

ALASKA STATE LEGISLATURE

REPRESENTATIVE STANLEY WRIGHT

Rep.Stanley.Wright@AKLeg.GOV

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Juneau, Alaska 99801 (Jan. –April)
State Capitol, Room 412
907.465.2095

Sectional Analysis

House Bill 138

“An Act relating to an audiology and speech-language interstate compact; relating to the practice of audiology and the practice of speech-language pathology; and providing for an effective date.”

Section 1: Amends AS 08 (Business and Professions) .11 (Audiologists and Speech-language Pathologists) .010 (Qualification for audiologist license).

Page 1, line 5, through page 2, line 14: Adds section (5) which requires an applicant for an audiologist license to be fingerprinted and pay fees for a criminal background check.

Section 2: Amends AS 08 (Business and Professions) .11 (Audiologists and Speech-language Pathologists) .015 (Qualifications for speech-language pathologist license).

Page 2, line 15, through page 3, line 2: Adds section (6) which requires an applicant for a speech-language pathologist license to be fingerprinted and pay fees for a criminal background check.

Section 3: Amends AS 08 (Business and Professions) .11 (Audiologist and Speech-language Pathologists) .050 (Fees).

Page 3, line 2, through line 16: Allows the Department of Commerce, Community, and Economic Development to charge fees for a compact privilege.

Section 4: Amends AS 08 (Business and Professions) .11 (Audiologist and Speech-language Pathologists) .100 (Prohibited acts).

Page 3, line 17, through line 29: Allows a person granted a compact privilege to practice as an audiologist or speech language pathologist in Alaska.

Section 5: Amends AS 08 (Business and Professions) .11 (Audiologist and Speech-language Pathologists) to add Article 2. Audiologist and Speech-Language Interstate Compact.

This section contains the uniform compact language adopted by all states entering the compact.

Page 4, line 1, through line 4: Introduction to compact language.

Page 4, line 5, through line 24: **Compact Section 1. Purpose:** Defines the purpose of the Interstate Audiology and Speech Language Pathology Compact.

Page 4, line 25, through page 7, line 9: **Compact Section 2. Definitions:** Definition section.

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Page 7, line 10, through page 10, line 23: Compact Section 3. State Participation in the Compact: This section explains what requirements must be met by states to join the compact. To provide the services allowed by this compact the professional must hold a home state license in a compact state.

Page 7, line 11, through line 14:

(a) Requires members states to allow a privilege to practice holder to practice in their state.

Page 7, line 15, through line 29:

(b) Requires an FBI finger-print based criminal background check.

Page 7, line 30, through page 8, line 4:

(c) Requires a remote state to check the data system for information on the applying licensee upon application for a privilege to practice.

Page 8, line 5, through line 7:

(d) Each member state shall require an applicant to have a home state license.

Page 8, line 8, through page 9, line 10:

(e) Licensure requirements that must be met by member states for an audiologist.

Page 9, line 11, through page 10, line 4:

(f) Licensure requirements that must be met by member states for a speech-language pathologist.

Page 10, line 5:

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

Page 10, line 6, through line 14:

(h) An audiologist or speech-language pathologist is subject to the laws of the state in which their client is located.

Page 10, line 15, through line 20:

(i) Individuals not residing in members states may still apply for member states single-state licenses, but cannot use these licenses to be eligible for compact privileges.

Page 10, line 21:

(j) The state may charge a fee for a privilege to practice.

Page 10, line 22, through 23:

(k) Member states must comply with the rules of the Commission.

Page 10, line 24, through page 12, line 13: Compact Section 4. Compact Privileges: Explains the requirements the state must meet to participate in the agreement.

Page 10, line 24, through page 11, line 7:

(a) Sets the terms which a licensee must meet in order to obtain a compact privilege.

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Page 11, line 8, through line 9:

(b) A licensee may only hold one home state license at a time.

Page 11, line 10, through line 14:

(c) If a licensee moves member states, they must apply for a home license in their new state of residence.

Page 11, line 15, through line 16:

(d) An audiologist or speech language pathologist may apply for licensure in advance of changing states.

Page 11, line 17, through line 20:

(e) A new license may not be issued by the new home state until the licensee has provided proof of change of residency and have satisfied other requirements for obtaining a license in the new home state.

Page 11, line 21, through line 24:

(f) If a licensee moves to a non-member state, the license issued in their prior home state is a single state license and is valid only in the former home state. They are no longer eligible for compact privileges.

Page 11, line 25, through line 27:

(g) A compact privilege expires when an underlying license expires.

Page 11, line 28, through line 30:

(h) A person practicing under a compact privilege is subject to the laws and regulations of the remote state.

Page 11, line 31, through page 12, line 4:

(i) A licensee operating in a remote states is subject to the remote states regulating authority. The remote state may remove a licensee's privilege to practice.

Page 12, line 5, through line 8:

(j) A licensee loses their compact privileges if their home state license is encumbered.

Page 12, line 9, through line 11:

(k) Sets terms by which a licensee can regain a compact privilege after their license is encumbered.

Page 12, line 12:

(l) A licensee must meet the requirements in section (4)(j) and (4)(a) to regain a compact privilege.

Page 12, line 14, through line 19: Compact Section 5. Compact Privilege to Practice Telehealth: By accepting the compact the jurisdiction will allow for the practice of telehealth.

Page 12, line 20, through line 25: Compact Section 6. Active Duty Military Personnel or Their Spouses: Active duty military personnel, or their spouse, may 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.

Page 12, line 26, through page 14, line 18: Compact Section 7. Adverse Actions: This section explains how the compact, home, and remote states will conduct and report adverse actions. As well as the consequences for an audiologist or speech-language pathologist who receives adverse actions.

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Page 12, line 27, through page 13, line 11:

- (a) Allows a remote state to take action against an audiologists or speech language pathologists privilege to practice within that remote state. A remote state may not take action against a person's home state license.

Page 13, line 12, through line 15:

- (b) A home state shall give the same priority to information on conduct received from a member state as it would to conduct in its home state. The home state shall apply its own laws when determining appropriate action.

Page 13, line 16, through 21:

- (c) If a licensee changes states of primary residence during the course of an investigation, the original home state shall complete the investigation. The home states must report the conclusion of the investigation to the data system administrator, who will report it to the new home state.

Page 13, line 22, through 25:

- (d) If permitted by state law, a member state may recover the costs of investigations resulting from any adverse action taken against a licensee.

Page 13, line 26, through 28:

- (e) A member state may take adverse action based on the findings of a remote state.

Page 13, line 29, through page 14, line 5:

- (f) Joint investigations:
- (1) Member states may participate in joint investigations.
 - (2) Member states shall share information regarding investigations in compliance with the Compact.

Page 14, line 6, through line 13:

- (g) If adverse action is taken against a licensee's home state license, their privilege to practice is deactivated until all encumbrances are removed.

Page 14, line 14, through 16:

- (h) If a member state takes adverse action, it shall promptly notify the administrator of data who will in turn notify the home state.

Page 14, line 17, through 18:

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

Page 14, line 19, through page 20, line 26: Compact Section 8. Establishment of the Audiology and Speech Language Pathology Compact Commission: This section establishes the ruling commission of the compact. The compact is not a waiver of sovereign immunity.

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Page 14, line 21, through line 31:

- (a) The Compact member states have established the Audiology and Speech-Language Pathology Compact Commission. Creation of this commission is not a waiver of sovereign immunity.

Page 15, line 1, through line 20:

- (b) The Commission shall consist of two voting delegates (one audiologist and one speech-language pathologist) appointed by each compact state who shall serve as that state's commissioner. The delegates are appointed by each states regulatory Board. An additional five delegates, who are either a public member or board administrator from a state licensing board, shall be chosen by the Executive Committee from a pool of nominees provided by the Commission at Large. The Commission must meet at least once per year.

Page 15, line 21, through page 16, line 29:

- (c) Describes the duties and powers of the Commission.

Page 16, line 30, through page 17, line 11:

- (d) Describes some of the duties, powers, and composition of the Executive Committee, as established by the commission.

Page 17, line 12, through page 19, line 30:

- (e) Describes more duties of the Executive Committee, describes meeting parameters of the Executive Committee and of the Commission.

Page 19, line 31, through page 20, line 26:

- (f) Defines when the Commission, its members officers, executive director, employees, or its representatives have immunity. Defines when the entities must be defended by the Commission and when they must be provided indemnification by the Commission.

Page 20, line 27, through 21, line 24: Compact Section 9. Data System: This section denotes the requirement of sharing licensee information for all compact states. Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform dataset to the Coordinated Database on all ASLP-IC audiologists and speech-language pathologists to whom this compact is applicable as required by rules of the Commission. This database will allow for the expedited sharing of adverse actions against compact audiologists and speech-language pathologists. The coordinated database information will be expunged by the law of the reporting compact state.

Page 20, line 28, through line 31:

- (a) Requires the Commission to create and maintain a licensee database and reporting system for information on licensed individuals in members states.

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Page 21, line 1, through line 12:

(b) Requires the member states to submit relevant data to the data base on all individuals to whom the Compact applies.

Page 21, line 13, through 14:

(c) Requires data in the data system only be shared with party states.

Page 21, line 15, through 18:

(d) Requires the Commission to notify any member states of any adverse action taken against a licensee (or a person applying for a license).

Page 21, line 19, through 21:

(e) Member states may designate certain information that may not be shared publicly without express permission of the contributing state.

Page 21, line 22, through line 24:

(f) Any information submitted that is required by law to be expunges must be removed from the system.

Page 21, line 25, through page 24, line 13: Compact Section 10. Rulemaking: This section describes the process for creating rules that will govern compact operations once the compact is accepted by the first ten states.

Page 21, line 26, through 28:

(a) Allows the Commission to exercise rulemaking power. Rules are binding on the date specified in rule.

Page 21, line 29, through 22, line 1:

(b) Allows a majority of legislatures of members states to reject a rule.

Page 22, line 2, through line 3:

(c) Specifies that rules or amendments must be adopted at a regular or special meeting of the Commission.

Page 22, line 4, through line 12:

(d) Provides process for a Notice of Proposed Rulemaking as related to promulgation and adoption of a final rule or rules.

Page 22, line 13, through 21:

(e) Specifies what the Notice of Proposed Rulemaking must include.

Page 22, line 22, through 24:

(f) Requires the Commission to allow a person to submit public testimony and information on a rule which shall be made available to the public prior to adoption of a rule.

Page 22, line 25, through 29:

(g) Requires the Commission to hold a public hearing prior to adoption of a proposed rule if one is requested by: at least 25 people, a state or federal subdivision or agency, or an association with at least 25 members.

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Page 22, line 30, through page 23, line 14:

(h) Sets parameters by which a public hearing must be held, noticed, and recorded.

Page 23, line 15, through line 17:

(i) Requires the committee to consider all written and oral comments received on a rule.

Page 23, line 18, through line 20:

(j) Allows the Commission to proceed with promulgation of a rule with no public hearing if no request for a public hearing is received.

Page 23, line 21, through 23:

(k) The Commission shall, based on a majority vote of all members, take action on a rule and effective date based on the rulemaking record and the full text of the rule.

Page 23, line 24, through page 24, line 3:

(l) Stipulates that certain rulemaking requirements may be waived in the case of an emergency, especially as those requirements pertain to public notice.

Page 24, line 4, through line 13:

(m) Provides a process for fixing a scrivener's error in an adopted rule.

Page 24, line 14, through page 25, line 2: Compact Section 11. Oversight, Dispute Resolution, and Enforcement: This section details the oversight and enforcement of the compact by member states.

Page 24, line 15, through line 20:

(a) Requires the Commission to, upon request of a member state, attempt to resolve disputes related to the compact between member states or between member states and non-member states.

Page 24, line 21, through page 25, line 2:

(b) Allows the Commission to enforce the provisions and rules of the Compact.

Page 25, line 3, through page 26, line 1: Compact Section 12. Date of Implementation of the Interstate Commission for Audiology and Speech-Language Pathology Practice and Associated Rules, Withdrawal, and Amendment: This section details when the Compact and rules become effective.

Page 25, line 7, through 12:

(a) The Compact becomes effective on the date of enactment in the tenth state.

Page 25, line 13, through 17:

(b) Any state which joins the Compact after Compact's first adoption of rules is subject to rules already adopted by the commission.

Page 25, line 18, through 25:

(c) Provides information on how a state may withdraw from the Compact.

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Page 25, line 26, through 29:

(d) Clarifies that nothing in this compact prohibits member states from making agreements with non-member states, so long as not in conflict with this compact.

Page 25, line 30, through page 26, line 1:

(e) Sets process by which the Compact may be amended by member states.

Page 26, line 2, through 12: Compact Section 13. Construction and Severability: This section states that this compact shall be liberally construed so as to effectuate the purpose thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining states.

Page 26, line 13, through line 25: Compact Section 14. Binding Effect of Compact and Other Laws: States that this compact shall be binding among and upon all members states and shall supersede any conflict with state law.

Section 6: Amends AS 12 (Code of Criminal Procedure) .62 (Criminal Justice Information and Records Checks) .400 (National criminal history records checks for employment, licensing, and other noncriminal justice purpose).

Page 26, line 26, through page 28, line 31: Adds section (a)(23), adding audiologists and speech-language pathologists to the list of fingerprints that may be submitted to the FBI for a national criminal history check.

Section 7: Amends uncodified law. Sets transition language for audiologists and speech-language pathologists who are currently licensed who have not been fingerprinted. Allows them to continue to practice.

Section 8: Effective Date. Sets an effective date for this legislation of July 1, 2024.