

SENATE BILL REPORT

HB 1001

As Reported by Senate Committee On:
Health & Long Term Care, March 14, 2023

Title: An act relating to the audiology and speech-language pathology interstate compact.

Brief Description: Concerning the audiology and speech-language pathology interstate compact.

Sponsors: Representatives Leavitt, Rude, Ryu, Simmons, Goodman, Pollet, Doglio, Orwall, Macri, Caldier, Reeves, Bronoske, Kloba and Riccelli.

Brief History: Passed House: 2/8/23, 96-0.

Committee Activity: Health & Long Term Care: 3/09/23, 3/14/23 [DP].

Brief Summary of Bill

- Enters Washington into the Audiology and Speech-Language Pathology Interstate Compact.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass.

Signed by Senators Cleveland, Chair; Robinson, Vice Chair; Muzzall, Assistant Ranking Member; Conway, Dhingra, Holy, Padden, Randall and Van De Wege.

Staff: Andie Parnell (786-7439)

Background: Audiology and Speech-Language Pathology. An audiologist is a person licensed to apply principles, methods, and procedures related to hearing and the disorders of hearing and related language and speech disorders that impede the normal process of human communication. A speech-language pathologist is a person licensed to treat human communication disorders affecting speech, language, and swallowing. The Board of Hearing and Speech (Board) is the disciplining authority for both audiologists and speech-

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language pathologists.

To be licensed as an audiologist or speech-language pathologist in Washington, an applicant must:

- have not committed unprofessional conduct as specified by the Uniform Disciplinary Act;
- successfully complete a master's degree or the equivalent, or a doctorate degree or the equivalent, from a program at a Board-approved institution of higher learning, which includes completion of a supervised clinical practicum experience;
- successfully complete Board-approved postgraduate professional work experience;
- pass applicable examinations; and
- present proof of qualifications to the Board in the manner and on forms prescribed by the Secretary of Health.

The Audiology and Speech-Language Pathology Interstate Compact. Developed by the American Speech-Language-Hearing Association, the Audiology & Speech-Language Pathology Interstate Compact (Compact) is an agreement between member states to facilitate the interstate practice of audiologists and speech-language pathologists. As of January 1, 2023, 23 states have enacted the Compact.

Summary of Bill: Audiology and Speech-Language Pathology Interstate Compact Establishment. The Compact is enacted. An audiologist or speech-language pathologist (practitioner) licensed in Washington is authorized to practice, under a privilege to practice, in all other Compact member states where the licensee obtains such privilege. The privilege to practice is derived from the practitioner's home state license. Member states must recognize a practitioner's right to practice via telehealth, which includes audiovisual and other technologies that meet the applicable standard of care.

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

An audiologist must meet one of the following educational requirements:

- on or before December 31, 2007, graduated with an accredited master's or doctoral degree in audiology;
- on or after January 1, 2008, graduated with an accredited doctoral degree in audiology; or
- graduated from an audiology program housed outside of the United States approved by the authorized accrediting body in the applicable country and verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

A speech-language pathologist must meet one of the following educational requirements:

- graduated with a master's degree from an accredited speech-language pathology

- program; or
- graduated from a speech-language pathology program housed outside of the United States approved by the authorized accrediting body in the applicable country and verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

Both audiologists and speech-language pathologists must:

- complete a supervised clinical practicum experience;
- pass a national examination;
- have not been convicted or found guilty, and not entered into an agreed disposition, of a felony related to the practice of audiology or speech-language pathology; and
- have a valid United States social security number or national practitioner identification number.

Exercising the Audiology and Speech-Language Pathology Interstate Compact Privilege.

To exercise the Compact's practice privilege, a practitioner must:

- hold an active, unencumbered license in only one home state;
- have no adverse actions against their license within the previous two years;
- notify the Audiology and Speech-Language Pathology Compact Commission (Commission) of their intention to seek the Compact privilege;
- pass state and federal biometric checks;
- pay applicable fees; and
- report any adverse actions taken by any non-Compact state within 30 days of the action.

Under application for privilege to practice the issuing licensing board must ascertain whether the applicant has held any license or privilege to practice in any other state. Each Compact state must also implement or utilize procedures for considering the criminal history of applicants for initial privilege to practice, including a criminal background check through the Federal Bureau of Investigation (FBI) record search and use them when making licensure decisions. All results from the FBI criminal records check must remain confidential and not be shared with other member states.

For the the Compact privilege, a practitioner must only hold one home state license at a time. If a practitioner changes their home state by moving between two member states, the practitioner must apply for licensure in the new home state, and the license issued by the prior home state must be deactivated. The practitioner may apply for licensure in advance of a change in home state. A license must not be issued by the new home state until the practitioner provides satisfactory evidence of a change in home state. If the practitioner changes their home state by moving from one member state to a nonmember state, the license issued by the prior home state must convert to a single-state license and the privilege to practice in any member state must be deactivated. The Compact privilege is valid until the expiration date of the home state license.

Discipline. A practitioner practicing in a member state must comply with the state practice laws of the state in which the client is located at the time services are provided (remote state). The practitioner is subject to the licensing board, the courts, and the laws of the state where the client is located. A member state may, in accordance with due process and the state's laws, remove the practitioner's Compact privileges, impose fines, or take any other action necessary to protect the health and safety of its citizens.

A remote state has the authority to take adverse action against a practitioner's privilege to practice. However, only the home state has the power to take adverse action against a practitioner's license issued by the home state. If the home state has taken adverse action against a practitioner's license, the practitioner's privilege to practice in all member states is deactivated until encumbrances have been removed. The Compact privilege may be restored only if the home state license is no longer encumbered, two years have passed since the adverse action, and the practitioner meets all other conditions of Compact participation.

Audiology and Speech-Language Pathology Compact Commission. The Commission is a joint public agency established by the Compact's member states. The Commission must establish an executive committee to act on behalf of the Commission consisting of seven voting commission members and three nonvoting members representing professional and membership organizations.

Each member state's licensing board chooses one audiologist and one speech-language pathologist to serve on the Commission. The Commission's executive committee chooses an additional five delegates to serve on the Commission, including public members and state licensing board administrators.

The Commission's enumerated powers include:

- establishing bylaws;
- establishing a code of ethics;
- adopting uniform rules to facilitate and coordinate implementation and administration of the Compact, which are binding on all member states; and
- performing other functions necessary or appropriate to achieve the purposes of the Compact consistent with the state regulation of audiology and speech-language pathology licensure and practice.

The Commission may adopt rules subject to public notice requirements, which are effective to the extent and manner provided in the Compact.

The Commission does not have the authority to change or modify the laws of member states that define the practice of audiology or speech-language pathology.

The Commission may levy an annual assessment on Compact states to cover the costs of operations and activities.

Conflict Resolution. The Commission, in the reasonable exercise of its discretion, must enforce the Compact. By majority vote, the Commission may initiate legal proceedings against a state that is not in compliance with the Compact. The Commission must attempt to resolve disputes between Compact states and adopt rules regarding mediation and binding arbitration.

Data System. The Commission must establish a data system containing information regarding licensure, adverse actions, and investigations on all practitioners in member states. Member states must submit a uniform data set to the data system. The Commission must notify all member states where a practitioner holds a practice privilege of any adverse action taken against the practitioner. Compact states may designate information that may not be shared without the state's permission. Any information that is subsequently required to be expunged by the laws of the Compact state must be removed from the system.

Joining and Withdrawing from the Audiology and Speech-Language Pathology Interstate Compact. States may join the Compact by enacting the Compact's provisions into law. States that join after the Compact has been established are subject to the rules in place at the time. The Compact may be amended by enactments in all member states. A state may withdraw from the Compact by repealing its enacting statute, but the withdrawal is not effective until six months after the statute's repeal.

State Rulemaking Authority. The Board may adopt rules to implement the Compact.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We have a workforce challenge in many industries and healthcare fields, including audiology and speech-language pathology. It is important to have a network of audiologists and speech-language pathologists available to residents across Washington and for military spouses moving into the state. Compact participation would help alleviate the time consuming licensure process and provide a multistate license option for practitioners moving to Washington.

Persons Testifying: PRO: Representative Mari Leavitt, Prime Sponsor; Bethany Davis, Washington Speech-Language-Hearing Association; Melissa Johnson, Washington Speech-Language-Hearing Association; Allison Gunta.

Persons Signed In To Testify But Not Testifying: No one.