

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 24-0483.01 Josh Schultz x5486

HOUSE BILL 24-1002

HOUSE SPONSORSHIP

Sirota and Martinez, Amabile, Bird, Boesenecker, Brown, Clifford, deGruy Kennedy, Epps, Froelich, Hamrick, Hernandez, Herod, Jodeh, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Marshall, Mauro, McCluskie, McCormick, Ortiz, Parenti, Ricks, Rutinel, Snyder, Titone, Valdez, Velasco, Weinberg, Young

SENATE SPONSORSHIP

Marchman and Rich,

House Committees

Health & Human Services
Finance
Appropriations

Senate Committees

Health & Human Services
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A BILL FOR AN ACT

101 **CONCERNING THE ENACTMENT OF THE "SOCIAL WORK LICENSURE**
102 **COMPACT", AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill enacts the "Social Work Licensure Compact" (compact). The compact is designed to:

- Eliminate the necessity for social workers to obtain licenses from multiple states by providing for the mutual recognition of licenses from other states that have signed

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
April 12, 2024

HOUSE
3rd Reading Unamended
March 4, 2024

HOUSE
Amended 2nd Reading
March 1, 2024

1 OF REGULATED SOCIAL WORKERS BY IMPROVING PUBLIC ACCESS TO
2 COMPETENT SOCIAL WORK SERVICES. THIS COMPACT PRESERVES THE
3 REGULATORY AUTHORITY OF STATES TO PROTECT PUBLIC HEALTH AND
4 SAFETY THROUGH THE CURRENT SYSTEM OF STATE LICENSURE.

5 THIS COMPACT IS DESIGNED TO ACHIEVE THE FOLLOWING OBJECTIVES:

- 6 A. INCREASE PUBLIC ACCESS TO SOCIAL WORK SERVICES;
- 7 B. REDUCE OVERLY BURDENSOME AND DUPLICATIVE REQUIREMENTS
8 ASSOCIATED WITH HOLDING MULTIPLE LICENSES;
- 9 C. ENHANCE THE MEMBER STATES' ABILITY TO PROTECT THE PUBLIC'S
10 HEALTH AND SAFETY;
- 11 D. ENCOURAGE THE COOPERATION OF MEMBER STATES IN
12 REGULATING MULTISTATE PRACTICE;
- 13 E. PROMOTE MOBILITY AND ADDRESS WORKFORCE SHORTAGES BY
14 ELIMINATING THE NECESSITY FOR LICENSES IN MULTIPLE STATES
15 BY PROVIDING FOR THE MUTUAL RECOGNITION OF OTHER MEMBER
16 STATE LICENSES;
- 17 F. SUPPORT MILITARY FAMILIES;
- 18 G. FACILITATE THE EXCHANGE OF LICENSURE AND DISCIPLINARY
19 INFORMATION AMONG MEMBER STATES;
- 20 H. AUTHORIZE ALL MEMBER STATES TO HOLD A REGULATED SOCIAL
21 WORKER ACCOUNTABLE FOR ABIDING BY A MEMBER STATE'S
22 LAWS, REGULATIONS, AND APPLICABLE PROFESSIONAL STANDARDS
23 IN THE MEMBER STATE IN WHICH THE CLIENT IS LOCATED AT THE
24 TIME CARE IS RENDERED; AND
- 25 I. ALLOW FOR THE USE OF TELEHEALTH TO FACILITATE INCREASED
26 ACCESS TO REGULATED SOCIAL WORK SERVICES.

27 **SECTION 2. DEFINITIONS**

1 AS USED IN THIS COMPACT, AND EXCEPT AS OTHERWISE PROVIDED, THE
2 FOLLOWING DEFINITIONS SHALL APPLY:

3 A. "ACTIVE MILITARY MEMBER" MEANS ANY INDIVIDUAL WITH
4 FULL-TIME DUTY STATUS IN THE ACTIVE ARMED FORCES OF THE
5 UNITED STATES INCLUDING MEMBERS OF THE NATIONAL GUARD
6 AND RESERVE.

7 B. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL,
8 EQUITABLE, OR CRIMINAL ACTION PERMITTED BY A STATE'S LAWS
9 WHICH IS IMPOSED BY A LICENSING AUTHORITY OR OTHER
10 AUTHORITY AGAINST A REGULATED SOCIAL WORKER, INCLUDING
11 ACTIONS AGAINST AN INDIVIDUAL'S LICENSE OR MULTISTATE
12 AUTHORIZATION TO PRACTICE SUCH AS REVOCATION, SUSPENSION,
13 PROBATION, MONITORING OF THE LICENSEE, LIMITATION ON THE
14 LICENSEE'S PRACTICE, OR ANY OTHER ENCUMBRANCE ON
15 LICENSURE AFFECTING A REGULATED SOCIAL WORKER'S
16 AUTHORIZATION TO PRACTICE, INCLUDING ISSUANCE OF A
17 CEASE-AND-DESIST ACTION.

18 C. "ALTERNATIVE PROGRAM" MEANS A NON-DISCIPLINARY
19 MONITORING OR PRACTICE REMEDIATION PROCESS APPROVED BY A
20 LICENSING AUTHORITY TO ADDRESS PRACTITIONERS WITH AN
21 IMPAIRMENT.

22 D. "CHARTER MEMBER STATES" MEANS MEMBER STATES WHO HAVE
23 ENACTED LEGISLATION TO ADOPT THIS COMPACT WHERE SUCH
24 LEGISLATION PREDATES THE EFFECTIVE DATE OF THIS COMPACT AS
25 DESCRIBED IN SECTION 14 OF THIS COMPACT.

26 E. "COMPACT COMMISSION" OR "COMMISSION" MEANS THE
27 GOVERNMENT AGENCY WHOSE MEMBERSHIP CONSISTS OF ALL

1 STATES THAT HAVE ENACTED THIS COMPACT, WHICH IS KNOWN AS
2 THE SOCIAL WORK LICENSURE COMPACT COMMISSION, AS
3 DESCRIBED IN SECTION 10 OF THIS COMPACT, AND WHICH SHALL
4 OPERATE AS AN INSTRUMENTALITY OF THE MEMBER STATES.

- 5 F. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS:
- 6 1. INVESTIGATIVE INFORMATION THAT A LICENSING
7 AUTHORITY, AFTER A PRELIMINARY INQUIRY THAT
8 INCLUDES NOTIFICATION AND AN OPPORTUNITY FOR THE
9 REGULATED SOCIAL WORKER TO RESPOND, HAS REASON TO
10 BELIEVE IS NOT GROUNDLESS AND, IF PROVED TRUE, WOULD
11 INDICATE MORE THAN A MINOR INFRACTION AS MAY BE
12 DEFINED BY THE COMMISSION; OR
 - 13 2. INVESTIGATIVE INFORMATION THAT INDICATES THAT THE
14 REGULATED SOCIAL WORKER REPRESENTS AN IMMEDIATE
15 THREAT TO PUBLIC HEALTH AND SAFETY, AS MAY BE
16 DEFINED BY THE COMMISSION, REGARDLESS OF WHETHER
17 THE REGULATED SOCIAL WORKER HAS BEEN NOTIFIED AND
18 HAS HAD AN OPPORTUNITY TO RESPOND.

19 G. "DATA SYSTEM" MEANS A REPOSITORY OF INFORMATION ABOUT
20 LICENSEES, INCLUDING CURRENT SIGNIFICANT INVESTIGATIVE
21 INFORMATION; CONTINUING EDUCATION, EXAMINATION,
22 LICENSURE, DISQUALIFYING EVENT, MULTISTATE LICENSE(S) AND
23 ADVERSE ACTION INFORMATION; OR OTHER INFORMATION AS
24 REQUIRED BY THE COMMISSION.

25 H. "DISQUALIFYING EVENT" MEANS ANY ADVERSE ACTION OR
26 INCIDENT WHICH RESULTS IN AN ENCUMBRANCE THAT
27 DISQUALIFIES OR MAKES THE LICENSEE INELIGIBLE TO EITHER

- 1 OBTAIN, RETAIN, OR RENEW A MULTISTATE LICENSE.
- 2 I. "DOMICILE" MEANS THE JURISDICTION IN WHICH THE LICENSEE
- 3 RESIDES AND INTENDS TO REMAIN INDEFINITELY.
- 4 J. "ENCUMBRANCE" MEANS A REVOCATION OR SUSPENSION OF, OR
- 5 ANY LIMITATION ON, THE FULL AND UNRESTRICTED PRACTICE OF
- 6 SOCIAL WORK LICENSED AND REGULATED BY A LICENSING
- 7 AUTHORITY.
- 8 K. "EXECUTIVE COMMITTEE" MEANS A GROUP OF DELEGATES
- 9 ELECTED OR APPOINTED TO ACT ON BEHALF OF, AND WITHIN THE
- 10 POWERS GRANTED TO THEM BY, THE COMPACT AND COMMISSION.
- 11 L. "HOME STATE" MEANS THE MEMBER STATE THAT IS THE
- 12 LICENSEE'S PRIMARY DOMICILE.
- 13 M. "IMPAIRMENT" MEANS A CONDITION(S) THAT MAY IMPAIR A
- 14 PRACTITIONER'S ABILITY TO ENGAGE IN FULL AND UNRESTRICTED
- 15 PRACTICE AS A REGULATED SOCIAL WORKER WITHOUT SOME TYPE
- 16 OF INTERVENTION AND MAY INCLUDE ALCOHOL AND DRUG
- 17 DEPENDENCE, MENTAL HEALTH IMPAIRMENT, AND NEUROLOGICAL
- 18 OR PHYSICAL IMPAIRMENTS.
- 19 N. "LICENSEE(S)" MEANS AN INDIVIDUAL WHO CURRENTLY HOLDS A
- 20 LICENSE FROM A STATE TO PRACTICE AS A REGULATED SOCIAL
- 21 WORKER.
- 22 O. "LICENSING AUTHORITY" MEANS THE BOARD OR AGENCY OF A
- 23 MEMBER STATE, OR EQUIVALENT, THAT IS RESPONSIBLE FOR THE
- 24 LICENSING AND REGULATION OF REGULATED SOCIAL WORKERS.
- 25 P. "MEMBER STATE" MEANS A STATE, COMMONWEALTH, DISTRICT, OR
- 26 TERRITORY OF THE UNITED STATES OF AMERICA THAT HAS
- 27 ENACTED THIS COMPACT.

- 1 Q. "MULTISTATE AUTHORIZATION TO PRACTICE" MEANS A LEGALLY
2 AUTHORIZED PRIVILEGE TO PRACTICE, WHICH IS EQUIVALENT TO A
3 LICENSE, ASSOCIATED WITH A MULTISTATE LICENSE PERMITTING
4 THE PRACTICE OF SOCIAL WORK IN A REMOTE STATE.
- 5 R. "MULTISTATE LICENSE" MEANS A LICENSE TO PRACTICE AS A
6 REGULATED SOCIAL WORKER ISSUED BY A HOME STATE
7 LICENSING AUTHORITY THAT AUTHORIZES THE REGULATED
8 SOCIAL WORKER TO PRACTICE IN ALL MEMBER STATES UNDER A
9 MULTISTATE AUTHORIZATION TO PRACTICE.
- 10 S. "QUALIFYING NATIONAL EXAM" MEANS A NATIONAL LICENSING
11 EXAMINATION APPROVED BY THE COMMISSION.
- 12 T. "REGULATED SOCIAL WORKER" MEANS ANY CLINICAL, MASTERS
13 OR BACHELORS SOCIAL WORKER LICENSED BY A MEMBER STATE
14 REGARDLESS OF THE TITLE USED BY THAT MEMBER STATE.
- 15 U. "REMOTE STATE" MEANS A MEMBER STATE OTHER THAN THE
16 LICENSEE'S HOME STATE.
- 17 V. "RULE(S)" OR "RULE(S) OF THE COMMISSION" MEANS A
18 REGULATION OR REGULATIONS DULY PROMULGATED BY THE
19 COMMISSION, AS AUTHORIZED BY THE COMPACT, THAT HAVE THE
20 FORCE OF LAW.
- 21 W. "SINGLE STATE LICENSE" MEANS A SOCIAL WORK LICENSE ISSUED
22 BY ANY STATE THAT AUTHORIZES PRACTICE ONLY WITHIN THE
23 ISSUING STATE AND DOES NOT INCLUDE MULTISTATE
24 AUTHORIZATION TO PRACTICE IN ANY MEMBER STATE.
- 25 X. "SOCIAL WORK" OR "SOCIAL WORK SERVICES" MEANS THE
26 APPLICATION OF SOCIAL WORK THEORY, KNOWLEDGE, METHODS,
27 ETHICS, AND THE PROFESSIONAL USE OF SELF TO RESTORE OR

1 ENHANCE SOCIAL, PSYCHOSOCIAL, OR BIOPSYCHOSOCIAL
2 FUNCTIONING OF INDIVIDUALS, COUPLES, FAMILIES, GROUPS,
3 ORGANIZATIONS, AND COMMUNITIES THROUGH THE CARE AND
4 SERVICES PROVIDED BY A REGULATED SOCIAL WORKER AS SET
5 FORTH IN THE MEMBER STATE'S STATUTES AND REGULATIONS IN
6 THE STATE WHERE THE SERVICES ARE BEING PROVIDED.

7 Y. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT, OR
8 TERRITORY OF THE UNITED STATES OF AMERICA THAT REGULATES
9 THE PRACTICE OF SOCIAL WORK.

10 Z. "UNENCUMBERED LICENSE" MEANS A LICENSE THAT AUTHORIZES
11 A REGULATED SOCIAL WORKER TO ENGAGE IN THE FULL AND
12 UNRESTRICTED PRACTICE OF SOCIAL WORK.

13 **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

14 A. TO BE ELIGIBLE TO PARTICIPATE IN THE COMPACT, A POTENTIAL
15 MEMBER STATE MUST CURRENTLY MEET ALL OF THE FOLLOWING
16 CRITERIA:

17 1. LICENSE AND REGULATE THE PRACTICE OF SOCIAL WORK
18 AT EITHER THE CLINICAL, MASTERS, OR BACHELORS
19 CATEGORY;

20 2. REQUIRE APPLICANTS FOR LICENSURE TO GRADUATE FROM
21 A PROGRAM THAT:

22 a. IS OPERATED BY A COLLEGE OR UNIVERSITY
23 RECOGNIZED BY THE LICENSING AUTHORITY;

24 b. IS ACCREDITED, OR IN CANDIDACY BY AN
25 INSTITUTION THAT SUBSEQUENTLY BECOMES
26 ACCREDITED, BY AN ACCREDITING AGENCY
27 RECOGNIZED BY EITHER:

- 1 i. THE COUNCIL FOR HIGHER EDUCATION
- 2 ACCREDITATION, OR ITS SUCCESSOR; OR
- 3 ii. THE UNITED STATES DEPARTMENT OF
- 4 EDUCATION; AND
- 5 c. CORRESPONDS TO THE LICENSURE SOUGHT AS
- 6 OUTLINED IN SECTION 4 OF THIS COMPACT;
- 7 3. REQUIRE APPLICANTS FOR CLINICAL LICENSURE TO
- 8 COMPLETE A PERIOD OF SUPERVISED PRACTICE;
- 9 4. HAVE A MECHANISM IN PLACE FOR RECEIVING,
- 10 INVESTIGATING, AND ADJUDICATING COMPLAINTS ABOUT
- 11 LICENSEES.
- 12 B. TO MAINTAIN MEMBERSHIP IN THIS COMPACT A MEMBER STATE
- 13 SHALL:
- 14 1. REQUIRE THAT APPLICANTS FOR A MULTISTATE LICENSE
- 15 PASS A QUALIFYING NATIONAL EXAM FOR THE
- 16 CORRESPONDING CATEGORY OF MULTISTATE LICENSE
- 17 SOUGHT AS OUTLINED IN SECTION 4 OF THIS COMPACT;
- 18 2. PARTICIPATE FULLY IN THE COMMISSION'S DATA SYSTEM,
- 19 INCLUDING USING THE COMMISSION'S UNIQUE IDENTIFIER AS
- 20 DEFINED IN RULES;
- 21 3. NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS
- 22 OF THIS COMPACT AND RULES, OF ANY ADVERSE ACTION
- 23 OR THE AVAILABILITY OF CURRENT SIGNIFICANT
- 24 INVESTIGATIVE INFORMATION REGARDING A LICENSEE;
- 25 4. IMPLEMENT PROCEDURES FOR CONSIDERING THE CRIMINAL
- 26 HISTORY RECORDS OF APPLICANTS FOR A MULTISTATE
- 27 LICENSE. SUCH PROCEDURES SHALL INCLUDE THE

1 SUBMISSION OF FINGERPRINTS OR OTHER BIOMETRIC-BASED
2 INFORMATION BY APPLICANTS FOR THE PURPOSE OF
3 OBTAINING AN APPLICANT'S CRIMINAL HISTORY RECORD
4 INFORMATION FROM THE FEDERAL BUREAU OF
5 INVESTIGATION AND THE AGENCY RESPONSIBLE FOR
6 RETAINING THAT STATE'S CRIMINAL RECORDS.

- 7 5. COMPLY WITH THE RULES OF THE COMMISSION;
- 8 6. REQUIRE AN APPLICANT TO OBTAIN OR RETAIN A LICENSE IN
9 THE HOME STATE AND MEET THE HOME STATE'S
10 QUALIFICATIONS FOR LICENSURE OR RENEWAL OF
11 LICENSURE, AS WELL AS ALL OTHER APPLICABLE HOME
12 STATE LAWS;
- 13 7. AUTHORIZE A LICENSEE HOLDING A MULTISTATE LICENSE
14 IN ANY MEMBER STATE TO PRACTICE IN ACCORDANCE WITH
15 THE TERMS OF THIS COMPACT AND RULES OF THE
16 COMMISSION; AND
- 17 8. DESIGNATE A DELEGATE TO PARTICIPATE IN THE
18 COMMISSION MEETINGS.

19 C. A MEMBER STATE MEETING THE REQUIREMENTS OF SECTION 3.A.
20 AND 3.B. OF THIS COMPACT SHALL DESIGNATE THE CATEGORIES OF
21 SOCIAL WORK LICENSURE THAT ARE ELIGIBLE FOR ISSUANCE OF A
22 MULTISTATE LICENSE FOR APPLICANTS IN SUCH MEMBER STATE.
23 TO THE EXTENT THAT ANY MEMBER STATE DOES NOT MEET THE
24 REQUIREMENTS FOR PARTICIPATION IN THIS COMPACT AT ANY
25 PARTICULAR CATEGORY OF SOCIAL WORK LICENSURE, SUCH
26 MEMBER STATE MAY CHOOSE, BUT IS NOT OBLIGATED, TO ISSUE A
27 MULTISTATE LICENSE TO APPLICANTS THAT OTHERWISE MEET THE

1 6. ABIDE BY THE LAWS, REGULATIONS, AND APPLICABLE
2 STANDARDS IN THE MEMBER STATE WHERE THE CLIENT IS
3 LOCATED AT THE TIME CARE IS RENDERED.

4 B. AN APPLICANT FOR A CLINICAL-CATEGORY MULTISTATE LICENSE
5 MUST MEET ALL OF THE FOLLOWING REQUIREMENTS:

6 1. FULFILL A COMPETENCY REQUIREMENT, WHICH SHALL BE
7 SATISFIED BY EITHER:

8 a. PASSAGE OF A CLINICAL-CATEGORY QUALIFYING
9 NATIONAL EXAM; OR

10 b. LICENSURE OF THE APPLICANT IN THEIR HOME
11 STATE AT THE CLINICAL CATEGORY, BEGINNING
12 PRIOR TO SUCH TIME AS A QUALIFYING NATIONAL
13 EXAM WAS REQUIRED BY THE HOME STATE AND
14 ACCOMPANIED BY A PERIOD OF CONTINUOUS SOCIAL
15 WORK LICENSURE THEREAFTER, ALL OF WHICH MAY
16 BE FURTHER GOVERNED BY THE RULES OF THE
17 COMMISSION; OR

18 c. THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING
19 COMPETENCY REQUIREMENTS WHICH THE
20 COMMISSION MAY DETERMINE BY RULE;

21 2. ATTAIN AT LEAST A MASTERS DEGREE IN SOCIAL WORK
22 FROM A PROGRAM THAT IS:

23 a. OPERATED BY A COLLEGE OR UNIVERSITY
24 RECOGNIZED BY THE LICENSING AUTHORITY; AND

25 b. ACCREDITED, OR IN CANDIDACY THAT
26 SUBSEQUENTLY BECOMES ACCREDITED, BY AN
27 ACCREDITING AGENCY RECOGNIZED BY EITHER:

- 1 i. THE COUNCIL FOR HIGHER EDUCATION
- 2 ACCREDITATION OR ITS SUCCESSOR; OR
- 3 ii. THE UNITED STATES DEPARTMENT OF
- 4 EDUCATION;
- 5 3. FULFILL A PRACTICE REQUIREMENT, WHICH SHALL BE
- 6 SATISFIED BY DEMONSTRATING COMPLETION OF EITHER:
- 7 a. A PERIOD OF POSTGRADUATE SUPERVISED CLINICAL
- 8 PRACTICE EQUAL TO A MINIMUM OF THREE
- 9 THOUSAND HOURS; OR
- 10 b. A MINIMUM OF TWO YEARS OF FULL-TIME
- 11 POSTGRADUATE SUPERVISED CLINICAL PRACTICE; OR
- 12 c. THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING
- 13 PRACTICE REQUIREMENTS WHICH THE COMMISSION
- 14 MAY DETERMINE BY RULE.
- 15 C. AN APPLICANT FOR A MASTERS-CATEGORY MULTISTATE LICENSE
- 16 MUST MEET ALL OF THE FOLLOWING REQUIREMENTS:
- 17 1. FULFILL A COMPETENCY REQUIREMENT, WHICH SHALL BE
- 18 SATISFIED BY EITHER:
- 19 a. PASSAGE OF A MASTERS-CATEGORY QUALIFYING
- 20 NATIONAL EXAM;
- 21 b. LICENSURE OF THE APPLICANT IN THEIR HOME
- 22 STATE AT THE MASTERS CATEGORY, BEGINNING
- 23 PRIOR TO SUCH TIME AS A QUALIFYING NATIONAL
- 24 EXAM WAS REQUIRED BY THE HOME STATE AT THE
- 25 MASTERS-CATEGORY AND ACCOMPANIED BY A
- 26 CONTINUOUS PERIOD OF SOCIAL WORK LICENSURE
- 27 THEREAFTER, ALL OF WHICH MAY BE FURTHER

- 1 GOVERNED BY THE RULES OF THE COMMISSION; OR
- 2 c. THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING
- 3 COMPETENCY REQUIREMENTS WHICH THE
- 4 COMMISSION MAY DETERMINE BY RULE;
- 5 2. ATTAIN AT LEAST A MASTERS DEGREE IN SOCIAL WORK
- 6 FROM A PROGRAM THAT IS:
- 7 a. OPERATED BY A COLLEGE OR UNIVERSITY
- 8 RECOGNIZED BY THE LICENSING AUTHORITY; AND
- 9 b. ACCREDITED, OR IN CANDIDACY THAT
- 10 SUBSEQUENTLY BECOMES ACCREDITED, BY AN
- 11 ACCREDITING AGENCY RECOGNIZED BY EITHER:
- 12 i. THE COUNCIL FOR HIGHER EDUCATION
- 13 ACCREDITATION OR ITS SUCCESSOR; OR
- 14 ii. THE UNITED STATES DEPARTMENT OF
- 15 EDUCATION.
- 16 D. AN APPLICANT FOR A BACHELORS-CATEGORY MULTISTATE
- 17 LICENSE MUST MEET ALL OF THE FOLLOWING REQUIREMENTS:
- 18 1. FULFILL A COMPETENCY REQUIREMENT, WHICH SHALL BE
- 19 SATISFIED BY EITHER:
- 20 a. PASSAGE OF A BACHELORS-CATEGORY QUALIFYING
- 21 NATIONAL EXAM;
- 22 b. LICENSURE OF THE APPLICANT IN THEIR HOME
- 23 STATE AT THE BACHELORS-CATEGORY, BEGINNING
- 24 PRIOR TO SUCH TIME AS A QUALIFYING NATIONAL
- 25 EXAM WAS REQUIRED BY THE HOME STATE AND
- 26 ACCOMPANIED BY A PERIOD OF CONTINUOUS SOCIAL
- 27 WORK LICENSURE THEREAFTER, ALL OF WHICH MAY

1 BE FURTHER GOVERNED BY THE RULES OF THE
2 COMMISSION; OR

3 c. THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING
4 COMPETENCY REQUIREMENTS WHICH THE
5 COMMISSION MAY DETERMINE BY RULE;

6 2. ATTAIN AT LEAST A BACHELORS DEGREE IN SOCIAL WORK
7 FROM A PROGRAM THAT IS:

8 a. OPERATED BY A COLLEGE OR UNIVERSITY
9 RECOGNIZED BY THE LICENSING AUTHORITY; AND

10 b. ACCREDITED, OR IN CANDIDACY THAT
11 SUBSEQUENTLY BECOMES ACCREDITED, BY AN
12 ACCREDITING AGENCY RECOGNIZED BY EITHER:

13 i. THE COUNCIL FOR HIGHER EDUCATION
14 ACCREDITATION OR ITS SUCCESSOR; OR

15 ii. THE UNITED STATES DEPARTMENT OF
16 EDUCATION.

17 E. THE MULTISTATE LICENSE FOR A REGULATED SOCIAL WORKER IS
18 SUBJECT TO THE RENEWAL REQUIREMENTS OF THE HOME STATE.
19 THE REGULATED SOCIAL WORKER MUST MAINTAIN COMPLIANCE
20 WITH THE REQUIREMENTS OF SECTION 4.A. OF THIS COMPACT TO
21 BE ELIGIBLE TO RENEW A MULTISTATE LICENSE.

22 F. THE REGULATED SOCIAL WORKER'S SERVICES IN A REMOTE STATE
23 ARE SUBJECT TO THAT MEMBER STATE'S REGULATORY AUTHORITY.
24 A REMOTE STATE MAY, IN ACCORDANCE WITH DUE PROCESS AND
25 THAT MEMBER STATE'S LAWS, REMOVE A REGULATED SOCIAL
26 WORKER'S MULTISTATE AUTHORIZATION TO PRACTICE IN THE
27 REMOTE STATE FOR A SPECIFIC PERIOD OF TIME, IMPOSE FINES, AND

1 TAKE ANY OTHER NECESSARY ACTIONS TO PROTECT THE HEALTH
2 AND SAFETY OF ITS CITIZENS.

3 G. IF A MULTISTATE LICENSE IS ENCUMBERED, THE REGULATED
4 SOCIAL WORKER'S MULTISTATE AUTHORIZATION TO PRACTICE
5 SHALL BE DEACTIVATED IN ALL REMOTE STATES UNTIL THE
6 MULTISTATE LICENSE IS NO LONGER ENCUMBERED.

7 H. IF A MULTISTATE AUTHORIZATION TO PRACTICE IS ENCUMBERED
8 IN A REMOTE STATE, THE REGULATED SOCIAL WORKER'S
9 MULTISTATE AUTHORIZATION TO PRACTICE MAY BE DEACTIVATED
10 IN THAT STATE UNTIL THE MULTISTATE AUTHORIZATION TO
11 PRACTICE IS NO LONGER ENCUMBERED.

12 **SECTION 5. ISSUANCE OF A MULTISTATE LICENSE**

13 A. UPON RECEIPT OF AN APPLICATION FOR A MULTISTATE LICENSE,
14 THE HOME STATE LICENSING AUTHORITY SHALL DETERMINE THE
15 APPLICANT'S ELIGIBILITY FOR A MULTISTATE LICENSE IN
16 ACCORDANCE WITH SECTION 4 OF THIS COMPACT.

17 B. IF SUCH APPLICANT IS ELIGIBLE PURSUANT TO SECTION 4 OF THIS
18 COMPACT, THE HOME STATE LICENSING AUTHORITY SHALL ISSUE
19 A MULTISTATE LICENSE THAT AUTHORIZES THE APPLICANT OR
20 REGULATED SOCIAL WORKER TO PRACTICE IN ALL MEMBER
21 STATES UNDER A MULTISTATE AUTHORIZATION TO PRACTICE.

22 C. UPON ISSUANCE OF A MULTISTATE LICENSE, THE HOME STATE
23 LICENSING AUTHORITY SHALL DESIGNATE WHETHER THE
24 REGULATED SOCIAL WORKER HOLDS A MULTISTATE LICENSE IN
25 THE BACHELORS-, MASTERS-, OR CLINICAL-CATEGORY OF SOCIAL
26 WORK.

27 D. A MULTISTATE LICENSE ISSUED BY A HOME STATE TO A RESIDENT

1 IN THAT STATE SHALL BE RECOGNIZED BY ALL COMPACT MEMBER
2 STATES AS AUTHORIZING SOCIAL WORK PRACTICE UNDER A
3 MULTISTATE AUTHORIZATION TO PRACTICE CORRESPONDING TO
4 EACH CATEGORY OF LICENSURE REGULATED IN EACH MEMBER
5 STATE.

6 **SECTION 6. AUTHORITY OF INTERSTATE**
7 **COMPACT COMMISSION AND**
8 **MEMBER STATE LICENSING AUTHORITIES**

9 A. NOTHING IN THIS COMPACT, NOR ANY RULE OF THE COMMISSION,
10 SHALL BE CONSTRUED TO LIMIT, RESTRICT, OR IN ANY WAY REDUCE
11 THE ABILITY OF A MEMBER STATE TO ENACT AND ENFORCE LAWS,
12 REGULATIONS, OR OTHER RULES RELATED TO THE PRACTICE OF
13 SOCIAL WORK IN THAT STATE, WHERE THOSE LAWS, REGULATIONS,
14 OR OTHER RULES ARE NOT INCONSISTENT WITH THE PROVISIONS OF
15 THIS COMPACT.

16 B. NOTHING IN THIS COMPACT SHALL AFFECT THE REQUIREMENTS
17 ESTABLISHED BY A MEMBER STATE FOR THE ISSUANCE OF A SINGLE
18 STATE LICENSE.

19 C. NOTHING IN THIS COMPACT, NOR ANY RULE OF THE COMMISSION,
20 SHALL BE CONSTRUED TO LIMIT, RESTRICT, OR IN ANY WAY REDUCE
21 THE ABILITY OF A MEMBER STATE TO TAKE ADVERSE ACTION
22 AGAINST A LICENSEE'S SINGLE STATE LICENSE TO PRACTICE
23 SOCIAL WORK IN THAT STATE.

24 D. NOTHING IN THIS COMPACT, NOR ANY RULE OF THE COMMISSION,
25 SHALL BE CONSTRUED TO LIMIT, RESTRICT, OR IN ANY WAY REDUCE
26 THE ABILITY OF A REMOTE STATE TO TAKE ADVERSE ACTION
27 AGAINST A LICENSEE'S MULTISTATE AUTHORIZATION TO PRACTICE

1 IN THAT STATE.

2 E. NOTHING IN THIS COMPACT, NOR ANY RULE OF THE COMMISSION,
3 SHALL BE CONSTRUED TO LIMIT, RESTRICT, OR IN ANY WAY REDUCE
4 THE ABILITY OF A LICENSEE'S HOME STATE TO TAKE ADVERSE
5 ACTION AGAINST A LICENSEE'S MULTISTATE LICENSE BASED UPON
6 INFORMATION PROVIDED BY A REMOTE STATE.

7 **SECTION 7. REISSUANCE OF A MULTISTATE LICENSE**
8 **BY A NEW HOME STATE**

9 A. A LICENSEE CAN HOLD A MULTISTATE LICENSE, ISSUED BY THEIR
10 HOME STATE, IN ONLY ONE MEMBER STATE AT ANY GIVEN TIME.

11 B. IF A LICENSEE CHANGES THEIR HOME STATE BY MOVING BETWEEN
12 TWO MEMBER STATES:

13 1. THE LICENSEE SHALL IMMEDIATELY APPLY FOR THE
14 REISSUANCE OF THEIR MULTISTATE LICENSE IN THEIR NEW
15 HOME STATE. THE LICENSEE SHALL PAY ALL APPLICABLE
16 FEES AND NOTIFY THE PRIOR HOME STATE IN ACCORDANCE
17 WITH THE RULES OF THE COMMISSION.

18 2. UPON RECEIPT OF AN APPLICATION TO REISSUE A
19 MULTISTATE LICENSE, THE NEW HOME STATE SHALL
20 VERIFY THAT THE MULTISTATE LICENSE IS ACTIVE,
21 UNENCUMBERED, AND ELIGIBLE FOR REISSUANCE UNDER
22 THE TERMS OF THIS COMPACT AND THE RULES OF THE
23 COMMISSION. THE MULTISTATE LICENSE ISSUED BY THE
24 PRIOR HOME STATE WILL BE DEACTIVATED AND ALL
25 MEMBER STATES NOTIFIED IN ACCORDANCE WITH THE
26 APPLICABLE RULES ADOPTED BY THE COMMISSION.

27 3. PRIOR TO THE REISSUANCE OF THE MULTISTATE LICENSE,

1 THE NEW HOME STATE SHALL CONDUCT PROCEDURES FOR
2 CONSIDERING THE CRIMINAL HISTORY RECORDS OF THE
3 LICENSEE. SUCH PROCEDURES SHALL INCLUDE THE
4 SUBMISSION OF FINGERPRINTS OR OTHER BIOMETRIC-BASED
5 INFORMATION BY APPLICANTS FOR THE PURPOSE OF
6 OBTAINING AN APPLICANT'S CRIMINAL HISTORY RECORD
7 INFORMATION FROM THE FEDERAL BUREAU OF
8 INVESTIGATION AND THE AGENCY RESPONSIBLE FOR
9 RETAINING THAT STATE'S CRIMINAL RECORDS.

10 4. IF REQUIRED FOR INITIAL LICENSURE, THE NEW HOME STATE
11 MAY REQUIRE COMPLETION OF JURISPRUDENCE
12 REQUIREMENTS IN THE NEW HOME STATE.

13 5. NOTWITHSTANDING ANY OTHER PROVISION OF THIS
14 COMPACT, IF A LICENSEE DOES NOT MEET THE
15 REQUIREMENTS SET FORTH IN THIS COMPACT FOR THE
16 REISSUANCE OF A MULTISTATE LICENSE BY THE NEW HOME
17 STATE, THEN THE LICENSEE SHALL BE SUBJECT TO THE NEW
18 HOME STATE REQUIREMENTS FOR THE ISSUANCE OF A
19 SINGLE STATE LICENSE IN THAT STATE.

20 C. IF A LICENSEE CHANGES THEIR PRIMARY STATE OF RESIDENCE BY
21 MOVING FROM A MEMBER STATE TO A NON-MEMBER STATE, OR
22 FROM A NON-MEMBER STATE TO A MEMBER STATE, THEN THE
23 LICENSEE SHALL BE SUBJECT TO THE STATE REQUIREMENTS FOR
24 THE ISSUANCE OF A SINGLE STATE LICENSE IN THE NEW HOME
25 STATE.

26 D. NOTHING IN THIS COMPACT SHALL INTERFERE WITH A LICENSEE'S
27 ABILITY TO HOLD A SINGLE STATE LICENSE IN MULTIPLE STATES;

1 HOWEVER, FOR THE PURPOSES OF THIS COMPACT, A LICENSEE
2 SHALL HAVE ONLY ONE HOME STATE AND ONLY ONE MULTISTATE
3 LICENSE.

4 E. NOTHING IN THIS COMPACT SHALL INTERFERE WITH THE
5 REQUIREMENTS ESTABLISHED BY A MEMBER STATE FOR THE
6 ISSUANCE OF A SINGLE STATE LICENSE.

7 **SECTION 8. MILITARY FAMILIES**

8 AN ACTIVE MILITARY MEMBER OR THEIR SPOUSE SHALL DESIGNATE A
9 HOME STATE WHERE THE INDIVIDUAL HAS A MULTISTATE LICENSE. THE
10 INDIVIDUAL MAY RETAIN THEIR HOME STATE DESIGNATION DURING THE
11 PERIOD THE SERVICE MEMBER IS ON ACTIVE DUTY.

12 **SECTION 9. ADVERSE ACTIONS**

13 A. IN ADDITION TO THE OTHER POWERS CONFERRED BY STATE LAW, A
14 REMOTE STATE SHALL HAVE THE AUTHORITY, IN ACCORDANCE
15 WITH EXISTING STATE DUE PROCESS LAW, TO:

16 1. TAKE ADVERSE ACTION AGAINST A REGULATED SOCIAL
17 WORKER'S MULTISTATE AUTHORIZATION TO PRACTICE
18 ONLY WITHIN THAT MEMBER STATE AND ISSUE SUBPOENAS
19 FOR BOTH HEARINGS AND INVESTIGATIONS THAT REQUIRE
20 THE ATTENDANCE AND TESTIMONY OF WITNESSES AS WELL
21 AS THE PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY
22 A LICENSING AUTHORITY IN A MEMBER STATE FOR THE
23 ATTENDANCE AND TESTIMONY OF WITNESSES OR THE
24 PRODUCTION OF EVIDENCE FROM ANOTHER MEMBER STATE
25 SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT
26 OF COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE
27 AND PROCEDURE OF THAT COURT APPLICABLE TO

1 SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE IT.
2 THE ISSUING LICENSING AUTHORITY SHALL PAY ANY
3 WITNESS FEES, TRAVEL EXPENSES, MILEAGE, AND OTHER
4 FEES REQUIRED BY THE SERVICE STATUTES OF THE STATE IN
5 WHICH THE WITNESSES OR EVIDENCE ARE LOCATED.

6 2. ONLY THE HOME STATE SHALL HAVE THE POWER TO TAKE
7 ADVERSE ACTION AGAINST A REGULATED SOCIAL
8 WORKER'S MULTISTATE LICENSE.

9 B. FOR PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE
10 SHALL GIVE THE SAME PRIORITY AND EFFECT TO REPORTED
11 CONDUCT RECEIVED FROM A MEMBER STATE AS IT WOULD IF THE
12 CONDUCT HAD OCCURRED WITHIN THE HOME STATE. IN SO DOING,
13 THE HOME STATE SHALL APPLY ITS OWN STATE LAWS TO
14 DETERMINE APPROPRIATE ACTION.

15 C. THE HOME STATE SHALL COMPLETE ANY PENDING INVESTIGATIONS
16 OF A REGULATED SOCIAL WORKER WHO CHANGES THEIR HOME
17 STATE DURING THE COURSE OF THE INVESTIGATIONS. THE HOME
18 STATE SHALL ALSO HAVE THE AUTHORITY TO TAKE APPROPRIATE
19 ACTION(S) AND SHALL PROMPTLY REPORT THE CONCLUSIONS OF
20 THE INVESTIGATIONS TO THE ADMINISTRATOR OF THE DATA
21 SYSTEM. THE ADMINISTRATOR OF THE DATA SYSTEM SHALL
22 PROMPTLY NOTIFY THE NEW HOME STATE OF ANY ADVERSE
23 ACTIONS.

24 D. A MEMBER STATE, IF OTHERWISE PERMITTED BY STATE LAW, MAY
25 RECOVER FROM THE AFFECTED REGULATED SOCIAL WORKER THE
26 COSTS OF INVESTIGATIONS AND DISPOSITIONS OF CASES RESULTING
27 FROM ANY ADVERSE ACTION TAKEN AGAINST THAT REGULATED

- 1 SOCIAL WORKER.
- 2 E. A MEMBER STATE MAY TAKE ADVERSE ACTION BASED ON THE
3 FACTUAL FINDINGS OF ANOTHER MEMBER STATE, PROVIDED THAT
4 THE MEMBER STATE FOLLOWS ITS OWN PROCEDURES FOR TAKING
5 THE ADVERSE ACTION.
- 6 F. JOINT INVESTIGATIONS:
- 7 1. IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER
8 STATE BY ITS RESPECTIVE SOCIAL WORK PRACTICE ACT OR
9 OTHER APPLICABLE STATE LAW, ANY MEMBER STATE MAY
10 PARTICIPATE WITH OTHER MEMBER STATES IN JOINT
11 INVESTIGATIONS OF LICENSEES.
- 12 2. MEMBER STATES SHALL SHARE ANY INVESTIGATIVE,
13 LITIGATION, OR COMPLIANCE MATERIALS IN FURTHERANCE
14 OF ANY JOINT OR INDIVIDUAL INVESTIGATION INITIATED
15 UNDER THIS COMPACT.
- 16 G. IF ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST THE
17 MULTISTATE LICENSE OF A REGULATED SOCIAL WORKER, THE
18 REGULATED SOCIAL WORKER'S MULTISTATE AUTHORIZATION TO
19 PRACTICE IN ALL OTHER MEMBER STATES SHALL BE DEACTIVATED
20 UNTIL ALL ENCUMBRANCES HAVE BEEN REMOVED FROM THE
21 MULTISTATE LICENSE. ALL HOME STATE DISCIPLINARY ORDERS
22 THAT IMPOSE ADVERSE ACTION AGAINST THE LICENSE OF A
23 REGULATED SOCIAL WORKER SHALL INCLUDE A STATEMENT THAT
24 THE REGULATED SOCIAL WORKER'S MULTISTATE AUTHORIZATION
25 TO PRACTICE IS DEACTIVATED IN ALL MEMBER STATES UNTIL ALL
26 CONDITIONS OF THE DECISION, ORDER, OR AGREEMENT ARE
27 SATISFIED.

1 H. IF A MEMBER STATE TAKES ADVERSE ACTION, IT SHALL PROMPTLY
2 NOTIFY THE ADMINISTRATOR OF THE DATA SYSTEM. THE
3 ADMINISTRATOR OF THE DATA SYSTEM SHALL PROMPTLY NOTIFY
4 THE HOME STATE AND ALL OTHER MEMBER STATES OF ANY
5 ADVERSE ACTIONS BY REMOTE STATES.

6 I. NOTHING IN THIS COMPACT SHALL OVERRIDE A MEMBER STATE'S
7 DECISION THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY
8 BE USED IN LIEU OF ADVERSE ACTION.

9 J. NOTHING IN THIS COMPACT SHALL AUTHORIZE A MEMBER STATE
10 TO DEMAND THE ISSUANCE OF SUBPOENAS FOR ATTENDANCE AND
11 TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE FROM
12 ANOTHER MEMBER STATE FOR LAWFUL ACTIONS WITHIN THAT
13 MEMBER STATE.

14 K. NOTHING IN THIS COMPACT SHALL AUTHORIZE A MEMBER STATE
15 TO IMPOSE DISCIPLINE AGAINST A REGULATED SOCIAL WORKER
16 WHO HOLDS A MULTISTATE AUTHORIZATION TO PRACTICE FOR
17 LAWFUL ACTIONS WITHIN ANOTHER MEMBER STATE.

18 **SECTION 10. ESTABLISHMENT OF SOCIAL WORK**

19 **LICENSURE COMPACT COMMISSION**

20 A. THE COMPACT MEMBER STATES HEREBY CREATE AND ESTABLISH
21 A JOINT GOVERNMENT AGENCY WHOSE MEMBERSHIP CONSISTS OF
22 ALL MEMBER STATES THAT HAVE ENACTED THIS COMPACT KNOWN
23 AS THE SOCIAL WORK LICENSURE COMPACT COMMISSION. THE
24 COMMISSION IS AN INSTRUMENTALITY OF THE MEMBER STATES
25 ACTING JOINTLY AND NOT AN INSTRUMENTALITY OF ANY ONE
26 STATE. THE COMMISSION SHALL COME INTO EXISTENCE ON OR
27 AFTER THE EFFECTIVE DATE OF THIS COMPACT AS SET FORTH IN

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- SECTION 14.
- B. MEMBERSHIP, VOTING, AND MEETINGS
1. EACH MEMBER STATE SHALL HAVE AND BE LIMITED TO ONE (1) DELEGATE SELECTED BY THAT MEMBER STATE'S STATE LICENSING AUTHORITY.
 2. THE DELEGATE SHALL BE EITHER:
 - a. A CURRENT MEMBER OF THE STATE LICENSING AUTHORITY AT THE TIME OF APPOINTMENT, WHO IS A REGULATED SOCIAL WORKER OR PUBLIC MEMBER OF THE STATE LICENSING AUTHORITY; OR
 - b. AN ADMINISTRATOR OF THE STATE LICENSING AUTHORITY OR THEIR DESIGNEE.
 3. THE COMMISSION SHALL BY RULE OR BYLAW ESTABLISH A TERM OF OFFICE FOR DELEGATES AND MAY BY RULE OR BYLAW ESTABLISH TERM LIMITS.
 4. THE COMMISSION MAY RECOMMEND REMOVAL OR SUSPENSION OF ANY DELEGATE FROM OFFICE.
 5. A MEMBER STATE'S STATE LICENSING AUTHORITY SHALL FILL ANY VACANCY OF ITS DELEGATE OCCURRING ON THE COMMISSION WITHIN SIXTY (60) DAYS OF THE VACANCY.
 6. EACH DELEGATE SHALL BE ENTITLED TO ONE VOTE ON ALL MATTERS BEFORE THE COMMISSION REQUIRING A VOTE BY COMMISSION DELEGATES.
 7. A DELEGATE SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS AS PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE FOR DELEGATES TO MEET BY TELECOMMUNICATION, VIDEOCONFERENCE, OR OTHER

1 MEANS OF COMMUNICATION.
2 8. THE COMMISSION SHALL MEET AT LEAST ONCE DURING
3 EACH CALENDAR YEAR. ADDITIONAL MEETINGS MAY BE
4 HELD AS SET FORTH IN THE BYLAWS. THE COMMISSION MAY
5 MEET BY TELECOMMUNICATION, VIDEO CONFERENCE, OR
6 OTHER SIMILAR ELECTRONIC MEANS.

7 C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

- 8 1. ESTABLISH THE FISCAL YEAR OF THE COMMISSION;
- 9 2. ESTABLISH CODE OF CONDUCT AND CONFLICT OF INTEREST
10 POLICIES;
- 11 3. ESTABLISH AND AMEND RULES AND BYLAWS;
- 12 4. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH
13 THE BYLAWS;
- 14 5. MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT WITH
15 THE PROVISIONS OF THIS COMPACT, THE COMMISSION'S
16 RULES, AND THE BYLAWS;
- 17 6. INITIATE AND CONCLUDE LEGAL PROCEEDINGS OR ACTIONS
18 IN THE NAME OF THE COMMISSION, PROVIDED THAT THE
19 STANDING OF ANY STATE LICENSING BOARD TO SUE OR BE
20 SUED UNDER APPLICABLE LAW SHALL NOT BE AFFECTED;
- 21 7. MAINTAIN AND CERTIFY RECORDS AND INFORMATION
22 PROVIDED TO A MEMBER STATE AS THE AUTHENTICATED
23 BUSINESS RECORDS OF THE COMMISSION AND DESIGNATE
24 AN AGENT TO DO SO ON THE COMMISSION'S BEHALF;
- 25 8. PURCHASE AND MAINTAIN INSURANCE AND BONDS;
- 26 9. BORROW, ACCEPT, OR CONTRACT FOR SERVICES OF
27 PERSONNEL, INCLUDING, BUT NOT LIMITED TO, EMPLOYEES

- 1 OF A MEMBER STATE;
- 2 10. CONDUCT AN ANNUAL FINANCIAL REVIEW;
- 3 11. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX
4 COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS
5 APPROPRIATE AUTHORITY TO CARRY OUT THE PURPOSES OF
6 THIS COMPACT AND ESTABLISH THE COMMISSION'S
7 PERSONNEL POLICIES AND PROGRAMS RELATING TO
8 CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL,
9 AND OTHER RELATED PERSONNEL MATTERS;
- 10 12. ASSESS AND COLLECT FEES;
- 11 13. ACCEPT ANY AND ALL APPROPRIATE GIFTS, DONATIONS,
12 GRANTS OF MONEY, OTHER SOURCES OF REVENUE,
13 EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES, AND
14 RECEIVE, UTILIZE, AND DISPOSE OF THE SAME; PROVIDED
15 THAT AT ALL TIMES THE COMMISSION SHALL AVOID ANY
16 APPEARANCE OF IMPROPRIETY OR CONFLICT OF INTEREST;
- 17 14. LEASE, PURCHASE, RETAIN, OWN, HOLD, IMPROVE, OR USE
18 ANY PROPERTY, REAL, PERSONAL, OR MIXED, OR ANY
19 UNDIVIDED INTEREST THEREIN;
- 20 15. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
21 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL,
22 PERSONAL, OR MIXED;
- 23 16. ESTABLISH A BUDGET AND MAKE EXPENDITURES;
- 24 17. BORROW MONEY;
- 25 18. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES,
26 COMPOSED OF MEMBERS, STATE REGULATORS, STATE
27 LEGISLATORS OR THEIR REPRESENTATIVES, AND CONSUMER

1 REPRESENTATIVES, AND SUCH OTHER INTERESTED PERSONS
2 AS MAY BE DESIGNATED IN THIS COMPACT AND THE
3 BYLAWS;

4 19. PROVIDE AND RECEIVE INFORMATION FROM, AND
5 COOPERATE WITH, LAW ENFORCEMENT AGENCIES;

6 20. ESTABLISH AND ELECT AN EXECUTIVE COMMITTEE,
7 INCLUDING A CHAIR AND A VICE CHAIR;

8 21. DETERMINE WHETHER A STATE'S ADOPTED LANGUAGE IS
9 MATERIALLY DIFFERENT FROM THE MODEL COMPACT
10 LANGUAGE SUCH THAT THE STATE WOULD NOT QUALIFY
11 FOR PARTICIPATION IN THIS COMPACT; AND

12 22. PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY
13 OR APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS
14 COMPACT.

15 D. THE EXECUTIVE COMMITTEE

16 1. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO
17 ACT ON BEHALF OF THE COMMISSION ACCORDING TO THE
18 TERMS OF THIS COMPACT. THE POWERS, DUTIES, AND
19 RESPONSIBILITIES OF THE EXECUTIVE COMMITTEE SHALL
20 INCLUDE:

21 a. OVERSEE THE DAY-TO-DAY ACTIVITIES OF THE
22 ADMINISTRATION OF THE COMPACT INCLUDING
23 ENFORCEMENT AND COMPLIANCE WITH THE
24 PROVISIONS OF THIS COMPACT, ITS RULES AND
25 BYLAWS, AND OTHER SUCH DUTIES AS DEEMED
26 NECESSARY;

27 b. RECOMMEND TO THE COMMISSION CHANGES TO THE

1 RULES OR BYLAWS, CHANGES TO THIS COMPACT
2 LEGISLATION, FEES CHARGED TO COMPACT MEMBER
3 STATES, FEES CHARGED TO LICENSEES, AND OTHER
4 FEES;

5 c. ENSURE COMPACT ADMINISTRATION SERVICES ARE
6 APPROPRIATELY PROVIDED, INCLUDING BY
7 CONTRACT;

8 d. PREPARE AND RECOMMEND THE BUDGET;

9 e. MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE
10 COMMISSION;

11 f. MONITOR COMPACT COMPLIANCE OF MEMBER
12 STATES AND PROVIDE COMPLIANCE REPORTS TO THE
13 COMMISSION;

14 g. ESTABLISH ADDITIONAL COMMITTEES AS
15 NECESSARY;

16 h. EXERCISE THE POWERS AND DUTIES OF THE
17 COMMISSION DURING THE INTERIM BETWEEN
18 COMMISSION MEETINGS, EXCEPT FOR ADOPTING OR
19 AMENDING RULES, ADOPTING OR AMENDING
20 BYLAWS, AND EXERCISING ANY OTHER POWERS AND
21 DUTIES EXPRESSLY RESERVED TO THE COMMISSION
22 BY RULE OR BYLAW; AND

23 i. OTHER DUTIES AS PROVIDED IN THE RULES OR
24 BYLAWS OF THE COMMISSION.

25 2. THE EXECUTIVE COMMITTEE SHALL BE COMPOSED OF UP TO
26 ELEVEN (11) MEMBERS:

27 a. THE CHAIR AND VICE CHAIR OF THE COMMISSION

- 1 SHALL BE VOTING MEMBERS OF THE EXECUTIVE
2 COMMITTEE;
- 3 b. THE COMMISSION SHALL ELECT FIVE (5) VOTING
4 MEMBERS FROM THE CURRENT MEMBERSHIP OF THE
5 COMMISSION; AND
- 6 c. i. UP TO FOUR (4) EX-OFFICIO, NONVOTING MEMBERS
7 FROM FOUR (4) RECOGNIZED NATIONAL SOCIAL
8 WORK ORGANIZATIONS.
- 9 ii. THE EX-OFFICIO MEMBERS WILL BE SELECTED BY
10 THEIR RESPECTIVE ORGANIZATIONS.
- 11 3. THE COMMISSION MAY REMOVE ANY MEMBER OF THE
12 EXECUTIVE COMMITTEE AS PROVIDED IN THE COMMISSION'S
13 BYLAWS.
- 14 4. THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST
15 ANNUALLY.
- 16 a. EXECUTIVE COMMITTEE MEETINGS SHALL BE OPEN
17 TO THE PUBLIC, EXCEPT THAT THE EXECUTIVE
18 COMMITTEE MAY MEET IN A CLOSED, NON-PUBLIC
19 MEETING AS PROVIDED IN SUBSECTION F.2. OF THIS
20 SECTION 10.
- 21 b. THE EXECUTIVE COMMITTEE SHALL GIVE SEVEN (7)
22 DAYS' NOTICE OF ITS MEETINGS, POSTED ON ITS
23 WEBSITE AND AS DETERMINED TO PROVIDE NOTICE
24 TO PERSONS WITH AN INTEREST IN THE BUSINESS OF
25 THE COMMISSION.
- 26 c. THE EXECUTIVE COMMITTEE MAY HOLD A SPECIAL
27 MEETING IN ACCORDANCE WITH SUBECTION F.1.b.

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OF THIS SECTION 10.

E. THE COMMISSION SHALL ADOPT AND PROVIDE TO THE MEMBER STATES AN ANNUAL REPORT.

F. MEETINGS OF THE COMMISSION

1. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, EXCEPT THAT THE COMMISSION MAY MEET IN A CLOSED, NON-PUBLIC MEETING AS PROVIDED IN SUBSECTION F.2. OF THIS SECTION 10.

a. PUBLIC NOTICE FOR ALL MEETINGS OF THE FULL COMMISSION SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER THE RULEMAKING PROVISIONS IN SECTION 12 OF THIS COMPACT, EXCEPT THAT THE COMMISSION MAY HOLD A SPECIAL MEETING AS PROVIDED IN SUBSECTION F.1.b. OF THIS SECTION 10.

b. THE COMMISSION MAY HOLD A SPECIAL MEETING WHEN IT MUST MEET TO CONDUCT EMERGENCY BUSINESS BY GIVING FORTY-EIGHT (48) HOURS' NOTICE TO ALL COMMISSIONERS, ON THE COMMISSION'S WEBSITE, AND BY OTHER MEANS AS PROVIDED IN THE COMMISSION'S RULES. THE COMMISSION'S LEGAL COUNSEL SHALL CERTIFY THAT THE COMMISSION'S NEED TO MEET QUALIFIES AS AN EMERGENCY.

2. THE COMMISSION OR THE EXECUTIVE COMMITTEE OR OTHER COMMITTEES OF THE COMMISSION MAY CONVENE IN A CLOSED, NON-PUBLIC MEETING FOR THE COMMISSION OR

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EXECUTIVE COMMITTEE OR OTHER COMMITTEES OF THE
COMMISSION TO RECEIVE LEGAL ADVICE OR TO DISCUSS:

- a. NON-COMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS UNDER THIS COMPACT;
- b. THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER MATTERS, PRACTICES, OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES;
- c. CURRENT OR THREATENED DISCIPLINE OF A LICENSEE BY THE COMMISSION OR BY A MEMBER STATE'S LICENSING AUTHORITY;
- d. CURRENT, THREATENED, OR REASONABLY ANTICIPATED LITIGATION;
- e. NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE, OR SALE OF GOODS, SERVICES, OR REAL ESTATE;
- f. ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING ANY PERSON;
- g. TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;
- h. INFORMATION OF A PERSONAL NATURE WHERE DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY;
- i. INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT PURPOSES;
- j. INFORMATION RELATED TO ANY INVESTIGATIVE REPORTS PREPARED BY OR ON BEHALF OF OR FOR USE

1 OF THE COMMISSION OR OTHER COMMITTEE
2 CHARGED WITH RESPONSIBILITY OF INVESTIGATION
3 OR DETERMINATION OF COMPLIANCE ISSUES
4 PURSUANT TO THIS COMPACT;

5 k. MATTERS SPECIFICALLY EXEMPTED FROM
6 DISCLOSURE BY FEDERAL OR MEMBER STATE LAW;
7 OR

8 l. OTHER MATTERS AS PROMULGATED BY THE
9 COMMISSION BY RULE.

10 3. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED, THE
11 PRESIDING OFFICER SHALL STATE THAT THE MEETING WILL
12 BE CLOSED AND REFERENCE EACH RELEVANT EXEMPTING
13 PROVISION, AND SUCH REFERENCE SHALL BE RECORDED IN
14 THE MINUTES.

15 4. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND
16 CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING
17 AND SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF
18 ACTIONS TAKEN, AND THE REASONS THEREFORE, INCLUDING
19 A DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS
20 CONSIDERED IN CONNECTION WITH AN ACTION SHALL BE
21 IDENTIFIED IN SUCH MINUTES. ALL MINUTES AND
22 DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER
23 SEAL, SUBJECT TO RELEASE ONLY BY A MAJORITY VOTE OF
24 THE COMMISSION OR ORDER OF A COURT OF COMPETENT
25 JURISDICTION.

26 G. FINANCING OF THE COMMISSION

27 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE

1 PAYMENT OF, THE REASONABLE EXPENSES OF ITS
2 ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES.
3 2. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE
4 REVENUE SOURCES AS PROVIDED IN SUBSECTION C.13. OF
5 THIS SECTION 10.
6 3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL
7 ASSESSMENT FROM EACH MEMBER STATE AND IMPOSE FEES
8 ON LICENSEES OF MEMBER STATES TO WHOM IT GRANTS A
9 MULTISTATE LICENSE TO COVER THE COST OF THE
10 OPERATIONS AND ACTIVITIES OF THE COMMISSION AND ITS
11 STAFF, WHICH MUST BE IN A TOTAL AMOUNT SUFFICIENT TO
12 COVER ITS ANNUAL BUDGET AS APPROVED EACH YEAR FOR
13 WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE
14 AGGREGATE ANNUAL ASSESSMENT AMOUNT FOR MEMBER
15 STATES SHALL BE ALLOCATED BASED UPON A FORMULA
16 THAT THE COMMISSION SHALL PROMULGATE BY RULE.
17 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY
18 KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET
19 THE SAME; NOR SHALL THE COMMISSION PLEDGE THE
20 CREDIT OF ANY OF THE MEMBER STATES, EXCEPT BY AND
21 WITH THE AUTHORITY OF THE MEMBER STATE.
22 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL
23 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND
24 DISBURSEMENTS OF THE COMMISSION SHALL BE SUBJECT TO
25 THE FINANCIAL REVIEW AND ACCOUNTING PROCEDURES
26 ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS
27 AND DISBURSEMENTS OF FUNDS HANDLED BY THE

1 COMMISSION SHALL BE SUBJECT TO AN ANNUAL FINANCIAL
2 REVIEW BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT,
3 AND THE REPORT OF THE FINANCIAL REVIEW SHALL BE
4 INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT OF
5 THE COMMISSION.

6 H. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

7 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR,
8 EMPLOYEES AND REPRESENTATIVES OF THE COMMISSION
9 SHALL BE IMMUNE FROM SUIT AND LIABILITY, BOTH
10 PERSONALLY AND IN THEIR OFFICIAL CAPACITY, FOR ANY
11 CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL
12 INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR ARISING
13 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION
14 THAT OCCURRED, OR THAT THE PERSON AGAINST WHOM THE
15 CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING
16 OCCURRED WITHIN THE SCOPE OF COMMISSION
17 EMPLOYMENT, DUTIES, OR RESPONSIBILITIES; PROVIDED
18 THAT NOTHING IN THIS SUBSECTION H.1. SHALL BE
19 CONSTRUED TO PROTECT ANY SUCH PERSON FROM SUIT OR
20 LIABILITY FOR ANY DAMAGE, LOSS, INJURY, OR LIABILITY
21 CAUSED BY THE INTENTIONAL OR WILLFUL OR WANTON
22 MISCONDUCT OF THAT PERSON. THE PROCUREMENT OF
23 INSURANCE OF ANY TYPE BY THE COMMISSION SHALL NOT
24 IN ANY WAY COMPROMISE OR LIMIT THE IMMUNITY
25 GRANTED HEREUNDER.

26 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER,
27 EXECUTIVE DIRECTOR, EMPLOYEE, AND REPRESENTATIVE OF

1 THE COMMISSION IN ANY CIVIL ACTION SEEKING TO IMPOSE
2 LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,
3 ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF
4 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,
5 OR AS DETERMINED BY THE COMMISSION THAT THE PERSON
6 AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE
7 BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF
8 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES;
9 PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO
10 PROHIBIT THAT PERSON FROM RETAINING THEIR OWN
11 COUNSEL AT THEIR OWN EXPENSE; AND PROVIDED FURTHER,
12 THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION
13 DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR
14 WILLFUL OR WANTON MISCONDUCT.

15 3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS
16 ANY MEMBER, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE,
17 AND REPRESENTATIVE OF THE COMMISSION FOR THE
18 AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED
19 AGAINST THAT PERSON ARISING OUT OF ANY ACTUAL OR
20 ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED
21 WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES,
22 OR RESPONSIBILITIES, OR THAT SUCH PERSON HAD A
23 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE
24 SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR
25 RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR
26 ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM
27 THE INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT OF

- 1 THAT PERSON.
- 2 4. NOTHING HEREIN SHALL BE CONSTRUED AS A LIMITATION
- 3 ON THE LIABILITY OF ANY LICENSEE FOR PROFESSIONAL
- 4 MALPRACTICE OR MISCONDUCT, WHICH SHALL BE
- 5 GOVERNED SOLELY BY ANY OTHER APPLICABLE STATE
- 6 LAWS.
- 7 5. NOTHING IN THIS COMPACT SHALL BE INTERPRETED TO
- 8 WAIVE OR OTHERWISE ABROGATE A MEMBER STATE'S
- 9 STATE ACTION IMMUNITY OR STATE ACTION AFFIRMATIVE
- 10 DEFENSE WITH RESPECT TO ANTITRUST CLAIMS UNDER THE
- 11 SHERMAN ACT, CLAYTON ACT, OR ANY OTHER STATE OR
- 12 FEDERAL ANTITRUST OR ANTICOMPETITIVE LAW OR
- 13 REGULATION.
- 14 6. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A
- 15 WAIVER OF SOVEREIGN IMMUNITY BY THE MEMBER STATES
- 16 OR BY THE COMMISSION.

17 **SECTION 11. DATA SYSTEM**

- 18 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT,
- 19 MAINTENANCE, OPERATION, AND UTILIZATION OF A COORDINATED
- 20 DATA SYSTEM.
- 21 B. THE COMMISSION SHALL ASSIGN EACH APPLICANT FOR A
- 22 MULTISTATE LICENSE A UNIQUE IDENTIFIER, AS DETERMINED BY
- 23 THE RULES OF THE COMMISSION.
- 24 C. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE
- 25 CONTRARY, A MEMBER STATE SHALL SUBMIT A UNIFORM DATA SET
- 26 TO THE DATA SYSTEM ON ALL INDIVIDUALS TO WHOM THIS
- 27 COMPACT IS APPLICABLE AS REQUIRED BY THE RULES OF THE

- 1 COMMISSION, INCLUDING:
- 2 1. IDENTIFYING INFORMATION;
- 3 2. LICENSURE DATA;
- 4 3. ADVERSE ACTIONS AGAINST A LICENSE AND INFORMATION
- 5 RELATED THERETO;
- 6 4. NON-CONFIDENTIAL INFORMATION RELATED TO
- 7 ALTERNATIVE PROGRAM PARTICIPATION, THE BEGINNING
- 8 AND ENDING DATES OF SUCH PARTICIPATION, AND OTHER
- 9 INFORMATION RELATED TO SUCH PARTICIPATION NOT MADE
- 10 CONFIDENTIAL UNDER MEMBER STATE LAW;
- 11 5. ANY DENIAL OF APPLICATION FOR LICENSURE AND THE
- 12 REASON(S) FOR SUCH DENIAL;
- 13 6. THE PRESENCE OF CURRENT SIGNIFICANT INVESTIGATIVE
- 14 INFORMATION; AND
- 15 7. OTHER INFORMATION THAT MAY FACILITATE THE
- 16 ADMINISTRATION OF THIS COMPACT OR THE PROTECTION OF
- 17 THE PUBLIC, AS DETERMINED BY THE RULES OF THE
- 18 COMMISSION.
- 19 D. THE RECORDS AND INFORMATION PROVIDED TO A MEMBER STATE
- 20 PURSUANT TO THIS COMPACT OR THROUGH THE DATA SYSTEM,
- 21 WHEN CERTIFIED BY THE COMMISSION OR AN AGENT THEREOF,
- 22 SHALL CONSTITUTE THE AUTHENTICATED BUSINESS RECORDS OF
- 23 THE COMMISSION AND SHALL BE ENTITLED TO ANY ASSOCIATED
- 24 HEARSAY EXCEPTION IN ANY RELEVANT JUDICIAL, QUASI-JUDICIAL,
- 25 OR ADMINISTRATIVE PROCEEDINGS IN A MEMBER STATE.
- 26 E. CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION PERTAINING
- 27 TO A LICENSEE IN ANY MEMBER STATE WILL ONLY BE AVAILABLE

1 TO OTHER MEMBER STATES.

2 1. IT IS THE RESPONSIBILITY OF THE MEMBER STATES TO
3 REPORT ANY ADVERSE ACTION AGAINST A LICENSEE AND
4 TO MONITOR THE DATABASE TO DETERMINE WHETHER
5 ADVERSE ACTION HAS BEEN TAKEN AGAINST A LICENSEE.
6 ADVERSE ACTION INFORMATION PERTAINING TO A
7 LICENSEE IN ANY MEMBER STATE WILL BE AVAILABLE TO
8 ANY OTHER MEMBER STATE.

9 F. MEMBER STATES CONTRIBUTING INFORMATION TO THE DATA
10 SYSTEM MAY DESIGNATE INFORMATION THAT MAY NOT BE SHARED
11 WITH THE PUBLIC WITHOUT THE EXPRESS PERMISSION OF THE
12 CONTRIBUTING STATE.

13 G. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS
14 SUBSEQUENTLY EXPUNGED PURSUANT TO FEDERAL LAW OR THE
15 LAWS OF THE MEMBER STATE CONTRIBUTING THE INFORMATION
16 SHALL BE REMOVED FROM THE DATA SYSTEM.

17 **SECTION 12. RULEMAKING**

18 A. THE COMMISSION SHALL PROMULGATE REASONABLE RULES IN
19 ORDER TO EFFECTIVELY AND EFFICIENTLY IMPLEMENT AND
20 ADMINISTER THE PURPOSES AND PROVISIONS OF THIS COMPACT. A
21 RULE SHALL BE INVALID AND HAVE NO FORCE OR EFFECT ONLY IF
22 A COURT OF COMPETENT JURISDICTION HOLDS THAT THE RULE IS
23 INVALID BECAUSE THE COMMISSION EXERCISED ITS RULEMAKING
24 AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE AND
25 PURPOSES OF THIS COMPACT, OR THE POWERS GRANTED
26 HEREUNDER, OR BASED UPON ANOTHER APPLICABLE STANDARD OF
27 REVIEW.

- 1 B. THE RULES OF THE COMMISSION SHALL HAVE THE FORCE OF LAW
2 IN EACH MEMBER STATE, PROVIDED HOWEVER THAT WHERE THE
3 RULES OF THE COMMISSION CONFLICT WITH THE LAWS OF THE
4 MEMBER STATE THAT ESTABLISH THE MEMBER STATE'S LAWS,
5 REGULATIONS, AND APPLICABLE STANDARDS THAT GOVERN THE
6 PRACTICE OF SOCIAL WORK AS HELD BY A COURT OF COMPETENT
7 JURISDICTION, THE RULES OF THE COMMISSION SHALL BE
8 INEFFECTIVE IN THAT STATE TO THE EXTENT OF THE CONFLICT.
- 9 C. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS
10 PURSUANT TO THE CRITERIA SET FORTH IN THIS SECTION 12. AND
11 THE RULES ADOPTED THEREUNDER. RULES SHALL BECOME BINDING
12 ON THE DAY FOLLOWING ADOPTION OR THE DATE SPECIFIED IN THE
13 RULE OR AMENDMENT, WHICHEVER IS LATER.
- 14 D. IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES
15 REJECTS A RULE OR PORTION OF A RULE, BY ENACTMENT OF A
16 STATUTE OR RESOLUTION IN THE SAME MANNER USED TO ADOPT
17 THIS COMPACT WITHIN FOUR (4) YEARS OF THE DATE OF ADOPTION
18 OF THE RULE, THEN SUCH RULE SHALL HAVE NO FURTHER FORCE
19 AND EFFECT IN ANY MEMBER STATE.
- 20 E. RULES SHALL BE ADOPTED AT A REGULAR OR SPECIAL MEETING OF
21 THE COMMISSION.
- 22 F. PRIOR TO ADOPTION OF A PROPOSED RULE, THE COMMISSION SHALL
23 HOLD A PUBLIC HEARING AND ALLOW PERSONS TO PROVIDE ORAL
24 AND WRITTEN COMMENTS, DATA, FACTS, OPINIONS, AND
25 ARGUMENTS.
- 26 G. PRIOR TO ADOPTION OF A PROPOSED RULE BY THE COMMISSION,
27 AND AT LEAST THIRTY (30) DAYS IN ADVANCE OF THE MEETING AT

1 WHICH THE COMMISSION WILL HOLD A PUBLIC HEARING ON THE
2 PROPOSED RULE, THE COMMISSION SHALL PROVIDE A NOTICE OF
3 PROPOSED RULEMAKING:

- 4 1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY
5 ACCESSIBLE PLATFORM;
- 6 2. TO PERSONS WHO HAVE REQUESTED NOTICE OF THE
7 COMMISSION'S NOTICES OF PROPOSED RULEMAKING; AND
- 8 3. IN SUCH OTHER WAY(S) AS THE COMMISSION MAY BY RULE
9 SPECIFY.

10 H. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:

- 11 1. THE TIME, DATE, AND LOCATION OF THE PUBLIC HEARING AT
12 WHICH THE COMMISSION WILL HEAR PUBLIC COMMENTS ON
13 THE PROPOSED RULE AND, IF DIFFERENT, THE TIME, DATE,
14 AND LOCATION OF THE MEETING WHERE THE COMMISSION
15 WILL CONSIDER AND VOTE ON THE PROPOSED RULE;
- 16 2. IF THE HEARING IS HELD VIA TELECOMMUNICATION, VIDEO
17 CONFERENCE, OR OTHER ELECTRONIC MEANS, THE
18 MECHANISM FOR ACCESS TO THE HEARING;
- 19 3. THE TEXT OF THE PROPOSED RULE AND THE REASON
20 THEREFOR;
- 21 4. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM
22 ANY INTERESTED PERSON; AND
- 23 5. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT
24 WRITTEN COMMENTS.

25 I. ALL HEARINGS WILL BE RECORDED. A COPY OF THE RECORDING
26 AND ALL WRITTEN COMMENTS AND DOCUMENTS RECEIVED BY THE
27 COMMISSION IN RESPONSE TO THE PROPOSED RULE SHALL BE

1 AVAILABLE TO THE PUBLIC.

2 J. NOTHING IN THIS SECTION 12. SHALL BE CONSTRUED AS REQUIRING
3 A SEPARATE HEARING ON EACH RULE. RULES MAY BE GROUPED FOR
4 THE CONVENIENCE OF THE COMMISSION AT HEARINGS REQUIRED BY
5 THIS SECTION.

6 K. THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL MEMBERS,
7 TAKE FINAL ACTION ON THE PROPOSED RULE BASED ON THE
8 RULEMAKING RECORD AND THE FULL TEXT OF THE RULE.

9 1. THE COMMISSION MAY ADOPT CHANGES TO THE PROPOSED
10 RULE PROVIDED THE CHANGES DO NOT ENLARGE THE
11 ORIGINAL PURPOSE OF THE PROPOSED RULE.

12 2. THE COMMISSION SHALL PROVIDE AN EXPLANATION OF THE
13 REASONS FOR SUBSTANTIVE CHANGES MADE TO THE
14 PROPOSED RULE AS WELL AS REASONS FOR SUBSTANTIVE
15 CHANGES NOT MADE THAT WERE RECOMMENDED BY
16 COMMENTERS.

17 3. THE COMMISSION SHALL DETERMINE A REASONABLE
18 EFFECTIVE DATE FOR THE RULE. EXCEPT FOR AN
19 EMERGENCY AS PROVIDED IN SECTION 12.L. OF THIS
20 COMPACT, THE EFFECTIVE DATE OF THE RULE SHALL BE NO
21 SOONER THAN THIRTY (30) DAYS AFTER ISSUING THE NOTICE
22 THAT IT ADOPTED OR AMENDED THE RULE.

23 L. UPON DETERMINATION THAT AN EMERGENCY EXISTS, THE
24 COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE
25 WITH FORTY-EIGHT (48) HOURS' NOTICE, WITH OPPORTUNITY TO
26 COMMENT, PROVIDED THAT THE USUAL RULEMAKING PROCEDURES
27 PROVIDED IN THIS COMPACT AND IN THIS SECTION 12 SHALL BE

1 RETROACTIVELY APPLIED TO THE RULE AS SOON AS REASONABLY
2 POSSIBLE, IN NO EVENT LATER THAN NINETY (90) DAYS AFTER THE
3 EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS
4 PROVISION, AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED
5 IMMEDIATELY IN ORDER TO:

- 6 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY,
7 OR WELFARE;
- 8 2. PREVENT A LOSS OF COMMISSION OR MEMBER STATE
9 FUNDS;
- 10 3. MEET A DEADLINE FOR THE PROMULGATION OF A RULE
11 THAT IS ESTABLISHED BY FEDERAL LAW OR RULE; OR
- 12 4. PROTECT PUBLIC HEALTH AND SAFETY.

13 M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE
14 COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED
15 RULE FOR PURPOSES OF CORRECTING TYPOGRAPHICAL ERRORS,
16 ERRORS IN FORMAT, ERRORS IN CONSISTENCY, OR GRAMMATICAL
17 ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON
18 THE WEBSITE OF THE COMMISSION. THE REVISION SHALL BE
19 SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD OF THIRTY
20 (30) DAYS AFTER POSTING. THE REVISION MAY BE CHALLENGED
21 ONLY ON GROUNDS THAT THE REVISION RESULTS IN A MATERIAL
22 CHANGE TO A RULE. A CHALLENGE SHALL BE MADE IN WRITING
23 AND DELIVERED TO THE COMMISSION PRIOR TO THE END OF THE
24 NOTICE PERIOD. IF NO CHALLENGE IS MADE, THE REVISION WILL
25 TAKE EFFECT WITHOUT FURTHER ACTION. IF THE REVISION IS
26 CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE
27 APPROVAL OF THE COMMISSION.

1 N. NO MEMBER STATE'S RULEMAKING REQUIREMENTS SHALL APPLY
2 UNDER THIS COMPACT.

3 **SECTION 13. OVERSIGHT, DISPUTE**
4 **RESOLUTION, AND ENFORCEMENT**

5 A. OVERSIGHT

6 1. THE EXECUTIVE AND JUDICIAL BRANCHES OF STATE
7 GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE
8 THIS COMPACT AND TAKE ALL ACTIONS NECESSARY AND
9 APPROPRIATE TO IMPLEMENT THIS COMPACT.

10 2. EXCEPT AS OTHERWISE PROVIDED IN THIS COMPACT, VENUE
11 IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST THE
12 COMMISSION SHALL BE BROUGHT SOLELY AND
13 EXCLUSIVELY IN A COURT OF COMPETENT JURISDICTION
14 WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS
15 LOCATED. THE COMMISSION MAY WAIVE VENUE AND
16 JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR
17 CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE
18 RESOLUTION PROCEEDINGS. NOTHING HEREIN SHALL AFFECT
19 OR LIMIT THE SELECTION OR PROPRIETY OF VENUE IN ANY
20 ACTION AGAINST A LICENSEE FOR PROFESSIONAL
21 MALPRACTICE, MISCONDUCT OR ANY SUCH SIMILAR
22 MATTER.

23 3. THE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE
24 OF PROCESS IN ANY PROCEEDING REGARDING THE
25 ENFORCEMENT OR INTERPRETATION OF THIS COMPACT AND
26 SHALL HAVE STANDING TO INTERVENE IN SUCH A
27 PROCEEDING FOR ALL PURPOSES. FAILURE TO PROVIDE THE

1 COMMISSION SERVICE OF PROCESS SHALL RENDER A
2 JUDGMENT OR ORDER VOID AS TO THE COMMISSION, THIS
3 COMPACT, OR PROMULGATED RULES.

4 B. DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION

5 1. IF THE COMMISSION DETERMINES THAT A MEMBER STATE
6 HAS DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS
7 OR RESPONSIBILITIES UNDER THIS COMPACT OR THE
8 PROMULGATED RULES, THE COMMISSION SHALL PROVIDE
9 WRITTEN NOTICE TO THE DEFAULTING STATE. THE NOTICE
10 OF DEFAULT SHALL DESCRIBE THE DEFAULT, THE PROPOSED
11 MEANS OF CURING THE DEFAULT, AND ANY OTHER ACTION
12 THAT THE COMMISSION MAY TAKE, AND SHALL OFFER
13 TRAINING AND SPECIFIC TECHNICAL ASSISTANCE REGARDING
14 THE DEFAULT.

15 2. THE COMMISSION SHALL PROVIDE A COPY OF THE NOTICE OF
16 DEFAULT TO THE OTHER MEMBER STATES.

17 C. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE
18 DEFAULTING STATE MAY BE TERMINATED FROM THE COMPACT
19 UPON AN AFFIRMATIVE VOTE OF A MAJORITY OF THE DELEGATES OF
20 THE MEMBER STATES, AND ALL RIGHTS, PRIVILEGES, AND BENEFITS
21 CONFERRED ON THAT STATE BY THIS COMPACT MAY BE
22 TERMINATED ON THE EFFECTIVE DATE OF TERMINATION. A CURE OF
23 THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF
24 OBLIGATIONS OR LIABILITIES INCURRED DURING THE PERIOD OF
25 DEFAULT.

26 D. TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE
27 IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING

1 COMPLIANCE HAVE BEEN EXHAUSTED. NOTICE OF INTENT TO
2 SUSPEND OR TERMINATE SHALL BE GIVEN BY THE COMMISSION TO
3 THE GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF THE
4 DEFAULTING STATE'S LEGISLATURE, THE DEFAULTING STATE'S
5 LICENSING AUTHORITY, AND EACH OF THE MEMBER STATES'
6 LICENSING AUTHORITY.

7 E. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL
8 ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH
9 THE EFFECTIVE DATE OF TERMINATION, INCLUDING OBLIGATIONS
10 THAT EXTEND BEYOND THE EFFECTIVE DATE OF TERMINATION.

11 F. UPON THE TERMINATION OF A STATE'S MEMBERSHIP FROM THIS
12 COMPACT, THAT STATE SHALL IMMEDIATELY PROVIDE NOTICE TO
13 ALL LICENSEES WITHIN THAT STATE OF SUCH TERMINATION. THE
14 TERMINATED STATE SHALL CONTINUE TO RECOGNIZE ALL LICENSES
15 GRANTED PURSUANT TO THIS COMPACT FOR A MINIMUM OF SIX (6)
16 MONTHS AFTER THE DATE OF SAID NOTICE OF TERMINATION.

17 G. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A
18 STATE THAT IS FOUND TO BE IN DEFAULT OR THAT HAS BEEN
19 TERMINATED FROM THE COMPACT, UNLESS AGREED UPON IN
20 WRITING BETWEEN THE COMMISSION AND THE DEFAULTING STATE.

21 H. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE
22 COMMISSION BY PETITIONING THE U.S. DISTRICT COURT FOR THE
23 DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE
24 COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING PARTY
25 SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING
26 REASONABLE ATTORNEY'S FEES.

27 I. DISPUTE RESOLUTION

- 1 1. UPON REQUEST BY A MEMBER STATE, THE COMMISSION
2 SHALL ATTEMPT TO RESOLVE DISPUTES RELATED TO THIS
3 COMPACT THAT ARISE AMONG MEMBER STATES AND
4 BETWEEN MEMBER AND NON-MEMBER STATES.
- 5 2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING
6 FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION
7 FOR DISPUTES AS APPROPRIATE.

8 J. ENFORCEMENT

- 9 1. BY MAJORITY VOTE AS PROVIDED BY RULE, THE
10 COMMISSION MAY INITIATE LEGAL ACTION AGAINST A
11 MEMBER STATE IN DEFAULT IN THE UNITED STATES
12 DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE
13 FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS
14 PRINCIPAL OFFICES TO ENFORCE COMPLIANCE WITH THE
15 PROVISIONS OF THIS COMPACT AND ITS PROMULGATED
16 RULES. THE RELIEF SOUGHT MAY INCLUDE BOTH
17 INJUNCTIVE RELIEF AND DAMAGES. IN THE EVENT JUDICIAL
18 ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY
19 SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION,
20 INCLUDING REASONABLE ATTORNEY'S FEES. THE REMEDIES
21 HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES OF THE
22 COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER
23 REMEDIES AVAILABLE UNDER FEDERAL OR THE DEFAULTING
24 MEMBER STATE'S LAW.
- 25 2. A MEMBER STATE MAY INITIATE LEGAL ACTION AGAINST
26 THE COMMISSION IN THE U.S. DISTRICT COURT FOR THE
27 DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE

1 THE COMMISSION HAS ITS PRINCIPAL OFFICES TO ENFORCE
2 COMPLIANCE WITH THE PROVISIONS OF THE COMPACT AND
3 ITS PROMULGATED RULES. THE RELIEF SOUGHT MAY
4 INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE
5 EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE
6 PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH
7 LITIGATION, INCLUDING REASONABLE ATTORNEY'S FEES.

8 3. NO PERSON OTHER THAN A MEMBER STATE SHALL ENFORCE
9 THIS COMPACT AGAINST THE COMMISSION.

10 **SECTION 14. EFFECTIVE DATE, WITHDRAWAL,**
11 **AND AMENDMENT**

12 A. THIS COMPACT SHALL COME INTO EFFECT ON THE DATE ON WHICH
13 THIS COMPACT STATUTE IS ENACTED INTO LAW IN THE SEVENTH
14 MEMBER STATE.

15 1. ON OR AFTER THE EFFECTIVE DATE OF THIS COMPACT, THE
16 COMMISSION SHALL CONVENE AND REVIEW THE
17 ENACTMENT OF EACH OF THE FIRST SEVEN MEMBER STATES
18 ("CHARTER MEMBER STATES") TO DETERMINE IF THE
19 STATUTE ENACTED BY EACH SUCH CHARTER MEMBER
20 STATE IS MATERIALLY DIFFERENT THAN THE MODEL
21 COMPACT STATUTE.

22 a. A CHARTER MEMBER STATE WHOSE ENACTMENT IS
23 FOUND TO BE MATERIALLY DIFFERENT FROM THE
24 MODEL COMPACT STATUTE SHALL BE ENTITLED TO
25 THE DEFAULT PROCESS SET FORTH IN SECTION 13.

26 b. IF ANY MEMBER STATE IS LATER FOUND TO BE IN
27 DEFAULT, OR IS TERMINATED OR WITHDRAWS FROM

1 THIS COMPACT, THE COMMISSION SHALL REMAIN IN
2 EXISTENCE AND THIS COMPACT SHALL REMAIN IN
3 EFFECT EVEN IF THE NUMBER OF MEMBER STATES
4 SHOULD BE LESS THAN SEVEN.

5 2. MEMBER STATES ENACTING THIS COMPACT SUBSEQUENT
6 TO THE SEVEN INITIAL CHARTER MEMBER STATES SHALL BE
7 SUBJECT TO THE PROCESS SET FORTH IN SECTION 10.C.21.
8 OF THIS COMPACT TO DETERMINE IF THEIR ENACTMENTS
9 ARE MATERIALLY DIFFERENT FROM THE MODEL COMPACT
10 STATUTE AND WHETHER THEY QUALIFY FOR PARTICIPATION
11 IN THIS COMPACT.

12 3. ALL ACTIONS TAKEN FOR THE BENEFIT OF THE COMMISSION
13 OR IN FURTHERANCE OF THE PURPOSES OF THE
14 ADMINISTRATION OF THIS COMPACT PRIOR TO THE
15 EFFECTIVE DATE OF THIS COMPACT OR THE COMMISSION
16 COMING INTO EXISTENCE SHALL BE CONSIDERED TO BE
17 ACTIONS OF THE COMMISSION UNLESS SPECIFICALLY
18 REPUDIATED BY THE COMMISSION.

19 4. ANY STATE THAT JOINS THIS COMPACT SUBSEQUENT TO THE
20 COMMISSION'S INITIAL ADOPTION OF THE RULES AND
21 BYLAWS SHALL BE SUBJECT TO THE RULES AND BYLAWS AS
22 THEY EXIST ON THE DATE ON WHICH THIS COMPACT
23 BECOMES LAW IN THAT STATE. ANY RULE THAT HAS BEEN
24 PREVIOUSLY ADOPTED BY THE COMMISSION SHALL HAVE
25 THE FULL FORCE AND EFFECT OF LAW ON THE DAY THIS
26 COMPACT BECOMES LAW IN THAT STATE.

27 B. ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY

- 1 ENACTING A STATUTE REPEALING THE SAME.
- 2 1. A MEMBER STATE'S WITHDRAWAL SHALL NOT TAKE EFFECT
3 UNTIL ONE HUNDRED EIGHTY (180) DAYS AFTER
4 ENACTMENT OF THE REPEALING STATUTE.
- 5 2. WITHDRAWAL SHALL NOT AFFECT THE CONTINUING
6 REQUIREMENT OF THE WITHDRAWING STATE'S LICENSING
7 AUTHORITY TO COMPLY WITH THE INVESTIGATIVE AND
8 ADVERSE ACTION REPORTING REQUIREMENTS OF THIS
9 COMPACT PRIOR TO THE EFFECTIVE DATE OF WITHDRAWAL.
- 10 3. UPON THE ENACTMENT OF A STATUTE WITHDRAWING FROM
11 THIS COMPACT, A STATE SHALL IMMEDIATELY PROVIDE
12 NOTICE OF SUCH WITHDRAWAL TO ALL LICENSEES WITHIN
13 THAT STATE. NOTWITHSTANDING ANY SUBSEQUENT
14 STATUTORY ENACTMENT TO THE CONTRARY, SUCH
15 WITHDRAWING STATE SHALL CONTINUE TO RECOGNIZE ALL
16 LICENSES GRANTED PURSUANT TO THIS COMPACT FOR A
17 MINIMUM OF ONE HUNDRED EIGHTY (180) DAYS AFTER THE
18 DATE OF SUCH NOTICE OF WITHDRAWAL.
- 19 C. NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED TO
20 INVALIDATE OR PREVENT ANY LICENSURE AGREEMENT OR OTHER
21 COOPERATIVE ARRANGEMENT BETWEEN A MEMBER STATE AND A
22 NON-MEMBER STATE THAT DOES NOT CONFLICT WITH THE
23 PROVISIONS OF THIS COMPACT.
- 24 D. THIS COMPACT MAY BE AMENDED BY THE MEMBER STATES. NO
25 AMENDMENT TO THIS COMPACT SHALL BECOME EFFECTIVE AND
26 BINDING UPON ANY MEMBER STATE UNTIL IT IS ENACTED INTO THE
27 LAWS OF ALL MEMBER STATES.

1 **SECTION 15. CONSTRUCTION AND SEVERABILITY**

2 A. THIS COMPACT AND THE COMMISSION'S RULEMAKING AUTHORITY
3 SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE
4 PURPOSES, THE IMPLEMENTATION, AND THE ADMINISTRATION OF
5 THIS COMPACT. PROVISIONS OF THIS COMPACT EXPRESSLY
6 AUTHORIZING OR REQUIRING THE PROMULGATION OF RULES SHALL
7 NOT BE CONSTRUED TO LIMIT THE COMMISSION'S RULEMAKING
8 AUTHORITY SOLELY FOR THOSE PURPOSES.

9 B. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE AND IF
10 ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT
11 IS HELD BY A COURT OF COMPETENT JURISDICTION TO BE
12 CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE, A
13 STATE SEEKING PARTICIPATION IN THIS COMPACT, OR THE UNITED
14 STATES, OR THE APPLICABILITY THEREOF TO ANY GOVERNMENT,
15 AGENCY, PERSON, OR CIRCUMSTANCE IS HELD TO BE
16 UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION, THE
17 VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE
18 APPLICABILITY THEREOF TO ANY OTHER GOVERNMENT, AGENCY,
19 PERSON, OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.

20 C. NOTWITHSTANDING SUBSECTION B. OF THIS SECTION 15, THE
21 COMMISSION MAY DENY A STATE'S PARTICIPATION IN THE
22 COMPACT OR, IN ACCORDANCE WITH THE REQUIREMENTS OF
23 SECTION 13.B. OF THIS COMPACT, TERMINATE A MEMBER STATE'S
24 PARTICIPATION IN THIS COMPACT, IF IT DETERMINES THAT A
25 CONSTITUTIONAL REQUIREMENT OF A MEMBER STATE IS A
26 MATERIAL DEPARTURE FROM THIS COMPACT. OTHERWISE, IF THIS
27 COMPACT SHALL BE HELD TO BE CONTRARY TO THE CONSTITUTION

1 OF ANY MEMBER STATE, THIS COMPACT SHALL REMAIN IN FULL
2 FORCE AND EFFECT AS TO THE REMAINING MEMBER STATES AND IN
3 FULL FORCE AND EFFECT AS TO THE MEMBER STATE AFFECTED AS
4 TO ALL SEVERABLE MATTERS.

5 **SECTION 16. CONSISTENT EFFECT AND CONFLICT**
6 **WITH OTHER STATE LAWS**

- 7 A. A LICENSEE PROVIDING SERVICES IN A REMOTE STATE UNDER A
8 MULTISTATE AUTHORIZATION TO PRACTICE SHALL ADHERE TO THE
9 LAWS AND REGULATIONS, INCLUDING LAWS, REGULATIONS, AND
10 APPLICABLE STANDARDS, OF THE REMOTE STATE WHERE THE
11 CLIENT IS LOCATED AT THE TIME CARE IS RENDERED.
- 12 B. NOTHING HEREIN SHALL PREVENT OR INHIBIT THE ENFORCEMENT
13 OF ANY OTHER LAW OF A MEMBER STATE THAT IS NOT
14 INCONSISTENT WITH THIS COMPACT.
- 15 C. ANY LAWS, STATUTES, REGULATIONS, OR OTHER LEGAL
16 REQUIREMENTS IN A MEMBER STATE IN CONFLICT WITH THIS
17 COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.
- 18 D. ALL PERMISSIBLE AGREEMENTS BETWEEN THE COMMISSION AND
19 THE MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR
20 TERMS.

21 **24-60-4503. Notice to revisor of statutes - effective date of**
22 **compact.** THIS PART 45 TAKES EFFECT ON THE DATE THIS COMPACT IS
23 ENACTED INTO LAW IN THE SEVENTH COMPACT STATE. THE DIRECTOR OF
24 THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF
25 REGULATORY AGENCIES SHALL NOTIFY THE REVISOR OF STATUTES IN
26 WRITING WHEN THE CONDITION SPECIFIED IN THIS SECTION HAS OCCURRED
27 BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. THIS

1 PART 45 TAKES EFFECT UPON THE DATE IDENTIFIED IN THE NOTICE THAT
2 THE COMPACT IS ENACTED INTO LAW IN THE SEVENTH COMPACT STATE OR
3 UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES IF THE
4 NOTICE DOES NOT SPECIFY A DIFFERENT DATE.

5 SECTION 2. In Colorado Revised Statutes, **add** 12-245-411 as
6 follows:

7 12-245-411. **Interstate compact - powers and duties of the**
8 **board - rules - definitions.** (1) AS USED IN THIS SECTION:

9 (a) "ADVERSE ACTION" HAS THE MEANING SET FORTH IN SECTION
10 24-60-4502.

11 (b) "COMMISSION" MEANS THE SOCIAL WORK LICENSURE COMPACT
12 COMMISSION CREATED IN SECTION 24-60-4502.

13 (c) "COMPACT" MEANS THE SOCIAL WORK LICENSURE COMPACT
14 AUTHORIZED IN PART 45 OF ARTICLE 60 OF TITLE 24.

15 (d) "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" HAS
16 THE MEANING SET FORTH IN SECTION 24-60-4502.

17 (e) "DATA SYSTEM" HAS THE MEANING SET FORTH IN SECTION
18 24-60-4502.

19 (f) "INVESTIGATIVE INFORMATION" MEANS INFORMATION,
20 RECORDS, AND DOCUMENTS RECEIVED OR GENERATED BY A LICENSING
21 AUTHORITY PURSUANT TO AN INVESTIGATION.

22 (g) "LICENSING AUTHORITY" MEANS THE BOARD OR, IN ANOTHER
23 MEMBER STATE, AN AGENCY OF THE MEMBER STATE, OR EQUIVALENT,
24 THAT IS RESPONSIBLE FOR THE LICENSING AND REGULATION OF
25 REGULATED SOCIAL WORKERS.

26 (h) "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THE
27 COMPACT.

1 (i) "MULTISTATE AUTHORIZATION TO PRACTICE" HAS THE
2 MEANING SET FORTH IN SECTION 24-60-4502.

3 (j) "TELEHEALTH" MEANS THE APPLICATION OF
4 TELECOMMUNICATION TECHNOLOGY TO DELIVER SOCIAL WORK SERVICES
5 REMOTELY TO ASSESS, DIAGNOSE, AND TREAT BEHAVIORAL HEALTH
6 CONDITIONS.

7 (2) IN ADDITION TO ANY POWERS AND DUTIES SPECIFIED IN THE
8 COMPACT FOR MEMBER STATES, THE BOARD HAS THE FOLLOWING POWERS
9 AND DUTIES WITH REGARD TO THE COMPACT:

10 (a) TO FACILITATE COLORADO'S PARTICIPATION IN THE COMPACT;

11 (b) TO COMPLY WITH THE RULES OF THE COMMISSION;

12 (c) TO PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF
13 TITLE 24 AS NECESSARY FOR THE IMPLEMENTATION, ADMINISTRATION,
14 AND ENFORCEMENT OF THE COMPACT;

15 (d) TO APPOINT A PERSON TO SERVE AS A DELEGATE ON AND
16 ATTEND MEETINGS OF THE COMMISSION IN ACCORDANCE WITH THE TERMS
17 OF THE COMPACT;

18 (e) TO REGULATE TELEHEALTH IN ACCORDANCE WITH THE
19 COMPACT;

20 (f) TO NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS
21 OF THE COMPACT AND COMMISSION RULES, OF ANY ADVERSE ACTION OR
22 THE AVAILABILITY OF CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION
23 REGARDING A REGULATED SOCIAL WORKER;

24 (g) TO REQUIRE AN APPLICANT FROM A MEMBER STATE APPLYING
25 FOR A MULTISTATE LICENSE TO PRACTICE UNDER THE COMPACT TO SUBMIT
26 TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK IN
27 ACCORDANCE WITH THE FOLLOWING:

1 (I) THE APPLICANT MUST PAY THE COSTS ASSOCIATED WITH THE
2 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK;

3 (II) AFTER SUBMITTING AN APPLICATION FOR A MULTISTATE
4 AUTHORIZATION TO PRACTICE UNDER THE COMPACT, THE APPLICANT
5 SHALL HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL LAW
6 ENFORCEMENT AGENCY OR ANY THIRD PARTY APPROVED BY THE
7 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING
8 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE APPLICANT
9 SHALL AUTHORIZE THE ENTITY TAKING THE APPLICANT'S FINGERPRINTS TO
10 SUBMIT, AND THE ENTITY SHALL SUBMIT, THE COMPLETE SET OF THE
11 APPLICANT'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION
12 FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL
13 HISTORY RECORD CHECK.

14 (III) IF AN APPROVED THIRD PARTY TAKES THE PERSON'S
15 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
16 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN
17 EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT'S
18 INFORMATION FOR MORE THAN THIRTY DAYS.

19 (IV) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
20 APPLICANT'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD
21 CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF
22 INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL
23 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
24 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO
25 BUREAU OF INVESTIGATION, APPLICANT, BOARD, AND ENTITY TAKING
26 FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU OF
27 INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL HISTORY

1 RECORD CHECK.

2 (V) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN
3 THE RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE BOARD,
4 AND THE BOARD IS AUTHORIZED TO RECEIVE THE RESULTS OF THE FEDERAL
5 BUREAU OF INVESTIGATION'S CRIMINAL HISTORY RECORD CHECK. THE
6 BOARD SHALL USE THE INFORMATION RESULTING FROM THE CRIMINAL
7 HISTORY RECORD CHECKS TO INVESTIGATE AND DETERMINE WHETHER AN
8 APPLICANT IS QUALIFIED FOR A MULTISTATE AUTHORIZATION TO PRACTICE
9 UNDER THE COMPACT.

10 (VI) THE RESULTS OF THE RECORD CHECK ARE CONFIDENTIAL. THE
11 BOARD SHALL NOT RELEASE THE RESULTS OF THE RECORD CHECK TO THE
12 PUBLIC, THE COMMISSION, A MEMBER STATE, OR OTHER STATE LICENSING
13 BOARDS.

14 (h) TO GRANT A MULTISTATE AUTHORIZATION TO PRACTICE TO A
15 LICENSEE OF A MEMBER STATE IN ACCORDANCE WITH THE TERMS OF THE
16 COMPACT AND TO CHARGE A FEE TO INDIVIDUALS APPLYING FOR THE
17 MULTISTATE AUTHORIZATION TO PRACTICE;

18 (i) TO PARTICIPATE FULLY IN THE DATA SYSTEM CONSISTENT WITH
19 THE COMPACT REQUIREMENTS AND THE RULES OF THE COMMISSION; AND

20 (j) TO APPROVE PAYMENT OF ASSESSMENTS LEVIED BY THE
21 COMMISSION TO COVER THE COST OF OPERATIONS AND ACTIVITIES OF THE
22 COMMISSION AND ITS STAFF.

23 **SECTION 3. Appropriation.** (1) For the 2024-25 state fiscal
24 year, \$78,750 is appropriated to the department of regulatory agencies for
25 use by the division of professions and occupations. This appropriation is
26 from the division of professions and occupations cash fund created in
27 section 12-20-105 (3), C.R.S. To implement this act, the division may use

1 this appropriation as follows:

2 (a) \$34,440 for personal services, which amount is based on an
3 assumption that the division will require an additional 0.5 FTE; _____

4 (b) \$9,310 for operating expenses; and

5 (c) \$35,000 for the purchase of information technology services.

6 (2) For the 2024-25 state fiscal year, \$35,000 is appropriated to
7 the office of the governor for use by the office of information technology.

8 This appropriation is from reappropriated funds received from the
9 department of regulatory agencies under subsection (1)(c) of this section.

10 To implement this act, the office may use this appropriation to provide
11 information technology services for the department of regulatory
12 agencies.

13 **SECTION 4. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly; except
16 that, if a referendum petition is filed pursuant to section 1 (3) of article V
17 of the state constitution against this act or an item, section, or part of this
18 act within such period, then the act, item, section, or part will not take
19 effect unless approved by the people at the general election to be held in
20 November 2024 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.