

**House File 2512 - Introduced**

HOUSE FILE 2512  
BY COMMITTEE ON HEALTH AND  
HUMAN SERVICES

(SUCCESSOR TO HF 2272)

**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 must currently meet 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.