



Inaugural Meeting

September 17th, 2024

Facilitated by the Council of State Governments





Social Work Licensure Compact Commission

Inaugural Meeting Agenda

September 17th, 2024: 10am ET – 5pm ET

Zoom: <https://csg->

[org.zoom.us/meeting/register/tZYvdeqtrzkrHt1_qNWwyfVCqaRb0BVxxdAn](https://csg-org.zoom.us/meeting/register/tZYvdeqtrzkrHt1_qNWwyfVCqaRb0BVxxdAn)

- I. Welcome and Introductions of Interim Staff
- II. Call to Order:
 - Roll Call
 - Commission Delegate Introductions
 - Overview of Agenda
 - Adoption of Agenda
- III. Legislative Update/Legal Opinion on Legislative Deviations
- IV. Review Commission Governance Structure
- V. Discussion of Compact Commission By-Laws
- VI. Discussion of Rule on Rulemaking
- VII. Discussion of Leadership Nominations
- Lunch 12:00p
- VIII. Discussion of Data System
- IX. Discussion of Commission Finances and Staff Hiring



- X. Discussion of Future Rules for Consideration
- XI. Ex Officio Organization Selection
- XII. Questions from Delegates/Public Comment from Non-Delegate Attendees
- XIII. Review Transition Plan and Next Steps

Adjourn 5:00pm



Social Work Compact Legislative Update

2023 SW Compact Legislative Enactments

| <i>State</i> | <i>Bill Number</i> | <i>Date Enacted</i> |
|--------------|--------------------|---------------------|
| 1. Missouri | SB 70 | July 6th, 2023 |

2024 DDH Compact Legislative Enactments

| | | |
|-------------------|------------|-------------------------------|
| 2. South Dakota | HB 1015 | February 5th, 2024 |
| 3. Utah | HB 44 | March 14 th , 2024 |
| 4. Washington | HB 1939 | March 19 th , 2024 |
| 5. Kentucky | HB 56 | April 5 th , 2024 |
| 6. Kansas | HB 2484 | April 12 th , 2024 |
| 7. Virginia | HB 326 | April 8 th , 2024 |
| 8. Nebraska | LB 932 | April 15 th , 2024 |
| 9. Vermont | H 543 | April 23 rd , 2024 |
| 10. Maine | LD 2140 | April 26 th , 2024 |
| 11. Georgia | SB 195 | May 2 nd , 2024 |
| 12. Iowa | HF 2512 | May 3 rd , 2024 |
| 13. Alabama | SB 208 | May 5 th , 2024 |
| 14. Ohio | SB 90 | May 10 th , 2024 |
| 15. Connecticut | HB 5197 | May 21 st , 2024 |
| 16. Minnesota | HF 5247 | May 24 th , 2024 |
| 17. Tennessee | SB 2134 | May 28 th , 2024 |
| 18. Colorado | HB 24-1002 | June 3 rd , 2024 |
| 19. Arizona | SB 1036 | June 21 st , 2024 |
| 20. Louisiana | HB 888 | June 25 th , 2024 |
| 21. Rhode Island | HB 7350 | June 25 th , 2024 |
| 22. New Hampshire | HB 1190 | July 7 th , 2024 |



Compact Legislation Pending

| State | Bill Number | Status |
|--------------|--------------------|--|
| New Jersey | S2688/A2813 | Passed Assembly. Waiting on Senate Commerce Committee vote. |
| Pennsylvania | HB 1841 | Introduced and assigned to House Professional Licensure committee. |

Social Work Licensure Compact Section 10-C-21

C. The Commission shall have the following powers:

21. Determine whether a State's adopted language is materially different from the Model Compact language such that the State would not qualify for participation in the Compact;

Social Work Licensure Compact Section 14-A-1

- 1. On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the first seven Member States ("Charter Member States") to determine if the statute enacted by each such Charter Member State is materially different than the model Compact statute.
 - a. A Charter Member State whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in Section 13.*
 - b. If any Member State is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Member States should be less than seven.**

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 multistate practice;
- E. Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple States by providing for the mutual recognition of other Member State licenses;
- F. Support military families;
- G. Facilitate the exchange of licensure and disciplinary information among Member States;
- H. Authorize all Member States to hold a Regulated Social Worker accountable for abiding by a Member State's laws, regulations, and applicable professional standards in the Member State in which the client is located at the time care is rendered; and
- I. Allow for the use of telehealth to facilitate increased access to regulated Social Work Services.

SECTION 2. DEFINITIONS

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

- A. **“Active Military Member”** means any individual with full-time duty status in the active armed forces of the United States including members of the National Guard and Reserve.
- B. **“Adverse Action”** means any administrative, civil, equitable or criminal action permitted by a State's laws which is imposed by a Licensing Authority or other authority against a Regulated Social Worker, including actions against an individual's license or Multistate Authorization to Practice such as revocation,

- 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. **“Disqualifying Event”** means any Adverse Action or incident which results in an
65 Encumbrance that disqualifies or makes the Licensee ineligible to either obtain,
66 retain or renew a Multistate License.
- 67 I. **“Domicile”** means the jurisdiction in which the Licensee resides and intends to
68 remain indefinitely.
- 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 d. Passage of a clinical-category Qualifying National Exam; or
- 189 e. Licensure of the applicant in their Home State at the clinical
190 category, beginning prior to such time as a Qualifying National Exam
191 was 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 f. 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 State Licensing Authority.

418 2. The delegate shall be either:

419 a. A current member of the State 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 State 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 any delegate
426 from office.

427 5. A Member State's State 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 State Licensing Board to
447 sue 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

- 513 b. The Commission shall elect five voting members from the current
514 membership of the Commission.
- 515 c. Up to four (4) ex-officio, nonvoting members from four (4) recognized
516 national Social Work organizations.
- 517 d. The ex-officio members will be selected by their respective
518 organizations.
- 519 3. The Commission may remove any member of the Executive Committee
520 as provided in the Commission's bylaws.
- 521 4. The Executive Committee shall meet at least annually.
- 522 a. Executive Committee meetings shall be open to the public, except
523 that the Executive Committee may meet in a closed, non-public
524 meeting as provided in subsection F.2 below.
- 525 b. The Executive Committee shall give seven (7) days' notice of its
526 meetings, posted on its website and as determined to provide notice
527 to persons with an interest in the business of the Commission.
- 528 c. The Executive Committee may hold a special meeting in accordance
529 with subsection F.1.b. below.
- 530 E. The Commission shall adopt and provide to the Member States an annual report.
- 531 F. Meetings of the Commission
- 532 1. All meetings shall be open to the public, except that the Commission
533 may meet in a closed, non-public meeting as provided in subsection F.2
534 below.
- 535 a. Public notice for all meetings of the full Commission of meetings shall
536 be given in the same manner as required under the Rulemaking
537 provisions in Section 12, except that the Commission may hold a
538 special meeting as provided in subsection F.1.b below.
- 539 b. The Commission may hold a special meeting when it must meet to
540 conduct emergency business by giving 48 hours' notice to all
541 commissioners, on the Commission's website, and other means as
542 provided in the Commission's Rules. The Commission's legal
543 counsel shall certify that the Commission's need to meet qualifies as
544 an emergency.
- 545 2. The Commission or the Executive Committee or other committees of the
546 Commission may convene in a closed, non-public meeting for the
547 Commission or Executive Committee or other committees of the
548 Commission to receive legal advice or to discuss:

- 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' State 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

SOCIAL WORK LICENSURE COMPACT

BYLAWS

ARTICLE I

Commission Purpose, Function and Bylaws

Section 1. Purpose.

Pursuant to the terms of the Social Work Licensure Compact, (the “Compact”), the Social Work Licensure Compact Commission (the “Commission”) is established to fulfill the objectives of the Compact, through a means of joint cooperative action among the Member States, namely, to facilitate the interstate practice of social work and improve public access to social work services by establishing a pathway for a Regulated Social Worker to obtain multistate licenses to authorize practice in other states participating in the Compact.

Section 2. Functions.

In pursuit of the fundamental objectives set forth in the Compact, the Commission shall, as necessary or required, exercise all of the powers and fulfill all of the duties delegated to it by the Member States. The Commission’s activities shall include, but are not limited to, the following: the promulgation of binding rules and operating procedures; equitable distribution of the costs, benefits and obligations of the Compact among the Member States; enforcement of Commission Rules, Operating Procedures and Bylaws; provision of dispute resolution; Coordination of training and education; and the collection and dissemination of information concerning the activities of the Compact, as provided by the Compact, or as determined by the Commission to be warranted by, and consistent with, the objectives and provisions of the Compact.

Section 3. Bylaws.

As required by the Compact, these Bylaws shall govern the management and operations of the Commission. As adopted and subsequently amended, these Bylaws shall remain at all times subject to, and limited by, the terms of the Compact.

ARTICLE II

Membership

Section 1. Purpose.

The Commission Membership shall be comprised as provided by the Compact.

Section 2. Commissioners.

Each Member State shall have and be limited to one delegate. A delegate shall be referred to as the Commissioner of the Member State, or alternatively, a “Commission Member” for purposes of these Bylaws. Each Member State shall forward the name of its Commissioner to the national

office of the Commission, who will advise the Commission chairperson. The national office of the Commission shall promptly advise the appropriate appointing authority of the Member State of the need to appoint a new Commissioner upon the expiration of a designated term or the occurrence of mid-term vacancies. If a resignation of a Commissioner occurs or a change is made by the state appointing authority, it is the responsibility of the Member State to inform the Commission of the vacancy or change.

ARTICLE III

Officers

Section 1. Election and Succession.

The officers of the Commission shall include a Chairperson, Vice Chairperson, Secretary, Treasurer and Past Chair. The officers shall be duly appointed Commission Members. Officers shall be elected annually by the Commission at any meeting at which a quorum is present and shall serve for one year or until their successors are elected by the Commission. The officers so elected shall serve without compensation or remuneration, except as provided by the Compact.

Section 2. Duties.

The officers shall perform all duties of their respective offices as provided by the Compact and these Bylaws. Such duties shall include, but are not limited to, the following:

- a. *Chairperson.* The Chairperson shall call and preside at all meetings of the Commission, shall prepare agendas for such meetings, shall make appointments to all committees of the Commission and, in accordance with the Commission's directions, or subject to ratification by the Commission, shall act on the Commission's behalf during the interims between Commission meetings.
- b. *Vice Chairperson.* The Vice Chairperson shall, in the absence or at the direction of the Chairperson, perform any or all of the duties of the Chairperson. In the event of a vacancy in the office of Chairperson, the Vice Chairperson shall serve as acting until a new Chairperson is elected by the Commission.
- c. *Secretary.* The Secretary shall keep minutes of all Commission meetings and shall act as the custodian of all documents and records pertaining to the status of the Compact and the business of the Commission.
- d. *Treasurer.* The Treasurer, with the assistance of the Commission's executive director, shall act as custodian of all Commission funds and shall be responsible for monitoring the administration of all fiscal policies and procedures set forth in the Compact or adopted by the Commission. Pursuant to the Compact, the treasurer shall execute such bond as may be required by the Commission covering the treasurer, the executive director and any other officers, Commission Members and Commission personnel, as determined by the Commission, who may be responsible for the receipt, disbursement, or management of Commission funds.

- e. *Past Chair.* The Past Chair is the most recent previous Chair who is still serving as a Commission member and shall perform such duties as may be requested by the Commission.

Section 3. Costs and Expense Reimbursement.

Subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by the officers in the performance of their duties and responsibilities as officers of the Commission.

ARTICLE IV

Executive Committee

Section 1. Powers, Duties, and Responsibilities.

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

- a. Overseeing the day-to-day activities of the administration of the Compact including compliance with the provisions of the Compact, the Commission's Rules and bylaws;
- b. Recommending to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Participating States, fees charged to Licensees and other fees;
- c. Ensuring Compact administration services are appropriately provided, including by contract;
- d. Preparing and recommending the budget;
- e. Maintaining financial records on behalf of the Commission;
- f. Monitoring Compact compliance of Participating States and providing compliance reports to the Commission;
- g. Establishing additional committees as necessary;
- h. Exercising the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending these Bylaws and exercising any other powers and duties expressly reserved to the Commission by Rule or these Bylaws.

Section 2. Composition of Executive Committee

The Executive Committee shall be composed of seven (7) members:

- a. The Chair, Vice Chair, Secretary and Treasurer [optional: Past Chair] of the Commission and any other members of the Commission who serve on the Executive Committee shall be voting members of the Executive Committee; and
- b. Other than the Chair, Vice Chair, Secretary and Treasurer [optional: and Past Chair], the Commission shall elect three (3) [alternative if Past Chair is included: two (2)] voting members from the current membership of the Commission.
- c. Ex-Officio: The Compact authorizes up to four (4) ex-officio, nonvoting members from four (4) recognized national Social Work organizations. The ex-officio, nonvoting members of the Executive Committee are as follows:
 - a.

The Commission may remove any member of the Executive Committee by an affirmative vote of a majority of the current membership of the Commission

Section 3. Executive Committee Meetings.

The Executive Committee shall meet at least once each calendar year at a time and place to be determined by the Executive Committee.

All meetings at which the Executive Committee intends to take formal action on a matter shall be open to the public, except that the Executive Committee may meet in a closed, non-public session of a public meeting when dealing with any of the matters for which the Commission is authorized to convene in a closed, non-public meeting under the Compact.

The Executive Committee shall give five (5) business days' notice of its public meetings, posted on its website and as it may otherwise determine to provide notice to persons with an interest in the public matters the Executive Committee intends to address at those meetings.

The Executive Committee may hold an emergency meeting when acting for the Commission to:

- a. Meet an imminent threat to public health, safety or welfare;
- b. Prevent a loss of Commission of Participating State funds; or
- c. Protect public health and safety.

ARTICLE V

Qualified Immunity, Defense and Indemnification

Section 1. Immunity.

The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of

any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

Section 2. Defense.

Subject to the provisions of the Compact and Rules promulgated thereunder, the Commission shall defend any member, officer, executive director, employee and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

Section 3. Indemnification.

Notwithstanding Section 1 of this Article V, should any member, officer, executive director, employee or representative of the Commission be held liable for the amount of any settlement or judgment arising out of any actual or alleged act, error or omission that occurred within the scope of that individual's employment, duties or responsibilities for the Commission, or that the person to whom that individual is liable had a reasonable basis for believing occurred within the scope of the individual's employment, duties or responsibilities for the Commission, the Commission shall indemnify and hold harmless such individual, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of the individual.

ARTICLE VI

Meetings of the Commission

Section 1. Meetings and Notice.

The Commission shall meet at least once each calendar year at a time and place to be determined by the Commission. Additional meetings may be scheduled at the discretion of the chairperson, and must be called upon the request of a majority of Commission Members, as provided by the Compact. All Commission Members shall be given written notice of Commission meetings at least thirty (30) days prior to their scheduled dates. Final agendas shall be provided to all Commission Members no later than ten (10) days prior to any meeting of the Commission. Thereafter, additional agenda items requiring Commission action may not be added to the final agenda, except by an affirmative vote of a majority of the Members. All Commission meetings shall be open to the public, except as set forth in Commission Rules or as otherwise provided by the Compact. Prior public notice shall be posted on the Commission's website at least thirty (30) days prior to the public meeting. A meeting may be closed to the public where the Commission determines by two-

thirds (2/3rds) vote of its Members that there exists at least one of the conditions for closing a meeting, as provided by the Compact or Commission Rules.

Section 2. Quorum.

Commission Members representing a majority of the Member States shall constitute a quorum for the transaction of business, except as otherwise required in these Bylaws. The participation of a Commission Member from a Member State in a meeting is sufficient to constitute the presence of that state for purposes of determining the existence of a quorum, provided the Member present is entitled to vote on behalf of the Member State represented. The presence of a quorum must be established before any vote of the Commission can be taken.

Section 3. Voting.

Each Member State represented at any meeting of the Commission by its Member is entitled to one vote. A Member shall vote himself or herself and shall not delegate his or her vote to another Member. Members may participate in meetings by telephone or other means of telecommunication or electronic communication. Except as otherwise required by the Compact or these Bylaws, any question submitted to a vote of the Commission shall be determined by a simple majority.

Section 4. Procedure.

Matters of parliamentary procedure not covered by these Bylaws shall be governed by Robert's Rules of Order.

ARTICLE VII

Committees

The Commission may establish such committees as it deems necessary to carry out its objectives, which shall include, but not be limited to Finance, Rules, Compliance, Training, Communications and Outreach, and Leadership Nomination. The composition, procedures, duties, budget and tenure of such committees shall be determined by the Commission.

ARTICLE VIII

Finance

Section 1. Fiscal Year.

The Commission's fiscal year shall begin on July 1 and end on June 30.

Section 2. Budget.

The Commission shall operate on an annual budget cycle and shall, in any given year, adopt budgets for the following fiscal year or years only after notice and comment as provided by the Compact.

Section 3. Accounting and Audit.

The Commission, through the Executive Committee, shall keep accurate and timely accounts of its internal receipts and disbursements of the Commission funds, other than receivership assets. The Commission's financial accounts and reports, including the Commission's system of internal controls and procedures, shall be audited annually by an independent certified or licensed public accountant. As required by the Compact, the report of such independent audit shall be included in and become part of the Commission's annual report to the Member States. The Commission's internal accounts, any workpapers related to any internal audit and any workpapers related the independent audit shall be confidential; provided, that such materials shall be made available: 1) in compliance with the order of any court of competent jurisdiction; ii) pursuant to such reasonable rules as the Commission shall promulgate; and iii) to any Commissioner of a Member State, or their duly authorized representatives.

Section 4. Public Participation in Meetings.

Upon prior written request to the Commission, any person who desires to present a statement on a matter that is on the agenda shall be afforded an opportunity to present an oral statement to the Commission at an open meeting. The chairperson may, depending on the circumstances, afford any person who desires to present a statement on a matter that is on the agenda an opportunity to be heard absent a prior written request to the Commission. The chairperson may limit the time and manner of any such statements at any open meeting.

Section 5. Debt Limitations.

The Commission shall monitor its own and its committees' affairs for compliance with all provisions of the Compact, its rules and these Bylaws governing the incursion of debt and the pledging of credit.

Section 6. Travel Reimbursements.

Subject to the availability of budgeted funds and unless otherwise provided by the Commission, Commission Members shall be reimbursed for any actual and necessary expenses incurred pursuant to their attendance at all duly convened meetings of the Commission or its committees as provided by the Compact.

ARTICLE IX

Withdrawal, Default, and Termination

Member States may withdraw from the Compact only as provided by the Compact. The Commission may terminate a Member State as provided by the Compact.

ARTICLE X

Adoption and Amendment of Bylaws

Any Bylaw may be adopted, amended or repealed by a majority vote of the Members, provided that written notice and the full text of the proposed action is provided to all Commission Members at least thirty (30) days prior to the meeting at which the action is to be considered. Failing the

required notice, a two-thirds (2/3rds) majority vote of the Members shall be required for such action.

ARTICLE XI

Dissolution of the Compact

The Compact shall dissolve effective upon the date of the withdrawal or the termination by default of a Member State which reduces Membership in the Compact to one Member State as provided by the Compact. Upon dissolution of the Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Commission shall be concluded in an orderly manner and according to applicable law. Each Member State in good standing at the time of the Compact's dissolution shall receive a pro rata distribution of surplus funds based upon a ratio, the numerator of which shall be the amount of its last paid annual assessment, and the denominator of which shall be the sum of the last paid annual assessments of all Member States in good standing at the time of the Compact's dissolution. A Member State is in good standing if it has paid its assessments timely.

1 **Social Work Licensure Compact Commission**

2

3 **Title of Rule:** Rule on Rulemaking

4 **Reason for Rule:** To further outline and clarify the rule promulgation process of the Social

5 Work Licensure Compact Commission.

6

7

8 **Chapter 1: Rulemaking**

9 **Authority:**

10 Section 10: Establishment of Social Work Licensure Compact Commission

11 Section 12: Rulemaking

12 Section 14: Effective Date, Withdrawal, and Amendment

13 **1.0 Purpose:** Pursuant to Section 12 of the Compact, the Social Work Licensure Compact

14 Commission shall promulgate reasonable and lawful uniform rules to

15 facilitate and coordinate implementation and administration of the Social

16 Work Licensure Compact. This Rule will become effective upon passage

17 by the Social Work Licensure Compact Commission as provided in Section

18 12 of the Social Work Licensure Compact.

19 **1.1 Definition(s):** (a) **“Commission”** means: the Social Work Licensure Compact

20 Commission, which is the joint administrative body whose membership

21 consists of all Member States.

22 (b) **“Commissioner”** means: the individual appointed by a Member State

23 to serve as the member of the Commission for that Member State.

24 (c) **“Compact”** means the Social Work Licensure Compact.

25 (d) **“Member State”** means a state that has enacted the Compact and been

26 admitted to the Commission in accordance with the Compact and the

27 Commission Rules, and which has not withdrawn or been terminated from

28 the Compact.

29 (d) **“Rule”** means: a regulation, principle or directive promulgated by the

30 Commission pursuant to the criteria set forth in Section 12 of the Compact

31 that has the force and effect of law in a Member State and includes the

32 amendment, repeal, or suspension of an existing Rule.

33 (e) **“Rules Committee”** means: a committee that is established as a standing

34 committee to develop reasonable and lawful uniform rules for consideration

35 by the Commission and subsequent implementation by the states and to
36 review existing rules and recommend necessary changes to the Commission
37 for consideration.

38 (f) “**Social Work Services**” means the application of social work theory,
39 knowledge, methods, ethics, and the professional use of self to restore or
40 enhance social, psychosocial, or biopsychosocial functioning of individuals,
41 couples, families, groups, organizations, and communities through the care
42 and services provided by a Regulated Social Worker as set forth in the
43 Member State’s statutes and regulations in the State where the services are
44 being provided.

45 (g) “**State**” means: any state, commonwealth, district, or territory of the
46 United States of America.

47 **1.2 Proposed Rules or Amendments:** Rules shall be adopted by majority vote of the Member
48 States of the Commission pursuant to the criteria set forth in Section 12 of the Compact and in the
49 following manner:

50 (a) New rules and amendments to existing rules proposed pursuant to the Compact and the
51 Commission Bylaws shall be submitted to the Commission office for referral to the Rules
52 Committee in any of the following ways:

53 (1) Any Commissioner may submit a proposed Rule for referral to the Rules
54 Committee during the next scheduled Commission meeting.

55 (2) Standing Committees of the Commission may propose Rules amendments by
56 majority vote of that Committee.
57
58

59 **1.3 Drafting of Proposed Rules:** The Rules Committee shall prepare a draft of all proposed rules
60 and provide the draft to the Executive Committee to provide to all Commissioners for review and
61 comments. Based on the comments made by the Commissioners, the Rules Committee shall
62 prepare a final draft of the proposed rule(s) or amendments for consideration by the Commission
63 not later than 30 days prior to the next Commission meeting.

64 **1.4 Notice of Proposed Rulemaking Prior to Public Hearing:** Prior to promulgation and
65 adoption of a final Rule, the Commission shall hold a public hearing and allow persons to provide
66 oral and written comments, data, facts, opinions, and arguments. At least 30 days prior to the public
67 hearing, the Commission shall provide a Notice of Proposed Rulemaking:

- 68 1. On the website of the Commission or other publicly accessible platform; and
69 2. To persons who have requested notice of the Commission’s notices of proposed
70 rulemaking.

71 **1.5 Contents of Notice of Proposed Rulemaking:** The Notice of Proposed Rulemaking shall
72 include:

73 (a) The time, date, and location of the public hearing at which the Commission will hear
74 public comments on the proposed Rule and, if different, the time, date, and location of the
75 meeting where the Commission will consider and vote on the proposed Rule;

76 (b) The mechanism for access to the hearing if the hearing is to be held via
77 telecommunication, video conference, or other electronic means;

78 (c) The text of the proposed Rule and the reason for the proposed Rule.

79 (d) A request for comments on the proposed Rule from any interested person; and

80 (e) The manner in which interested persons may submit notice to the Commission of their
81 intention to attend the public meeting and any written comments.

82 **1.6 Public Hearings:** All persons wishing to be heard at the public hearing shall notify the
83 executive director of the Commission or other designated member in writing of their desire to
84 appear and testify at the hearing not less than five (5) business days before the scheduled date of
85 the hearing.

86 Hearings shall be conducted in a manner providing each person who wishes to comment a fair and
87 reasonable opportunity to comment orally or in writing.

88 All hearings shall be recorded. A copy of the recording shall be made available upon request.

89 Nothing in this chapter shall be construed as requiring a separate hearing on each Rule. Rules may
90 be grouped for the convenience of the Commission at hearings required by this chapter.

91 The Commission shall consider all written and oral comments received prior to taking final action
92 on the proposed Rule.

93 **1.7 Final Adoption of Rule:** At a regular or special meeting of the Commission, which may be
94 held at the same date and location as the public hearing, the Commission shall, by majority vote
95 of all Commissioners, take final action on the proposed Rule based on the rulemaking record.

96 The Commission may adopt changes to the proposed Rule provided the changes do not enlarge
97 the original purpose of the proposed Rule. The Commission shall provide an explanation of the
98 reasons for substantive changes made to the proposed Rule as well as reasons for substantive
99 changes not made that were recommended by commenters.

100 The Commission shall determine a reasonable effective date for the Rule. Except for an emergency
101 as provided in Section 1.9, the effective date of the Rule shall be no sooner than thirty (30) days
102 after the Commission issues the notice that it adopted the Rule.

103 **1.8 Status of Rules Upon Adoption of Compact By Additional Member States; Applicability:**

104 Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall
105 be subject to the rules as they exist on the date on which the Compact becomes law in that state.

106 Any Rule that has been previously adopted by the Commission shall have the full force and effect
107 of law on the day the Compact becomes law in that state.

108 No Member State's rulemaking requirements shall apply under this Compact.

109 The Rules of the Commission shall have the force of law in each Member State, provided,
110 however, that where the Rules of the Commission conflict with the laws of the Member State
111 which establish the Member State's scope of permissible Social Work Services as held by a court
112 of competent jurisdiction, the rules of the Commission shall be ineffective in that State to the extent
113 of the conflict.

114 If, within four (4) years of the date of adoption of a Rule, a majority of the legislatures of the
115 Member States rejects the Rule by the enactment of statutes in the same manner such legislatures
116 used to adopt the Compact, the Rule shall have no further force and effect in any Member State.

117 **1.9 Emergency Rulemaking:** Upon determination that an emergency exists, the Commission may
118 consider and adopt an emergency Rule with twenty-four (24) hours' notice, with the opportunity
119 to comment, provided that the usual rulemaking procedures provided in the Compact and in this
120 section shall be retroactively applied to the rule as soon as reasonably possible, in no event later
121 than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an
122 emergency rule is one that must be adopted immediately in order to:

- 123 1. Meet an imminent threat to public health, safety, or welfare,
- 124 2. Prevent a loss of Commission or Member State funds;
- 125 3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule;
- 126 4. Protect public health and safety.

127 **2.0 Non-Substantive Rule Revisions:** The Commission or an authorized committee of the
128 Commission may direct revisions to a previously adopted Rule or amendment for purposes of
129 correcting typographical errors, errors in format, errors in consistency, or grammatical errors.
130 Public notice of any revisions shall be posted on the website of the Commission. The revision shall
131 be subject to challenge by any person for a period of thirty (30) days after posting. The revision
132 may be challenged only on grounds that the revision results in a material change to a Rule. A
133 challenge shall be made in writing and delivered to the Commission prior to the end of the notice
134 period. If no challenge is made, the revision will take effect without further action. If the revision
135 is challenged, the revision may not take effect without the approval of the Commission.

136

137



Elections Information: Positions and Duties

The Commission will elect two officers, five members-at-large to serve on the Executive Committee from among the current delegates to the Commission, and up to four ex-officio, nonvoting members from four recognized national social work organizations. All eleven of those elected will be members of the Executive Committee.

Below are descriptions of the duties of the Executive Committee and its officers as written in Compact bylaws.

The Commission's officers shall perform all duties of their respective offices as the Compact and these Bylaws provide. Their duties shall include, but are not limited to, the following:

A. Chair: The Chair shall call and preside at Commission and Executive Committee meetings; prepare agendas for the meetings; act on Commission's behalf between Commission meetings.

B. Vice Chair: The Vice Chair shall perform the duties of the Chair in their absence or at the Chair's direction. In the event of a vacancy in the Chair's office, the Vice Chair shall serve until the Commission elects a new Chair.

C. Members-at-large (5 positions open): fulfill duties of the Executive Committee as outlined below.

The Executive Committee shall:

- a. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:
- b. Oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its Rules and bylaws, and other such duties as deemed necessary;
- c. Recommend to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;
- d. Ensure Compact administration services are appropriately provided, including by contract;



- e. Prepare and recommend the budget;
- f. Maintain financial records on behalf of the Commission;
- g. Monitor Compact compliance of Member States and provide compliance reports to the Commission;
- h. Establish additional committees as necessary;
- i. Exercise the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by Rule or bylaw;
and
- j. Other duties as provided in the Rules or bylaws of the Commission.

D. Ex-officio Members (4 positions open): The ex-officio members will be selected by their respective organizations.



Overview of Commission Finances and Management

| Compact | Annual Budget | Secretariat | Funding Sources |
|----------------------------|-------------------|-------------|-----------------------------------|
| Nursing | \$ 62,971.23 | NCSBN | \$50,000 secretariat fee to NCSBN |
| Medicine | \$ 5,273,603.05 | FSMB | Fees from licensees |
| Psychology | \$ 459,018.00 | FSPPB | MOU with FSPPB |
| PT | \$ 160,733.00 | FSPTB | Line of credit with FSPTB |
| Counseling | \$ 367,500.00 | CAMS | Funding from ACA, NBCC |
| OT | \$ 450,808.28 | ASMI | Funding from AOTA, NBCOT |
| Speech Pathology/Audiology | \$ 287,000.00 | NCSB | Funding from ASHA, AAA |
| EMS | approx. \$150,000 | NREMT | Grant from NREMT |



Memo

To: The Social Work Compact Interstate Commission

From: Dan Logsdon, National Center for Interstate Compacts

Date: July 30th, 2024

RE: Document Team Discussion of Ex Officio Members

The Social Work Compact allows for 4 ex officio members to the Executive Committee. The compact doesn't provide guidance about specific organizations, which was by design from the Document Team. However, the Document Team did mention four organizations during their discussions.

The organizations that were discussed:

- The Association of Social Work Boards (ASWB)
 - ASWB is the nonprofit organization composed of the social work regulatory boards and colleges of all 50 U.S. states, the District of Columbia, the U.S. Virgin Islands, Guam, the Northern Mariana Islands, and all 10 Canadian provinces.
- The National Association of Social Workers (NASW)
 - Founded in 1955, the National Association of Social Workers (NASW) is the largest membership organization of professional social workers in the world. NASW works to enhance the professional growth and development of its members, to create and maintain professional standards, and to advance sound social policies
- Clinical Social Work Association
 - CSWA's membership currently consists of licensed clinical social workers, new professionals (clinical social workers who have graduated within the last four years), emeritus members, students and affiliated state societies.
- Council on Social Work Education (CSWE)
 - Founded in 1952, the Council on Social Work Education (CSWE) is the national association representing social work education in the United States. Its members include over 750 accredited baccalaureate and master's degree social work programs, as well as individual social work educators, practitioners, and agencies dedicated to advancing quality social work education.

The Social Work Compact Commission has the sole authority to appoint the ex officio members. This memo is meant only to provide background information for commission deliberations.

**Social Work Compact Executive
Director
Draft RFP Job Description**

| <u>Job Title</u> | <u>Group</u> | <u>Date Posted</u> |
|---|--|--|
| Director, Social Work Compact Commission | Social Work Compact Commission | |
| <u>Accountable to:</u> SOCIAL WORK COMPACT COMMISSION/Chair/Executive Committee | | <u>Authority</u> SOCIAL WORK COMPACT Section 10.C (11) Bylaws Article IV, Section 1 |
| <u>Job Summary:</u> Serves as the lead staff executive for the SOCIAL WORK COMPACT COMMISSION, a joint government agency of member states. Directs the day-to-day operations of the organization, including but not limited to projects, relationships and staff. Works in concert with the Commission leadership, and its Executive Committee to fulfil the intent and purpose of the Social Work Compact. | | |
| <u>Tasks</u> | <u>Principle Responsibilities</u> | <u>Frequency</u> |
| 1 | Manages the day-to day operations of the SOCIAL WORK COMPACT. Provides support to the Commission Chair, Delegates, Committee Chairs and Executive Committee in the execution of its responsibilities, under the Compact Bylaws. Works in consultation with Commission Chair to develop meeting agendas, materials, minutes, and reports. Provides executive level staff support and ensures effective planning, promotion, and execution of commission meetings. | 20% |
| 2 | Conducts outreach and public relations related to the SOCIAL WORK COMPACT. Effectively manages external stakeholder relationships while representing the Commission. Serves as the SOCIAL WORK COMPACT training officer; provides training to member state boards of social work. Facilitates the orientation of new Commissioners. Develops and maintains a repository of informational, educational, and training materials regarding the SOCIAL WORK COMPACT. Provides external presentations and education and technical assistance for legislative enactments, as needed. | 20% |
| 3 | Participates in the development and implementation of the Social Work Commission strategic plan and objectives. Collaborates with the Executive Committee in setting the overall strategic direction. | 10% |
| 4 | In conjunction with the Commission and its committees, oversees and monitors regulatory compliance of member states with statute, bylaws, and rules. | 15% |
| 5 | Responsible for supervising the staff and independent contractors of the Commission. Develops and submits to the Commission for consideration the administrative personnel policies governing the recruitment, hiring, management, compensation, and dismissal of Commission staff. | 15% |
| 6 | In conjunction with the Treasurer and Executive Committee, responsible for managing the annual operating budget and reserves, and monitoring the Commissions financial performance. Maintains records of the Commission. May serve as Secretary to the Commission; coordinates Executive Committee elections. | 20% |
| <u>Job Specifications</u> (Education, Certification, Special Knowledge and Skills) | | |
| Bachelor’s degree required, Master’s or JD preferred. Background in business, management, healthcare administration or related field. Five or more years of member-based association management/governance and committee management experience preferred. | | |
| Knowledge of occupational licensure, administrative law and operations management preferred. | | |

Excellent oral and written communication, presentation, technical, organizational, customer service, problem solving, analytical and critical thinking, and problem-solving skills are required.

Ability to work independently to resolve member issues and collectively to establish a positive working rapport with members and stakeholders. Facilitates effective meetings with stakeholders. Domestic travel will be required.

Ability to build, maintain, communicate, and manage professional relationships with members, stakeholders, and public and governmental agencies, with an emphasis on political awareness, public perceptions, and SOCIAL WORK COMPACT initiatives and details.

Social Work Compact Commission Support Draft Request for Proposal for Secretariat

Proposal Title and Purpose:

Social Work Compact Commission Support

The purpose of this Request for Proposal (RFP) is to solicit a secretariat who will help commence, implement, and sustain the work of the Social Work Compact Commission (Commission).

Background/Entity Descriptions:

The Association of Social Work Boards (ASWB) is working to create the Social Work Licensure Compact. Work on this endeavor began in late 2020, as The Council of State Governments (CSG) selected ASWB to receive technical assistance with the development of a compact through funding from the Department of Defense (DoD). Since that time, ASWB and CSG have worked closely with state boards and associations to introduce compact legislation.

The bill stipulates a minimum of 7 states must approve the legislation before the Social Work Compact Commission can be assembled and begin its operations. One state approved the bill in 2023 and in the 2024 state legislative session, an additional 21 states approved the legislation.

Now that the minimum state requirement has been met, the Social Work Compact Commission is being formed with one state regulatory representative being appointed from each jurisdiction who has passed the legislation. The Social Work Compact Commission, a joint governmental agency composed of an elected representative from each state that passed compact legislation, will hold its inaugural meeting September 17th, 2024.

The secretariat awarded this contract will be responsible for working with the Social Work Compact Commission, the commission's executive committee, and its executive director to develop all necessary commission infrastructure, secure a national licensure data system which includes licensure information and disciplinary actions, and implement management of all activities.

Proposal Request Schedule:

The Social Work Compact Commission seeks proposals from a secretariat to provide administrative and management services to help implement the Commission's responsibilities and strategic initiatives and handle day-to-day operations.

Deadline for proposal submission is xx/xx/xxxx

Terms of Contract:

The Social Work Compact Commission desires to enter into an agreement with the successful awardee for a period of three (3) years, with the option to renew in one-year increments for an additional three (3) years. **The anticipated commencement date is to be determined.**

Project Goals:

Work with the Social Work Compact Commission, its Executive Committee and other Committees, and its Executive Director to:

- Provide all necessary management infrastructure including appropriate staffing, technology, and resources as needed
- Convene meetings with Social Work Compact Commission as needed
- Prepare an annual budget
- Apply for grants
- Establish national policies and procedures
- Secure a national licensure data system (including disciplinary actions)
- Work with each state board of social work or state agency on the interface and implementation of the database
- Develop all initial reporting templates
- Develop all initial routine communication templates
- Prepare all initial public facing communications
- Process all practitioner requests for a compact license
- Respond to all state boards of social work administrators requests to confirm disciplinary action information
- Prepare data and reports, as needed

Nothing herein shall inappropriately delegate Commission responsibilities to the secretariat. The Commission shall approve all actions taken by the secretariat as determined by the Commission.

Scope of Work:

The scope of all expectations for assistance with the work outlined in this RFP must be completed as follows:

| | |
|--|------------|
| Convene meetings with Social Work Compact Commission as needed | xx/xx/xxxx |
| Provide all necessary management infrastructure including appropriate staffing, technology, and resources as needed | xx/xx/xxxx |
| Secure a national licensure data system | xx/xx/xxxx |
| Work with each state board of social work or state agency on interface and implementation of the database | xx/xx/xxxx |
| Prepare annual budget | xx/xx/xxxx |
| Apply for grants | xx/xx/xxxx |
| Establish national policies and procedures | xx/xx/xxxx |
| Develop all initial reporting templates | xx/xx/xxxx |
| Develop all initial routine communication templates | xx/xx/xxxx |
| Prepare all initial public facing communications | xx/xx/xxxx |
| Prepare and implement a marketing strategy and messaging to state regulatory boards who may be interested in the compact legislation | Ongoing |
| Process all practitioner requests for a compact license | Ongoing |
| Respond to all state board of social work administrators requests to confirm disciplinary action information | Ongoing |
| Prepare data and reports, as needed for the Social Work Compact Commission | Ongoing |

Dates are subject to change at the Compact Commission's discretion

Budget:

The Social Work Compact Commission's budget for calendar year xxxx will be approximately xxxxxx. These monies will cover development and operational expenses with the understanding funding for the disciplinary action database is yet to be determined and will be provided separately.

How Can Current Roadblocks and Barriers be Removed:

Risks

- Insufficient management resources
- Database inefficiency
- Database security
- Insufficient start-up funding

Support of the Social Work Compact Commission and the necessary database is essential to ensure the success of the Social Work Compact. Secretariats can mediate these risks by thoroughly indicating methods to address these issues. An established system and process with past successes will be considered.

Proposal Requirements

A. Company Information

1. Provide the company name, address, telephone number, website, and any social media handles.
2. Provide the name, title, and email address of the individual who will serve as the company's primary contact.
3. Describe the company's history, ownership and affiliations.
4. Describe the mission and philosophy that distinguishes the company from competitors.

5. List the company's complete scope of services.
6. Describe the size of your company in employees and revenue.

B. Clients & References

7. Provide a list of the company's current clients in order of annual billings, length of time with the company, and the services provided.
8. Identify clients the company gained and lost during the last 12 months, describing why the company was selected or the relationship was severed.
9. List any current or past clients that are affiliated with ASWB and the social work profession.
10. Provide a minimum of three client references, ideally with prior experience of similar scope and magnitude to the services requested within this RFP. Include name, organization, phone number, email address, a brief description of the work completed on behalf of each client, and samples.

C. Relevant Experience & Strategic Approach

11. Provide a summary of the company's qualifications, experience, and competitive advantages in providing the services outlined in this RFP.

D. Project Management

12. Describe the company's approach to client relationships.
13. Provide detailed implementation plan for a contract awarded as a result of this RFP.

E. Staff & Partners

14. Provide a breakdown of the company's employees by function and location.
15. Provide a list of individuals who would service the Social Work Compact Commission's project if awarded, including staff responsibilities, locations, and brief bios.

F. Financial Proposal

16. Please bid your services for the *administration and management services* in one comprehensive amount with detailed costs for major components (such as the national licensure data system).
17. Describe the company's policy with regard to methods of compensation

Submission Requirements of the Proposal:

All proposals must be sent to the Social Work Compact Commission Chair by email no later than 11:59 PM Eastern on xx/xx/xxxx. Failure to adhere to the dates indicated below may result in bidder disqualification.

| | |
|--|------------|
| Request for Proposal released to vendors by Commission | xx/xx/xxxx |
| Intent to participate in RFP indicated by vendors | Xx/xx/xxx |
| Deadline for written questions or requests for clarification | xx/xx/xxxx |
| Response to questions and requests by Commission | xx/xx/xxxx |
| Deadline for proposal submission | xx/xx/xxxx |
| Evaluation of proposals by Commission | xx/xx/xxxx |
| *Commission vote to accept RFP and execution of contract by Commission | xx/xx/xxxx |
| *Awardee commencement of project | xx/xx/xxxx |

*Subject to change at the Compact Commission's discretion

Evaluation Metrics and Criteria:

Once the secretariat has been selected, the following evaluation criteria will be used to assess the secretariat's performance:

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|---|
| Is the secretariat responding to requests/needs of the Social Work Compact Commission and its Executive Director in a timely manner? |
| Has the secretariat provided appropriate assistance to the Social Work Compact Commission and its Executive Director to complete national policy and procedural documents? |
| Has the Social Work Compact disciplinary action database been secured by the secretariat? |
| Have the implementation timelines established in the contact been adhered to by the secretariat? |
| Is the secretariat proactive in working with the Social Work Compact Commission and its Executive Director in addition to problem solving solutions to challenges? |
| In conjunction with the Social Work Compact Commission and its Executive Director, what kind of marketing initiatives has the secretariat implemented to further educate and work with other state boards of social work who may be interested in the compact legislative initiative? |

Contact Information:

All questions and requests for clarification should be directed to the Chair of the Social Work Compact Commission, (Name of Chair)

Email: xxxx@xxxx

Phone: xxx-xxx-xxxx



Proposed Transition Plan: Social Work Compact Operations

Internal procedures and policies

- Discuss and adopt by-laws
- Adopt Rule on Rulemaking
- Discuss future rules for consideration
- Discussion of committees' structure and function
- Election of Social Work Compact Executive Committee
- Discuss dates of first Executive and Rules Committee meetings
- Request for committee participants

Introductions and Commission Personnel

- Introduce State Commissioners
- Governance and legislative review
- Discuss Social Work Compact Commission finances
- Discuss RFP for secretariat services and timeline
- Role of CSG for Social Work Compact Commission
- Role of CSG under the current contract in support of the Association of Social Work Boards (ASWB)
 - State level technical assistance
 - State legislative technical assistance
 - Legal services
 - Continued outreach on status of state enactments of the Social Work Compact
 - Continued maintenance of Social Work Compact website
 - Temporary secretariat services

Subsequent meetings of the Social Work Compact Commission and Executive Committee will consider the following items for action:

- Discuss additional rules and policies
- Develop MOU for financial support



- Develop and approve budget
- Select secretariat for Social Work Compact Commission
- Discuss Social Work Compact Commission data system

Social Work Compact Commission Administrative Policy

Code of Conduct

I. Introduction

As a joint government entity created by the enactment of the Social Work Compact (Compact) by its member states, the Social Work Compact Commission (Commission) affords great deference to its member states in selecting the Social Work Compact Commissioners (Commissioners) to represent them. The diverse personal, educational, and professional backgrounds of Commissioners are one of the Commission's greatest assets. However, this diversity means that some Commissioners may have personal pecuniary interests which are affected by the outcomes of management and other decisions which must be made concerning the administration of the Compact Commission at times. This policy was implemented to ensure transparency, accountability, and integrity in the Commission's decision-making process.

II. Code of Conduct

Commissioners and their Temporary Representatives appointed by the states are responsible for upholding the integrity of the Commission and its member states. No Commissioner or Temporary Representative shall engage in criminal or unethical conduct prejudicial to the Commission, any other Commissioner, or any other state.

No Commissioner or Temporary Representative shall vote or participate in debate upon a matter in which they have a direct or indirect financial or other personal interest resulting in a personal benefit that conflicts with the fair and impartial conduct of official duties. The Executive Committee shall have the sole authority to consider allegations of breaches of this code, including appeals from Commissioners alleged to be in violation herewith. In the case of a breach, the Executive Committee may direct the Chair to notify the appropriate appointing authority in the Commissioner's home state.

III. Definition

A Conflict of Interest is a set of circumstances that creates a risk that professional judgement or actions regarding a primary interest will be unduly influenced by a secondary personal interest economic or otherwise.

IV. Disclosure of Conflicts of Interest

1. All Commissioners and Temporary Representatives are required to complete a Code of Conduct form. The form constitutes an agreement by each Commissioner and Temporary Representative to disclose personal interests that may impact the ability of a Commissioner or Temporary Representative to conduct business in a "fair and

impartial” manner and that the Commissioner or Temporary Representative will recuse from debating or voting on such a matter in fulfilling the duties of a Social Work Compact Commissioner or Temporary Representative.

2. Completed Code of Conduct forms must be submitted as soon as possible after a state has appointed a Commissioner or Temporary Representative. A Commissioner or Temporary Representative cannot vote at a meeting until this form is completed. For the first year of implementation of this policy, all Commissioners and Temporary Representatives must complete the form prior to inaugural meeting.
3. Completed Code of Conduct forms are public documents which may be disclosed by the Commission upon request.

V. Commissioner and Temporary Representative Recusal

Prior to the discussion of an issue in which a Commissioner or Temporary Representative believes a conflict of interest may exist, the Commissioner or Temporary Representative must announce to the Committee or Commission meeting that they are recusing themselves from participating in the caucus and voting. Once recused, the Commissioner or Temporary Representative will not be able to participate in the debate or the vote concerning the matter which led to the recusal.

VI. Concerns over Financial Disclosure and Conflict of Interest

Concerns over conflicts of interest should be brought to the attention of the Chair of the Commission for consideration by the Executive Committee. The Executive Committee, in consultation with legal counsel, will determine if any of the provisions of the Commission’s Policy on Conflicts of Interest have been violated and decide the appropriate action, if any.

VII. Notification of Home State Appointing Authority

If any of the following conditions are met, the Commission may notify the appropriate appointing authority in the home state of the Commissioner or Temporary Representative regarding its concern about the ability of the Commissioner or Temporary Representative to perform his/her duties in a fair and impartial manner.

1. The Commissioner or Temporary Representative has a substantial financial conflict of interest in the outcome of the matter, such as the awarding of a contract for services or employment;
2. The Commissioner or Temporary Representative has a substantial positional conflict of interest in the outcome of the matter, such as a leadership position for another organization whose purpose is contrary to that of the Commission;

3. The Commissioner or Temporary Representative has been found in violation of criminal or civil state or federal statute or regulation;
4. The Executive Committee determines that a Commissioner or Temporary Representative is not performing their duties consistent with this policy.

Code of Conduct Form

Commissioners or Temporary Representatives appointed by the states are responsible for upholding the integrity of the Commission and its member states. No Commissioner or Temporary Representatives shall engage in criminal or unethical conduct prejudicial to the Commission, any other Commissioner, or any other state. No Commissioner or Temporary Representative shall have a direct or indirect financial interest that conflicts with the fair and impartial conduct of official duties. The Executive Committee, in consultation with Legal Counsel to the Commission, shall have the sole authority to consider allegations of breaches of this code, including appeals from Commissioners alleged to be in violation herewith. In the case of a breach, the Executive Committee may direct the Chair to notify the appropriate appointing authority in the Commissioner or Temporary Representative's home state.

I, _____,
(print name)

_____ for the State of _____
(title—Commissioner or temporary representative)

hereby swear or affirm that I have read and understand the Social Work Compact Commission Code of Conduct and will comply with said policy in all matters pertaining to my duties and obligations as a Commissioner, Temporary Representative, or Officer of the Commission, including my obligation to recuse myself from consideration, debate or voting on any matter that conflicts with the fair and impartial conduct of my official duties.

(Signature)

Dated this ____ day of _____, 20__.