

ARIZONA REVISED STATUTES
TITLE 36 PUBLIC HEALTH AND SAFETY
CHAPTER 17
HEARING AID DISPENSERS, AUDIOLOGISTS AND SPEECH LANGUAGE
PATHOLOGISTS

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36-1901. Definitions

In this chapter, unless the context otherwise requires:

1. "Accredited program" means a program leading to the award of a degree in audiology that is accredited by an organization recognized for that purpose by the United States department of education.
2. "Approved training program" means a postsecondary speech-language pathology assistant training program that is approved by the director.
3. "Assistive listening device or system" means an amplification system that is specifically designed to improve the signal-to-noise ratio for the listener who is deaf or hard of hearing, to reduce interference from noise in the background and to enhance hearing levels at a distance by picking up sound from as close to the source as possible and sending it directly to the ear of the listener, excluding hearing aids.
4. "Audiologist" means a person who engages in the practice of audiology and who meets the requirements prescribed in this chapter.
5. "Audiology" means the nonmedical and nonsurgical application of principles, methods and procedures of measurement, testing, evaluation and prediction that are related to hearing, its disorders and related communication impairments for the purpose of nonmedical diagnosis, prevention, amelioration or modification of these disorders and conditions.
6. "Clinical interaction" means a fieldwork practicum in speech-language pathology that is supervised by a licensed speech-language pathologist.
7. "Department" means the department of health services.
8. "Direct supervision":
 - (a) Means a licensed speech-language pathologist observes and guides a speech-language pathology assistant while the speech-language pathology assistant performs an assigned clinical activity.
 - (b) Includes the supervising licensed speech-language pathologist viewing and communicating with the speech-language pathology assistant via telecommunication technology as the speech-language pathology assistant provides clinical activities if the supervising licensed speech-language pathologist can provide ongoing immediate feedback throughout the clinical activity being provided.
 - (c) Does not include the supervising licensed speech-language pathologist reviewing a taped session at a later time.
9. "Director" means the director of the department.

10. "Disorders of communication" means an organic or nonorganic condition that impedes the normal process of human communication and includes disorders of speech, articulation, fluency, voice, verbal and written language, auditory comprehension, cognition and communications and oral, pharyngeal and laryngeal sensorimotor competencies.

11. "Disorders of hearing" means an organic or nonorganic condition, whether peripheral or central, that impedes the normal process of human communication and includes disorders of auditory sensitivity, acuity, function or processing.

12. "Hearing aid" means any wearable instrument or device designed for or represented as aiding or improving human hearing or as aiding, improving or compensating for defective human hearing, and any parts, attachments or accessories of the instrument or device, including ear molds, but excluding batteries and cords.

13. "Hearing aid dispenser" means any person who engages in the practice of fitting and dispensing hearing aids.

14. "Indirect supervision" means supervisory activities, other than direct supervision, that are performed by a licensed speech-language pathologist and that may include consulting, reviewing records and reviewing and evaluating audiotaped or videotaped sessions.

15. "Letter of concern" means an advisory letter to notify a licensee that, while there is insufficient evidence to support disciplinary action, the director believes the licensee should modify or eliminate certain practices and that continuation of the activities that led to the information being submitted to the director may result in action against the licensee.

16. "License" means a license issued by the director under this chapter and includes a temporary license.

17. "Nonmedical diagnosing" means the art or act of identifying a communication disorder from its signs and symptoms. Nonmedical diagnosing does not include diagnosing a medical disease.

18. "Practice of audiology" means:

(a) Rendering or offering to render to a person or persons who have or who are suspected of having disorders of hearing any service in audiology, including prevention, identification, evaluation, consultation, habilitation, rehabilitation, instruction and research.

(b) Participating in hearing conservation, hearing aid and assistive listening device evaluation and hearing aid prescription preparation, fitting, dispensing and orientation.

(c) Screening, identifying, assessing, nonmedical diagnosing, preventing and rehabilitating peripheral and central auditory system dysfunctions.

(d) Providing and interpreting behavioral and physiological measurements of auditory and vestibular functions.

(e) Selecting, fitting and dispensing assistive listening and alerting devices and other systems and providing training in their use.

(f) Providing aural rehabilitation and related counseling services to persons who are deaf or hard of hearing and their families.

(g) Screening speech-language and other factors that affect communication function in order to conduct an audiologic evaluation and an initial identification of persons with other communications disorders and making the appropriate referral.

(h) Planning, directing, conducting or supervising services.

19. "Practice of fitting and dispensing hearing aids":

(a) Means measuring human hearing by means of an audiometer or by any other means, solely for the purpose of making selections or adaptations of hearing aids, and fitting, selling and servicing hearing aids, including assistive listening devices, and making impressions for ear molds.

(b) Includes identification, instruction, consultation, rehabilitation and hearing conservation as these relate only to hearing aids and related devices and, at the request of a physician or another licensed health care professional, making audiograms for the professional's use in consultation with persons who are deaf or hard of hearing.

(c) Does not include formal auditory training programs, lip reading and speech conservation.

20. "Practice of speech-language pathology" means:

(a) Rendering or offering to render to an individual or groups of individuals who have or are suspected of having disorders of communication service in speech-language pathology, including prevention, identification, evaluation, consultation, habilitation, rehabilitation, instruction and research.

(b) Screening, identifying, assessing, interpreting, nonmedical diagnosing and rehabilitating disorders of speech and language.

(c) Screening, identifying, assessing, interpreting, nonmedical diagnosing and rehabilitating disorders of oral-pharyngeal functions and related disorders.

(d) Screening, identifying, assessing, interpreting, nonmedical diagnosing and rehabilitating cognitive and communication disorders.

(e) Assessing, selecting and developing augmentative and alternative communication systems and providing training in using these systems and assistive listening devices.

(f) Providing aural rehabilitation and related counseling services to persons who are deaf or hard of hearing and their families.

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

(h) Screening hearing and other factors for speech-language evaluation and initially identifying persons with other communication disorders and making the appropriate referral.

21. "Regular license" means each type of license issued by the director, except a temporary license.

22. "Sell" or "sale" means a transfer of title or of the right to use by lease, bailment or any other contract, but does not include transfers at wholesale to distributors or dealers.

23. "Speech-language pathology" means the nonmedical and nonsurgical application of principles, methods and procedures of assessment, testing, evaluation and prediction related to speech and language and its disorders and related communication impairments for the nonmedical diagnosis, prevention, amelioration or modification of these disorders and conditions.

24. "Speech-language pathology assistant" means a person who provides services prescribed in section 36-1940.04 under the direction and supervision of a speech-language pathologist licensed pursuant to this chapter.

25. "Sponsor" means a person who is licensed pursuant to this chapter and who agrees to train or directly supervise a temporary licensee in the same field of practice.

26. "Temporary licensee" means a person who is licensed under this chapter for a specified period of time under the sponsorship of a person licensed pursuant to this chapter.

27. "Unprofessional conduct" means:

(a) Obtaining any fee or making any sale by fraud or misrepresentation.

(b) Employing directly or indirectly any suspended or unlicensed person to perform any work covered by this chapter.

(c) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or other representation, however disseminated or published, that is misleading, deceiving, improbable or untruthful.

(d) Advertising for sale a particular model, type or kind of product when purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing the

advertised model, type or kind if the purpose of the advertisement is to obtain prospects for the sale of a different model, type or kind than that advertised.

(e) Representing that the professional services or advice of a physician will be used or made available in selling, fitting, adjusting, maintaining or repairing hearing aids if this is not true, or using the words "doctor", "clinic", "clinical" or like words, abbreviations or symbols while failing to affix the word, term or initials "audiology", "audiologic", "audiologist", "doctor of audiology", "Au.D.", "Ph.D." or "Sc.D.".

(f) Defaming competitors by falsely imputing to them dishonorable conduct, inability to perform contracts or questionable credit standing or by other false representations, or falsely disparaging the products of competitors in any respect, or their business methods, selling prices, values, credit terms, policies or services.

(g) Displaying competitive products in the licensee's show window, shop or advertising in such manner as to falsely disparage such products.

(h) Representing falsely that competitors are unreliable.

(i) Quoting prices of competitive products without disclosing that they are not the current prices, or showing, demonstrating or representing competitive models as being current models when they are not current models.

(j) Imitating or simulating the trademarks, trade names, brands or labels of competitors with the capacity, tendency or effect of misleading or deceiving purchasers or prospective purchasers.

(k) Using in the licensee's advertising the name, model name or trademark of a particular manufacturer of hearing aids in such a manner as to imply a relationship with the manufacturer that does not exist, or otherwise to mislead or deceive purchasers or prospective purchasers.

(l) Using any trade name, corporate name, trademark or other trade designation that has the capacity, tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the name, nature or origin of any product of the industry, or of any material used in the product, or that is false, deceptive or misleading in any other material respect.

(m) Obtaining information concerning the business of a competitor by bribery of an employee or agent of that competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means.

(n) Giving directly or indirectly, offering to give, or allowing or causing to be given money or anything of value, except miscellaneous advertising items of nominal value, to any person who advises another in a professional capacity as an inducement to influence that person or have that person influence others to purchase or contract to purchase products sold or offered for sale by a hearing aid dispenser, or to influence persons to refrain from dealing in the products of competitors.

- (o) Sharing any profits or sharing any percentage of a licensee's income with any person who advises another in a professional capacity as an inducement to influence that person or have that person influence others to purchase or contract to purchase products sold or offered for sale by a hearing aid dispenser or to dissuade persons from dealing in products of competitors.
- (p) Failing to comply with existing federal regulations regarding fitting and dispensing a hearing aid.
- (q) Being convicted of a felony or a misdemeanor that involves moral turpitude.
- (r) Fraudulently obtaining or attempting to obtain a license or a temporary license for the applicant, the licensee or another person.
- (s) Aiding or abetting unlicensed practice.
- (t) Wilfully making or filing a false audiology, speech-language pathology or hearing aid dispenser evaluation.
- (u) Using narcotics, alcohol or drugs to the extent that performing professional duties is impaired.
- (v) Betraying a professional confidence.
- (w) Engaging in any conduct, practice or condition that impairs the ability of the licensee to safely and competently engage in the practice of audiology, speech-language pathology or hearing aid dispensing.
- (x) Providing services or promoting the sale of devices, appliances or products to a person who cannot reasonably be expected to benefit from these services, devices, appliances or products.
- (y) Being disciplined by a licensing or disciplinary authority of any state, territory or district of this country for an act that is grounds for disciplinary action under this chapter.
- (z) Violating any provision of this chapter or failing to comply with rules adopted pursuant to this chapter.
- (aa) Failing to refer an individual for medical evaluation if a condition exists that is amenable to surgical or medical intervention prescribed by the advisory committee and consistent with federal regulations.
- (bb) Practicing in a field or area within that licensee's defined scope of practice in which the licensee has not either been tested, taken a course leading to a degree, received supervised training, taken a continuing education course or had adequate prior experience.
- (cc) Failing to affix the word, term or initials "audiology", "audiologic", "audiologist", "doctor of audiology", "Au.D.", "Ph.D." or "Sc.D." in any sign, written communication or advertising media in

which the term "doctor" or the abbreviation "Dr." is used in relation to the audiologist holding a doctoral degree.

36-1902. Powers and duties of the director: advisory committee: members

A. The director shall:

1. Supervise and administer qualifying examinations to test the knowledge and proficiency of applicants for a hearing aid dispenser's license.
2. Designate the time and place for holding examinations for a hearing aid dispenser's license.
3. License persons who apply for and pass the examination for a license and who possess all other qualifications required for the practice of fitting and dispensing hearing aids, the practice of audiology and the practice of speech-language pathology.
4. License persons who apply for a license and who possess all other qualifications required for licensure as a speech-language pathology assistant.
5. Authorize all disbursements necessary to carry out this chapter.
6. Ensure the public's health and safety by adopting and enforcing qualification standards for licensees and applicants for licensure under this chapter.
7. Appoint an advisory committee to assist in examining applicants for a hearing aid dispenser's license and to collaborate with and assist the director in disciplinary matters, if requested, or any other duties prescribed in this chapter.

B. The director may:

1. Purchase and maintain, or rent, equipment and facilities necessary to carry out the examination of applicants for a license.
2. Issue and renew a license.
3. Deny, suspend, revoke or refuse renewal of a license or file a letter of concern, issue a decree of censure, prescribe probation, impose a civil penalty or restrict or limit the practice of a licensee pursuant to this chapter.
4. Make and publish rules that are not inconsistent with the laws of this state and that are necessary to carry out this chapter.
5. Require the periodic inspection of testing equipment and facilities of persons who are engaged in the practice of fitting and dispensing hearing aids, the practice of audiology and the practice of speech-language pathology.

6. Require a licensee to produce customer records of patients involved in complaints on file with the department.

C. The advisory committee appointed pursuant to subsection A, paragraph 7 of this section consists of the following members:

1. The director or the director's designee.
2. Two physicians who are licensed under title 32, chapter 13 or 17, one of whom is a specialist in otolaryngology.
3. Two licensed audiologists, one of whom dispenses hearing aids.
4. Two licensed speech-language pathologists, one of whom provides services in a school setting.
5. Two public members, one of whom is deaf or hard of hearing.
6. One member of the commission for the deaf and the hard of hearing who is not licensed pursuant to this chapter.
7. Two licensed hearing aid dispensers who are not licensed to practice audiology.
8. Two licensed speech-language pathology assistants.

D. Committee members who are licensed under this chapter shall have at least five years' experience immediately preceding the appointment in their field of practice in this state. Committee members shall serve a two-year term.

E. The director shall verify that each audiology licensee has passed a nationally recognized examination approved by the director.

F. The director shall verify that each speech-language pathology licensee has passed a nationally recognized examination approved by the director.

G. The director may recognize a nationally recognized speech-language hearing association or audiology association examination, or both, as an approved examination.

36-1903. Deposit of monies

The director shall deposit pursuant to sections 35-146 and 35-147, ten per cent of all monies collected pursuant to this chapter in the state general fund and shall deposit the remaining ninety per cent in the health services licensing fund established by section 36-414, except that monies collected from civil penalties imposed pursuant to this chapter shall be deposited in the state general fund.

36-1904. Issuance of license; renewal of license; continuing education; military members

A. The director shall issue a regular license to each applicant who meets the requirements of this chapter. A regular license is valid for two years.

B. A licensee shall renew a regular license every two years on payment of the renewal fee prescribed in section 36-1908. There is a thirty-day grace period after the expiration of a regular license. During this period the licensee may renew a regular license on payment of a late fee in addition to the renewal fee.

C. When renewing a regular license as a hearing aid dispenser, the licensee shall provide proof of having completed at least twenty-four hours of continuing education within the prior twenty-four months. Courses sponsored by a single manufacturer of hearing aids may not satisfy more than eight hours of continuing education within the prior twenty-four months. At least eight hours of continuing education must be from courses taught in person that offer a hands-on opportunity for instruction in dispensing-related techniques. Courses on topics that provide a hearing aid dispenser an opportunity to stay current on business or client service practices or trends in the profession or that contribute to the professional or business competence of a hearing aid dispenser may qualify for up to one-third of the continuing education requirement. The in-person course requirement may be waived by the director:

1. For all licensees, in the event of a public health emergency declaration.
2. For an individual licensee, in the event of a bona fide emergency that prevents the licensee from attending in-person courses for an indefinite period of time.

D. When renewing a regular license in audiology or in speech-language pathology, the licensee shall provide proof of having completed at least twenty hours of continuing education within the prior twenty-four months. Courses sponsored by a single manufacturer of hearing aids may not satisfy more than eight hours of continuing education within the prior twenty-four months for persons with a license in audiology.

E. The director by rule shall provide standards for continuing education courses required by this section. Educational courses that are developed by professional organizations of hearing aid dispensers, audiologists or speech language pathologists and that are used by those associations to comply with continuing education requirements are deemed to comply with department standards.

F. The director may refuse to renew a regular license for any cause provided in section 36-1934.

G. A person who does not renew a regular license as prescribed by this section shall apply for a new license pursuant to the requirements of this chapter. If an application is received by the director within one year after the expiration date of the license, the applicant is not required to take an examination.

H. A person who reapplies for a regular license issued pursuant to this chapter must provide proof of completion of the continuing education hours prescribed by subsection C or D of this section within the previous twenty-four months before the date of reapplication.

I. A license issued pursuant to this chapter to any member of the Arizona national guard or the United States armed forces reserves does not expire while the member is serving on federal active duty and is extended one hundred eighty days after the member returns from federal active duty if the member, or the legal representative of the member, notifies the director of the federal active duty status of the member. A license issued pursuant to this chapter to any member serving in the regular component of the United States armed forces is extended one hundred eighty days after the date of expiration if the member, or the legal representative of the member, notifies the director of the federal active duty status of the member. If the license is renewed during the applicable extended time period after the member returns from federal active duty, the member is responsible only for normal fees and activities relating to renewal of the license and shall not be charged any additional costs such as late fees or delinquency fees. The member, or the legal representative of the member, shall present to the director a copy of the member's official military orders, a redacted military identification card or a written verification from the member's commanding officer before the end of the applicable extended time period in order to qualify for the extension.

J. A license issued pursuant to this chapter to any member of the Arizona national guard, the United States armed forces reserves or the regular component of the United States armed forces does not expire and is extended one hundred eighty days after the date the military member is able to perform activities necessary under the license if the member both:

1. Is released from active duty service.
2. Suffers an injury as a result of active duty service that temporarily prevents the member from being able to perform activities necessary under the license.

36-1905. Sponsors; duties

A. A sponsor shall directly train and supervise a temporary licensee. The director shall prescribe by rule a reasonable number of hours of training and supervision required. A sponsor may not sponsor more than two temporary licensees at one time.

B. A sponsor and the temporary licensee are equally liable for violations of this chapter and rules adopted pursuant to this chapter that are committed by the temporary licensee.

C. A sponsor who violates this section is subject to disciplinary action as prescribed pursuant to section 36-1934.

36-1906. Registering place of business with director

A. A person who holds a license shall notify the director in writing of the address of the place or places where the person engages in the practice of fitting and dispensing hearing aids, the practice

of audiology or the practice of speech-language pathology and of any subsequent change of address.

B. The director shall keep a record of the places of practice of persons who hold licenses.

36-1907. Practicing without a license; prohibition

A. A person shall not engage in the practice of fitting and dispensing hearing aids, audiology or speech-language pathology or display a sign or in any other way advertise or claim to be a hearing aid dispenser, an audiologist or a speech-language pathologist unless the person holds an active license in good standing issued by the director as provided in this chapter.

B. A person shall not engage in performing the duties of a speech-language pathology assistant or claim to be a speech-language pathology assistant unless the person holds an active license in good standing issued by the director as provided by this chapter.

C. A licensee shall conspicuously post a license issued pursuant to this chapter in the licensee's office or place of business.

36-1908. Fees

The director shall prescribe and collect fees from persons who are regulated under this chapter for the following:

1. An original application for a regular or temporary license.
2. An original issuance of a regular or temporary license.
3. An original application for a regular or temporary license if an examination pursuant to section 36-1924 is required.
4. A renewal of a regular or temporary license.
5. An issuance of a duplicate regular or temporary license.
6. A late fee.

36-1909. Bill of sale; requirements

A. A hearing aid dispenser or dispensing audiologist shall deliver a bill of sale to each person supplied with a hearing aid by the hearing aid dispenser or the dispensing audiologist or at that person's order or direction.

B. A bill of sale shall contain the hearing aid dispenser's or the dispensing audiologist's signature and shall show the address of that person's regular place of practice and the number of that person's

license, a description of the make and model of the hearing aid and the amount charged. The bill of sale shall also state the serial number and the condition of the hearing aid as to whether it is new, used or rebuilt.

C. A bill of sale shall contain language that verifies that the client has been informed about audio switch technology, including benefits such as increased access to telephones and assistive listening devices. If the hearing device purchased by the client has audio switch technology, the client shall be informed of the proper use of the technology. The client shall be informed that an audio switch is also referred to as a telecoil, t-coil or t-switch.

D. A bill of sale shall contain language that informs the client about the Arizona telecommunications equipment distribution program established by section 36-1947 that provides assistive telecommunications devices to residents of this state who have hearing loss.

36-1921. Persons not affected by chapter

This chapter does not:

1. Apply to a person while engaged in the practice of recommending hearing aids if such practice is part of the academic curriculum of an accredited institution of higher education or part of a program conducted by a public or charitable institution, or a nonprofit organization which is primarily supported by voluntary contributions unless they sell hearing aids.
2. Apply to any person engaging in the practice of measuring human hearing for the purpose of selection of hearing aids provided that the person or the organization that employs that person does not sell hearing aids or hearing aid accessories.
3. Prevent a health care professional who is licensed or certified under title 32 from acting within the scope of that person's license or certificate.
4. Apply to a person who is credentialed by this state as a teacher of the deaf from acting within the scope of those credentials.
5. Apply to a student, intern or trainee pursuing a course of study in audiology or speech-language pathology in a nationally or regionally accredited institution of higher education or training institution if all of the following are true:
 - (a) The activities are part of a planned course of study at that institution.
 - (b) The person is designated by a title that clearly indicates the status appropriate to the person's level of education.
 - (c) The person works under the supervision of a person who is licensed in this state as an audiologist or a speech-language pathologist.

(d) Before a person receives services from a student or a temporary licensee, the supervising licensee provides written notification of this fact to the patient.

6. Apply to any person certified by the department of health services for the school hearing screening program.

36-1922. Reciprocity

A. The director may issue a license to a person who is currently licensed in another state or jurisdiction that the director determines meets the minimum licensure requirements of this chapter. The person shall apply for licensure and pay all applicable fees as prescribed by this chapter.

B. The applicant shall provide information the director determines is necessary to investigate the status of the applicant's current license.

36-1923. Hearing aid dispensers: licensure requirements

A. An applicant for a hearing aid dispenser license shall pay to the director a nonrefundable application fee and shall show to the satisfaction of the director that the applicant:

1. Has an education equivalent to a four-year course in an accredited high school or has continuously engaged in the practice of fitting and dispensing hearing aids during the three years preceding August 11, 1970.

2. Has not had the applicant's license revoked or suspended by a state within the preceding two years and is presently not ineligible for licensure in any state due to prior revocation or suspension.

B. An applicant for a hearing aid dispenser license who is notified by the director that the applicant has fulfilled the requirements of subsection A of this section shall appear to be examined by written and practical tests as designated by the director in order to demonstrate that the applicant is qualified to practice the fitting and dispensing of hearing aids.

C. The director shall give at least two and not more than four examinations of the type described in this section in each calendar year unless there is an insufficient number of applicants for the second annual examination.

36-1924. Examination for license

A. The examination provided for in this article shall consist of:

1. A demonstration of minimal knowledge in the techniques of testing hearing and fitting and evaluating hearing aids.

2. A knowledge of the medical and rehabilitation facilities, for children and adults with hearing disorders, in this state.

3. Tests of knowledge in the following areas as they pertain to the fitting of hearing aids:

(a) Physics.

(b) The human hearing mechanism, including its functions and causes of its disorders.

(c) The function of hearing aids.

4. Practical tests of proficiency in the techniques of taking ear mold impressions and measurement of hearing by pure tone audiometry, including the air, bone and masking methods, and speech audiometry and other skills as they pertain to the candidacy for, selection of and adaptation of hearing aids.

5. A knowledge of rehabilitation and hearing conservation techniques as they relate only to hearing aids and related devices.

B. The examination shall not be constructed to require knowledge or abilities inconsistent with the realistic services of a hearing aid dispenser or with the requirements of sound public health practices.

C. To provide adequate tests of proficiency, the examination requirements provided in this section may be changed when deemed necessary due to technological advances.

36-1925. Educational materials; bills of sale; notice requirements

The department shall establish an awareness campaign for hearing aid dispensers and post on its website educational materials regarding the bill of sale notice requirements prescribed in section 36-1909.

36-1926. Temporary license; sponsorship; termination of sponsorship

A. An applicant who fulfills the requirements of section 36-1923, subsection A may apply to the director for a temporary license.

B. On receiving an application as provided by subsection A of this section, accompanied by an application fee and proof of sponsorship, the director shall issue a temporary license. A temporary license allows the licensee to practice the fitting and dispensing of hearing aids for a twelve-month period.

C. An applicant shall provide proof to the satisfaction of the director that the applicant is or will be supervised and trained for fitting and dispensing activities by a sponsor licensed pursuant to this chapter.

D. A sponsor may terminate sponsorship at any time and for any reason. The director shall not review the reasons for the termination. A temporary license terminates on the date that the director

receives notice from the sponsor that the sponsor is terminating sponsorship. This notice shall be accompanied by documentation that the sponsor has notified the licensee of the termination. The director shall prescribe by rule how the sponsor shall document this notification of termination. A person whose license is terminated shall apply for a new temporary license as prescribed by this section and shall not practice until granted a license.

E. A temporary licensee shall take an examination within six months after issuance of a temporary license. If the person takes and fails the examination, the person may renew the temporary license once before the temporary license expires. The person shall take the next examination following the issuance of the renewal license.

F. The director may revoke or suspend a temporary license in the same manner and for the same reasons as prescribed pursuant to section 36-1934.

G. The director may deny an application for a temporary license if the applicant has previously held a temporary license and renewed the temporary license.

36-1934. Denial, revocation or suspension of license; hearings; alternative sanctions

A. The director may deny, revoke or suspend a license issued under this chapter for any of the following reasons:

1. Being convicted of a felony or misdemeanor involving moral turpitude. The record of the conviction or a certified copy from the clerk of the court where the conviction occurred or from the judge of that court is sufficient evidence of conviction.
2. Securing a license under this chapter through fraud or deceit.
3. Committing unprofessional conduct or incompetence in the conduct of the licensee's practice.
4. Using a false name or alias in the licensee's professional practice.
5. Violating any of the provisions of this chapter.
6. Failing to comply with existing federal regulations regarding fitting and dispensing a hearing aid.

B. If the director determines pursuant to a hearing that grounds exist to revoke or suspend a license, the director may do so permanently or for a fixed period of time and may impose conditions as prescribed by rule.

C. The department may deny a license without holding a hearing. After receiving notification of the denial, the applicant may request a hearing to review the denial.

D. The department shall conduct any hearing to revoke or suspend a license or impose a civil penalty under section 36-1939 pursuant to title 41, chapter 6, article 10.

E. Instead of denying, revoking or suspending a license, the director may file a letter of concern, issue a decree of censure, prescribe a period of probation or restrict or limit the practice of a licensee.

36-1936. Unlawful acts

A person may not:

1. Sell, barter, or offer to sell or barter, a license.
2. Purchase or procure by barter a license with intent to use it as evidence of the holder's qualification to engage in the practice of fitting and dispensing hearing aids.
3. Alter materially a license with fraudulent intent.
4. Use or attempt to use as a valid license one which has been purchased, fraudulently obtained, counterfeited or materially altered.
5. Wilfully make a false, material statement in an application or related document for a license or for renewal of a license.

36-1937. Injunctive relief

The director may enforce any provision of this chapter by injunction or by any other appropriate proceeding. No such proceeding shall be barred by any proceeding had or pending pursuant to any other provisions of this chapter, or by the imposition of any fine or term of imprisonment pursuant thereto.

36-1938. Violation: classification

Violation of any provision of this chapter is a class 3 misdemeanor.

36-1939. Civil penalties: enforcement

- A. The director may impose a civil penalty of not more than five hundred dollars for a violation of this chapter or a rule adopted pursuant to this chapter.
- B. The attorney general and the county attorney may bring an action in the name of this state to enforce civil penalties imposed pursuant to this section. Actions shall be brought in the superior court in the county where the violation occurs.
- C. The director may impose penalties assessed pursuant to this section in addition to other penalties imposed pursuant to this chapter.

D. All monies collected from civil penalties collected for violation of this chapter or a rule adopted pursuant to this chapter shall be deposited in the state general fund.

36-1940. Audiologists; licensure requirements; fingerprint clearance card; rules

A. A person who wishes to be licensed as an audiologist shall:

1. Submit a nonrefundable application fee as prescribed by section 36-1908.
2. Submit evidence satisfactory to the director that the applicant has:
 - (a) A doctoral degree with an emphasis in audiology from a nationally or regionally accredited college or university in an accredited program consistent with the standards of this state's universities.
 - (b) Completed supervised clinical rotations in audiology from a nationally or regionally accredited college or university in an accredited program consistent with the standards of this state's universities.
3. Pass an examination pursuant to section 36-1902, subsection G. The applicant must have completed the examination within three years before the date of application for licensure pursuant to this article.
4. Not have had a license revoked or suspended by a state within the preceding two years and not be presently ineligible for licensure in any state because of a prior revocation or suspension.

B. A person who has a doctoral degree in audiology and who wishes to be licensed as an audiologist to fit and dispense hearing aids shall:

1. Submit a nonrefundable application fee as prescribed by section 36-1908.
2. Submit evidence satisfactory to the director that the applicant has:
 - (a) A doctoral degree with an emphasis in audiology from a nationally or regionally accredited college or university in a program consistent with the standards of this state's universities.
 - (b) Completed supervised clinical rotations in audiology from a nationally or regionally accredited college or a university in an accredited program that is consistent with the standards of this state's universities.
3. Pass an examination pursuant to section 36-1902, subsection G. The applicant must have completed the examination within three years before the date of application for licensure pursuant to this article.

4. Pass an examination approved by the director in jurisprudence and ethics related to this chapter within six months after initial licensure. The director shall offer the examination at least four times each calendar year.

5. Not have had a license revoked or suspended by a state within the preceding two years and not be presently ineligible for licensure in any state because of a prior revocation or suspension.

C. A person who wishes to be licensed as an audiologist to fit and dispense hearing aids and who was awarded a master's degree in audiology before December 31, 2007 must:

1. Submit a nonrefundable application fee as prescribed pursuant to section 36-1908.

2. Submit evidence satisfactory to the director that the applicant meets the requirements prescribed in section 36-1940.02, subsection C for a waiver of the educational and clinical rotation requirements of this article.

3. Pass an audiology examination pursuant to section 36-1902, subsection E. The applicant must have completed the examination within three years before the date of application for licensure pursuant to this article unless the applicant is currently practicing audiology and meets the audiology examination waiver requirements of section 36-1940.02, subsection D.

4. Pass the hearing aid dispenser's examination pursuant to section 36-1924.

5. Not have had a license to practice as an audiologist or hearing aid dispenser revoked or suspended by another state within the preceding two years and not currently be ineligible for licensure in any state because of a prior revocation or suspension.

D. A person who wishes to be licensed as an audiologist and have the privilege to practice pursuant to article 4.1 of this chapter shall obtain a fingerprint clearance card pursuant to section 41-1758.07.

E. The director shall adopt rules prescribing criteria for approved postgraduate professional experience.

36-1940.01. Speech-language pathologist; licensure requirements; fingerprint clearance card; rules

A. A person who wishes to be licensed as a speech-language pathologist shall:

1. Submit a nonrefundable application fee as prescribed by section 36-1908.

2. Submit evidence satisfactory to the director that the applicant has:

(a) A master's degree in speech-language pathology or the equivalent from a nationally or regionally accredited college or university in a program consistent with the standards of this state's universities.

(b) Completed a supervised clinical practicum in speech-language pathology from a nationally or regionally accredited college or university in a program consistent with the standards of this state's universities.

(c) Completed postgraduate professional experience in the field of speech-language pathology approved by the director.

3. Pass an examination pursuant to section 36-1902, subsection G.

4. Not have had a license revoked or suspended by a state within the preceding two years and not be presently ineligible for licensure in any state because of a prior revocation or suspension.

B. A person who wishes to be licensed as a speech-language pathologist whose practice is limited to providing services to pupils under the authority of a local education agency or state-supported institution shall:

1. Submit a nonrefundable application fee as provided by section 36-1908.

2. Submit proof of an employee or contractor relationship with a local education agency or a state-supported institution.

3. Hold a certificate in speech and language therapy awarded by the state board of education.

C. A person who wishes to be licensed as a speech-language pathologist and have the privilege to practice pursuant to article 4.1 of this chapter shall obtain a fingerprint clearance card pursuant to section 41-1758.07.

D. The director shall adopt rules prescribing criteria for approved postgraduate professional experience.

36-1940.02. Waiver of licensure and examination requirements

A. The advisory committee appointed under section 36-1902 may recommend to the director a waiver of the educational requirements of sections 36-1940 and 36-1940.01 if an applicant submits proof satisfactory to the department that the applicant received professional education in another country equivalent to the education and practicum requirements of this article.

B. The department shall waive the examination requirements of section 36-1940.01 under either of the following conditions:

1. The applicant presents proof satisfactory to the department that the applicant is currently licensed in a state, district or territory of this country that has standards that are at least equivalent to those of this state.

2. The applicant holds a certificate of clinical competence in speech-language pathology from a nationally recognized speech-language hearing association approved by the department in the field for which the applicant is applying for licensure.

C. The department shall waive the education and clinical rotation requirements of section 36-1940 if an applicant submits proof satisfactory to the director that the applicant either:

1. Is currently licensed in a state that has standards that are at least equivalent to those of this state.

2. Has a master's degree in audiology that was awarded by an accredited program before December 31, 2007 and has completed postgraduate professional experience in audiology as approved by the director.

D. The department shall waive the audiology examination requirements of section 36-1940 if either:

1. The applicant presents proof satisfactory to the department that the applicant is currently licensed and practicing audiology in this state or in another state that has standards that are at least equivalent to those of this state.

2. The applicant presents proof satisfactory to the department that the applicant is currently practicing audiology under the authority and supervision of an agency of the United States government or of another board, agency or department of another state and holds a certificate in audiology from a recognized credentialing body approved by the director.

E. The department shall waive the hearing aid dispensing examination requirements of section 36-1940 if:

1. The applicant presents proof satisfactory to the department that the applicant holds a current license that includes dispensing and that is issued by another state that has standards that are at least equivalent to those of this state.

2. The applicant passes an examination approved by the director in jurisprudence and ethics related to this chapter within six months after initial licensure. The director shall offer the examination at least four times each calendar year.

36-1940.03. Temporary licenses

A. The department shall issue a temporary license to a person who does not meet the professional experience requirement of section 36-1940.01 if the applicant meets the other requirements of that section and:

1. Includes with the application a plan for meeting the postgraduate professional experience.

2. Submits a fee prescribed by section 36-1908.

B. A person may renew a temporary license only once.

C. A person issued a temporary license shall practice only under the supervision of a person who is fully licensed by this state.

36-1940.04. Speech-language pathology assistants: licensure requirements: scope of practice: supervision

A. A person who wishes to be licensed as a speech-language pathology assistant shall:

1. Submit a nonrefundable application fee as prescribed by section 36-1908.

2. Submit written evidence satisfactory to the director that the applicant has completed:

(a) An approved training program for speech-language pathology assistants or the equivalent from a nationally or regionally accredited college or university that consisted of a minimum of sixty semester credit hours of coursework with the following curriculum content:

(i) Twenty to forty semester credit hours of general education or a bachelor's degree.

(ii) Twenty to forty semester credit hours of speech-language pathology technical coursework.

(b) A minimum of one hundred hours of clinical interaction that does not include observation, under the supervision of a licensed master's level speech-language pathologist.

3. Not have had a license revoked or suspended by a state within the preceding two years and not be presently ineligible for licensure in any state because of a prior revocation or suspension.

B. The director may waive the requirements of subsection A, paragraph 2 of this section if the applicant holds certification as a speech-language pathology assistant from a nationally recognized speech-language hearing association approved by the department in the field for which the applicant is applying for licensure.

C. A speech-language pathology assistant may do the following under the supervision of a licensed speech-language pathologist:

1. Conduct speech and language screenings without interpretation, using screening protocols specified by the supervising speech-language pathologist.

2. Provide direct treatment assistance, including feeding for nutritional purposes to patients, clients or students except for patients, clients or students with dysphagia, identified by the supervising speech-language pathologist by following written treatment plans, individualized education programs, individual support plans or protocols developed by the supervising speech-language pathologist.

3. Document patient, client or student progress toward meeting established objectives as stated in the treatment plan, individual support plan or individualized education program without interpreting the findings and report this information to the supervising speech-language pathologist.
 4. Assist the speech-language pathologist in collecting and tallying data for assessment purposes, without interpreting the data.
 5. Act as a second-language interpreter during assessments.
 6. Assist with informal documentation during an intervention session by collecting and tallying data as directed by the speech-language pathologist, preparing materials and assisting with other clerical duties as specified by the supervising speech-language pathologist.
 7. Schedule activities and prepare charts, records, graphs or other displays of data.
 8. Perform checks and maintenance of equipment.
 9. Participate with the speech-language pathologist in research projects, in-service training and public relations programs.
 10. Sign and initial treatment notes for review and cosignature by the supervising speech-language pathologist.
- D. A speech-language pathology assistant shall not:
1. Conduct swallowing screening, assessment and intervention protocols, including modified barium swallow studies.
 2. Administer standardized or nonstandardized diagnostic tests or formal or informal evaluations or interpret test results.
 3. Participate in parent conferences, case conferences or any interdisciplinary team meeting without the presence of the supervising speech-language pathologist, except for individualized education program or individual support plan meetings if the licensed speech-language pathologist has been excused by the individualized education program team or the individual support plan team.
 4. Write, develop or modify a patient's, client's or student's treatment plan, individual support plan or individualized education program in any way.
 5. Provide intervention for patients, clients or students without following the treatment plan, individual support plan or individualized education program prepared by the supervising speech-language pathologist.
 6. Sign any formal documents, including treatment plans, individual support plans, individualized education programs, reimbursement forms or reports.

7. Select patients, clients or students for services.
 8. Discharge patients, clients or students from services.
 9. Unless required by law, disclose clinical or confidential information orally or in writing to anyone not designated by the speech-language pathologist.
 10. Make a referral for any additional service.
 11. Communicate with the patient, client or student or with family or others regarding any aspect of the patient, client or student status without the specific consent of the supervising speech-language pathologist.
 12. Claim to be a speech-language pathologist.
 13. Write a formal screening, diagnostic, progress or discharge note.
 14. Perform any task without the express knowledge and approval of the supervising speech-language pathologist.
- E. All services provided by a speech-language pathology assistant shall be performed under the direction and supervision of a speech-language pathologist who is licensed pursuant to this chapter.
- F. A licensed speech-language pathologist who supervises or directs the services provided by a speech-language pathology assistant shall:
1. Have at least two years of full-time professional experience as a licensed speech-language pathologist.
 2. Provide direction and supervision to not more than two full-time or three part-time speech-language pathology assistants at one time.
 3. Ensure that the amount and type of supervision and direction provided to a speech-language pathology assistant is consistent with the individual's skills and experience, the needs of the patient, client or student served, the setting in which services are provided and the tasks assigned and provide:
 - (a) At least twenty percent direct supervision and ten percent indirect supervision of all the time that the speech-language pathology assistant is providing services during the individual's first ninety days of employment. After the first ninety days of the speech-language pathology assistant's employment, the supervising speech-language pathologist may adjust the amount of supervision if the supervising speech-language pathologist determines that the speech-language pathology assistant meets appropriate competencies and skill levels regarding various disorders of communication and related disorders. Minimum ongoing supervision after the first ninety days shall include documentation of direct and indirect supervision provided by the supervising speech-language pathologist and shall

include at least one hour of direct supervision weekly and as much indirect supervision as needed to maintain the delivery of quality services. Minimum ongoing supervision after the first ninety days shall include documentation by the supervising speech-language pathologist of the supervisor's direct contact with at least ten percent of the speech-language pathology assistant's patients, clients or students served each quarter. The supervising speech-language pathologist shall ensure that the ten percent direct client contact varies each quarter. The supervising speech-language pathologist shall require direct supervision of a speech-language pathology assistant when services are provided to a medically fragile individual.

(b) At least ten percent direct supervision and ten percent indirect supervision of all the time that the speech-language pathology assistant is providing services during the individual's first thirty days of employment if the speech-language pathology assistant completed supervision pursuant to subdivision (a) of this paragraph at a previous employer and provides documentation of that supervision to the supervising speech-language pathologist. After the first thirty days of the speech-language pathology assistant's employment, the supervising speech-language pathologist may adjust the amount of supervision if the supervising speech-language pathologist determines that the speech-language pathology assistant meets appropriate competencies and skill levels regarding various disorders of communication and related disorders. Minimum ongoing supervision after the first thirty days of employment shall include documentation of direct and indirect supervision provided by the supervising speech-language pathologist and shall include at least one hour of direct supervision weekly and as much indirect supervision as needed to maintain the delivery of quality services. Minimum ongoing supervision after the first ninety days shall include documentation by the supervising speech-language pathologist of the supervisor's direct contact with at least ten percent of the speech-language pathology assistant's patients, clients or students served each quarter. The supervising speech-language pathologist shall ensure that the ten percent direct client contact varies each quarter. The supervising speech-language pathologist shall require direct supervision of a speech-language pathology assistant when services are provided to a medically fragile individual.

4. Inform a patient, client or student when the services of a speech-language pathology assistant are being provided.

5. Document all periods of direct supervision and indirect supervision provided to a speech-language pathology assistant.

G. If more than one speech-language pathologist provides supervision to a speech-language pathology assistant, one of the speech-language pathologists shall be designated as the primary supervisor who is responsible for coordinating any supervision provided by other speech-language pathologists.

36-1940.11. Audiologists and speech-language pathologists; compact

SECTION 1. PURPOSE

A. The purpose of this compact is to facilitate the interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and speech-language pathology

occurs in the state where the patient, client or student is located at the time of the patient, client or student encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

B. This compact is designed to achieve the following objectives:

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

SECTION 2. DEFINITIONS

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

1. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 United States Code chapters 1209 and 1211.
2. "Adverse action" means any administrative, civil, equitable or criminal action allowed by a state's laws that is imposed by a licensing board or other authority against an audiologist or speech-language pathologist, including actions against an individual's license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee or restriction on the licensee's practice.
3. "Alternative program" means a nondisciplinary monitoring process approved by an audiology or speech-language pathology licensing board to address impaired practitioners.
4. "Audiologist" means an individual who is licensed by a state to practice audiology.

5. "Audiology" means the care and services provided by a licensed audiologist as set forth in the member state's statutes and rules.
6. "Audiology and speech-language pathology compact commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact.
7. "Audiology and speech-language pathology licensing board", "audiology licensing board", "speech-language pathology licensing board" or "licensing board" means the agency of a state that is responsible for licensing and regulating audiologists or speech-language pathologists, or both.
8. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech-language pathologist in the remote state under its laws and rules. The practice of audiology or speech-language pathology occurs in the member state where the patient, client or student is located at the time of the patient, client or student encounter.
9. "Data system" means a repository of information about licensees, including continuing education, examination, licensure, investigative, compact privilege and adverse action.
10. "Encumbered license" means a license in which an adverse action restricts the practice of audiology or speech-language pathology by the licensee and the adverse action has been reported to the national practitioners data bank.
11. "Executive committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.
12. "Home state" means the member state that is the licensee's primary state of residence.
13. "Impaired practitioner" means an individual whose professional practice is adversely affected by substance abuse, addiction or another health-related condition.
14. "Investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the audiologist or speech-language pathologist to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.
15. "Licensee" means an individual who currently holds an authorization from the state licensing board to practice as an audiologist or speech-language pathologist.
16. "Member state" means a state that has enacted the compact.
17. "Privilege to practice" means a legal authorization allowing the practice of audiology or speech-language pathology in a remote state.

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

19. "Rule" means a regulation, principle or directive promulgated by the commission that has the force of law.

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

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

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

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

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

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

SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

B. A state must implement or use procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records, as follows:

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

2. Communication between a member state and the commission and among member states regarding the verification of eligibility for licensure through the compact shall not include any

information received from the federal bureau of investigation relating to a federal criminal records check performed by a member state under Public Law 92-544.

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

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

E. An audiologist must meet all of the following requirements:

1. One of the following educational requirements:

(a) On or before December 31, 2007, graduated with a master's degree or doctorate in audiology, or an equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the council for higher education accreditation, or its successor, or by the United States department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

(b) On or after January 1, 2008, graduated with a doctoral degree in audiology, or an equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the council for higher education accreditation, or its successor, or by the United States department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

(c) Graduated from an audiology program that is housed in an institution of higher education outside of the United States, and the program and institution have been approved by the authorized accrediting body in the applicable country and the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

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

3. Successfully passed a national examination approved by the commission.

4. Hold an active, unencumbered license.

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

6. Have a valid United States social security or national practitioner identification number.

F. A speech-language pathologist must meet all of the following requirements:

1. One of the following educational requirements:

(a) Graduated with a master's degree from a speech-language pathology program that is accredited by an organization recognized by the United States department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

(b) Graduated from a speech-language pathology program that is housed in an institution of higher education outside of the United States, and the program and institution have been approved by the authorized accrediting body in the applicable country and the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

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

3. Completed a supervised postgraduate professional experience as required by the commission.

4. Successfully passed a national examination approved by the commission.

5. Hold an active, unencumbered license.

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

7. Have a valid United States social security or national practitioner identification number.

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

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

I. Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state

license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech-language pathology in any other member state. This compact does not affect the requirements established by a member state for the issuance of a single-state license.

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

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

SECTION 4. COMPACT PRIVILEGE

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

1. Hold an active license in the home state.
2. Have no encumbrance on any state license.
3. Be eligible for a compact privilege in any member state in accordance with section 3 of this compact.
4. Not have had any adverse action against any license or compact privilege within the previous two years from date of application.
5. Notify the commission that the licensee is seeking the compact privilege within a remote state or remote states.
6. Pay any applicable fees, including any state fee, for the compact privilege.
7. Report to the commission any adverse action taken by any nonmember state within thirty days after the date the adverse action is taken.

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

C. Except as provided in section 6 of this compact, if an audiologist or speech-language pathologist changes the person's primary state of residence by moving between two member states, the audiologist or speech-language pathologist must apply for licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the commission.

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

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

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

G. The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of subsection A of this section to maintain the compact privilege in the remote state.

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

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

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

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

K. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of subsection A of this section to obtain a compact privilege in any remote state.

L. Once the requirements of subsection J of this section have been met, the licensee must meet the requirements prescribed in subsection A of this section to obtain a compact privilege in a remote state.

SECTION 5. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

Member states shall recognize the right of an audiologist or speech-language pathologist who is licensed by a home state in accordance with section 3 of this compact and under rules promulgated by the commission to practice audiology or speech-language pathology in any member state 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 change the individual's home state only through an 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 an audiologist's or speech-language pathologist's license issued by the home state.

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

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

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

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

F. With respect to joint investigations:

1. In addition to the authority granted to a member state by its respective audiology or speech-language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.
2. Member states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

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

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

I. This compact does not override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

SECTION 8. ESTABLISHMENT OF THE AUDIOLOGY AND

SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION

A. The compact member states hereby create and establish a joint public agency known as the audiology and speech-language pathology compact commission, to which the following apply:

1. The commission is an instrumentality of the compact states.
2. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

B. Membership, voting and meetings of the commission are as follows:

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

2. An additional five delegates, who are either public members or board administrators from a state licensing board, shall be chosen by the executive committee from a pool of nominees provided by the commission at large.

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

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

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

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

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

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

1. Establish the fiscal year of the commission.

2. Establish bylaws.

3. Establish a code of ethics.

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

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

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

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

8. Purchase and maintain insurance and bonds.

9. Borrow, accept or contract for services of personnel, including employees of a member state.

10. Hire employees, elect or appoint officers, fix compensation, define duties, grant individuals appropriate authority to carry out the purposes of this compact, and establish the commission's

personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters.

11. Accept any appropriate donations and grants of monies, equipment, supplies, materials and services and receive, use and dispose of the same, provided that at all times the commission shall avoid any appearance of impropriety and conflict of interest.

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

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

14. Establish a budget and make expenditures.

15. Borrow monies.

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

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

18. Establish and elect an executive committee.

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

D. The executive committee shall have the power to act on behalf of the commission according to the terms of this compact. The executive committee shall be composed of ten members as follows:

1. Seven voting members who are elected by the commission from the current membership of the commission.

2. Two ex officio members, one of whom is a nonvoting member from a recognized national audiology professional association and one of whom is a nonvoting member from a recognized national speech-language pathology association.

3. One ex officio member who is a nonvoting member from the recognized membership organization of the audiology and speech-language pathology licensing boards.

E. The following pertain to the executive committee:

1. Ex officio members shall be selected by their respective organizations, and the commission may remove any member of the executive committee as provided in the bylaws.

2. The executive committee shall meet at least annually.

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

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

(b) Ensure that compact administration services are appropriately provided, contractual or otherwise.

(c) Prepare and recommend the budget.

(d) Maintain financial records on behalf of the commission.

(e) Monitor compact compliance of member states and provide compliance reports to the commission.

(f) Establish additional committees as necessary.

(g) Perform any other duties as provided in rules or bylaws.

F. All meetings of the commission shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions prescribed in section 10 of this compact.

G. The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss any of the following:

1. Noncompliance of a member state with its obligations under this compact.

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

3. Current, threatened or reasonably anticipated litigation.

4. Negotiation of contracts for the purchase, lease or sale of goods, services or real estate.

5. The accusation of any person of a crime or the formal censuring of any person.

6. The disclosure of trade secrets or commercial or financial information that is privileged or confidential.
 7. The disclosure of information of a personal nature if the disclosure would constitute a clearly unwarranted invasion of personal privacy.
 8. The disclosure of investigative records compiled for law enforcement purposes.
 9. The disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact.
 10. Matters specifically exempted from disclosure by federal or member state statute.
- H. If a meeting, or portion of a meeting, is closed pursuant to this section, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.
- I. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.
- J. Financing of the commission is as follows:
1. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.
 2. The commission may accept any appropriate revenue sources, donations and grants of monies, equipment, supplies, materials and services.
 3. The commission may levy on 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, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based on a formula to be determined by the commission, which shall promulgate a rule binding on all member states.
 4. The commission shall not incur obligations of any kind before securing the monies adequate to meet the same, and the commission shall not pledge the credit of any of the member states, except by and with the authority of the member state.

5. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission are subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of monies handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

K. Qualified immunity, defense and indemnification are as follows:

1. The members, officers, executive director, employees and representatives of the commission are immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities. This paragraph does not protect any person from suit or liability for any damage, loss, injury or liability caused by the intentional or wilful or wanton misconduct of that person.

2. The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that this paragraph shall not be construed to prohibit that person from retaining his or her own counsel, and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or wilful or wanton misconduct.

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

SECTION 9. DATA SYSTEM

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

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

1. Identifying information.

2. Licensure data.

3. Adverse actions against a license or compact privilege.
 4. Nonconfidential information related to alternative program participation.
 5. Any denial of an application for licensure and the reason or reasons for denial.
 6. Other information that may facilitate the administration of this compact, as determined by the rules of the commission.
- C. Investigative information pertaining to a licensee in any member state shall be available only to other member states.
- D. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.
- E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.
- F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

SECTION 10. RULEMAKING

- A. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.
- B. If a majority of the legislatures of the member states rejects a rule, by enacting a statute or resolution in the same manner used to adopt the compact within four years after the date of adoption of the rule, the rule shall have no further force and effect in any member state.
- C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.
- D. Before promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule shall be considered and voted on, the commission shall file a notice of proposed rulemaking both:
1. On the website of the commission or other publicly accessible platform.
 2. On the website of each member state audiology or speech-language pathology licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

E. The notice of proposed rulemaking shall include all of the following:

1. The proposed time, date and location of the meeting in which the rule shall be considered and voted on.
2. The text of the proposed rule or amendment and the reason for the proposed rule.
3. A request for comments on the proposed rule from any interested person.
4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

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

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

1. At least twenty-five persons.
2. A state or federal governmental subdivision or agency.
3. An association having at least twenty-five members.

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

1. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing at least five business days before the scheduled date of the hearing.
2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.
3. All hearings shall be recorded. A copy of the recording shall be made available on request.
4. This section does not require a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

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

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

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

L. On determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment or a hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible but not later than ninety days after the effective date of the rule. For the purposes of this subsection, an emergency rule is one that must be adopted immediately in order to do any of the following:

1. Meet an imminent threat to public health, safety, or welfare.
2. Prevent a loss of commission or member state monies.
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

M. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chairperson of the commission before the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

SECTION 11. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

A. Dispute resolution shall be as follows:

1. On request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.
2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

B. Enforcement shall be as follows:

1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.
2. By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a

member state in default to enforce compliance with the provisions of this compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. If judicial enforcement is necessary, the prevailing member state shall be awarded all costs of litigation, including reasonable attorney fees.

3. The remedies in this compact are not the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION

FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND

ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT

A. This compact is effective on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to implement and administer this compact.

B. Any state that joins this compact after the commission's initial adoption of the rules is subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

C. Any member state may withdraw from this compact by enacting a statute repealing the compact, as follows:

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

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

D. This compact does not invalidate or prevent any audiology or speech-language pathology licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

E. This compact may be amended by the member states. An amendment to this compact does not become effective and binding on any member state until it is enacted into the laws of all member states.

SECTION 13. CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact is held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

- A. This compact does not prevent the enforcement of any other law of a member state that is not inconsistent with this compact.
- B. All laws in a member state in conflict with this compact are superseded to the extent of the conflict.
- C. All lawful actions of the commission, including all rules and bylaws promulgated by the commission, are binding on the member states.
- D. All agreements between the commission and the member states are binding in accordance with their terms.
- E. If any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.