

# An Act

ENROLLED SENATE  
BILL NO. 1837

By: Rader of the Senate

and

West (Josh), McDugle,  
Luttrell, Davis and Roberts  
(Sean) of the House

An Act relating to professions and occupations; creating the Audiology and Speech-Language Pathology Interstate Compact; providing purpose; defining terms; providing for state participation in the Compact; providing for Compact privileges; directing state to recognize the practice of audiology or speech-language pathology through telehealth; providing authority for adverse action; providing for joint investigations; establishing the Audiology and Speech-Language Pathology Compact Commission; providing for membership, voting and meetings; providing powers and duties of the Commission; providing for an Executive Committee; providing for qualified immunity, defense, and indemnification; requiring the Commission to develop a database; requiring notice to all member states of any adverse action; providing for confidentiality of information; directing the Commission to promulgate rules; providing for notice of proposed rulemaking; providing for oversight, dispute resolution and enforcement; providing for date of implementation of the Interstate Commission for Audiology and Speech-Language Pathology practice and associated rules, withdrawal and amendment; providing for construction and severability; providing for binding effect of Compact and other laws; providing for codification; and providing an effective date.

SUBJECT: Audiology and Speech-Language Pathology Interstate Compact

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1575 of Title 59, unless there is created a duplication in numbering, reads as follows:

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

1. Increase public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses;
2. Enhance the states' ability to protect the public's health and safety;
3. Encourage the cooperation of member states in regulating multistate audiology and speech-language pathology practice;
4. Support spouses of relocating active duty military personnel;
5. Enhance the exchange of licensure, investigative and disciplinary information between member states;
6. Allow a remote state to hold a provider of services with a Compact privilege in that state accountable to that state's practice standards; and

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1576 of Title 59, unless there is created a duplication in numbering, reads as follows:

As used in this Compact:

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

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

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

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

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

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

7. "Audiology and speech-language pathology licensing board", "audiology licensing board", "speech-language pathology licensing board" or "licensing board" means the agency of a state that is

responsible for the licensing and regulation of audiologists and/or speech-language pathologists;

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

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

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

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

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

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

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

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

16. "Member state" means a state that has enacted the Compact;
17. "Privilege to practice" means a legal authorization permitting the practice of audiology or speech-language pathology in a remote state;
18. "Remote state" means a member state other than the home state where a licensee is exercising or seeking to exercise the Compact privilege;
19. "Rule" means a regulation, principle or directive promulgated by the Commission that has the force of law;
20. "Single-state license" means an audiology or speech language pathology license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state;
21. "Speech-language pathologist" means an individual who is licensed by a state to practice speech-language pathology;
22. "Speech-language pathology" means the care and services provided by a licensed speech-language pathologist as set forth in the member state's statutes and rules;
23. "State" means any state, commonwealth, district or territory of the United States of America that regulates the practice of audiology and speech-language pathology;
24. "State practice laws" means a member state's laws, rules and regulations that govern the practice of audiology or speech language pathology, define the scope of audiology or speech-language pathology practice, and create the methods and grounds for imposing discipline; and
25. "Telehealth" means the application of telecommunication technology to deliver audiology or speech-language pathology services at a distance for assessment, intervention and/or consultation.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1577 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. 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.

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

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

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

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

D. Each member state shall require an applicant to obtain or retain a license in the home state and meet the home state's

qualifications for licensure or renewal of licensure, as well as, all other applicable state laws.

E. An audiologist applicant shall:

1. Meet one of the following educational requirements:

- a. on or before, December 31, 2007, has graduated with a master's degree or doctorate in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board,
- b. on or after, January 1, 2008, has graduated with a Doctoral degree in audiology, or equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board, or
- c. has graduated from an audiology program that is housed in an institution of higher education outside of the United States:
  - (1) for which the program and institution have been approved by the authorized accrediting body in the applicable country, and
  - (2) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program;

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

3. Have successfully passed a national examination approved by the Commission;

4. Hold an active, unencumbered license;

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

6. Have a valid United States social security or National Practitioner Identification number.

F. A speech-language pathologist applicant shall:

1. Meet one of the following educational requirements:

a. has graduated with a master's degree from a speech language pathology program that is accredited by an organization recognized by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board, or

b. has graduated from a speech-language pathology program that is housed in an institution of higher education outside of the United States:

(1) for which the program and institution have been approved by the authorized accrediting body in the applicable country, and

(2) the degree program has been verified by an independent credentials review agency to be comparable to a state-licensing-board-approved program;



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

3. Have completed a supervised postgraduate professional experience as required by the Commission;

4. Have successfully passed a national examination approved by the Commission;

5. Hold an active, unencumbered license;

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

7. Have a valid United States social security or National Practitioner Identification number.

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

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

I. Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech-language

pathology in any other member state. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single-state license.

J. Member states may charge a fee for granting a Compact privilege.

K. Member states shall comply with the bylaws and rules and regulations of the Commission.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1578 of Title 59, unless there is created a duplication in numbering, reads as follows:

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

1. Hold an active license in the home state;
2. Have no encumbrance on any state license;
3. Be eligible for a compact privilege in any member state in accordance with Section 3 of this act;
4. Have not had any adverse action against any license or Compact privilege within the previous two (2) years from date of application;
5. Notify the Commission that the licensee is seeking the Compact privilege within a remote state(s);
6. Pay any applicable fees, including any state fee, for the Compact privilege; and
7. Report to the Commission adverse action taken by any nonmember state within thirty (30) days from the date the adverse action is taken.

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

