

By: Johnson

S.B. No. 1726

A BILL TO BE ENTITLED

AN ACT

relating to the Social Work Licensure Compact; authorizing fees.

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

SECTION 1. Chapter 505, Occupations Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. SOCIAL WORK LICENSURE COMPACT

Sec. 505.651. SOCIAL WORK LICENSURE COMPACT. The Social Work Licensure Compact is enacted and entered into with all other jurisdictions that legally join in the compact, which reads as follows:

SOCIAL WORK LICENSURE COMPACT

SECTION 1: PURPOSE

The purpose of this Compact is to facilitate interstate practice of Regulated Social Workers by improving public access to competent Social Work Services. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure.

This Compact is designed to achieve the following objectives:

A. Increase public access to Social Work Services;

B. Reduce overly burdensome and duplicative requirements associated with holding multiple licenses;

C. Enhance the Member States' ability to protect the public's health and safety;

D. Encourage the cooperation of Member States in regulating

1 multistate practice;

2 E. Promote mobility and address workforce shortages by  
3 eliminating the necessity for licenses in multiple States by  
4 providing for the mutual recognition of other Member State  
5 licenses;

6 F. Support military families;

7 G. Facilitate the exchange of licensure and disciplinary  
8 information among Member States;

9 H. Authorize all Member States to hold a Regulated Social  
10 Worker accountable for abiding by a Member State's laws,  
11 regulations, and applicable professional standards in the Member  
12 State in which the client is located at the time care is rendered;  
13 and

14 I. Allow for the use of telehealth to facilitate increased  
15 access to regulated Social Work Services.

16 SECTION 2. DEFINITIONS

17 As used in this Compact, and except as otherwise provided,  
18 the following definitions shall apply:

19 A. "Active Military Member" means any individual with  
20 full-time duty status in the active armed forces of the United  
21 States including members of the National Guard and Reserve.

22 B. "Adverse Action" means any administrative, civil,  
23 equitable or criminal action permitted by a State's laws which is  
24 imposed by a Licensing Authority or other authority against a  
25 Regulated Social Worker, including actions against an individual's  
26 license or Multistate Authorization to Practice such as revocation,  
27 suspension, probation, monitoring of the Licensee, limitation on

1 the Licensee's practice, or any other Encumbrance on licensure  
2 affecting a Regulated Social Worker's authorization to practice,  
3 including issuance of a cease and desist action.

4 C. "Alternative Program" means a non-disciplinary  
5 monitoring or practice remediation process approved by a Licensing  
6 Authority to address practitioners with an Impairment.

7 D. "Charter Member States" - Member States who have enacted  
8 legislation to adopt this Compact where such legislation predates  
9 the effective date of this Compact as described in Section 14.

10 E. "Compact Commission" or "Commission" means the  
11 government agency whose membership consists of all States that have  
12 enacted this Compact, which is known as the Social Work Licensure  
13 Compact Commission, as described in Section 10, and which shall  
14 operate as an instrumentality of the Member States.

15 F. "Current Significant Investigative Information" means:

16 1. Investigative information that a Licensing  
17 Authority, after a preliminary inquiry that includes notification  
18 and an opportunity for the Regulated Social Worker to respond has  
19 reason to believe is not groundless and, if proved true, would  
20 indicate more than a minor infraction as may be defined by the  
21 Commission; or

22 2. Investigative information that indicates that the  
23 Regulated Social Worker represents an immediate threat to public  
24 health and safety, as may be defined by the Commission, regardless  
25 of whether the Regulated Social Worker has been notified and has had  
26 an opportunity to respond.

27 G. "Data System" means a repository of information about

1 Licensees, including, continuing education, examination,  
2 licensure, Current Significant Investigative Information,  
3 Disqualifying Event, Multistate License(s) and Adverse Action  
4 information or other information as required by the Commission.

5 H. "Disqualifying Event" means any Adverse Action or  
6 incident which results in an Encumbrance that disqualifies or makes  
7 the Licensee ineligible to either obtain, retain or renew a  
8 Multistate License.

9 I. "Domicile" means the jurisdiction in which the Licensee  
10 resides and intends to remain indefinitely.

11 J. "Encumbrance" means a revocation or suspension of, or any  
12 limitation on, the full and unrestricted practice of Social Work  
13 licensed and regulated by a Licensing Authority.

14 K. "Executive Committee" means a group of delegates elected  
15 or appointed to act on behalf of, and within the powers granted to  
16 them by, the compact and Commission.

17 L. "Home State" means the Member State that is the  
18 Licensee's primary Domicile.

19 M. "Impairment" means a condition(s) that may impair a  
20 practitioner's ability to engage in full and unrestricted practice  
21 as a Regulated Social Worker without some type of intervention and  
22 may include alcohol and drug dependence, mental health impairment,  
23 and neurological or physical impairments.

24 N. "Licensee(s)" means an individual who currently holds a  
25 license from a State to practice as a Regulated Social Worker.

26 O. "Licensing Authority" means the board or agency of a  
27 Member State, or equivalent, that is responsible for the licensing

1 and regulation of Regulated Social Workers.

2 P. "Member State" means a state, commonwealth, district, or  
3 territory of the United States of America that has enacted this  
4 Compact.

5 Q. "Multistate Authorization to Practice" means a legally  
6 authorized privilege to practice, which is equivalent to a license,  
7 associated with a Multistate License permitting the practice of  
8 Social Work in a Remote State.

9 R. "Multistate License" means a license to practice as a  
10 Regulated Social Worker issued by a Home State Licensing Authority  
11 that authorizes the Regulated Social Worker to practice in all  
12 Member States under Multistate Authorization to Practice.

13 S. "Qualifying National Exam" means a national licensing  
14 examination approved by the Commission.

15 T. "Regulated Social Worker" means any clinical, master's  
16 or bachelor's Social Worker licensed by a Member State regardless  
17 of the title used by that Member State.

18 U. "Remote State" means a Member State other than the  
19 Licensee's Home State.

20 V. "Rule(s)" or "Rule(s) of the Commission" means a  
21 regulation or regulations duly promulgated by the Commission, as  
22 authorized by the Compact, that has the force of law.

23 W. "Single State License" means a Social Work license issued  
24 by any State that authorizes practice only within the issuing State  
25 and does not include Multistate Authorization to Practice in any  
26 Member State.

27 X. "Social Work" or "Social Work Services" means the

1 application of social work theory, knowledge, methods, ethics, and  
2 the professional use of self to restore or enhance social,  
3 psychosocial, or biopsychosocial functioning of individuals,  
4 couples, families, groups, organizations, and communities through  
5 the care and services provided by a Regulated Social Worker as set  
6 forth in the Member State's statutes and regulations in the State  
7 where the services are being provided.

8 Y. "State" means any state, commonwealth, district, or  
9 territory of the United States of America that regulates the  
10 practice of Social Work.

11 Z. "Unencumbered License" means a license that authorizes a  
12 Regulated Social Worker to engage in the full and unrestricted  
13 practice of Social Work.

14 SECTION 3. STATE PARTICIPATION IN THE COMPACT

15 A. To be eligible to participate in the compact, a potential  
16 Member State must currently meet all of the following criteria:

17 1. License and regulate the practice of Social Work at  
18 either the clinical, master's, or bachelor's category.

19 2. Require applicants for licensure to graduate from a  
20 program that is:

21 a. Operated by a college or university recognized  
22 by the Licensing Authority;

23 b. Accredited, or in candidacy by an institution  
24 that subsequently becomes accredited, by an accrediting agency  
25 recognized by either:

26 i. the Council for Higher Education  
27 Accreditation, or its successor; or

1                    ii. the United States Department of  
2 Education; and

3                    c. Corresponds to the licensure sought as  
4 outlined in Section 4.

5                    3. Require applicants for clinical licensure to  
6 complete a period of supervised practice.

7                    4. Have a mechanism in place for receiving,  
8 investigating, and adjudicating complaints about Licensees.

9                    B. To maintain membership in the Compact a Member State  
10 shall:

11                    1. Require that applicants for a Multistate License  
12 pass a Qualifying National Exam for the corresponding category of  
13 Multistate License sought as outlined in Section 4.

14                    2. Participate fully in the Commission's Data System,  
15 including using the Commission's unique identifier as defined in  
16 Rules;

17                    3. Notify the Commission, in compliance with the terms  
18 of the Compact and Rules, of any Adverse Action or the availability  
19 of Current Significant Investigative Information regarding a  
20 Licensee;

21                    4. Implement procedures for considering the criminal  
22 history records of applicants for a Multistate License. Such  
23 procedures shall include the submission of fingerprints or other  
24 biometric-based information by applicants for the purpose of  
25 obtaining an applicant's criminal history record information from  
26 the Federal Bureau of Investigation and the agency responsible for  
27 retaining that State's criminal records.

1           5. Comply with the Rules of the Commission;

2           6. Require an applicant to obtain or retain a license  
3 in the Home State and meet the Home State's qualifications for  
4 licensure or renewal of licensure, as well as all other applicable  
5 Home State laws;

6           7. Authorize a Licensee holding a Multistate License  
7 in any Member State to practice in accordance with the terms of the  
8 Compact and Rules of the Commission; and

9           8. Designate a delegate to participate in the  
10 Commission meetings.

11           C. A Member State meeting the requirements of Section 3.A.  
12 and 3.B of this Compact shall designate the categories of Social  
13 Work licensure that are eligible for issuance of a Multistate  
14 License for applicants in such Member State. To the extent that any  
15 Member State does not meet the requirements for participation in  
16 the Compact at any particular category of Social Work licensure,  
17 such Member State may choose, but is not obligated to, issue a  
18 Multistate License to applicants that otherwise meet the  
19 requirements of Section 4 for issuance of a Multistate License in  
20 such category or categories of licensure.

21           D. The Home State may charge a fee for granting the  
22 Multistate License.

23           SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT

24           A. To be eligible for a Multistate License under the terms  
25 and provisions of the Compact, an applicant, regardless of category  
26 must:

27           1. Hold or be eligible for an active, Unencumbered



1 License in the Home State;

2 2. Pay any applicable fees, including any State fee,  
3 for the Multistate License;

4 3. Submit, in connection with an application for a  
5 Multistate License, fingerprints or other biometric data for the  
6 purpose of obtaining criminal history record information from the  
7 Federal Bureau of Investigation and the agency responsible for  
8 retaining that State's criminal records.

9 4. Notify the Home State of any Adverse Action,  
10 Encumbrance, or restriction on any professional license taken by  
11 any Member State or non-Member State within 30 days from the date  
12 the action is taken.

13 5. Meet any continuing competence requirements  
14 established by the Home State;

15 6. Abide by the laws, regulations, and applicable  
16 standards in the Member State where the client is located at the  
17 time care is rendered.

18 B. An applicant for a clinical-category Multistate License  
19 must meet all of the following requirements:

20 2. Fulfill a competency requirement, which shall be  
21 satisfied by either:

22 a. Passage of a clinical-category Qualifying  
23 National Exam; or

24 b. Licensure of the applicant in their Home State  
25 at the clinical category, beginning prior to such time as a  
26 Qualifying National Exam was required by the Home State and  
27 accompanied by a period of continuous Social Work licensure

1 thereafter, all of which may be further governed by the Rules of the  
2 Commission; or

3 c. The substantial equivalency of the foregoing  
4 competency requirements which the Commission may determine by Rule.

5 3. Attain at least a master's degree in Social Work  
6 from a program that is:

7 a. Operated by a college or university recognized  
8 by the Licensing Authority; and

9 b. Accredited, or in candidacy that subsequently  
10 becomes accredited, by an accrediting agency recognized by either:

11 i. the Council for Higher Education  
12 Accreditation or its successor; or

13 ii. the United States Department of  
14 Education.

15 4. Fulfill a practice requirement, which shall be  
16 satisfied by demonstrating completion of either:

17 a. A period of postgraduate supervised clinical  
18 practice equal to a minimum of three thousand hours; or

19 b. A minimum of two years of full-time  
20 postgraduate supervised clinical practice; or

21 c. The substantial equivalency of the foregoing  
22 practice requirements which the Commission may determine by Rule.

23 C. An applicant for a master's-category Multistate License  
24 must meet all of the following requirements:

25 1. Fulfill a competency requirement, which shall be  
26 satisfied by either:

27 a. Passage of a masters-category Qualifying

1 National Exam;

2 b. Licensure of the applicant in their Home State  
3 at the master's category, beginning prior to such time as a  
4 Qualifying National Exam was required by the Home State at the  
5 master's category and accompanied by a continuous period of Social  
6 Work licensure thereafter, all of which may be further governed by  
7 the Rules of the Commission; or

8 c. The substantial equivalency of the foregoing  
9 competency requirements which the Commission may determine by Rule.

10 2. Attain at least a master's degree in Social Work  
11 from a program that is:

12 a. Operated by a college or university recognized  
13 by the Licensing Authority; and

14 b. Accredited, or in candidacy that subsequently  
15 becomes accredited, by an accrediting agency recognized by either:

16 i. the Council for Higher Education  
17 Accreditation or its successor; or

18 ii. the United States Department of  
19 Education.

20 D. An applicant for a bachelor's-category Multistate  
21 License must meet all of the following requirements:

22 1. Fulfill a competency requirement, which shall be  
23 satisfied by either:

24 a. Passage of a bachelor's-category Qualifying  
25 National Exam;

26 b. Licensure of the applicant in their Home State  
27 at the bachelor's category, beginning prior to such time as a

1 Qualifying National Exam was required by the Home State and  
2 accompanied by a period of continuous Social Work licensure  
3 thereafter, all of which may be further governed by the Rules of the  
4 Commission; or

5 c. The substantial equivalency of the foregoing  
6 competency requirements which the Commission may determine by Rule.

7 2. Attain at least a bachelor's degree in Social Work  
8 from a program that is:

9 a. Operated by a college or university recognized  
10 by the Licensing Authority; and

11 b. Accredited, or in candidacy that subsequently  
12 becomes accredited, by an accrediting agency recognized by either:

13 i. the Council for Higher Education  
14 Accreditation or its successor; or

15 ii. the United States Department of  
16 Education.

17 E. The Multistate License for a Regulated Social Worker is  
18 subject to the renewal requirements of the Home State. The  
19 Regulated Social Worker must maintain compliance with the  
20 requirements of Section 4(A) to be eligible to renew a Multistate  
21 License.

22 F. The Regulated Social Worker's services in a Remote State  
23 are subject to that Member State's regulatory authority. A Remote  
24 State may, in accordance with due process and that Member State's  
25 laws, remove a Regulated Social Worker's Multistate Authorization  
26 to Practice in the Remote State for a specific period of time,  
27 impose fines, and take any other necessary actions to protect the

1 health and safety of its citizens.

2 G. If a Multistate License is encumbered, the Regulated  
3 Social Worker's Multistate Authorization to Practice shall be  
4 deactivated in all Remote States until the Multistate License is no  
5 longer encumbered.

6 H. If a Multistate Authorization to Practice is encumbered  
7 in a Remote State, the regulated Social Worker's Multistate  
8 Authorization to Practice may be deactivated in that State until  
9 the Multistate Authorization to Practice is no longer encumbered.

10 SECTION 5: ISSUANCE OF A MULTISTATE LICENSE

11 A. Upon receipt of an application for Multistate License,  
12 the Home State Licensing Authority shall determine the applicant's  
13 eligibility for a Multistate License in accordance with Section 4  
14 of this Compact.

15 B. If such applicant is eligible pursuant to Section 4 of  
16 this Compact, the Home State Licensing Authority shall issue a  
17 Multistate License that authorizes the applicant or Regulated  
18 Social Worker to practice in all Member States under a Multistate  
19 Authorization to Practice.

20 C. Upon issuance of a Multistate License, the Home State  
21 Licensing Authority shall designate whether the Regulated Social  
22 Worker holds a Multistate License in the Bachelors, Masters, or  
23 Clinical category of Social Work.

24 D. A Multistate License issued by a Home State to a resident  
25 in that State shall be recognized by all Compact Member States as  
26 authorizing Social Work Practice under a Multistate Authorization  
27 to Practice corresponding to each category of licensure regulated

1 in each Member State.

2 SECTION 6: AUTHORITY OF INTERSTATE COMPACT COMMISSION AND MEMBER  
3 STATE LICENSING AUTHORITIES

4 A. Nothing in this Compact, nor any Rule of the Commission,  
5 shall be construed to limit, restrict, or in any way reduce the  
6 ability of a Member State to enact and enforce laws, regulations, or  
7 other rules related to the practice of Social Work in that State,  
8 where those laws, regulations, or other rules are not inconsistent  
9 with the provisions of this Compact.

10 B. Nothing in this Compact shall affect the requirements  
11 established by a Member State for the issuance of a Single State  
12 License.

13 C. Nothing in this Compact, nor any Rule of the Commission,  
14 shall be construed to limit, restrict, or in any way reduce the  
15 ability of a Member State to take Adverse Action against a  
16 Licensee's Single State License to practice Social Work in that  
17 State.

18 D. Nothing in this Compact, nor any Rule of the Commission,  
19 shall be construed to limit, restrict, or in any way reduce the  
20 ability of a Remote State to take Adverse Action against a  
21 Licensee's Multistate Authorization to Practice in that State.

22 E. Nothing in this Compact, nor any Rule of the Commission,  
23 shall be construed to limit, restrict, or in any way reduce the  
24 ability of a Licensee's Home State to take Adverse Action against a  
25 Licensee's Multistate License based upon information provided by a  
26 Remote State.

27 SECTION 7: REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

1       A. A Licensee can hold a Multistate License, issued by their  
2 Home State, in only one Member State at any given time.

3       B. If a Licensee changes their Home State by moving between  
4 two Member States:

5           1. The Licensee shall immediately apply for the  
6 reissuance of their Multistate License in their new Home State. The  
7 Licensee shall pay all applicable fees and notify the prior Home  
8 State in accordance with the Rules of the Commission.

9           2. Upon receipt of an application to reissue a  
10 Multistate License, the new Home State shall verify that the  
11 Multistate License is active, unencumbered and eligible for  
12 reissuance under the terms of the Compact and the Rules of the  
13 Commission. The Multistate License issued by the prior Home State  
14 will be deactivated and all Member States notified in accordance  
15 with the applicable Rules adopted by the Commission.

16           3. Prior to the reissuance of the Multistate License,  
17 the new Home State shall conduct procedures for considering the  
18 criminal history records of the Licensee. Such procedures shall  
19 include the submission of fingerprints or other biometric-based  
20 information by applicants for the purpose of obtaining an  
21 applicant's criminal history record information from the Federal  
22 Bureau of Investigation and the agency responsible for retaining  
23 that State's criminal records.

24           4. If required for initial licensure, the new Home  
25 State may require completion of jurisprudence requirements in the  
26 new Home State.

27           5. Notwithstanding any other provision of this

1 Compact, if a Licensee does not meet the requirements set forth in  
2 this Compact for the reissuance of a Multistate License by the new  
3 Home State, then the Licensee shall be subject to the new Home State  
4 requirements for the issuance of a Single State License in that  
5 State.

6 C. If a Licensee changes their primary State of residence by  
7 moving from a Member State to a non-Member State, or from a  
8 non-Member State to a Member State, then the Licensee shall be  
9 subject to the State requirements for the issuance of a Single State  
10 License in the new Home State.

11 D. Nothing in this Compact shall interfere with a Licensee's  
12 ability to hold a Single State License in multiple States; however,  
13 for the purposes of this Compact, a Licensee shall have only one  
14 Home State, and only one Multistate License.

15 E. Nothing in this Compact shall interfere with the  
16 requirements established by a Member State for the issuance of a  
17 Single State License.

18 SECTION 8. MILITARY FAMILIES

19 An Active Military Member or their spouse shall designate a  
20 Home State where the individual has a Multistate License. The  
21 individual may retain their Home State designation during the  
22 period the service member is on active duty.

23 SECTION 9. ADVERSE ACTIONS

24 A. In addition to the other powers conferred by State law, a  
25 Remote State shall have the authority, in accordance with existing  
26 State due process law, to:

27 1. Take Adverse Action against a Regulated Social



1 Worker's Multistate Authorization to Practice only within that  
2 Member State, and issue subpoenas for both hearings and  
3 investigations that require the attendance and testimony of  
4 witnesses as well as the production of evidence. Subpoenas issued  
5 by a Licensing Authority in a Member State for the attendance and  
6 testimony of witnesses or the production of evidence from another  
7 Member State shall be enforced in the latter State by any court of  
8 competent jurisdiction, according to the practice and procedure of  
9 that court applicable to subpoenas issued in proceedings pending  
10 before it. The issuing Licensing Authority shall pay any witness  
11 fees, travel expenses, mileage, and other fees required by the  
12 service statutes of the State in which the witnesses or evidence are  
13 located.

14 2. Only the Home State shall have the power to take  
15 Adverse Action against a Regulated Social Worker's Multistate  
16 License.

17 B. For purposes of taking Adverse Action, the Home State  
18 shall give the same priority and effect to reported conduct  
19 received from a Member State as it would if the conduct had occurred  
20 within the Home State. In so doing, the Home State shall apply its  
21 own State laws to determine appropriate action.

22 C. The Home State shall complete any pending investigations  
23 of a Regulated Social Worker who changes their Home State during the  
24 course of the investigations. The Home State shall also have the  
25 authority to take appropriate action(s) and shall promptly report  
26 the conclusions of the investigations to the administrator of the  
27 Data System. The administrator of the Data System shall promptly

1 notify the new Home State of any Adverse Actions.

2 D. A Member State, if otherwise permitted by State law, may  
3 recover from the affected Regulated Social Worker the costs of  
4 investigations and dispositions of cases resulting from any Adverse  
5 Action taken against that Regulated Social Worker.

6 E. A Member State may take Adverse Action based on the  
7 factual findings of another Member State, provided that the Member  
8 State follows its own procedures for taking the Adverse Action.

9 F. Joint Investigations:

10 1. In addition to the authority granted to a Member  
11 State by its respective Social Work practice act or other  
12 applicable State law, any Member State may participate with other  
13 Member States in joint investigations of Licensees.

14 2. Member States shall share any investigative,  
15 litigation, or compliance materials in furtherance of any joint or  
16 individual investigation initiated under the Compact.

17 G. If Adverse Action is taken by the Home State against the  
18 Multistate License of a Regulated Social Worker, the Regulated  
19 Social Worker's Multistate Authorization to Practice in all other  
20 Member States shall be deactivated until all Encumbrances have been  
21 removed from the Multistate License. All Home State disciplinary  
22 orders that impose Adverse Action against the license of a  
23 Regulated Social Worker shall include a statement that the  
24 Regulated Social Worker's Multistate Authorization to Practice is  
25 deactivated in all Member States until all conditions of the  
26 decision, order or agreement are satisfied.

27 H. If a Member State takes Adverse Action, it shall promptly

1 notify the administrator of the Data System. The administrator of  
2 the Data System shall promptly notify the Home State and all other  
3 Member State's of any Adverse Actions by Remote States.

4 I. Nothing in this Compact shall override a Member State's  
5 decision that participation in an Alternative Program may be used  
6 in lieu of Adverse Action.

7 J. Nothing in this Compact shall authorize a Member State to  
8 demand the issuance of subpoenas for attendance and testimony of  
9 witnesses or the production of evidence from another Member State  
10 for lawful actions within that Member State.

11 K. Nothing in this Compact shall authorize a Member State to  
12 impose discipline against a Regulated Social Worker who holds a  
13 Multistate Authorization to Practice for lawful actions within  
14 another Member State.

15 SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT

16 COMMISSION

17 A. The Compact Member States hereby create and establish a  
18 joint government agency whose membership consists of all Member  
19 States that have enacted the compact known as the Social Work  
20 Licensure Compact Commission. The Commission is an instrumentality  
21 of the Compact States acting jointly and not an instrumentality of  
22 any one State. The Commission shall come into existence on or after  
23 the effective date of the Compact as set forth in Section 14.

24 B. Membership, Voting, and Meetings

25 1. Each Member State shall have and be limited to one  
26 (1) delegate selected by that Member State's State Licensing  
27 Authority.

1           2. The delegate shall be either:

2                   a. A current member of the State Licensing  
3 Authority at the time of appointment, who is a Regulated Social  
4 Worker or public member of the State Licensing Authority; or

5                   b. An administrator of the State Licensing  
6 Authority or their designee.

7           3. The Commission shall by Rule or bylaw establish a  
8 term of office for delegates and may by Rule or bylaw establish term  
9 limits.

10           4. The Commission may recommend removal or suspension  
11 any delegate from office.

12           5. A Member State's State Licensing Authority shall  
13 fill any vacancy of its delegate occurring on the Commission within  
14 60 days of the vacancy.

15           6. Each delegate shall be entitled to one vote on all  
16 matters before the Commission requiring a vote by Commission  
17 delegates.

18           7. A delegate shall vote in person or by such other  
19 means as provided in the bylaws. The bylaws may provide for  
20 delegates to meet by telecommunication, videoconference, or other  
21 means of communication.

22           8. The Commission shall meet at least once during each  
23 calendar year. Additional meetings may be held as set forth in the  
24 bylaws. The Commission may meet by telecommunication, video  
25 conference or other similar electronic means.

26           C. The Commission shall have the following powers:

27                   1. Establish the fiscal year of the Commission;

- 1           2. Establish code of conduct and conflict of interest  
2 policies;
- 3           3. Establish and amend Rules and bylaws;
- 4           4. Maintain its financial records in accordance with  
5 the bylaws;
- 6           5. Meet and take such actions as are consistent with  
7 the provisions of this Compact, the Commission's Rules, and the  
8 bylaws;
- 9           6. Initiate and conclude legal proceedings or actions  
10 in the name of the Commission, provided that the standing of any  
11 State Licensing Board to sue or be sued under applicable law shall  
12 not be affected;
- 13           7. Maintain and certify records and information  
14 provided to a Member State as the authenticated business records of  
15 the Commission, and designate an agent to do so on the Commission's  
16 behalf;
- 17           8. Purchase and maintain insurance and bonds;
- 18           9. Borrow, accept, or contract for services of  
19 personnel, including, but not limited to, employees of a Member  
20 State;
- 21           10. Conduct an annual financial review
- 22           11. Hire employees, elect or appoint officers, fix  
23 compensation, define duties, grant such individuals appropriate  
24 authority to carry out the purposes of the Compact, and establish  
25 the Commission's personnel policies and programs relating to  
26 conflicts of interest, qualifications of personnel, and other  
27 related personnel matters;

- 1           12. Assess and collect fees;
- 2           13. Accept any and all appropriate gifts, donations,  
3 grants of money, other sources of revenue, equipment, supplies,  
4 materials, and services, and receive, utilize, and dispose of the  
5 same; provided that at all times the Commission shall avoid any  
6 appearance of impropriety or conflict of interest;
- 7           14. Lease, purchase, retain, own, hold, improve, or  
8 use any property, real, personal, or mixed, or any undivided  
9 interest therein;
- 10          15. Sell, convey, mortgage, pledge, lease, exchange,  
11 abandon, or otherwise dispose of any property real, personal, or  
12 mixed;
- 13          16. Establish a budget and make expenditures;
- 14          17. Borrow money;
- 15          18. Appoint committees, including standing  
16 committees, composed of members, State regulators, State  
17 legislators or their representatives, and consumer  
18 representatives, and such other interested persons as may be  
19 designated in this Compact and the bylaws;
- 20          19. Provide and receive information from, and  
21 cooperate with, law enforcement agencies;
- 22          20. Establish and elect an Executive Committee,  
23 including a chair and a vice chair;
- 24          21. Determine whether a State's adopted language is  
25 materially different from the model compact language such that the  
26 State would not qualify for participation in the Compact; and
- 27          22. Perform such other functions as may be necessary

1 or appropriate to achieve the purposes of this Compact.

2 D. The Executive Committee

3 1. The Executive Committee shall have the power to act  
4 on behalf of the Commission according to the terms of this Compact.  
5 The powers, duties, and responsibilities of the Executive Committee  
6 shall include:

7 a. Oversee the day-to-day activities of the  
8 administration of the compact including enforcement and compliance  
9 with the provisions of the compact, its Rules and bylaws, and other  
10 such duties as deemed necessary;

11 b. Recommend to the Commission changes to the  
12 Rules or bylaws, changes to this Compact legislation, fees charged  
13 to Compact Member States, fees charged to Licensees, and other  
14 fees;

15 c. Ensure Compact administration services are  
16 appropriately provided, including by contract;

17 d. Prepare and recommend the budget;

18 e. Maintain financial records on behalf of the  
19 Commission;

20 f. Monitor Compact compliance of Member States  
21 and provide compliance reports to the Commission;

22 g. Establish additional committees as necessary;

23 h. Exercise the powers and duties of the  
24 Commission during the interim between Commission meetings, except  
25 for adopting or amending Rules, adopting or amending bylaws, and  
26 exercising any other powers and duties expressly reserved to the  
27 Commission by Rule or bylaw; and

1           i. Other duties as provided in the Rules or  
2 bylaws of the Commission.

3           2. The Executive Committee shall be composed of up to  
4 eleven (11) members:

5           a. The chair and vice chair of the Commission  
6 shall be voting members of the Executive Committee; and

7           b. The Commission shall elect five voting members  
8 from the current membership of the Commission.

9           c. Up to four (4) ex-officio, nonvoting members  
10 from four (4) recognized national Social Work organizations.

11           d. The ex-officio members will be selected by  
12 their respective organizations.

13           3. The Commission may remove any member of the  
14 Executive Committee as provided in the Commission's bylaws.

15           4. The Executive Committee shall meet at least  
16 annually.

17           a. Executive Committee meetings shall be open to  
18 the public, except that the Executive Committee may meet in a  
19 closed, non-public meeting as provided in subsection F.2 below.

20           b. The Executive Committee shall give seven (7)  
21 days' notice of its meetings, posted on its website and as  
22 determined to provide notice to persons with an interest in the  
23 business of the Commission.

24           c. The Executive Committee may hold a special  
25 meeting in accordance with subsection F.1.b. below.

26           E. The Commission shall adopt and provide to the Member  
27 States an annual report.



1 F. Meetings of the Commission

2 1. All meetings shall be open to the public, except  
3 that the Commission may meet in a closed, non-public meeting as  
4 provided in subsection F.2 below.

5 a. Public notice for all meetings of the full  
6 Commission of meetings shall be given in the same manner as required  
7 under the Rulemaking provisions in Section 12, except that the  
8 Commission may hold a special meeting as provided in subsection  
9 F.1.b below.

10 b. The Commission may hold a special meeting when  
11 it must meet to conduct emergency business by giving 48 hours'  
12 notice to all commissioners, on the Commission's website, and other  
13 means as provided in the Commission's Rules. The Commission's legal  
14 counsel shall certify that the Commission's need to meet qualifies  
15 as an emergency.

16 2. The Commission or the Executive Committee or other  
17 committees of the Commission may convene in a closed, non-public  
18 meeting for the Commission or Executive Committee or other  
19 committees of the Commission to receive legal advice or to discuss:

20 a. Non-compliance of a Member State with its  
21 obligations under the Compact;

22 b. The employment, compensation, discipline or  
23 other matters, practices or procedures related to specific  
24 employees;

25 c. Current or threatened discipline of a Licensee  
26 by the Commission or by a Member State's Licensing Authority;

27 d. Current, threatened, or reasonably

- 1 anticipated litigation;  
2 e. Negotiation of contracts for the purchase,  
3 lease, or sale of goods, services, or real estate;  
4 f. Accusing any person of a crime or formally  
5 censuring any person;  
6 g. Trade secrets or commercial or financial  
7 information that is privileged or confidential;  
8 h. Information of a personal nature where  
9 disclosure would constitute a clearly unwarranted invasion of  
10 personal privacy;  
11 i. Investigative records compiled for law  
12 enforcement purposes;  
13 j. Information related to any investigative  
14 reports prepared by or on behalf of or for use of the Commission or  
15 other committee charged with responsibility of investigation or  
16 determination of compliance issues pursuant to the Compact;  
17 k. Matters specifically exempted from disclosure  
18 by federal or Member State law; or  
19 l. Other matters as promulgated by the Commission  
20 by Rule.  
21 3. If a meeting, or portion of a meeting, is closed,  
22 the presiding officer shall state that the meeting will be closed  
23 and reference each relevant exempting provision, and such reference  
24 shall be recorded in the minutes.  
25 4. The Commission shall keep minutes that fully and  
26 clearly describe all matters discussed in a meeting and shall  
27 provide a full and accurate summary of actions taken, and the

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

7 G. Financing of the Commission

8 1. The Commission shall pay, or provide for the  
9 payment of, the reasonable expenses of its establishment,  
10 organization, and ongoing activities.

11 2. The Commission may accept any and all appropriate  
12 revenue sources as provided in subsection C(13).

13 3. The Commission may levy on and collect an annual  
14 assessment from each Member State and impose fees on Licensees of  
15 Member States to whom it grants a Multistate License to cover the  
16 cost of the operations and activities of the Commission and its  
17 staff, which must be in a total amount sufficient to cover its  
18 annual budget as approved each year for which revenue is not  
19 provided by other sources. The aggregate annual assessment amount  
20 for Member States shall be allocated based upon a formula that the  
21 Commission shall promulgate by Rule.

22 4. The Commission shall not incur obligations of any  
23 kind prior to securing the funds adequate to meet the same; nor  
24 shall the Commission pledge the credit of any of the Member States,  
25 except by and with the authority of the Member State.

26 5. The Commission shall keep accurate accounts of all  
27 receipts and disbursements. The receipts and disbursements of the

1 Commission shall be subject to the financial review and accounting  
2 procedures established under its bylaws. However, all receipts and  
3 disbursements of funds handled by the Commission shall be subject  
4 to an annual financial review by a certified or licensed public  
5 accountant, and the report of the financial review shall be  
6 included in and become part of the annual report of the Commission.

7 H. Qualified Immunity, Defense, and Indemnification

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

22 2. The Commission shall defend any member, officer,  
23 executive director, employee, and representative of the Commission  
24 in any civil action seeking to impose liability arising out of any  
25 actual or alleged act, error, or omission that occurred within the  
26 scope of Commission employment, duties, or responsibilities, or as  
27 determined by the Commission that the person against whom the claim

1 is made had a reasonable basis for believing occurred within the  
2 scope of Commission employment, duties, or responsibilities;  
3 provided that nothing herein shall be construed to prohibit that  
4 person from retaining their own counsel at their own expense; and  
5 provided further, that the actual or alleged act, error, or  
6 omission did not result from that person's intentional or willful  
7 or wanton misconduct.

8 3. The Commission shall indemnify and hold harmless  
9 any member, officer, executive director, employee, and  
10 representative of the Commission for the amount of any settlement  
11 or judgment obtained against that person arising out of any actual  
12 or alleged act, error, or omission that occurred within the scope of  
13 Commission employment, duties, or responsibilities, or that such  
14 person had a reasonable basis for believing occurred within the  
15 scope of Commission employment, duties, or responsibilities,  
16 provided that the actual or alleged act, error, or omission did not  
17 result from the intentional or willful or wanton misconduct of that  
18 person.

19 4. Nothing herein shall be construed as a limitation  
20 on the liability of any Licensee for professional malpractice or  
21 misconduct, which shall be governed solely by any other applicable  
22 State laws.

23 5. Nothing in this Compact shall be interpreted to  
24 waive or otherwise abrogate a Member State's state action immunity  
25 or state action affirmative defense with respect to antitrust  
26 claims under the Sherman Act, Clayton Act, or any other State or  
27 federal antitrust or anticompetitive law or regulation.

1           6. Nothing in this Compact shall be construed to be a  
2 waiver of sovereign immunity by the Member States or by the  
3 Commission.

4                           SECTION 11. DATA SYSTEM

5           A. The Commission shall provide for the development,  
6 maintenance, operation, and utilization of a coordinated Data  
7 System.

8           B. The Commission shall assign each applicant for a  
9 Multistate License a unique identifier, as determined by the Rules  
10 of the Commission.

11           C. Notwithstanding any other provision of State law to the  
12 contrary, a Member State shall submit a uniform data set to the Data  
13 System on all individuals to whom this Compact is applicable as  
14 required by the Rules of the Commission, including:

15                   1. Identifying information;

16                   2. Licensure data;

17                   3. Adverse Actions against a license and information  
18 related thereto;

19                   4. Non-confidential information related to  
20 Alternative Program participation, the beginning and ending dates  
21 of such participation, and other information related to such  
22 participation not made confidential under Member State law;

23                   5. Any denial of application for licensure, and the  
24 reason(s) for such denial;

25                   6. The presence of Current Significant Investigative  
26 Information; and

27                   7. Other information that may facilitate the

1 administration of this Compact or the protection of the public, as  
2 determined by the Rules of the Commission.

3 D. The records and information provided to a Member State  
4 pursuant to this Compact or through the Data System, when certified  
5 by the Commission or an agent thereof, shall constitute the  
6 authenticated business records of the Commission, and shall be  
7 entitled to any associated hearsay exception in any relevant  
8 judicial, quasi-judicial or administrative proceedings in a Member  
9 State.

10 E. Current Significant Investigative Information  
11 pertaining to a Licensee in any Member State will only be available  
12 to other Member States.

13 1. It is the responsibility of the Member States to  
14 report any Adverse Action against a Licensee and to monitor the  
15 database to determine whether Adverse Action has been taken against  
16 a Licensee. Adverse Action information pertaining to a Licensee in  
17 any Member State will be available to any other Member State.

18 F. Member States contributing information to the Data  
19 System may designate information that may not be shared with the  
20 public without the express permission of the contributing State.

21 G. Any information submitted to the Data System that is  
22 subsequently expunged pursuant to federal law or the laws of the  
23 Member State contributing the information shall be removed from the  
24 Data System.

25 SECTION 12. RULEMAKING

26 A. The Commission shall promulgate reasonable Rules in  
27 order to effectively and efficiently implement and administer the

1 purposes and provisions of the Compact. A Rule shall be invalid and  
2 have no force or effect only if a court of competent jurisdiction  
3 holds that the Rule is invalid because the Commission exercised its  
4 rulemaking authority in a manner that is beyond the scope and  
5 purposes of the Compact, or the powers granted hereunder, or based  
6 upon another applicable standard of review.

7 B. The Rules of the Commission shall have the force of law in  
8 each Member State, provided however that where the Rules of the  
9 Commission conflict with the laws of the Member State that  
10 establish the Member State's laws, regulations, and applicable  
11 standards that govern the practice of Social Work as held by a court  
12 of competent jurisdiction, the Rules of the Commission shall be  
13 ineffective in that State to the extent of the conflict.

14 C. The Commission shall exercise its Rulemaking powers  
15 pursuant to the criteria set forth in this Section and the Rules  
16 adopted thereunder. Rules shall become binding on the day  
17 following adoption or the date specified in the rule or amendment,  
18 whichever is later.

19 D. If a majority of the legislatures of the Member States  
20 rejects a Rule or portion of a Rule, by enactment of a statute or  
21 resolution in the same manner used to adopt the Compact within four  
22 (4) years of the date of adoption of the Rule, then such Rule shall  
23 have no further force and effect in any Member State.

24 E. Rules shall be adopted at a regular or special meeting of  
25 the Commission.

26 F. Prior to adoption of a proposed Rule, the Commission  
27 shall hold a public hearing and allow persons to provide oral and



1 written comments, data, facts, opinions, and arguments.

2 G. Prior to adoption of a proposed Rule by the Commission,  
3 and at least thirty (30) days in advance of the meeting at which the  
4 Commission will hold a public hearing on the proposed Rule, the  
5 Commission shall provide a Notice of Proposed Rulemaking:

6 1. On the website of the Commission or other publicly  
7 accessible platform;

8 2. To persons who have requested notice of the  
9 Commission's notices of proposed rulemaking, and

10 3. In such other way(s) as the Commission may by Rule  
11 specify.

12 H. The Notice of Proposed Rulemaking shall include:

13 1. The time, date, and location of the public hearing  
14 at which the Commission will hear public comments on the proposed  
15 Rule and, if different, the time, date, and location of the meeting  
16 where the Commission will consider and vote on the proposed Rule;

17 2. If the hearing is held via telecommunication, video  
18 conference, or other electronic means, the Commission shall include  
19 the mechanism for access to the hearing in the Notice of Proposed  
20 Rulemaking;

21 3. The text of the proposed Rule and the reason  
22 therefor;

23 4. A request for comments on the proposed Rule from any  
24 interested person; and

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

1 and all written comments and documents received by the Commission  
2 in response to the proposed Rule shall be available to the public.

3 J. Nothing in this section shall be construed as requiring a  
4 separate hearing on each Rule. Rules may be grouped for the  
5 convenience of the Commission at hearings required by this section.

6 K. The Commission shall, by majority vote of all members,  
7 take final action on the proposed Rule based on the Rulemaking  
8 record and the full text of the Rule.

9 1. The Commission may adopt changes to the proposed  
10 Rule provided the changes do not enlarge the original purpose of the  
11 proposed Rule.

12 2. The Commission shall provide an explanation of the  
13 reasons for substantive changes made to the proposed Rule as well as  
14 reasons for substantive changes not made that were recommended by  
15 commenters.

16 3. The Commission shall determine a reasonable  
17 effective date for the Rule. Except for an emergency as provided in  
18 Section 12.L, the effective date of the rule shall be no sooner than  
19 30 days after issuing the notice that it adopted or amended the  
20 Rule.

21 L. Upon determination that an emergency exists, the  
22 Commission may consider and adopt an emergency Rule with 48 hours'  
23 notice, with opportunity to comment, provided that the usual  
24 Rulemaking procedures provided in the Compact and in this section  
25 shall be retroactively applied to the Rule as soon as reasonably  
26 possible, in no event later than ninety (90) days after the  
27 effective date of the Rule. For the purposes of this provision, an

1 emergency Rule is one that must be adopted immediately in order to:

2 1. Meet an imminent threat to public health, safety,  
3 or welfare;

4 2. Prevent a loss of Commission or Member State funds;

5 3. Meet a deadline for the promulgation of a Rule that  
6 is established by federal law or rule; or

7 4. Protect public health and safety.

8 M. The Commission or an authorized committee of the  
9 Commission may direct revisions to a previously adopted Rule for  
10 purposes of correcting typographical errors, errors in format,  
11 errors in consistency, or grammatical errors. Public notice of any  
12 revisions shall be posted on the website of the Commission. The  
13 revision shall be subject to challenge by any person for a period of  
14 thirty (30) days after posting. The revision may be challenged only  
15 on grounds that the revision results in a material change to a Rule.  
16 A challenge shall be made in writing and delivered to the Commission  
17 prior to the end of the notice period. If no challenge is made, the  
18 revision will take effect without further action. If the revision  
19 is challenged, the revision may not take effect without the  
20 approval of the Commission.

21 N. No Member State's rulemaking requirements shall apply  
22 under this compact.

23 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

24 A. Oversight

25 1. The executive and judicial branches of State  
26 government in each Member State shall enforce this Compact and take  
27 all actions necessary and appropriate to implement the Compact.

1           2. Except as otherwise provided in this Compact, venue  
2 is proper and judicial proceedings by or against the Commission  
3 shall be brought solely and exclusively in a court of competent  
4 jurisdiction where the principal office of the Commission is  
5 located. The Commission may waive venue and jurisdictional  
6 defenses to the extent it adopts or consents to participate in  
7 alternative dispute resolution proceedings. Nothing herein shall  
8 affect or limit the selection or propriety of venue in any action  
9 against a Licensee for professional malpractice, misconduct or any  
10 such similar matter.

11           3. The Commission shall be entitled to receive service  
12 of process in any proceeding regarding the enforcement or  
13 interpretation of the Compact and shall have standing to intervene  
14 in such a proceeding for all purposes. Failure to provide the  
15 Commission service of process shall render a judgment or order void  
16 as to the Commission, this Compact, or promulgated Rules.

17           B. Default, Technical Assistance, and Termination

18           1. If the Commission determines that a Member State  
19 has defaulted in the performance of its obligations or  
20 responsibilities under this Compact or the promulgated Rules, the  
21 Commission shall provide written notice to the defaulting State.  
22 The notice of default shall describe the default, the proposed  
23 means of curing the default, and any other action that the  
24 Commission may take, and shall offer training and specific  
25 technical assistance regarding the default.

26           2. The Commission shall provide a copy of the notice of  
27 default to the other Member States.

1       C. If a State in default fails to cure the default, the  
2 defaulting State may be terminated from the Compact upon an  
3 affirmative vote of a majority of the delegates of the Member  
4 States, and all rights, privileges and benefits conferred on that  
5 State by this Compact may be terminated on the effective date of  
6 termination. A cure of the default does not relieve the offending  
7 State of obligations or liabilities incurred during the period of  
8 default.

9       D. Termination of membership in the Compact shall be imposed  
10 only after all other means of securing compliance have been  
11 exhausted. Notice of intent to suspend or terminate shall be given  
12 by the Commission to the governor, the majority and minority  
13 leaders of the defaulting State's legislature, the defaulting  
14 State's State Licensing Authority and each of the Member States'  
15 State Licensing Authority.

16       E. A State that has been terminated is responsible for all  
17 assessments, obligations, and liabilities incurred through the  
18 effective date of termination, including obligations that extend  
19 beyond the effective date of termination.

20       F. Upon the termination of a State's membership from this  
21 Compact, that State shall immediately provide notice to all  
22 Licensees within that State of such termination. The terminated  
23 State shall continue to recognize all licenses granted pursuant to  
24 this Compact for a minimum of six (6) months after the date of said  
25 notice of termination.

26       G. The Commission shall not bear any costs related to a  
27 State that is found to be in default or that has been terminated

1 from the Compact, unless agreed upon in writing between the  
2 Commission and the defaulting State.

3 H. The defaulting State may appeal the action of the  
4 Commission by petitioning the U.S. District Court for the District  
5 of Columbia or the federal district where the Commission has its  
6 principal offices. The prevailing party shall be awarded all costs  
7 of such litigation, including reasonable attorney's fees.

8 I. Dispute Resolution

9 1. Upon request by a Member State, the Commission  
10 shall attempt to resolve disputes related to the Compact that arise  
11 among Member States and between Member and non-Member States.

12 2. The Commission shall promulgate a Rule providing  
13 for both mediation and binding dispute resolution for disputes as  
14 appropriate.

15 J. Enforcement

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

1           2. A Member State may initiate legal action against  
2 the Commission in the U.S. District Court for the District of  
3 Columbia or the federal district where the Commission has its  
4 principal offices to enforce compliance with the provisions of the  
5 Compact and its promulgated Rules. The relief sought may include  
6 both injunctive relief and damages. In the event judicial  
7 enforcement is necessary, the prevailing party shall be awarded all  
8 costs of such litigation, including reasonable attorney's fees.

9           3. No person other than a Member State shall enforce  
10 this compact against the Commission.

11           SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

12           A. The Compact shall come into effect on the date on which  
13 the Compact statute is enacted into law in the seventh Member State.

14           1. On or after the effective date of the Compact, the  
15 Commission shall convene and review the enactment of each of the  
16 first seven Member States ("Charter Member States") to determine if  
17 the statute enacted by each such Charter Member State is materially  
18 different than the model Compact statute.

19           a. A Charter Member State whose enactment is  
20 found to be materially different from the model Compact statute  
21 shall be entitled to the default process set forth in Section 13.

22           b. If any Member State is later found to be in  
23 default, or is terminated or withdraws from the Compact, the  
24 Commission shall remain in existence and the Compact shall remain  
25 in effect even if the number of Member States should be less than  
26 seven.

27           2. Member States enacting the Compact subsequent to

1 the seven initial Charter Member States shall be subject to the  
2 process set forth in Section 10(C)(21) to determine if their  
3 enactments are materially different from the model Compact statute  
4 and whether they qualify for participation in the Compact.

5 3. All actions taken for the benefit of the Commission  
6 or in furtherance of the purposes of the administration of the  
7 Compact prior to the effective date of the Compact or the Commission  
8 coming into existence shall be considered to be actions of the  
9 Commission unless specifically repudiated by the Commission.

10 4. Any State that joins the Compact subsequent to the  
11 Commission's initial adoption of the Rules and bylaws shall be  
12 subject to the Rules and bylaws as they exist on the date on which  
13 the Compact becomes law in that State. Any Rule that has been  
14 previously adopted by the Commission shall have the full force and  
15 effect of law on the day the Compact becomes law in that State.

16 B. Any Member State may withdraw from this Compact by  
17 enacting a statute repealing the same.

18 1. A Member State's withdrawal shall not take effect  
19 until 180 days after enactment of the repealing statute.

20 2. Withdrawal shall not affect the continuing  
21 requirement of the withdrawing State's Licensing Authority to  
22 comply with the investigative and Adverse Action reporting  
23 requirements of this Compact prior to the effective date of  
24 withdrawal.

25 3. Upon the enactment of a statute withdrawing from  
26 this compact, a State shall immediately provide notice of such  
27 withdrawal to all Licensees within that State. Notwithstanding any



1 subsequent statutory enactment to the contrary, such withdrawing  
2 State shall continue to recognize all licenses granted pursuant to  
3 this compact for a minimum of 180 days after the date of such notice  
4 of withdrawal.

5 C. Nothing contained in this Compact shall be construed to  
6 invalidate or prevent any licensure agreement or other cooperative  
7 arrangement between a Member State and a non-Member State that does  
8 not conflict with the provisions of this Compact.

9 D. This Compact may be amended by the Member States. No  
10 amendment to this Compact shall become effective and binding upon  
11 any Member State until it is enacted into the laws of all Member  
12 States.

13 SECTION 15. CONSTRUCTION AND SEVERABILITY

14 A. This Compact and the Commission's rulemaking authority  
15 shall be liberally construed so as to effectuate the purposes, and  
16 the implementation and administration of the Compact. Provisions  
17 of the Compact expressly authorizing or requiring the promulgation  
18 of Rules shall not be construed to limit the Commission's  
19 rulemaking authority solely for those purposes.

20 B. The provisions of this Compact shall be severable and if  
21 any phrase, clause, sentence or provision of this Compact is held by  
22 a court of competent jurisdiction to be contrary to the  
23 constitution of any Member State, a State seeking participation in  
24 the Compact, or of the United States, or the applicability thereof  
25 to any government, agency, person or circumstance is held to be  
26 unconstitutional by a court of competent jurisdiction, the validity  
27 of the remainder of this Compact and the applicability thereof to

1 any other government, agency, person or circumstance shall not be  
2 affected thereby.

3 C. Notwithstanding subsection B of this section, the  
4 Commission may deny a State's participation in the Compact or, in  
5 accordance with the requirements of Section 13.B, terminate a  
6 Member State's participation in the Compact, if it determines that  
7 a constitutional requirement of a Member State is a material  
8 departure from the Compact. Otherwise, if this Compact shall be  
9 held to be contrary to the constitution of any Member State, the  
10 Compact shall remain in full force and effect as to the remaining  
11 Member States and in full force and effect as to the Member State  
12 affected as to all severable matters.

13 SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

14 A. A Licensee providing services in a Remote State under a  
15 Multistate Authorization to Practice shall adhere to the laws and  
16 regulations, including laws, regulations, and applicable  
17 standards, of the Remote State where the client is located at the  
18 time care is rendered.

19 B. Nothing herein shall prevent or inhibit the enforcement  
20 of any other law of a Member State that is not inconsistent with the  
21 Compact.

22 C. Any laws, statutes, regulations, or other legal  
23 requirements in a Member State in conflict with the Compact are  
24 superseded to the extent of the conflict.

25 D. All permissible agreements between the Commission and  
26 the Member States are binding in accordance with their terms.

27 Sec. 505.652. ADMINISTRATION OF COMPACT. The executive

1 council is the Social Work Licensure Compact administrator for this  
2 state.

3 Sec. 505.653. RULES. The executive council may adopt rules  
4 necessary to implement this subchapter.

5 SECTION 2. This Act takes effect September 1, 2025.