

1 **Social Work Licensure Compact Commission**

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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.

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27 Commission Rules, and which has not withdrawn or been terminated from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

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