

By: Senator(s) Boyd

To: Public Health and Welfare

SENATE BILL NO. 2179

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



121 authorizes practice only within the issuing state and does not  
122 include a privilege to practice in any other member state.

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

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

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

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

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

140 **SECTION 3.**

141 **STATE PARTICIPATION IN THE COMPACT**

142 A. A license issued to an audiologist or speech-language  
143 pathologist by a home state to a resident in that state shall be  
144 recognized by each member state as authorizing an audiologist or  
145 speech-language pathologist to practice audiology or



146 speech-language pathology, under a privilege to practice, in each  
147 member state.

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

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

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

167         C. Upon application for a privilege to practice, the  
168 licensing board in the issuing remote state shall ascertain,  
169 through the data system, whether the applicant has ever held, or  
170 is the holder of, a license issued by any other state, whether



171 there are any encumbrances on any license or privilege to practice  
172 held by the applicant, whether any adverse action has been taken  
173 against any license or privilege to practice held by the  
174 applicant.

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

179 E. For an audiologist:

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

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

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





196 accredited by a regional or national accrediting organization  
197 recognized by the board; or

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

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

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

210           4. Holds an active, unencumbered license;

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

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

217           F. For a speech-language pathologist:

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



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

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

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

236                   3. Has completed a supervised postgraduate professional  
237 experience as required by the Commission  
238 Has successfully passed a national examination approved by the  
239 Commission;

240                   4. Holds an active, unencumbered license;

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



245           6. Has a valid United States Social Security or  
246 National Practitioner Identification number.

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

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

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



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

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

273 **SECTION 4.**

274 **COMPACT PRIVILEGE**

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

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

279 2. Have no encumbrance on any state license;

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

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

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

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

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



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

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

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

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

310 F. If an audiologist or speech-language pathologist changes  
311 primary state of residence by moving from a member state to a  
312 non-member state, the license issued by the prior home state shall  
313 convert to a single-state license, valid only in the former home  
314 state.

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



317 requirements of subsection A of this section to maintain the  
318 compact privilege in the remote state.

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

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

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

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

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

340 L. Once the requirements of subsection J of this section  
341 have been met, the licensee must meet the requirements in



342 subsection A of this section to obtain a compact privilege in a  
343 remote state.

344 **SECTION 5.**

345 **COMPACT PRIVILEGE TO PRACTICE TELEHEALTH**

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

353 **SECTION 6.**

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

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

362 **SECTION 7.**

363 **ADVERSE ACTIONS**

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



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

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

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

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

389           C. The home state shall complete any pending investigations  
390 of an audiologist or speech-language pathologist who changes  
391 primary state of residence during the course of the





392 investigations. The home state shall also have the authority to  
393 take appropriate action(s) and shall promptly report the  
394 conclusions of the investigations to the administrator of the data  
395 system. The administrator of the coordinated licensure  
396 information system shall promptly notify the new home state of any  
397 adverse actions.

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

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

407 F. Joint investigations.

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

413 2. Member states shall share any investigative,  
414 litigation, or compliance materials in furtherance of any joint or  
415 individual investigation initiated under the Compact.



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

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

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

433 **SECTION 8.**

434 **ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY**

435 **COMPACT COMMISSION**

436 A. The Compact member states hereby create and establish a  
437 joint public agency known as the Audiology and Speech-Language  
438 Pathology Compact Commission:

439 1. The Commission is an instrumentality of the Compact  
440 states.



441           2. Venue is proper and judicial proceedings by or  
442 against the Commission shall be brought solely and exclusively in  
443 a court of competent jurisdiction where the principal office of  
444 the Commission is located. The Commission may waive venue and  
445 jurisdictional defenses to the extent it adopts or consents to  
446 participate in alternative dispute resolution proceedings.

447           3. Nothing in this Compact shall be construed to be a  
448 waiver of sovereign immunity.

449           B. Membership, voting and meetings.

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

454           2. An additional five (5) delegates, who are either a  
455 public member or board administrator from a state licensing board,  
456 shall be chosen by the Executive Committee from a pool of nominees  
457 provided by the Commission at Large.

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

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

463           5. Each delegate shall be entitled to one (1) vote with  
464 regard to the promulgation of rules and creation of bylaws and



465 shall otherwise have an opportunity to participate in the business  
466 and affairs of the Commission.

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

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

474           C. The Commission shall have the following powers and  
475 duties:

476           1. Establish the fiscal year of the Commission;

477           2. Establish bylaws;

478           3. Establish a Code of Ethics;

479           4. Maintain its financial records in accordance with  
480 the bylaws;

481           5. Meet and take actions as are consistent with the  
482 provisions of this Compact and the bylaws;

483           6. Promulgate uniform rules to facilitate and  
484 coordinate implementation and administration of this Compact. The  
485 rules shall have the force and effect of law and shall be binding  
486 in all member states;

487           7. Bring and prosecute legal proceedings or actions in  
488 the name of the Commission, provided that the standing of any



489 state audiology or speech-language pathology licensing board to  
490 sue or be sued under applicable law shall not be affected;

491 8. Purchase and maintain insurance and bonds;

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

495 10. Hire employees, elect or appoint officers, fix  
496 compensation, define duties, grant individuals appropriate  
497 authority to carry out the purposes of the Compact, and to  
498 establish the Commission's personnel policies and programs  
499 relating to conflicts of interest, qualifications of personnel,  
500 and other related personnel matters;

501 11. Accept any and all appropriate donations and grants  
502 of money, equipment, supplies, materials and services, and to  
503 receive, utilize and dispose of the same; provided that at all  
504 times the Commission shall avoid any appearance of impropriety  
505 and/or conflict of interest;

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

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

513 14. Establish a budget and make expenditures;



- 514           15. Borrow money;
- 515           16. Appoint committees, including standing committees  
516 composed of members, and other interested persons as may be  
517 designated in this Compact and the bylaws;
- 518           17. Provide and receive information from, and cooperate  
519 with, law enforcement agencies;
- 520           18. Establish and elect an Executive Committee; and
- 521           19. Perform other functions as may be necessary or  
522 appropriate to achieve the purposes of this Compact consistent  
523 with the state regulation of audiology and speech-  
524 language pathology licensure and practice.

525           D. The Executive Committee.

526           The Executive Committee shall have the power to act on behalf  
527 of the Commission according to the terms of this Compact:

- 528           1. The Executive Committee shall be composed of ten  
529 (10) members:
- 530           a. Seven (7) voting members who are elected by the  
531 Commission from the current membership of the Commission;
- 532           b. Two (2) ex-officio members, consisting of one  
533 (1) nonvoting member from a recognized national audiology  
534 professional association and one (1) nonvoting member from a  
535 recognized national speech-language pathology association; and
- 536           c. One (1) ex-officio, nonvoting member from the  
537 recognized membership organization of the audiology and  
538 speech-language pathology licensing boards.



539 E. The ex-officio members shall be selected by their  
540 respective organizations.

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

543 2. The Executive Committee shall meet at least  
544 annually.

545 3. The Executive Committee shall have the following  
546 duties and responsibilities:

547 a. Recommend to the entire Commission changes to  
548 the rules or bylaws, changes to this Compact legislation, fees  
549 paid by Compact member states such as annual dues, and any  
550 Commission Compact fee charged to licensees for the compact  
551 privilege;

552 b. Ensure Compact administration services are  
553 appropriately provided, contractual or otherwise;

554 c. Prepare and recommend the budget;

555 d. Maintain financial records on behalf of the  
556 Commission;

557 e. Monitor Compact compliance of member states and  
558 provide compliance reports to the Commission;

559 f. Establish additional committees as necessary;

560 and

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

562 4. Meetings of the Commission.



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

566 5. The Commission or the Executive Committee or other  
567 committees of the Commission may convene in a closed, nonpublic  
568 meeting if the Commission or Executive Committee or other  
569 committees of the Commission must discuss:

570 a. Noncompliance of a member state with its  
571 obligations under the Compact;

572 b. The employment, compensation, discipline or  
573 other matters, practices or procedures related to specific  
574 employees or other matters related to the Commission's internal  
575 personnel practices and procedures;

576 c. Current, threatened, or reasonably anticipated  
577 litigation;

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

580 e. Accusing any person of a crime or formally  
581 censuring any person;

582 f. Disclosure of trade secrets or commercial or  
583 financial information that is privileged or confidential;

584 g. Disclosure of information of a personal nature  
585 where disclosure would constitute a clearly unwarranted invasion  
586 of personal privacy;





587                   h. Disclosure of investigative records compiled  
588 for law enforcement purposes;

589                   i. Disclosure of information related to any  
590 investigative reports prepared by or on behalf of or for use of  
591 the Commission or other committee charged with responsibility of  
592 investigation or determination of compliance issues pursuant to  
593 the Compact; or

594                   j. Matters specifically exempted from disclosure  
595 by federal or member state statute.

596                   6. If a meeting, or portion of a meeting, is closed  
597 pursuant to this provision, the Commission's legal counsel or  
598 designee shall certify that the meeting may be closed and shall  
599 reference each relevant exempting provision.

600                   7. The Commission shall keep minutes that fully and  
601 clearly describe all matters discussed in a meeting and shall  
602 provide a full and accurate summary of actions taken, and the  
603 reasons therefor, including a description of the views expressed.  
604 All documents considered in connection with an action shall be  
605 identified in such minutes. All minutes and documents of a closed  
606 meeting shall remain under seal, subject to release by a majority  
607 vote of the Commission or order of a court of competent  
608 jurisdiction.

609                   8. Financing of the Commission.



610                   a. The Commission shall pay, or provide for the  
611 payment of, the reasonable expenses of its establishment,  
612 organization, and ongoing activities.

613                   b. The Commission may accept any and all  
614 appropriate revenue sources, donations, and grants of money,  
615 equipment, supplies, materials, and services.

616                   c. The Commission may levy on and collect an  
617 annual assessment from each member state or impose fees on other  
618 parties to cover the cost of the operations and activities of the  
619 Commission and its staff, which must be in a total amount  
620 sufficient to cover its annual budget as approved each year for  
621 which revenue is not provided by other sources. The aggregate  
622 annual assessment amount shall be allocated based upon a formula  
623 to be determined by the Commission, which shall promulgate a rule  
624 binding upon all member states.

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

629                   10. The Commission shall keep accurate accounts of all  
630 receipts and disbursements. The receipts and disbursements of the  
631 Commission shall be subject to the audit and accounting procedures  
632 established under its bylaws. However, all receipts and  
633 disbursements of funds handled by the Commission shall be audited  
634 yearly by a certified or licensed public accountant, and the



635 report of the audit shall be included in and become part of the  
636 annual report of the Commission.

637 F. Qualified immunity, defense, and indemnification.

638 1. The members, officers, executive director, employees  
639 and representatives of the Commission shall be immune from suit  
640 and liability, either personally or in their official capacity,  
641 for any claim for damage to or loss of property or personal injury  
642 or other civil liability caused by or arising out of any actual or  
643 alleged act, error or omission that occurred, or that the person  
644 against whom the claim is made had a reasonable basis for  
645 believing occurred within the scope of Commission employment,  
646 duties or responsibilities; provided that nothing in this  
647 paragraph shall be construed to protect any person from suit  
648 and/or liability for any damage, loss, injury, or liability caused  
649 by the intentional or willful or wanton misconduct of that person.

650 2. The Commission shall defend any member, officer,  
651 executive director, employee or representative of the Commission  
652 in any civil action seeking to impose liability arising out of any  
653 actual or alleged act, error, or omission that occurred within the  
654 scope of Commission employment, duties, or responsibilities, or  
655 that the person against whom the claim is made had a reasonable  
656 basis for believing occurred within the scope of Commission  
657 employment, duties, or responsibilities; provided that nothing  
658 herein shall be construed to prohibit that person from retaining  
659 his or her own counsel; and provided further, that the actual or



660 alleged act, error, or omission did not result from that person's  
661 intentional or willful or wanton misconduct.

662           3. The Commission shall indemnify and hold harmless any  
663 member, officer, executive director, employee, or representative  
664 of the Commission for the amount of any settlement or judgment  
665 obtained against that person arising out of any actual or alleged  
666 act, error or omission that occurred within the scope of  
667 Commission employment, duties, or responsibilities, or that such  
668 person had a reasonable basis for believing occurred within the  
669 scope of Commission employment, duties, or responsibilities,  
670 provided that the actual or alleged act, error, or omission did  
671 not result from the intentional or willful or wanton misconduct of  
672 that person.

673                                   **SECTION 9.**

674                                   **DATA SYSTEM**

675           A. The Commission shall provide for the development,  
676 maintenance, and utilization of a coordinated database and  
677 reporting system containing licensure, adverse action, and  
678 investigative information on all licensed individuals in member  
679 states.

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

684                 1. Identifying information;



685               2. Licensure data;

686               3. Adverse actions against a license or compact  
687 privilege;

688               4. Nonconfidential information related to alternative  
689 program participation;

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

692               6. Other information that may facilitate the  
693 administration of this Compact, as determined by the rules of the  
694 Commission.

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

697           D. The Commission shall promptly notify all member states of  
698 any adverse action taken against a licensee or an individual  
699 applying for a license. Adverse action information pertaining to  
700 a licensee in any member state shall be available to any other  
701 member state.

702           E. Member states contributing information to the data system  
703 may designate information that may not be shared with the public  
704 without the express permission of the contributing state.

705           F. Any information submitted to the data system that is  
706 subsequently required to be expunged by the laws of the member  
707 state contributing the information shall be removed from the data  
708 system.

709   **SECTION 10.**



710 **RULEMAKING**

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

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

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

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

726 1. On the website of the Commission or other publicly  
727 accessible platform; and

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

732 E. The Notice of Proposed Rulemaking shall include:

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



735           2. The text of the proposed rule or amendment and the  
736 reason for the proposed rule;

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

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

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

745           G. The Commission shall grant an opportunity for a public  
746 hearing before it adopts a rule or amendment if a hearing is  
747 requested by:

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

749           2. A state or federal governmental subdivision or  
750 agency; or

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

753           H. If a hearing is held on the proposed rule or amendment,  
754 the Commission shall publish the place, time, and date of the  
755 scheduled public hearing. If the hearing is held via electronic  
756 means, the Commission shall publish the mechanism for access to  
757 the electronic hearing.

758           1. All persons wishing to be heard at the hearing shall  
759 notify the executive director of the Commission or other



760 designated member in writing of their desire to appear and testify  
761 at the hearing not less than five (5) business days before the  
762 scheduled date of the hearing.

763           2. Hearings shall be conducted in a manner providing  
764 each person who wishes to comment a fair and reasonable  
765 opportunity to comment orally or in writing.

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

768           4. Nothing in this section shall be construed as  
769 requiring a separate hearing on each rule. Rules may be grouped  
770 for the convenience of the Commission at hearings required by this  
771 section.

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

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

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





784 L. Upon determination that an emergency exists, the  
785 Commission may consider and adopt an emergency rule without prior  
786 notice, opportunity for comment, or hearing, provided that the  
787 usual rulemaking procedures provided in the Compact and in this  
788 section shall be retroactively applied to the rule as soon as  
789 reasonably possible, in no event later than ninety (90) days after  
790 the effective date of the rule. For the purposes of this  
791 provision, an emergency rule is one that must be adopted  
792 immediately in order to:

793 1. Meet an imminent threat to public health, safety, or  
794 welfare;

795 2. Prevent a loss of Commission or member state funds;  
796 or

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

799 M. The Commission or an authorized committee of the  
800 Commission may direct revisions to a previously adopted rule or  
801 amendment for purposes of correcting typographical errors, errors  
802 in format, errors in consistency, or grammatical errors. Public  
803 notice of any revisions shall be posted on the website of the  
804 Commission. The revision shall be subject to challenge by any  
805 person for a period of thirty (30) days after posting. The  
806 revision may be challenged only on grounds that the revision  
807 results in a material change to a rule. A challenge shall be made  
808 in writing and delivered to the chair of the Commission prior to



809 the end of the notice period. If no challenge is made, the  
810 revision shall take effect without further action. If the  
811 revision is challenged, the revision may not take effect without  
812 the approval of the Commission.

813 **SECTION 11.**

814 **DISPUTE RESOLUTION AND ENFORCEMENT**

815 A. Dispute resolution.

816 1. Upon request by a member state, the Commission shall  
817 attempt to resolve disputes related to the Compact that arise  
818 among member states and between member and nonmember states.

819 2. The Commission shall promulgate a rule providing for  
820 both mediation and binding dispute resolution for disputes as  
821 appropriate.

822 B. Enforcement.

823 1. The Commission, in the reasonable exercise of its  
824 discretion, shall enforce the provisions and rules of this  
825 Compact.

826 2. By majority vote, the Commission may initiate legal  
827 action in the United States District Court for the District of  
828 Columbia or the federal district where the Commission has its  
829 principal offices against a member state in default to enforce  
830 compliance with the provisions of the Compact and its promulgated  
831 rules and bylaws. The relief sought may include both injunctive  
832 relief and damages. In the event judicial enforcement is



833 necessary, the prevailing member shall be awarded all costs of  
834 litigation, including reasonable attorney's fees.

835 3. The remedies herein shall not be the exclusive  
836 remedies of the Commission. The Commission may pursue any other  
837 remedies available under federal or state law.

838 **SECTION 12.**  
839 **DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY**  
840 **AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND ASSOCIATED RULES,**  
841 **WITHDRAWAL, AND AMENDMENT**

842 A. The Compact shall come into effect on the date on which  
843 the Compact statute is enacted into law in the tenth (10th) member  
844 state. The provisions, which become effective at that time, shall  
845 be limited to the powers granted to the Commission relating to  
846 assembly and the promulgation of rules. Thereafter, the  
847 Commission shall meet and exercise rulemaking powers necessary to  
848 the implementation and administration of the Compact.

849 B. Any state that joins the Compact subsequent to the  
850 Commission's initial adoption of the rules shall be subject to the  
851 rules as they exist on the date on which the Compact becomes law  
852 in that state. Any rule that has been previously adopted by the  
853 Commission shall have the full force and effect of law on the day  
854 the Compact becomes law in that state.

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



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

859 2. Withdrawal shall not affect the continuing  
860 requirement of the withdrawing state's audiology or  
861 speech-language pathology licensing board to comply with the  
862 investigative and adverse action reporting requirements of this  
863 act prior to the effective date of withdrawal.

864 D. Nothing contained in this Compact shall be construed to  
865 invalidate or prevent any audiology or speech-language pathology  
866 licensure agreement or other cooperative arrangement between a  
867 member state and a nonmember state that does not conflict with the  
868 provisions of this Compact.

869 E. This Compact may be amended by the member states. No  
870 amendment to this Compact shall become effective and binding upon  
871 any member state until it is enacted into the laws of all member  
872 states.

873 **SECTION 13.**

874 **CONSTRUCTION AND SEVERABILITY**

875 This Compact shall be liberally construed so as to effectuate  
876 the purposes thereof. The provisions of this Compact shall be  
877 severable and if any phrase, clause, sentence or provision of this  
878 Compact is declared to be contrary to the constitution of any  
879 member state or of the United States or the applicability thereof  
880 to any government, agency, person or circumstance is held invalid,  
881 the validity of the remainder of this Compact and the



882 applicability thereof to any government, agency, person or  
883 circumstance shall not be affected thereby. If this Compact shall  
884 be held contrary to the constitution of any member state, the  
885 Compact shall remain in full force and effect as to the remaining  
886 member states and in full force and effect as to the member state  
887 affected as to all severable matters.

888 **SECTION 14.**

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

890 A. Nothing in this Compact prevents the enforcement of any  
891 other law of a member state that is not inconsistent with the  
892 Compact.

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

895 C. All lawful actions of the Commission, including all rules  
896 and bylaws promulgated by the Commission, are binding upon the  
897 member states.

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

900 E. In the event any provision of the Compact exceeds the  
901 constitutional limits imposed on the legislature of any member  
902 state, the provision shall be ineffective to the extent of the  
903 conflict with the constitutional provision in question in that  
904 member state.

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



907           73-38-3. The following definitions apply as used in this  
908 chapter, unless the context otherwise requires:

909           (a) "Board" means the Mississippi State Board of  
910 Health.

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

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

917           (d) "Speech-language pathologist" means an individual  
918 who practices speech-language pathology and who presents himself  
919 or herself to the public by any title or description of services  
920 incorporating the words "speech pathologist," "speech-language  
921 pathologist," "speech therapist," "speech correctionist," "speech  
922 clinician," "language pathologist," "language therapist,"  
923 "logopedist," "communicologist," "voice therapist," "voice  
924 pathologist," or any similar title or description of services.

925           (e) "Speech-language pathology" means the application  
926 of principles, methods and procedures for the measurement,  
927 testing, evaluation, prediction, counseling, instruction,  
928 habilitation or rehabilitation related to the development and  
929 disorders of speech, voice, language, swallowing or feeding, or  
930 for the purpose of evaluating, preventing, ameliorating or



931 modifying such disorders and conditions in individuals and/or  
932 groups of individuals.

933 (f) "Audiologist" means an individual who practices  
934 audiology and who presents himself or herself to the public by any  
935 title or description of services incorporating the words  
936 "audiologist," "hearing clinician," "hearing therapist," or any  
937 similar title or description of service.

938 (g) "Audiology" means the application of principles,  
939 methods and procedures of measurement, testing, evaluation,  
940 prediction, consultation, counseling, instruction, habilitation or  
941 rehabilitation related to disorders of hearing and balance for the  
942 purpose of evaluating, identifying, preventing, ameliorating or  
943 modifying such disorders and conditions in individuals and/or  
944 groups of individuals; and for the purpose of this subsection the  
945 words "habilitation" and "rehabilitation" include, but are not  
946 limited to, hearing aid dispensing and evaluation, and auditory  
947 training, and speech reading.

948 (h) "Speech-language pathology aide" means an  
949 individual who meets minimum qualifications which the council may  
950 establish for speech-language pathology aides, which  
951 qualifications shall be less than those established by this  
952 chapter as necessary for licensure as a speech-language  
953 pathologist, and who works under the supervision of a licensed  
954 speech-language pathologist or a speech-language pathologist who  
955 holds the privilege to practice.



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

962 (j) "ASHA" means the American Speech-Language-Hearing  
963 Association.

964 (k) "Privilege to practice" means the authorization to  
965 practice as a speech-language pathologist or audiologist in this  
966 state or work as a speech-language pathology aide or audiology  
967 aide in this state under the Audiology and Speech-Language  
968 Pathology Interstate Compact provided for in Section 1 of this  
969 act.

970 (l) "Licensee" means a person who has been issued a  
971 license to practice as a speech-language pathologist or  
972 audiologist in this state or work as a speech-language pathology  
973 aide or audiology aide in this state, or a person who holds the  
974 privilege to practice as a speech-language pathologist or  
975 audiologist in this state or work as a speech-language pathology  
976 aide or audiology aide in this state.

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

979 73-38-5. (1) Licensure or the privilege to practice shall  
980 be granted either in speech-language pathology or audiology





981 independently. A person may be licensed or hold the privilege to  
982 practice in both areas if he or she meets the respective  
983 qualifications.

984 (2) No person shall practice or represent himself or herself  
985 as a speech-language pathologist or audiologist in this state  
986 unless he or she is licensed in accordance with the provisions of  
987 this chapter or holds the privilege to practice.

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

990 73-38-7. Nothing in this chapter shall be construed as  
991 preventing or restricting:

992 (a) A physician from engaging in the practice of  
993 medicine in this state, or a person using an audiometer to test  
994 hearing under the direct supervision of a licensed physician,  
995 provided such person does not present himself or herself to the  
996 public by any title or description of services incorporating the  
997 words "audiologist," "hearing clinician," "hearing therapist," or  
998 any similar title or description of services;

999 (b) Any person licensed as a hearing aid dispenser from  
1000 measuring and testing hearing in relation to the fitting, usage  
1001 and dispensing of hearing aids or rendering post fitting services  
1002 to his or her clients or using any title provided in Sections  
1003 73-14-1 through 73-14-47;



1004 (c) Any person licensed in this state by any other law  
1005 from engaging in the profession or occupation for which he or she  
1006 is licensed;

1007 (d) A person from being employed or working in a  
1008 volunteer capacity without a license, as provided in this chapter,  
1009 or without holding the privilege to practice, as a speech-language  
1010 pathologist or audiologist by the government of the United States  
1011 or by the governing authority of any school district or private or  
1012 parochial school in this state, if such person performs  
1013 speech-language pathology or audiology services solely within the  
1014 confines or under the jurisdiction of the organization by which he  
1015 or she is employed, or working in a volunteer capacity; however,  
1016 such person may, without obtaining a license under this chapter or  
1017 holding the privilege to practice, consult with or disseminate his  
1018 or her research findings and other scientific information to  
1019 speech-language pathologists and audiologists outside the  
1020 jurisdiction of the organization by which he or she is employed;  
1021 such person may also offer lectures to the public for a fee,  
1022 monetary or other, without being licensed under this chapter or  
1023 holding the privilege to practice; such person may additionally  
1024 elect to be subject to this chapter;

1025 (e) The activities and services of persons pursuing a  
1026 course of study leading to a degree in speech-language pathology  
1027 at a college or university if such activities and services  
1028 constitute a part of the supervised course of study and that such



1029 person is designated speech-language pathology intern,  
1030 speech-language pathology trainee, or by other such titles clearly  
1031 indicating the training status appropriate to his or her level of  
1032 training;

1033 (f) The activities and services of a person pursuing a  
1034 course of study leading to a degree in audiology at a college or  
1035 university if such activities and services constitute a part of a  
1036 supervised course of study and such person is designated audiology  
1037 intern, audiology trainee, or by any other such titles clearly  
1038 indicating the training status appropriate to his or her level of  
1039 training;

1040 (g) The performance of speech-language pathology or  
1041 audiology services in this state by any person not a resident of  
1042 this state who is not licensed under this chapter or does not hold  
1043 the privilege to practice, if such services are performed for no  
1044 more than five (5) days in any calendar year and in cooperation  
1045 with a speech-language pathologist or audiologist licensed under  
1046 this chapter or holding the privilege to practice, and if such  
1047 person meets the qualifications and requirements for application  
1048 for licensure described in subsections (a) through (c) of Section  
1049 73-38-9 or the requirements for holding the privilege to practice;  
1050 however, a person not a resident of this state who is not licensed  
1051 under this chapter or does not hold the privilege to practice, but  
1052 who is licensed under the law of another state which has  
1053 established licensure requirements at least equivalent to those



1054 established by Section 73-38-9, or who is the holder of the ASHA  
1055 Certificate of Clinical Competence in Speech-Language Pathology or  
1056 Audiology or its equivalent, may offer speech-language pathology  
1057 or audiology services in this state for no more than thirty (30)  
1058 days in any calendar year if such services are performed in  
1059 cooperation with a speech-language pathologist or audiologist  
1060 licensed under this chapter or holding the privilege to practice;  
1061 or

1062 (h) Any person employed by a private industry or firm  
1063 for the purpose of conducting hearing tests incident to the  
1064 operations of such firm or industry relative to its employees and  
1065 employment practices.

1066 **SECTION 5.** Section 73-38-9, Mississippi Code of 1972, is  
1067 amended as follows:

1068 73-38-9. To be eligible for licensure or the privilege to  
1069 practice by the board as a speech-language pathologist or  
1070 audiologist and to be eligible for registration as a  
1071 speech-language pathology aide or audiology aide, a person shall:

1072 (a) Be of good moral character;

1073 (b) (1) For speech-language pathologists or  
1074 audiologists, possess at least a master's degree or its equivalent  
1075 in the area of speech-language pathology or audiology, as the case  
1076 may be, from an educational institution recognized by the board;



1077 (2) For speech-language pathology aide or  
1078 audiology aide, the board shall set minimum educational standards  
1079 which shall be less than a bachelor's degree;

1080 (c) For speech-language pathologists and audiologists,  
1081 submit evidence of the completion of the educational, clinical  
1082 experience and employment requirements, which requirements shall  
1083 be based on appropriate national standards and prescribed by the  
1084 rules and regulations adopted pursuant to this chapter;

1085 (d) For speech-language pathologists and audiologists  
1086 licensure applicants, pass an examination approved by the board.  
1087 This examination may be taken either before or after the  
1088 completion of the employment requirement specified pursuant to  
1089 subsection (c) of this section;

1090 (e) For speech-language pathology aides and audiology  
1091 aides, no examination shall be required.

1092 **SECTION 6.** Section 73-38-13, Mississippi Code of 1972, is  
1093 amended as follows:

1094 73-38-13. (1) The board shall have full authority to  
1095 investigate and evaluate each and every applicant applying for a  
1096 license to practice speech-language pathology or a license to  
1097 practice audiology or for the privilege to practice with the  
1098 advice of the council.

1099 (2) The board shall have the authority to issue subpoenas,  
1100 examine witnesses and administer oaths, and shall, at its



1101 discretion, investigate allegations or practices violating the  
1102 provisions of this chapter.

1103 (3) The board shall adopt such rules and regulations not  
1104 inconsistent with the laws of this state as may be necessary to  
1105 effectuate the provisions of this chapter and may amend or repeal  
1106 the same as may be necessary for such purposes, with the advice of  
1107 the council.

1108 (4) The conferral or enumeration of specific powers  
1109 elsewhere in this chapter shall not be construed as a limitation  
1110 of the general functions conferred by this section.

1111 **SECTION 7.** Section 73-38-17, Mississippi Code of 1972, is  
1112 amended as follows:

1113 73-38-17. (1) The board shall issue licenses and privileges  
1114 to practice and notices of renewal, revocation, suspension or  
1115 reinstatement and shall publish annually the names of persons  
1116 licensed under this chapter or holding the privilege to practice.

1117 (2) The board shall publish and disseminate to all  
1118 licensees, in an appropriate manner, the licensure standards  
1119 prescribed by this chapter, any amendments thereto, and such rules  
1120 and regulations as the board may adopt under the authority vested  
1121 by Section 73-38-13 within sixty (60) days of their adoptions.

1122 **SECTION 8.** Section 73-38-25, Mississippi Code of 1972, is  
1123 amended as follows:

1124 73-38-25. (1) The board shall issue a license or the  
1125 privilege to practice to any person who meets the requirements of



1126 this chapter and who pays to the board the fees prescribed in  
1127 Section 73-38-31.

1128 (2) (a) An applicant who fulfills all the requirements for  
1129 licensure or the privilege to practice except professional  
1130 employment and/or examination may apply to the board for a  
1131 temporary license.

1132 (b) Upon receiving an application provided under  
1133 subsection (2) (a), the board shall issue a temporary license which  
1134 entitles the applicant to practice speech-language pathology or  
1135 audiology under the supervision of a licensee with licensure in  
1136 the appropriate specialty while completing the requirements for  
1137 licensure or the privilege to practice.

1138 (c) No temporary license shall be issued by the board  
1139 under this section unless the applicant shows to the satisfaction  
1140 of the board that he or she is or will be supervised and trained  
1141 by a person who holds a license or the privilege to practice in  
1142 the appropriate specialty.

1143 (d) The temporary license shall be effective for a  
1144 period to be determined by the \* \* \* board.

1145 (3) (a) Each person licensed under this chapter or holding  
1146 the privilege to practice who supervises a speech-language  
1147 pathology or audiology aide shall register the same with the  
1148 board.

1149 (b) The licensee who supervises aides or temporary  
1150 licensees is responsible for the services provided to the client



1151 by \* \* \* the aides or temporary licensees and may suffer  
1152 suspension, revocation or other appropriate penalty for failure to  
1153 exercise his or her responsibilities in the supervision of aides  
1154 or temporary licensees.

1155 (c) Speech-language pathology and audiology aides shall  
1156 pay to the board a registration fee as prescribed in Section  
1157 73-38-31, subsection (1).

1158 **SECTION 9.** Section 73-38-27, Mississippi Code of 1972, is  
1159 amended as follows:

1160 73-38-27. (1) The board may refuse to issue or renew a  
1161 license or the privilege to practice, or may suspend or revoke a  
1162 license or the privilege to practice where the licensee or  
1163 applicant for a license or the privilege to practice has been  
1164 guilty of unprofessional conduct which has endangered or is likely  
1165 to endanger the health, welfare or safety of the public. Such  
1166 unprofessional conduct may result from:

1167 (a) Negligence in the practice or performance of  
1168 professional services or activities;

1169 (b) Engaging in dishonorable, unethical or  
1170 unprofessional conduct of a character likely to deceive, defraud  
1171 or harm the public in the course of professional services or  
1172 activities;

1173 (c) Perpetrating or cooperating in fraud or material  
1174 deception in obtaining or renewing a license or the privilege to  
1175 practice or attempting the same;





1176 (d) Being convicted of any crime which has a  
1177 substantial relationship to the licensee's activities and services  
1178 or an essential element of which is misstatement, fraud or  
1179 dishonesty;

1180 (e) Being convicted of any crime which is a felony  
1181 under the laws of this state or the United States;

1182 (f) Engaging in or permitting the performance of  
1183 unacceptable services personally or by others working under the  
1184 licensee's supervision due to the licensee's deliberate or  
1185 negligent act or acts or failure to act, regardless of whether  
1186 actual damage or damages to the public is established;

1187 (g) Continued practice although the licensee has become  
1188 unfit to practice as a speech-language pathologist or audiologist  
1189 due to: (i) failure to keep abreast of current professional  
1190 theory or practice; or (ii) physical or mental disability; the  
1191 entry of an order or judgment by a court of competent jurisdiction  
1192 that a licensee is in need of mental treatment or is incompetent  
1193 shall constitute mental disability; or (iii) addiction or severe  
1194 dependency upon alcohol or other drugs which may endanger the  
1195 public by impairing the licensee's ability to practice;

1196 (h) Having disciplinary action taken against the  
1197 licensee's license or privilege to practice in another state;

1198 (i) Making differential, detrimental treatment against  
1199 any person because of race, color, creed, sex, religion or  
1200 national origin;



- 1201           (j) Engaging in lewd conduct in connection with  
1202 professional services or activities;
- 1203           (k) Engaging in false or misleading advertising;
- 1204           (l) Contracting, assisting or permitting unlicensed  
1205 persons to perform services for which a license or the privilege  
1206 to practice is required under this chapter;
- 1207           (m) Violation of any probation requirements placed on a  
1208 license or the privilege to practice by the board;
- 1209           (n) Revealing confidential information except as may be  
1210 required by law;
- 1211           (o) Failing to inform clients of the fact that the  
1212 client no longer needs the services or professional assistance of  
1213 the licensee;
- 1214           (p) Charging excessive or unreasonable fees or engaging  
1215 in unreasonable collection practices;
- 1216           (q) For treating or attempting to treat ailments or  
1217 other health conditions of human beings other than by speech or  
1218 audiology therapy as authorized by this chapter;
- 1219           (r) For applying or offering to apply speech or  
1220 audiology therapy, exclusive of initial evaluation or screening  
1221 and exclusive of education or consultation for the prevention of  
1222 physical and mental disability within the scope of speech or  
1223 audiology therapy, or for acting as a speech-language pathologist  
1224 or audiologist, or speech-language pathologist or audiologist aide  
1225 other than under the direct, on-site supervision of a licensed



1226 speech-language pathologist or audiologist or a speech-language  
1227 pathologist or audiologist who holds the privilege to practice;

1228 (s) Violations of the current codes of conduct for  
1229 speech-language pathologists or audiologists, and speech-language  
1230 pathologist or audiologist assistants adopted by the American  
1231 Speech-Language-Hearing Association;

1232 (t) Violations of any rules or regulations promulgated  
1233 pursuant to this chapter.

1234 (2) The board may order a licensee to submit to a reasonable  
1235 physical or mental examination if the licensee's physical or  
1236 mental capacity to practice safely is at issue in a disciplinary  
1237 proceeding.

1238 (3) In addition to the reasons specified in subsection (1)  
1239 of this section, the board shall be authorized to suspend the  
1240 license or the privilege to practice of any licensee for being out  
1241 of compliance with an order for support, as defined in Section  
1242 93-11-153. The procedure for suspension of a license or the  
1243 privilege to practice for being out of compliance with an order  
1244 for support, and the procedure for the reissuance or reinstatement  
1245 of a license or the privilege to practice suspended for that  
1246 purpose, and the payment of any fees for the reissuance or  
1247 reinstatement of a license or the privilege to practice suspended  
1248 for that purpose, shall be governed by Section 93-11-157 or  
1249 93-11-163, as the case may be. If there is any conflict between  
1250 any provision of Section 93-11-157 or 93-11-163 and any provision



1251 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
1252 as the case may be, shall control.

1253         **SECTION 10.** Section 73-38-29, Mississippi Code of 1972, is  
1254 amended as follows:

1255             73-38-29. (1) Except as provided in Section 33-1-39,  
1256 licenses issued under this chapter and privileges to practice  
1257 shall expire and become invalid at midnight of the expiration  
1258 date.

1259             (2) Every person licensed under this chapter or holding the  
1260 privilege to practice shall, on or before the license or the  
1261 privilege to practice expiration date, pay a fee for the biennial  
1262 renewal of license or the privilege to practice to the board. The  
1263 board may suspend the license or the privilege to practice of any  
1264 person who fails to have his or her license or privilege to  
1265 practice renewed by the expiration date. After the expiration  
1266 date, the board may renew a license or the privilege to practice  
1267 upon payment of a fee to the board. No person who requests  
1268 renewal of license or the privilege to practice, whose license or  
1269 privilege to practice has expired, shall be required to submit to  
1270 examination as a condition to renewal, if such renewal application  
1271 is made within two (2) years from the date of such expiration.

1272             (3) A suspended license or the privilege to practice is  
1273 subject to expiration and may be renewed as provided in this  
1274 section, but such renewal shall not entitle the licensee, while  
1275 the license or the privilege to practice remains suspended and



1276 until it is reinstated, to engage in the licensed activity, or in  
1277 any other conduct or activity in violation of the order or  
1278 judgment by which the license or privilege to practice was  
1279 suspended.

1280 (4) A license or the privilege to practice revoked on  
1281 disciplinary grounds is subject to expiration as provided in  
1282 subsection (1) of this section, but it may not be renewed. If  
1283 such license or privilege to practice is reinstated after its  
1284 expiration, the licensee, as a condition of reinstatement, shall  
1285 pay a reinstatement fee in an amount equal to the fee for a  
1286 license or the privilege to practice issued after the expiration  
1287 date which is in effect on the last preceding regular renewal date  
1288 before the date on which it is reinstated. The procedure for the  
1289 reinstatement of a license or the privilege to practice that is  
1290 suspended for being out of compliance with an order for support,  
1291 as defined in Section 93-11-153, shall be governed by Section  
1292 93-11-157 or 93-11-163, as the case may be.

1293 (5) Any person who fails to renew his or her license or  
1294 privilege to practice within the two (2) years after the date of  
1295 its expiration may not renew it, and it may not be restored,  
1296 reissued or reinstated thereafter, but such person may apply for  
1297 and obtain a new license or privilege to practice if he or she  
1298 meets the requirements of this chapter.

1299 **SECTION 11.** Section 73-38-31, Mississippi Code of 1972, is  
1300 amended as follows:



1301           73-38-31. (1) The board shall assess fees for the following  
1302 purposes:

- 1303           (a) Initial licensing or the privilege to practice;
- 1304           (b) Renewal of licensure or the privilege to practice;
- 1305           (c) License or the privilege to practice issued after  
1306 expiration date;
- 1307           (d) Late renewal payment penalty;
- 1308           (e) Temporary license;
- 1309           (f) Renewal of temporary license; and
- 1310           (g) Registration of aides.

1311           (2) Every person to whom a license or the privilege to  
1312 practice is issued pursuant to this chapter shall, as a condition  
1313 precedent to its issuance, and in addition to any application,  
1314 examination or other fee, pay the prescribed initial license fee  
1315 or privilege to practice fee.

1316           (3) Fees prescribed in subsection (1) of this section shall  
1317 be exclusive and no municipality shall have the right to require  
1318 any person licensed under this chapter or holding the privilege to  
1319 practice to furnish any bond, pass any examination, or pay any  
1320 license fee or privilege to practice fee or occupational tax.

1321           (4) Fees listed in subsection (1) of this section shall be  
1322 commensurate to the extent feasible with the cost of fulfilling  
1323 the duties of the board and council as defined by this chapter;  
1324 however, no individual fee shall exceed One Hundred Dollars  
1325 (\$100.00).



1326 (5) Any increase in the fees charged by the board under this  
1327 section shall be in accordance with the provisions of Section  
1328 41-3-65.

1329 **SECTION 12.** Section 73-38-33, Mississippi Code of 1972, is  
1330 amended as follows:

1331 73-38-33. The board shall require the applicant for license  
1332 or privilege to practice renewal to present evidence of the  
1333 satisfactory completion of continuing education requirements as  
1334 determined by the board.

1335 **SECTION 13.** This act shall take effect and be in force from  
1336 and after July 1, 2022.

