

House File 2272 - Introduced

HOUSE FILE 2272

BY FRY

A BILL FOR

1 An Act enacting the social work licensure compact.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 147I.1 Social work licensure
2 compact.

3 1. *Purpose.* The purpose of this compact is to facilitate
4 interstate practice of regulated social workers by improving
5 public access to competent social work services. The compact
6 preserves the regulatory authority of states to protect
7 public health and safety through the current system of state
8 licensure. The compact is designed to achieve the following
9 objectives:

10 a. Increase public access to social work services.

11 b. Reduce overly burdensome and duplicative requirements
12 associated with holding multiple licenses.

13 c. Enhance the member states' ability to protect the
14 public's health and safety.

15 d. Encourage the cooperation of member states in regulating
16 multistate practice.

17 e. Promote mobility and address workforce shortages by
18 eliminating the necessity for licenses in multiple states by
19 providing for the mutual recognition of other member state
20 licenses.

21 f. Support military families.

22 g. Facilitate the exchange of licensure and disciplinary
23 information among member states.

24 h. Authorize all member states to hold a regulated social
25 worker accountable for abiding by a member state's laws,
26 regulations, and applicable professional standards in the
27 member state in which the client is located at the time care is
28 rendered.

29 i. Allow for the use of telehealth to facilitate increased
30 access to regulated social work services.

31 2. *Definitions.* As used in this compact, and except as
32 otherwise provided, the following definitions shall apply:

33 a. "Active military member" means any individual with
34 full-time duty status in the active armed forces of the United
35 States including members of the national guard and reserve.

1 *b. "Adverse action"* means any administrative, civil,
2 equitable, or criminal action permitted by a state's laws
3 which is imposed by a licensing authority or other authority
4 against a regulated social worker, including actions against an
5 individual's license or multistate authorization to practice
6 such as revocation, suspension, probation, monitoring of the
7 licensee, limitation on the licensee's practice, or any other
8 encumbrance on licensure affecting a regulated social worker's
9 authorization to practice, including issuance of a cease and
10 desist action.

11 *c. "Alternative program"* means a nondisciplinary monitoring
12 or practice remediation process approved by a licensing
13 authority to address practitioners with an impairment.

14 *d. "Charter member states"* means member states who
15 have enacted legislation to adopt this compact where such
16 legislation predates the effective date of this compact as
17 described in subsection 14.

18 *e. "Compact commission" or "commission"* means the government
19 agency whose membership consists of all states that have
20 enacted this compact, which is known as the social work
21 licensure compact commission, as described in subsection 10,
22 and which shall operate as an instrumentality of the member
23 states.

24 *f. "Current significant investigative information"* means any
25 of the following:

26 (1) Investigative information that a licensing authority,
27 after a preliminary inquiry that includes notification and an
28 opportunity for the regulated social worker to respond, has
29 reason to believe is not groundless and, if proved true, would
30 indicate more than a minor infraction as may be defined by the
31 commission.

32 (2) Investigative information that indicates that the
33 regulated social worker represents an immediate threat to
34 public health and safety, as may be defined by the commission,
35 regardless of whether the regulated social worker has been

1 notified and has had an opportunity to respond.

2 *g. "Data system"* means a repository of information about
3 licensees, including continuing education, examination,
4 licensure, current significant investigative information,
5 disqualifying event, multistate license, and adverse
6 action information, or other information as required by the
7 commission.

8 *h. "Disqualifying event"* means any adverse action or
9 incident which results in an encumbrance that disqualifies or
10 makes the licensee ineligible to either obtain, retain, or
11 renew a multistate license.

12 *i. "Domicile"* means the jurisdiction in which the licensee
13 resides and intends to remain indefinitely.

14 *j. "Encumbrance"* means a revocation or suspension of, or
15 any limitation on, the full and unrestricted practice of social
16 work licensed and regulated by a licensing authority.

17 *k. "Executive committee"* means a group of delegates elected
18 or appointed to act on behalf of, and within the powers granted
19 to them by, the compact and commission.

20 *l. "Home state"* means the member state that is the
21 licensee's primary domicile.

22 *m. "Impairment"* means a condition that may impair a
23 practitioner's ability to engage in full and unrestricted
24 practice as a regulated social worker without some type of
25 intervention and may include alcohol and drug dependence,
26 mental health impairment, and neurological or physical
27 impairments.

28 *n. "Licensee"* means an individual who currently holds a
29 license from a state to practice as a regulated social worker.

30 *o. "Licensing authority"* means the board or agency of
31 a member state, or equivalent, that is responsible for the
32 licensing and regulation of regulated social workers.

33 *p. "Member state"* means a state, commonwealth, district, or
34 territory of the United States that has enacted this compact.

35 *q. "Multistate authorization to practice"* means a legally

1 authorized privilege to practice, which is equivalent to a
2 license, associated with a multistate license permitting the
3 practice of social work in a remote state.

4 *r. "Multistate license"* means a license to practice as
5 a regulated social worker issued by a home state licensing
6 authority that authorizes the regulated social worker to
7 practice in all member states under multistate authorization
8 to practice.

9 *s. "Qualifying national exam"* means a national licensing
10 examination approved by the commission.

11 *t. "Regulated social worker"* means any clinical, master's,
12 or bachelor's social worker licensed by a member state
13 regardless of the title used by that member state.

14 *u. "Remote state"* means a member state other than the
15 licensee's home state.

16 *v. "Rule" or "rule of the commission"* means a regulation or
17 regulations duly promulgated by the commission, as authorized
18 by the compact, that has the force of law.

19 *w. "Single state license"* means a social work license issued
20 by any state that authorizes practice only within the issuing
21 state and does not include multistate authorization to practice
22 in any member state.

23 *x. "Social work" or "social work services"* means the
24 application of social work theory, knowledge, methods, ethics,
25 and the professional use of self to restore or enhance social,
26 psychosocial, or biopsychosocial functioning of individuals,
27 couples, families, groups, organizations, and communities
28 through the care and services provided by a regulated social
29 worker as set forth in the member state's statutes and
30 regulations in the state where the services are being provided.

31 *y. "State"* means any state, commonwealth, district, or
32 territory of the United States that regulates the practice of
33 social work.

34 *z. "Unencumbered license"* means a license that authorizes a
35 regulated social worker to engage in the full and unrestricted

1 practice of social work.

2 3. *State participation in the compact.*

3 a. To be eligible to participate in the compact, a potential
4 member state shall do all of the following:

5 (1) License and regulate the practice of social work at
6 either the clinical, master's, or bachelor's category.

7 (2) Require applicants for licensure to graduate from a
8 program that is all of the following:

9 (a) Operated by a college or university recognized by the
10 licensing authority.

11 (b) Accredited, or in candidacy by an institution that
12 subsequently becomes accredited, by an accrediting agency
13 recognized by either of the following:

14 (i) The council on higher education accreditation or its
15 successor.

16 (ii) The United States department of education.

17 (c) Corresponding to the licensure sought under subsection
18 4.

19 (3) Require applicants for clinical licensure to complete a
20 period of supervised practice.

21 (4) Have a mechanism in place for receiving, investigating,
22 and adjudicating complaints about licensees.

23 b. To maintain membership in the compact, a member state
24 shall do all of the following:

25 (1) Require that applicants for a multistate license pass
26 a qualifying national exam for the corresponding category of
27 multistate license sought under subsection 4.

28 (2) Participate fully in the commission's data system,
29 including using the commission's unique identifier as defined
30 in rules.

31 (3) Notify the commission, in compliance with the terms
32 of the compact and rules, of any adverse action or the
33 availability of current significant investigative information
34 regarding a licensee.

35 (4) Implement procedures for considering the criminal

1 history records of applicants for a multistate license. Such
2 procedures shall include the submission of fingerprints or
3 other biometric-based information by applicants for the purpose
4 of obtaining an applicant's criminal history record information
5 from the federal bureau of investigation and the agency
6 responsible for retaining that state's criminal records.

7 (5) Comply with the rules of the commission.

8 (6) Require an applicant to obtain or retain a license
9 in the home state and meet the home state's qualifications
10 for licensure or renewal of licensure, as well as all other
11 applicable home state laws.

12 (7) Authorize a licensee holding a multistate license in any
13 member state to practice in accordance with the terms of the
14 compact and the rules of the commission.

15 (8) Designate a delegate to participate in the commission
16 meetings.

17 *c.* A member state meeting the requirements of subsection
18 3, paragraphs "a" and "b", shall designate the categories of
19 social work licensure that are eligible for issuance of a
20 multistate license for applicants in such member state. To the
21 extent that any member state does not meet the requirements
22 for participation in the compact at any particular category of
23 social work licensure, such member state may choose, but is not
24 obligated to, issue a multistate license to applicants that
25 otherwise meet the requirements of subsection 4 for issuance
26 of a multistate license in such category or categories of
27 licensure.

28 *d.* The home state may charge a fee for granting the
29 multistate license.

30 4. *Social worker participation in the compact.*

31 *a.* To be eligible for a multistate license under the terms
32 and provisions of the compact, an applicant, regardless of
33 category, must do all of the following:

34 (1) Hold or be eligible for an active, unencumbered license
35 in the home state.

1 (2) Pay any applicable fees, including any state fee, for
2 the multistate license.

3 (3) Submit, in connection with an application for a
4 multistate license, fingerprints or other biometric data for
5 the purpose of obtaining criminal history record information
6 from the federal bureau of investigation and the agency
7 responsible for retaining that state's criminal records.

8 (4) Notify the home state of any adverse action,
9 encumbrance, or restriction on any professional license taken
10 by any member state or nonmember state within thirty days from
11 the date the action is taken.

12 (5) Meet any continuing competence requirements established
13 by the home state.

14 (6) Abide by the laws, regulations, and applicable
15 standards in the member state where the client is located at
16 the time care is rendered.

17 *b.* An applicant for a clinical-category multistate license
18 must meet all of the following requirements:

19 (1) Fulfill a competency requirement, which shall be
20 satisfied by any of the following:

21 (a) Passage of a clinical-category qualifying national
22 exam.

23 (b) Licensure of the applicant in the applicant's home
24 state at the clinical category, beginning prior to such time
25 as a qualifying national exam was required by the home state
26 and accompanied by a period of continuous social work licensure
27 thereafter, all of which may be further governed by the rules
28 of the commission.

29 (c) The substantial equivalency of the foregoing competency
30 requirements which the commission may determine by rule.

31 (2) Attain at least a master's degree in social work from a
32 program that is all of the following:

33 (a) Operated by a college or university recognized by the
34 licensing authority.

35 (b) Accredited, or in candidacy that subsequently becomes

1 accredited, by an accrediting agency recognized by either of
2 the following:

3 (i) The council for higher education accreditation or its
4 successor.

5 (ii) The United States department of education.

6 (3) Fulfill a practice requirement, which shall be
7 satisfied by demonstrating completion of any of the following:

8 (a) A period of postgraduate supervised clinical practice
9 equal to a minimum of three thousand hours.

10 (b) A minimum of two years of full-time postgraduate
11 supervised clinical practice.

12 (c) The substantial equivalency of the foregoing practice
13 requirements which the commission may determine by rule.

14 c. An applicant for a master's-category multistate license
15 must meet all of the following requirements:

16 (1) Fulfill a competency requirement, which shall be
17 satisfied by any of the following:

18 (a) Passage of a master's-category qualifying national
19 exam.

20 (b) Licensure of the applicant in the applicant's home state
21 at the master's category, beginning prior to such time as a
22 qualifying national exam was required by the home state at the
23 master's category and accompanied by a continuous period of
24 social work licensure thereafter, all of which may be further
25 governed by the rules of the commission.

26 (c) The substantial equivalency of the foregoing competency
27 requirements which the commission may determine by rule.

28 (2) Attain at least a master's degree in social work from a
29 program that is all of the following:

30 (a) Operated by a college or university recognized by the
31 licensing authority.

32 (b) Accredited, or in candidacy that subsequently becomes
33 accredited, by an accrediting agency recognized by either of
34 the following:

35 (i) The council for higher education accreditation or its

1 successor.

2 (ii) The United States department of education.

3 *d.* An applicant for a bachelor's-category multistate license
4 must meet all of the following requirements:

5 (1) Fulfill a competency requirement, which shall be
6 satisfied by any of the following:

7 (a) Passage of a bachelor's-category qualifying national
8 exam.

9 (b) Licensure of the applicant in the applicant's home
10 state at the bachelor's category, beginning prior to such time
11 as a qualifying national exam was required by the home state
12 and accompanied by a period of continuous social work licensure
13 thereafter, all of which may be further governed by the rules
14 of the commission.

15 (c) The substantial equivalency of the foregoing competency
16 requirements which the commission may determine by rule.

17 (2) Attain at least a bachelor's degree in social work from
18 a program that is all of the following:

19 (a) Operated by a college or university recognized by the
20 licensing authority.

21 (b) Accredited, or in candidacy that subsequently becomes
22 accredited, by an accrediting agency recognized by either of
23 the following:

24 (i) The council for higher education accreditation or its
25 successor.

26 (ii) The United States department of education.

27 *e.* The multistate license for a regulated social worker is
28 subject to the renewal requirements of the home state. The
29 regulated social worker must maintain compliance with the
30 requirements of subsection 4, paragraph "a", to be eligible to
31 renew a multistate license.

32 *f.* The regulated social worker's services in a remote state
33 are subject to that member state's regulatory authority. A
34 remote state may, in accordance with due process and that
35 member state's laws, remove a regulated social worker's

1 multistate authorization to practice in the remote state for
2 a specific period of time, impose fines, and take any other
3 necessary actions to protect the health and safety of its
4 citizens.

5 *g.* If a multistate license is encumbered, the regulated
6 social worker's multistate authorization to practice shall be
7 deactivated in all remote states until the multistate license
8 is no longer encumbered.

9 *h.* If a multistate authorization to practice is encumbered
10 in a remote state, the regulated social worker's multistate
11 authorization to practice may be deactivated in that state
12 until the multistate authorization to practice is no longer
13 encumbered.

14 5. *Issuance of a multistate license.*

15 *a.* Upon receipt of an application for a multistate license,
16 the home state licensing authority shall determine the
17 applicant's eligibility for a multistate license in accordance
18 with subsection 4 of this compact.

19 *b.* If such applicant is eligible pursuant to subsection
20 4 of this compact, the home state licensing authority shall
21 issue a multistate license that authorizes the applicant or
22 regulated social worker to practice in all member states under
23 a multistate authorization to practice.

24 *c.* Upon issuance of a multistate license, the home state
25 licensing authority shall designate whether the regulated
26 social worker holds a multistate license in the bachelor's,
27 master's, or clinical category of social work.

28 *d.* A multistate license issued by a home state to a resident
29 in that state shall be recognized by all compact member
30 states as authorizing social work practice under a multistate
31 authorization to practice corresponding to each category of
32 licensure regulated in each member state.

33 6. *Authority of interstate compact commission and member*
34 *state licensing authorities.*

35 *a.* Nothing in this compact, nor any rule of the commission,

1 shall be construed to limit, restrict, or in any way reduce
2 the ability of a member state to enact and enforce laws,
3 regulations, or other rules related to the practice of social
4 work in that state, where those laws, regulations, or other
5 rules are not inconsistent with the provisions of this compact.

6 *b.* Nothing in this compact shall affect the requirements
7 established by a member state for the issuance of a single
8 state license.

9 *c.* Nothing in this compact, nor any rule of the commission,
10 shall be construed to limit, restrict, or in any way reduce
11 the ability of a member state to take adverse action against a
12 licensee's single state license to practice social work in that
13 state.

14 *d.* Nothing in this compact, nor any rule of the commission,
15 shall be construed to limit, restrict, or in any way reduce
16 the ability of a remote state to take adverse action against a
17 licensee's multistate authorization to practice in that state.

18 *e.* Nothing in this compact, nor any rule of the commission,
19 shall be construed to limit, restrict, or in any way reduce
20 the ability of a licensee's home state to take adverse action
21 against a licensee's multistate license based upon information
22 provided by a remote state.

23 *7. Reissuance of a multistate license by a new home state.*

24 *a.* A licensee can hold a multistate license, issued by the
25 licensee's home state, in only one member state at any given
26 time.

27 *b.* If a licensee changes the licensee's home state by moving
28 between two member states:

29 (1) The licensee shall immediately apply for the reissuance
30 of the licensee's multistate license in the licensee's new
31 home state. The licensee shall pay all applicable fees and
32 notify the prior home state in accordance with the rules of the
33 commission.

34 (2) Upon receipt of an application to reissue a multistate
35 license, the new home state shall verify that the multistate

1 license is active, unencumbered, and eligible for reissuance
2 under the terms of the compact and the rules of the commission.
3 The multistate license issued by the prior home state will be
4 deactivated and all member states notified in accordance with
5 the applicable rules adopted by the commission.

6 (3) Prior to the reissuance of the multistate license, the
7 new home state shall conduct procedures for considering the
8 criminal history records of the licensee. Such procedures
9 shall include the submission of fingerprints or other
10 biometric-based information by applicants for the purpose of
11 obtaining an applicant's criminal history record information
12 from the federal bureau of investigation and the agency
13 responsible for retaining that state's criminal records.

14 (4) If required for initial licensure, the new home state
15 may require completion of jurisprudence requirements in the new
16 home state.

17 (5) Notwithstanding any other provision of this compact,
18 if a licensee does not meet the requirements set forth in this
19 compact for the reissuance of a multistate license by the new
20 home state, then the licensee shall be subject to the new home
21 state requirements for the issuance of a single state license
22 in that state.

23 *c.* If a licensee changes the licensee's primary state of
24 residence by moving from a member state to a nonmember state,
25 or from a nonmember state to a member state, then the licensee
26 shall be subject to the state requirements for the issuance of
27 a single state license in the new home state.

28 *d.* Nothing in this compact shall interfere with a licensee's
29 ability to hold a single state license in multiple states;
30 however, for the purposes of this compact, a licensee shall
31 have only one home state, and only one multistate license.

32 *e.* Nothing in this compact shall interfere with the
33 requirements established by a member state for the issuance of
34 a single state license.

35 8. *Military families.* An active military member or the

1 active military member's spouse shall designate a home state
2 where the individual has a multistate license. The individual
3 may retain the individual's home state designation during the
4 period the service member is on active duty.

5 9. *Adverse actions.*

6 a. In addition to the other powers conferred by state law,
7 a remote state shall have the authority, in accordance with
8 existing state due process law, to do all of the following:

9 (1) Take adverse action against a regulated social worker's
10 multistate authorization to practice only within that member
11 state, and issue subpoenas for both hearings and investigations
12 that require the attendance and testimony of witnesses as well
13 as the production of evidence. Subpoenas issued by a licensing
14 authority in a member state for the attendance and testimony
15 of witnesses, or for the production of evidence from another
16 member state, shall be enforced in the latter state by any
17 court of competent jurisdiction according to the practice and
18 procedure of that court applicable to subpoenas issued in
19 proceedings pending before it. The issuing licensing authority
20 shall pay any witness fees, travel expenses, mileage, and other
21 fees required by the service statutes of the state in which the
22 witnesses or evidence are located.

23 (2) Only the home state shall have the power to take adverse
24 action against a regulated social worker's multistate license.

25 b. For purposes of taking adverse action, the home state
26 shall give the same priority and effect to reported conduct
27 received from a member state as it would if the conduct had
28 occurred within the home state. In so doing, the home state
29 shall apply its own state laws to determine appropriate action.

30 c. The home state shall complete any pending investigations
31 of a regulated social worker who changes the regulated social
32 worker's home state during the course of the investigations.
33 The home state shall also have the authority to take
34 appropriate action and shall promptly report the conclusions
35 of the investigations to the administrator of the data system.

1 The administrator of the data system shall promptly notify the
2 new home state of any adverse actions.

3 *d.* A member state, if otherwise permitted by state law, may
4 recover from the affected regulated social worker the costs of
5 investigations and dispositions of cases resulting from any
6 adverse action taken against that regulated social worker.

7 *e.* A member state may take adverse action based on the
8 factual findings of another member state, provided that the
9 member state follows the member state's own procedures for
10 taking the adverse action.

11 *f.* Joint investigations.

12 (1) In addition to the authority granted to a member state
13 by the member state's respective social work practice act or
14 other applicable state law, any member state may participate
15 with other member states in joint investigations of licensees.

16 (2) Member states shall share any investigative,
17 litigation, or compliance materials in furtherance of any joint
18 or individual investigation initiated under the compact.

19 *g.* If adverse action is taken by the home state against the
20 multistate license of a regulated social worker, the regulated
21 social worker's multistate authorization to practice in all
22 other member states shall be deactivated until all encumbrances
23 have been removed from the multistate license. All home state
24 disciplinary orders that impose adverse action against the
25 license of a regulated social worker shall include a statement
26 that the regulated social worker's multistate authorization
27 to practice is deactivated in all member states until all
28 conditions of the decision, order, or agreement are satisfied.

29 *h.* If a member state takes adverse action, it shall promptly
30 notify the administrator of the data system. The administrator
31 of the data system shall promptly notify the home state and all
32 other member states of any adverse actions by remote states.

33 *i.* Nothing in this compact shall override a member state's
34 decision that participation in an alternative program may be
35 used in lieu of adverse action.

1 *j.* Nothing in this compact shall authorize a member state to
2 demand the issuance of subpoenas for attendance and testimony
3 of witnesses or the production of evidence from another member
4 state for lawful actions within that member state.

5 *k.* Nothing in this compact shall authorize a member state to
6 impose discipline against a regulated social worker who holds a
7 multistate authorization to practice for lawful actions within
8 another member state.

9 10. *Establishment of social work licensure compact*
10 *commission.*

11 *a.* The compact member states hereby create and establish
12 a joint government agency whose membership consists of all
13 member states that have enacted the compact known as the social
14 work licensure compact commission. The commission is an
15 instrumentality of the compact states acting jointly and not an
16 instrumentality of any one state. The commission shall come
17 into existence on or after the effective date of the compact
18 as set forth in subsection 14.

19 *b.* Membership, voting, and meetings.

20 (1) Each member state shall have, and shall be limited
21 to, one delegate selected by that member state's licensing
22 authority.

23 (2) The delegate shall be either of the following:

24 (a) A current member of the licensing authority at the time
25 of appointment, who is a regulated social worker or public
26 member of the state licensing authority.

27 (b) An administrator of the licensing authority or the
28 administrator's designee.

29 (3) The commission shall by rule or bylaw establish a term
30 of office for delegates and may by rule or bylaw establish term
31 limits.

32 (4) The commission may recommend removal or suspension of
33 any delegate from office.

34 (5) A member state's licensing authority shall fill any
35 vacancy of the authority's delegate occurring on the commission

1 within sixty days of the vacancy.

2 (6) Each delegate shall be entitled to one vote on all
3 matters before the commission requiring a vote by commission
4 delegates.

5 (7) A delegate shall vote in person or by such other
6 means as provided in the bylaws. The bylaws may provide for
7 delegates to meet by telecommunication, videoconference, or
8 other means of communication.

9 (8) The commission shall meet at least once during each
10 calendar year. Additional meetings may be held as set forth
11 in the bylaws. The commission may meet by telecommunication,
12 video conference, or other similar electronic means.

13 c. The commission shall have the following powers:

14 (1) Establish the fiscal year of the commission.

15 (2) Establish code of conduct and conflict of interest
16 policies.

17 (3) Establish and amend rules and bylaws.

18 (4) Maintain the commission's financial records in
19 accordance with the bylaws.

20 (5) Meet and take such actions as are consistent with the
21 provisions of this compact, the commission's rules, and the
22 bylaws.

23 (6) Initiate and conclude legal proceedings or actions
24 in the name of the commission, provided that the standing of
25 any licensing authority to sue or be sued under applicable law
26 shall not be affected.

27 (7) Maintain and certify records and information provided
28 to a member state as the authenticated business records of the
29 commission, and designate an agent to do so on the commission's
30 behalf.

31 (8) Purchase and maintain insurance and bonds.

32 (9) Borrow, accept, or contract for services of personnel,
33 including but not limited to employees of a member state.

34 (10) Conduct an annual financial review.

35 (11) Hire employees, elect or appoint officers, fix

1 compensation, define duties, grant such individuals appropriate
2 authority to carry out the purposes of the compact, and
3 establish the commission's personnel policies and programs
4 relating to conflicts of interest, qualifications of personnel,
5 and other related personnel matters.

6 (12) Assess and collect fees.

7 (13) Accept any and all appropriate gifts, donations,
8 grants of money, other sources of revenue, equipment, supplies,
9 materials, and services, and receive, utilize, and dispose of
10 the same, provided that at all times the commission shall avoid
11 any appearance of impropriety or conflict of interest.

12 (14) Lease, purchase, retain, own, hold, improve, or use any
13 property, real, personal, or mixed, or any undivided interest
14 therein.

15 (15) Sell, convey, mortgage, pledge, lease, exchange,
16 abandon, or otherwise dispose of any property real, personal,
17 or mixed.

18 (16) Establish a budget and make expenditures.

19 (17) Borrow money.

20 (18) Appoint committees, including standing committees,
21 composed of members, state regulators, state legislators or the
22 legislators' representatives, and consumer representatives,
23 and such other interested persons as may be designated in this
24 compact and the bylaws.

25 (19) Provide and receive information from, and cooperate
26 with, law enforcement agencies.

27 (20) Establish and elect an executive committee, including
28 a chair and a vice chair.

29 (21) Determine whether a state's adopted language is
30 materially different from the model compact language such that
31 the state would not qualify for participation in the compact.

32 (22) Perform such other functions as may be necessary or
33 appropriate to achieve the purposes of this compact.

34 d. The executive committee.

35 (1) The executive committee shall have the power to act

1 on behalf of the commission according to the terms of this
2 compact. The powers, duties, and responsibilities of the
3 executive committee shall include all of the following:

4 (a) Oversee the day-to-day activities of the administration
5 of the compact including enforcement and compliance with the
6 provisions of the compact, the commission's rules and bylaws,
7 and other such duties as deemed necessary.

8 (b) Recommend to the commission changes to the rules or
9 bylaws, changes to this compact legislation, fees charged to
10 compact member states, fees charged to licensees, and other
11 fees.

12 (c) Ensure compact administration services are
13 appropriately provided, including by contract.

14 (d) Prepare and recommend the budget.

15 (e) Maintain financial records on behalf of the commission.

16 (f) Monitor compact compliance of member states and provide
17 compliance reports to the commission.

18 (g) Establish additional committees as necessary.

19 (h) Exercise the powers and duties of the commission during
20 the interim between commission meetings, except for adopting or
21 amending rules, adopting or amending bylaws, and exercising any
22 other powers and duties expressly reserved to the commission
23 by rule or bylaw.

24 (i) Other duties as provided in the rules or bylaws of the
25 commission.

26 (2) The executive committee shall be composed of up to
27 eleven members.

28 (a) The chair and vice chair of the commission shall be
29 voting members of the executive committee.

30 (b) The commission shall elect five voting members from the
31 current membership of the commission.

32 (c) Up to four ex officio, nonvoting members from four
33 recognized national social work organizations.

34 (d) The ex officio members will be selected by their
35 respective organizations.

1 (3) The commission may remove any member of the executive
2 committee as provided in the commission's bylaws.

3 (4) The executive committee shall meet at least annually.

4 (a) Executive committee meetings shall be open to the
5 public, except that the executive committee may meet in
6 a closed, nonpublic meeting as provided in paragraph "f",
7 subparagraph (2).

8 (b) The executive committee shall give seven days' notice
9 of its meetings, posted on the committee's internet site, and
10 as determined to provide notice to persons with an interest in
11 the business of the commission.

12 (c) The executive committee may hold a special meeting in
13 accordance with paragraph "f", subparagraph (1), subparagraph
14 division (b).

15 e. The commission shall adopt and provide to the member
16 states an annual report.

17 f. Meetings of the commission.

18 (1) All meetings shall be open to the public, except that
19 the commission may meet in a closed, nonpublic meeting as
20 provided in subparagraph (2).

21 (a) Public notice for all meetings of the full commission
22 of meetings shall be given in the same manner as required
23 under the rulemaking provisions in subsection 12, except that
24 the commission may hold a special meeting as provided in
25 subparagraph division (b).

26 (b) The commission may hold a special meeting when the
27 commission must meet to conduct emergency business by giving
28 forty-eight hours' notice to all commissioners, on the
29 commission's website, and other means as provided in the
30 commission's rules. The commission's legal counsel shall
31 certify that the commission's need to meet qualifies as an
32 emergency.

33 (2) The commission, the executive committee, or other
34 committees of the commission may convene in a closed, nonpublic
35 meeting for the commission, executive committee, or other

1 committees of the commission to receive legal advice or to
2 discuss any of the following:

3 (a) Noncompliance of a member state with its obligations
4 under the compact.

5 (b) The employment, compensation, discipline or other
6 matters, practices, or procedures related to specific
7 employees.

8 (c) Current or threatened discipline of a licensee by the
9 commission or by a member state's licensing authority.

10 (d) Current, threatened, or reasonably anticipated
11 litigation.

12 (e) Negotiation of contracts for the purchase, lease, or
13 sale of goods, services, or real estate.

14 (f) Accusing any person of a crime or formally censuring any
15 person.

16 (g) Trade secrets or commercial or financial information
17 that is privileged or confidential.

18 (h) Information of a personal nature where disclosure would
19 constitute a clearly unwarranted invasion of personal privacy.

20 (i) Investigative records compiled for law enforcement
21 purposes.

22 (j) Information related to any investigative reports
23 prepared by, or on behalf of, or for the use of, the commission
24 or other committee charged with responsibility of investigation
25 or determination of compliance issues pursuant to the compact.

26 (k) Matters specifically exempted from disclosure by
27 federal or member state law.

28 (1) Other matters as promulgated by the commission by rule.

29 (3) If a meeting, or portion of a meeting, is closed, the
30 presiding officer shall state that the meeting will be closed
31 and reference each relevant exempting provision, and such
32 reference shall be recorded in the minutes.

33 (4) The commission shall keep minutes that fully and clearly
34 describe all matters discussed in a meeting and shall provide
35 a full and accurate summary of actions taken, and the reasons

1 therefore, including a description of the views expressed. All
2 documents considered in connection with an action shall be
3 identified in such minutes. All minutes and documents of a
4 closed meeting shall remain under seal, subject to release only
5 by a majority vote of the commission or by order of a court of
6 competent jurisdiction.

7 *g.* Financing the commission.

8 (1) The commission shall pay, or provide for the payment
9 of, the reasonable expenses of the commission's establishment,
10 organization, and ongoing activities.

11 (2) The commission may accept any and all appropriate
12 revenue sources as provided in paragraph "c", subparagraph
13 (13).

14 (3) The commission may levy on, and collect an annual
15 assessment from, each member state and impose fees on licensees
16 of member states to whom it grants a multistate license
17 to cover the cost of the operations and activities of the
18 commission and its staff, which must be in a total amount
19 sufficient to cover the commission's annual budget as approved
20 each year for which revenue is not provided by other sources.
21 The aggregate annual assessment amount for member states shall
22 be allocated based upon a formula that the commission shall
23 promulgate by rule.

24 (4) The commission shall not incur obligations of any kind
25 prior to securing the funds adequate to meet the same; nor
26 shall the commission pledge the credit of any of the member
27 states, except by and with the authority of the member state.

28 (5) The commission shall keep accurate accounts of all
29 receipts and disbursements. The receipts and disbursements
30 of the commission shall be subject to the financial review
31 and accounting procedures established under its bylaws.
32 However, all receipts and disbursements of funds handled by the
33 commission shall be subject to an annual financial review by a
34 certified or licensed public accountant, and the report of the
35 financial review shall be included in, and become part of, the

1 annual report of the commission.

2 *h.* Qualified immunity, defense, and indemnification.

3 (1) The members, officers, executive director, employees,
4 and representatives of the commission shall be immune from suit
5 and liability, both personally and in their official capacity,
6 for any claim for damage to or loss of property, personal
7 injury, or other civil liability caused by or arising out of
8 any actual or alleged act, error, or omission that occurred, or
9 that the person against whom the claim is made had a reasonable
10 basis for believing occurred within the scope of commission
11 employment, duties, or responsibilities, provided that nothing
12 in this paragraph shall be construed to protect any such
13 person from suit or liability for any damage, loss, injury,
14 or liability caused by the intentional, willful, or wanton
15 misconduct of that person. The procurement of insurance of any
16 type by the commission shall not in any way compromise or limit
17 the immunity granted hereunder.

18 (2) The commission shall defend any member, officer,
19 executive director, employee, and representative of the
20 commission in any civil action seeking to impose liability
21 arising out of any actual or alleged act, error, or omission
22 that occurred within the scope of commission employment,
23 duties, or responsibilities, or as determined by the commission
24 that the person against whom the claim is made had a reasonable
25 basis for believing occurred within the scope of commission
26 employment, duties, or responsibilities, provided that
27 nothing herein shall be construed to prohibit that person from
28 retaining their own counsel at their own expense, and provided
29 further that the actual or alleged act, error, or omission did
30 not result from that person's intentional or willful or wanton
31 misconduct.

32 (3) The commission shall indemnify and hold harmless
33 any member, officer, executive director, employee, and
34 representative of the commission for the amount of any
35 settlement or judgment obtained against that person arising

1 out of any actual or alleged act, error, or omission that
2 occurred within the scope of commission employment, duties,
3 or responsibilities, or that such person had a reasonable
4 basis for believing occurred within the scope of commission
5 employment, duties, or responsibilities, provided that the
6 actual or alleged act, error, or omission did not result from
7 the intentional or willful or wanton misconduct of that person.

8 (4) Nothing herein shall be construed as a limitation on
9 the liability of any licensee for professional malpractice
10 or misconduct, which shall be governed solely by any other
11 applicable state laws.

12 (5) Nothing in this compact shall be interpreted to
13 waive or otherwise abrogate a member state's state action
14 immunity or state action affirmative defense with respect to
15 antitrust claims under the Sherman Act, the Clayton Act, or
16 any other state or federal antitrust or anticompetitive law or
17 regulation.

18 (6) Nothing in this compact shall be construed to be a
19 waiver of sovereign immunity by the member states or by the
20 commission.

21 11. *Data system.*

22 a. The commission shall provide for the development,
23 maintenance, operation, and utilization of a coordinated data
24 system.

25 b. The commission shall assign each applicant for a
26 multistate license a unique identifier, as determined by the
27 rules of the commission.

28 c. Notwithstanding any other provision of state law to
29 the contrary, a member state shall submit a uniform data set
30 to the data system on all individuals to whom this compact
31 is applicable as required by the rules of the commission,
32 including all of the following:

33 (1) Identifying information.

34 (2) Licensure data.

35 (3) Adverse actions against a license and information

1 related thereto.

2 (4) Nonconfidential information related to alternative
3 program participation, the beginning and ending dates of
4 such participation, and other information related to such
5 participation not made confidential under member state law.

6 (5) Any denial of application for licensure, and the reason
7 for such denial.

8 (6) The presence of current significant investigative
9 information.

10 (7) Other information that may facilitate the
11 administration of this compact or the protection of the public,
12 as determined by the rules of the commission.

13 *d.* The records and information provided to a member
14 state pursuant to this compact or through the data system,
15 when certified by the commission or an agent thereof,
16 shall constitute the authenticated business records of the
17 commission, and shall be entitled to any associated hearsay
18 exception in any relevant judicial, quasi-judicial, or
19 administrative proceedings in a member state.

20 *e.* Current significant investigative information pertaining
21 to a licensee in any member state will only be available to
22 other member states. It is the responsibility of the member
23 states to report any adverse action against a licensee and to
24 monitor the database to determine whether adverse action has
25 been taken against a licensee. Adverse action information
26 pertaining to a licensee in any member state will be available
27 to any other member state.

28 *f.* Member states contributing information to the data
29 system may designate information that may not be shared with
30 the public without the express permission of the contributing
31 state.

32 *g.* Any information submitted to the data system that is
33 subsequently expunged pursuant to federal law, or the laws of
34 the member state contributing the information, shall be removed
35 from the data system.

1 12. *Rulemaking.*

2 *a.* The commission shall promulgate reasonable rules in
3 order to effectively and efficiently implement and administer
4 the purposes and provisions of the compact. A rule shall
5 be invalid and have no force or effect only if a court of
6 competent jurisdiction holds that the rule is invalid because
7 the commission exercised its rulemaking authority in a manner
8 that is beyond the scope and purposes of the compact, or the
9 powers granted hereunder, or based upon another applicable
10 standard of review.

11 *b.* The rules of the commission shall have the force of
12 law in each member state, provided however that where the
13 rules of the commission conflict with the laws of the member
14 state that establish the member state's laws, regulations, and
15 applicable standards that govern the practice of social work
16 as held by a court of competent jurisdiction, the rules of the
17 commission shall be ineffective in that state to the extent of
18 the conflict.

19 *c.* The commission shall exercise its rulemaking powers
20 pursuant to the criteria set forth in this section and the
21 rules adopted thereunder. Rules shall become binding on the
22 day following adoption or the date specified in the rule or
23 amendment, whichever is later.

24 *d.* If a majority of the legislatures of the member states
25 rejects a rule or portion of a rule, by enactment of a statute
26 or resolution in the same manner used to adopt the compact
27 within four years of the date of adoption of the rule, then
28 such rule shall have no further force and effect in any member
29 state.

30 *e.* Rules shall be adopted at a regular or special meeting
31 of the commission.

32 *f.* Prior to adoption of a proposed rule, the commission
33 shall hold a public hearing and allow persons to provide oral
34 and written comments, data, facts, opinions, and arguments.

35 *g.* Prior to adoption of a proposed rule by the commission,

1 and at least thirty days in advance of the meeting at which the
2 commission will hold a public hearing on the proposed rule,
3 the commission shall provide a notice of proposed rulemaking
4 as follows:

5 (1) On the internet site of the commission or other publicly
6 accessible platform.

7 (2) To persons who have requested notice of the commission's
8 notices of proposed rulemaking.

9 (3) In such other ways as the commission may by rule
10 specify.

11 *h.* The notice of proposed rulemaking shall include all of
12 the following:

13 (1) The time, date, and location of the public hearing at
14 which the commission will hear public comments on the proposed
15 rule and, if different, the time, date, and location of the
16 meeting where the commission will consider and vote on the
17 proposed rule.

18 (2) If the hearing is held via telecommunication, video
19 conference, or other electronic means, the commission shall
20 include the mechanism for access to the hearing in the notice
21 of proposed rulemaking.

22 (3) The text of the proposed rule and the reason therefor.

23 (4) A request for comments on the proposed rule from any
24 interested person.

25 (5) The manner in which interested persons may submit
26 written comments.

27 *i.* All hearings will be recorded. A copy of the recording
28 and all written comments and documents received by the
29 commission in response to the proposed rule shall be available
30 to the public.

31 *j.* Nothing in this subsection shall be construed as
32 requiring a separate hearing on each rule. Rules may be
33 grouped for the convenience of the commission at hearings
34 required by this subsection.

35 *k.* The commission shall, by majority vote of all members,

1 take final action on the proposed rule based on the rulemaking
2 record and the full text of the rule.

3 (1) The commission may adopt changes to the proposed rule
4 provided the changes do not enlarge the original purpose of the
5 proposed rule.

6 (2) The commission shall provide an explanation of the
7 reasons for substantive changes made to the proposed rule as
8 well as reasons for substantive changes not made that were
9 recommended by commenters.

10 (3) The commission shall determine a reasonable effective
11 date for the rule. Except for an emergency as provided in
12 paragraph "1", the effective date of the rule shall be no sooner
13 than thirty days after issuing the notice that the commission
14 adopted or amended the rule.

15 1. Upon determination that an emergency exists, the
16 commission may consider and adopt an emergency rule with
17 forty-eight hours' notice, with opportunity to comment,
18 provided that the usual rulemaking procedures provided in the
19 compact and in this subsection shall be retroactively applied
20 to the rule as soon as reasonably possible, in no event later
21 than ninety days after the effective date of the rule. For the
22 purposes of this paragraph, an emergency rule is one that must
23 be adopted immediately in order to do one of the following:

24 (1) Meet an imminent threat to public health, safety, or
25 welfare.

26 (2) Prevent a loss of commission or member state funds.

27 (3) Meet a deadline for the promulgation of a rule that is
28 established by federal law or rule.

29 (4) Protect public health and safety.

30 *m.* The commission or an authorized committee of the
31 commission may direct revisions to a previously adopted rule
32 for purposes of correcting typographical errors, errors in
33 format, errors in consistency, or grammatical errors. Public
34 notice of any revisions shall be posted on the internet site
35 of the commission. The revision shall be subject to challenge

1 by any person for a period of thirty days after posting. The
2 revision may be challenged only on grounds that the revision
3 results in a material change to a rule. A challenge shall
4 be made in writing and delivered to the commission prior to
5 the end of the notice period. If no challenge is made, the
6 revision will take effect without further action. If the
7 revision is challenged, the revision may not take effect
8 without the approval of the commission.

9 *n.* No member state's rulemaking requirements shall apply
10 under this compact.

11 13. *Oversight, dispute resolution, and enforcement.*

12 *a.* Oversight.

13 (1) The executive and judicial branches of state government
14 in each member state shall enforce this compact and take all
15 actions necessary and appropriate to implement the compact.

16 (2) Except as otherwise provided in this compact, venue is
17 proper and judicial proceedings by or against the commission
18 shall be brought solely and exclusively in a court of competent
19 jurisdiction where the principal office of the commission is
20 located. The commission may waive venue and jurisdictional
21 defenses to the extent the commission adopts or consents to
22 participate in alternative dispute resolution proceedings.
23 Nothing herein shall affect or limit the selection or propriety
24 of venue in any action against a licensee for professional
25 malpractice, misconduct, or any such similar matter.

26 (3) The commission shall be entitled to receive service
27 of process in any proceeding regarding the enforcement or
28 interpretation of the compact and shall have standing to
29 intervene in such a proceeding for all purposes. Failure
30 to provide the commission service of process shall render a
31 judgment or order void as to the commission, this compact, or
32 promulgated rules.

33 *b.* Default, technical assistance, and termination.

34 (1) If the commission determines that a member state has
35 defaulted in the performance of the member state's obligations

1 or responsibilities under this compact or the promulgated
2 rules, the commission shall provide written notice to the
3 defaulting state. The notice of default shall describe the
4 default, the proposed means of curing the default, and any
5 other action that the commission may take, and shall offer
6 training and specific technical assistance regarding the
7 default.

8 (2) The commission shall provide a copy of the notice of
9 default to the other member states.

10 *c.* If a state in default fails to cure the default, the
11 defaulting state may be terminated from the compact upon an
12 affirmative vote of a majority of the delegates of the member
13 states, and all rights, privileges, and benefits conferred on
14 that state by this compact may be terminated on the effective
15 date of termination. A cure of the default does not relieve
16 the offending state of obligations or liabilities incurred
17 during the period of default.

18 *d.* Termination of membership in the compact shall be imposed
19 only after all other means of securing compliance have been
20 exhausted. Notice of intent to suspend or terminate shall
21 be given by the commission to the governor, the majority and
22 minority leaders of the defaulting state's legislature, the
23 defaulting state's state licensing authority, and each of the
24 member states' licensing authority.

25 *e.* A state that has been terminated is responsible for all
26 assessments, obligations, and liabilities incurred through
27 the effective date of termination, including obligations that
28 extend beyond the effective date of termination.

29 *f.* Upon the termination of a state's membership from
30 this compact, that state shall immediately provide notice to
31 all licensees within that state of such termination. The
32 terminated state shall continue to recognize all licenses
33 granted pursuant to this compact for a minimum of six months
34 after the date of said notice of termination.

35 *g.* The commission shall not bear any costs related to

1 a state that is found to be in default, or that has been
2 terminated from the compact, unless agreed upon in writing
3 between the commission and the defaulting state.

4 *h.* The defaulting state may appeal the action of the
5 commission by petitioning the United States district court
6 for the District of Columbia or the federal district where
7 the commission has its principal offices. The prevailing
8 party shall be awarded all costs of such litigation, including
9 reasonable attorney fees.

10 *i.* Dispute resolution.

11 (1) Upon request by a member state, the commission shall
12 attempt to resolve disputes related to the compact that arise
13 among member states and between member and nonmember states.

14 (2) The commission shall promulgate a rule providing for
15 both mediation and binding dispute resolution for disputes as
16 appropriate.

17 *j.* Enforcement.

18 (1) By majority vote as provided by rule, the commission may
19 initiate legal action against a member state in default in the
20 United States district court for the District of Columbia, or
21 in the federal district where the commission has its principal
22 offices, to enforce compliance with the provisions of the
23 compact and rules promulgated under the compact. The relief
24 sought may include both injunctive relief and damages. In
25 the event judicial enforcement is necessary, the prevailing
26 party shall be awarded all costs of such litigation, including
27 reasonable attorney fees. The remedies herein shall not be
28 the exclusive remedies of the commission. The commission
29 may pursue any other remedies available under federal or the
30 defaulting member state's law.

31 (2) A member state may initiate legal action against the
32 commission in the United States district court for the District
33 of Columbia, or in the federal district where the commission
34 has its principal offices, to enforce compliance with the
35 provisions of the compact and rules promulgated under the

1 compact. The relief sought may include both injunctive relief
2 and damages. In the event judicial enforcement is necessary,
3 the prevailing party shall be awarded all costs of such
4 litigation, including reasonable attorney fees.

5 (3) No person other than a member state shall enforce this
6 compact against the commission.

7 14. *Effective date, withdrawal, and amendment.*

8 a. The compact shall come into effect on the date on which
9 the compact statute is enacted into law in the seventh member
10 state.

11 (1) On or after the effective date of the compact, the
12 commission shall convene and review the enactment of each of
13 the first seven member states to determine if the statute
14 enacted by each such charter member state is materially
15 different than the model compact statute.

16 (a) A charter member state whose enactment is found to be
17 materially different from the model compact statute shall be
18 entitled to the default process set forth in subsection 13.

19 (b) If any member state is later found to be in default,
20 or is terminated or withdraws from the compact, the commission
21 shall remain in existence and the compact shall remain in
22 effect even if the number of member states should be less than
23 seven.

24 (2) Member states enacting the compact subsequent to the
25 seven initial charter member states shall be subject to the
26 process set forth in subsection 10, paragraph "c", subparagraph
27 (21), to determine if their enactments are materially different
28 from the model compact statute and whether they qualify for
29 participation in the compact.

30 (3) All actions taken for the benefit of the commission
31 or in furtherance of the purposes of the administration of
32 the compact prior to the effective date of the compact or the
33 commission coming into existence shall be considered to be
34 actions of the commission unless specifically repudiated by the
35 commission.

1 (4) Any state that joins the compact subsequent to the
2 commission's initial adoption of the rules and bylaws shall be
3 subject to the rules and bylaws as they exist on the date on
4 which the compact becomes law in that state. Any rule that has
5 been previously adopted by the commission shall have the full
6 force and effect of law on the day the compact becomes law in
7 that state.

8 *b.* Any member state may withdraw from this compact by
9 enacting a statute repealing the same.

10 (1) A member state's withdrawal shall not take effect
11 until one hundred eighty days after enactment of the repealing
12 statute.

13 (2) Withdrawal shall not affect the continuing requirement
14 of the withdrawing state's licensing authority to comply with
15 the investigative and adverse action reporting requirements of
16 this compact prior to the effective date of withdrawal.

17 (3) Upon the enactment of a statute withdrawing from this
18 compact, a state shall immediately provide notice of such
19 withdrawal to all licensees within that state. Notwithstanding
20 any subsequent statutory enactment to the contrary, such
21 withdrawing state shall continue to recognize all licenses
22 granted pursuant to this compact for a minimum of one hundred
23 eighty days after the date of such notice of withdrawal.

24 *c.* Nothing contained in this compact shall be construed
25 to invalidate or prevent any licensure agreement or other
26 cooperative arrangement between a member state and a nonmember
27 state that does not conflict with the provisions of this
28 compact.

29 *d.* This compact may be amended by the member states. No
30 amendment to this compact shall become effective and binding
31 upon any member state until the amendment is enacted into the
32 laws of all member states.

33 15. *Construction and severability.*

34 *a.* This compact and the commission's rulemaking authority
35 shall be liberally construed so as to effectuate the purposes,

1 and the implementation and administration of the compact.
2 Provisions of the compact expressly authorizing or requiring
3 the promulgation of rules shall not be construed to limit the
4 commission's rulemaking authority solely for those purposes.

5 **b.** The provisions of this compact shall be severable and
6 if any phrase, clause, sentence, or provision of this compact
7 is held by a court of competent jurisdiction to be contrary
8 to the constitution of any member state, a state seeking
9 participation in the compact, or of the United States, or
10 the applicability thereof to any government, agency, person,
11 or circumstance is held to be unconstitutional by a court of
12 competent jurisdiction, the validity of the remainder of this
13 compact and the applicability thereof to any other government,
14 agency, person, or circumstance shall not be affected thereby.

15 **c.** Notwithstanding paragraph "b", the commission may deny
16 a state's participation in the compact or, in accordance with
17 the requirements of subsection 13, paragraph "b", terminate a
18 member state's participation in the compact, if the commission
19 determines that a constitutional requirement of a member state
20 is a material departure from the compact. Otherwise, if this
21 compact shall be held to be contrary to the constitution of any
22 member state, the compact shall remain in full force and effect
23 as to the remaining member states, and in full force and effect
24 as to the member state affected as to all severable matters.

25 **16. *Consistent effect and conflict with other state laws.***

26 **a.** A licensee providing services in a remote state under a
27 multistate authorization to practice shall adhere to the laws
28 and regulations, including laws, regulations, and applicable
29 standards, of the remote state where the client is located at
30 the time care is rendered.

31 **b.** Nothing herein shall prevent or inhibit the enforcement
32 of any other law of a member state that is not inconsistent
33 with the compact.

34 **c.** Any laws, statutes, regulations, or other legal
35 requirements in a member state in conflict with the compact are

1 superseded to the extent of the conflict.

2 *d.* All permissible agreements between the commission and the
3 member states are binding in accordance with the terms of the
4 agreement.

5

EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 This bill establishes the social work licensure compact.

9 The compact establishes a system whereby a social worker
10 licensed to practice in one member state may practice in
11 another member state under a multistate license without
12 applying for a license in that state. The compact imposes
13 certain minimum requirements on the licensure of social workers
14 in member states.

15 The compact creates a commission to administer the operation
16 of the compact. The commission is an instrumentality of the
17 member states. The compact includes provisions relating to the
18 establishment and membership of the commission; powers of the
19 commission, meetings and voting requirements of the commission;
20 commission bylaws and rules; commission committees; commission
21 finances; the establishment of a licensure data system;
22 oversight by member states; compacting state compliance;
23 venue for judicial proceedings; defense and indemnification;
24 effective dates and amendments to the compact; withdrawal,
25 default, and expulsion; severability and construction; and the
26 binding effect of the compact and other laws.

27 The compact becomes effective upon the adoption of the
28 compact by the seventh participating state.