



Chapter 1: Rule on Rulemaking

Effective Date: Upon Commission vote

Reason for Rule: To further outline and clarify the rule promulgation process of the Social Work Licensure Compact Commission.

Authority:

Section 10: Establishment of Social Work Licensure Compact Commission

Section 12: Rulemaking

Section 14: Effective Date, Withdrawal, and Amendment

1.0 Purpose: Pursuant to Section 12 of the Compact, the Social Work Licensure Compact Commission shall promulgate reasonable and lawful uniform rules to facilitate and coordinate implementation and administration of the Social Work Licensure Compact. This Rule will become effective upon passage by the Social Work Licensure Compact Commission as provided in Section 12 of the Social Work Licensure Compact.

1.1 Definition(s): (a) **“Commission”** means: the Social Work Licensure Compact Commission, which is the joint administrative body whose membership consists of all Member States.

(b) **“Commissioner”** means: the individual appointed by a Member State to serve as the member of the Commission for that Member State.

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

(d) **“Member State”** means a state that has enacted the Compact and been admitted to the Commission in accordance with the Compact and the Commission Rules, and which has not withdrawn or been terminated from the Compact.

(d) **“Rule”** means: a regulation, principle or directive promulgated by the Commission pursuant to the criteria set forth in Section 12 of the Compact that has the force and effect of law in a Member State and includes the amendment, repeal, or suspension of an existing Rule.

(e) “**Rules Committee**” means: a committee that is established as a standing committee to develop reasonable and lawful uniform rules for consideration by the Commission and subsequent implementation by the states and to review existing rules and recommend necessary changes to the Commission for consideration.

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

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

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

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

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

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

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

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

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

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

1.5 Contents of Notice of Proposed Rulemaking: The Notice of Proposed Rulemaking shall include:

- (a) The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed Rule;
- (b) The mechanism for access to the hearing if the hearing is to be held via telecommunication, video conference, or other electronic means;
- (c) The text of the proposed Rule and a Statement of Need and Reasonableness for the proposed Rule.
- (d) A request for comments on the proposed Rule from any interested person; and
- (e) The manner in which interested persons may submit notice to the Commission of their intention to attend the public meeting and any written comments.

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

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

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

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

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

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

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

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

1.8 Status of Rules Upon Adoption of Compact By Additional Member States; Applicability: Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

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

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

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

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

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

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