

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB14

Hearing Date: Wednesday January 27, 2021
Committee On: Health and Human Services
Introducer: Blood
One Liner: Adopt the Audiology and Speech-Language Pathology Interstate Compact

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Arch, Cavanaugh, M., Day, Hansen, B., Murman, Walz, Williams
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:

Carol Blood
Janet Seelhoff
Toni Morehouse
Edison McDonald

Representing:

Introducer
Nebraska Speech Language Hearing Assn
Nebraska Speech Language Hearing Assn
The ARC of Nebraska

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 14 would adopt the Audiology and Speech-Language Pathology Interstate Compact [ASLP-IC]. It would also amend the Uniform Credentialing Act, specifically the Audiology and Speech-Language Pathology Practice Act, and the Hearing Instrument Specialists Practice Act.

Section 1 of the bill would harmonize provisions to reflect changes incorporated by the ASLP-IC as it relates to the practice of audiology or speech-language pathology by an unlicensed person.

Section 2 of the bill would require proof of authorization from a member state to obtain a privilege to practice in Nebraska.

Section 3 of the bill allows a qualified resident of a member state to obtain a temporary license.

Section 4 of the bill allows practitioners with a privilege to practice to supervise an audiology or speech language pathology assistant.

Section 5 of the bill exempts those with a privilege to practice audiology in which hearing instruments are regularly

dispensed from the requirement to be licensed as a hearing instrument specialist.

Section 7 repeals the original statutes.

Section 6 is the language of the Interstate Compact, broken down into 14 Articles. The Articles referenced hereafter are sections of the Interstate Compact, not sections of the bill [Article # [ASLP-IC]]. The ASLP-IC would do the following:

Enact and enter into the ASLP-IC with all other states that adopt and enact the ASLP-IC; declare the purpose of the ASLP-IC [Article 1 [ASLP-IC], pp. 6-7];

Establish definitions used throughout the Interstate Compact [Article 2, [ASLP-IC], pp. 7-9];

Recognize a multistate licensure privilege to practice for audiologists and speech-language pathologists [Article 3 [ASLP-IC], pp. 9-13];

Delineate how the compact privilege works, including holding an active license in a home state free of encumbrances, with no adverse actions within two years [Article 4 [ASLP-IC], pp. 13-15];

Recognize a multistate licensure privilege for audiologists and speech-language pathologists to practice audiology and speech-language pathology via telehealth (Article 5 [ASLP-IC], p. 15);

Allow for active duty military personnel and their spouses to choose a home state (Article 6 [ASLP-IC], p. 15);

Authorize a remote state to take adverse action against an audiologist or speech-language pathologist's privilege to practice within that member state, but not against an audiologists or speech-language pathologists home state license [Article 7 [ASLP-IC], pp. 15-16];

Authorize a home state to take adverse action against an audiologist's or speech-language pathologist's license issued by the home state [Article 7, [ASLP-IC], p 16-17];

Create the Audiology and Speech-Language Pathology Compact Commission [Article 8 [ASLP-IC], p. 18];

Provide qualified immunity for members, officers, employees, or representatives of the Commission who act in accordance with the provisions of the compact (Article 8 [ASLP-IC], p. 23-24);

Require the Commission to create a database and reporting system containing licensure, adverse actions, and investigative information on all licensed individuals in member states, with the exception of FBI investigation results regarding federal criminal records [Article 9 [ASLP-IC], pp. 24-25; Article 3, p. 10];

Establish procedures for rulemaking [Article 10 [ASLP-IC], p. 25-27];

Authorize the Commission to attempt to resolve disputes related to the compact that arise among member states and between member and non-member states [Article 11 [ASLP-IC], p. 28-29];

Require provisions of the Interstate Compact to become effective once enacted by ten member states, and subsequently require provisions of the compact to become effective the day it is enacted into law once a state enters the Interstate Compact [Article 12 [ASLP-IC], p. 29-30]; and

Provide for the severability of any provision in the compact that is contrary to the constitution of any member state or of the

United States or the applicability thereof to any government, agency, person, or circumstance [Articles 13 and 14 [ASLP-IC], p. 30].

Comparison between the Interstate Compact and Current Nebraska Law:

Currently under Nebraska law, to be licensed, audiologists must present proof of a doctoral degree or its equivalent from an academic program approved by the board, present proof of no less than 36 weeks of full-time professional experience or equivalent half-time professional experience, and successfully compete an examination. Audiologists graduated prior to September 1, 2007 may substitute proof of a masters degree instead of doctoral degree, along with completion of the other requirements. Certification by a nationwide accrediting organization approved by the board may be substituted. [Neb. Rev. Stat. Section 38-515]

Under the ASLP-IC, for an initial privilege to practice in another state, an audiologist would be required to be fingerprinted and pass an FBI background check. To obtain a privilege to practice in another state, the date for accepting a masters degree in audiology would be changed from September 1, 2007 to December 31, 2007. Any education in the United States would need to be from a program accredited by an accrediting agency recognized by the Council of Higher Education Accreditation, or the United States Department of Education and operated by an accredited college or university approved by the board. It would also explicitly allow for foreign education. It would require supervised clinical practicum experience from an accredited educational institution as required by the licensing board, instead of 36 weeks of professional experience. The national examination would be approved by the Commission, instead of the board. Furthermore, an audiologist would need to hold an unencumbered license, not been convicted of a felony related to speech-pathology, and hold a valid Social Security or National Practitioner Identification Number. [Article 3 [ASLP-IC], pp 10-13].

Currently under Nebraska law, to be licensed, speech-language pathologists must present proof of masters degree, doctoral degree, or their equivalents from an academic program approved by the board; present proof of no less than 36 weeks of full-time professional experience or equivalent half-time professional experience; and successfully complete an examination. Certification by a nationwide accrediting organization approved by the board may be substituted. [Neb. Rev. Stat. Section 38-515].

Under the Interstate Compact, for an initial privilege to practice in another state, a speech-language pathologist would be required to be fingerprinted and pass an FBI background check. Any education in the United States would need to be from a program accredited by an accrediting agency recognized by the Council of Higher Education Accreditation, or the United States Department of Education and operated by an accredited college or university approved by the board. It would also explicitly allow for foreign education. It would require supervised clinical practicum experience from an accredited educational institution as required by the licensing board. Supervised professional experience would be approved by the Commission. The national examination would be approved by the Commission, instead of the board. Furthermore, a speech-language pathologist would need to hold an unencumbered license, not been convicted of a felony related to speech-pathology, and hold a valid Social Security or National Practitioner Identification Number. [Article 3 [ASLP-IC], pp 10-13].

Nebraskas examination and education requirements would need to mirror the Interstate Compact in order for a Nebraskan audiologist or speech-language pathologist to be able to obtain a privilege to practice in another member state. It would not affect a Nebraskan audiologists or speech-language pathologists ability to practice in Nebraska; nor would it necessarily affect a member states audiologist or pathologists privilege to practice in Nebraska.

Current licensure rules for audiologists and speech-language pathologists are found in Title 172 NAC 23-003. Nebraska statute allows for temporary licenses if an applicant has not yet passed the licensure examination or met the professional experience examinations; and requires the completion of continuing education requirements of a non-practicing applicant within the previous three years. [Neb. Rev. Stat. Sections 38-517, 38-518].

The Commission would also gain the ability to levy and collect an annual assessment from member states or impose fees on other parties to cover operating costs. [Article 8 [ASLP-IC], p. 23].

No changes would become effective until ten states adopt and enact the Interstate Compact. [Article 12 [ASLP-IC], p. 29].

Explanation of amendments:

AM 1 would amend language within the Audiology and Speech-Language Pathology Interstate Compact. AM 1 would require the Commission, as opposed to the licensing board, approve the educational institution where an audiologist obtains supervised clinical practicum experience.

The affected language on pages 16 to 17 would now read, '[In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:] D. if otherwise permitted by state law, the member state may recover from the affected audiologist or speech-language pathologist the costs of investigation and disposition of cases resulting from any adverse action taken against that audiologist or speech-language pathologist. E. The member state may take adverse action based on the factual findings of the remote state, provided that the member state follows the member states own procedures for taking the adverse action.'

It would clarify the qualified immunity clause by remove shall be 'immune from suit and liability' and add that they shall 'have no greater liability than a state employee would have under the same or similar circumstances.'

AM 1 would also clean-up and clarify other minor language (p. 7; p. 11, line 30).

John Arch, Chairperson