

**SUBSTITUTE FOR
HOUSE BILL NO. 4509**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16801 and 17601 (MCL 333.16801 and 333.17601),
section 16801 as added by 2004 PA 97 and section 17601 as amended
by 2016 PA 238, and by adding sections 16187c, 16804, and 17603a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 16187c. (1) The audiology and speech-language pathology**
2 **interstate compact is enacted into law and entered into by this**
3 **state as a party with all jurisdictions that legally join in the**
4 **compact, in the form substantially as follows:**

5 **SECTION 1: PURPOSE**

6 **The purpose of this compact is to facilitate interstate**
7 **practice of audiology and speech-language pathology with the goal**

1 of improving public access to audiology and speech-language
2 pathology services. The practice of audiology and speech-language
3 pathology occurs in the state where the patient/client/student is
4 located at the time of the patient/client/student encounter. The
5 compact preserves the regulatory authority of states to protect
6 public health and safety through the current system of state
7 licensure.

8 This compact is designed to achieve the following objectives:

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

12 2. Enhance the states' ability to protect the public's health
13 and safety;

14 3. Encourage the cooperation of member states in regulating
15 multistate audiology and speech-language pathology practice;

16 4. Support spouses of relocating active duty military
17 personnel;

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

20 6. Allow a remote state to hold a provider of services with a
21 compact privilege in that state accountable to that state's
22 practice standards; and

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

26 SECTION 2: DEFINITIONS

27 As used in this compact, and except as otherwise provided, the
28 following definitions shall apply:

29 A. "Active duty military" means full-time duty status in the

1 active uniformed service of the United States, including members of
2 the National Guard and Reserve on active duty orders pursuant to 10
3 U.S.C. Chapter 1209 and 1211.

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

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

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

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

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

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

28 H. "Compact privilege" means the authorization granted by a
29 remote state to allow a licensee from another member state to

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

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

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

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

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

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

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

28 O. "Licensee" means an individual who currently holds an
29 authorization from the state licensing board to practice as an

1 audiologist or speech-language pathologist.

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

3 Q. "Privilege to practice" means a legal authorization
4 permitting the practice of audiology or speech-language pathology
5 in a remote state.

6 R. "Remote state" means a member state other than the home
7 state where a licensee is exercising or seeking to exercise the
8 compact privilege.

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

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

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

17 V. "Speech-language pathology" means the care and services
18 provided by a licensed speech-language pathologist as set forth in
19 the member state's statutes and rules.

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

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

28 Y. "Telehealth" means the application of telecommunication
29 technology to deliver audiology or speech-language pathology

1 services at a distance for assessment, intervention and/or
2 consultation.

3 SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

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

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

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

29 C. Upon application for a privilege to practice, the licensing

1 board in the issuing remote state shall ascertain, through the data
2 system, whether the applicant has ever held, or is the holder of, a
3 license issued by any other state, whether there are any
4 encumbrances on any license or privilege to practice held by the
5 applicant, whether any adverse action has been taken against any
6 license or privilege to practice held by the applicant.

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

11 E. For an audiologist:

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

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

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

28 c. Has graduated from an audiology program that is housed in
29 an institution of higher education outside of the United States (a)

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

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

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

11 4. Holds an active, unencumbered license;

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

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

17 F. For a speech-language pathologist:

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

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

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

1 licensing board-approved program.

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

5 3. Has completed a supervised postgraduate professional
6 experience as required by the Commission;

7 4. Has successfully passed a national examination approved by
8 the Commission;

9 5. Holds an active, unencumbered license;

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

14 7. Has a valid United States Social Security or National
15 Practitioner Identification number.

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

18 H. An audiologist or speech-language pathologist practicing in
19 a member state must comply with the state practice laws of the
20 state in which the client is located at the time service is
21 provided. The practice of audiology and speech-language pathology
22 shall include all audiology and speech-language pathology practice
23 as defined by the state practice laws of the member state in which
24 the client is located. The practice of audiology and speech-
25 language pathology in a member state under a privilege to practice
26 shall subject an audiologist or speech-language pathologist to the
27 jurisdiction of the licensing board, the courts and the laws of the
28 member state in which the client is located at the time service is
29 provided.

1 I. Individuals not residing in a member state shall continue
2 to be able to apply for a member state's single-state license as
3 provided under the laws of each member state. However, the single-
4 state license granted to these individuals shall not be recognized
5 as granting the privilege to practice audiology or speech-language
6 pathology in any other member state. Nothing in this compact shall
7 affect the requirements established by a member state for the
8 issuance of a single-state license.

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

11 K. Member states must comply with the bylaws and rules and
12 regulations of the commission.

13 SECTION 4. COMPACT PRIVILEGE

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

- 17 1. Hold an active license in the home state;
- 18 2. Have no encumbrance on any state license;
- 19 3. Be eligible for a compact privilege in any member state in
20 accordance with Section 3;
- 21 4. Have not had any adverse action against any license or
22 compact privilege within the previous 2 years from date of
23 application;
- 24 5. Notify the commission that the licensee is seeking the
25 compact privilege within a remote state(s);
- 26 6. Pay any applicable fees, including any state fee, for the
27 compact privilege;
- 28 7. Report to the commission adverse action taken by any non-
29 member state within 30 days from the date the adverse action is

1 taken.

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

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

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

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

19 F. If an audiologist or speech-language pathologist changes
20 primary state of residence by moving from a member state to a non-
21 member state, the license issued by the prior home state shall
22 convert to a single-state license, valid only in the former home
23 state.

24 G. The compact privilege is valid until the expiration date of
25 the home state license. The licensee must comply with the
26 requirements of Section 4A to maintain the compact privilege in the
27 remote state.

28 H. A licensee providing audiology or speech-language pathology
29 services in a remote state under the compact privilege shall

1 function within the laws and regulations of the remote state.

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

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

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

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

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

20 SECTION 5. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

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

27 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

28 Active duty military personnel, or their spouse, shall
29 designate a home state where the individual has a current license

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

6 SECTION 7. ADVERSE ACTIONS

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

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

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

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

27 B. For purposes of taking adverse action, the home state shall
28 give the same priority and effect to reported conduct received from
29 a member state as it would if the conduct had occurred within the

1 home state. In so doing, the home state shall apply its own state
2 laws to determine appropriate action.

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

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

16 E. The member state may take adverse action based on the
17 factual findings of the remote state, provided that the member
18 state follows the member state's own procedures for taking the
19 adverse action.

20 F. Joint Investigations

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

25 2. Member states shall share any investigative, litigation, or
26 compliance materials in furtherance of any joint or individual
27 investigation initiated under the compact.

28 G. If adverse action is taken by the home state against an
29 audiologist's or speech-language pathologist's license, the

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

9 H. If a member state takes adverse action, it shall promptly
10 notify the administrator of the data system. The administrator of
11 the data system shall promptly notify the home state of any adverse
12 actions by remote states.

13 I. Nothing in this compact shall override a member state's
14 decision that participation in an alternative program may be used
15 in lieu of adverse action.

16 SECTION 8. ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE
17 PATHOLOGY COMPACT COMMISSION

18 A. The compact member states hereby create and establish a
19 joint public agency known as the audiology and speech-language
20 pathology compact commission:

21 1. The commission is an instrumentality of the compact states.

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

28 3. Nothing in this compact shall be construed to be a waiver
29 of sovereign immunity.

1 B. Membership, voting and meetings

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

6 2. An additional five (5) delegates, who are either a public
7 member or board administrator from a state licensing board, shall
8 be chosen by the executive committee from a pool of nominees
9 provided by the commission at large.

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

13 4. The member state board shall fill any vacancy occurring on
14 the commission, within 90 days.

15 5. Each delegate shall be entitled to one (1) vote with regard
16 to the promulgation of rules and creation of bylaws and shall
17 otherwise have an opportunity to participate in the business and
18 affairs of the commission.

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

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

26 C. The commission shall have the following powers and duties:

- 27 1. Establish the fiscal year of the commission;
28 2. Establish bylaws;
29 3. Establish a Code of Ethics;

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

3 5. Meet and take actions as are consistent with the provisions
4 of this compact and the bylaws;

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

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

13 8. Purchase and maintain insurance and bonds;

14 9. Borrow, accept, or contract for services of personnel,
15 including, but not limited to, employees of a 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 relating
20 to conflicts of interest, qualifications of personnel, and other
21 related personnel matters;

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

27 12. Lease, purchase, accept appropriate gifts or donations of,
28 or otherwise to own, hold, improve or use, any property, real,
29 personal or mixed; provided that at all times the commission shall

1 avoid any appearance of impropriety;

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

4 14. Establish a budget and make expenditures;

5 15. Borrow money;

6 16. Appoint committees, including standing committees composed
7 of members, and other interested persons as may be designated in
8 this compact and the bylaws;

9 17. Provide and receive information from, and cooperate with,
10 law enforcement agencies;

11 18. Establish and elect an executive committee; and

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

16 D. The Executive committee

17 The executive committee shall have the power to act on behalf
18 of the commission according to the terms of this compact:

19 1. The Executive Committee shall be composed of ten (10)
20 members:

21 a. Seven (7) voting members who are elected by the commission
22 from the current membership of the commission;

23 b. Two (2) ex-officios, consisting of one nonvoting member
24 from a recognized national audiology professional association and
25 one nonvoting member from a recognized national speech-language
26 pathology association; and

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

1 E. The ex-officio members shall be selected by their
2 respective organizations.

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

5 2. The executive committee shall meet at least annually.

6 3. The executive committee shall have the following duties and
7 responsibilities:

8 a. Recommend to the entire commission changes to the rules or
9 bylaws, changes to this compact legislation, fees paid by compact
10 member states such as annual dues, and any commission compact fee
11 charged to licensees for the compact privilege;

12 b. Ensure compact administration services are appropriately
13 provided, contractual or otherwise;

14 c. Prepare and recommend the budget;

15 d. Maintain financial records on behalf of the commission;

16 e. Monitor compact compliance of member states and provide
17 compliance reports to the commission;

18 f. Establish additional committees as necessary; and

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

20 4. Meetings of the commission

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

24 5. The commission or the executive committee or other
25 committees of the commission may convene in a closed, non-public
26 meeting if the commission or executive committee or other
27 committees of the commission must discuss:

28 a. Non-compliance of a member state with its obligations under
29 the compact;

1 b. The employment, compensation, discipline or other matters,
2 practices or procedures related to specific employees or other
3 matters related to the commission's internal personnel practices
4 and procedures;

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

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

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

10 f. Disclosure of trade secrets or commercial or financial
11 information that is privileged or confidential;

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

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

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

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

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

27 7. The commission shall keep minutes that fully and clearly
28 describe all matters discussed in a meeting and shall provide a
29 full and accurate summary of actions taken, and the reasons

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

7 8. Financing of the commission

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

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

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

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

27 10. The commission shall keep accurate accounts of all
28 receipts and disbursements. The receipts and disbursements of the
29 commission shall be subject to the audit and accounting procedures

1 established under its bylaws. However, all receipts and
2 disbursements of funds handled by the commission shall be audited
3 yearly by a certified or licensed public accountant, and the report
4 of the audit shall be included in and become part of the annual
5 report of the commission.

6 F. Qualified immunity, defense, and indemnification

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

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

1 willful or wanton misconduct.

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

12 SECTION 9. DATA SYSTEM

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

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

- 22 1. Identifying information;
- 23 2. Licensure data;
- 24 3. Adverse actions against a license or compact privilege;
- 25 4. Non-confidential information related to alternative program
26 participation;
- 27 5. Any denial of application for licensure, and the reason(s)
28 for denial; and
- 29 6. Other information that may facilitate the administration of

1 this compact, as determined by the rules of the commission.

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

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

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

12 F. Any information submitted to the data system that is
13 subsequently required to be expunged by the laws of the member
14 state contributing the information shall be removed from the data
15 system.

16 SECTION 10. RULEMAKING

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

21 B. If a majority of the legislatures of the member states
22 rejects a rule, by enactment of a statute or resolution in the same
23 manner used to adopt the compact within 4 years of the date of
24 adoption of the rule, the rule shall have no further force and
25 effect in any member state.

26 C. Rules or amendments to the rules shall be adopted at a
27 regular or special meeting of the commission.

28 D. Prior to promulgation and adoption of a final rule or rules
29 by the commission, and at least thirty (30) days in advance of the

1 meeting at which the rule shall be considered and voted upon, the
2 commission shall file a notice of proposed rulemaking:

3 1. On the website of the commission or other publicly
4 accessible platform; and

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

9 E. The notice of proposed rulemaking shall include:

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

12 2. The text of the proposed rule or amendment and the reason
13 for the proposed rule;

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

16 4. The manner in which interested persons may submit notice to
17 the commission of their intention to attend the public hearing and
18 any written comments.

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

22 G. The commission shall grant an opportunity for a public
23 hearing before it adopts a rule or amendment if a hearing is
24 requested by:

25 1. At least twenty-five (25) persons;

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

27 3. An association having at least twenty-five (25) members.

28 H. If a hearing is held on the proposed rule or amendment, the
29 commission shall publish the place, time, and date of the scheduled

1 public hearing. If the hearing is held via electronic means, the
2 commission shall publish the mechanism for access to the electronic
3 hearing.

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

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

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

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

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

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

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

28 L. Upon determination that an emergency exists, the commission
29 may consider and adopt an emergency rule without prior notice,

1 opportunity for comment, or hearing, provided that the usual
2 rulemaking procedures provided in the compact and in this section
3 shall be retroactively applied to the rule as soon as reasonably
4 possible, in no event later than ninety (90) days after the
5 effective date of the rule. For the purposes of this provision, an
6 emergency rule is one that must be adopted immediately in order to:

7 1. Meet an imminent threat to public health, safety, or
8 welfare;

9 2. Prevent a loss of commission or member state funds; or

10 3. Meet a deadline for the promulgation of an administrative
11 rule that is established by federal law or rule.

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

25 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

26 A. Dispute resolution

27 1. Upon request by a member state, the commission shall
28 attempt to resolve disputes related to the compact that arise among
29 member states and between member and non-member states.

1 2. The commission shall promulgate a rule providing for both
2 mediation and binding dispute resolution for disputes as
3 appropriate.

4 B. Enforcement

5 1. The commission, in the reasonable exercise of its
6 discretion, shall enforce the provisions and rules of this compact.

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

16 3. The remedies herein shall not be the exclusive remedies of
17 the commission. The commission may pursue any other remedies
18 available under federal or state law.

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

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

29 B. Any state that joins the compact subsequent to the

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

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

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

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

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

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

24 SECTION 13. CONSTRUCTION AND SEVERABILITY

25 This compact shall be liberally construed so as to effectuate
26 the purposes thereof. The provisions of this compact shall be
27 severable and if any phrase, clause, sentence or provision of this
28 compact is declared to be contrary to the constitution of any
29 member state or of the United States or the applicability thereof

1 to any government, agency, person or circumstance is held invalid,
 2 the validity of the remainder of this compact and the applicability
 3 thereof to any government, agency, person or circumstance shall not
 4 be affected thereby. If this compact shall be held contrary to the
 5 constitution of any member state, the compact shall remain in full
 6 force and effect as to the remaining member states and in full
 7 force and effect as to the member state affected as to all
 8 severable matters.

9 SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

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

24 (2) As used in this article, subsection (1) may be cited as
 25 the "audiology and speech-language pathology interstate compact".

26 Sec. 16801. (1) As used in this part:

27 (a) "Audiologist" means an individual **who is** licensed **or**
 28 **otherwise authorized** under this article to engage in the practice
 29 of audiology.

1 (b) "Practice of audiology" means the nonmedical and
2 nonsurgical application of principles, methods, and procedures
3 related to disorders of hearing, including all of the following:

4 (i) Facilitating the conservation of auditory system function.

5 (ii) Developing and implementing hearing conservation programs.

6 (iii) Preventing, identifying, and assessing hearing disorders
7 of the peripheral and central auditory system.

8 (iv) Selecting, fitting, and dispensing ~~of~~-amplification
9 systems, including hearing aids and related devices, and providing
10 training for their use.

11 (v) Providing auditory training, consulting, education, and
12 speech reading to individuals with hearing disorders.

13 (vi) Administering and interpreting tests of vestibular
14 function and tinnitus in compliance with section 16809 and in
15 adherence to the mandate of subsection (2).

16 (vii) Routine cerumen removal from the cartilaginous portion of
17 the external ear in otherwise healthy ears except that if the
18 audiologist, while engaged in routine cerumen removal, discovers
19 any trauma, including, but not limited to, continuous uncontrolled
20 bleeding, lacerations, or other traumatic injuries, ~~he or she~~ **the**
21 **audiologist** shall, as soon as practically possible, refer the
22 patient to ~~a person~~ **an individual who is** licensed **to engage** in the
23 practice of medicine or osteopathic medicine and surgery.

24 (viii) Speech and language screening limited to a pass-fail
25 determination for the purpose of identification of individuals with
26 disorders of communication.

27 (2) Practice of audiology does not include the practice of
28 medicine or osteopathic medicine and surgery or medical diagnosis
29 or treatment.

1 (3) In addition to the definitions in this part, article 1
2 contains general definitions and principles of construction
3 applicable to all articles in this code and part 161 contains
4 definitions applicable to this part.

5 **Sec. 16804. (1) An individual who holds a compact privilege to**
6 **practice audiology as an audiologist under the audiology and**
7 **speech-language pathology interstate compact is authorized to**
8 **engage in the practice of audiology under this article.**

9 **(2) For purposes of this article, including the obligations of**
10 **an individual who is licensed as an audiologist, an individual who**
11 **holds a compact privilege to practice audiology as an audiologist**
12 **under the audiology and speech-language pathology interstate**
13 **compact is considered an audiologist who is licensed under this**
14 **part.**

15 Sec. 17601. (1) As used in this part:

16 (a) "Practice of speech-language pathology", subject to
17 subsection (2), means the application of principles, methods, and
18 procedures related to the development of disorders of human
19 communication including the following:

20 (i) Identifying by history or nonmedical physical examination,
21 assessing, treating with therapy, rehabilitating, and preventing
22 disorders of speech, voice, and language.

23 (ii) Identifying by history or nonmedical physical examination,
24 assessing, treating with therapy, rehabilitating, and preventing
25 disorders of oral-pharyngeal function and disorders related to
26 swallowing dysfunction.

27 (iii) Identifying by history or nonmedical physical examination,
28 assessing, treating with therapy, rehabilitating, and preventing
29 cognitive-communicative disorders.

(iv) Assessing, selecting, and developing augmentative and alternative communication systems and providing training in their use.

(v) Providing speech-language treatment or therapy and related counseling services to deaf, deafblind, and hard of hearing ~~persons~~ **individuals** and their families.

(vi) Enhancing speech-language proficiency and communication effectiveness.

(vii) Screening of hearing for the purpose of speech-language assessment ~~provided that if~~ judgments and descriptive statements about **the** results of that screening are limited to pass-fail determinations.

(b) "Speech-language pathologist" means an individual who is ~~engaged~~ **licensed or otherwise authorized under this article to engage** in the practice of speech-language pathology.

(2) Practice of speech-language pathology does not include either of the following:

(a) The practice of medicine or osteopathic medicine and surgery or medical diagnosis, medical management with medication, surgical interventions, ordering medical testing, or medical treatment.

(b) The fitting and dispensing of hearing aids under article 13 of the occupational code, 1980 PA 299, MCL 339.1301 to 339.1309.

(3) In addition to the definitions in this part, article 1 contains general definitions and principles of construction applicable to all articles in this act and part 161 contains definitions applicable to this part.

Sec. 17603a. (1) An individual who holds a compact privilege to practice speech-language pathology as a speech-language

1 pathologist under the audiology and speech-language pathology
2 interstate compact is authorized to engage in the practice of
3 speech-language pathology under this article.

4 (2) For purposes of this article, including the obligations of
5 an individual who is licensed as a speech-language pathologist, an
6 individual who holds a compact privilege to practice speech-
7 language pathology as a speech-language pathologist under the
8 audiology and speech-language pathology interstate compact is
9 considered a speech-language pathologist who is licensed under this
10 part.

11 Enacting Section 1. This amendatory act takes effect 1 year
12 after the date it is enacted into law.