Chapter 6 Rule on Implementation of Criminal Background Check

Effective Date: December 25, 2026

Reason for Rule
To establish a timeline for implementation of a background check.

Authority: Section 3.B.4; Section 10

6.0 Purpose: Pursuant to Section 3.B.4, a state must implement or utilize procedures for considering the criminal history records of applicants for a Multistate License. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and using the results in making licensure decisions.

The Social Work Compact Commission shall promulgate reasonable and lawful uniform rules to facilitate and coordinate the implementation and administration of the Social Work Compact. This rule will become effective upon passage by the Social Work Compact Commission as provided in Section 10 of the Social Work Compact.

6.1 Implementation of Criminal Background Check:

Requirements for Member States Implementing Federal Bureau of Investigation Criminal Background Checks:

A. The Member State must implement or utilize procedures for considering the criminal history record information of applicants for a Multistate License who hold or are eligible for a Multistate License within their Home state.
B. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant’s criminal history record information from:
    a. The Federal Bureau of Investigation (FBI); and
    b. The agency responsible for retaining their Member State’s criminal records, as authorized by the Member State’s laws.
C. Results of the criminal background check shall be reviewed solely by the Member State in accordance with state law and shall not be shared, unless otherwise permitted under state law, with individuals, other member states, or the Commission.

D. Results of the criminal background check shall be reviewed pursuant to Public Law 92-544 as required by the terms and provisions of the Compact

6.2 Timeframe for Member States to Apply for Criminal Background Check

A. If a state does not already hold an Originating Agency Identification (ORI) number, a Member State must submit an ORI application (in accordance with Section 3.B.3) within sixty (60) days of the member state's authorization to conduct criminal background checks.
B. The Executive Committee has the discretion to grant member states additional time to fully implement a criminal background check based on the Member State demonstrating their due diligence to submit an ORI application.

6.3 Timeframe for Member States to Implement Criminal Background Checks and Exceptions

A. In accordance with Section 3.B.4, a Member State must fully implement a criminal background check process as demonstrated by receiving the results of criminal history record information from the FBI and the agency responsible for retaining their Member State's criminal records, as authorized by the Member State's state laws, within thirty (30) days of the Member State's approval of their ORI application.
B. The Executive Committee has the discretion to grant member states additional time to fully implement a criminal background check based on the Member State demonstrating their due diligence to implement a criminal background check.