

Tom Bottem, Director

Minnesota Senate Building
95 University Ave. W. Suite 3300
ST. PAUL, MN 55155-1800
(651) 296-4791
www.senate.mn/scrfa

S.F. No. 3364 – Audiology & Speech-Language Pathology Interstate Compact Established – Civil Law & Data Practices Provisions Only

Author: Senator Carla J. Nelson
Prepared by: Priyanka Premo, Senate Counsel (651/296-3317)
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Summary

Section 1. [144.051, subd. 6] Release of private or confidential data. Authorizes the Department of Health to release private or confidential data concerning audiologists and speech-language pathologists to various agencies to enhance investigative or enforcement efforts or further a public health protective process.

Section 2. [148.5185] Audiology and speech-language pathology interstate compact.

Definitions. Includes definitions for “adverse action,” “current significant investigative information,” and “data system.” (Lines 2.16 to 4.22)

State participation in the compact. Requires a state to implement procedures for considering an applicant’s criminal history records. (Lines 4.28 to 5.8)

Adverse actions. Authorizes a remote state to issue subpoenas. Subpoenas issued from the licensing board of one member state compelling appearance or production of evidence from another member state must be enforced in the latter state by any court of competent jurisdiction. The issuing authority must pay for all fees. (Lines 9.24 to 9.31)

Establishment of the Audiology and Speech-language Pathology Compact Commission. Provides that all actions by and against the commission shall be venued where the principal office of the commission is located. Permits the commission to waive venue and jurisdictional defenses to the extent that is participated in alternative dispute resolution proceedings. Clarifies that nothing in this compact shall be construed to waive sovereign immunity. (Lines 11.11 to 11.15)

Qualified immunity, defense, and indemnification. Except for intentional, willful, or wanton misconduct, provides that members and others associated with the commission are

immune from liability for any civil claim arising out of an act or omission or any claim where the potential defendant had a reasonable basis for believing was within the scope of commission employment. Requires the commission to defend members, employees and others associated with the commission against civil claims arising out of acts or omissions within the scope of employment. Requires the commission to indemnify and hold harmless members, employees, and other association with the commission. (Lines 15.30 to 16.23).

Data system. Requires the commission to develop, implement, and maintain a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states. Requires a member state to submit the following data on all individuals to whom the compact is applicable: identifying information, licensure data, adverse actions, nonconfidential information related to alternative program participation, licensure application denial and the reason for the denial, and other information, as determined by the commission. (Lines 16.24 to 17.15)

Oversight, dispute resolution, and enforcement. Authorizes the commission to issue rules for mediation and binding dispute resolution. Authorizes the commission to initiate legal action against a member state in the U.S. District Court for the District of Columbia or the federal district where the commission has its principal offices. Requires the prevailing member to be awarded all costs, including attorney fees. (Lines 19.26 to 20.11)

Section 3. [148.5186] Application of audiology and speech-language pathology interstate compact to existing laws.

[subd. 2] **Background studies.** Makes a conforming change to authorize the commissioner to require criminal history background checks pursuant to requirements under the compact.

[subd. 3] **Provision of data.** Makes a conforming change to authorize the commissioner to provide data pursuant to requirements under the compact.