

HOUSE BILL NO. 4509

May 21, 2025, Introduced by Reps. Meerman, Borton, Mentzer, Rogers, Wozniak, Beson, Miller, Johnsen and VanderWall and referred to Committee on Health Policy.

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 16187, 16804, and 17603a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 16187. (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**

1 compact, in the form substantially as follows:

2 SECTION 1: PURPOSE

3 The purpose of this compact is to facilitate interstate
4 practice of audiology and speech-language pathology with the goal
5 of improving public access to audiology and speech-language
6 pathology services. The practice of audiology and speech-language
7 pathology occurs in the state where the patient/client/student is
8 located at the time of the patient/client/student encounter. The
9 compact preserves the regulatory authority of states to protect
10 public health and safety through the current system of state
11 licensure.

12 This compact is designed to achieve the following objectives:

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

16 2. Enhance the states' ability to protect the public's health
17 and safety;

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

20 4. Support spouses of relocating active duty military
21 personnel;

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

24 6. Allow a remote state to hold a provider of services with a
25 compact privilege in that state accountable to that state's
26 practice standards; and

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

SECTION 2: DEFINITIONS

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

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

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

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

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

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

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

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

1 responsible for the licensing and regulation of audiologists and/or
2 speech-language pathologists.

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

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

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

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

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

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

29 N. "Impaired practitioner" means individuals whose

1 professional practice is adversely affected by substance abuse,
2 addiction, or other health-related conditions.

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

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

7 Q. "Privilege to practice" means a legal authorization
8 permitting the practice of audiology or speech-language pathology
9 in a remote state.

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

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

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

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

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

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

27 X. "State practice laws" means a member state's laws, rules
28 and regulations that govern the practice of audiology or speech-
29 language pathology, define the scope of audiology or speech-

1 language pathology practice, and create the methods and grounds for
2 imposing discipline.

3 Y. "Telehealth" means the application of telecommunication
4 technology to deliver audiology or speech-language pathology
5 services at a distance for assessment, intervention and/or
6 consultation.

7 SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

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

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

27 2. Communication between a member state, the Commission and
28 among member states regarding the verification of eligibility for
29 licensure through the compact shall not include any information

1 received from the Federal Bureau of Investigation relating to a
2 federal criminal records check performed by a member state under
3 Public Law 92-544.

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

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

15 E. For an audiologist:

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

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

25 b. On or after January 1, 2008, has graduated with a doctoral
26 degree in audiology, or equivalent degree, regardless of degree
27 name, from a program that is accredited by an accrediting agency
28 recognized by the Council for Higher Education Accreditation, or
29 its successor, or by the United States Department of Education and

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

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

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

13 3. Has successfully passed a national examination approved by
14 the Commission;

15 4. Holds an active, unencumbered license;

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

19 6. Has a valid United States Social Security or National
20 Practitioner Identification number.

21 F. For a speech-language pathologist:

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

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

28 b. Has graduated from a speech-language pathology program that
29 is housed in an institution of higher education outside of the

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

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

9 3. Has completed a supervised postgraduate professional
10 experience as required by the Commission;

11 4. Has successfully passed a national examination approved by
12 the Commission;

13 5. Holds an active, unencumbered license;

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

18 7. Has a valid United States Social Security or National
19 Practitioner Identification number.

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

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

1 shall subject an audiologist or speech-language pathologist to the
2 jurisdiction of the licensing board, the courts and the laws of the
3 member state in which the client is located at the time service is
4 provided.

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

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

15 K. Member states must comply with the bylaws and rules and
16 regulations of the commission.

17 SECTION 4. COMPACT PRIVILEGE

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

- 21 1. Hold an active license in the home state;
- 22 2. Have no encumbrance on any state license;
- 23 3. Be eligible for a compact privilege in any member state in
24 accordance with Section 3;
- 25 4. Have not had any adverse action against any license or
26 compact privilege within the previous 2 years from date of
27 application;
- 28 5. Notify the commission that the licensee is seeking the
29 compact privilege within a remote state(s);

1 6. Pay any applicable fees, including any state fee, for the
2 compact privilege;

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

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

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

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

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

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

28 G. The compact privilege is valid until the expiration date of
29 the home state license. The licensee must comply with the

1 requirements of Section 4A to maintain the compact privilege in the
2 remote state.

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

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

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

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

18 K. Once an encumbered license in the home state is restored to
19 good standing, the licensee must meet the requirements of Section
20 4A to obtain a compact privilege in any remote state.

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

24 SECTION 5. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

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

compact and rules promulgated by the commission.

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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

SECTION 7. ADVERSE ACTIONS

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

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

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

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

1 license issued by the home state.

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

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

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

20 E. The member state may take adverse action based on the
21 factual findings of the remote state, provided that the member
22 state follows the member state's own procedures for taking the
23 adverse action.

24 F. Joint Investigations

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

29 2. Member states shall share any investigative, litigation, or

1 compliance materials in furtherance of any joint or individual
2 investigation initiated under the compact.

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

13 H. If a member state takes adverse action, it shall promptly
14 notify the administrator of the data system. The administrator of
15 the data system shall promptly notify the home state of any adverse
16 actions by remote states.

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

20 SECTION 8. ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE
21 PATHOLOGY COMPACT COMMISSION

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

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

26 2. Venue is proper and judicial proceedings by or against the
27 commission shall be brought solely and exclusively in a court of
28 competent jurisdiction where the principal office of the commission
29 is located. The commission may waive venue and jurisdictional

1 defenses to the extent it adopts or consents to participate in
2 alternative dispute resolution proceedings.

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

5 B. Membership, voting and meetings

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

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

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

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

19 5. Each delegate shall be entitled to one (1) vote with regard
20 to the promulgation of rules and creation of bylaws and shall
21 otherwise have an opportunity to participate in the business and
22 affairs of the commission.

23 6. A delegate shall vote in person or by other means as
24 provided in the bylaws. The bylaws may provide for delegates'
25 participation in meetings by telephone or other means of
26 communication.

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

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

2 1. Establish the fiscal year of the commission;

3 2. Establish bylaws;

4 3. Establish a Code of Ethics;

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

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

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

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

17 8. Purchase and maintain insurance and bonds;

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

20 10. Hire employees, elect or appoint officers, fix
21 compensation, define duties, grant individuals appropriate
22 authority to carry out the purposes of the compact, and to
23 establish the commission's personnel policies and programs relating
24 to conflicts of interest, qualifications of personnel, and other
25 related personnel matters;

26 11. Accept any and all appropriate donations and grants of
27 money, equipment, supplies, materials and services, and to receive,
28 utilize and dispose of the same; provided that at all times the
29 commission shall avoid any appearance of impropriety and/or

1 conflict of interest;

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

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

8 14. Establish a budget and make expenditures;

9 15. Borrow money;

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

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

15 18. Establish and elect an executive committee; and

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

20 D. The Executive committee

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

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

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

27 b. Two (2) ex-officios, consisting of one nonvoting member
28 from a recognized national audiology professional association and
29 one nonvoting member from a recognized national speech-language

1 pathology association; and

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

5 E. The ex-officio members shall be selected by their
6 respective organizations.

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

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

10 3. The executive committee shall have the following duties and
11 responsibilities:

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

16 b. Ensure compact administration services are appropriately
17 provided, contractual or otherwise;

18 c. Prepare and recommend the budget;

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

20 e. Monitor compact compliance of member states and provide
21 compliance reports to the commission;

22 f. Establish additional committees as necessary; and

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

24 4. Meetings of the commission

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

28 5. The commission or the executive committee or other
29 committees of the commission may convene in a closed, non-public

1 meeting if the commission or executive committee or other
2 committees of the commission must discuss:

3 a. Non-compliance of a member state with its obligations under
4 the compact;

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

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

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

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

14 f. Disclosure of trade secrets or commercial or financial
15 information that is privileged or confidential;

16 g. Disclosure of information of a personal nature where
17 disclosure would constitute a clearly unwarranted invasion of
18 personal privacy;

19 h. Disclosure of investigative records compiled for law
20 enforcement purposes;

21 i. Disclosure of information related to any investigative
22 reports prepared by or on behalf of or for use of the commission or
23 other committee charged with responsibility of investigation or
24 determination of compliance issues pursuant to the compact; or

25 j. Matters specifically exempted from disclosure by federal or
26 member state statute.

27 6. If a meeting, or portion of a meeting, is closed pursuant
28 to this provision, the commission's legal counsel or designee shall
29 certify that the meeting may be closed and shall reference each

1 relevant exempting provision.

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

11 8. Financing of the commission

12 a. The commission shall pay, or provide for the payment of,
13 the reasonable expenses of its establishment, organization, and
14 ongoing activities.

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

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

27 9. The commission shall not incur obligations of any kind
28 prior to securing the funds adequate to meet the same; nor shall
29 the commission pledge the credit of any of the member states,

1 except by and with the authority of the member state.

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

10 F. Qualified immunity, defense, and indemnification

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

23 2. The commission shall defend any member, officer, executive
24 director, employee or representative of the commission in any civil
25 action seeking to impose liability arising out of any actual or
26 alleged act, error, or omission that occurred within the scope of
27 commission employment, duties, or responsibilities, or that the
28 person against whom the claim is made had a reasonable basis for
29 believing occurred within the scope of commission employment,

1 duties, or responsibilities; provided that nothing herein shall be
 2 construed to prohibit that person from retaining his or her own
 3 counsel; and provided further, that the actual or alleged act,
 4 error, or omission did not result from that person's intentional or
 5 willful or wanton misconduct.

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

16 SECTION 9. DATA SYSTEM

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

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

- 26 1. Identifying information;
- 27 2. Licensure data;
- 28 3. Adverse actions against a license or compact privilege;
- 29 4. Non-confidential information related to alternative program

1 participation;

2 5. Any denial of application for licensure, and the reason(s)
3 for denial; and

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

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

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

13 E. Member states contributing information to the data system
14 may designate information that may not be shared with the public
15 without the express permission of the contributing state.

16 F. Any information submitted to the data system that is
17 subsequently required to be expunged by the laws of the member
18 state contributing the information shall be removed from the data
19 system.

20 SECTION 10. RULEMAKING

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

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

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

3 D. Prior to promulgation and adoption of a final rule or rules
4 by the commission, and at least thirty (30) days in advance of the
5 meeting at which the rule shall be considered and voted upon, the
6 commission shall file a notice of proposed rulemaking:

7 1. On the website of the commission or other publicly
8 accessible platform; and

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

13 E. The notice of proposed rulemaking shall include:

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

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

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

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

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

26 G. The commission shall grant an opportunity for a public
27 hearing before it adopts a rule or amendment if a hearing is
28 requested by:

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

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

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

3 H. If a hearing is held on the proposed rule or amendment, the
4 commission shall publish the place, time, and date of the scheduled
5 public hearing. If the hearing is held via electronic means, the
6 commission shall publish the mechanism for access to the electronic
7 hearing.

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

13 2. Hearings shall be conducted in a manner providing each
14 person who wishes to comment a fair and reasonable opportunity to
15 comment orally or in writing.

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

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

21 I. Following the scheduled hearing date, or by the close of
22 business on the scheduled hearing date if the hearing was not held,
23 the commission shall consider all written and oral comments
24 received.

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

28 K. The commission shall, by majority vote of all members, take
29 final action on the proposed rule and shall determine the effective

1 date of the rule, if any, based on the rulemaking record and the
2 full text of the rule.

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

11 1. Meet an imminent threat to public health, safety, or
12 welfare;

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

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

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

29 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

1 A. Dispute resolution

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

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

8 B. Enforcement

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

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

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

23 SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR
24 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND ASSOCIATED
25 RULES, WITHDRAWAL, AND AMENDMENT

26 A. The compact shall come into effect on the date on which the
27 compact statute is enacted into law in the 10th member state. The
28 provisions, which become effective at that time, shall be limited
29 to the powers granted to the commission relating to assembly and

1 the promulgation of rules. Thereafter, the commission shall meet
2 and exercise rulemaking powers necessary to the implementation and
3 administration of the compact.

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

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

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

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

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

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

28 SECTION 13. CONSTRUCTION AND SEVERABILITY

29 This compact shall be liberally construed so as to effectuate

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

13 SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

18 C. All lawful actions of the commission, including all rules
19 and bylaws promulgated by the commission, are binding upon the
20 member states.

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

23 E. In the event any provision of the compact exceeds the
24 constitutional limits imposed on the legislature of any member
25 state, the provision shall be ineffective to the extent of the
26 conflict with the constitutional provision in question in that
27 member state.

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

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

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

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

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

9 (ii) Developing and implementing hearing conservation programs.

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

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

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

17 (vi) Administering and interpreting tests of vestibular
18 function and tinnitus in compliance with section 16809 and in
19 adherence to the mandate of subsection (2).

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

28 (viii) Speech and language screening limited to a pass-fail
29 determination for the purpose of identification of individuals with

1 disorders of communication.

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

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

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

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

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

20 (a) "Practice of speech-language pathology", subject to
21 subsection (2), means the application of principles, methods, and
22 procedures related to the development of disorders of human
23 communication including the following:

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

27 (ii) Identifying by history or nonmedical physical examination,
28 assessing, treating with therapy, rehabilitating, and preventing
29 disorders of oral-pharyngeal function and disorders related to

1 swallowing dysfunction.

2 (iii) Identifying by history or nonmedical physical examination,
3 assessing, treating with therapy, rehabilitating, and preventing
4 cognitive-communicative disorders.

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

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

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

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

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

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

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

26 (b) The fitting and dispensing of hearing aids under article
27 13 of the occupational code, 1980 PA 299, MCL 339.1301 to 339.1309.

28 (3) In addition to the definitions in this part, article 1
29 contains general definitions and principles of construction

1 applicable to all articles in this act and part 161 contains
2 definitions applicable to this part.

3 Sec. 17603a. (1) An individual who holds a compact privilege
4 to practice speech-language pathology as a speech-language
5 pathologist under the audiology and speech-language pathology
6 interstate compact is authorized to engage in the practice of
7 speech-language pathology under this article.

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