

By: Representative Mims

To: Public Health and Human Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 424

1 AN ACT TO ENACT INTO LAW THE AUDIOLOGY AND SPEECH-LANGUAGE
2 PATHOLOGY INTERSTATE COMPACT AND PROVIDE THAT THE STATE OF
3 MISSISSIPPI ENTERS THE COMPACT WITH OTHER STATES THAT JOIN IN THE
4 COMPACT; TO AMEND SECTIONS 73-38-3, 73-38-5, 73-38-7, 73-38-9,
5 73-38-13, 73-38-17, 73-38-25, 73-38-27, 73-38-29, 73-38-31 AND
6 73-38-33, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS
7 OF THIS ACT; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** The Audiology and Speech-Language Pathology
10 Interstate Compact is enacted into law and entered into by this
11 state with any and all states legally joining in the Compact in
12 accordance with its terms, in the form substantially as follows:

13 **AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT**

14 **SECTION 1.**

15 **PURPOSE**

16 The purpose of this Compact is to facilitate interstate
17 practice of audiology and speech-language pathology with the goal
18 of improving public access to audiology and speech-language
19 pathology services. The practice of audiology and speech-language
20 pathology occurs in the state where the patient/client/student is



21 located at the time of the patient/client/student encounter. The
22 Compact preserves the regulatory authority of states to protect
23 public health and safety through the current system of state
24 licensure.

25 This Compact is designed to achieve the following objectives:

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

29 2. Enhance the states' ability to protect the public's
30 health and safety;

31 3. Encourage the cooperation of member states in
32 regulating multistate audiology and speech-language pathology
33 practice;

34 4. Support spouses of relocating active duty military
35 personnel;

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

38 6. Allow a remote state to hold a provider of services
39 with a compact privilege in that state accountable to that state's
40 practice standards; and

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

44 **SECTION 2.**

45 **DEFINITIONS**



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

48 1. "Active duty military" means full-time duty status
49 in the active uniformed service of the United States, including
50 members of the National Guard and Reserve on active duty orders
51 pursuant to 10 USC Chapters 1209 and 1211.

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

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

62 4. "Audiologist" means an individual who is licensed by
63 a state to practice audiology.

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

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



71 7. "Audiology and speech-language pathology licensing
72 board," "audiology licensing board," "speech-language pathology
73 licensing board," or "licensing board" means the agency of a state
74 that is responsible for the licensing and regulation of
75 audiologists and/or speech-language pathologists.

76 8. "Compact privilege" means the authorization granted
77 by a remote state to allow a licensee from another member state to
78 practice as an audiologist or speech-language pathologist in the
79 remote state under its laws and rules. The practice of audiology
80 or speech-language pathology occurs in the member state where the
81 patient/client/student is located at the time of the
82 patient/client/student encounter.

83 9. "Current significant investigative information"
84 means investigative information that a licensing board, after an
85 inquiry or investigation that includes notification and an
86 opportunity for the audiologist or speech-language pathologist to
87 respond, if required by state law, has reason to believe is not
88 groundless and, if proved true, would indicate more than a minor
89 infraction.

90 10. "Data system" means a repository of information
91 about licensees, including, but not limited to, continuing
92 education, examination, licensure, investigative, compact
93 privilege and adverse action.

94 11. "Encumbered license" means a license in which an
95 adverse action restricts the practice of audiology or



96 speech-language pathology by the licensee and the adverse action
97 has been reported to the National Practitioners Data Bank (NPDB).

98 12. "Executive committee" means a group of directors
99 elected or appointed to act on behalf of, and within the powers
100 granted to them by, the Commission.

101 13. "Home state" means the member state that is the
102 licensee's primary state of residence.

103 14. "Impaired practitioner" means individuals whose
104 professional practice is adversely affected by substance abuse,
105 addiction, or other health-related conditions.

106 15. "Licensee" means an individual who currently holds
107 an authorization from the state licensing board to practice as an
108 audiologist or speech-language pathologist.

109 16. "Member state" means a state that has enacted the
110 Compact.

111 17. "Privilege to practice" means a legal authorization
112 permitting the practice of audiology or speech-language pathology
113 in a remote state.

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

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

119 20. "Single-state license" means an audiology or
120 speech-language pathology license issued by a member state that



146 speech-language pathologist to practice audiology or
147 speech-language pathology, under a privilege to practice, in each
148 member state where the licensee obtains such a privilege.

149 B. A state must implement or utilize procedures for
150 considering the criminal history records of applicants for initial
151 privilege to practice. These procedures shall include the
152 submission of fingerprints or other biometric-based information by
153 applicants for the purpose of obtaining an applicant's criminal
154 history record information from the Federal Bureau of
155 Investigation and the agency responsible for retaining that
156 state's criminal records.

157 1. A member state must fully implement a criminal
158 background check requirement, within a time frame established by
159 rule, by receiving the results of the Federal Bureau of
160 Investigation record search on criminal background checks and use
161 the results in making licensure decisions.

162 2. Communication between a member state, the Commission
163 and among member states regarding the verification of eligibility
164 for licensure through the Compact shall not include any
165 information received from the Federal Bureau of Investigation
166 relating to a federal criminal records check performed by a member
167 state under Public Law 92-544.

168 C. Upon application for a privilege to practice, the
169 licensing board in the issuing remote state shall ascertain,
170 through the data system, whether the applicant has ever held, or



171 is the holder of, a license issued by any other state, whether
172 there are any encumbrances on any license or privilege to practice
173 held by the applicant, whether any adverse action has been taken
174 against any license or privilege to practice held by the
175 applicant.

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

180 E. For an audiologist:

181 1. Must meet one of the following educational
182 requirements:

183 a. On or before December 31, 2007, has graduated
184 with a master's degree or doctorate in audiology, or equivalent
185 degree regardless of degree name, from a program that is
186 accredited by an accrediting agency recognized by the Council for
187 Higher Education Accreditation, or its successor, or by the United
188 States Department of Education and operated by a college or
189 university accredited by a regional or national accrediting
190 organization recognized by the board; or

191 b. On or after January 1, 2008, has graduated with
192 a doctoral degree in audiology, or equivalent degree, regardless
193 of degree name, from a program that is accredited by an
194 accrediting agency recognized by the Council for Higher Education
195 Accreditation, or its successor, or by the United States



196 Department of Education and operated by a college or university
197 accredited by a regional or national accrediting organization
198 recognized by the board; or

199 c. Has graduated from an audiology program that is
200 housed in an institution of higher education outside of the United
201 States (a) for which the program and institution have been
202 approved by the authorized accrediting body in the applicable
203 country and (b) the degree program has been verified by an
204 independent credentials review agency to be comparable to a state
205 licensing board-approved program;

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

209 3. Has successfully passed a national examination
210 approved by the Commission;

211 4. Holds an active, unencumbered license;

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

216 6. Has a valid United States Social Security or
217 National Practitioner Identification number.

218 F. For a speech-language pathologist:

219 1. Must meet one of the following educational
220 requirements:



221 a. Has graduated with a master's degree from a
222 speech-language pathology program that is accredited by an
223 organization recognized by the United States Department of
224 Education and operated by a college or university accredited by a
225 regional or national accrediting organization recognized by the
226 board; or

227 b. Has graduated from a speech-language pathology
228 program that is housed in an institution of higher education
229 outside of the United States (a) for which the program and
230 institution have been approved by the authorized accrediting body
231 in the applicable country and (b) the degree program has been
232 verified by an independent credentials review agency to be
233 comparable to a state licensing board-approved program;

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

237 3. Has completed a supervised postgraduate professional
238 experience as required by the Commission;

239 4. Has successfully passed a national examination
240 approved by the Commission;

241 5. Holds an active, unencumbered license;

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



246 7. Has a valid United States Social Security or
247 National Practitioner Identification number.

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

250 H. An audiologist or speech-language pathologist practicing
251 in a member state must comply with the state practice laws of the
252 state in which the client is located at the time service is
253 provided. The practice of audiology and speech-language pathology
254 shall include all audiology and speech-language pathology practice
255 as defined by the state practice laws of the member state in which
256 the client is located. The practice of audiology and
257 speech-language pathology in a member state under a privilege to
258 practice shall subject an audiologist or speech-language
259 pathologist to the jurisdiction of the licensing board, the courts
260 and the laws of the member state in which the client is located at
261 the time service is provided.

262 I. Individuals not residing in a member state shall continue
263 to be able to apply for a member state's single-state license as
264 provided under the laws of each member state. However, the
265 single-state license granted to these individuals shall not be
266 recognized as granting the privilege to practice audiology or
267 speech-language pathology in any other member state. Nothing in
268 this Compact shall affect the requirements established by a member
269 state for the issuance of a single-state license.



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

272 K. Member states must comply with the bylaws and rules and
273 regulations of the Commission.

274 **SECTION 4.**

275 **COMPACT PRIVILEGE**

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

279 1. Hold an active license in the home state;

280 2. Have no encumbrance on any state license;

281 3. Be eligible for a compact privilege in any member
282 state in accordance with Section 3 of this Compact;

283 4. Have not had any adverse action against any license
284 or compact privilege within the previous two (2) years from date
285 of application;

286 5. Notify the Commission that the licensee is seeking
287 the compact privilege within a remote state(s);

288 6. Pay any applicable fees, including any state fee,
289 for the compact privilege; and

290 7. Report to the Commission adverse action taken by any
291 nonmember state within thirty (30) days from the date the adverse
292 action is taken.



293 B. For the purposes of the compact privilege, an audiologist
294 or speech-language pathologist shall only hold one (1) home state
295 license at a time.

296 C. Except as provided in Section 6 of this Compact, if an
297 audiologist or speech-language pathologist changes primary state
298 of residence by moving between two-member states, the audiologist
299 or speech-language pathologist must apply for licensure in the new
300 home state, and the license issued by the prior home state shall
301 be deactivated in accordance with applicable rules adopted by the
302 Commission.

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

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

311 F. If an audiologist or speech-language pathologist changes
312 primary state of residence by moving from a member state to a
313 non-member state, the license issued by the prior home state shall
314 convert to a single-state license, valid only in the former home
315 state and the privilege to practice in any member state is
316 deactivated in accordance with the rules promulgated by the
317 Commission.



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

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

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

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

- 336 1. The home state license is no longer encumbered; and
337 2. Two (2) years have elapsed from the date of the
338 adverse action.

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



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

347 **SECTION 5.**

348 **COMPACT PRIVILEGE TO PRACTICE TELEHEALTH**

349 A. Member states shall recognize the right of an audiologist
350 or speech-language pathologist, licensed by a home state in
351 accordance with Section 3 of this Compact and under rules
352 promulgated by the Commission, to practice audiology or
353 speech-language pathology in any member state via telehealth under
354 a privilege to practice as provided in the Compact and rules
355 promulgated by the Commission.

356 B. A licensee providing audiology or speech-language
357 pathology services in a remote state under the compact privilege
358 shall function within the laws and regulations of the state where
359 the patient/client is located.

360 **SECTION 6.**

361 **ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES**

362 Active duty military personnel, or their spouse, shall
363 designate a home state where the individual has a current license
364 in good standing. The individual may retain the home state
365 designation during the period the service member is on active
366 duty. Subsequent to designating a home state, the individual



367 shall only change their home state through application for
368 licensure in the new state.

369 **SECTION 7.**

370 **ADVERSE ACTIONS**

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

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

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

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



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

396 C. The home state shall complete any pending investigations
397 of an audiologist or speech-language pathologist who changes
398 primary state of residence during the course of the
399 investigations. The home state shall also have the authority to
400 take appropriate action(s) and shall promptly report the
401 conclusions of the investigations to the administrator of the data
402 system. The administrator of the data system shall promptly
403 notify the new home state of any adverse actions.

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

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

413 F. Joint investigations.

414 1. In addition to the authority granted to a member
415 state by its respective audiology or speech-language pathology



416 practice act or other applicable state law, any member state may
417 participate with other member states in joint investigations of
418 licensees.

419 2. Member states shall share any investigative,
420 litigation, or compliance materials in furtherance of any joint or
421 individual investigation initiated under the Compact.

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

432 H. If a member state takes adverse action against a
433 licensee, it shall promptly notify the administrator of the data
434 system. The administrator of the data system shall promptly
435 notify the home state and any remote states in which the licensee
436 has a privilege to practice of any adverse actions by the home
437 state or remote states.

438 I. Nothing in this Compact shall override a member state's
439 decision that participation in an alternative program may be used
440 in lieu of adverse action.



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

469 4. The member state licensing board shall fill any
470 vacancy occurring on the Commission, within ninety (90) days.

471 5. Each delegate shall be entitled to one (1) vote with
472 regard to the promulgation of rules and creation of bylaws and
473 shall otherwise have an opportunity to participate in the business
474 and affairs of the Commission.

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

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

482 C. The Commission shall have the following powers and
483 duties:

- 484 1. Establish the fiscal year of the Commission;
- 485 2. Establish bylaws;
- 486 3. Establish a Code of Ethics;
- 487 4. Maintain its financial records in accordance with
488 the bylaws;
- 489 5. Meet and take actions as are consistent with the
490 provisions of this Compact and the bylaws;



491 6. Promulgate uniform rules to facilitate and
492 coordinate implementation and administration of this Compact. The
493 rules shall have the force and effect of law and shall be binding
494 in all member states to the extent and in the manner provided for
495 in the Compact;

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

500 8. Purchase and maintain insurance and bonds;

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

504 10. Hire employees, elect or appoint officers, fix
505 compensation, define duties, grant individuals appropriate
506 authority to carry out the purposes of the Compact, and to
507 establish the Commission's personnel policies and programs
508 relating to conflicts of interest, qualifications of personnel,
509 and other related personnel matters;

510 11. Accept any and all appropriate donations and grants
511 of money, equipment, supplies, materials and services, and to
512 receive, utilize and dispose of the same; provided that at all
513 times the Commission shall avoid any appearance of impropriety
514 and/or conflict of interest;



515 12. Lease, purchase, accept appropriate gifts or
516 donations of, or otherwise to own, hold, improve or use, any
517 property, real, personal or mixed; provided that at all times the
518 Commission shall avoid any appearance of impropriety;

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

522 14. Establish a budget and make expenditures;

523 15. Borrow money;

524 16. Appoint committees, including standing committees
525 composed of members, and other interested persons as may be
526 designated in this Compact and the bylaws;

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

529 18. Establish and elect an Executive Committee; and

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

534 D. The Commission shall have no authority to change or
535 modify the laws of the member states that define the practice of
536 audiology and speech-language pathology in the respective states.

537 E. The Executive Committee.



538 The Executive Committee shall have the power to act on behalf
539 of the Commission, within the powers of the Commission, according
540 to the terms of this Compact:

541 1. The Executive Committee shall be composed of ten
542 (10) members:

543 a. Seven (7) voting members who are elected by the
544 Commission from the current membership of the Commission;

545 b. Two (2) ex-officio members, consisting of one
546 (1) nonvoting member from a recognized national audiology
547 professional association and one (1) nonvoting member from a
548 recognized national speech-language pathology association; and

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

552 F. The ex-officio members shall be selected by their
553 respective organizations.

554 1. The Commission may remove any member of the
555 Executive Committee as provided in bylaws.

556 2. The Executive Committee shall meet at least
557 annually.

558 3. The Executive Committee shall have the following
559 duties and responsibilities:

560 a. Recommend to the entire Commission changes to
561 the rules or bylaws, changes to this Compact legislation, fees
562 paid by Compact member states such as annual dues, and any



563 Commission Compact fee charged to licensees for the compact
564 privilege;

565 b. Ensure Compact administration services are
566 appropriately provided, contractual or otherwise;

567 c. Prepare and recommend the budget;

568 d. Maintain financial records on behalf of the
569 Commission;

570 e. Monitor Compact compliance of member states and
571 provide compliance reports to the Commission;

572 f. Establish additional committees as necessary;

573 and

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

575 4. Meetings of the Commission or the Executive
576 Committee.

577 All meetings shall be open to the public, and public notice
578 of meetings shall be given in the same manner as required under
579 the rulemaking provisions in Section 10 of this Compact.

580 5. The Commission or the Executive Committee or other
581 committees of the Commission may convene in a closed, nonpublic
582 meeting if the Commission or Executive Committee or other
583 committees of the Commission must discuss:

584 a. Noncompliance of a member state with its
585 obligations under the Compact;

586 b. The employment, compensation, discipline or
587 other matters, practices or procedures related to specific



588 employees or other matters related to the Commission's internal
589 personnel practices and procedures;

590 c. Current, threatened, or reasonably anticipated
591 litigation;

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

594 e. Accusing any person of a crime or formally
595 censuring any person;

596 f. Disclosure of trade secrets or commercial or
597 financial information that is privileged or confidential;

598 g. Disclosure of information of a personal nature
599 where disclosure would constitute a clearly unwarranted invasion
600 of personal privacy;

601 h. Disclosure of investigative records compiled
602 for law enforcement purposes;

603 i. Disclosure of information related to any
604 investigative reports prepared by or on behalf of or for use of
605 the Commission or other committee charged with responsibility of
606 investigation or determination of compliance issues pursuant to
607 the Compact; or

608 j. Matters specifically exempted from disclosure
609 by federal or member state statute.

610 6. If a meeting, or portion of a meeting, is closed
611 pursuant to this provision, the Commission's legal counsel or



612 designee shall certify that the meeting may be closed and shall
613 reference each relevant exempting provision.

614 7. The Commission shall keep minutes that fully and
615 clearly describe all matters discussed in a meeting and shall
616 provide a full and accurate summary of actions taken, and the
617 reasons therefor, including a description of the views expressed.
618 All documents considered in connection with an action shall be
619 identified in such minutes. All minutes and documents of meetings
620 other than closed meetings shall be made available to members of
621 the public upon request at the requesting person's expense. All
622 minutes and documents of a closed meeting shall remain under seal,
623 subject to release by a majority vote of the Commission or order
624 of a court of competent jurisdiction.

625 8. Financing of the Commission.

626 a. The Commission shall pay, or provide for the
627 payment of, the reasonable expenses of its establishment,
628 organization, and ongoing activities.

629 b. The Commission may accept any and all
630 appropriate revenue sources, donations, and grants of money,
631 equipment, supplies, materials, and services.

632 c. The Commission may levy on and collect an
633 annual assessment from each member state or impose fees on other
634 parties to cover the cost of the operations and activities of the
635 Commission and its staff, which must be in a total amount
636 sufficient to cover its annual budget as approved each year for



637 which revenue is not provided by other sources. The aggregate
638 annual assessment amount shall be allocated based upon a formula
639 to be determined by the Commission, which shall promulgate a rule
640 binding upon all member states.

641 9. The Commission shall not incur obligations of any
642 kind prior to securing the funds adequate to meet the same; nor
643 shall the Commission pledge the credit of any of the member
644 states, except by and with the authority of the member state.

645 10. The Commission shall keep accurate accounts of all
646 receipts and disbursements. The receipts and disbursements of the
647 Commission shall be subject to the audit and accounting procedures
648 established under its bylaws. However, all receipts and
649 disbursements of funds handled by the Commission shall be audited
650 yearly by a certified or licensed public accountant, and the
651 report of the audit shall be included in and become part of the
652 annual report of the Commission.

653 G. Qualified immunity, defense, and indemnification.

654 1. The members, officers, executive director, employees
655 and representatives of the Commission shall be immune from suit
656 and liability, either personally or in their official capacity,
657 for any claim for damage to or loss of property or personal injury
658 or other civil liability caused by or arising out of any actual or
659 alleged act, error or omission that occurred, or that the person
660 against whom the claim is made had a reasonable basis for
661 believing occurred within the scope of Commission employment,



662 duties or responsibilities; provided that nothing in this
663 paragraph shall be construed to protect any person from suit
664 and/or liability for any damage, loss, injury, or liability caused
665 by the intentional or willful or wanton misconduct of that person.

666 2. The Commission shall defend any member, officer,
667 executive director, employee or representative of the Commission
668 in any civil action seeking to impose liability arising out of any
669 actual or alleged act, error, or omission that occurred within the
670 scope of Commission employment, duties, or responsibilities, or
671 that the person against whom the claim is made had a reasonable
672 basis for believing occurred within the scope of Commission
673 employment, duties, or responsibilities; provided that nothing
674 herein shall be construed to prohibit that person from retaining
675 his or her own counsel; and provided further, that the actual or
676 alleged act, error, or omission did not result from that person's
677 intentional or willful or wanton misconduct.

678 3. The Commission shall indemnify and hold harmless any
679 member, officer, executive director, employee, or representative
680 of the Commission for the amount of any settlement or judgment
681 obtained against that person arising out of any actual or alleged
682 act, error or omission that occurred within the scope of
683 Commission employment, duties, or responsibilities, or that such
684 person had a reasonable basis for believing occurred within the
685 scope of Commission employment, duties, or responsibilities,
686 provided that the actual or alleged act, error, or omission did



687 not result from the intentional or willful or wanton misconduct of
688 that person.

689 **SECTION 9.**

690 **DATA SYSTEM**

691 A. The Commission shall provide for the development,
692 maintenance, and utilization of a coordinated database and
693 reporting system containing licensure, adverse action, and
694 investigative information on all licensed individuals in member
695 states.

696 B. Notwithstanding any other provision of state law to the
697 contrary, a member state shall submit a uniform data set to the
698 data system on all individuals to whom this Compact is applicable
699 as required by the rules of the Commission, including:

- 700 1. Identifying information;
- 701 2. Licensure data;
- 702 3. Adverse actions against a license or compact
703 privilege;
- 704 4. Nonconfidential information related to alternative
705 program participation;
- 706 5. Any denial of application for licensure, and the
707 reason(s) for denial; and
- 708 6. Other information that may facilitate the
709 administration of this Compact, as determined by the rules of the
710 Commission.



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

713 D. The Commission shall promptly notify all member states of
714 any adverse action taken against a licensee or an individual
715 applying for a license. Adverse action information pertaining to
716 a licensee in any member state shall be available to any other
717 member state.

718 E. Member states contributing information to the data system
719 may designate information that may not be shared with the public
720 without the express permission of the contributing state.

721 F. Any information submitted to the data system that is
722 subsequently required to be expunged by the laws of the member
723 state contributing the information shall be removed from the data
724 system.

725 **SECTION 10.**

726 **RULEMAKING**

727 A. The Commission shall exercise its rulemaking powers
728 pursuant to the criteria set forth in this section and the rules
729 adopted under this section. Rules and amendments shall become
730 binding as of the date specified in each rule or amendment.

731 B. If a majority of the legislatures of the member states
732 rejects a rule, by enactment of a statute or resolution in the
733 same manner used to adopt the Compact within four (4) years of the
734 date of adoption of the rule, the rule shall have no further force
735 and effect in any member state.



736 C. Rules or amendments to the rules shall be adopted at a
737 regular or special meeting of the Commission.

738 D. Prior to promulgation and adoption of a final rule or
739 rules by the Commission, and at least thirty (30) days in advance
740 of the meeting at which the rule shall be considered and voted
741 upon, the Commission shall file a Notice of Proposed Rulemaking:

742 1. On the website of the Commission or other publicly
743 accessible platform; and

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

748 E. The Notice of Proposed Rulemaking shall include:

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

751 2. The text of the proposed rule or amendment and the
752 reason for the proposed rule;

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

755 4. The manner in which interested persons may submit
756 notice to the Commission of their intention to attend the public
757 hearing and any written comments.

758 F. Prior to the adoption of a proposed rule, the Commission
759 shall allow persons to submit written data, facts, opinions and
760 arguments, which shall be made available to the public.



761 G. The Commission shall grant an opportunity for a public
762 hearing before it adopts a rule or amendment if a hearing is
763 requested by:

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

765 2. A state or federal governmental subdivision or
766 agency; or

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

769 H. If a hearing is held on the proposed rule or amendment,
770 the Commission shall publish the place, time, and date of the
771 scheduled public hearing. If the hearing is held via electronic
772 means, the Commission shall publish the mechanism for access to
773 the electronic hearing.

774 1. All persons wishing to be heard at the hearing shall
775 notify the executive director of the Commission or other
776 designated member in writing of their desire to appear and testify
777 at the hearing not less than five (5) business days before the
778 scheduled date of the hearing.

779 2. Hearings shall be conducted in a manner providing
780 each person who wishes to comment a fair and reasonable
781 opportunity to comment orally or in writing.

782 3. All hearings shall be recorded. A copy of the
783 recording shall be made available to any person upon request and
784 at the requesting person's expense.



785 4. Nothing in this section shall be construed as
786 requiring a separate hearing on each rule. Rules may be grouped
787 for the convenience of the Commission at hearings required by this
788 section.

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

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

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

801 L. Upon determination that an emergency exists, the
802 Commission may consider and adopt an emergency rule without prior
803 notice, opportunity for comment, or hearing, provided that the
804 usual rulemaking procedures provided in the Compact and in this
805 section shall be retroactively applied to the rule as soon as
806 reasonably possible, in no event later than ninety (90) days after
807 the effective date of the rule. For the purposes of this
808 provision, an emergency rule is one that must be adopted
809 immediately in order to:



856 **DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY**
857 **AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND ASSOCIATED RULES,**
858 **WITHDRAWAL, AND AMENDMENT**

859 A. The Compact shall come into effect on the date on which
860 the Compact statute is enacted into law in the tenth (10th) member
861 state. The provisions, which become effective at that time, shall
862 be limited to the powers granted to the Commission relating to
863 assembly and the promulgation of rules. Thereafter, the
864 Commission shall meet and exercise rulemaking powers necessary to
865 the implementation and administration of the Compact.

866 B. Any state that joins the Compact subsequent to the
867 Commission's initial adoption of the rules shall be subject to the
868 rules as they exist on the date on which the Compact becomes law
869 in that state. Any rule that has been previously adopted by the
870 Commission shall have the full force and effect of law on the day
871 the Compact becomes law in that state.

872 C. Any member state may withdraw from this Compact by
873 enacting a statute repealing the same.

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

876 2. Withdrawal shall not affect the continuing
877 requirement of the withdrawing state's audiology or
878 speech-language pathology licensing board to comply with the
879 investigative and adverse action reporting requirements of this
880 act prior to the effective date of withdrawal.



881 D. Nothing contained in this Compact shall be construed to
882 invalidate or prevent any audiology or speech-language pathology
883 licensure agreement or other cooperative arrangement between a
884 member state and a nonmember state that does not conflict with the
885 provisions of this Compact.

886 E. This Compact may be amended by the member states. No
887 amendment to this Compact shall become effective and binding upon
888 any member state until it is enacted into the laws of all member
889 states.

890 **SECTION 13.**

891 **CONSTRUCTION AND SEVERABILITY**

892 This Compact shall be liberally construed so as to effectuate
893 the purposes thereof. The provisions of this Compact shall be
894 severable and if any phrase, clause, sentence or provision of this
895 Compact is declared to be contrary to the constitution of any
896 member state or of the United States or the applicability thereof
897 to any government, agency, person or circumstance is held invalid,
898 the validity of the remainder of this Compact and the
899 applicability thereof to any government, agency, person or
900 circumstance shall not be affected thereby. If this Compact shall
901 be held contrary to the constitution of any member state, the
902 Compact shall remain in full force and effect as to the remaining
903 member states and in full force and effect as to the member state
904 affected as to all severable matters.

905 **SECTION 14.**



906 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

907 A. Nothing in this Compact prevents the enforcement of any
908 other law of a member state that is not inconsistent with the
909 Compact.

910 B. All laws in a member state in conflict with the Compact
911 are superseded to the extent of the conflict.

912 C. All lawful actions of the Commission, including all rules
913 and bylaws promulgated by the Commission, are binding upon the
914 member states.

915 D. All agreements between the Commission and the member
916 states are binding in accordance with their terms.

917 E. In the event any provision of the Compact exceeds the
918 constitutional limits imposed on the legislature of any member
919 state, the provision shall be ineffective to the extent of the
920 conflict with the constitutional provision in question in that
921 member state.

922 **SECTION 2.** Section 73-38-3, Mississippi Code of 1972, is
923 amended as follows:

924 73-38-3. The following definitions apply as used in this
925 chapter, unless the context otherwise requires:

926 (a) "Board" means the Mississippi State Board of
927 Health.

928 (b) "Council" means the Mississippi Council of Advisors
929 in Speech-Language Pathology and Audiology as established in
930 Section 73-38-11.



931 (c) "Person" means any individual, organization or
932 corporate body, except that only an individual may be licensed
933 under this chapter or hold the privilege to practice.

934 (d) "Speech-language pathologist" means an individual
935 who practices speech-language pathology and who presents himself
936 or herself to the public by any title or description of services
937 incorporating the words "speech pathologist," "speech-language
938 pathologist," "speech therapist," "speech correctionist," "speech
939 clinician," "language pathologist," "language therapist,"
940 "logopedist," "communicologist," "voice therapist," "voice
941 pathologist," or any similar title or description of services.

942 (e) "Speech-language pathology" means the application
943 of principles, methods and procedures for the measurement,
944 testing, evaluation, prediction, counseling, instruction,
945 habilitation or rehabilitation related to the development and
946 disorders of speech, voice, language, swallowing or feeding, or
947 for the purpose of evaluating, preventing, ameliorating or
948 modifying such disorders and conditions in individuals and/or
949 groups of individuals.

950 (f) "Audiologist" means an individual who practices
951 audiology and who presents himself or herself to the public by any
952 title or description of services incorporating the words
953 "audiologist," "hearing clinician," "hearing therapist," or any
954 similar title or description of service.



955 (g) "Audiology" means the application of principles,
956 methods and procedures of measurement, testing, evaluation,
957 prediction, consultation, counseling, instruction, habilitation or
958 rehabilitation related to disorders of hearing and balance for the
959 purpose of evaluating, identifying, preventing, ameliorating or
960 modifying such disorders and conditions in individuals and/or
961 groups of individuals; and for the purpose of this subsection the
962 words "habilitation" and "rehabilitation" include, but are not
963 limited to, hearing aid dispensing and evaluation, and auditory
964 training, and speech reading.

965 (h) "Speech-language pathology aide" means an
966 individual who meets minimum qualifications which the council may
967 establish for speech-language pathology aides, which
968 qualifications shall be less than those established by this
969 chapter as necessary for licensure as a speech-language
970 pathologist, and who works under the supervision of a licensed
971 speech-language pathologist or a speech-language pathologist who
972 holds the privilege to practice.

973 (i) "Audiology aide" means an individual who meets
974 minimum qualifications which the council may establish for
975 audiology aides, which qualifications shall be less than those
976 established by this chapter as necessary for licensure as an
977 audiologist, and who works under the supervision of a licensed
978 audiologist or an audiologist who holds the privilege to practice.



979 (j) "ASHA" means the American Speech-Language-Hearing
980 Association.

981 (k) "Privilege to practice" means the authorization to
982 practice as a speech-language pathologist or audiologist in this
983 state or work as a speech-language pathology aide or audiology
984 aide in this state under the Audiology and Speech-Language
985 Pathology Interstate Compact provided for in Section 1 of this
986 act.

987 (l) "Licensee" means a person who has been issued a
988 license to practice as a speech-language pathologist or
989 audiologist in this state or work as a speech-language pathology
990 aide or audiology aide in this state, or a person who holds the
991 privilege to practice as a speech-language pathologist or
992 audiologist in this state or work as a speech-language pathology
993 aide or audiology aide in this state.

994 **SECTION 3.** Section 73-38-5, Mississippi Code of 1972, is
995 amended as follows:

996 73-38-5. (1) Licensure or the privilege to practice shall
997 be granted either in speech-language pathology or audiology
998 independently. A person may be licensed or hold the privilege to
999 practice in both areas if he or she meets the respective
1000 qualifications.

1001 (2) No person shall practice or represent himself or herself
1002 as a speech-language pathologist or audiologist in this state



1003 unless he or she is licensed in accordance with the provisions of
1004 this chapter or holds the privilege to practice.

1005 **SECTION 4.** Section 73-38-7, Mississippi Code of 1972, is
1006 amended as follows:

1007 73-38-7. Nothing in this chapter shall be construed as
1008 preventing or restricting:

1009 (a) A physician from engaging in the practice of
1010 medicine in this state, or a person using an audiometer to test
1011 hearing under the direct supervision of a licensed physician,
1012 provided such person does not present himself or herself to the
1013 public by any title or description of services incorporating the
1014 words "audiologist," "hearing clinician," "hearing therapist," or
1015 any similar title or description of services;

1016 (b) Any person licensed as a hearing aid dispenser from
1017 measuring and testing hearing in relation to the fitting, usage
1018 and dispensing of hearing aids or rendering post fitting services
1019 to his or her clients or using any title provided in Sections
1020 73-14-1 through 73-14-47;

1021 (c) Any person licensed in this state by any other law
1022 from engaging in the profession or occupation for which he or she
1023 is licensed;

1024 (d) A person from being employed or working in a
1025 volunteer capacity without a license, as provided in this chapter,
1026 or without holding the privilege to practice, as a speech-language
1027 pathologist or audiologist by the government of the United States



1028 or by the governing authority of any school district or private or
1029 parochial school in this state, if such person performs
1030 speech-language pathology or audiology services solely within the
1031 confines or under the jurisdiction of the organization by which he
1032 or she is employed, or working in a volunteer capacity; however,
1033 such person may, without obtaining a license under this chapter or
1034 holding the privilege to practice, consult with or disseminate his
1035 or her research findings and other scientific information to
1036 speech-language pathologists and audiologists outside the
1037 jurisdiction of the organization by which he or she is employed;
1038 such person may also offer lectures to the public for a fee,
1039 monetary or other, without being licensed under this chapter or
1040 holding the privilege to practice; such person may additionally
1041 elect to be subject to this chapter;

1042 (e) The activities and services of persons pursuing a
1043 course of study leading to a degree in speech-language pathology
1044 at a college or university if such activities and services
1045 constitute a part of the supervised course of study and that such
1046 person is designated speech-language pathology intern,
1047 speech-language pathology trainee, or by other such titles clearly
1048 indicating the training status appropriate to his or her level of
1049 training;

1050 (f) The activities and services of a person pursuing a
1051 course of study leading to a degree in audiology at a college or
1052 university if such activities and services constitute a part of a



1053 supervised course of study and such person is designated audiology
1054 intern, audiology trainee, or by any other such titles clearly
1055 indicating the training status appropriate to his or her level of
1056 training;

1057 (g) The performance of speech-language pathology or
1058 audiology services in this state by any person not a resident of
1059 this state who is not licensed under this chapter or does not hold
1060 the privilege to practice, if such services are performed for no
1061 more than five (5) days in any calendar year and in cooperation
1062 with a speech-language pathologist or audiologist licensed under
1063 this chapter or holding the privilege to practice, and if such
1064 person meets the qualifications and requirements for application
1065 for licensure described in subsections (a) through (c) of Section
1066 73-38-9 or the requirements for holding the privilege to practice;
1067 however, a person not a resident of this state who is not licensed
1068 under this chapter or does not hold the privilege to practice, but
1069 who is licensed under the law of another state which has
1070 established licensure requirements at least equivalent to those
1071 established by Section 73-38-9, or who is the holder of the ASHA
1072 Certificate of Clinical Competence in Speech-Language Pathology or
1073 Audiology or its equivalent, may offer speech-language pathology
1074 or audiology services in this state for no more than thirty (30)
1075 days in any calendar year if such services are performed in
1076 cooperation with a speech-language pathologist or audiologist



1077 licensed under this chapter or holding the privilege to practice;
1078 or

1079 (h) Any person employed by a private industry or firm
1080 for the purpose of conducting hearing tests incident to the
1081 operations of such firm or industry relative to its employees and
1082 employment practices.

1083 **SECTION 5.** Section 73-38-9, Mississippi Code of 1972, is
1084 amended as follows:

1085 73-38-9. To be eligible for licensure or the privilege to
1086 practice by the board as a speech-language pathologist or
1087 audiologist and to be eligible for registration as a
1088 speech-language pathology aide or audiology aide, a person shall:

1089 (a) Be of good moral character;

1090 (b) (1) For speech-language pathologists or
1091 audiologists, possess at least a master's degree or its equivalent
1092 in the area of speech-language pathology or audiology, as the case
1093 may be, from an educational institution recognized by the board;

1094 (2) For speech-language pathology aide or
1095 audiology aide, the board shall set minimum educational standards
1096 which shall be less than a bachelor's degree;

1097 (c) For speech-language pathologists and audiologists,
1098 submit evidence of the completion of the educational, clinical
1099 experience and employment requirements, which requirements shall
1100 be based on appropriate national standards and prescribed by the
1101 rules and regulations adopted pursuant to this chapter;



1102 (d) For speech-language pathologists and audiologists
1103 licensure applicants, pass an examination approved by the board.
1104 This examination may be taken either before or after the
1105 completion of the employment requirement specified pursuant to
1106 subsection (c) of this section;

1107 (e) For speech-language pathology aides and audiology
1108 aides, no examination shall be required.

1109 **SECTION 6.** Section 73-38-13, Mississippi Code of 1972, is
1110 amended as follows:

1111 73-38-13. (1) The board shall have full authority to
1112 investigate and evaluate each and every applicant applying for a
1113 license to practice speech-language pathology or a license to
1114 practice audiology or for the privilege to practice with the
1115 advice of the council.

1116 (2) The board shall have the authority to issue subpoenas,
1117 examine witnesses and administer oaths, and shall, at its
1118 discretion, investigate allegations or practices violating the
1119 provisions of this chapter.

1120 (3) The board shall adopt such rules and regulations not
1121 inconsistent with the laws of this state as may be necessary to
1122 effectuate the provisions of this chapter and may amend or repeal
1123 the same as may be necessary for such purposes, with the advice of
1124 the council.



1125 (4) The conferral or enumeration of specific powers
1126 elsewhere in this chapter shall not be construed as a limitation
1127 of the general functions conferred by this section.

1128 **SECTION 7.** Section 73-38-17, Mississippi Code of 1972, is
1129 amended as follows:

1130 73-38-17. (1) The board shall issue licenses and privileges
1131 to practice and notices of renewal, revocation, suspension or
1132 reinstatement and shall publish annually the names of persons
1133 licensed under this chapter or holding the privilege to practice.

1134 (2) The board shall publish and disseminate to all
1135 licensees, in an appropriate manner, the licensure standards
1136 prescribed by this chapter, any amendments thereto, and such rules
1137 and regulations as the board may adopt under the authority vested
1138 by Section 73-38-13 within sixty (60) days of their adoptions.

1139 (3) The board shall administer the privilege to practice in
1140 accordance with the Audiology and Speech-Language Pathology
1141 Interstate Compact.

1142 **SECTION 8.** Section 73-38-25, Mississippi Code of 1972, is
1143 amended as follows:

1144 73-38-25. (1) The board shall issue a license or the
1145 privilege to practice to any person who meets the requirements of
1146 this chapter and who pays to the board the fees prescribed in
1147 Section 73-38-31.

1148 (2) (a) An applicant who fulfills all the requirements for
1149 licensure or the privilege to practice except professional



1150 employment and/or examination may apply to the board for a
1151 temporary license.

1152 (b) Upon receiving an application provided under
1153 subsection (2) (a), the board shall issue a temporary license which
1154 entitles the applicant to practice speech-language pathology or
1155 audiology under the supervision of a licensee with licensure in
1156 the appropriate specialty while completing the requirements for
1157 licensure or the privilege to practice.

1158 (c) No temporary license shall be issued by the board
1159 under this section unless the applicant shows to the satisfaction
1160 of the board that he or she is or will be supervised and trained
1161 by a person who holds a license or the privilege to practice in
1162 the appropriate specialty.

1163 (d) The temporary license shall be effective for a
1164 period to be determined by the * * * board.

1165 (3) (a) Each person licensed under this chapter or holding
1166 the privilege to practice who supervises a speech-language
1167 pathology or audiology aide shall register the same with the
1168 board.

1169 (b) The licensee who supervises aides or temporary
1170 licensees is responsible for the services provided to the client
1171 by * * * the aides or temporary licensees and may suffer
1172 suspension, revocation or other appropriate penalty for failure to
1173 exercise his or her responsibilities in the supervision of aides
1174 or temporary licensees.



1175 (c) Speech-language pathology and audiology aides shall
1176 pay to the board a registration fee as prescribed in Section
1177 73-38-31, subsection (1).

1178 **SECTION 9.** Section 73-38-27, Mississippi Code of 1972, is
1179 amended as follows:

1180 73-38-27. (1) The board may refuse to issue or renew a
1181 license or the privilege to practice, or may suspend or revoke a
1182 license or the privilege to practice where the licensee or
1183 applicant for a license or the privilege to practice has been
1184 guilty of unprofessional conduct which has endangered or is likely
1185 to endanger the health, welfare or safety of the public. Such
1186 unprofessional conduct may result from:

1187 (a) Negligence in the practice or performance of
1188 professional services or activities;

1189 (b) Engaging in dishonorable, unethical or
1190 unprofessional conduct of a character likely to deceive, defraud
1191 or harm the public in the course of professional services or
1192 activities;

1193 (c) Perpetrating or cooperating in fraud or material
1194 deception in obtaining or renewing a license or the privilege to
1195 practice or attempting the same;

1196 (d) Being convicted of any crime which has a
1197 substantial relationship to the licensee's activities and services
1198 or an essential element of which is misstatement, fraud or
1199 dishonesty;



1200 (e) Being convicted of any crime which is a felony
1201 under the laws of this state or the United States;

1202 (f) Engaging in or permitting the performance of
1203 unacceptable services personally or by others working under the
1204 licensee's supervision due to the licensee's deliberate or
1205 negligent act or acts or failure to act, regardless of whether
1206 actual damage or damages to the public is established;

1207 (g) Continued practice although the licensee has become
1208 unfit to practice as a speech-language pathologist or audiologist
1209 due to: (i) failure to keep abreast of current professional
1210 theory or practice; or (ii) physical or mental disability; the
1211 entry of an order or judgment by a court of competent jurisdiction
1212 that a licensee is in need of mental treatment or is incompetent
1213 shall constitute mental disability; or (iii) addiction or severe
1214 dependency upon alcohol or other drugs which may endanger the
1215 public by impairing the licensee's ability to practice;

1216 (h) Having disciplinary action taken against the
1217 licensee's license or privilege to practice in another state;

1218 (i) Making differential, detrimental treatment against
1219 any person because of race, color, creed, sex, religion or
1220 national origin;

1221 (j) Engaging in lewd conduct in connection with
1222 professional services or activities;

1223 (k) Engaging in false or misleading advertising;



1224 (l) Contracting, assisting or permitting unlicensed
1225 persons to perform services for which a license or the privilege
1226 to practice is required under this chapter;

1227 (m) Violation of any probation requirements placed on a
1228 license or the privilege to practice by the board;

1229 (n) Revealing confidential information except as may be
1230 required by law;

1231 (o) Failing to inform clients of the fact that the
1232 client no longer needs the services or professional assistance of
1233 the licensee;

1234 (p) Charging excessive or unreasonable fees or engaging
1235 in unreasonable collection practices;

1236 (q) For treating or attempting to treat ailments or
1237 other health conditions of human beings other than by speech or
1238 audiology therapy as authorized by this chapter;

1239 (r) For applying or offering to apply speech or
1240 audiology therapy, exclusive of initial evaluation or screening
1241 and exclusive of education or consultation for the prevention of
1242 physical and mental disability within the scope of speech or
1243 audiology therapy, or for acting as a speech-language pathologist
1244 or audiologist, or speech-language pathologist or audiologist aide
1245 other than under the direct, on-site supervision of a licensed
1246 speech-language pathologist or audiologist or a speech-language
1247 pathologist or audiologist who holds the privilege to practice;



1248 (s) Violations of the current codes of conduct for
1249 speech-language pathologists or audiologists, and speech-language
1250 pathologist or audiologist assistants adopted by the American
1251 Speech-Language-Hearing Association;

1252 (t) Violations of any rules or regulations promulgated
1253 pursuant to this chapter.

1254 (2) The board may order a licensee to submit to a reasonable
1255 physical or mental examination if the licensee's physical or
1256 mental capacity to practice safely is at issue in a disciplinary
1257 proceeding.

1258 (3) In addition to the reasons specified in subsection (1)
1259 of this section, the board shall be authorized to suspend the
1260 license or the privilege to practice of any licensee for being out
1261 of compliance with an order for support, as defined in Section
1262 93-11-153. The procedure for suspension of a license or the
1263 privilege to practice for being out of compliance with an order
1264 for support, and the procedure for the reissuance or reinstatement
1265 of a license or the privilege to practice suspended for that
1266 purpose, and the payment of any fees for the reissuance or
1267 reinstatement of a license or the privilege to practice suspended
1268 for that purpose, shall be governed by Section 93-11-157 or
1269 93-11-163, as the case may be. If there is any conflict between
1270 any provision of Section 93-11-157 or 93-11-163 and any provision
1271 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1272 as the case may be, shall control.



1273 **SECTION 10.** Section 73-38-29, Mississippi Code of 1972, is
1274 amended as follows:

1275 73-38-29. (1) Except as provided in Section 33-1-39,
1276 licenses issued under this chapter and privileges to practice
1277 shall expire and become invalid at midnight of the expiration
1278 date.

1279 (2) Every person licensed under this chapter or holding the
1280 privilege to practice shall, on or before the license or the
1281 privilege to practice expiration date, pay a fee for the biennial
1282 renewal of license or the privilege to practice to the board. The
1283 board may suspend the license or the privilege to practice of any
1284 person who fails to have his or her license or privilege to
1285 practice renewed by the expiration date. After the expiration
1286 date, the board may renew a license or the privilege to practice
1287 upon payment of a fee to the board. No person who requests
1288 renewal of license or the privilege to practice, whose license or
1289 privilege to practice has expired, shall be required to submit to
1290 examination as a condition to renewal, if such renewal application
1291 is made within two (2) years from the date of such expiration.

1292 (3) A suspended license or the privilege to practice is
1293 subject to expiration and may be renewed as provided in this
1294 section, but such renewal shall not entitle the licensee, while
1295 the license or the privilege to practice remains suspended and
1296 until it is reinstated, to engage in the licensed activity, or in
1297 any other conduct or activity in violation of the order or



1298 judgment by which the license or privilege to practice was
1299 suspended.

1300 (4) A license or the privilege to practice revoked on
1301 disciplinary grounds is subject to expiration as provided in
1302 subsection (1) of this section, but it may not be renewed. If
1303 such license or privilege to practice is reinstated after its
1304 expiration, the licensee, as a condition of reinstatement, shall
1305 pay a reinstatement fee in an amount equal to the fee for a
1306 license or the privilege to practice issued after the expiration
1307 date which is in effect on the last preceding regular renewal date
1308 before the date on which it is reinstated. The procedure for the
1309 reinstatement of a license or the privilege to practice that is
1310 suspended for being out of compliance with an order for support,
1311 as defined in Section 93-11-153, shall be governed by Section
1312 93-11-157 or 93-11-163, as the case may be.

1313 (5) Any person who fails to renew his or her license or
1314 privilege to practice within the two (2) years after the date of
1315 its expiration may not renew it, and it may not be restored,
1316 reissued or reinstated thereafter, but such person may apply for
1317 and obtain a new license or privilege to practice if he or she
1318 meets the requirements of this chapter.

1319 **SECTION 11.** Section 73-38-31, Mississippi Code of 1972, is
1320 amended as follows:

1321 73-38-31. (1) The board shall assess fees for the following
1322 purposes:



- 1323 (a) Initial licensing or the privilege to practice;
- 1324 (b) Renewal of licensure or the privilege to practice;
- 1325 (c) License or the privilege to practice issued after
- 1326 expiration date;
- 1327 (d) Late renewal payment penalty;
- 1328 (e) Temporary license;
- 1329 (f) Renewal of temporary license; and
- 1330 (g) Registration of aides.

1331 (2) Every person to whom a license or the privilege to

1332 practice is issued pursuant to this chapter shall, as a condition

1333 precedent to its issuance, and in addition to any application,

1334 examination or other fee, pay the prescribed initial license fee

1335 or privilege to practice fee.

1336 (3) Fees prescribed in subsection (1) of this section shall

1337 be exclusive and no municipality shall have the right to require

1338 any person licensed under this chapter or holding the privilege to

1339 practice to furnish any bond, pass any examination, or pay any

1340 license fee or privilege to practice fee or occupational tax.

1341 (4) Fees listed in subsection (1) of this section shall be

1342 commensurate to the extent feasible with the cost of fulfilling

1343 the duties of the board and council as defined by this chapter;

1344 however, no individual fee shall exceed One Hundred Dollars

1345 (\$100.00).



1346 (5) Any increase in the fees charged by the board under this
1347 section shall be in accordance with the provisions of Section
1348 41-3-65.

1349 **SECTION 12.** Section 73-38-33, Mississippi Code of 1972, is
1350 amended as follows:

1351 73-38-33. The board shall require the applicant for license
1352 or privilege to practice renewal to present evidence of the
1353 satisfactory completion of continuing education requirements as
1354 determined by the board.

1355 **SECTION 13.** This act shall take effect and be in force from
1356 and after July 1, 2022.

