



Social Work Licensure Compact Model Legislation

This project is funded by the Department of Defense.

The following language must be enacted into law by a state to officially join the Social Work Licensure Compact.

No substantive changes should be made to the model language. Any substantive changes may jeopardize the enacting state's participation in the Compact.

The Council of State Governments National Center for Interstate Compacts reviews state compact legislation to ensure consistency with the model language. Please direct inquiries to Kaitlyn Bison at kbison@csg.org.

- 36 suspension, probation, monitoring of the Licensee, limitation on the Licensee's
37 practice, or any other Encumbrance on licensure affecting a Regulated Social
38 Worker's authorization to practice, including issuance of a cease and desist
39 action.
- 40 C. **“Alternative Program”** means a non-disciplinary monitoring or practice
41 remediation process approved by a Licensing Authority to address practitioners
42 with an Impairment.
- 43 D. **“Charter Member States”** - Member States who have enacted legislation to
44 adopt this Compact where such legislation predates the effective date of this
45 Compact as described in Section 14.
- 46 E. **“Compact Commission” or “Commission”** means the government agency
47 whose membership consists of all States that have enacted this Compact, which
48 is known as the Social Work Licensure Compact Commission, as described in
49 Section 10, and which shall operate as an instrumentality of the Member States.
- 50 F. **“Current Significant Investigative Information”** means:
- 51 1. Investigative information that a Licensing Authority, after a preliminary
52 inquiry that includes notification and an opportunity for the Regulated
53 Social Worker to respond has reason to believe is not groundless and, if
54 proved true, would indicate more than a minor infraction as may be
55 defined by the Commission; or
- 56 2. Investigative information that indicates that the Regulated Social Worker
57 represents an immediate threat to public health and safety, as may be
58 defined by the Commission, regardless of whether the Regulated Social
59 Worker has been notified and has had an opportunity to respond.
- 60 G. **“Data System”** means a repository of information about Licensees, including,
61 continuing education, examination, licensure, Current Significant Investigative
62 Information, Disqualifying Event, Multistate License(s) and Adverse Action
63 information or other information as required by the Commission.
- 64 H. **“Domicile”** means the jurisdiction in which the Licensee resides and intends to
65 remain indefinitely.
- 66 I. **“Disqualifying Event”** means any Adverse Action or incident which results in an
67 Encumbrance that disqualifies or makes the Licensee ineligible to either obtain,
68 retain or renew a Multistate License.
- 69 J. **“Encumbrance”** means a revocation or suspension of, or any limitation on, the
70 full and unrestricted practice of Social Work licensed and regulated by a
71 Licensing Authority.

- 72 K. **“Executive Committee”** means a group of delegates elected or appointed to act
73 on behalf of, and within the powers granted to them by, the compact and
74 Commission.
- 75 L. **“Home State”** means the Member State that is the Licensee’s primary Domicile.
- 76 M. **“Impairment”** means a condition(s) that may impair a practitioner’s ability to
77 engage in full and unrestricted practice as a Regulated Social Worker without
78 some type of intervention and may include alcohol and drug dependence, mental
79 health impairment, and neurological or physical impairments.
- 80 N. **“Licensee(s)”** means an individual who currently holds a license from a State to
81 practice as a Regulated Social Worker.
- 82 O. **“Licensing Authority”** means the board or agency of a Member State, or
83 equivalent, that is responsible for the licensing and regulation of Regulated
84 Social Workers.
- 85 P. **“Member State”** means a state, commonwealth, district, or territory of the United
86 States of America that has enacted this Compact.
- 87 Q. **“Multistate Authorization to Practice”** means a legally authorized privilege to
88 practice, which is equivalent to a license, associated with a Multistate License
89 permitting the practice of Social Work in a Remote State.
- 90 R. **“Multistate License”** means a license to practice as a Regulated Social Worker
91 issued by a Home State Licensing Authority that authorizes the Regulated Social
92 Worker to practice in all Member States under Multistate Authorization to
93 Practice.
- 94 S. **“Qualifying National Exam”** means a national licensing examination approved
95 by the Commission.
- 96 T. **“Regulated Social Worker”** means any clinical, master’s or bachelor’s Social
97 Worker licensed by a Member State regardless of the title used by that Member
98 State.
- 99 U. **“Remote State”** means a Member State other than the Licensee’s Home State.
- 100 V. **“Rule(s)” or “Rule(s) of the Commission”** means a regulation or regulations
101 duly promulgated by the Commission, as authorized by the Compact, that has
102 the force of law.
- 103 W. **“Single State License”** means a Social Work license issued by any State that
104 authorizes practice only within the issuing State and does not include Multistate
105 Authorization to Practice in any Member State.
- 106 X. **“Social Work” or “Social Work Services”** means the application of social work
107 theory, knowledge, methods, ethics, and the professional use of self to restore or
108 enhance social, psychosocial, or biopsychosocial functioning of individuals,

109 couples, families, groups, organizations, and communities through the care and
110 services provided by a Regulated Social Worker as set forth in the Member
111 State’s statutes and regulations in the State where the services are being
112 provided.

113 Y. **“State”** means any state, commonwealth, district, or territory of the United States
114 of America that regulates the practice of Social Work.

115 Z. **“Unencumbered License”** means a license that authorizes a Regulated Social
116 Worker to engage in the full and unrestricted practice of Social Work.

117 **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

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

120 1. License and regulate the practice of Social Work at either the clinical,
121 master’s, or bachelor’s category.

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

123 a. Operated by a college or university recognized by the Licensing
124 Authority;

125 b. Accredited, or in candidacy by an institution that subsequently
126 becomes accredited, by an accrediting agency recognized by either:

127 i. the Council for Higher Education Accreditation, or its successor;
128 or

129 ii. the United States Department of Education; and

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

131 3. Require applicants for clinical licensure to complete a period of
132 supervised practice.

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

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

136 1. Require that applicants for a Multistate License pass a Qualifying
137 National Exam for the corresponding category of Multistate License
138 sought as outlined in Section 4.

139 2. Participate fully in the Commission’s Data System, including using the
140 Commission’s unique identifier as defined in Rules;

141 3. Notify the Commission, in compliance with the terms of the Compact and
142 Rules, of any Adverse Action or the availability of Current Significant
143 Investigative Information regarding a Licensee;

- 144 4. Implement procedures for considering the criminal history records of
145 applicants for a Multistate License. Such procedures shall include the
146 submission of fingerprints or other biometric-based information by
147 applicants for the purpose of obtaining an applicant's criminal history
148 record information from the Federal Bureau of Investigation and the
149 agency responsible for retaining that State's criminal records.
- 150 5. Comply with the Rules of the Commission;
- 151 6. Require an applicant to obtain or retain a license in the Home State and
152 meet the Home State's qualifications for licensure or renewal of
153 licensure, as well as all other applicable Home State laws;
- 154 7. Authorize a Licensee holding a Multistate License in any Member State
155 to practice in accordance with the terms of the Compact and Rules of the
156 Commission; and
- 157 8. Designate a delegate to participate in the Commission meetings.
- 158 C. A Member State meeting the requirements of Section 3.A. and 3.B of this
159 Compact shall designate the categories of Social Work licensure that are eligible
160 for issuance of a Multistate License for applicants in such Member State. To the
161 extent that any Member State does not meet the requirements for participation in
162 the Compact at any particular category of Social Work licensure, such Member
163 State may choose, but is not obligated to, issue a Multistate License to applicants
164 that otherwise meet the requirements of Section 4 for issuance of a Multistate
165 License in such category or categories of licensure.
- 166 D. The Home State may charge a fee for granting the Multistate License.

167 **SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT**

- 168 A. To be eligible for a Multistate License under the terms and provisions of the
169 Compact, an applicant, regardless of category must:
- 170 1. Hold or be eligible for an active, Unencumbered License in the Home
171 State;
- 172 2. Pay any applicable fees, including any State fee, for the Multistate
173 License;
- 174 3. Submit, in connection with an application for a Multistate License,
175 fingerprints or other biometric data for the purpose of obtaining criminal
176 history record information from the Federal Bureau of Investigation and
177 the agency responsible for retaining that State's criminal records.
- 178 4. Notify the Home State of any Adverse Action, Encumbrance, or
179 restriction on any professional license taken by any Member State or
180 non-Member State within 30 days from the date the action is taken.

- 181 5. Meet any continuing competence requirements established by the Home
182 State;
- 183 6. Abide by the laws, regulations, and applicable standards in the Member
184 State where the client is located at the time care is rendered.
- 185 B. An applicant for a clinical-category Multistate License must meet all of the
186 following requirements:
- 187 1. Fulfill a competency requirement, which shall be satisfied by either:
- 188 a. Passage of a clinical-category Qualifying National Exam; or
- 189 b. Licensure of the applicant in their Home State at the clinical category,
190 beginning prior to such time as a Qualifying National Exam was
191 required by the Home State and accompanied by a period of
192 continuous Social Work licensure thereafter, all of which may be
193 further governed by the Rules of the Commission; or
- 194 c. The substantial equivalency of the foregoing competency
195 requirements which the Commission may determine by Rule.
- 196 2. Attain at least a master's degree in Social Work from a program that is:
- 197 a. Operated by a college or university recognized by the Licensing
198 Authority; and
- 199 b. Accredited, or in candidacy that subsequently becomes accredited,
200 by an accrediting agency recognized by either:
- 201 i. the Council for Higher Education Accreditation or its successor; or
- 202 ii. the United States Department of Education.
- 203 3. Fulfill a practice requirement, which shall be satisfied by demonstrating
204 completion of either:
- 205 a. A period of postgraduate supervised clinical practice equal to a
206 minimum of three thousand hours; or
- 207 b. A minimum of two years of full-time postgraduate supervised clinical
208 practice; or
- 209 c. The substantial equivalency of the foregoing practice requirements
210 which the Commission may determine by Rule.
- 211 C. An applicant for a master's-category Multistate License must meet all of the
212 following requirements:
- 213 1. Fulfill a competency requirement, which shall be satisfied by either:
- 214 a. Passage of a masters-category Qualifying National Exam;

- 215 b. Licensure of the applicant in their Home State at the master's
216 category, beginning prior to such time as a Qualifying National Exam
217 was required by the Home State at the master's category and
218 accompanied by a continuous period of Social Work licensure
219 thereafter, all of which may be further governed by the Rules of the
220 Commission; or
- 221 c. The substantial equivalency of the foregoing competency
222 requirements which the Commission may determine by Rule.
- 223 2. Attain at least a master's degree in Social Work from a program that is:
- 224 a. Operated by a college or university recognized by the Licensing
225 Authority; and
- 226 b. Accredited, or in candidacy that subsequently becomes accredited,
227 by an accrediting agency recognized by either:
- 228 i. the Council for Higher Education Accreditation or its
229 successor; or
- 230 ii. the United States Department of Education.
- 231 D. An applicant for a bachelor's-category Multistate License must meet all of the
232 following requirements:
- 233 1. Fulfill a competency requirement, which shall be satisfied by either:
- 234 a. Passage of a bachelor's-category Qualifying National Exam;
- 235 b. Licensure of the applicant in their Home State at the bachelor's
236 category, beginning prior to such time as a Qualifying National Exam
237 was required by the Home State and accompanied by a period of
238 continuous Social Work licensure thereafter, all of which may be
239 further governed by the Rules of the Commission; or
- 240 c. The substantial equivalency of the foregoing competency
241 requirements which the Commission may determine by Rule.
- 242 2. Attain at least a bachelor's degree in Social Work from a program that is:
- 243 a. Operated by a college or university recognized by the Licensing
244 Authority; and
- 245 b. Accredited, or in candidacy that subsequently becomes accredited,
246 by an accrediting agency recognized by either:
- 247 i. the Council for Higher Education Accreditation or its
248 successor; or
- 249 ii. the United States Department of Education.

- 250 E. The Multistate License for a Regulated Social Worker is subject to the renewal
251 requirements of the Home State. The Regulated Social Worker must maintain
252 compliance with the requirements of Section 4(A) to be eligible to renew a
253 Multistate License.
- 254 F. The Regulated Social Worker's services in a Remote State are subject to that
255 Member State's regulatory authority. A Remote State may, in accordance with
256 due process and that Member State's laws, remove a Regulated Social Worker's
257 Multistate Authorization to Practice in the Remote State for a specific period of
258 time, impose fines, and take any other necessary actions to protect the health
259 and safety of its citizens.
- 260 G. If a Multistate License is encumbered, the Regulated Social Worker's Multistate
261 Authorization to Practice shall be deactivated in all Remote States until the
262 Multistate License is no longer encumbered.
- 263 H. If a Multistate Authorization to Practice is encumbered in a Remote State, the
264 regulated Social Worker's Multistate Authorization to Practice may be
265 deactivated in that State until the Multistate Authorization to Practice is no longer
266 encumbered.

267 **SECTION 5: ISSUANCE OF A MULTISTATE LICENSE**

- 268 A. Upon receipt of an application for Multistate License, the Home State Licensing
269 Authority shall determine the applicant's eligibility for a Multistate License in
270 accordance with Section 4 of this Compact.
- 271 B. If such applicant is eligible pursuant to Section 4 of this Compact, the Home
272 State Licensing Authority shall issue a Multistate License that authorizes the
273 applicant or Regulated Social Worker to practice in all Member States under a
274 Multistate Authorization to Practice.
- 275 C. Upon issuance of a Multistate License, the Home State Licensing Authority shall
276 designate whether the Regulated Social Worker holds a Multistate License in the
277 Bachelors, Masters, or Clinical category of Social Work.
- 278 D. A Multistate License issued by a Home State to a resident in that State shall be
279 recognized by all Compact Member States as authorizing Social Work Practice
280 under a Multistate Authorization to Practice corresponding to each category of
281 licensure regulated in each Member State.

282 **SECTION 6: AUTHORITY OF INTERSTATE COMPACT COMMISSION AND MEMBER**
283 **STATE LICENSING AUTHORITIES**

- 284 A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
285 limit, restrict, or in any way reduce the ability of a Member State to enact and
286 enforce laws, regulations, or other rules related to the practice of Social Work in
287 that State, where those laws, regulations, or other rules are not inconsistent with
288 the provisions of this Compact.

- 289 B. Nothing in this Compact shall affect the requirements established by a Member
290 State for the issuance of a Single State License.
- 291 C. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
292 limit, restrict, or in any way reduce the ability of a Member State to take Adverse
293 Action against a Licensee's Single State License to practice Social Work in that
294 State.
- 295 D. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
296 limit, restrict, or in any way reduce the ability of a Remote State to take Adverse
297 Action against a Licensee's Multistate Authorization to Practice in that State.
- 298 E. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
299 limit, restrict, or in any way reduce the ability of a Licensee's Home State to take
300 Adverse Action against a Licensee's Multistate License based upon information
301 provided by a Remote State.

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

- 303 A. A Licensee can hold a Multistate License, issued by their Home State, in only
304 one Member State at any given time.
- 305 B. If a Licensee changes their Home State by moving between two Member States:
- 306 1. The Licensee shall immediately apply for the reissuance of their
307 Multistate License in their new Home State. The Licensee shall pay all
308 applicable fees and notify the prior Home State in accordance with the
309 Rules of the Commission.
 - 310 2. Upon receipt of an application to reissue a Multistate License, the new
311 Home State shall verify that the Multistate License is active,
312 unencumbered and eligible for reissuance under the terms of the
313 Compact and the Rules of the Commission. The Multistate License
314 issued by the prior Home State will be deactivated and all Member
315 States notified in accordance with the applicable Rules adopted by the
316 Commission.
 - 317 3. Prior to the reissuance of the Multistate License, the new Home State
318 shall conduct procedures for considering the criminal history records of
319 the Licensee. Such procedures shall include the submission of
320 fingerprints or other biometric-based information by applicants for the
321 purpose of obtaining an applicant's criminal history record information
322 from the Federal Bureau of Investigation and the agency responsible for
323 retaining that State's criminal records.
 - 324 4. If required for initial licensure, the new Home State may require
325 completion of jurisprudence requirements in the new Home State.
 - 326 5. Notwithstanding any other provision of this Compact, if a Licensee does
327 not meet the requirements set forth in this Compact for the reissuance of
328 a Multistate License by the new Home State, then the Licensee shall be

329 subject to the new Home State requirements for the issuance of a Single
330 State License in that State.

331 C. If a Licensee changes their primary State of residence by moving from a Member
332 State to a non-Member State, or from a non-Member State to a Member State,
333 then the Licensee shall be subject to the State requirements for the issuance of a
334 Single State License in the new Home State.

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

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

340 **SECTION 8. MILITARY FAMILIES**

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

344 **SECTION 9. ADVERSE ACTIONS**

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

347 1. Take Adverse Action against a Regulated Social Worker's Multistate
348 Authorization to Practice only within that Member State, and issue
349 subpoenas for both hearings and investigations that require the
350 attendance and testimony of witnesses as well as the production of
351 evidence. Subpoenas issued by a Licensing Authority in a Member State
352 for the attendance and testimony of witnesses or the production of
353 evidence from another Member State shall be enforced in the latter State
354 by any court of competent jurisdiction, according to the practice and
355 procedure of that court applicable to subpoenas issued in proceedings
356 pending before it. The issuing Licensing Authority shall pay any witness
357 fees, travel expenses, mileage, and other fees required by the service
358 statutes of the State in which the witnesses or evidence are located.

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

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

365 C. The Home State shall complete any pending investigations of a Regulated Social
366 Worker who changes their Home State during the course of the investigations.
367 The Home State shall also have the authority to take appropriate action(s) and
368 shall promptly report the conclusions of the investigations to the administrator of

- 369 the Data System. The administrator of the Data System shall promptly notify the
370 new Home State of any Adverse Actions.
- 371 D. A Member State, if otherwise permitted by State law, may recover from the
372 affected Regulated Social Worker the costs of investigations and dispositions of
373 cases resulting from any Adverse Action taken against that Regulated Social
374 Worker.
- 375 E. A Member State may take Adverse Action based on the factual findings of
376 another Member State, provided that the Member State follows its own
377 procedures for taking the Adverse Action.
- 378 F. Joint Investigations:
- 379 1. In addition to the authority granted to a Member State by its respective
380 Social Work practice act or other applicable State law, any Member
381 State may participate with other Member States in joint investigations of
382 Licensees.
- 383 2. Member States shall share any investigative, litigation, or compliance
384 materials in furtherance of any joint or individual investigation initiated
385 under the Compact.
- 386 G. If Adverse Action is taken by the Home State against the Multistate License of a
387 Regulated Social Worker, the Regulated Social Worker's Multistate Authorization
388 to Practice in all other Member States shall be deactivated until all
389 Encumbrances have been removed from the Multistate License. All Home State
390 disciplinary orders that impose Adverse Action against the license of a Regulated
391 Social Worker shall include a statement that the Regulated Social Worker's
392 Multistate Authorization to Practice is deactivated in all Member States until all
393 conditions of the decision, order or agreement are satisfied.
- 394 H. If a Member State takes Adverse Action, it shall promptly notify the administrator
395 of the Data System. The administrator of the Data System shall promptly notify
396 the Home State and all other Member State's of any Adverse Actions by Remote
397 States.
- 398 I. Nothing in this Compact shall override a Member State's decision that
399 participation in an Alternative Program may be used in lieu of Adverse Action.
- 400 J. Nothing in this Compact shall authorize a Member State to demand the issuance
401 of subpoenas for attendance and testimony of witnesses or the production of
402 evidence from another Member State for lawful actions within that Member State.
- 403 K. Nothing in this Compact shall authorize a Member State to impose discipline
404 against a Regulated Social Worker who holds a Multistate Authorization to
405 Practice for lawful actions within another Member State.
- 406

407 **SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT**
408 **COMMISSION**

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

415 B. Membership, Voting, and Meetings

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

418 2. The delegate shall be either:

419 a. A current member of the Licensing Authority at the time of
420 appointment, who is a Regulated Social Worker or public member
421 of the State Licensing Authority; or

422 b. An administrator of the Licensing Authority or their designee.

423 3. The Commission shall by Rule or bylaw establish a term of office for
424 delegates and may by Rule or bylaw establish term limits.

425 4. The Commission may recommend removal or suspension of any
426 delegate from office.

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

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

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

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

438 C. The Commission shall have the following powers:

439 1. Establish the fiscal year of the Commission;

440 2. Establish code of conduct and conflict of interest policies;

441 3. Establish and amend Rules and bylaws;

- 442 4. Maintain its financial records in accordance with the bylaws;
- 443 5. Meet and take such actions as are consistent with the provisions of this
444 Compact, the Commission's Rules, and the bylaws;
- 445 6. Initiate and conclude legal proceedings or actions in the name of the
446 Commission, provided that the standing of any Licensing Authority to sue
447 or be sued under applicable law shall not be affected;
- 448 7. Maintain and certify records and information provided to a Member State
449 as the authenticated business records of the Commission, and designate
450 an agent to do so on the Commission's behalf;
- 451 8. Purchase and maintain insurance and bonds;
- 452 9. Borrow, accept, or contract for services of personnel, including, but not
453 limited to, employees of a Member State;
- 454 10. Conduct an annual financial review
- 455 11. Hire employees, elect or appoint officers, fix compensation, define
456 duties, grant such individuals appropriate authority to carry out the
457 purposes of the Compact, and establish the Commission's personnel
458 policies and programs relating to conflicts of interest, qualifications of
459 personnel, and other related personnel matters;
- 460 12. Assess and collect fees;
- 461 13. Accept any and all appropriate gifts, donations, grants of money, other
462 sources of revenue, equipment, supplies, materials, and services, and
463 receive, utilize, and dispose of the same; provided that at all times the
464 Commission shall avoid any appearance of impropriety or conflict of
465 interest;
- 466 14. Lease, purchase, retain, own, hold, improve, or use any property, real,
467 personal, or mixed, or any undivided interest therein;
- 468 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
469 dispose of any property real, personal, or mixed;
- 470 16. Establish a budget and make expenditures;
- 471 17. Borrow money;
- 472 18. Appoint committees, including standing committees, composed of
473 members, State regulators, State legislators or their representatives, and
474 consumer representatives, and such other interested persons as may be
475 designated in this Compact and the bylaws;
- 476 19. Provide and receive information from, and cooperate with, law
477 enforcement agencies;

- 478 20. Establish and elect an Executive Committee, including a chair and a vice
479 chair;
- 480 21. Determine whether a State's adopted language is materially different
481 from the model compact language such that the State would not qualify
482 for participation in the Compact; and
- 483 22. Perform such other functions as may be necessary or appropriate to
484 achieve the purposes of this Compact.

485 D. The Executive Committee

- 486 1. The Executive Committee shall have the power to act on behalf of the
487 Commission according to the terms of this Compact. The powers, duties,
488 and responsibilities of the Executive Committee shall include:
- 489 a. Oversee the day-to-day activities of the administration of the compact
490 including enforcement and compliance with the provisions of the
491 compact, its Rules and bylaws, and other such duties as deemed
492 necessary;
- 493 b. Recommend to the Commission changes to the Rules or bylaws,
494 changes to this Compact legislation, fees charged to Compact
495 Member States, fees charged to Licensees, and other fees;
- 496 c. Ensure Compact administration services are appropriately provided,
497 including by contract;
- 498 d. Prepare and recommend the budget;
- 499 e. Maintain financial records on behalf of the Commission;
- 500 f. Monitor Compact compliance of Member States and provide
501 compliance reports to the Commission;
- 502 g. Establish additional committees as necessary;
- 503 h. Exercise the powers and duties of the Commission during the interim
504 between Commission meetings, except for adopting or amending
505 Rules, adopting or amending bylaws, and exercising any other
506 powers and duties expressly reserved to the Commission by Rule or
507 bylaw; and
- 508 i. Other duties as provided in the Rules or bylaws of the Commission.
- 509 2. The Executive Committee shall be composed of up to eleven (11)
510 members:
- 511 a. The chair and vice chair of the Commission shall be voting members
512 of the Executive Committee; and

- 549 a. Non-compliance of a Member State with its obligations under the
550 Compact;
- 551 b. The employment, compensation, discipline or other matters,
552 practices or procedures related to specific employees;
- 553 c. Current or threatened discipline of a Licensee by the Commission or
554 by a Member State's Licensing Authority;
- 555 d. Current, threatened, or reasonably anticipated litigation;
- 556 e. Negotiation of contracts for the purchase, lease, or sale of goods,
557 services, or real estate;
- 558 f. Accusing any person of a crime or formally censuring any person;
- 559 g. Trade secrets or commercial or financial information that is privileged
560 or confidential;
- 561 h. Information of a personal nature where disclosure would constitute a
562 clearly unwarranted invasion of personal privacy;
- 563 i. Investigative records compiled for law enforcement purposes;
- 564 j. Information related to any investigative reports prepared by or on
565 behalf of or for use of the Commission or other committee charged
566 with responsibility of investigation or determination of compliance
567 issues pursuant to the Compact;
- 568 k. Matters specifically exempted from disclosure by federal or Member
569 State law; or
- 570 l. Other matters as promulgated by the Commission by Rule.
- 571 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall
572 state that the meeting will be closed and reference each relevant
573 exempting provision, and such reference shall be recorded in the
574 minutes.
- 575 4. The Commission shall keep minutes that fully and clearly describe all
576 matters discussed in a meeting and shall provide a full and accurate
577 summary of actions taken, and the reasons therefore, including a
578 description of the views expressed. All documents considered in
579 connection with an action shall be identified in such minutes. All minutes
580 and documents of a closed meeting shall remain under seal, subject to
581 release only by a majority vote of the Commission or order of a court of
582 competent jurisdiction.
- 583 G. Financing of the Commission

- 584 1. The Commission shall pay, or provide for the payment of, the reasonable
585 expenses of its establishment, organization, and ongoing activities.
- 586 2. The Commission may accept any and all appropriate revenue sources
587 as provided in subsection C(13).
- 588 3. The Commission may levy on and collect an annual assessment from
589 each Member State and impose fees on Licensees of Member States to
590 whom it grants a Multistate License to cover the cost of the operations
591 and activities of the Commission and its staff, which must be in a total
592 amount sufficient to cover its annual budget as approved each year for
593 which revenue is not provided by other sources. The aggregate annual
594 assessment amount for Member States shall be allocated based upon a
595 formula that the Commission shall promulgate by Rule.
- 596 4. The Commission shall not incur obligations of any kind prior to securing
597 the funds adequate to meet the same; nor shall the Commission pledge
598 the credit of any of the Member States, except by and with the authority
599 of the Member State.
- 600 5. The Commission shall keep accurate accounts of all receipts and
601 disbursements. The receipts and disbursements of the Commission shall
602 be subject to the financial review and accounting procedures established
603 under its bylaws. However, all receipts and disbursements of funds
604 handled by the Commission shall be subject to an annual financial
605 review by a certified or licensed public accountant, and the report of the
606 financial review shall be included in and become part of the annual
607 report of the Commission.

608 H. Qualified Immunity, Defense, and Indemnification

- 609 1. The members, officers, executive director, employees and
610 representatives of the Commission shall be immune from suit and
611 liability, both personally and in their official capacity, for any claim for
612 damage to or loss of property or personal injury or other civil liability
613 caused by or arising out of any actual or alleged act, error, or omission
614 that occurred, or that the person against whom the claim is made had a
615 reasonable basis for believing occurred within the scope of Commission
616 employment, duties or responsibilities; provided that nothing in this
617 paragraph shall be construed to protect any such person from suit or
618 liability for any damage, loss, injury, or liability caused by the intentional
619 or willful or wanton misconduct of that person. The procurement of
620 insurance of any type by the Commission shall not in any way
621 compromise or limit the immunity granted hereunder.
- 622 2. The Commission shall defend any member, officer, executive director,
623 employee, and representative of the Commission in any civil action

624 seeking to impose liability arising out of any actual or alleged act, error,
625 or omission that occurred within the scope of Commission employment,
626 duties, or responsibilities, or as determined by the Commission that the
627 person against whom the claim is made had a reasonable basis for
628 believing occurred within the scope of Commission employment, duties,
629 or responsibilities; provided that nothing herein shall be construed to
630 prohibit that person from retaining their own counsel at their own
631 expense; and provided further, that the actual or alleged act, error, or
632 omission did not result from that person's intentional or willful or wanton
633 misconduct.

634 3. The Commission shall indemnify and hold harmless any member, officer,
635 executive director, employee, and representative of the Commission for
636 the amount of any settlement or judgment obtained against that person
637 arising out of any actual or alleged act, error, or omission that occurred
638 within the scope of Commission employment, duties, or responsibilities,
639 or that such person had a reasonable basis for believing occurred within
640 the scope of Commission employment, duties, or responsibilities,
641 provided that the actual or alleged act, error, or omission did not result
642 from the intentional or willful or wanton misconduct of that person.

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

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

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

653 **SECTION 11. DATA SYSTEM**

654 A. The Commission shall provide for the development, maintenance, operation, and
655 utilization of a coordinated Data System.

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

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

661 1. Identifying information;

662 2. Licensure data;

- 663 3. Adverse Actions against a license and information related thereto;
664 4. Non-confidential information related to Alternative Program participation,
665 the beginning and ending dates of such participation, and other
666 information related to such participation not made confidential under
667 Member State law;
668 5. Any denial of application for licensure, and the reason(s) for such denial;
669 6. The presence of Current Significant Investigative Information; and
670 7. Other information that may facilitate the administration of this Compact
671 or the protection of the public, as determined by the Rules of the
672 Commission.

673 D. The records and information provided to a Member State pursuant to this
674 Compact or through the Data System, when certified by the Commission or an
675 agent thereof, shall constitute the authenticated business records of the
676 Commission, and shall be entitled to any associated hearsay exception in any
677 relevant judicial, quasi-judicial or administrative proceedings in a Member State.

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

680 1. It is the responsibility of the Member States to report any Adverse Action
681 against a Licensee and to monitor the database to determine whether
682 Adverse Action has been taken against a Licensee. Adverse Action
683 information pertaining to a Licensee in any Member State will be
684 available to any other Member State.

685 F. Member States contributing information to the Data System may designate
686 information that may not be shared with the public without the express
687 permission of the contributing State.

688 G. Any information submitted to the Data System that is subsequently expunged
689 pursuant to federal law or the laws of the Member State contributing the
690 information shall be removed from the Data System.

691 **SECTION 12. RULEMAKING**

692 A. The Commission shall promulgate reasonable Rules in order to effectively and
693 efficiently implement and administer the purposes and provisions of the
694 Compact. A Rule shall be invalid and have no force or effect only if a court of
695 competent jurisdiction holds that the Rule is invalid because the Commission
696 exercised its rulemaking authority in a manner that is beyond the scope and
697 purposes of the Compact, or the powers granted hereunder, or based upon
698 another applicable standard of review.

699 B. The Rules of the Commission shall have the force of law in each Member State,
700 provided however that where the Rules of the Commission conflict with the laws

- 701 of the Member State that establish the Member State's laws, regulations, and
702 applicable standards that govern the practice of Social Work as held by a court of
703 competent jurisdiction, the Rules of the Commission shall be ineffective in that
704 State to the extent of the conflict.
- 705 C. The Commission shall exercise its Rulemaking powers pursuant to the criteria
706 set forth in this Section and the Rules adopted thereunder. Rules shall become
707 binding on the day following adoption or the date specified in the rule or
708 amendment, whichever is later.
- 709 D. If a majority of the legislatures of the Member States rejects a Rule or portion of a
710 Rule, by enactment of a statute or resolution in the same manner used to adopt
711 the Compact within four (4) years of the date of adoption of the Rule, then such
712 Rule shall have no further force and effect in any Member State.
- 713 E. Rules shall be adopted at a regular or special meeting of the Commission.
- 714 F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing
715 and allow persons to provide oral and written comments, data, facts, opinions,
716 and arguments.
- 717 G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30)
718 days in advance of the meeting at which the Commission will hold a public
719 hearing on the proposed Rule, the Commission shall provide a Notice of
720 Proposed Rulemaking:
- 721 1. On the website of the Commission or other publicly accessible platform;
 - 722 2. To persons who have requested notice of the Commission's notices of
723 proposed rulemaking, and
 - 724 3. In such other way(s) as the Commission may by Rule specify.
- 725 H. The Notice of Proposed Rulemaking shall include:
- 726 1. The time, date, and location of the public hearing at which the
727 Commission will hear public comments on the proposed Rule and, if
728 different, the time, date, and location of the meeting where the
729 Commission will consider and vote on the proposed Rule;
 - 730 2. If the hearing is held via telecommunication, video conference, or other
731 electronic means, the Commission shall include the mechanism for
732 access to the hearing in the Notice of Proposed Rulemaking;
 - 733 3. The text of the proposed Rule and the reason therefor;
 - 734 4. A request for comments on the proposed Rule from any interested
735 person; and
 - 736 5. The manner in which interested persons may submit written comments.

- 737 I. All hearings will be recorded. A copy of the recording and all written comments
738 and documents received by the Commission in response to the proposed Rule
739 shall be available to the public.
- 740 J. Nothing in this section shall be construed as requiring a separate hearing on each
741 Rule. Rules may be grouped for the convenience of the Commission at hearings
742 required by this section.
- 743 K. The Commission shall, by majority vote of all members, take final action on the
744 proposed Rule based on the Rulemaking record and the full text of the Rule.
- 745 1. The Commission may adopt changes to the proposed Rule provided the
746 changes do not enlarge the original purpose of the proposed Rule.
- 747 2. The Commission shall provide an explanation of the reasons for
748 substantive changes made to the proposed Rule as well as reasons for
749 substantive changes not made that were recommended by commenters.
- 750 3. The Commission shall determine a reasonable effective date for the
751 Rule. Except for an emergency as provided in Section 12.L, the effective
752 date of the rule shall be no sooner than 30 days after issuing the notice
753 that it adopted or amended the Rule.
- 754 L. Upon determination that an emergency exists, the Commission may consider and
755 adopt an emergency Rule with 48 hours' notice, with opportunity to comment,
756 provided that the usual Rulemaking procedures provided in the Compact and in
757 this section shall be retroactively applied to the Rule as soon as reasonably
758 possible, in no event later than ninety (90) days after the effective date of the
759 Rule. For the purposes of this provision, an emergency Rule is one that must be
760 adopted immediately in order to:
- 761 1. Meet an imminent threat to public health, safety, or welfare;
- 762 2. Prevent a loss of Commission or Member State funds;
- 763 3. Meet a deadline for the promulgation of a Rule that is established by
764 federal law or rule; or
- 765 4. Protect public health and safety.
- 766 M. The Commission or an authorized committee of the Commission may direct
767 revisions to a previously adopted Rule for purposes of correcting typographical
768 errors, errors in format, errors in consistency, or grammatical errors. Public notice
769 of any revisions shall be posted on the website of the Commission. The revision
770 shall be subject to challenge by any person for a period of thirty (30) days after
771 posting. The revision may be challenged only on grounds that the revision results
772 in a material change to a Rule. A challenge shall be made in writing and
773 delivered to the Commission prior to the end of the notice period. If no challenge
774 is made, the revision will take effect without further action. If the revision is

775 challenged, the revision may not take effect without the approval of the
776 Commission.

777 N. No Member State’s rulemaking requirements shall apply under this compact.

778 **SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

779 A. Oversight

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

783 2. Except as otherwise provided in this Compact, venue is proper and
784 judicial proceedings by or against the Commission shall be brought
785 solely and exclusively in a court of competent jurisdiction where the
786 principal office of the Commission is located. The Commission may
787 waive venue and jurisdictional defenses to the extent it adopts or
788 consents to participate in alternative dispute resolution proceedings.
789 Nothing herein shall affect or limit the selection or propriety of venue in
790 any action against a Licensee for professional malpractice, misconduct
791 or any such similar matter.

792 3. The Commission shall be entitled to receive service of process in any
793 proceeding regarding the enforcement or interpretation of the Compact
794 and shall have standing to intervene in such a proceeding for all
795 purposes. Failure to provide the Commission service of process shall
796 render a judgment or order void as to the Commission, this Compact, or
797 promulgated Rules.

798 B. Default, Technical Assistance, and Termination

799 1. If the Commission determines that a Member State has defaulted in the
800 performance of its obligations or responsibilities under this Compact or
801 the promulgated Rules, the Commission shall provide written notice to
802 the defaulting State. The notice of default shall describe the default, the
803 proposed means of curing the default, and any other action that the
804 Commission may take, and shall offer training and specific technical
805 assistance regarding the default.

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

808 C. If a State in default fails to cure the default, the defaulting State may be
809 terminated from the Compact upon an affirmative vote of a majority of the
810 delegates of the Member States, and all rights, privileges and benefits conferred
811 on that State by this Compact may be terminated on the effective date of
812 termination. A cure of the default does not relieve the offending State of
813 obligations or liabilities incurred during the period of default.

- 814 D. Termination of membership in the Compact shall be imposed only after all other
815 means of securing compliance have been exhausted. Notice of intent to suspend
816 or terminate shall be given by the Commission to the governor, the majority and
817 minority leaders of the defaulting State's legislature, the defaulting State's State
818 Licensing Authority and each of the Member States' Licensing Authority.
- 819 E. A State that has been terminated is responsible for all assessments, obligations,
820 and liabilities incurred through the effective date of termination, including
821 obligations that extend beyond the effective date of termination.
- 822 F. Upon the termination of a State's membership from this Compact, that State shall
823 immediately provide notice to all Licensees within that State of such termination.
824 The terminated State shall continue to recognize all licenses granted pursuant to
825 this Compact for a minimum of six (6) months after the date of said notice of
826 termination.
- 827 G. The Commission shall not bear any costs related to a State that is found to be in
828 default or that has been terminated from the Compact, unless agreed upon in
829 writing between the Commission and the defaulting State.
- 830 H. The defaulting State may appeal the action of the Commission by petitioning the
831 U.S. District Court for the District of Columbia or the federal district where the
832 Commission has its principal offices. The prevailing party shall be awarded all
833 costs of such litigation, including reasonable attorney's fees.

834 I. Dispute Resolution

- 835 1. Upon request by a Member State, the Commission shall attempt to
836 resolve disputes related to the Compact that arise among Member
837 States and between Member and non-Member States.
- 838 2. The Commission shall promulgate a Rule providing for both mediation
839 and binding dispute resolution for disputes as appropriate.

840 J. Enforcement

- 841 1. By majority vote as provided by Rule, the Commission may initiate legal
842 action against a Member State in default in the United States District
843 Court for the District of Columbia or the federal district where the
844 Commission has its principal offices to enforce compliance with the
845 provisions of the Compact and its promulgated Rules. The relief sought
846 may include both injunctive relief and damages. In the event judicial
847 enforcement is necessary, the prevailing party shall be awarded all costs
848 of such litigation, including reasonable attorney's fees. The remedies
849 herein shall not be the exclusive remedies of the Commission. The
850 Commission may pursue any other remedies available under federal or
851 the defaulting Member State's law.

- 852 2. A Member State may initiate legal action against the Commission in the
853 U.S. District Court for the District of Columbia or the federal district
854 where the Commission has its principal offices to enforce compliance
855 with the provisions of the Compact and its promulgated Rules. The relief
856 sought may include both injunctive relief and damages. In the event
857 judicial enforcement is necessary, the prevailing party shall be awarded
858 all costs of such litigation, including reasonable attorney's fees.
- 859 3. No person other than a Member State shall enforce this compact against
860 the Commission.

861 **SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

- 862 A. The Compact shall come into effect on the date on which the Compact statute is
863 enacted into law in the seventh Member State.
- 864 1. On or after the effective date of the Compact, the Commission shall
865 convene and review the enactment of each of the first seven Member
866 States ("Charter Member States") to determine if the statute enacted by
867 each such Charter Member State is materially different than the model
868 Compact statute.
- 869 a. A Charter Member State whose enactment is found to be
870 materially different from the model Compact statute shall be
871 entitled to the default process set forth in Section 13.
- 872 b. If any Member State is later found to be in default, or is
873 terminated or withdraws from the Compact, the Commission
874 shall remain in existence and the Compact shall remain in effect
875 even if the number of Member States should be less than seven.
- 876 2. Member States enacting the Compact subsequent to the seven initial
877 Charter Member States shall be subject to the process set forth in
878 Section 10(C)(21) to determine if their enactments are materially
879 different from the model Compact statute and whether they qualify for
880 participation in the Compact.
- 881 3. All actions taken for the benefit of the Commission or in furtherance of
882 the purposes of the administration of the Compact prior to the effective
883 date of the Compact or the Commission coming into existence shall be
884 considered to be actions of the Commission unless specifically
885 repudiated by the Commission.
- 886 4. Any State that joins the Compact subsequent to the Commission's initial
887 adoption of the Rules and bylaws shall be subject to the Rules and
888 bylaws as they exist on the date on which the Compact becomes law in
889 that State. Any Rule that has been previously adopted by the

890 Commission shall have the full force and effect of law on the day the
891 Compact becomes law in that State.

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

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

896 2. Withdrawal shall not affect the continuing requirement of the withdrawing
897 State's Licensing Authority to comply with the investigative and Adverse
898 Action reporting requirements of this Compact prior to the effective date
899 of withdrawal.

900 3. Upon the enactment of a statute withdrawing from this compact, a State
901 shall immediately provide notice of such withdrawal to all Licensees
902 within that State. Notwithstanding any subsequent statutory enactment to
903 the contrary, such withdrawing State shall continue to recognize all
904 licenses granted pursuant to this compact for a minimum of 180 days
905 after the date of such notice of withdrawal.

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

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

913 **SECTION 15. CONSTRUCTION AND SEVERABILITY**

914 A. This Compact and the Commission's rulemaking authority shall be liberally
915 construed so as to effectuate the purposes, and the implementation and
916 administration of the Compact. Provisions of the Compact expressly authorizing
917 or requiring the promulgation of Rules shall not be construed to limit the
918 Commission's rulemaking authority solely for those purposes.

919 B. The provisions of this Compact shall be severable and if any phrase, clause,
920 sentence or provision of this Compact is held by a court of competent jurisdiction
921 to be contrary to the constitution of any Member State, a State seeking
922 participation in the Compact, or of the United States, or the applicability thereof to
923 any government, agency, person or circumstance is held to be unconstitutional
924 by a court of competent jurisdiction, the validity of the remainder of this Compact
925 and the applicability thereof to any other government, agency, person or
926 circumstance shall not be affected thereby.

927 C. Notwithstanding subsection B of this section, the Commission may deny a
928 State's participation in the Compact or, in accordance with the requirements of

929 Section 13.B, terminate a Member State's participation in the Compact, if it
930 determines that a constitutional requirement of a Member State is a material
931 departure from the Compact. Otherwise, if this Compact shall be held to be
932 contrary to the constitution of any Member State, the Compact shall remain in full
933 force and effect as to the remaining Member States and in full force and effect as
934 to the Member State affected as to all severable matters.

935 **SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS**

936 A. A Licensee providing services in a Remote State under a Multistate Authorization
937 to Practice shall adhere to the laws and regulations, including laws, regulations,
938 and applicable standards, of the Remote State where the client is located at the
939 time care is rendered.

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

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

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

946