

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 11

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

AN ACT

RELATING TO INTERGOVERNMENTAL AGREEMENTS; ENACTING THE
AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT;
AMENDING THE SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING
AID DISPENSING PRACTICES ACT TO PROVIDE FOR STATE AND FEDERAL
CRIMINAL HISTORY BACKGROUND CHECKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. ~~[NEW MATERIAL]~~ SHORT TITLE.--Sections 1
through 15 of this act may be cited as the "Audiology and
Speech-Language Pathology Interstate Compact".

SECTION 2. ~~[NEW MATERIAL]~~ DEFINITIONS.--As used in the
Audiology and Speech-Language Pathology Interstate Compact and
except as otherwise provided:

A. "active duty military" means full-time duty
status in the active uniformed service of the United States,

.233411.1

underscoring material = new
[bracketed material] = delete

1 including members of the national guard and reserve on active
2 duty orders pursuant to 10 U.S.C. Sections 1209 and 1211;

3 B. "adverse action" means any administrative,
4 civil, equitable or criminal action permitted by a state's laws
5 that is imposed by a licensing board or other authority against
6 an audiologist or speech-language pathologist, including
7 actions against an individual's license or privilege to
8 practice, such as revocation, suspension, probation, monitoring
9 of the licensee or restriction on the licensee's practice;

10 C. "alternative program" means a non-disciplinary
11 monitoring process approved by an audiology and speech-language
12 pathology licensing board to address impaired practitioners;

13 D. "audiologist" means an individual who is
14 licensed by a state to practice audiology;

15 E. "audiology" means the care and services provided
16 by a licensed audiologist as set forth in the state's statutes
17 and rules;

18 F. "audiology and speech-language pathology compact
19 commission" or "commission" means the national administrative
20 body whose membership consists of all member states;

21 G. "audiology and speech-language pathology
22 licensing board", "audiology licensing board", "speech-language
23 pathology licensing board" or "licensing board" means the
24 agency of a state that is responsible for the licensing and
25 regulation of audiologists or speech-language pathologists;

.233411.1

1 H. "compact privilege" means the authorization
2 granted by a remote state to allow a licensee from another
3 member state to practice as an audiologist or speech-language
4 pathologist in the remote state under the remote state's laws
5 and rules. The practice of audiology or speech-language
6 pathology occurs in the member state where the patient, client
7 or student is located at the time of the patient, client or
8 student encounter;

9 I. "current significant investigative information"
10 means investigative information that a licensing board, after
11 an inquiry or investigation that includes notification and an
12 opportunity for the audiologist or speech-language pathologist
13 to respond, if required by state law, has reason to believe is
14 not groundless and, if proved true, would indicate more than a
15 minor infraction;

16 J. "data system" means a repository of information
17 about licensees, including continuing education, examination,
18 licensure, investigative information, compact privilege and
19 adverse action;

20 K. "encumbered license" means a license in which an
21 adverse action restricts the practice of audiology and speech-
22 language pathology by the licensee, and the adverse action has
23 been reported to the national practitioner data bank;

24 L. "executive committee" means a group of directors
25 elected or appointed to act on behalf of, and within the powers

.233411.1

1 granted to them by, the commission;

2 M. "home state" means the member state that is the
3 licensee's primary state of residence;

4 N. "impaired practitioner" means an individual
5 whose professional practice is adversely affected by substance
6 abuse, addiction or other health-related conditions;

7 O. "licensee" means an individual who currently
8 holds an authorization from a state licensing board to practice
9 as an audiologist or speech-language pathologist;

10 P. "member state" means a state that has enacted
11 the compact;

12 Q. "privilege to practice" means a legal
13 authorization permitting the practice of audiology or speech-
14 language pathology in a remote state;

15 R. "remote state" means a member state other than
16 the home state where a licensee is exercising or seeking to
17 exercise the compact privilege;

18 S. "rule" means a regulation, principle or
19 directive promulgated by the commission that has the force of
20 law;

21 T. "single-state license" means an audiology or
22 speech-language pathology license issued by a member state that
23 authorizes practice only within the issuing state and does not
24 include a privilege to practice in any other member state;

25 U. "speech-language pathologist" means an

1 individual who is licensed by a state to practice speech-
2 language pathology;

3 V. "speech-language pathology" means the care and
4 services provided by a licensed speech-language pathologist as
5 set forth in the member state's statutes and rules;

6 W. "state" means any state, commonwealth, district
7 or territory of the United States that regulates the practice
8 of audiology and speech-language pathology;

9 X. "state practice laws" means a member state's
10 laws, rules and regulations that govern the practice of
11 audiology or speech-language pathology, define the scope of
12 audiology or speech-language pathology practice and create the
13 methods and grounds for imposing discipline; and

14 Y. "telehealth" means the application of
15 telecommunication technology to deliver audiology or speech-
16 language pathology services at a distance for assessment,
17 intervention or consultation.

18 SECTION 3. [NEW MATERIAL] STATE PARTICIPATION IN THE
19 COMPACT.--

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

.233411.1

1 B. A state shall implement or utilize procedures
2 for considering the criminal history records of applicants for
3 initial privilege to practice. These procedures shall include
4 the submission of fingerprints or other biometric-based
5 information by applicants for the purpose of obtaining an
6 applicant's criminal history record information from the
7 federal bureau of investigation and the agency responsible for
8 retaining that state's criminal records and shall meet the
9 following requirements:

10 (1) a member state shall fully implement a
11 criminal background check requirement, within a time frame
12 established by rule by receiving the results of the federal
13 bureau of investigation record search on criminal background
14 checks and use the results in making licensure decision; and

15 (2) communication between a member state, the
16 commission and among member states regarding the verification
17 of eligibility for licensure through the compact shall not
18 include any information received from the federal bureau of
19 investigation relating to a federal criminal records check
20 performed by a member state under Public Law 92-544.

21 C. Upon application for a privilege to practice,
22 the licensing board in the issuing remote state shall ascertain
23 through the data system whether the applicant has ever held, or
24 is the holder of, a license issued by any other state, whether
25 there are any encumbrances on any license or privilege to

.233411.1

1 practice held by the applicant and whether any adverse action
2 has been taken against any license or privilege to practice
3 held by the applicant.

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

8 E. An audiologist shall:

9 (1) meet one of the following educational
10 requirements:

11 (a) on or before December 31, 2007, have
12 graduated with a master's degree or doctorate in audiology, or
13 equivalent degree regardless of degree name from a program that
14 is accredited by an accrediting agency recognized by the
15 council for higher education accreditation, or its successor,
16 or by the United States department of education and operated by
17 a college or university accredited by a regional or national
18 accrediting organization recognized by the licensing board;

19 (b) on or after January 1, 2008, have
20 graduated with a doctoral degree in audiology, or equivalent
21 degree, regardless of degree name, from a program that is
22 accredited by an accrediting agency recognized by the council
23 for higher education accreditation, or its successor, or by the
24 United States department of education and operated by a college
25 or university accredited by a regional or national accrediting

.233411.1

1 organization recognized by the licensing board; or

2 (c) have graduated from an audiology
3 program that is housed in an institution of higher education
4 outside the United States for which: 1) the program and
5 institution have been approved by the authorized accrediting
6 body in the applicable country; and 2) the degree program has
7 been verified by an independent credentials review agency to be
8 comparable to a state licensing board-approved program;

9 (2) have completed a supervised clinical
10 practicum experience from an accredited educational institution
11 or its cooperating programs as required by the commission;

12 (3) have successfully passed a national
13 examination approved by the commission;

14 (4) hold an active, unencumbered license;

15 (5) have not been convicted or found guilty,
16 and have not entered into an agreed disposition, of a felony
17 related to the practice of audiology, under applicable state or
18 federal criminal law; and

19 (6) have a valid United States social security
20 number or national practitioner identification number.

21 F. A speech-language pathologist shall:

22 (1) meet one of the following educational
23 requirements:

24 (a) have graduated with a master's
25 degree from a speech-language pathology program that is

1 accredited by an organization recognized by the United States
2 department of education and operated by a college or university
3 accredited by a regional or national accrediting organization
4 recognized by the licensing board; or

5 (b) have graduated from a speech-
6 language pathology program that is housed in an institution of
7 higher education outside of the United States for which: 1)
8 the program and institution have been approved by the
9 authorized accrediting body in the applicable country; and 2)
10 the degree program has been verified by an independent
11 credentials review agency to be comparable to a state licensing
12 board-approved program;

13 (2) have completed a supervised clinical
14 practicum experience from an educational institution or its
15 cooperating programs as required by the commission;

16 (3) have completed a supervised post-graduate
17 professional experience as required by the commission;

18 (4) have successfully passed a national
19 examination approved by the commission;

20 (5) hold an active, unencumbered license;

21 (6) have not been convicted or found guilty,
22 and have not entered into an agreed disposition, of a felony
23 related to the practice of speech-language pathology under
24 applicable state or federal criminal law; and

25 (7) has a valid United States social security

.233411.1

1 or national practitioner identification number.

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

4 H. An audiologist or speech-language pathologist
5 practicing in a member state must comply with the state
6 practice laws of the state in which the client is located at
7 the time service is provided. The practice of audiology and
8 speech-language pathology shall include all audiology and
9 speech-language pathology practice as defined by the state
10 practice laws of the member state in which the client is
11 located. The practice of audiology and speech-language
12 pathology in a member state under a privilege to practice shall
13 subject an audiologist or speech-language pathologist to the
14 jurisdiction of the licensing board, the courts and the laws of
15 the member state in which the client is located at the time
16 service is provided.

17 I. Individuals not residing in a member state shall
18 continue to be able to apply for a member state's single-state
19 license as provided under the laws of each member state.
20 However, the single-state license granted to these individuals
21 shall not be recognized as granting the privilege to practice
22 audiology or speech-language pathology in any other member
23 state. Nothing in this compact shall affect the requirements
24 established by a member state for the issuance of a single-
25 state license.

.233411.1

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

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

5 SECTION 4. [NEW MATERIAL] COMPACT PRIVILEGE.--

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

- 9 (1) hold an active license in the home state;
10 (2) have no encumbrance on any state license;
11 (3) be eligible for a compact privilege in any
12 member state in accordance with Section 3 of the Audiology and
13 Speech-Language Pathology Interstate Compact;
14 (4) have not had any adverse action against
15 any license or compact privilege within the previous two years
16 from date of application;
17 (5) notify the commission that the licensee is
18 seeking the compact privilege within a remote state;
19 (6) pay any applicable fees, including any
20 state fee, for the compact privilege; and
21 (7) report to the commission adverse action
22 taken by any non-member state within thirty days from the date
23 the adverse action is taken.

24 B. For the purposes of the compact privilege, an
25 audiologist or speech-language pathologist shall only hold one

.233411.1

1 home state license at a time.

2 C. Except as provided in Section 6 of the Audiology
3 and Speech-Language Pathology Interstate Compact, if an
4 audiologist or speech-language pathologist changes primary
5 state of residence by moving to another member state, the
6 audiologist or speech-language pathologist shall apply for
7 licensure in the new home state and the license issued by the
8 prior home state shall be deactivated in accordance with
9 applicable rules adopted by the commission.

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

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

18 F. If an audiologist or speech-language pathologist
19 changes a primary state of residence by moving from a member
20 state to a non-member state, the license issued by the prior
21 home state shall convert to a single-state license, valid only
22 in the former home state.

23 G. A compact privilege is valid until the
24 expiration date of the home state license. A licensee must
25 comply with the requirements of Subsection A of this section to

.233411.1

1 maintain a compact privilege in a remote state.

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

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

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

17 (1) the home state license is no longer
18 encumbered; and

19 (2) two years have elapsed from the date of
20 the adverse action.

21 K. Once an encumbered license in the home state is
22 restored to good standing, the licensee shall meet the
23 requirements of Subsection A of this section to obtain a
24 compact privilege in any remote state.

25 L. Once the requirements of Subsection J of this

.233411.1

1 section have been met, the licensee must meet the requirements
2 in Subsection A of this section to obtain a compact privilege
3 in a remote state.

4 SECTION 5. [NEW MATERIAL] COMPACT PRIVILEGE TO PRACTICE
5 TELEHEALTH.--Member states shall recognize the right of an
6 audiologist or speech-language pathologist licensed by a home
7 state in accordance with Section 3 of the Audiology and Speech-
8 Language Pathology Interstate Compact and under rules
9 promulgated by the commission, to practice audiology or speech-
10 language pathology in any member state via telehealth under a
11 privilege to practice as provided in the compact and rules
12 promulgated by the commission.

13 SECTION 6. [NEW MATERIAL] ACTIVE DUTY MILITARY PERSONNEL
14 OR THEIR SPOUSES.--Active duty military personnel, or the
15 active duty military personnel's spouse, shall designate a home
16 state where the individual has a current license in good
17 standing. The individual may retain the home state designation
18 during the period the service member is on active duty.
19 Subsequent to designating a home state, the individual shall
20 only change the home state through application for licensure in
21 the new state.

22 SECTION 7. [NEW MATERIAL] ADVERSE ACTIONS.--

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

.233411.1

1 (1) take adverse action against an
2 audiologist's or speech-language pathologist's privilege to
3 practice within that member state;

4 (2) issue subpoenas for both hearings and
5 investigations that require the attendance and testimony of
6 witnesses as well as the production of evidence. Subpoenas
7 issued by a licensing board in a member state for the
8 attendance and testimony of witnesses or the production of
9 evidence from another member state shall be enforced in the
10 latter state by any court of competent jurisdiction according
11 to the practice and procedure of that court applicable to
12 subpoenas issued in proceedings pending before the court. The
13 issuing authority shall pay any witness fees, travel expenses,
14 mileage and other fees required by the service statutes of the
15 state in which the witnesses or evidence are located; and

16 (3) only the home state shall have the power
17 to take adverse action against an audiologist's or a speech-
18 language pathologist's license issued by the home state.

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

25 C. The home state shall complete any pending

.233411.1

1 investigations of an audiologist or speech-language pathologist
2 who changes primary state of residence during the course of the
3 investigations. The home state shall also have the authority
4 to take appropriate action and shall promptly report the
5 conclusions of the investigations to the administrator of the
6 data system. The administrator of the data system shall
7 promptly notify the new home state of any adverse actions.

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

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

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

25 G. If adverse action is taken by the home state

1 against an audiologist's or speech-language pathologist's
2 license, the audiologist's or speech-language pathologist's
3 privilege to practice in all other member states shall be
4 deactivated until all encumbrances have been removed from the
5 state license. All home state disciplinary orders that impose
6 adverse action against an audiologist's or speech-language
7 pathologist's license shall include a statement that the
8 audiologist's or speech-language pathologist's privilege to
9 practice is deactivated in all member states during the
10 pendency of the order.

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

15 I. Nothing in this compact shall override a member
16 state's decision that participation in an alternative program
17 may be used in lieu of adverse action.

18 SECTION 8. [NEW MATERIAL] AUDIOLOGY AND SPEECH-LANGUAGE
19 PATHOLOGY COMPACT COMMISSION--CREATED.--

20 A. The compact member states hereby create and
21 establish a joint public agency known as the "audiology and
22 speech-language pathology compact commission", subject to the
23 following provisions:

24 (1) the commission is an instrumentality of
25 the compact states;

.233411.1

1 (2) venue is proper and judicial proceedings
2 by or against the commission shall be brought solely and
3 exclusively in a court of competent jurisdiction where the
4 principal office of the commission is located. The commission
5 may waive venue and jurisdictional defenses to the extent that
6 it adopts or consents to participate in alternative dispute
7 resolution proceedings; and

8 (3) nothing in this compact shall be construed
9 to be a waiver of sovereign immunity.

10 B. Membership, voting and meetings of the
11 commission shall proceed as follows:

12 (1) each member state shall have two delegates
13 on the commission selected by that member state's licensing
14 board. The delegates shall be current members of the licensing
15 board. One delegate shall be an audiologist and one delegate
16 shall be a speech-language pathologist;

17 (2) an additional five delegates, who are
18 either public members or board administrators from a state
19 licensing board, shall be chosen at large by the executive
20 committee from a pool of nominees provided by the commission;

21 (3) any delegate may be removed or suspended
22 from the commission as provided by the law of the state from
23 which the delegate is appointed;

24 (4) the member state's licensing board shall
25 fill any vacancy of the member state's delegates that occurs on

1 the commission, within ninety days;

2 (5) each delegate shall be entitled to one
3 vote with regard to the promulgation of rules and creation of
4 bylaws and shall otherwise have an opportunity to participate
5 in the business and affairs of the commission;

6 (6) a delegate shall vote in person or by
7 other means as provided in the bylaws. The bylaws may provide
8 for delegates' participation in meetings by telephone or other
9 means of communication; and

10 (7) the commission shall meet at least once
11 during each calendar year. Additional meetings shall be held
12 as set forth in the bylaws.

13 C. The commission shall:

14 (1) establish the fiscal year of the
15 commission;

16 (2) establish bylaws;

17 (3) establish a code of ethics;

18 (4) maintain financial records in accordance
19 with the bylaws;

20 (5) meet and take actions as are consistent
21 with the provisions of this compact and the bylaws;

22 (6) promulgate uniform rules to facilitate and
23 coordinate implementation and administration of this compact.

24 The rules shall have the force and effect of law and shall be
25 binding in all member states;

.233411.1

1 (7) bring and prosecute legal proceedings or
2 actions in the name of the commission; provided that the
3 standing of any state audiology and speech-language pathology
4 licensing board to sue or be sued under applicable law shall
5 not be affected;

6 (8) purchase and maintain insurance and bonds;

7 (9) borrow, accept or contract for services of
8 personnel, including employees of a member state;

9 (10) hire employees, elect or appoint
10 officers, fix compensation, define duties and grant individuals
11 appropriate authority to carry out the purposes of the compact
12 and establish the commission's personnel policies and programs
13 relating to conflicts of interest, qualifications of personnel
14 and other related personnel matters;

15 (11) accept any and all appropriate donations
16 and grants of money, equipment, supplies, materials and
17 services and receive, utilize and dispose of the same; provided
18 that at all times the commission shall avoid any appearance of
19 impropriety or conflict of interest;

20 (12) lease, purchase, accept appropriate gifts
21 or donations of, or otherwise to own, hold, improve or use, any
22 property, real, personal or mixed; provided that at all times
23 the commission shall avoid any appearance of impropriety;

24 (13) sell, convey, mortgage, pledge, lease,
25 exchange, abandon or otherwise dispose of any property, real,

.233411.1

1 personal or mixed;

2 (14) establish a budget and make expenditures;

3 (15) borrow money;

4 (16) appoint committees, including standing
5 committees composed of members and other interested persons as
6 may be designated in this compact and in the bylaws;

7 (17) provide and receive information from, and
8 cooperate with, law enforcement agencies;

9 (18) establish and elect an executive
10 committee; and

11 (19) perform other functions as may be
12 necessary or appropriate to achieve the purposes of this
13 compact consistent with the state regulation of audiology and
14 speech-language pathology licensure and practice.

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

18 (1) seven voting members who are elected by
19 the commission from the current membership of the commission;

20 (2) two non-voting ex-officio members, one a
21 member from a recognized national audiology professional
22 association and one a member from a recognized national speech-
23 language pathology association; and

24 (3) one non-voting ex-officio member from the
25 recognized membership organization of the audiology and speech-

.233411.1

1 language pathology licensing boards.

2 E. The ex-officio members of the executive
3 committee shall be selected by their respective organizations.

4 F. The commission may remove any member of the
5 executive committee as provided in the bylaws.

6 G. The executive committee shall meet at least
7 annually.

8 H. The executive committee shall have the following
9 duties and responsibilities to:

10 (1) recommend to the commission changes to the
11 rules or bylaws, changes to this compact legislation, fees paid
12 by compact member states such as annual dues and any commission
13 compact fee charged to licensees for the compact privilege;

14 (2) ensure that compact administration
15 services are appropriately provided, contractual or otherwise;

16 (3) prepare and recommend a budget;

17 (4) maintain financial records on behalf of
18 the commission;

19 (5) monitor compact compliance of member
20 states and provide compliance reports to the commission;

21 (6) establish additional committees as
22 necessary; and

23 (7) carry out other duties as provided in the
24 rules or bylaws.

25 I. All meetings of the commission shall be open to

1 the public, and public notice of meetings shall be given in the
2 same manner as required under the rulemaking provisions in
3 Section 11 of the Audiology and Speech-Language Pathology
4 Interstate Compact.

5 J. The commission or the executive committee or
6 other committees of the commission may convene in a closed,
7 nonpublic meeting if the commission or executive committee or
8 other committees of the commission must discuss:

9 (1) noncompliance of a member state with its
10 obligations under the compact;

11 (2) the employment, compensation, discipline
12 or other matters, practices or procedures related to specific
13 employees or other matters related to the commission's internal
14 personnel practices and procedures;

15 (3) current, threatened or reasonably
16 anticipated litigation;

17 (4) negotiation of contracts for the purchase,
18 lease or sale of goods, services or real estate;

19 (5) accusations made of any person of a crime
20 or formal censuring of any person;

21 (6) disclosure of trade secrets or commercial
22 or financial information that is privileged or confidential;

23 (7) disclosure of information of a personal
24 nature where disclosure would constitute a clearly unwarranted
25 invasion of personal privacy;

.233411.1

1 (8) disclosure of investigative records
2 compiled for law enforcement purposes;

3 (9) disclosure of information related to any
4 investigative reports prepared by or on behalf of or for use of
5 the commission or other committee charged with responsibility
6 of investigation or determination of compliance issues pursuant
7 to the compact; or

8 (10) matters specifically exempted from
9 disclosure by federal or member state statute.

10 K. If a meeting of the commission, executive
11 committee or other committee of the commission, or portion of a
12 meeting, is closed pursuant to Subsection J of this section,
13 the commission's legal counsel or designee shall certify that
14 the meeting may be closed and shall reference each relevant
15 exempting provision.

16 L. The commission shall keep minutes that fully and
17 clearly describe all matters discussed in a meeting and shall
18 provide a full and accurate summary of actions taken, and the
19 reasons therefor, including a description of the views
20 expressed. All documents considered in connection with an
21 action shall be identified in the minutes. All minutes and
22 documents of a closed meeting shall remain under seal, subject
23 to release by a majority vote of the commission or order of a
24 court of competent jurisdiction.

25 M. The commission shall pay, or provide for the

1 payment of, the reasonable expenses of its establishment,
2 organization and ongoing activities. The commission may accept
3 any and all appropriate revenue sources, donations and grants
4 of money, equipment, supplies, materials and services. The
5 commission may levy on and collect an annual assessment from
6 each member state or impose fees on other parties to cover the
7 cost of the operations and activities of the commission and its
8 staff, which must be in a total amount sufficient to cover its
9 annual budget as approved each year for which revenue is not
10 provided by other sources. The aggregate annual assessment
11 amount shall be allocated based upon a formula to be determined
12 by the commission, which shall promulgate a rule binding upon
13 all member states.

14 N. The commission shall not incur obligations of
15 any kind prior to securing the funds adequate to meet the
16 obligations; nor shall the commission pledge the credit of any
17 of the member states, except by and with the authority of the
18 member state.

19 O. The commission shall keep accurate accounts of
20 all receipts and disbursements. The receipts and disbursements
21 of the commission shall be subject to the audit and accounting
22 procedures established under its bylaws. However, all receipts
23 and disbursements of funds handled by the commission shall be
24 audited yearly by a certified or licensed public accountant,
25 and the report of the audit shall be included in and become

.233411.1

1 part of the annual report of the commission.

2 SECTION 9. [NEW MATERIAL] QUALIFIED IMMUNITY, DEFENSE AND
3 INDEMNIFICATION.--

4 A. The members, officers, executive director,
5 employees and representatives of the commission shall be immune
6 from suit and liability, either personally or in their official
7 capacity, for any claim for damage to or loss of property or
8 personal injury or other civil liability caused by or arising
9 out of any actual or alleged act, error or omission that
10 occurred, or that the person against whom the claim is made had
11 a reasonable basis for believing occurred within the scope of
12 commission employment, duties or responsibilities; provided
13 that nothing in this subsection shall be construed to protect
14 any person from suit or liability for any damage, loss, injury
15 or liability caused by the intentional or willful or wanton
16 misconduct of that person. The liability of the commission
17 within any member state shall not exceed the limits of
18 liability set forth under the constitution and laws of that
19 state for state officials, employees and agents. The
20 commission is considered to be an instrumentality of the states
21 for the purpose of any such action.

22 B. The commission shall defend any member, officer,
23 executive director, employee or representative of the
24 commission in any civil action seeking to impose liability
25 arising out of any actual or alleged act, error or omission

.233411.1

1 that occurred within the scope of commission employment, duties
 2 or responsibilities, or that the person against whom the claim
 3 is made had a reasonable basis for believing occurred within
 4 the scope of commission employment, duties or responsibilities;
 5 provided that nothing in this subsection shall be construed to
 6 prohibit that person from retaining that person's own counsel;
 7 and further provided that the actual or alleged act, error or
 8 omission did not result from that person's intentional or
 9 willful or wanton misconduct.

10 C. The commission shall indemnify and hold harmless
 11 any member, officer, executive director, employee or
 12 representative of the commission for the amount of any
 13 settlement or judgment obtained against that person arising out
 14 of any actual or alleged act, error or omission that occurred
 15 within the scope of commission employment, duties or
 16 responsibilities, or that the person had a reasonable basis for
 17 believing occurred within the scope of commission employment,
 18 duties or responsibilities; provided that the actual or alleged
 19 act, error or omission did not result from the intentional or
 20 willful or wanton misconduct of that person.

21 SECTION 10. [NEW MATERIAL] DATA SYSTEM.--

22 A. The commission shall provide for the
 23 development, maintenance and utilization of a coordinated
 24 database and reporting system containing licensure, adverse
 25 action and investigative information on all licensed

.233411.1

1 individuals in member states.

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

- 7 (1) identifying information;
- 8 (2) licensure data;
- 9 (3) adverse actions against a license or
10 compact privilege;
- 11 (4) non-confidential information relating to
12 alternative program participation;
- 13 (5) any denial of application for licensure,
14 and the reason for denial; and
- 15 (6) other information that may facilitate the
16 administration of this compact, as determined by the rules of
17 the commission.

18 C. Investigative information pertaining to a
19 licensee in any member state shall only be available to other
20 member states.

21 D. The commission shall promptly notify all member
22 states of any adverse action taken against a licensee or an
23 individual applying for a license. Adverse action information
24 pertaining to a licensee in any member state shall be available
25 to any other member state.

.233411.1

1 E. Member states contributing information to the
2 data system may designate information that may not be shared
3 with the public without the express permission of the
4 contributing state.

5 F. Any information submitted to the data system
6 that is subsequently required to be expunged by the laws of the
7 member state contributing the information shall be removed from
8 the data system.

9 G. All information provided to the commission or
10 distributed by member boards shall be confidential, filed under
11 seal and used only for investigatory or disciplinary matters;
12 provided that information submitted to the New Mexico
13 speech-language pathology, audiology and hearing aid dispensing
14 practices board is subject to the confidentiality and
15 transparency requirements imposed by New Mexico law or court
16 order.

17 **SECTION 11. [NEW MATERIAL] RULEMAKING.--**

18 A. The commission shall exercise its rulemaking
19 powers pursuant to the criteria set forth in this section and
20 the rules adopted thereunder. Rules and amendments shall
21 become binding as of the date specified in each rule or
22 amendment.

23 B. If a majority of the legislatures of the member
24 states rejects a rule, by enactment of a statute or resolution
25 in the same manner used to adopt the compact within four years

.233411.1

1 of the date of adoption of the rule, the rule shall have no
2 further force and effect in any member state.

3 C. Rules or amendments to the rules shall be
4 adopted at a regular or special meeting of the commission.

5 D. Prior to promulgation and adoption of a final
6 rule by the commission, and at least thirty days in advance of
7 the meeting at which the rule shall be considered and voted
8 upon, the commission shall file a notice of proposed
9 rulemaking:

10 (1) on the website of the commission or other
11 publicly accessible platform; and

12 (2) on the website of each member state's
13 audiology and speech-language pathology licensing board or
14 other publicly accessible platform or the publication in which
15 each state would otherwise publish proposed rules.

16 E. The notice of proposed rulemaking shall include:

17 (1) the proposed time, date and location of
18 the meeting in which the rule shall be considered and voted
19 upon;

20 (2) the text of the proposed rule or amendment
21 and the reason for the proposed rule;

22 (3) a request for comments on the proposed
23 rule from any interested person; and

24 (4) the manner in which interested persons may
25 submit notice to the commission of their intention to attend

.233411.1

1 the public hearing and any written comments.

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

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

9 (1) at least twenty-five persons;

10 (2) a state or federal governmental
11 subdivision or agency; or

12 (3) an association having at least twenty-five
13 members.

14 H. If a hearing is held on the proposed rule or
15 amendment, the commission shall publish the place, time and
16 date of the scheduled public hearing. If the hearing is held
17 via electronic means, the commission shall publish the
18 mechanism for access to the electronic hearing and the
19 procedure for hearings shall be conducted according to the
20 following provisions:

21 (1) all persons wishing to be heard at the
22 hearing shall notify the executive director of the commission
23 or other designated member in writing of their desire to appear
24 and testify at the hearing not less than five business days
25 before the scheduled date of the hearing;

.233411.1

1 (2) hearings shall be conducted in a manner
2 that provides each person who wishes to comment a fair and
3 reasonable opportunity to comment orally or in writing;

4 (3) all hearings shall be recorded and a copy
5 of the recording shall be made available on request; and

6 (4) nothing in this section shall be construed
7 as requiring a separate hearing on each rule. Rules may be
8 grouped for the convenience of the commission at hearings
9 required by this section.

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

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

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

22 L. Upon determination that an emergency exists, the
23 commission may consider and adopt an emergency rule without
24 prior notice and an opportunity for comment or hearing;
25 provided that the usual rulemaking procedures provided in the

.233411.1

1 compact and in this section shall be retroactively applied to
2 the rule as soon as reasonably possible, but in no event later
3 than ninety days after the effective date of the rule. For the
4 purposes of this provision, an emergency rule is one that must
5 be adopted immediately in order to:

6 (1) meet an imminent threat to public health,
7 safety or welfare;

8 (2) prevent a loss of commission or member
9 state funds; or

10 (3) meet a deadline for the promulgation of an
11 administrative rule that is established by federal law or rule.

12 M. The commission or an authorized committee of the
13 commission may direct revisions to a previously adopted rule or
14 amendment for purposes of correcting typographical errors,
15 errors in format, errors in consistency or grammatical errors.
16 Public notice of any revisions shall be posted on the website
17 of the commission. The revision shall be subject to challenge
18 by any person for a period of thirty days after posting. The
19 revision may be challenged only on grounds that the revision
20 results in a material change to a rule. A challenge shall be
21 made in writing and delivered to the chair of the commission
22 prior to the end of the notice period. If no challenge is
23 made, the revision shall take effect without further action. If
24 the revision is challenged, the revision may not take effect
25 without the approval of the commission.

.233411.1

1 SECTION 12. [NEW MATERIAL] OVERSIGHT, DISPUTE RESOLUTION
2 AND ENFORCEMENT.--

3 A. Upon request by a member state, the commission
4 shall attempt to resolve disputes related to the compact that
5 arise among member states and between member and non-member
6 states.

7 B. The commission shall promulgate a rule providing
8 for both mediation and binding dispute resolution for disputes
9 as appropriate.

10 C. The commission, in the reasonable exercise of
11 its discretion, shall enforce the provisions and rules of this
12 compact.

13 D. By majority vote, the commission may initiate
14 legal action in the United States district court for the
15 District of Columbia or the federal district where the
16 commission has its principal offices against a member state in
17 default to enforce compliance with the provisions of the
18 compact and its promulgated rules and bylaws. The relief
19 sought may include both injunctive relief and damages. In the
20 event judicial enforcement is necessary, the prevailing member
21 shall be awarded all costs of litigation, including reasonable
22 attorney fees.

23 E. The remedies provided in this section shall not
24 be the exclusive remedies of the commission. The commission
25 may pursue any other remedies available under federal or state

.233411.1

1 law.

2 SECTION 13. [NEW MATERIAL] DATE OF IMPLEMENTATION OF THE
3 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT AND
4 ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT.--

5 A. The compact shall come into effect on the date
6 on which the compact statute is enacted into law in the tenth
7 member state. The provisions, which become effective at that
8 time, shall be limited to the powers granted to the commission
9 relating to assembly and the promulgation of rules.

10 Thereafter, the commission shall meet and exercise rulemaking
11 powers necessary to the implementation and administration of
12 the compact.

13 B. Any state that joins the compact subsequent to
14 the commission's initial adoption of the rules shall be subject
15 to the rules as they exist on the date on which the compact
16 becomes law in that state. Any rule that has been previously
17 adopted by the commission shall have the full force and effect
18 of law on the day the compact becomes law in that state.

19 C. Any member state may withdraw from this compact
20 by enacting a statute repealing the same; provided that:

21 (1) a member state's withdrawal shall not take
22 effect until six months after enactment of the repealing
23 statute; and

24 (2) withdrawal shall not affect the continuing
25 requirement of the withdrawing state's audiology and speech-

.233411.1

1 language pathology licensing board to comply with the
2 investigative and adverse action reporting requirements of this
3 compact prior to the effective date of withdrawal.

4 D. Nothing contained in this compact shall be
5 construed to invalidate or prevent any audiology and speech-
6 language pathology licensure agreement or other cooperative
7 arrangement between a member state and a non-member state that
8 does not conflict with the provisions of this compact.

9 E. This compact may be amended by the member
10 states. No amendment to this compact shall become effective
11 and binding upon any member state until it is enacted into the
12 laws of all member states.

13 SECTION 14. [NEW MATERIAL] CONSTRUCTION AND
14 SEVERABILITY.--This compact shall be liberally construed so as
15 to effectuate the purposes of the compact. The provisions of
16 this compact shall be severable, and if any phrase, clause,
17 sentence or provision of this compact is declared to be
18 contrary to the constitution of any member state or of the
19 United States or the applicability thereof to any government,
20 agency, person or circumstance is held invalid, the validity of
21 the remainder of this compact and the applicability thereof to
22 any government, agency, person or circumstance shall not be
23 affected thereby. If this compact is held contrary to the
24 constitution of any member state, the compact shall remain in
25 full force and effect as to the remaining member states and in

.233411.1

1 full force and effect as to the member state affected as to all
2 severable matters.

3 SECTION 15. [NEW MATERIAL] BINDING EFFECT OF COMPACT AND
4 OTHER LAWS.--

5 A. Nothing in this compact prevents the enforcement
6 of any other law of a member state that is not inconsistent
7 with the compact.

8 B. All laws in a member state in conflict with the
9 compact are superseded to the extent of the conflict.

10 C. All lawful actions of the commission, including
11 all rules and bylaws promulgated by the commission, are binding
12 upon the member states.

13 D. All agreements between the commission and the
14 member states are binding in accordance with their terms.

15 E. In the event that any provision of the compact
16 exceeds the constitutional limits imposed on the legislature of
17 any member state, the provision shall be ineffective to the
18 extent of the conflict with the constitutional provision in
19 question in that member state.

20 SECTION 16. A new section of the Speech-Language
21 Pathology, Audiology and Hearing Aid Dispensing Practices Act
22 is enacted to read:

23 "[NEW MATERIAL] PARTICIPATION IN COMPACT AS CONDITION OF
24 EMPLOYMENT PROHIBITED.--An employer shall not require a
25 speech-language pathologist or an audiologist licensed in this

.233411.1

1 state pursuant to the Speech-Language Pathology, Audiology and
2 Hearing Aid Dispensing Practices Act to seek licensure through
3 the Audiology and Speech-Language Pathology Interstate Compact
4 as a condition of initial or continued employment as a
5 speech-language pathologist or audiologist in this state. An
6 employer may require that a speech-language pathologist or an
7 audiologist obtain and maintain a license to practice speech-
8 language pathology or audiology in multiple states if the
9 speech-language pathologist or audiologist is free to obtain
10 and maintain the licenses by any means authorized by the laws
11 of the respective states."

12 SECTION 17. A new section of the Speech-Language
13 Pathology, Audiology and Hearing Aid Dispensing Practices Act
14 is enacted to read:

15 "[NEW MATERIAL] AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
16 COMPACT COMMISSION--DELEGATE DUTIES.--

17 A. If a meeting, or a portion of a meeting, of the
18 audiology and speech-language pathology compact commission is
19 closed pursuant to Subsection J of Section 8 of the Audiology
20 and Speech-Language Pathology Interstate Compact, delegates
21 appointed to represent New Mexico on the commission shall
22 request the commission's legal counsel or designee to certify
23 that the meeting may be closed by citing each provision of that
24 subsection that is applicable. Delegates may satisfy this
25 section by making a motion, or voting in the affirmative on a

.233411.1

1 motion, to have the commission's legal counsel or designee
2 certify that the meeting may be closed.

3 B. Any time the audiology and speech-language
4 pathology compact commission is voting on what to include in
5 the commission's minutes, delegates appointed to represent New
6 Mexico on the commission shall vote to include in the minutes:

7 (1) all actions taken by the commission and
8 the reasons for each action, including a description of the
9 views expressed; and

10 (2) identification of all documents considered
11 by the commission that relate to an action taken by the
12 commission."

13 SECTION 18. A new section of the Speech-Language
14 Pathology, Audiology and Hearing Aid Dispensing Practices Act
15 is enacted to read:

16 "[NEW MATERIAL] BOARD OBLIGATIONS--PUBLIC POSTING.--The
17 board shall post on the board's public website:

18 A. copies of the audiology and speech-language
19 pathology compact commission's current bylaws and rules;

20 B. notice of any audiology and speech-language
21 pathology compact commission action that may affect the license
22 of an audiologist or a speech-language pathologist in this
23 state within thirty days of the commission's action being
24 taken; and

25 C. any minutes or documents of the audiology and

.233411.1

1 speech-language pathology compact commission that are released
2 pursuant to a vote of the commission. All minutes and
3 documents of a closed meeting of the audiology and speech-
4 language pathology compact commission shall remain under seal,
5 subject to release by a majority vote of the commission or an
6 order of a court of competent jurisdiction."

7 SECTION 19. A new section of the Speech-Language
8 Pathology, Audiology and Hearing Aid Dispensing Practices Act
9 is enacted to read:

10 "[NEW MATERIAL] JOINT INVESTIGATIONS--INVESTIGATIVE
11 SUBPOENAS.--The board may enter into joint investigations with
12 other state audiology or speech-language pathology boards
13 pursuant to the Audiology and Speech-Language Pathology
14 Interstate Compact; provided that participation in the joint
15 investigation is governed by a written agreement among the
16 board and the other participating audiology or speech-language
17 pathology boards."

18 SECTION 20. Section 61-14B-11 NMSA 1978 (being Laws 1996,
19 Chapter 57, Section 11, as amended) is amended to read:

20 "61-14B-11. BOARD POWERS AND DUTIES--CRIMINAL HISTORY
21 BACKGROUND CHECKS.--The board shall:

22 A. promulgate rules necessary to carry out the
23 provisions of the Speech-Language Pathology, Audiology and
24 Hearing Aid Dispensing Practices Act in accordance with the
25 State Rules Act;

.233411.1

1 B. promulgate rules implementing continuing
2 education requirements;

3 C. adopt a code of ethics that includes rules
4 requiring audiologists and hearing aid dispensers, at the time
5 of the initial examination for possible sale and fitting of a
6 hearing aid if a hearing loss is determined, to inform each
7 prospective purchaser about hearing aid options that can
8 provide a direct connection between the hearing aid and
9 assistive listening systems. These rules shall be in
10 accordance with the latest standards for accessible design
11 adopted by the United States department of justice in
12 accordance with the federal Americans with Disabilities Act of
13 1990, as amended;

14 D. conduct hearings upon charges relating to the
15 discipline of licensees, including the denial, suspension or
16 revocation of a license in accordance with the Uniform
17 Licensing Act;

18 E. investigate complaints against licensees by
19 issuing investigative subpoenas prior to the issuance of a
20 notice of contemplated action;

21 F. establish fees for licensure;

22 G. provide for the licensing and renewal of
23 licenses of applicants; ~~and~~

24 H. promulgate rules that provide for expedited
25 licensure and temporary permits for speech-language

.233411.1

1 pathologists, audiologists or hearing aid dispensers;

2 I. prescribe the procedures, forms and manner of
3 submitting an applicant's full set of fingerprints for state
4 and federal criminal history background reports that the board
5 uses to evaluate the applicant's qualification for licensure;
6 and

7 J. require an applicant, as a condition of
8 eligibility for initial licensure, to submit a full set of
9 fingerprints to the department of public safety to obtain state
10 and national criminal history record information on the
11 applicant. State and national criminal history record reports
12 are confidential and not public records. The board shall not
13 disseminate criminal history record information across state
14 lines."

15 SECTION 21. CONTINGENT REPEAL.--

16 A. Sections 1 through 19 of this act are repealed
17 if a state or federal court of New Mexico finds that a rule or
18 decision of the audiology and speech-language pathology compact
19 commission or a court order regarding a rule or decision
20 relating to the Audiology and Speech-Language Pathology
21 Interstate Compact would change the scope of practice of an
22 audiologist or speech-language pathologist or the definition of
23 "unprofessional conduct" for an audiologist or speech-language
24 pathologist in a manner that is inconsistent with the Speech-
25 Language Pathology, Audiology and Hearing Aid Dispensing

.233411.1

1 Practices Act or any other state law relating to the practice
2 of audiology or speech-language pathology. A person who is or
3 may be affected by a rule or decision at issue under this
4 subsection shall have standing to seek a determination by the
5 district court.

6 B. The speech-language pathology, audiology and
7 hearing aid dispensing practices board shall certify to the
8 director of the legislative council service and the executive
9 director of the New Mexico compilation commission the date on
10 which the action described in Subsection A of this section
11 occurs.

12 C. Repeal of the Audiology and Speech-Language
13 Pathology Interstate Compact pursuant to this section
14 constitutes this state's immediate withdrawal from the
15 Audiology and Speech-Language Pathology Interstate Compact.
16 The speech-language pathology, audiology and hearing aid
17 dispensing practices board shall send written notification of
18 withdrawal to the governor of each other state that has enacted
19 the compact.

20 D. The speech-language pathology, audiology and
21 hearing aid dispensing practices board, or a member of the
22 legislature, may request in writing that the attorney general
23 review the actions of the audiology and speech-language
24 pathology compact commission or a court ruling relating to the
25 enforcement of the Audiology and Speech-Language Pathology

.233411.1

1 Interstate Compact.

2 E. In the event of a repeal pursuant to this
3 section, the provisions of Section 13 of the Audiology and
4 Speech-Language Pathology Interstate Compact shall remain in
5 effect and govern the withdrawal.