



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2565/1
MED:skw

2023 SENATE BILL 197

April 3, 2023 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Health.

1 **AN ACT** *to renumber and amend* 440.03 (13) (c) and 459.24 (3m); *to amend*
2 45.40 (1g) (a), 46.297 (2) (a), 46.298, 146.81 (1) (hm), 146.997 (1) (d) 12., 252.14
3 (1) (ar) 8., 440.03 (9) (a) (intro.), 440.03 (9) (a) 2., 440.03 (13) (b) (intro.), 440.15,
4 450.10 (3) (a) 11., 459.22 (2) (b), 459.24 (1) (a), 459.24 (1) (b), 459.34 (2) (intro.),
5 459.34 (2m) (a) (intro.), 459.34 (2m) (b), 459.34 (2m) (c), 459.34 (3) and 632.895
6 (16) (b) 1. a.; and *to create* 14.897, 440.03 (11m) (c) 2w., 440.03 (13) (c) 1. i.,
7 459.20 (2k), 459.20 (2m), 459.20 (3v), 459.24 (3c), 459.24 (3e), 459.30 and
8 subchapter III of chapter 459 [precedes 459.70] of the statutes; **relating to:**
9 ratification of the Audiology and Speech-Language Pathology Interstate
10 Compact, extending the time limit for emergency rule procedures, providing an
11 exemption from emergency rule procedures, and granting rule-making
12 authority.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

SENATE BILL 197

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Study Committee on Occupational Licenses.

This bill ratifies and enters Wisconsin into the Audiology and Speech-Language Pathology Interstate Compact (compact), which allows a speech-language pathologist or audiologist licensed in one member state (licensee) to obtain a "compact privilege" to practice in a remote state without obtaining a license in that remote state. Significant provisions of the compact include the following:

1. Creation of an Audiology and Speech-Language Pathology Compact Commission (commission), which includes two members of the licensure boards of each member state. The commission oversees administration of the compact, enforces the compact, adopts bylaws, promulgates binding rules for the compact, hires employees and elects or appoints officers, establishes and elects an executive committee, and has various other powers and duties. The commission may levy and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff.

2. A process by which a licensee may obtain a compact privilege in another member state, which is also referred to in the compact as a privilege to practice. A licensee practicing in a remote state under a compact privilege is subject to that state's regulatory authority. A remote state may take action against a licensee's compact privilege in the remote state, at which point the licensee is not eligible for a compact privilege in any state until certain criteria are met. The state of the licensee's primary residence, however, has the exclusive authority to impose adverse action against a license issued by that state. Member states may charge a fee for granting a compact privilege.

3. The ability for member state licensure boards to conduct joint investigations of licensees and the ability of member states to issue subpoenas that are enforceable in other states.

4. Creation of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states. A member state must submit a uniform data set to the data system on all individuals to whom the compact is applicable.

5. Various provisions regarding resolutions of disputes between member states and between member and nonmember states.

Since the compact has already been enacted by the minimum number of states required for it to become active, the compact becomes effective in this state upon enactment of the bill. The compact provides that it may be amended upon enactment of an amendment by all member states. A state may withdraw from the compact by repealing the statute authorizing the compact, but the compact provides that a withdrawal does not take effect until six months after the effective date of that repeal.

1 **SECTION 1.** 14.897 of the statutes is created to read:

2 **14.897 Audiology and speech-language pathology licensure compact.**

3 There is created an audiology and speech-language pathology compact commission

4 as specified in s. 459.70. The delegates of the commission representing this state

SENATE BILL 197

1 shall be individuals described in s. 459.70 (8) (b) 1. The commission has the powers
2 and duties granted and imposed under s. 459.70.

3 **SECTION 2.** 45.40 (1g) (a) of the statutes is amended to read:

4 45.40 (1g) (a) "Health care provider" means an advanced practice nurse
5 prescriber certified under s. 441.16 (2), an audiologist who is licensed under subch.
6 II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, a dentist
7 licensed under ch. 447, an optometrist licensed under ch. 449, a physician licensed
8 under s. 448.02, or a podiatrist licensed under s. 448.63.

9 **SECTION 3.** 46.297 (2) (a) of the statutes is amended to read:

10 46.297 (2) (a) The person is certified as deaf or severely hearing impaired by
11 a physician, an audiologist who is licensed under subch. II of ch. 459 or who holds a
12 compact privilege under subch. III of ch. 459, or the department.

13 **SECTION 4.** 46.298 of the statutes is amended to read:

14 **46.298 Vehicle sticker for the hearing impaired.** Upon the request of a
15 person who is certified as hearing impaired by the department, by a physician, by a
16 hearing instrument specialist licensed under subch. I of ch. 459, or by an audiologist
17 who is licensed under subch. II of ch. 459 or who holds a compact privilege under
18 subch. III of ch. 459, the department shall issue to the person a decal or sticker for
19 display on a motor vehicle owned or frequently operated by the person to apprise law
20 enforcement officers of the fact that the vehicle is owned or operated by a
21 hearing-impaired person. No charge shall be made for issuance of the decal or
22 sticker. The department shall specify the design of the decal or sticker. The
23 department shall designate the location on the vehicle at which the decal or sticker
24 shall be affixed by its own adhesive.

25 **SECTION 5.** 146.81 (1) (hm) of the statutes is amended to read:

SENATE BILL 197**SECTION 5**

1 146.81 (1) (hm) A speech-language pathologist or audiologist who is licensed
2 under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459,
3 or a speech and language pathologist licensed by the department of public
4 instruction.

5 **SECTION 6.** 146.997 (1) (d) 12. of the statutes is amended to read:

6 146.997 (1) (d) 12. A speech-language pathologist or audiologist who is
7 licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III
8 of ch. 459, or a speech and language pathologist licensed by the department of public
9 instruction.

10 **SECTION 7.** 252.14 (1) (ar) 8. of the statutes is amended to read:

11 252.14 (1) (ar) 8. A speech-language pathologist or audiologist who is licensed
12 under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459,
13 or a speech and language pathologist licensed by the department of public
14 instruction.

15 **SECTION 8.** 440.03 (9) (a) (intro.) of the statutes is amended to read:

16 440.03 (9) (a) (intro.) Subject to pars. (b) and (c) and s. 458.33 (2) (b) and (5),
17 the department shall, biennially, determine each fee for an initial credential for
18 which no examination is required, for a reciprocal credential, and for a credential
19 renewal and any fees imposed under ss. 448.986 (2) ~~and~~, 448.9875 (2), and 459.71 (2)
20 by doing all of the following:

21 **SECTION 9.** 440.03 (9) (a) 2. of the statutes is amended to read:

22 440.03 (9) (a) 2. Not later than January 31 of each odd-numbered year,
23 adjusting for the succeeding fiscal biennium each fee for an initial credential for
24 which an examination is not required, for a reciprocal credential, and, subject to s.
25 440.08 (2) (a), for a credential renewal, and any fees imposed under ss. 448.986 (2)

SENATE BILL 197

1 and, 448.9875 (2), and 459.71 (2), if an adjustment is necessary to reflect the
2 approximate administrative and enforcement costs of the department that are
3 attributable to the regulation of the particular occupation or business during the
4 period in which the initial or reciprocal credential, credential renewal, or compact
5 privilege is in effect and, for purposes of each fee for a credential renewal, to reflect
6 an estimate of any additional moneys available for the department's general
7 program operations as a result of appropriation transfers that have been or are
8 estimated to be made under s. 20.165 (1) (i) during the fiscal biennium in progress
9 at the time of the deadline for an adjustment under this subdivision or during the
10 fiscal biennium beginning on the July 1 immediately following the deadline for an
11 adjustment under this subdivision.

12 **SECTION 10.** 440.03 (11m) (c) 2w. of the statutes is created to read:

13 440.03 (11m) (c) 2w. The coordinated database and reporting system under s.
14 459.70 (9), if such disclosure is required under the audiology and speech-language
15 pathology interstate compact under s. 459.70.

16 **SECTION 11.** 440.03 (13) (b) (intro.) of the statutes is amended to read:

17 440.03 (13) (b) (intro.) The department may investigate whether an applicant
18 for or holder of any of the following credentials has been charged with or convicted
19 of a crime only pursuant to rules promulgated by the department under this
20 paragraph, including rules that establish the criteria that the department will use
21 to determine whether an investigation under this paragraph is necessary, except as
22 provided in par. (c) and ss. 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4.,
23 448.987 (3) (a) 5. a. and (5) (b) 2. a., and 455.50 (3) (e) 4. and (f) 4., and 459.70 (3) (b)
24 2.

SENATE BILL 197**SECTION 12**

1 **SECTION 12.** 440.03 (13) (c) of the statutes is renumbered 440.03 (13) (c) 1.
2 (intro.) and amended to read:

3 440.03 **(13)** (c) 1. (intro.) The department shall require an all of the following
4 to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete
5 set of the person's fingerprints:

6 a. An applicant for a private detective license or a private security permit under
7 s. 440.26, an.

8 b. An applicant for a juvenile martial arts instructor permit under sub. (17),
9 an.

10 c. An applicant for a real estate appraiser certification under s. 458.06 or
11 license under s. 458.08, an.

12 d. An applicant for a multistate license under s. 441.06 (1c) or 441.10 (1c), an.

13 e. An applicant for a compact license under s. 448.05 (2) (f), an.

14 f. An applicant for a physical therapist license under s. 448.53 or physical
15 therapist assistant license under s. 448.535, an.

16 g. An applicant for an occupational therapist or occupational therapy assistant
17 compact privilege under s. 448.987 (4), and an applicant for an occupational
18 therapist or occupational therapy assistant license described in s. 448.987 (5) (b) 2.
19 a., an

20 h. An applicant for a psychologist license under s. 455.04, and a.

21 z. A person for whom the department conducts an investigation under par. (b),
22 to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete
23 set of the person's fingerprints.

24 2. The department of justice may submit the fingerprint cards, and the
25 department of justice shall submit the fingerprint cards of all applicants for a real

SENATE BILL 197

1 ~~estate appraiser certification under s. 458.06 or license under s. 458.08, of all~~
2 ~~applicants for a multistate license under s. 441.06 (1c) or 441.10 (1c), of all applicants~~
3 ~~for a compact license under s. 448.05 (2) (f), of all applicants for a physical therapist~~
4 ~~license under s. 448.53 or a physical therapist assistant license under s. 448.535, and~~
5 ~~of all applicants for a psychologist license under s. 455.04 identified in subd. 1. c. to~~
6 ~~i., to the federal bureau of investigation for the purpose of verifying the identity of~~
7 ~~the persons fingerprinted and obtaining records of their criminal arrests and~~
8 ~~convictions.~~

9 3. Information obtained from the federal bureau of investigation may be shared
10 with the department or the appropriate credentialing board, but shall otherwise be
11 kept confidential and is not subject to disclosure under s. 19.35.

12 **SECTION 13.** 440.03 (13) (c) 1. i. of the statutes is created to read:

13 440.03 (13) (c) 1. i. An applicant for an audiologist or speech-language
14 pathologist license or compact privilege under s. 459.24 when required pursuant to
15 the audiology and speech-language pathology interstate compact under s. 459.70.

16 **SECTION 14.** 440.15 of the statutes is amended to read:

17 **440.15 No fingerprinting.** Except as provided under ss. 440.03 (13) (c),
18 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b)
19 2. a., 450.071 (3) (c) 9., 450.075 (3) (c) 9., ~~and 455.50 (3) (e) 4. and (f) 4.,~~ and 459.70
20 (3) (b) 1., the department or a credentialing board may not require that an applicant
21 for a credential or a credential holder be fingerprinted or submit fingerprints in
22 connection with the department's or the credentialing board's credentialing.

23 **SECTION 15.** 450.10 (3) (a) 11. of the statutes is amended to read:

24 450.10 (3) (a) 11. A speech-language pathologist or audiologist who is licensed
25 under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459,

SENATE BILL 197**SECTION 15**

1 or a speech and language pathologist licensed by the department of public
2 instruction.

3 **SECTION 16.** 459.20 (2k) of the statutes is created to read:

4 459.20 (2k) “Compact” means the audiology and speech–language pathology
5 interstate compact.

6 **SECTION 17.** 459.20 (2m) of the statutes is created to read:

7 459.20 (2m) “Compact privilege” means a compact privilege, as defined in s.
8 459.70 (2) (h), that is granted under the audiology and speech–language pathology
9 interstate compact under s. 459.70 to an individual to practice in this state.

10 **SECTION 18.** 459.20 (3v) of the statutes is created to read:

11 459.20 (3v) “Single–state license” has the meaning given in s. 459.70 (2) (t).

12 **SECTION 19.** 459.22 (2) (b) of the statutes is amended to read:

13 459.22 (2) (b) Authorize a speech–language pathologist who is licensed under
14 this subchapter or who holds a valid compact privilege to dispense or sell hearing aids
15 without obtaining a hearing instrument specialist license under subch. I.

16 **SECTION 20.** 459.24 (1) (a) of the statutes is amended to read:

17 459.24 (1) (a) Engage in the practice of speech–language pathology or use the
18 title “speech–language pathologist” or any similar title unless the person holds a
19 current speech–language pathologist license granted by the examining board under
20 sub. (2) or (6) (a) or holds a valid compact privilege.

21 **SECTION 21.** 459.24 (1) (b) of the statutes is amended to read:

22 459.24 (1) (b) Engage in the practice of audiology or use the title “audiologist,”
23 “clinical audiologist,” or any similar title unless the person holds a current
24 audiologist license granted by the examining board under sub. (3) or (6) (b) or holds
25 a valid compact privilege.

SENATE BILL 197

1 **SECTION 22.** 459.24 (3c) of the statutes is created to read:

2 459.24 **(3c)** TYPES OF LICENSES. (a) A license granted under sub. (2) or (3) may
3 be either of the following:

4 1. A license that, subject to s. 459.70 (4), entitles the holder to obtain and
5 exercise a compact privilege in other states that are parties to the compact.

6 2. A single-state license, which only entitles the holder to practice in this state.
7 Nothing in the compact applies to the holder of a single-state license unless
8 otherwise applicable under this subchapter.

9 (b) When applying for a license under sub. (2) or (3), an individual shall specify
10 whether he or she is applying for a license under par. (a) 1. or 2.

11 **SECTION 23.** 459.24 (3e) of the statutes is created to read:

12 459.24 **(3e)** COMPACT PRIVILEGE. The examining board shall grant to any
13 individual to whom all of the following apply an audiologist or speech-language
14 pathologist, whichever is applicable, compact privilege:

15 (a) The individual holds an unencumbered home state license in another state
16 that is a party to the compact and satisfies all other requirements under s. 459.70
17 (4).

18 (b) The individual applies for the compact privilege in the manner prescribed
19 by the department.

20 (c) The individual pays any fee established by the department under s. 459.71
21 (2).

22 **SECTION 24.** 459.24 (3m) of the statutes is renumbered 459.30 (2), and 459.30
23 (2) (intro.) and (a), as renumbered, are amended to read:

24 459.30 **(2)** FITTING AND SALE OF HEARING AIDS. (intro.) An audiologist licensed
25 under this subchapter, an audiologist who holds a valid compact privilege, or an

SENATE BILL 197**SECTION 24**

1 individual granted a permit to practice audiology under this subchapter who engages
2 in the practice of fitting and dealing in hearing aids shall do all of the following:

3 (a) Deliver to each person supplied with a hearing aid a receipt. The receipt
4 shall contain the signature and show the business address, license or permit title,
5 and number of the licensee, compact privilege holder, or permittee, together with
6 specifications as to the make and model of the hearing aid and full terms of sale
7 clearly stated. If a hearing aid that is not new is sold, the receipt and the container
8 must be clearly marked as “used” or “reconditioned”, whichever is applicable. The
9 terms of the guarantee, if there is any given, shall be set out in not less than 8-point
10 type.

11 **SECTION 25.** 459.30 of the statutes is created to read:

12 **459.30 Practice. (1) PRACTICE UNDER COMPACT.** (a) *Audiology.* An individual
13 who holds a valid audiologist compact privilege may, subject to s. 459.71 (3), do any
14 of the following:

15 1. Practice audiology in this state, subject to s. 459.70 (4).

16 2. Practice audiology in this state via telehealth, as defined in s. 459.70 (2) (y),
17 subject to s. 459.70 (5).

18 (b) *Speech-language pathology.* An individual who holds a valid
19 speech-language pathologist compact privilege may, subject to s. 459.71 (3), do any
20 of the following:

21 1. Practice speech-language pathology in this state, subject to s. 459.70 (4).

22 2. Practice speech-language pathology in this state via telehealth, as defined
23 in s. 459.70 (2) (y), subject to s. 459.70 (5).

24 **SECTION 26.** 459.34 (2) (intro.) of the statutes is amended to read:

SENATE BILL 197

1 459.34 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
2 examining board may reprimand a licensee, compact privilege holder, or permittee
3 or deny, limit, suspend, or revoke a license or permit under this subchapter or a
4 compact privilege if it finds that the applicant, licensee, compact privilege holder, or
5 permittee has done any of the following:

6 **SECTION 27.** 459.34 (2m) (a) (intro.) of the statutes is amended to read:

7 459.34 (2m) (a) (intro.) An individual whose license, compact privilege, or
8 limited permit is limited by the examining board under this subchapter may
9 continue to practice under the license, compact privilege, or permit if the individual
10 does all of the following:

11 **SECTION 28.** 459.34 (2m) (b) of the statutes is amended to read:

12 459.34 (2m) (b) The examining board may, as a condition of removing a
13 limitation on a license, compact privilege, or limited permit issued under this
14 subchapter or of reinstating a license, compact privilege, or limited permit that has
15 been suspended or revoked under this subchapter, require the license, compact
16 privilege, or permit holder to obtain minimum results specified by the examining
17 board on one or more physical, mental, or professional competency examinations if
18 the examining board determines that obtaining the minimum results is related to
19 correcting one or more of the bases upon which the limitation, suspension, or
20 revocation was imposed.

21 **SECTION 29.** 459.34 (2m) (c) of the statutes is amended to read:

22 459.34 (2m) (c) The examining board may, as a condition of reinstating a license
23 or compact privilege that has been suspended under this subchapter, require the
24 license or compact privilege holder to pass an examination required for initial
25 licensure under s. 459.26 (2).

SENATE BILL 197

1 3. Encourage the cooperation of member states in regulating multistate
2 audiology and speech-language pathology practice.

3 4. Support spouses of relocating active duty military personnel.

4 5. Enhance the exchange of licensure, investigative, and disciplinary
5 information between member states.

6 6. Allow a remote state to hold a provider of services with a compact privilege
7 in that state accountable to that state's practice standards.

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

10 **(2) DEFINITIONS.** As used in this compact, and except as otherwise provided, the
11 following definitions shall apply:

12 (a) "Active duty military" means full-time duty status in the active uniformed
13 service of the United States, including members of the National Guard and Reserve
14 on active duty orders pursuant to 10 USC 1209 and 1211.

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

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

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

SENATE BILL 197**SECTION 31**

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

3 (f) "Audiology and speech-language pathology compact commission" or
4 "commission" means the national administrative body whose membership consists
5 of all states that have enacted the compact.

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

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

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

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

SENATE BILL 197

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

4 (L) “Executive committee” means a group of directors elected or appointed to
5 act on behalf of, and within the powers granted to them by, the commission.

6 (m) “Home state” means the member state that is the licensee’s primary state
7 of residence.

8 (n) “Impaired practitioner” means individuals whose professional practice is
9 adversely affected by substance abuse, addiction, or other health-related conditions.

10 (o) “Licensee” means an individual who currently holds an authorization from
11 the state licensing board to practice as an audiologist or speech-language
12 pathologist.

13 (p) “Member state” means a state that has enacted the compact.

14 (q) “Privilege to practice” means a legal authorization permitting the practice
15 of audiology or speech-language pathology in a remote state.

16 (r) “Remote state” means a member state other than the home state where a
17 licensee is exercising or seeking to exercise the compact privilege.

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

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

23 (u) “Speech-language pathologist” means an individual who is licensed by a
24 state to practice speech-language pathology.

SENATE BILL 197**SECTION 31**

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

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

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

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

14 **(3) STATE PARTICIPATION IN THE COMPACT.** (a) A license issued to an audiologist
15 or speech-language pathologist by a home state to a resident in that state shall be
16 recognized by each member state as authorizing an audiologist or speech-language
17 pathologist to practice audiology or speech-language pathology, under a privilege to
18 practice, in each member state.

19 (b) 1. A state must implement or utilize procedures for considering the criminal
20 history records of applicants for initial privilege to practice. These procedures shall
21 include the submission of fingerprints or other biometric-based information by
22 applicants for the purpose of obtaining an applicant's criminal history record
23 information from the federal bureau of investigation and the agency responsible for
24 retaining that state's criminal records.

SENATE BILL 197

1 2. A member state must fully implement a criminal background check
2 requirement, within a time frame established by rule, by receiving the results of the
3 federal bureau of investigation record search on criminal background checks and use
4 the results in making licensure decisions.

5 3. Communication between a member state, the commission, and among
6 member states regarding the verification of eligibility for licensure through the
7 compact shall not include any information received from the federal bureau of
8 investigation relating to a federal criminal records check performed by a member
9 state under P.L. 92-544.

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

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

19 (e) For an audiologist:

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

21 a. On or before, December 31, 2007, has graduated with a master's degree or
22 doctorate in audiology, or equivalent degree regardless of degree name, from a
23 program that is accredited by an accrediting agency recognized by the Council for
24 Higher Education Accreditation, or its successor, or by the U.S. department of

SENATE BILL 197**SECTION 31**

1 education and operated by a college or university accredited by a regional or national
2 accrediting organization recognized by the board.

3 b. On or after, January 1, 2008, has graduated with a doctoral degree in
4 audiology, or equivalent degree, regardless of degree name, from a program that is
5 accredited by an accrediting agency recognized by the Council for Higher Education
6 Accreditation, or its successor, or by the U.S. department of education and operated
7 by a college or university accredited by a regional or national accrediting
8 organization recognized by the board.

9 c. Has graduated from an audiology program that is housed in an institution
10 of higher education outside of the United States for which the program and
11 institution have been approved by the authorized accrediting body in the applicable
12 country and the degree program has been verified by an independent credentials
13 review agency to be comparable to a state licensing board-approved program.

14 2. Has completed a supervised clinical practicum experience from an accredited
15 educational institution or its cooperating programs as required by the commission.

16 3. Has successfully passed a national examination approved by the
17 commission.

18 4. Holds an active, unencumbered license.

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

22 6. Has a valid U.S. social security or national practitioner identification
23 number.

24 (f) For a speech-language pathologist:

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

SENATE BILL 197

1 a. Has graduated with a master's degree from a speech-language pathology
2 program that is accredited by an organization recognized by the U.S. department of
3 education and operated by a college or university accredited by a regional or national
4 accrediting organization recognized by the board.

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

11 2. Has completed a supervised clinical practicum experience from an
12 educational institution or its cooperating programs as required by the commission.

13 3. Has completed a supervised postgraduate professional experience as
14 required by the commission.

15 4. Has successfully passed a national examination approved by the
16 commission.

17 5. Holds an active, unencumbered license.

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

21 7. Has a valid U.S. social security or national practitioner identification
22 number.

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

24 (h) An audiologist or speech-language pathologist practicing in a member state
25 must comply with the state practice laws of the state in which the client is located

SENATE BILL 197**SECTION 31**

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

8 (i) Individuals not residing in a member state shall continue to be able to apply
9 for a member state's single-state license as provided under the laws of each member
10 state. However, the single-state license granted to these individuals shall not be
11 recognized as granting the privilege to practice audiology or speech-language
12 pathology in any other member state. Nothing in this compact shall affect the
13 requirements established by a member state for the issuance of a single-state
14 license.

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

16 (k) Member states must comply with the bylaws and rules and regulations of
17 the commission.

18 **(4) COMPACT PRIVILEGE.** (a) To exercise the compact privilege under the terms
19 and provisions of the compact, the audiologist or speech-language pathologist shall:

20 1. Hold an active license in the home state.

21 2. Have no encumbrance on any state license.

22 3. Be eligible for a compact privilege in any member state in accordance with
23 sub. (3).

24 4. Have not had any adverse action against any license or compact privilege
25 within the previous 2 years from date of application.

SENATE BILL 197

1 5. Notify the commission that the licensee is seeking the compact privilege
2 within a remote state.

3 6. Pay any applicable fees, including any state fee, for the compact privilege.

4 7. Report to the commission adverse action taken by any nonmember state
5 within 30 days from the date the adverse action is taken.

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

8 (c) Except as provided in sub. (6), if an audiologist or speech-language
9 pathologist changes primary state of residence by moving between 2 member states,
10 the audiologist or speech-language pathologist must apply for licensure in the new
11 home state, and the license issued by the prior home state shall be deactivated in
12 accordance with applicable rules adopted by the commission.

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

15 (e) A license shall not be issued by the new home state until the audiologist or
16 speech-language pathologist provides satisfactory evidence of a change in primary
17 state of residence to 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 primary state of
20 residence by moving from a member state to a nonmember state, the license issued
21 by the prior home state shall convert to a single-state license, valid only in the former
22 home state.

23 (g) The compact privilege is valid until the expiration date of the home state
24 license. The licensee must comply with the requirements of par. (a) to maintain the
25 compact privilege in the remote state.

SENATE BILL 197**SECTION 31**

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

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

9 (j) If a home state license is encumbered, the licensee shall lose the compact
10 privilege in any remote state until all of the following occur:

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

13 (k) Once an encumbered license in the home state is restored to good standing,
14 the licensee must meet the requirements of par. (a) to obtain a compact privilege in
15 any remote state.

16 (L) Once the requirements of par. (j) have been met, the licensee must meet the
17 requirements in par. (a) to obtain a compact privilege in a remote state.

18 **(5) COMPACT PRIVILEGE TO PRACTICE TELEHEALTH.** Member states shall recognize
19 the right of an audiologist or speech-language pathologist, licensed by a home state
20 in accordance with sub. (3) and under rules promulgated by the commission, to
21 practice audiology or speech-language pathology in any member state via telehealth
22 under a privilege to practice as provided in the compact and rules promulgated by
23 the commission.

24 **(6) ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES.** Active duty military
25 personnel, or their spouse, shall designate a home state where the individual has a

SENATE BILL 197

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

5 (7) ADVERSE ACTIONS. (a) In addition to the other powers conferred by state law,
6 a remote state shall have the authority, in accordance with existing state due process
7 law, to do any of the following:

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

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

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

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

SENATE BILL 197**SECTION 31**

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

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

11 (e) The member state may take adverse action based on the factual findings of
12 the remote state, provided that the member state follows the member state's own
13 procedures for taking the adverse action.

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

18 2. Member states shall share any investigative, litigation, or compliance
19 materials in furtherance of any joint or individual investigation initiated under the
20 compact.

21 (g) If adverse action is taken by the home state against an audiologist's or
22 speech language pathologist's license, the audiologist's or speech-language
23 pathologist's privilege to practice in all other member states shall be deactivated
24 until all encumbrances have been removed from the state license. All home state
25 disciplinary orders that impose adverse action against an audiologist's or speech

SENATE BILL 197

1 language pathologist's license shall include a statement that the audiologist's or
2 speech-language pathologist's privilege to practice is deactivated in all member
3 states during the pendency of the order.

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

7 (i) Nothing in this compact shall override a member state's decision that
8 participation in an alternative program may be used in lieu of adverse action.

9 **(8) ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT**
10 **COMMISSION.** (a) 1. The compact member states hereby create and establish a joint
11 public agency known as the audiology and speech-language pathology compact
12 commission.

13 2. The commission is an instrumentality of the compact states.

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

19 4. Nothing in this compact shall be construed to be a waiver of sovereign
20 immunity.

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

SENATE BILL 197**SECTION 31**

1 2. An additional 5 delegates, who are either a public member or board
2 administrator from a state licensing board, shall be chosen by the executive
3 committee from a pool of nominees provided by the commission at large.

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

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

8 5. Each delegate shall be entitled to one vote with regard to the promulgation
9 of rules and creation of bylaws and shall otherwise have an opportunity to participate
10 in the business and affairs of the commission.

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

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

16 (c) The commission shall have the following powers and duties:

17 1. Establish the fiscal year of the commission.

18 2. Establish bylaws.

19 3. Establish a code of ethics.

20 4. Maintain its financial records in accordance with the bylaws.

21 5. Meet and take actions as are consistent with the provisions of this compact
22 and the bylaws.

23 6. Promulgate uniform rules to facilitate and coordinate implementation and
24 administration of this compact. The rules shall have the force and effect of law and
25 shall be binding in all member states.

SENATE BILL 197

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

4 8. Purchase and maintain insurance and bonds.

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

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

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

15 12. Lease, purchase, and accept appropriate gifts or donations of, or otherwise
16 to own, hold, improve, or use, any property, real, personal or mixed; provided that at
17 all times the commission shall avoid any appearance of impropriety.

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

20 14. Establish a budget and make expenditures.

21 15. Borrow money.

22 16. Appoint committees, including standing committees composed of members,
23 and other interested persons as may be designated in this compact and the bylaws.

24 17. Provide and receive information from, and cooperate with, law enforcement
25 agencies.

SENATE BILL 197**SECTION 31**

1 18. Establish and elect an executive committee.

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

5 (d) 1. The executive committee shall have the power to act on behalf of the
6 commission according to the terms of this compact.

7 2. The executive committee shall be composed of the following 10 members:

8 a. Seven voting members who are elected by the commission from the current
9 membership of the commission.

10 b. Two ex-officios, consisting of one nonvoting member from a recognized
11 national audiology professional association and one nonvoting member from a
12 recognized national speech-language pathology association.

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

15 (e) 1. The ex-officio members shall be selected by their respective
16 organizations.

17 2. The commission may remove any member of the executive committee as
18 provided in bylaws.

19 3. The executive committee shall meet at least annually.

20 4. The executive committee shall have the following duties and responsibilities:

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

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

SENATE BILL 197

- 1 c. Prepare and recommend the budget.
- 2 d. Maintain financial records on behalf of the commission.
- 3 e. Monitor compact compliance of member states and provide compliance
4 reports to the commission.
- 5 f. Establish additional committees as necessary.
- 6 g. Other duties as provided in rules or bylaws.
- 7 5. All meetings shall be open to the public, and public notice of meetings shall
8 be given in the same manner as required under the rule-making provisions in sub.
9 (10).
- 10 6. The commission or the executive committee or other committees of the
11 commission may convene in a closed, nonpublic meeting if the commission or
12 executive committee or other committees of the commission must discuss:
 - 13 a. Noncompliance of a member state with its obligations under the compact.
 - 14 b. The employment, compensation, discipline, or other matters, practices, or
15 procedures related to specific employees or other matters related to the commission's
16 internal personnel practices and procedures.
 - 17 c. Current, threatened, or reasonably anticipated litigation.
 - 18 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or
19 real estate.
 - 20 e. Accusing any person of a crime or formally censuring any person.
 - 21 f. Disclosure of trade secrets or commercial or financial information that is
22 privileged or confidential.
 - 23 g. Disclosure of information of a personal nature where disclosure would
24 constitute a clearly unwarranted invasion of personal privacy.
 - 25 h. Disclosure of investigative records compiled for law enforcement purposes.

SENATE BILL 197**SECTION 31**

1 i. Disclosure of information related to any investigative reports prepared by or
2 on behalf of or for use of the commission or other committee charged with
3 responsibility of investigation or determination of compliance issues pursuant to the
4 compact.

5 j. Matters specifically exempted from disclosure by federal or member state
6 statute.

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

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

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

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

21 c. The commission may levy on and collect an annual assessment from each
22 member state or impose fees on other parties to cover the cost of the operations and
23 activities of the commission and its staff, which must be in a total amount sufficient
24 to cover its annual budget as approved each year for which revenue is not provided
25 by other sources. The aggregate annual assessment amount shall be allocated based

SENATE BILL 197

1 upon a formula to be determined by the commission, which shall promulgate a rule
2 binding upon all member states.

3 10. The commission shall not incur obligations of any kind prior to securing the
4 funds adequate to meet the same; nor shall the commission pledge the credit of any
5 of the member states, except by and with the authority of the member state.

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

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

22 2. The commission shall defend any member, officer, executive director,
23 employee, or representative of the commission in any civil action seeking to impose
24 liability arising out of any actual or alleged act, error, or omission that occurred
25 within the scope of commission employment, duties, or responsibilities, or that the

SENATE BILL 197**SECTION 31**

1 person against whom the claim is made had a reasonable basis for believing occurred
2 within the scope of commission employment, duties, or responsibilities; provided
3 that nothing herein shall be construed to prohibit that person from retaining his or
4 her own counsel; and provided further, that the actual or alleged act, error, or
5 omission did not result from that person's intentional or willful or wanton
6 misconduct.

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

15 **(9) DATA SYSTEM.** (a) The commission shall provide for the development,
16 maintenance, and utilization of a coordinated database and reporting system
17 containing licensure, adverse action, and investigative information on all licensed
18 individuals in member states.

19 (b) Notwithstanding any other provision of state law to the contrary, a member
20 state shall submit a uniform data set to the data system on all individuals to whom
21 this compact is applicable 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. Nonconfidential information related to alternative program participation.

SENATE BILL 197**SECTION 31**

1 5. Any denial of application for licensure, and the reason for denial.

2 6. Other information that may facilitate the administration of this compact, as
3 determined by the rules of the commission.

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

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

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

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

16 **(10) RULE MAKING.** (a) The commission shall exercise its rule-making powers
17 pursuant to the criteria set forth in this subsection and the rules adopted thereunder.
18 Rules and amendments shall become binding as of the date specified in each rule or
19 amendment.

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

24 (c) Rules or amendments to the rules shall be adopted at a regular or special
25 meeting of the commission.

SENATE BILL 197**SECTION 31**

1 (d) Prior to promulgation and adoption of a final rule or rules by the
2 commission, and at least 30 days in advance of the meeting at which the rule shall
3 be considered and voted upon, the commission shall file a notice of proposed rule
4 making:

5 1. On the website of the commission or other publicly accessible platform.

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

9 (e) The notice of proposed rule making shall include:

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

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

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

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

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

21 (g) The commission shall grant an opportunity for a public hearing before it
22 adopts a rule or amendment if a hearing is requested by any of the following:

23 1. At least 25 persons.

24 2. A state or federal government subdivision or agency.

25 3. An association having at least 25 members.

SENATE BILL 197

1 (h) 1. If a hearing is held on the proposed rule or amendment, the commission
2 shall publish the place, time, and date of the scheduled public hearing. If the hearing
3 is held via electronic means, the commission shall publish the mechanism for access
4 to the electronic hearing.

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

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

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

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

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

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

22 (k) The commission shall, by majority vote of all members, take final action on
23 the proposed rule and shall determine the effective date of the rule, if any, based on
24 the rule-making record and the full text of the rule.

SENATE BILL 197**SECTION 31**

1 (L) Upon determination that an emergency exists, the commission may
2 consider and adopt an emergency rule without prior notice, opportunity for
3 comment, or hearing, provided that the usual rule-making procedures provided in
4 the compact and in this subsection shall be retroactively applied to the rule as soon
5 as reasonably possible, in no event later than 90 days after the effective date of the
6 rule. For the purposes of this paragraph, an emergency rule is one that must be
7 adopted immediately in order to do any of the following:

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

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

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

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

22 **(11) OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.** (a) 1. Upon request by
23 a member state, the commission shall attempt to resolve disputes related to the
24 compact that arise among member states and between member and nonmember
25 states.

SENATE BILL 197

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

3 (b) 1. The commission, in the reasonable exercise of its discretion, shall enforce
4 the provisions and rules of this compact.

5 2. By majority vote, the commission may initiate legal action in the United
6 States District Court for the District of Columbia or the federal district where the
7 commission has its principal offices against a member state in default to enforce
8 compliance with the provisions of the compact and its promulgated rules and bylaws.
9 The relief sought may include both injunctive relief and damages. Notwithstanding
10 s. 814.04 (1), in the event judicial enforcement is necessary, the prevailing member
11 shall be awarded all costs of litigation, including reasonable attorney's fees.

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

14 **(12) DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY AND**
15 **SPEECH-LANGUAGE PATHOLOGY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND**
16 **AMENDMENT.** (a) The compact shall come into effect on the date on which the compact
17 statute is enacted into law in the 10th member state. The provisions, which become
18 effective at that time, shall be limited to the powers granted to the commission
19 relating to assembly and the promulgation of rules. Thereafter, the commission shall
20 meet and exercise rule-making powers necessary to the implementation and
21 administration of the compact.

22 (b) Any state that joins the compact subsequent to the commission's initial
23 adoption of the rules shall be subject to the rules as they exist on the date on which
24 the compact becomes law in that state. Any rule that has been previously adopted

SENATE BILL 197**SECTION 31**

1 by the commission shall have the full force and effect of law on the day the compact
2 becomes law in that state.

3 (c) 1. Any member state may withdraw from this compact by enacting a statute
4 repealing the same.

5 2. A member state's withdrawal shall not take effect until 6 months after
6 enactment of the repealing statute.

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

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

15 (e) This compact may be amended by the member states. No amendment to this
16 compact shall become effective and binding upon any member state until it is enacted
17 into the laws of all member states.

18 **(13) CONSTRUCTION AND SEVERABILITY.** This compact shall be liberally construed
19 so as to effectuate the purposes thereof. The provisions of this compact shall be
20 severable and if any phrase, clause, sentence, or provision of this compact is declared
21 to be contrary to the constitution of any member state or of the United States or the
22 applicability thereof to any government, agency, person, or circumstance is held
23 invalid, the validity of the remainder of this compact and the applicability thereof to
24 any government, agency, person, or circumstance shall not be affected thereby. If this
25 compact shall be held contrary to the constitution of any member state, the compact

SENATE BILL 197

1 shall remain in full force and effect as to the remaining member states and in full
2 force and effect as to the member state affected as to all severable matters.

3 **(14) BINDING EFFECT OF COMPACT AND OTHER LAWS.** (a) Nothing herein prevents
4 the enforcement of any other law of a member state that is not inconsistent with the
5 compact.

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

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

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

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

16 **459.71 Implementation of the audiology and speech-language**
17 **pathology interstate compact. (1)** In this section:

18 (a) “Compact privilege” means a compact privilege, as defined in s. 459.70 (2)
19 (h), that is granted under the audiology and speech-language pathology interstate
20 compact under s. 459.70 to an individual to practice in this state.

21 (b) “Examining board” means the hearing and speech examining board.

22 **(2)** The department may impose a fee for an individual to receive a compact
23 privilege as provided under s. 459.70 (3) (j).

24 **(3)** (a) An individual who holds a compact privilege shall comply with s. 440.03
25 (13) (am).

SENATE BILL 197**SECTION 31**

1 (b) Subject to s. 459.70 and any rules promulgated thereunder, ss. 440.20 to
2 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who
3 holds a compact privilege in the same manner that they apply to holders of licenses
4 and permits issued under subch. II.

5 **SECTION 32.** 632.895 (16) (b) 1. a. of the statutes is amended to read:

6 632.895 (16) (b) 1. a. Coverage of the cost of hearing aids and cochlear implants
7 that are prescribed by a physician, or by an audiologist who is licensed under subch.
8 II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, in
9 accordance with accepted professional medical or audiological standards, for a child
10 covered under the policy or plan who is under 18 years of age and who is certified as
11 deaf or hearing impaired by a physician or by an audiologist who is licensed under
12 subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459.

13 **SECTION 33. Nonstatutory provisions.**

14 (1) The hearing and speech examining board and the department of safety and
15 professional services may promulgate emergency rules under s. 227.24 necessary to
16 implement this act. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules
17 promulgated under this subsection remain in effect until September 1, 2024, or the
18 date on which permanent rules take effect, whichever is sooner. Notwithstanding
19 s. 227.24 (1) (a) and (3), neither the board nor the department is required to provide
20 evidence that promulgating a rule under this subsection as an emergency rule is
21 necessary for the preservation of the public peace, health, safety, or welfare or
22 provide a finding of emergency for a rule promulgated under this subsection.

23 (END)