 powers granted to the Commission relating to assembly and the  
29 promulgation of rules. Thereafter, the Commission shall meet and exercise  
30 rulemaking powers necessary to the implementation and administration of  
31 the Compact.

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

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

8           1. A member state's withdrawal shall not take effect until six  
9 months after enactment of the repealing statute.

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

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

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

22           Section 13

23           CONSTRUCTION AND SEVERABILITY

24           This Compact shall be liberally construed so as to effectuate the  
25 purposes thereof. The provisions of this Compact shall be severable and  
26 if any phrase, clause, sentence, or provision of this Compact is declared  
27 to be contrary to the constitution of any member state or of the United  
28 States or the applicability thereof to any government, agency, person, or  
29 circumstance is held invalid, the validity of the remainder of this  
30 Compact and the applicability thereof to any government, agency, person,  
31 or circumstance shall not be affected thereby. If this Compact shall be

1 held contrary to the constitution of any member state, the Compact shall  
2 remain in full force and effect as to the remaining member states and in  
3 full force and effect as to the member state affected as to all severable  
4 matters.

5 Section 14

6 BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

13 D. All agreements between the Commission and the member states are  
14 binding in accordance with their terms.

15 E. In the event any provision of the Compact exceeds the  
16 constitutional limits imposed on the legislature of any member state, the  
17 provision shall be ineffective to the extent of the conflict with the  
18 constitutional provision in question in that member state.

19 Sec. 5. Original sections 38-513 and 38-515, Reissue Revised  
20 Statutes of Nebraska, and section 38-1509, Revised Statutes Cumulative  
21 Supplement, 2018, are repealed.