

1 AN ACT relating to the Social Work Licensure Compact.

2 Be it enacted by the General Assembly of the Commonwealth of Kentucky:

3 ➔SECTION 1. A NEW SECTION OF KRS 335.010 TO 335.170 IS CREATED
4 TO READ AS FOLLOWS:

5 **SECTION 1. PURPOSE**

6 **The purpose of this Compact is to facilitate interstate practice of Regulated Social**
7 **Workers with the goal of improving public access to competent Social Work services.**

8 **The Compact seeks to preserve the regulatory authority of States to protect public**
9 **health and safety through the current system of State licensure.**

10 **This Compact is designed to achieve the following objectives:**

11 **A. Increase public access to Social Work Services by providing for the mutual**
12 **recognition of other Member State licenses;**

13 **B. Enhance the Member States' ability to protect the public's health and safety;**

14 **C. Encourage the cooperation of Member States in regulating multistate practice;**

15 **D. Support Active Duty military families;**

16 **E. Facilitate the exchange of licensure and disciplinary information among Member**
17 **States;**

18 **F. Authorize all Member States to hold a Regulated Social Worker accountable for**
19 **abiding by the Member State's Scope of Practice in the Member State in which**
20 **the client is located at the time care is rendered;**

21 **G. Allow for the use of telehealth to facilitate increased access to regulated Social**
22 **Work Services;**

23 **H. Support the uniformity of Social Work licensure requirements throughout the**
24 **States to promote public safety and access to services; and**

25 **I. Promote mobility and address workforce shortages by eliminating the necessity**
26 **for licenses in multiple States.**

27 **SECTION 2. DEFINITIONS**

1 As used in this Compact, and except as otherwise provided, the following definitions
2 shall apply:

3 A. "Active Duty Military" means any individual in full-time duty status in the active
4 uniformed service of the United States including members of the National Guard
5 and Reserve;

6 B. "Adverse Action" means any administrative, civil, equitable, or criminal action
7 permitted by a State's laws which is imposed by a Licensing Authority or other
8 authority against a Regulated Social Worker, including actions against an
9 individual's license or Multistate Authorization to Practice such as revocation,
10 suspension, probation, monitoring of the licensee, limitation on the licensee's
11 practice, or any other Encumbrance on licensure affecting a Regulated Social
12 Worker's authorization to practice, including issuance of a cease and desist
13 action;

14 C. "Alternative Program" means a nondisciplinary monitoring or practice
15 remediation process approved by a Social Work Licensing Authority to address
16 Impaired Practitioners;

17 D. "Compact Commission" or "Commission" means the national administrative
18 body whose membership consists of all Member States that have enacted the
19 Compact;

20 E. "Current Significant Investigative Information" means:

21 1. Investigative information that a Licensing Authority, after a preliminary
22 inquiry that includes notification and an opportunity for the Regulated
23 Social Worker to respond has reason to believe is not groundless and, if
24 proved true, would indicate more than a minor infraction as may be defined
25 by the Commission; or

26 2. Investigative information that indicates that the Regulated Social Worker
27 represents an immediate threat to public health and safety, as may be

- 1 defined by the Commission, regardless of whether the Regulated Social
2 Worker has been notified and has had an opportunity to respond;
- 3 **F. "Data System" means a repository of information about Licensees, including, but**
4 **not limited to, continuing education, examination, licensure, Current Significant**
5 **Investigative Information, Disqualifying Event, Interstate Compact License and**
6 **Adverse Action information or other information as required by the Commission;**
- 7 **G. "Disqualifying Event" means any Adverse Action or incident which results in an**
8 **Encumbrance that disqualifies or makes the Licensee ineligible to either obtain,**
9 **retain or renew an Interstate Compact License;**
- 10 **H. "Domicile" means the jurisdiction in which the licensee resides and intends to**
11 **remain indefinitely;**
- 12 **I. "Encumbered License" means a license in which an Adverse Action restricts the**
13 **practice of Social Work by the Licensee and said Adverse Action and is reportable**
14 **to the National Practitioners Data Bank;**
- 15 **J. "Encumbrance" means a revocation or suspension of, or any limitation on, the**
16 **full and unrestricted practice of Social Work licensed and regulated by a**
17 **Licensing Authority;**
- 18 **K. "Executive Committee" means a group of directors elected or appointed to act on**
19 **behalf of, and within the powers granted to them by, the Compact and**
20 **Commission;**
- 21 **L. "Home State" means the Member State that is the Licensee's primary Domicile;**
- 22 **M. "Impaired Practitioner" means an individual who has a condition that may**
23 **impair their ability to engage in full and unrestricted practice as a Regulated**
24 **Social Worker without some type of intervention and may include, but are not**
25 **limited to, alcohol and drug dependence, mental health impairment, and**
26 **neurological or physical impairments;**
- 27 **N. "Interstate Compact License" means a license to practice as a Regulated Social**

- 1 Worker issued by a Home State Licensing Authority that authorizes the
2 Regulated Social Worker to practice in all party states under a Multistate
3 Authorization to Practice;
- 4 O. "Licensee" means an individual who currently holds an authorization from the
5 State to practice as a Regulated Social Worker;
- 6 P. "Licensing Authority" means the board or agency of a Member State, or
7 equivalent, that is responsible for the licensing and regulation of Regulated
8 Social Workers;
- 9 Q. "Member State" means a state, commonwealth, district, or territory of the United
10 States of America that has enacted the Compact;
- 11 R. "Multistate Authorization to Practice" means a legal authorization, which is
12 equivalent to a license, associated with an Interstate Compact License permitting
13 the practice of Social Work in a Remote State;
- 14 S. "Qualifying National Exam" means a national licensing examination developed
15 and administered by a national association of Social Work Licensing Authorities
16 or other competency assessment approved by the Commission;
- 17 T. "Regulated Social Worker" means any clinical, master's, or bachelor's Social
18 Worker licensed by a Member State regardless of the title used by that Member
19 State;
- 20 U. "Remote State" means a Member State other than the Home State, where a
21 Licensee is exercising or seeking to exercise the Multistate Authorization to
22 Practice;
- 23 V. "Rule of the Commission" means a regulation or regulations duly promulgated
24 by the Commission, as authorized by the Compact, that has the force of law;
- 25 W. "Scope of Practice" means the procedures, actions, and processes a Regulated
26 Social Worker in a state is permitted to undertake in that state and the
27 circumstances under which the Regulated Social Worker is permitted to

1 undertake those procedures, actions, and processes. Such procedures, actions and
2 processes and the circumstances under which they may be undertaken may be
3 established through official means, including, but not limited to, statute, rules
4 and regulations, case law, and other processes available to the State Regulatory
5 Authority or other government agency;

6 X. "Single State License" means a Social Work license issued by any state that
7 authorizes practice only within the issuing State and does not include a Multistate
8 Authorization to Practice in any Member State;

9 Y. "Social Work" or "Social Work Services" means the application of social work
10 theory, knowledge, methods, ethics, and the professional use of self to restore or
11 enhance social, psychosocial, or biopsychosocial functioning of individuals,
12 couples, families, groups, organizations, and communities through the care and
13 services provided by a Regulated Social Worker as set forth in the Member State's
14 statutes and regulations in the State where the services are being provided;

15 Z. "State" means any state, commonwealth, district, or territory of the United States
16 of America that regulates the practice of Social Work; and

17 AA. "Unencumbered License" means a license that authorizes a Regulated Social
18 Worker to engage in the full and unrestricted practice of Social Work.

19 SECTION 3. STATE PARTICIPATION IN THE COMPACT

20 A. To be eligible to participate in the Compact, a potential Member State must
21 currently meet all of the following criteria:

22 1. License and regulate clinical, master's, or bachelor's categories of Social
23 Work practice;

24 2. Require applicants for licensure to pass a corresponding Qualifying
25 National Exam for the category of licensure sought as outlined in Section
26 4;

27 3. Require applicants for licensure to graduate from a program that is

1 accredited by an accrediting agency recognized by the Council for Higher
2 Education Accreditation, or its successor, or by the United States
3 Department of Education and operated by a college or university recognized
4 by the Licensing Authority and that corresponds to the licensure sought as
5 outlined in Section 4;

6 4. Require applicants for clinical licensure to complete a period of supervised
7 practice; and

8 5. Have a mechanism in place for receiving, investigating, and adjudicating
9 complaints about Licensees.

10 B. To maintain membership in the Compact a Member State shall:

11 1. Participate fully in the Commission's Data System, including using the
12 Commission's unique identifier as defined in Rules;

13 2. Notify the Commission, in compliance with the terms of the Compact and
14 rules, of any Adverse Action or the availability of Current Significant
15 Investigative Information regarding a Licensee;

16 3. Implement or utilize procedures for considering the criminal history records
17 of applicants for an initial Interstate Compact License. These procedures
18 shall include the submission of fingerprints or other biometric- based
19 information by applicants for the purpose of obtaining an applicant's
20 criminal history record information from the Federal Bureau of
21 Investigation and the agency responsible for retaining that State's criminal
22 records for the sole purpose of affirming or denying eligibility for
23 participation in the Compact.

24 a. A member state must utilize or fully implement a criminal background
25 check requirement, within a time frame established by rule of the
26 Commission, by receiving the results of the Federal Bureau of
27 Investigation record search and shall use the results in making

1 licensure decisions/determining eligibility for participation in the
2 Compact.

3 b. Communication between a Member State, the Commission and among
4 Member States, through the Data System or otherwise, regarding the
5 verification of any information received from the Federal Bureau of
6 Investigation relating to a federal criminal records check performed
7 by a Member State under Pub. L. No. 92-544.

8 4. Comply with the Rules of the Commission;

9 5. Require an applicant to obtain or retain a license in the Home State and
10 meet the Home State's qualifications for licensure or renewal of licensure,
11 as well as all other applicable Home State laws;

12 6. Authorize a Licensee holding an Interstate Compact License in any
13 Member State to practice in accordance with the terms of the Compact and
14 Rules of the Commission; and

15 7. Designate a delegate to participate in the Commission meetings.

16 C. Home States may charge a fee for granting the Interstate Compact License.

17 D. An Interstate Compact License issued by a Home State to a resident in that State
18 shall be recognized by all Compact Member States as authorizing Social Work
19 Practice under a Multistate Authorization to Practice corresponding to each
20 category of licensure regulated in the Member State.

21 SECTION 4. REGULATED SOCIAL WORKER PARTICIPATION IN THE
22 COMPACT

23 A. To be eligible for an Interstate Compact License under the terms and provisions
24 of the Compact, a Regulated Social Worker, regardless of category must:

25 1. Hold an active, Unencumbered License in the Home State;

26 2. Have an active United States Social Security Number, Qualifying National
27 Exam Number, or an identifier as determined by the Commission;

- 1 3. Pay any applicable fees, including any State fee, for the Interstate Compact
2 License;
3 4. Meet any continuing competence requirements established by the Home
4 State;
5 5. Notify the Home State of any Adverse Action, Encumbrance, or restriction
6 on any professional license taken by any Member State or non-Member
7 State within thirty (30) days from the date the action is taken; and
8 6. Abide by the laws, regulations, and Scope of Practice in the Member State
9 where the client is located at the time care is rendered.

10 B. A Regulated Social Worker who is a clinical-category Social Worker must meet
11 the following requirements:

- 12 1. Passed a clinical-category Qualifying National Exam. Regulated Social
13 Workers holding an active and unencumbered license, who were licensed in
14 a state before a qualifying national exam was required, may be exempted
15 from this requirement, as provided for by the Rules of the Commission;
16 2. Graduated with a master's degree or higher in Social Work, from a
17 program that is accredited by an accrediting agency recognized by the
18 Council for Higher Education Accreditation, or its successor, or by the
19 United States Department of Education, and operated by a college or
20 university recognized by the Licensing Authority; and
21 3. Completed a period of three thousand (3,000) hours or two (2) years of full-
22 time postgraduate supervised clinical practice.

23 C. A Regulated Social Worker who is a master's-category Social Worker must meet
24 the following requirements:

- 25 1. Passed a master's-category Qualifying National Exam. Regulated Social
26 Workers holding an active and unencumbered license, who were licensed in
27 a state before a qualifying national exam was required, may be exempted

1 from this requirement, as provided for by the Rules of the Commission; and
2 2. Graduated with a master's degree, or higher, in Social Work, from a
3 program that is accredited by an accrediting agency recognized by the
4 Council for Higher Education Accreditation, or its successor, or by the
5 United States Department of Education and operated by a college or
6 university recognized by the Licensing Authority.

7 D. A Regulated Social Worker who is a bachelor's-category Social Worker must
8 meet the following requirements:

9 1. Passed a bachelor's-category Qualifying National Exam. Regulated Social
10 Workers holding an active and unencumbered license, who were licensed in
11 a state before a qualifying national exam was required, may be exempted
12 from this requirement, as provided for by the Rules of the Commission; and
13 2. Graduated with a bachelor's degree, or higher, in Social Work, from a
14 program that is accredited by an accrediting agency recognized by the
15 Council for Higher Education Accreditation, or its successor, or by the
16 United States Department of Education, and operated by a college or
17 university recognized by the Licensing Authority.

18 E. The Interstate Compact License for a Regulated Social Worker is subject to the
19 renewal requirements of the Home State. The Regulated Social Worker must
20 maintain compliance with the requirements of Section 4(A).

21 F. The Regulated Social Worker's services in a Remote State are subject to that
22 Member State's regulatory authority. A Remote State may, in accordance with
23 due process and that Member State's laws, remove a Regulated Social Worker's
24 Multistate Authorization to Practice in the Remote State for a specific period of
25 time, impose fines, or take any other necessary actions to protect the health and
26 safety of its citizens.

27 G. If a Home State license is encumbered, the Regulated Social Worker's Multistate

1 Authorization to Practice shall be deactivated in all Remote States until the Home
2 State license is no longer encumbered.

3 H. If a Multistate Authorization to Practice is encumbered in a Remote State, the
4 Regulated Social Worker's Multistate Authorization to Practice may be
5 deactivated in that State until the Multistate Authorization to Practice is no
6 longer encumbered.

7 I. Nothing in this Compact shall affect the requirements established by a Member
8 State for the issuance of a Single State License.

9 SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON AN
10 INTERSTATE COMPACT LICENSE

11 A. If qualified, a Regulated Social Worker may hold an Interstate Compact License
12 issued by a Home State Licensing Authority, which authorizes the Regulated
13 Social Worker to practice in all Member States under a Multistate Authorization
14 to Practice.

15 B. If an Interstate Compact License holder with Multistate Authorization to Practice
16 changes primary State of Domicile by moving between two (2) Member States:

17 1. The Interstate Compact License holder shall file an application for
18 obtaining a new Home State license based on their Interstate Compact
19 License which grants a Multistate Authorization to Practice, pay all
20 applicable fees, and notify the current and new Home Member State in
21 accordance with applicable Rules adopted by the Commission;

22 2. Upon receipt of an application for obtaining a new Home State license
23 based on the Interstate Compact License which grants a Multistate
24 Authorization to Practice, the new Home Member State may verify that the
25 Regulated Social Worker meets the pertinent criteria outlined in Section 4
26 via the Data System, without need for primary source verification except
27 for:

- 1 a. A Federal Bureau of Investigation fingerprint based criminal
2 background check if not previously performed or updated pursuant to
3 applicable rules adopted by the Commission in accordance with Pub.
4 L. No. 92-544;
5 b. Other criminal background check as required by the new Home State;
6 and
7 c. Completion of any requisite jurisprudence requirements of the new
8 Home State;
9 3. The former Home State may convert the former Home State license into a
10 Multistate Authorization to Practice once the new Home State has activated
11 the new Home State license in accordance with applicable Rules adopted by
12 the Commission; and
13 4. Notwithstanding any other provision of this Compact, if the Regulated
14 Social Worker cannot meet the criteria in Section 4, the new Home State
15 may apply its requirements for issuing a new Single State License. The
16 Regulated Social Worker shall pay all applicable fees to the new Home
17 State in order to be issued a new Home State license.
18 C. If a Regulated Social Worker changes primary State of Domicile by moving from
19 a Member State to a non-Member State, the non-Member State criteria shall
20 apply for issuance of a Single State License in the new non-Member State.
21 D. Nothing in this Compact shall interfere with a Regulated Social Worker's ability
22 to hold a Single State License in multiple States, however, for the purposes of this
23 Compact, a Regulated Social Worker shall have only one (1) Home State license.
24 E. Nothing in this Compact shall affect the requirements established by a Member
25 State for the issuance of a Single State License.

26 SECTION 6. MILITARY FAMILIES

27 Active Duty Military personnel, or their spouses, shall designate a Home State where

1 the individual has a current license in good standing. The individual may retain the
2 Home State designation during the period the service member is on active duty.
3 Subsequent to designating a Home State, the individual may only change their Home
4 State through application for licensure in the new State, or through the process
5 outlined in Section 5.

6 SECTION 7. ADVERSE ACTIONS

7 A. In addition to the other powers conferred by State law, a Remote State shall have
8 the authority, in accordance with existing State due process law, to:

9 1. Take Adverse Action against a Regulated Social Worker's Multistate
10 Authorization to Practice within that Member State, and issue subpoenas
11 for both hearings and investigations that require the attendance and
12 testimony of witnesses as well as the production of evidence. Subpoenas
13 issued by a Licensing Authority in a Member State for the attendance and
14 testimony of witnesses or the production of evidence from another Member
15 State shall be enforced in the latter State by any court of competent
16 jurisdiction, according to the practice and procedure of that court
17 applicable to subpoenas issued in proceedings pending before it. The
18 issuing authority shall pay any witness fees, travel expenses, mileage, and
19 other fees required by the service statutes of the State in which the witnesses
20 or evidence are located.

21 2. Only the Home State shall have the power to take Adverse Action against a
22 Regulated Social Worker's Home State license

23 B. For purposes of taking Adverse Action, the Home State shall give the same
24 priority and effect to reported conduct received from a Member State as it would
25 if the conduct had occurred within the Home State. In so doing, the Home State
26 shall apply its own State laws to determine appropriate action.

27 C. The Home State shall complete any pending investigations of a Regulated Social

1 Worker who changes primary State of Domicile during the course of the
2 investigations. The Home State shall also have the authority to take appropriate
3 action and shall promptly report the conclusions of the investigations to the
4 administrator of the Data System. The administrator of the Data System shall
5 promptly notify the new Home State of any Adverse Actions.

6 D. A Member State, if otherwise permitted by State law, may recover from the
7 affected Regulated Social Worker the costs of investigations and dispositions of
8 cases resulting from any Adverse Action taken against that Regulated Social
9 Worker.

10 E. A Member State may take Adverse Action based on the factual findings of
11 another Member State, provided that the Member State follows its own
12 procedures for taking the Adverse Action.

13 F. Joint Investigations.

14 1. In addition to the authority granted to a Member State by its respective
15 Regulated Social Work practice act or other applicable State law, any
16 Member State may participate with other Member States in joint
17 investigations of Licensees.

18 2. Member States shall share any investigative, litigation, or compliance
19 materials in furtherance of any joint or individual investigation initiated
20 under the Compact.

21 G. If Adverse Action is taken by the Home State against the Interstate Compact
22 License of a Regulated Social Worker, the Regulated Social Worker's Multistate
23 Authorization to Practice in all other Member States shall be deactivated until all
24 Encumbrances have been removed from the Interstate Compact License. All
25 Home State disciplinary orders that impose Adverse Action against the license of
26 a Regulated Social Worker shall include a statement that the Regulated Social
27 Worker's Multistate Authorization to Practice is deactivated in all Member States

1 until all conditions of the decision, order or agreement are satisfied.

2 H. If a Member State takes Adverse Action, it shall promptly notify the administrator
3 of the Data System. The administrator of the Data System shall promptly notify
4 the Home State and all other Member States of any Adverse Actions by Remote
5 States.

6 I. Nothing in this Compact shall override a Member State's decision that
7 participation in an Alternative Program may be used in lieu of Adverse Action.

8 **SECTION 8. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT**
9 **COMMISSION**

10 A. The Compact Member States hereby create and establish a joint government
11 agency whose membership consists of all Member states that have enacted the
12 Compact known as the Social Work Compact Commission. The Commission is an
13 instrumentality of the Compact States acting jointly and not an instrumentality of
14 any one (1) state. The Commission shall come into existence on or after the
15 effective date of the Compact as set forth in Section 12.

16 B. Membership, Voting, and Meetings.

17 1. Each Member State shall have and be limited to one (1) delegate selected by
18 that Member State's Licensing Authority.

19 2. The delegate shall be either:

20 a. A current member of the State Licensing Authority at the time of
21 appointment, who is a Regulated Social Worker or public member of
22 the Licensing Authority; or

23 b. An administrator of the Licensing Authority or their designee.

24 3. The Commission shall by Rule or bylaw establish a term of office for
25 delegates and may by Rule or bylaw establish term limits.

26 4. The Commission may recommend removal or suspension of any delegate
27 from office.

- 1 5. A Member State's State Licensing Authority shall fill any vacancy of its
2 delegate occurring on the Commission within sixty (60) days of the vacancy.
- 3 6. Each delegate shall be entitled to one (1) vote on all matters before the
4 Commission requiring a vote by Commission delegates.
- 5 7. A delegate shall vote in person or by such other means as provided in the
6 bylaws. The bylaws may provide for delegates' to meet by
7 telecommunication, videoconference, or other means of communication.
- 8 8. The Commission shall meet at least once during each calendar year.
9 Additional meetings may be held as set forth in the bylaws. The Commission
10 may meet by telecommunication, video conference, or other similar
11 electronic means.
- 12 C. The Commission shall have the following powers and duties:
- 13 1. Establish the fiscal year of the Commission;
- 14 2. Establish code of conduct and conflict of interest policies;
- 15 3. Establish and amend Rules and bylaws;
- 16 4. Maintain its financial records in accordance with the bylaws;
- 17 5. Meet and take such actions as are consistent with the provisions of this
18 Compact, the Commission's rules, and the bylaws;
- 19 6. Initiate and conclude legal proceedings or actions in the name of the
20 Commission, provided that the standing of any State Licensing Authority to
21 sue or be sued under applicable law shall not be affected;
- 22 7. Maintain and certify records and information provided to a Member State
23 as the authenticated business records of the Commission and designate an
24 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 personnel, including, but not
27 limited to, employees of a Member State;

- 1 10. Conduct an annual financial review;
- 2 11. Hire employees, elect or appoint officers, fix compensation, define duties,
- 3 grant such individuals appropriate authority to carry out the purposes of the
- 4 Compact, and establish the Commission's personnel policies and programs
- 5 relating to conflicts of interest, qualifications of personnel, and other
- 6 related personnel matters;
- 7 12. Assess and collect fees;
- 8 13. Accept any and all appropriate gifts, donations, grants of money, other
- 9 sources of revenue, equipment, supplies, materials, and services, and to
- 10 receive, utilize, and dispose of the same; provided that at all times the
- 11 Commission shall avoid any appearance of impropriety or conflict of
- 12 interest;
- 13 14. Lease, purchase, retain, or otherwise to own, hold, improve, or use, any
- 14 property, real, personal or mixed, or any undivided interest therein;
- 15 15. Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise
- 16 dispose of any property real, personal, or mixed;
- 17 16. Establish a budget and make expenditures;
- 18 17. Borrow money;
- 19 18. Appoint committees, including standing committees composed of members,
- 20 State regulators, State legislators or their representatives, and consumer
- 21 representatives, and such other interested persons as may be designated in
- 22 this Compact and the bylaws;
- 23 19. Provide and receive information from, and cooperate with, law enforcement
- 24 agencies;
- 25 20. Establish and elect an Executive Committee, including chair and a vice
- 26 chair;
- 27 21. Determine whether a State's adopted language is materially different from

1 the model compact language such that the State would not qualify for
2 participation in the Compact; and

3 22. Perform such other functions as may be necessary or appropriate to achieve
4 the purposes of this Compact.

5 D. The Executive Committee.

6 1. The Executive Committee shall have the power to act on behalf of the
7 Commission according to the terms of this Compact. The powers, duties,
8 and responsibilities of the Executive Committee shall include to:

9 a. Oversee the day-to-day activities of the administration of the Compact
10 including enforcement and compliance with the provisions of the
11 compact, its Rules and bylaws, and other duties as deemed necessary;

12 b. Recommend to the Commission changes to the Rules or bylaws,
13 changes to this Compact legislation, fees charged to Compact Member
14 States such as fees charged to licensees, and other fees;

15 c. Ensure Compact administration services are appropriately provided,
16 including by contract;

17 d. Prepare and recommend the budget;

18 e. Maintain financial records on behalf of the Commission;

19 f. Monitor Compact compliance of Member States and provide
20 compliance reports to the Commission;

21 g. Establish additional committees as necessary;

22 h. Exercise the powers and duties of the Commission during the interim
23 between Commission meetings, except for adopting or amending
24 Rules, adopting or amending bylaws, and exercising any other powers
25 and duties expressly reserved to the Commission by Rule or bylaw;
26 and

27 i. Other duties as provided in the Rules or bylaws of the Commission.

- 1 2. The Executive Committee shall be composed of up to nine (9) members:
- 2 a. The chair and vice chair of the Commission shall be voting members
- 3 of the Executive Committee;
- 4 b. Five (5) voting members who are elected by the Commission from the
- 5 current membership of the Commission;
- 6 c. Up to two (2) ex-officio, nonvoting members from two (2) recognized
- 7 national social worker organizations; and
- 8 d. The ex-officio members will be selected by their respective
- 9 organizations and will rotate terms in alphabetical order of the
- 10 organizations.
- 11 3. The Commission may remove any member of the Executive Committee as
- 12 provided in the Commission's bylaws.
- 13 4. The Executive Committee shall meet at least annually.
- 14 a. Executive Committee meetings shall be open to the public, except that
- 15 the Executive Committee may meet in a closed, non-public meeting as
- 16 provided in paragraph 2. of this subsection.
- 17 b. The Executive Committee shall give seven (7) days' notice of its
- 18 meetings, posted on its website and as determined to provide notice to
- 19 persons with an interest in the business of the Commission.
- 20 c. The Executive Committee may hold a special meeting in accordance
- 21 with subsection F.1.b. below.
- 22 E. The Commission shall adopt and provide to the Member States an annual report.
- 23 F. Meetings of the Commission.
- 24 1. All meetings shall be open to the public, except that the Commission may
- 25 meet in a closed, non-public meeting as provided in paragraph 2. of this
- 26 subsection.
- 27 a. Public notice for all meetings of the full Commission of meetings shall

1 be given in the same manner as required under the Rulemaking
2 provisions in Section 11, except that the Commission may hold a
3 special meeting as provided in paragraph 1.b. of this subsection.

4 b. The Commission may hold a special meeting when it must meet to
5 conduct emergency business by giving forty-eight (48) hours' notice to
6 all commissioners, on the Commission's website, and other means as
7 provided in the Commission's rules. The Commission's legal counsel
8 shall certify that the Commission's need to meet qualifies as an
9 emergency.

10 2. The Commission, the Executive Committee, or other committees of the
11 Commission may convene in a closed, nonpublic meeting for the
12 Commission, Executive Committee, or other committees of the Commission
13 to receive legal advice or to discuss:

14 a. Noncompliance of a Member State with its obligations under the
15 Compact;

16 b. The employment, compensation, discipline, or other matters, practices
17 or procedures related to specific employees;

18 c. Current or threatened discipline of a Licensee by the Commission or
19 by a Member State's Licensing Authority;

20 d. Current, threatened, or reasonably anticipated litigation;

21 e. Negotiation of contracts for the purchase, lease, or sale of goods,
22 services, or real estate;

23 f. Accusing any person of a crime or formally censuring any person;

24 g. Trade secrets or commercial or financial information that is privileged
25 or confidential;

26 h. Information of a personal nature where disclosure would constitute a
27 clearly unwarranted invasion of personal privacy;

- 1 i. Investigative records compiled for law enforcement purposes;
2 j. Information related to any investigative reports prepared by or on
3 behalf of or for use of the Commission or other committee charged
4 with responsibility of investigation or determination of compliance
5 issues pursuant to the Compact;
6 k. Matters specifically exempted from disclosure by federal or Member
7 State law; or
8 l. Other matters as promulgated by the Commission by Rule.

9 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall
10 state that the meeting will be closed and reference each relevant exempting
11 provision, and such reference shall be recorded in the minutes.

12 4. The Commission shall keep minutes that fully and clearly describe all
13 matters discussed in a meeting and shall provide a full and accurate
14 summary of actions taken, and the reasons therefore, including a
15 description of the views expressed. All documents considered in connection
16 with an action shall be identified in such minutes. All minutes and
17 documents of a closed meeting shall remain under seal, subject to release
18 only by a majority vote of the Commission or order of a court of competent
19 jurisdiction.

20 G. Financing of the Commission.

21 1. The Commission shall pay, or provide for the payment of, the reasonable
22 expenses of its establishment, organization, and ongoing activities.

23 2. The Commission may accept any and all appropriate revenue sources, as
24 provided in subsection C.12. of this section.

25 3. The Commission may levy on and collect an annual assessment from each
26 Member State and impose fees on licensees of Member States to whom it
27 grants an Interstate Compact License to cover the cost of the operations and

1 activities of the Commission and its staff, which must be in a total amount
2 sufficient to cover its annual budget as approved each year for which
3 revenue is not provided by other sources. The aggregate annual assessment
4 amount for Member States shall be allocated based upon a formula that the
5 Commission, shall promulgate by Rule.

6 4. The Commission shall not incur obligations of any kind prior to securing
7 the funds adequate to meet the same; nor shall the Commission pledge the
8 credit of any of the Member States, except by and with the authority of the
9 Member State.

10 5. The Commission shall keep accurate accounts of all receipts and
11 disbursements. The receipts and disbursements of the Commission shall be
12 subject to the financial review and accounting procedures established under
13 its bylaws. However, all receipts and disbursements of funds handled by the
14 Commission shall be subject to an annual financial review by a certified or
15 licensed public accountant, and the report of the financial review shall be
16 included in and become part of the annual report of the Commission.

17 H. Qualified Immunity, Defense, and Indemnification.

18 1. The members, officers, executive director, employees, and representatives of
19 the Commission shall be immune from suit and liability, both personally
20 and in their official capacity, for any claim for damage to or loss of property
21 or personal injury or other civil liability caused by or arising out of any
22 actual or alleged act, error, or omission that occurred, or that the person
23 against whom the claim is made had a reasonable basis for believing
24 occurred within the scope of Commission employment, duties, or
25 responsibilities; provided that nothing in this paragraph shall be construed
26 to protect any such person from suit or liability for any damage, loss, injury,
27 or liability caused by the intentional or willful or wanton misconduct of that

- 1 person. The procurement of insurance of any type by the Commission shall
2 not in any way compromise or limit the immunity granted hereunder.
- 3 2. The Commission shall defend any member, officer, executive director,
4 employee, and representative of the Commission in any civil action seeking
5 to impose liability arising out of any actual or alleged act, error, or omission
6 that occurred within the scope of Commission employment, duties, or
7 responsibilities, or as determined by the Commission that the person against
8 whom the claim is made had a reasonable basis for believing occurred
9 within the scope of Commission employment, duties, or responsibilities;
10 provided that nothing herein shall be construed to prohibit that person from
11 retaining their own counsel at their own expense; and provided further, that
12 the actual or alleged act, error, or omission did not result from that person's
13 intentional or willful or wanton misconduct.
- 14 3. The Commission shall indemnify and hold harmless any member, officer,
15 executive director, employee, and representative of the Commission for the
16 amount of any settlement or judgment obtained against that person arising
17 out of any actual or alleged act, error, or omission that occurred within the
18 scope of Commission employment, duties, or responsibilities, or that such
19 person had a reasonable basis for believing occurred within the scope of
20 Commission employment, duties, or responsibilities, provided that the actual
21 or alleged act, error, or omission did not result from the intentional or
22 willful or wanton misconduct of that person.
- 23 4. Nothing in this Compact shall be construed as a limitation on the liability of
24 any licensee for professional malpractice or misconduct, which shall be
25 governed solely by any other applicable state laws.
- 26 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate
27 a Member State's state action immunity or state action affirmative defense

1 with respect to antitrust claims under the Sherman Antitrust Act, 15 U.S.C.
2 sec. 1 et. seq., Clayton Act, 15 U.S.C. sec. 12 et. seq., or any other state or
3 federal antitrust or anticompetitive law or regulation.

4 6. Nothing in this Compact shall be construed to be a waiver of sovereign
5 immunity by the Member States or by the Commission.

6 **SECTION 9. DATA SYSTEM**

7 **A. The Commission shall provide for the development, maintenance, operation, and**
8 **utilization of a coordinated database and reporting system containing licensure,**
9 **Adverse Action, and the presence of Current Significant Investigative**
10 **Information on all licensed individuals in Member States.**

11 **B. Notwithstanding any other provision of State law to the contrary, a Member State**
12 **shall submit a uniform data set to the Data System on all individuals to whom this**
13 **Compact is applicable as required by the Rules of the Commission, including:**

14 **1. Identifying information;**

15 **2. Licensure data;**

16 **3. Adverse Actions against a license or an Interstate Compact License and**
17 **information related thereto;**

18 **4. No-confidential information related to Alternative Program participation,**
19 **the beginning and end dates of such participation, and other information**
20 **related to such participation not made confidential under Member State**
21 **law;**

22 **5. Any denial of application for licensure, and the reasons for such denial;**

23 **6. The presence of Current Significant Investigative Information; and**

24 **7. Other information that may facilitate the administration of this Compact or**
25 **the protection of the public, as determined by the Rules of the Commission.**

26 **C. The records and information provided to a Member State pursuant to this**
27 **Compact or through the Data System, when certified by the Commission or an**

1 agent thereof, shall constitute the authenticated business records of the
2 Commission, and shall be entitled to any associated hearsay exception in any
3 relevant judicial, quasi-judicial, or administrative proceedings in a Member State.

4 D. Current Significant Investigative Information pertaining to a Licensee in any
5 Member State will only be available to other Member States.

6 E. It is the responsibility of the Member States to report any Adverse Action against
7 a Licensee and to monitor the database to determine whether Adverse Action has
8 been taken against a Licensee. Adverse Action information pertaining to a
9 Licensee in any Member State will be available to any other Member State.

10 F. Member States contributing information to the Data System may designate
11 information that may not be shared with the public without the express
12 permission of the contributing State.

13 G. Any information submitted to the Data System that is subsequently expunged
14 pursuant to federal law or the laws of the Member State contributing the
15 information shall be removed from the Data System.

16 **SECTION 10. RULEMAKING**

17 A. The Commission shall promulgate reasonable Rules in order to effectively and
18 efficiently implement and administer the purposes and provisions of the Compact.
19 A Rule shall be invalid and have no force or effect only if a court of competent
20 jurisdiction holds that the Rule is invalid because the Commission exercised its
21 rulemaking authority in a manner that is beyond the scope and purposes of the
22 Compact, or the powers granted hereunder, or based upon another applicable
23 standard of review.

24 B. The Rules of the Commission shall have the force of law in each Member State,
25 provided however that where the Rules of the Commission conflict with the laws
26 of the Member State that establish the Member State's Scope of Practice as held
27 by a court of competent jurisdiction, the Rules of the Commission shall be

1 ineffective in that State to the extent of the conflict.

2 C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set
3 forth in this Section and the Rules adopted thereunder. Rules shall become
4 binding as of the date specified in each Rule.

5 D. If a majority of the legislatures of the Member States rejects a Rule or portion of
6 a Rule, by enactment of a statute or resolution in the same manner used to adopt
7 the Compact within four (4) years of the date of adoption of the Rule, then the
8 Rule shall have no further force and effect in any Member State.

9 E. Rules shall be adopted at a regular or special meeting of the Commission.

10 F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing
11 and allow persons to provide oral and written comments, data, facts, opinions,
12 and arguments.

13 G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30)
14 days in advance of the meeting at which the Commission will hold a public
15 hearing on the proposed Rule, the Commission shall provide a Notice of
16 Proposed Rulemaking:

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

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

20 3. In such other way as the Commission may by Rule specify.

21 H. The Notice of Proposed Rulemaking shall include:

22 1. The time, date, and location of the public hearing at which the Commission
23 will hear public comments on the proposed Rule and, if different, the time,
24 date, and location of the meeting where the Commission will consider and
25 vote on the proposed Rule;

26 2. If the hearing is held via telecommunication, video conference, or other
27 electronic means, the Commission shall include the mechanism for access

- 1 to the hearing in the Notice of Proposed Rulemaking;
- 2 3. The text of the proposed Rule and the reason therefor;
- 3 4. A request for comments on the proposed Rule from any interested person;
- 4 and
- 5 5. The manner in which interested persons may submit written comments.
- 6 I. All hearings will be recorded. A copy of the recording and all written comments
- 7 and documents received by the Commission in response to the proposed Rule
- 8 shall be available to the public.
- 9 J. Nothing in this section shall be construed as requiring a separate hearing on
- 10 each Rule. Rules may be grouped for the convenience of the Commission at
- 11 hearings required by this section.
- 12 K. The Commission shall, by majority vote of all members, take final action on the
- 13 proposed Rule based on the Rulemaking record and the full text of the Rule.
- 14 1. The Commission may adopt changes to the proposed Rule provided the
- 15 changes do not enlarge the original purpose of the proposed Rule.
- 16 2. The Commission shall provide an explanation of the reasons for substantive
- 17 changes made to the proposed Rule as well as reasons for substantive
- 18 changes not made that were recommended by commenters.
- 19 3. The Commission shall determine a reasonable effective date for the Rule.
- 20 Except for an emergency as provided in Section 11.L, the effective date of
- 21 the rule shall be no sooner than thirty (30) days after issuing the notice that
- 22 it adopted or amended the Rule.
- 23 L. Upon determination that an emergency exists, the Commission may consider and
- 24 adopt an emergency Rule with twenty-four (24) or forty-eight (48) hours' notice,
- 25 with opportunity to comment, provided that the usual Rulemaking procedures
- 26 provided in the Compact and in this section shall be retroactively applied to the
- 27 Rule as soon as reasonably possible, in no event later than ninety (90) days after

1 the effective date of the Rule. For the purposes of this provision, an emergency
2 Rule is one that must be adopted immediately in order to:

3 1. Meet an imminent threat to public health, safety, or welfare;

4 2. Prevent a loss of Commission or Member State funds;

5 3. Meet a deadline for the promulgation of a Rule that is established by federal
6 law or rule; or

7 4. Protect public health and safety.

8 M. The Commission or an authorized committee of the Commission may direct
9 revisions to a previously adopted Rule for purposes of correcting typographical
10 errors, errors in format, errors in consistency, or grammatical errors. Public
11 notice of any revisions shall be posted on the website of the Commission. The
12 revision shall be subject to challenge by any person for a period of thirty (30)
13 days after posting. The revision may be challenged only on grounds that the
14 revision results in a material change to a Rule. A challenge shall be made in
15 writing and delivered to the Commission prior to the end of the notice period. If
16 no challenge is made, the revision will take effect without further action. If the
17 revision is challenged, the revision may not take effect without the approval of the
18 Commission.

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

20 **SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

21 **A. Oversight**

22 1. The executive and judicial branches of State government in each Member
23 State shall enforce this Compact and take all actions necessary and
24 appropriate to implement the Compact.

25 2. Venue is proper and judicial proceedings by or against the Commission
26 shall be brought solely and exclusively in a court of competent jurisdiction
27 where the principal office of the Commission is located. The Commission

1 may waive venue and jurisdictional defenses to the extent it adopts or
2 consents to participate in alternative dispute resolution proceedings.
3 Nothing herein shall affect or limit the selection or propriety of venue in
4 any action against a licensee for professional malpractice, misconduct, or
5 any such similar matter.

6 3. The Commission shall be entitled to receive service of process in any
7 proceeding regarding the enforcement or interpretation of the Compact and
8 shall have standing to intervene in such a proceeding for all purposes.
9 Failure to provide the Commission service of process shall render a
10 judgment or order void as to the Commission, this Compact, or promulgated
11 Rules.

12 **B. Default, Technical Assistance, and Termination.**

13 1. If the Commission determines that a Member State has defaulted in the
14 performance of its obligations or responsibilities under this Compact or the
15 promulgated Rules, the Commission shall provide written notice to the
16 defaulting State. The notice of default shall describe the default, the
17 proposed means of curing the default, and any other action that the
18 Commission may take, and shall offer training and specific technical
19 assistance regarding the default.

20 2. The Commission shall provide a copy of the notice of default to the other
21 Member States.

22 **C. If a State in default fails to cure the default, the defaulting State may be**
23 terminated from the Compact upon an affirmative vote of a majority of the
24 delegates of the Member States, and all rights, privileges, and benefits conferred
25 on that State by this Compact may be terminated on the effective date of
26 termination. A cure of the default does not relieve the offending State of
27 obligations or liabilities incurred during the period of default.

- 1 *D. Termination of membership in the Compact shall be imposed only after all other*
2 *means of securing compliance have been exhausted. Notice of intent to suspend*
3 *or terminate shall be given by the Commission to the governor, the majority and*
4 *minority leaders of the defaulting State's legislature, the defaulting State's State*
5 *Licensing Authority, and each of the Member States' State Licensing Authority.*
- 6 *E. A State that has been terminated is responsible for all assessments, obligations,*
7 *and liabilities incurred through the effective date of termination, including*
8 *obligations that extend beyond the effective date of termination.*
- 9 *F. Upon the termination of a State's membership from this Compact, that State shall*
10 *immediately provide notice to all Licensees within that State of such termination.*
11 *The terminated State shall continue to recognize all licenses granted pursuant to*
12 *this Compact for a minimum of six (6) months after the date of said notice of*
13 *termination.*
- 14 *G. The Commission shall not bear any costs related to a State that is found to be in*
15 *default or that has been terminated from the Compact, unless agreed upon in*
16 *writing between the Commission and the defaulting State.*
- 17 *H. The defaulting State may appeal the action of the Commission by petitioning the*
18 *United States District Court for the District of Columbia or the federal district*
19 *where the Commission has its principal offices. The prevailing party shall be*
20 *awarded all costs of such litigation, including reasonable attorney's fees.*
- 21 *I. Dispute Resolution.*
- 22 *1. Upon request by a Member State, the Commission shall attempt to resolve*
23 *disputes related to the Compact that arise among Member States and*
24 *between Member and non-Member States.*
- 25 *2. The Commission shall promulgate a Rule providing for both mediation and*
26 *binding dispute resolution for disputes as appropriate.*
- 27 *J. Enforcement.*

1 1. By majority vote as provided by Rule, the Commission may initiate legal
2 action against a Member State in default in the United States District Court
3 for the District of Columbia or the federal district where the Commission
4 has its principal offices to enforce compliance with the provisions of the
5 Compact and its promulgated Rules. The relief sought may include both
6 injunctive relief and damages. In the event judicial enforcement is
7 necessary, the prevailing party shall be awarded all costs of such litigation,
8 including reasonable attorney's fees. The remedies herein shall not be the
9 exclusive remedies of the Commission. The Commission may pursue any
10 other remedies available under federal or the defaulting Member State's
11 law.

12 2. A Member State may initiate legal action against the Commission in the
13 United States District Court for the District of Columbia or the federal
14 district where the Commission has its principal offices to enforce
15 compliance with the provisions of the Compact and its promulgated Rules.
16 The relief sought may include both injunctive relief and damages. In the
17 event judicial enforcement is necessary, the prevailing party shall be
18 awarded all costs of such litigation, including reasonable attorney's fees.

19 3. No person other than a Member State shall enforce this Compact against
20 the Commission.

21 SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

22 A. The Compact shall come into effect on the date on which the Compact statute is
23 enacted into law in the seventh Member State. The provisions, which become
24 effective at that time, shall be limited to the powers granted to the Commission
25 relating to assembly and the promulgation of Rules. Thereafter, the Commission
26 shall meet and exercise Rulemaking powers necessary to the implementation and
27 administration of the Compact. All actions taken for the benefit of the

1 Commission or in furtherance of the purposes of the administration of the
2 Compact prior to the effective date of the Compact or the Commission coming
3 into existence shall be considered to be actions of the Commission unless
4 specifically repudiated by the Commission.

5 B. Any State that joins the Compact subsequent to the Commission's initial adoption
6 of the Rules and bylaws shall be subject to the Rules and bylaws as they exist on
7 the date on which the Compact becomes law in that State. Any Rule that has been
8 previously adopted by the Commission shall have the full force and effect of law
9 on the day the Compact becomes law in that State.

10 C. Any Member State may withdraw from this Compact by enacting a statute
11 repealing the same.

12 1. A Member State's withdrawal shall not take effect until one hundred eighty
13 (180) days after enactment of the repealing statute.

14 2. Withdrawal shall not affect the continuing requirement of the withdrawing
15 State's Licensing Authority to comply with the investigative and Adverse
16 Action reporting requirements of this Compact prior to the effective date of
17 withdrawal.

18 D. Upon the enactment of a statute withdrawing from this Compact, a State shall
19 immediately provide notice of such withdrawal to all Licensees within that State.
20 Notwithstanding any subsequent statutory enactment to the contrary, the
21 withdrawing State shall be continue to recognize all licenses granted pursuant to
22 this compact for a minimum of six (6) months after the date of such notice of
23 withdrawal.

24 E. Nothing contained in this Compact shall be construed to invalidate or prevent
25 any Social Work licensure agreement or other cooperative arrangement between
26 a Member State and a non-Member State that does not conflict with the
27 provisions of this Compact.

1 F. This Compact may be amended by the Member States. No amendment to this
2 Compact shall become effective and binding upon any Member State until it is
3 enacted into the laws of all Member States.

4 **SECTION 13. CONSTRUCTION AND SEVERABILITY**

5 A. This Compact and the Commission's rulemaking authority shall be liberally
6 construed so as to effectuate the purposes, and the implementation and
7 administration of the Compact. Provisions of the Compact expressly authorizing
8 or requiring the promulgation of Rules shall not be construed to limit the
9 Commission's rulemaking authority solely for those purposes.

10 B. The provisions of this Compact shall be severable and if any phrase, clause,
11 sentence, or provision of this Compact is held by a court of competent jurisdiction
12 to be contrary to the constitution of any Member State, a State seeking
13 participation in the Compact, or of the United States, or the applicability thereof
14 to any government, agency, person, or circumstance is held to be unconstitutional
15 by a court of competent jurisdiction, the validity of the remainder of this Compact
16 and the applicability thereof to any other government, agency, person, or
17 circumstance shall not be affected thereby.

18 C. Notwithstanding subsection B of this section, the Commission may deny a State's
19 participation in the Compact or, in accordance with the requirements of Section
20 12.B., terminate a Member State's participation in the Compact, if it determines
21 that a constitutional requirement of a Member State is, or would be with respect
22 to a State seeking to participate in the Compact, a material departure from the
23 Compact. Otherwise, if this Compact shall be held to be contrary to the
24 constitution of any Member State, the Compact shall remain in full force and
25 effect as to the remaining Member States and in full force and effect as to the
26 Member State affected as to all severable matters.

27 **SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS**

- 1 A. A Licensee providing services in a Remote State under a Multistate Authorization
2 to Practice shall adhere to the laws and regulations, including Scope of Practice,
3 of the Remote State where the client is located at the time care is rendered.
- 4 B. Nothing herein prevents the enforcement of any other law of a Member State that
5 is not inconsistent with the Compact.
- 6 C. Any laws in a Member State in conflict with the Compact are superseded to the
7 extent of the conflict.
- 8 D. Any lawful actions of the Commission, including all Rules and bylaws properly
9 promulgated by the Commission, are binding upon the Member States.
- 10 E. All permissible agreements between the Commission and the Member States are
11 binding in accordance with their terms.
- 12 F. In the event any provision of the Compact exceeds the constitutional limits
13 imposed on the legislature of any Member State, the provision shall be ineffective
14 to the extent of the conflict with the constitutional provision in question in that
15 Member State.

16 **SECTION 15. APPLICABILITY OF KENTUCKY STATE GOVERNMENT**

17 In order to clarify the effect of certain provisions of this Compact and to ensure that
18 the rights and responsibilities of the various branches of government are maintained,
19 the following shall be in effect in this state:

- 20 A. By entering into this Compact, this State authorizes the Licensing Authority as
21 defined in Section 2.P of this Compact and as created by KRS 335.050 to
22 implement the provisions of this Compact.
- 23 B. Notwithstanding any provision of this Compact to the contrary:
- 24 1. When a rule is adopted pursuant to Section 10, the Licensing Authority of
25 this State as defined by Section 2.P of this Compact shall have sixty (60)
26 days to review the rule for the purpose of filing the rule as an emergency
27 administrative regulation pursuant to KRS 13A.190 and for filing the rule

1 as an accompanying ordinary administrative regulation, following the
2 requirements of KRS Chapter 13A. Failure by the Licensing Authority of
3 this State as defined by Section 2.P of this Compact to promulgate a rule
4 adopted by the Social Work Licensure Compact Commission as an
5 administrative regulation pursuant to KRS Chapter 13A shall result in
6 withdrawal as set forth in Section 12. Nothing in these provisions shall
7 negate the applicability of a Commission rule or Section 10 of this Compact
8 to this state.

9 2. If the proposed administrative regulation is found deficient and the
10 deficiency is not resolved pursuant to KRS 13A.330 or 13A.335, the
11 provisions of Section 12 shall apply. If the deficiency is resolved in a
12 manner determined by the Commission to be inconsistent with this Compact
13 or its rules, or if the procedures under Section 11 fail to resolve an issue, the
14 withdrawal provisions of Section 12 shall apply.

15 3. If a court of competent jurisdiction determines that the Social Work
16 Compact Commission created by Section 8 exercises its Rulemaking
17 authority in a manner that is beyond the scope of the purposes of this
18 Compact, or the powers granted under this Compact, then such an action by
19 the Commission shall be invalid and have no force or effect.

20 C. Section 8.G. pertaining to the financing of the Commission shall not be
21 interpreted to obligate the general fund of this State. Any funds used to finance
22 this Compact shall be from money collected pursuant to KRS 335.140.

23 D. This Compact shall apply only to those Regulated Social Workers who practice or
24 work under a Compact privilege.