

Amendment - 1st Reading-white - Requested by: Edith (Edie) McClafferty - (S) Business, Labor, and Economic Affairs

68th Legislature

Drafter: Erin Sullivan, 406-444-3594

SB0214.001.001

SENATE BILL NO. 214

INTRODUCED BY E. MCCLAFFERTY, D. HAWK, S. WEBBER, M. FOX, J. GROSS, W. CURDY, S. O'BRIEN,
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A BILL FOR AN ACT ENTITLED: "AN ACT ENACTING THE AUDIOLOGY AND SPEECH-LANGUAGE
PATHOLOGY INTERSTATE COMPACT; PROVIDING FOR CRIMINAL BACKGROUND CHECKS OF
APPLICANTS; AND AMENDING SECTIONS 37-15-202 AND 37-15-314, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Enactment -- provisions. The Audiology and Speech-Language
Pathology Interstate Compact is enacted into law and entered into with all other jurisdictions joining in the
compact in the form substantially as follows:

SECTION 1

PURPOSE

The purpose of this compact is to facilitate interstate practice of audiology and speech-language
pathology with the goal of improving public access to audiology and speech-language pathology services. The
practice of audiology and speech-language pathology occurs in the state where the patient/client/student is
located at the time of the patient/client/student encounter. The compact preserves the regulatory authority of
states to protect public health and safety through the current system of state licensure.

This compact is designed to achieve the following objectives:

- (1) increase public access to audiology and speech-language pathology services by providing for
the mutual recognition of other member state licenses;
- (2) enhance the states' ability to protect the public's health and safety;
- (3) encourage the cooperation of member states in regulating multistate audiology and speech-
language pathology practice;

1 be contrary to the constitution of any member state or of the United States or the applicability thereof to any
2 government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and
3 the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If
4 this compact shall be held contrary to the constitution of any member state, the compact shall remain in full
5 force and effect as to the remaining member states and in full force and effect as to the member state affected
6 as to all severable matters.

7 SECTION 14

8 BINDING EFFECT OF COMPACT AND OTHER LAWS

9 (1) Nothing herein prevents the enforcement of any other law of a member state that is not
10 inconsistent with the compact.

11 (2) All laws in a member state in conflict with the compact are superseded to the extent of the
12 conflict.

13 (3) All lawful actions of the commission, including all rules and bylaws promulgated by the
14 commission, are binding upon the member states.

15 (4) All agreements between the commission and the member states are binding in accordance
16 with their terms.

17 (5) In the event any provision of the compact exceeds the constitutional limits imposed on the
18 legislature of any member state, the provision must be ineffective to the extent of the conflict with the
19 constitutional provision in question in that member state.
20

21 NEW SECTION. Section 2. Criminal background check. (1) As provided in 37-1-307, the board ~~is~~
22 ~~authorized to~~shall require each applicant for licensure as a speech-language pathologist or audiologist to
23 submit a full set of the applicant's fingerprints to the board ~~for the purpose of obtaining a state and federal~~
24 ~~criminal history background check to facilitate a fingerprint-based criminal background check by the Montana~~
25 ~~department of justice and the federal bureau of investigation. The board may not disseminate criminal history~~
26 ~~record information resulting from the background check across state lines.~~

27 (2) The board may require licensees renewing their licenses to submit a full set of their fingerprints

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to the board for the purpose of obtaining a criminal record background check by the Montana department of justice and the federal bureau of investigation.

~~(2) — Each license applicant shall pay all fees charged in relation to obtaining the state and federal criminal history background check.~~

~~(3) — The board may require licensees renewing their licenses to submit a full set of fingerprints to the board for the purpose of obtaining a state and federal criminal history background check.~~

~~(4) — The Montana department of justice may share the fingerprint data gathered under this section with the federal bureau of investigation.~~

Section 3. Section 37-15-202, MCA, is amended to read:

"37-15-202. Powers and duties of board and department. (1) The board shall:

(a) administer, coordinate, and enforce the provisions of this chapter;

(b) evaluate the qualifications of each applicant for a license as issued under this chapter and supervise the examination of applicants;

(c) conduct hearings and keep records and minutes as the board considers necessary to an orderly dispatch of business;

(d) adopt rules, including but not limited to those governing ethical standards of practice or standards for telehealth under this chapter;

(e) make recommendations to the governor and other state officials regarding new and revised programs and legislation related to speech-language pathology or audiology which could be beneficial to the citizens of the state of Montana;

(f) cause the prosecution and enjoinder of all persons violating this chapter, by the complaints of its secretary filed with the county attorney in the county where the violation took place, and incur necessary expenses for the prosecution;

(g) adopt a seal by which the board shall authenticate its proceedings; and

(h) extend compact privileges as described in [section 1].

(2) Copies of the proceedings, records, and acts of the board, signed by the presiding officer or