

SB208 ENROLLED



1 SB208
2 25ZRSSI-2
3 By Senators Kelley, Jones, Smitherman, Hatcher, Butler, Allen,
4 Givhan, Melson, Sessions, Carnley, Bell, Shelnutt, Kitchens,
5 Stutts, Elliott, Waggoner, Orr, Coleman, Stewart,
6 Coleman-Madison, Beasley
7 RFD: Veterans and Military Affairs
8 First Read: 06-Mar-24



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1 Enrolled, An Act,

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4 Relating to the Alabama Board of Social Work Examiners;
5 to enter into the Social Work Licensure Compact by adopting
6 Article 4 of Chapter 30 of Title 34, Code of Alabama 1975, to
7 read as follows:

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Article 4, commencing with Section
10 34-30-100, is added to Chapter 30 of Title 34, Code of Alabama
11 1975, to read as follows:

12 ARTICLE 4. SOCIAL WORK LICENSURE COMPACT

13 §34-30-100. Purpose.

14 (a) The purpose of this compact is to facilitate
15 interstate practice of regulated social workers by improving
16 public access to competent social work services. This compact
17 preserves the regulatory authority of states to protect public
18 health and safety through the current system of state
19 licensing.

20 (b) This compact is designed to achieve all of the
21 following objectives:

22 (1) Increase public access to social work services.

23 (2) Reduce overly burdensome and duplicative
24 requirements associated with holding multiple licenses.

25 (3) Enhance the member states' ability to protect the
26 public's health and safety.

27 (4) Encourage the cooperation of member states in
28 regulating multistate practice.



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29 (5) Promote mobility and address workforce shortages by
30 eliminating the necessity for licenses in multiple states by
31 providing for the mutual recognition of other member states'
32 licenses.

33 (6) Support military families.

34 (7) Facilitate the exchange of licensing and
35 disciplinary information among member states.

36 (8) Authorize all member states to hold a regulated
37 social worker accountable for abiding by a member state's
38 laws, rules, and applicable professional standards in the
39 member state in which the client is located at the time care
40 is rendered.

41 (9) Allow for the use of telehealth to facilitate
42 increased access to regulated social work services.

43 §34-30-101. Definitions.

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45 As used in this compact, the following terms have the
46 following meanings:

47 (1) ACTIVE MILITARY MEMBER. Any individual with
48 full-time duty status in the active Armed Forces of the United
49 States, including members of the National Guard and Reserve.

50 (2) ADVERSE ACTION. Any administrative, civil,
51 equitable, or criminal action permitted by a state's laws
52 which is imposed by a licensing authority or other authority
53 against a regulated social worker, including actions against
54 an individual's license or multistate authorization to
55 practice, such as revocation, suspension, probation,
56 monitoring of the licensee, limitation on the licensee's



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57 practice, or any other encumbrance on licensing affecting a
58 regulated social worker's authorization to practice, including
59 issuance of a cease and desist action.

60 (3) ALTERNATIVE PROGRAM. A nondisciplinary monitoring
61 or practice remediation process approved by a licensing
62 authority to address practitioners with an impairment.

63 (4) CHARTER MEMBER STATE. Member states which have
64 enacted legislation to adopt this compact where such
65 legislation predates the effective date of this compact as
66 described in Section 34-30-113.

67 (5) COMPACT COMMISSION or COMMISSION. The governmental
68 agency whose membership consists of all states that have
69 enacted this compact, which is known as the Social Work
70 Licensure Compact Commission, as described in Section
71 34-30-109, and which shall operate as an instrumentality of
72 the member states.

73 (6) CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.

74 a. Investigative information that a licensing
75 authority, after a preliminary inquiry that includes
76 notification and an opportunity for the regulated social
77 worker to respond, has reason to believe is not groundless
78 and, if proved true, would indicate more than a minor
79 infraction as may be defined by the commission.

80 b. Investigative information that indicates that the
81 regulated social worker represents an immediate threat to
82 public health and safety, as may be defined by the commission,
83 regardless of whether he or she has been notified and has had
84 an opportunity to respond.



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85 (7) DATA SYSTEM. A repository of information about
86 licensees, including continuing education, examination,
87 licensing, current significant investigative information,
88 disqualifying events, multistate licenses, and adverse action
89 information or other information as required by the
90 commission.

91 (8) DISQUALIFYING EVENT. Any adverse action or incident
92 which results in an encumbrance that disqualifies or makes the
93 licensee ineligible to either obtain, retain, or renew a
94 multistate license.

95 (9) DOMICILE. The jurisdiction in which the licensee
96 resides and intends to remain indefinitely.

97 (10) ENCUMBRANCE. A revocation or suspension of, or any
98 limitation on, the full and unrestricted practice of social
99 work licensed and regulated by a licensing authority.

100 (11) EXECUTIVE COMMITTEE. A group of delegates elected
101 or appointed to act on behalf of, and within the powers
102 granted to them by, this compact and the commission.

103 (12) HOME STATE. The member state that is the
104 licensee's primary domicile.

105 (13) IMPAIRMENT. A condition or conditions that may
106 impair a practitioner's ability to engage in full and
107 unrestricted practice as a regulated social worker without
108 some type of intervention and may include alcohol and drug
109 dependence, mental health impairment, and neurological or
110 physical impairments.

111 (14) LICENSEE. An individual who currently holds a
112 license from a state to practice as a regulated social worker.



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113 (15) LICENSING AUTHORITY. The board or agency of a
114 member state, or equivalent, that is responsible for the
115 licensing and regulation of regulated social workers.

116 (16) MEMBER STATE. A state, commonwealth, district, or
117 territory of the United States of America that has enacted
118 this compact.

119 (17) MULTISTATE AUTHORIZATION TO PRACTICE. A legally
120 authorized privilege to practice, which is equivalent to a
121 license, associated with a multistate license permitting the
122 practice of social work in a remote state.

123 (18) MULTISTATE LICENSE. A license to practice as a
124 regulated social worker issued by a home state licensing
125 authority that authorizes the regulated social worker to
126 practice in all member states under a multistate authorization
127 to practice.

128 (19) QUALIFYING NATIONAL EXAM. A national licensing
129 examination approved by the commission.

130 (20) REGULATED SOCIAL WORKER. Any clinical, master's,
131 or bachelor's social worker licensed by a member state
132 regardless of the title used by that member state.

133 (21) REMOTE STATE. A member state other than the
134 licensee's home state.

135 (22) RULE or RULE OF THE COMMISSION. A rule or rules
136 adopted by this commission, as authorized by this compact,
137 that has the force of law.

138 (23) SINGLE-STATE LICENSE. A social work license issued
139 by any state that authorizes practice only within the issuing
140 state and does not include multistate authorization to



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141 practice in any member state.

142 (24) SOCIAL WORK or SOCIAL WORK SERVICES. The
143 application of social work theory, knowledge, methods, ethics,
144 and the professional use of self to restore or enhance social,
145 psychosocial, or biopsychosocial functioning of individuals,
146 couples, families, groups, organizations, and communities
147 through the care and services provided by a regulated social
148 worker as set forth in the member state's statutes and rules
149 in the state where the services are being provided.

150 (25) STATE. Any state, commonwealth, district, or
151 territory of the United States of America that regulates the
152 practice of social work.

153 (26) UNENCUMBERED LICENSE. A license that authorizes a
154 regulated social worker to engage in the full and unrestricted
155 practice of social work.

156 §34-30-102. State Participation in this Compact.

157 (a) To be eligible to participate in this compact, a
158 potential member state must currently meet all of the
159 following criteria:

160 (1) License and regulate the practice of social work at
161 either the clinical, master's, or bachelor's category.

162 (2) Require applicants for licensing to graduate from a
163 program that is:

164 a. Operated by a college or university recognized by
165 the licensing authority.

166 b. Accredited, or in candidacy by an institution that
167 subsequently becomes accredited, by an accrediting agency
168 recognized by either the Council for Higher Education



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169 Accreditation, or its successor, or the United States
170 Department of Education, and corresponds to the licensing
171 sought as outlined in Section 34-30-103.

172 (3) Require applicants for clinical licensing to
173 complete a period of supervised practice.

174 (4) Have a mechanism in place for receiving,
175 investigating, and adjudicating complaints about licensees.

176 (b) To maintain membership in this compact, a member
177 state shall do all of the following:

178 (1) Require that applicants for a multistate license
179 pass a qualifying national exam for the corresponding category
180 of multistate license sought as outlined in Section 34-30-103.

181 (2) Participate fully in this compact commission's data
182 system, including using the commission's unique identifier as
183 defined in rules.

184 (3) Notify the commission, in compliance with the terms
185 of this compact and rules, of any adverse action or the
186 availability of current significant investigative information
187 regarding a licensee.

188 (4) Implement procedures for considering the criminal
189 history records of applicants for a multistate license. These
190 procedures shall include the submission of fingerprints or
191 other biometric-based information by applicants for the
192 purpose of obtaining an applicant's criminal history record
193 information from the Federal Bureau of Investigation and the
194 agency responsible for retaining that state's criminal
195 records.

196 (5) Comply with the rules of the commission.



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197 (6) Require an applicant to obtain or retain a license
198 in the home state and meet the home state's qualifications for
199 licensing or renewal of licensing, as well as all other
200 applicable home state laws.

201 (7) Authorize a licensee holding a multistate license
202 in any member state to practice in accordance with the terms
203 of this compact and rules of the commission.

204 (8) Designate a delegate to participate in commission
205 meetings.

206 (c) A member state meeting the requirements of
207 subsections (a) and (b) shall designate the categories of
208 social work licensing that are eligible for issuance of a
209 multistate license for applicants in member states. To the
210 extent that any member state does not meet the requirements
211 for participation in this compact in any particular category
212 of social work licensing, the member state may choose, but is
213 not obligated, to issue a multistate license to applicants who
214 otherwise meet the requirements of Section 34-30-103 for
215 issuance of a multistate license in those categories of
216 licensing.

217 (d) Member states may charge a fee for granting a
218 multistate license.

219 §34-30-103. Social Worker Participation in this
220 compact.

221 (a) To be eligible for a multistate license under the
222 terms and provisions of this compact, an applicant, regardless
223 of category must do all of the following:

224 (1) Hold or be eligible for an active, unencumbered



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225 license in the home state.

226 (2) Pay any applicable fees, including any state fee,
227 for the multistate license.

228 (3) Submit, in connection with an application for a
229 multistate license, fingerprints or other biometric data for
230 the purpose of obtaining criminal history record information
231 from the Federal Bureau of Investigation and the agency
232 responsible for retaining that state's criminal records.

233 (4) Notify the home state of any adverse action,
234 encumbrance, or restriction on any professional license taken
235 by any member state or non-member state within 30 days from
236 the date the action is taken.

237 (5) Meet any continuing competence requirements
238 established by the home state.

239 (6) Abide by the laws, rules, and applicable standards
240 in the member state where the client is located at the time
241 care is rendered.

242 (b) An applicant for a clinical-category multistate
243 license must meet all of the following requirements:

244 (1) Fulfill a competency requirement, which shall be
245 satisfied by one of the following:

246 a. Passage of a clinical-category qualifying national
247 exam.

248 b. Licensing of the applicant in his or her home state
249 in the clinical category, beginning prior to the time a
250 qualifying national exam was required by the home state and
251 accompanied by a period of continuous social work licensing
252 thereafter, all of which may be further governed by the rules



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253 of the commission.

254 c. The substantial equivalency of the foregoing
255 competency requirements which the commission may determine by
256 rule.

257 (2) Attain at least a master's degree in social work
258 from a program that is both of the following:

259 a. Operated by a college or university recognized by
260 the licensing authority.

261 b. Accredited, or in candidacy that subsequently
262 becomes accredited, by an accrediting agency recognized by
263 either:

264 (i) the Council for Higher Education Accreditation, or
265 its successor; or

266 (ii) the United States Department of Education.

267 (3) Fulfill a practice requirement, which shall be
268 satisfied by demonstrating completion of one of the following:

269 a. A period of postgraduate supervised clinical
270 practice equal to a minimum of 3,000 hours.

271 b. A minimum of two years of full-time postgraduate
272 supervised clinical practice.

273 c. The substantial equivalency of the foregoing
274 practice requirements which the commission may determine by
275 rule.

276 (c) An applicant for a master's-category multistate
277 license must meet all of the following requirements:

278 (1) Fulfill a competency requirement, which shall be
279 satisfied by one of the following:

280 a. Passage of a master's-category qualifying national



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281 exam.

282 b. licensing of the applicant in his or her home state
283 in the master's category, beginning prior to the time a
284 qualifying national exam was required by the home state in the
285 master's category and accompanied by a continuous period of
286 social work licensing, all of which may be further governed by
287 the rules of the commission.

288 c. The substantial equivalency of the foregoing
289 competency requirements which the commission may determine by
290 rule.

291 (2) Attain at least a master's degree in social work
292 from a program that is both of the following:

293 a. Operated by a college or university recognized by
294 the licensing authority.

295 b. Accredited, or in candidacy that subsequently
296 becomes accredited, by an accrediting agency recognized by
297 either:

298 (i) the Council for Higher Education Accreditation, or
299 its successor, or

300 (ii) the United States Department of Education.

301 (d) An applicant for a bachelor's-category multistate
302 license must meet all of the following requirements:

303 (1) Fulfill a competency requirement, which shall be
304 satisfied by one of the following:

305 a. Passage of a bachelor's-category qualifying national
306 exam.

307 b. Licensing of the applicant in his or her home state
308 in the bachelor's category, beginning prior to the time a



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309 qualifying national exam was required by the home state and
310 accompanied by a period of continuous social work licensing,
311 all of which may be further governed by the rules of the
312 commission.

313 c. The substantial equivalency of the foregoing
314 competency requirements which the commission may determine by
315 rule.

316 (2) Attain at least a bachelor's degree in social work
317 from a program that is both of the following:

318 a. Operated by a college or university recognized by
319 the licensing authority.

320 b. Accredited, or in candidacy that subsequently
321 becomes accredited, by an accrediting agency recognized by
322 either:

323 (i) the Council for Higher Education Accreditation, or
324 its successor; or

325 (ii) the United States Department of Education.

326 (e) The multistate license for a regulated social
327 worker is subject to the renewal requirements of the home
328 state. The regulated social worker must maintain compliance
329 with the requirements of subsection (a) to be eligible to
330 renew a multistate license.

331 (f) The regulated social worker's services in a remote
332 state are subject to that member state's regulatory authority.
333 A remote state, in accordance with due process and that member
334 state's laws, may remove a regulated social worker's
335 multistate authorization to practice in the remote state for a
336 specific period of time, impose fines, and take any other



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337 necessary actions to protect the health and safety of its
338 residents.

339 (g) If a multistate license is encumbered, the
340 regulated social worker's multistate authorization to practice
341 shall be deactivated in all remote states until the multistate
342 license is no longer encumbered.

343 (h) If a multistate authorization to practice is
344 encumbered in a remote state, the regulated social worker's
345 multistate authorization to practice may be deactivated in
346 that state until the multistate authorization to practice is
347 no longer encumbered.

348 §34-30-104. Issuance of a Multistate License.

349 (a) Upon receipt of an application for a multistate
350 license, the home state licensing authority shall determine
351 the applicant's eligibility for a multistate license in
352 accordance with Section 34-30-103.

353 (b) If the applicant is eligible pursuant to Section
354 34-30-103, the home state licensing authority shall issue a
355 multistate license that authorizes the applicant or regulated
356 social worker to practice in all member states under a
357 multistate authorization to practice.

358 (c) Upon issuance of a multistate license, the home
359 state licensing authority shall designate whether the
360 regulated social worker holds a multistate license in the
361 bachelor's, master's, or clinical category of social work.

362 (d) A multistate license issued by a home state to a
363 resident in that state shall be recognized by all compact
364 member states as authorizing social work practice under a



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365 multistate authorization to practice corresponding to each
366 category of licensing regulated in each member state.

367 §34-30-105. Authority of the Commission and Member
368 State Licensing Authorities.

369 (a) Nothing in this compact, nor any rule of the
370 commission, shall be construed to limit, restrict, or in any
371 way reduce the ability of a member state to enact and enforce
372 laws or rules related to the practice of social work in that
373 state, where those laws or rules are not inconsistent with
374 this compact.

375 (b) Nothing in this compact shall affect the
376 requirements established by a member state for the issuance of
377 a single state license.

378 (c) Nothing in this compact, nor any rule of the
379 commission, shall be construed to limit, restrict, or in any
380 way reduce the ability of a member state to take adverse
381 action against a licensee's single state license to practice
382 social work in that state.

383 (d) Nothing in this compact, nor any rule of the
384 commission, shall be construed to limit, restrict, or in any
385 way reduce the ability of a remote state to take adverse
386 action against a licensee's multistate authorization to
387 practice in that state.

388 (e) Nothing in this compact, nor any rule of the
389 commission, shall be construed to limit, restrict, or in any
390 way reduce the ability of a licensee's home state to take
391 adverse action against a licensee's multistate license based
392 upon information provided by a remote state.



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393 §34-30-106. Reissuance of a Multistate License By a New
394 Home State.

395 (a) A licensee may hold a home state license, issued by
396 his or her home state, in only one member state at a time.

397 (b) If a licensee changes his or her home state by
398 moving between two member states:

399 (1) The licensee shall immediately apply for the
400 reissuance of his or her multistate license in his or her new
401 home state. The licensee shall pay all applicable fees and
402 notify the prior home state in accordance with the rules of
403 the commission.

404 (2) Upon receipt of an application to reissue a
405 multistate license, the new home state shall verify that the
406 multistate license is active, unencumbered, and eligible for
407 reissuance under the terms of this compact and the rules of
408 the commission. The multistate license issued by the prior
409 home state shall be deactivated and all member states notified
410 in accordance with the applicable rules adopted by the
411 commission.

412 (3) Prior to the reissuance of the multistate license,
413 the new home state shall conduct procedures for considering
414 the criminal history records of the licensee. The procedures
415 shall include the submission of fingerprints or other
416 biometric-based information by applicants for the purpose of
417 obtaining an applicant's criminal history record information
418 from the Federal Bureau of Investigation and the agency
419 responsible for retaining that state's criminal records.

420 (4) If required for initial licensing, the new home



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421 state may require completion of jurisprudence requirements in
422 the new home state.

423 (5) Notwithstanding any other provision of this
424 compact, if a licensee does not meet the requirements set
425 forth in this compact for the reissuance of a multistate
426 license by the new home state, then the licensee shall be
427 subject to the new home state requirements for the issuance of
428 a single-state license in that state.

429 (c) If a licensee changes his or her primary state of
430 residence by moving from a member state to a non-member state,
431 or from a non-member state to a member state, then the
432 licensee shall be subject to the state requirements for the
433 issuance of a single-state license in the new home state.

434 (d) Nothing in this compact shall interfere with a
435 licensee's ability to hold a single-state license in multiple
436 states; however, for the purposes of this compact, a licensee
437 shall have only one home state and only one multistate
438 license.

439 (e) Nothing in this compact shall interfere with the
440 requirements established by a member state for the issuance of
441 a single-state license.

442 §34-30-107. Military Families.

443 An active military member or his or her spouse shall
444 designate a home state where the individual has a multistate
445 license. The individual may retain his or her home state
446 designation during the period the service member is on active
447 duty.

448 §34-30-108. Adverse Actions.



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449 (a) In addition to the other powers conferred by state
450 law, a remote state, in accordance with existing state due
451 process law, may:

452 (1) Take adverse action against a regulated social
453 worker's multistate authorization to practice only within that
454 member state, and issue subpoenas for both hearings and
455 investigations that require the attendance and testimony of
456 witnesses as well as the production of evidence. Subpoenas
457 issued by a licensing authority in a member state for the
458 attendance and testimony of witnesses or the production of
459 evidence from another member state shall be enforced in the
460 latter state by any court of competent jurisdiction, according
461 to the practice and procedure applicable to subpoenas issued
462 in proceedings pending before that court. The issuing
463 licensing authority shall pay any witness fees, travel
464 expenses, mileage, and other fees required by the service
465 statutes of the state in which the witnesses or evidence are
466 located.

467 (2) Only the home state shall have the power to take
468 adverse action against a regulated social worker's multistate
469 license.

470 (b) For the purposes of taking adverse action, the home
471 state shall give the same priority and effect to reported
472 conduct received from a member state as it would if the
473 conduct had occurred within the home state. In so doing, the
474 home state shall apply its own state laws to determine
475 appropriate action.

476 (c) The home state shall complete any pending



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477 investigations of a regulated social worker who changes home
478 states during the course of the investigations. The home state
479 may also take appropriate action and shall promptly report the
480 conclusions of the investigations to the administrator of the
481 data system. The administrator of the data system shall
482 promptly notify the new home state of any adverse actions.

483 (d) A member state, if otherwise permitted by state
484 law, may recover from the affected regulated social worker the
485 cost of investigations and dispositions of cases resulting
486 from any adverse action taken against him or her.

487 (e) A member state may take adverse action based on the
488 factual findings of another member state, provided that the
489 member state follows its own procedures for taking the adverse
490 action.

491 (f) Joint investigations:

492 (1) In addition to the authority granted to a member
493 state by its respective social worker practice act or other
494 applicable state law, any member state may participate with
495 other member states in joint investigations of licensees.

496 (2) Member states shall share any investigative,
497 litigation, or compliance materials in furtherance of any
498 joint investigation initiated under this compact.

499 (g) If adverse action is taken by the home state
500 against the multistate license of a regulated social worker,
501 the regulated social worker's multistate authorization to
502 practice in all other member states shall be deactivated until
503 all encumbrances have been removed from the multistate
504 license. All home state disciplinary orders that impose



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505 adverse action against the license of a regulated social
506 worker shall include a statement that the regulated social
507 worker's multistate authorization to practice is deactivated
508 in all member states until all conditions of the decision,
509 order, or agreement are satisfied.

510 (h) If a member state takes adverse action, it shall
511 promptly notify the administrator of the data system. The
512 administrator of the data system shall promptly notify the
513 home state and all other member states of any adverse actions
514 by remote states.

515 (i) Nothing in this compact shall override a member
516 state's decision to impose participation in an alternative
517 program in lieu of adverse action.

518 (j) Nothing in this compact shall authorize a member
519 state to demand the issuance of subpoenas for attendance and
520 testimony of witnesses or the production of evidence from
521 another member state for lawful actions within that member
522 state.

523 (k) Nothing in this compact shall authorize a member
524 state to impose discipline against a regulated social worker
525 who holds a multistate authorization to practice for lawful
526 actions within another member state.

527 §34-30-109. Establishment of Social Work Licensure
528 Compact Commission.

529 (a) The compact member states hereby create and
530 establish a joint governmental agency whose membership
531 consists of all member states that have enacted this compact
532 known as the Social Work Licensure Compact Commission. The



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533 commission is an instrumentality of this compact states acting
534 jointly and not an instrumentality of any one state. The
535 compact commission shall come into existence on or after the
536 effective date of this compact as set forth in Section
537 34-30-113.

538 (b) Membership, voting, and meetings.

539 (1) Each member state shall have and be limited to one
540 delegate selected by that member state's licensing authority.

541 (2) The delegate shall be a current member of the
542 licensing authority at the time of appointment, who is a
543 regulated social worker, public member of the licensing
544 authority, or an administrator of the licensing authority, or
545 his or her designee.

546 (3) The commission shall by rule or bylaw establish a
547 term of office for delegates and may by rule or bylaw
548 establish term limits.

549 (4) The commission may recommend removal or suspension
550 of any delegate from office.

551 (5) A member state's licensing authority shall fill any
552 vacancy of its delegate occurring on the commission within 60
553 days of the vacancy.

554 (6) Each delegate shall be entitled to one vote on all
555 matters before the commission requiring a vote by commission
556 delegates.

557 (7) A delegate shall vote in person or by other means
558 as provided in the bylaws. The bylaws may provide for
559 delegates to meet and vote by telecommunication, video
560 conference, or other means of communication.



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561 (8) The compact commission shall meet at least once
562 during each calendar year. Additional meetings may be held as
563 set forth in the bylaws. The compact commission may meet by
564 telecommunication, video conference, or other similar
565 electronic means.

566 (c) The commission shall have the following powers to:

567 (1) Establish the fiscal year of the commission.

568 (2) Establish code of conduct and conflict of interest
569 policies.

570 (3) Establish and amend rules and bylaws.

571 (4) Maintain its financial records in accordance with
572 the bylaws.

573 (5) Meet and take action consistent with this compact,
574 the commission's rules, and the bylaws.

575 (6) Initiate and conclude legal proceedings or actions
576 in the name of the commission, provided that the standing of
577 any licensing authority to sue or be sued under applicable law
578 shall not be affected.

579 (7) Maintain and certify records and information
580 provided to a member state as the authenticated business
581 records of the commission, and designate an agent to do so on
582 behalf of the commission.

583 (8) Purchase and maintain insurance and bonds.

584 (9) Borrow, accept, or contract for services of
585 personnel including, but not limited to, employees of a member
586 state.

587 (10) Conduct an annual financial review.

588 (11) Hire employees, elect or appoint officers, fix



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589 compensation, define duties, grant those individuals
590 appropriate authority to carry out the purposes of this
591 compact, and establish the commission's personnel policies and
592 programs relating to conflicts of interest, qualifications of
593 personnel, and other related personnel matters.

594 (12) Assess and collect fees.

595 (13) Accept any and all appropriate donations, grants
596 of money, other sources of revenue, equipment, supplies,
597 materials, services, and gifts, and receive, utilize, and
598 dispose of the same; provided, that at all times the
599 commission shall avoid any appearance of impropriety or
600 conflict of interest.

601 (14) Lease, purchase, retain, own, hold, improve, or
602 use any property, real, personal, or mixed, or any undivided
603 interest in property.

604 (15) Sell, convey, mortgage, pledge, lease, exchange,
605 abandon, or otherwise dispose of any property real, personal,
606 or mixed.

607 (16) Establish a budget and make expenditures.

608 (17) Borrow money.

609 (18) Appoint committees, including standing committees,
610 composed of members, state regulators, state legislators or
611 their designees, consumer representatives, and other
612 interested individuals as may be designated in this compact
613 and the rules.

614 (19) Provide and receive information from, and
615 cooperate with, law enforcement agencies.

616 (20) Establish and elect an executive committee,



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617 including a chair and a vice chair.

618 (21) Determine whether a state's adopted language is
619 materially different from the model compact language such that
620 the state does not qualify for participation in this compact.

621 (22) Perform other functions as may be necessary or
622 appropriate to achieve the purposes of this compact.

623 (d) The executive committee.

624 (1) The executive committee shall have the power to act
625 on behalf of the commission according to the terms of this
626 compact. The powers, duties, and responsibilities of the
627 executive committee shall include all of the following:

628 a. Oversee the day-to-day activities of the
629 administration of this compact, including enforcement and
630 compliance with this compact, its rules and bylaws, and other
631 duties as deemed necessary.

632 b. Recommend to the commission changes to the rules or
633 bylaws, changes to this compact legislation, fees charged to
634 compact member states, fees charged to licensees, and other
635 fees.

636 c. Ensure compact administration services are
637 appropriately provided, including by contract.

638 d. Prepare and recommend the budget.

639 e. Maintain financial records on behalf of the
640 commission.

641 f. Monitor compact compliance of member states and
642 provide compliance reports to the commission.

643 g. Establish additional committees as necessary.

644 h. Exercise the powers and duties of the commission



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645 during the interim between commission meetings, except for
646 adopting or amending rules, adopting or amending bylaws, and
647 exercising any other powers and duties expressly reserved to
648 the commission by rule or bylaw.

649 i. Other duties as provided in the rules or bylaws of
650 the commission.

651 (2) The executive committee shall be composed of up to
652 11 members:

653 a. The chair and vice chair of the commission shall be
654 voting members of the executive committee.

655 b. The commission shall elect five voting members from
656 the then current membership of the commission.

657 c. Up to four ex officio, nonvoting members from four
658 recognized national social work organizations as selected by
659 their respective organizations.

660 (3) The commission may remove any member of the
661 executive committee as provided in the commission's bylaws.

662 (4) The executive committee shall meet at least
663 annually.

664 a. Executive committee meetings shall be open to the
665 public, except that the executive committee may meet in a
666 closed, nonpublic meeting pursuant to subdivision (f)(2).

667 b. The executive committee shall give seven days'
668 notice of its meetings, posted on its website and as
669 determined to provide notice to individuals with an interest
670 in the business of the commission.

671 c. The executive committee may hold a special meeting
672 in accordance with paragraph (f)(1)b.



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673 (e) The commission shall adopt and provide to the
674 member states an annual report.

675 (f) Meetings of the compact commission.

676 (1) All meetings of the commission shall be open to the
677 public, except that the commission may meet in a closed,
678 nonpublic meeting as provided in subdivision (2).

679 a. Public notice for all meetings of the full
680 commission shall be given in the same manner as required for a
681 public hearing under the rulemaking provisions in Section
682 34-30-111, except that the commission may hold a special
683 meeting as provided in paragraph b.

684 b. The commission or executive committee may hold a
685 special meeting when the commission or executive committee
686 must meet to conduct emergency business by giving 48 hours'
687 notice to all commissioners, on the commission's website, and
688 by other means as provided in the commission's rules. The
689 commission's legal counsel shall certify that the commission's
690 need to meet qualifies as an emergency.

691 (2) The commission, the executive committee, or other
692 committees of the commission may convene in a closed,
693 nonpublic meeting for the commission, executive committee, or
694 other committees of the commission to receive legal advice or
695 to discuss any of the following:

696 a. Noncompliance of a member state with its obligations
697 under this compact.

698 b. The employment, compensation, discipline, or other
699 matters, practices, or procedures related to specific
700 employees.



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701 c. Current or threatened discipline of a licensee by
702 the commission or by a member state's licensing authority.

703 d. Current, threatened, or reasonably anticipated
704 litigation.

705 e. Negotiation of contracts for the purchase, lease, or
706 sale of goods, services, or real estate.

707 f. Accusing any individual of a crime or formally
708 censuring any individual.

709 g. Trade secrets or commercial or financial information
710 that is privileged or confidential.

711 h. Information of a personal nature where disclosure
712 would constitute a clearly unwarranted invasion of personal
713 privacy.

714 i. Investigative records compiled for law enforcement
715 purposes.

716 j. Information related to any investigative reports
717 prepared by or on behalf of or for the use of the commission
718 or other committee charged with the responsibility of
719 investigation or determination of compliance issues pursuant
720 to this compact.

721 k. Matters specifically exempted from disclosure by
722 federal or member state law.

723 l. Other matters as adopted by rule by the commission.

724 (3) If a meeting, or portion of a meeting, is closed,
725 the presiding officer shall state that the meeting will be
726 closed and reference each relevant exempting provision, and
727 those references shall be recorded in the minutes.

728 (4) The commission shall keep minutes that fully and



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729 clearly describe all matters discussed in a meeting and shall
730 provide a full and accurate summary of actions taken, and the
731 reasons therefore, including a description of the views
732 expressed. All documents considered in connection with an
733 action shall be identified in the minutes. All minutes and
734 documents of a closed meeting shall remain under seal, subject
735 to release only by a majority vote of the commission or order
736 of a court of competent jurisdiction.

737 (g) Financing of the commission.

738 (1) The commission shall pay, or provide for the
739 payment of, the reasonable expenses of its establishment,
740 organization, and ongoing activities.

741 (2) The commission may accept any and all appropriate
742 revenue sources as provided in subdivision (c)(13).

743 (3) The commission may levy and collect an annual
744 assessment from each member state and impose fees on licensees
745 of member states to whom the commission grants a multistate
746 license to cover the cost of the operations and activities of
747 the commission and commission staff, which must be in a total
748 amount sufficient to cover the annual budget of the
749 commission as approved each year for which revenue is not
750 provided by other sources. The aggregate annual assessment
751 amount for member states shall be allocated based upon a
752 formula that the commission shall adopt by rule.

753 (4) The commission shall not incur obligations of any
754 kind prior to securing the funds adequate to meet those
755 obligations; nor shall the commission pledge the credit of any
756 of the member states, except by and with the authority of the



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757 member state.

758 (5) The commission shall keep accurate accounts of all
759 receipts and disbursements. The receipts and disbursements of
760 the commission shall be subject to the financial review and
761 accounting procedures established under its bylaws. However,
762 all receipts and disbursements of funds handled by the
763 commission shall be subject to an annual financial review by a
764 certified or licensed public accountant, and the report of the
765 financial review shall be included in and become part of the
766 annual report of the commission.

767 (h) Qualified immunity, defense, and indemnification.

768 (1) The members, officers, executive director,
769 employees, and representatives of the commission shall be
770 immune from suit and liability, both personally and in their
771 official capacities, for any claim for damage to or loss of
772 property or personal injury or other civil liability caused by
773 or arising out of any actual or alleged act, error, or
774 omission that occurred, or that the individual against whom
775 the claim is made had a reasonable basis for believing
776 occurred within the scope of commission employment, duties, or
777 responsibilities; provided, that nothing in this subdivision
778 shall be construed to protect any individual from suit or
779 liability for any damage, loss, injury, or liability caused by
780 the intentional, willful, or wanton misconduct of that
781 individual. The procurement of insurance of any type by the
782 commission shall not in any way compromise or limit the
783 immunity granted hereunder.

784 (2) The commission shall defend any member, officer,



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785 executive director, employee, and representative of the
786 commission in any civil action seeking to impose liability
787 arising out of any actual or alleged act, error, or omission
788 that occurred within the scope of commission employment,
789 duties, or responsibilities, or as determined by the
790 commission that the individual against whom the claim is made
791 had a reasonable basis for believing occurred within the scope
792 of commission employment, duties, or responsibilities;
793 provided, that nothing herein shall be construed to prohibit
794 that individual from retaining his or her own counsel at his
795 or her own expense; and provided further, that the actual or
796 alleged act, error, or omission did not result from that
797 individual's intentional, willful, or wanton misconduct.

798 (3) The commission shall indemnify and hold harmless
799 any member, officer, executive director, employee, and
800 representative of the commission for the amount of any
801 settlement or judgment obtained against that individual
802 arising out of any actual or alleged act, error, or omission
803 that occurred within the scope of commission employment,
804 duties, or responsibilities, or that the individual had a
805 reasonable basis for believing occurred within the scope of
806 commission employment, duties, or responsibilities; provided,
807 that the actual or alleged act, error, or omission did not
808 result from the intentional, willful, or wanton misconduct of
809 that individual.

810 (4) Nothing herein shall be construed as a limitation
811 on the liability of any licensee for professional malpractice
812 or misconduct, which shall be governed solely by any other



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813 applicable state law.

814 (5) Nothing in this compact shall be interpreted to
815 waive or otherwise abrogate a member state's state action
816 immunity or state action affirmative defense with respect to
817 antitrust claims under the Sherman Act, Clayton Act, or any
818 other state or federal antitrust or anticompetitive law or
819 rule.

820 (6) Nothing in this compact shall be construed to be a
821 waiver of sovereign immunity by the member states or by the
822 commission.

823 §34-30-110. Data System.

824 (a) The commission shall provide for the development,
825 maintenance, operation, and utilization of a coordinated data
826 system.

827 (b) The commission shall assign each applicant for a
828 multistate license a unique identifier, as determined by the
829 rules of the commission.

830 (c) Notwithstanding any other provision of state law to
831 the contrary, a member state shall submit a uniform data set
832 to the data system on all individuals to whom this compact is
833 applicable as required by the rules of the commission,
834 including all of the following:

835 (1) Identifying information.

836 (2) Licensure data.

837 (3) Adverse actions against a license and information
838 related to that adverse action.

839 (4) Nonconfidential information related to alternative
840 program participation, the beginning and ending dates of



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841 participation, and other information related to participation
842 not made confidential under the member state's law.

843 (5) Any denial of an application for licensing, and the
844 reason or reasons for the denial.

845 (6) The presence of current significant investigative
846 information.

847 (7) Other information that may facilitate the
848 administration of this compact or the protection of the
849 public, as determined by the rules of the commission.

850 (d) The records and information provided to a member
851 state pursuant to this compact or through the data system,
852 when certified by the commission or its agent, shall
853 constitute the authenticated business records of the
854 commission, and shall be entitled to any associated hearsay
855 exception in any relevant judicial, quasi-judicial, or
856 administrative proceeding in a member state.

857 (e) Current significant investigative information
858 pertaining to a licensee in any member state shall only be
859 available to other member states.

860 (f) It is the responsibility of the member states to
861 report any adverse action against a licensee and to monitor
862 the data system to determine whether any adverse action has
863 been taken against a licensee. Adverse action information
864 pertaining to a licensee in any member state shall be
865 available to any other member state.

866 (g) Member states contributing information to the data
867 system may designate information that may not be shared with
868 the public without the express permission of the contributing



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869 member state.

870 (h) Any information submitted to the data system that
871 is subsequently expunged pursuant to federal law or the laws
872 of the member state contributing the information shall be
873 removed from the data system.

874 §34-30-111. Rulemaking.

875 (a) The commission shall adopt reasonable rules in
876 order to effectively and efficiently implement and administer
877 the purposes and provisions of this compact. A rule shall be
878 invalid and have no force or effect only if a court of
879 competent jurisdiction holds that the rule is invalid because
880 the commission exercised its rulemaking authority in a manner
881 that was beyond the scope and purposes of this compact, or the
882 powers granted under this compact, or based upon another
883 applicable standard of review.

884 (b) The rules of the commission shall have the force of
885 law in each member state; provided, however, that where the
886 rules of the commission conflict with the laws or rules of a
887 member state that establish the member state's laws, rules,
888 and applicable standards that govern the practice of social
889 work, as held by a court of competent jurisdiction, the rules
890 of the commission shall be ineffective in that state to the
891 extent of the conflict.

892 (c) The commission shall exercise its rulemaking powers
893 pursuant to the criteria set forth in this section and the
894 rules adopted under this section. Rules shall become binding
895 on the day following adoption or as of the date specified in
896 the rule or amendment, whichever is later.



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897 (d) If a majority of the legislatures of the member
898 states rejects a rule or portion of a rule, by enactment of a
899 statute or resolution in the same manner used to adopt this
900 compact within four years after the date of adoption of the
901 rule, then the rule shall have no further force and effect in
902 any member state.

903 (e) Rules shall be adopted at a regular or special
904 meeting of the commission.

905 (f) Prior to adoption of a proposed rule, the
906 commission shall hold a public hearing and allow individuals
907 to provide oral and written comments, data, facts, opinions,
908 and arguments.

909 (g) Prior to adoption of a proposed rule by the
910 commission, and at least 30 days in advance of the meeting at
911 which the commission shall hold a public hearing on the
912 proposed rule, the commission shall provide a notice of
913 proposed rulemaking:

914 (1) On the website of the commission or other publicly
915 accessible platform.

916 (2) To individuals who have requested notice of the
917 commission's notices of proposed rulemaking.

918 (3) In such other ways as the compact commission may
919 specify by rule.

920 (h) The notice of proposed rulemaking shall include all
921 of the following:

922 (1) The time, date, and location of the public hearing
923 at which the commission will hear public comments on the
924 proposed rule and, if different, the time, date, and location



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925 of the meeting where the compact commission will consider and
926 vote on the proposed rule.

927 (2) If the hearing is held via telecommunication, video
928 conference, or other means of communication, the commission
929 shall include the mechanism for access to the hearing in the
930 notice of proposed rulemaking.

931 (3) The text of the proposed rule and the reason
932 supporting the rule.

933 (4) A request for comments on the proposed rule from
934 any interested individual.

935 (5) The manner in which interested individuals may
936 submit written comments.

937 (i) All hearings shall be recorded. A copy of the
938 recording and all written comments and documents received by
939 the commission in response to the proposed rule shall be
940 available to the public.

941 (j) Nothing in this section shall be construed as
942 requiring a separate hearing on each proposed rule. Rules may
943 be grouped for the convenience of the commission at hearings
944 required by this section.

945 (k) The commission, by majority vote of all members,
946 shall take final action on the proposed rule based on the
947 rulemaking record and the full text of the rule.

948 (1) The commission may adopt changes to the proposed
949 rule provided the changes do not enlarge the original purpose
950 of the proposed rule.

951 (2) The commission shall provide an explanation of the
952 reasons for substantive changes made to the proposed rule, as



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953 well as reasons for substantive changes not made that were
954 recommended by commenters.

955 (3) The commission shall determine a reasonable
956 effective date for the rule. Except for an emergency as
957 provided in subsection (1), the effective date of the rule
958 shall be no sooner than 30 days after issuing the notice that
959 the commission adopted or amended the rule.

960 (1) Upon determination that an emergency exists, the
961 compact commission may consider and adopt an emergency rule
962 with 24-hours' notice, with opportunity to comment; provided,
963 that the usual rulemaking procedures provided in this compact
964 and in this section shall be retroactively applied to the rule
965 as soon as reasonably possible, and in no event later than 90
966 days after the effective date of the rule. For the purposes of
967 this subsection, an emergency rule is one that must be adopted
968 immediately in order to:

969 (1) Meet an imminent threat to public health, safety,
970 or welfare.

971 (2) Prevent a loss of commission or member state funds.

972 (3) Meet a deadline for the adoption of a rule that is
973 established by federal law or rule.

974 (4) Protect public health and safety.

975 (m) The commission or an authorized committee of the
976 commission may direct revision to a previously adopted rule
977 for purposes of correcting typographical errors, errors in
978 format, errors in consistency, or grammatical errors. Public
979 notice of any revision shall be posted on the website of the
980 commission. The revision shall be subject to challenge by any



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981 individual for a period of 30 days after posting. The revision
982 shall be challenged only on grounds that the revision results
983 in a material change to a rule. A challenge shall be made in
984 writing and delivered to the commission prior to the end of
985 the notice period. If no challenge is made, the revision shall
986 take effect without further action. If the revision is
987 challenged, the revision may not take effect without the
988 approval of the commission.

989 (n) No member state's rulemaking requirements shall
990 apply under this compact.

991 §34-30-112. Oversight, Dispute Resolution, and
992 Enforcement.

993 (a) Oversight.

994 (1) The executive and judicial branches of state
995 government in each member state shall enforce this compact and
996 take all actions necessary and appropriate to implement this
997 compact.

998 (2) Except as otherwise provided in this compact, venue
999 is proper and judicial proceedings by or against the
1000 commission shall be brought solely and exclusively in a court
1001 of competent jurisdiction where the principal office of the
1002 compact commission is located. The commission may waive venue
1003 and jurisdictional defenses to the extent the commission
1004 adopts or consents to participate in alternative dispute
1005 resolution proceedings. Nothing herein shall affect or limit
1006 the selection or propriety of venue in any action against a
1007 licensee for professional malpractice, misconduct, or any
1008 similar matter.



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1009 (3) The compact commission shall be entitled to receive
1010 service of process in any proceeding regarding the enforcement
1011 or interpretation of this compact and shall have standing to
1012 intervene in such a proceeding for all purposes. Failure to
1013 provide the commission service of process shall render a
1014 judgment or order void as to the commission, this compact, or
1015 adopted rules.

1016 (b) Default, technical assistance, and termination.

1017 (1) If the commission determines that a member state
1018 has defaulted in the performance of its obligations or
1019 responsibilities under this compact or the adopted rules, the
1020 commission shall provide written notice to the defaulting
1021 member state. The notice of default shall describe the
1022 default, the proposed means of curing the default, any other
1023 action that the commission may take, and shall offer training
1024 and specific technical assistance regarding the default.

1025 (2) The commission shall provide a copy of the notice
1026 of default to the other member states.

1027 (c) If a state in default fails to cure the default,
1028 the defaulting state may be terminated from this compact upon
1029 an affirmative vote of a majority of the delegates of the
1030 member states, and all rights, privileges, and benefits
1031 conferred on that state by this compact may be terminated on
1032 the effective date of termination. A cure of the default does
1033 not relieve the offending state of obligations or liabilities
1034 incurred during the period of default.

1035 (d) Termination of membership in this compact shall be
1036 imposed only after all other means of securing compliance have



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1037 been exhausted. Notice of intent to suspend or terminate shall
1038 be given by the commission to the governor, the majority and
1039 minority leaders of the defaulting state's legislature, the
1040 defaulting state's licensing authority, and the licensing
1041 authority of each member state.

1042 (e) A state that has been terminated is responsible for
1043 all assessments, obligations, and liabilities incurred through
1044 the effective date of termination, including obligations that
1045 extend beyond the effective date of termination.

1046 (f) Upon the termination of a state's membership from
1047 this compact, that state shall immediately provide notice to
1048 all licensees within that state of the termination. The
1049 terminated state shall continue to recognize all licenses
1050 granted pursuant to this compact for a minimum of six months
1051 after the date of the notice of termination.

1052 (g) The commission shall not bear any costs related to
1053 a state that is found to be in default or that has been
1054 terminated from this compact, unless agreed upon in writing
1055 between the commission and the defaulting state.

1056 (h) The defaulting state may appeal the action of the
1057 commission by petitioning the United States District Court for
1058 the District of Columbia or the federal district where the
1059 commission has its principal offices. The prevailing party
1060 shall be awarded all costs of litigation, including reasonable
1061 attorney fees.

1062 (i) Dispute resolution.

1063 (1) Upon request by a member state, the commission
1064 shall attempt to resolve disputes related to this compact that



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1065 arise among member states and between member and non-member
1066 states.

1067 (2) The commission shall adopt a rule providing for
1068 both mediation and binding dispute resolution for disputes as
1069 appropriate.

1070 (j) Enforcement.

1071 (1) By majority vote as provided by rule, the
1072 commission may initiate legal action against a member state in
1073 default in the United States District Court for the District
1074 of Columbia, or the federal district where the commission has
1075 its principal offices, to enforce compliance with this compact
1076 and its adopted rules. The relief sought may include both
1077 injunctive relief and damages. In the event judicial
1078 enforcement is necessary, the prevailing party shall be
1079 awarded all costs of litigation, including reasonable attorney
1080 fees. The remedies shall not be the exclusive remedies of the
1081 commission. The commission may pursue any other remedies
1082 available under federal or the defaulting member state's law.

1083 (2) A member state may initiate legal action against
1084 the commission in the United States District Court for the
1085 District of Columbia, or the federal district where the
1086 commission has its principal offices, to enforce compliance
1087 with this compact and its adopted rules. The relief sought may
1088 include both injunctive relief and damages. In the event
1089 judicial enforcement is necessary, the prevailing party shall
1090 be awarded all costs of the litigation, including reasonable
1091 attorney fees.

1092 (3) No party other than a member state shall enforce



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1093 this compact against the commission.

1094 §34-30-113. Effective date, withdrawal, and amendment.

1095 (a) The compact shall come into effect on the date on
1096 which this compact statute is enacted into law in the seventh
1097 member state.

1098 (1) On or after the effective date of this compact, the
1099 commission shall convene and review the enactment of each of
1100 the first seven member states referred to as "charter member
1101 states," to determine if the statute enacted by each charter
1102 member state is materially different than the model compact
1103 statute.

1104 a. A charter member state whose enactment is found to
1105 be materially different from this model compact statute shall
1106 be entitled to the default process set forth in Section
1107 34-30-112.

1108 b. If any member state is later found to be in default,
1109 or is terminated or withdraws from this compact, the
1110 commission shall remain in existence and this compact shall
1111 remain in effect even if the number of member states should be
1112 less than seven.

1113 (2) Member states enacting this compact subsequent to
1114 the seven initial charter member states shall be subject to
1115 the process set forth in Section 34-30-109(c)(21) to determine
1116 if their enactments are materially different from the model
1117 compact statute and whether they qualify for participation in
1118 this compact.

1119 (3) All actions taken for the benefit of the commission
1120 or in furtherance of the purposes of the administration of



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1121 this compact prior to the effective date of this compact or
1122 the commission coming into existence shall be considered to be
1123 actions of the commission unless specifically repudiated by
1124 the commission.

1125 (4) Any state that joins this compact subsequent to the
1126 commission's initial adoption of the rules and bylaws shall be
1127 subject to the rules and bylaws as they exist on the date on
1128 which this compact becomes law in that state. Any rule that
1129 has been previously adopted by the commission shall have the
1130 full force and effect of law on the day this compact becomes
1131 law in that state.

1132 (b) Any member state may withdraw from this compact by
1133 enacting a statute to repeal this compact.

1134 (1) A member state's withdrawal shall not take effect
1135 until 180 days after enactment of the repealing statute.

1136 (2) Withdrawal shall not affect the continuing
1137 requirement of the withdrawing state's licensing authority to
1138 comply with the investigative and adverse action reporting
1139 requirements of this compact prior to the effective date of
1140 withdrawal.

1141 (3) Upon the enactment of a state withdrawing from this
1142 compact, a state shall immediately provide notice of the
1143 withdrawal to all licensees within that state. Notwithstanding
1144 any subsequent statutory enactment to the contrary, the
1145 withdrawing state shall continue to recognize all licenses
1146 granted pursuant to this compact for a minimum of 180 days
1147 after the date of the notice of withdrawal.

1148 (c) Nothing contained in this compact shall be



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1149 construed to invalidate or prevent any licensing agreement or
1150 other cooperative arrangement between a member state and a
1151 non-member state that does not conflict with this compact.

1152 (d) This compact may be amended by the member states.
1153 No amendment to this compact shall become effective and
1154 binding upon any member state until the amendment is enacted
1155 into the laws of all member states.

1156 §34-30-114. Construction and severability.

1157 (a) This compact and the commission's rulemaking
1158 authority shall be liberally construed so as to effectuate the
1159 purposes, implementation, and administration of this compact.
1160 Provisions of this compact expressly authorizing or requiring
1161 the adoption of rules shall not be construed to limit the
1162 commission's rulemaking authority solely for those purposes.

1163 (b) The provisions of this compact shall be severable
1164 and if any phrase, clause, sentence, or provision of this
1165 compact is held by a court of competent jurisdiction to be
1166 contrary to the constitution of any member state, a state
1167 seeking participation in this compact, the United States, or
1168 the applicability to any government, agency, individual, or
1169 circumstance is held to be unconstitutional by a court of
1170 competent jurisdiction, the validity of the remainder of this
1171 compact and the applicability to any other government, agency,
1172 individual, or circumstance shall not be affected.

1173 (c) Notwithstanding subsection (b), the commission may
1174 deny a state's participation in this compact or, in accordance
1175 with the requirements of Section 34-30-112(b), terminate a
1176 member state's participation in this compact, if the



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1177 commission determines that a constitutional requirement of a
1178 member state is a material departure from this compact.
1179 Otherwise, if this compact shall be held to be contrary to the
1180 constitution of any member state, this compact shall remain in
1181 full force and effect as to the remaining member states and in
1182 full force and effect as to the member state affected as to
1183 all severable matters.

1184 §34-30-115. Consistent effect and conflict with other
1185 state laws.

1186 (a) A licensee providing services in a remote state
1187 under a multistate authorization to practice shall adhere to
1188 the laws and rules, including laws, rules, and applicable
1189 standards of the remote state where the client is located at
1190 the time care is rendered.

1191 (b) Nothing in this compact shall prevent or inhibit
1192 the enforcement of any other law of a member state that is not
1193 inconsistent with this compact.

1194 (c) Any laws, statutes, rules, or other legal
1195 requirements in a member state in conflict with this compact
1196 are superseded to the extent of the conflict.

1197 (d) All permissible agreements between the commission
1198 and the member states are binding in accordance with their
1199 terms.

1200 §34-30-116. Judicial Proceedings by Individuals.

1201 Except as to judicial proceedings for the enforcement
1202 of this compact among member states, individuals may pursue
1203 judicial proceedings related to this compact in any Alabama
1204 state or federal court that would otherwise have competent



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1205 jurisdiction.

1206 Section 2. This act shall become effective on October

1207 1, 2024.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB208
Senate 09-Apr-24
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
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By: Senator Kelley