

1 AN ACT relating to licensed professionals.

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 by improving public access to competent social work services. The compact**
8 **preserves the regulatory authority of states to protect public health and safety through**
9 **the current system of state licensure. This compact is designed to achieve the following**
10 **objectives:**

11 **A. Increase public access to social work services;**

12 **B. Reduce overly burdensome and duplicative requirements associated with holding**
13 **multiple licenses;**

14 **C. Enhance the member states' ability to protect the public's health and safety;**

15 **D. Encourage the cooperation of member states in regulating multistate practice;**

16 **E. Promote mobility and address workforce shortages by eliminating the necessity**
17 **for licenses in multiple states by providing for the mutual recognition of other**
18 **member state licenses;**

19 **F. Support military families;**

20 **G. Facilitate the exchange of licensure and disciplinary information among member**
21 **states;**

22 **H. Authorize all member states to hold a regulated social worker accountable for**
23 **abiding by a member state's laws, regulations, and applicable professional**
24 **standards in the member state in which the client is located at the time care is**
25 **rendered; and**

26 **I. Allow for the use of telehealth to facilitate increased access to regulated social**
27 **work services.**

1 **SECTION 2. DEFINITIONS**

2 **As used in this compact, and except as otherwise provided, the following definitions**
3 **shall apply:**

4 **A. "Active military member" means any individual with full-time duty status in the**
5 **active Armed Forces of the United States, including members of the National**
6 **Guard and Reserve;**

7 **B. "Adverse action" means any administrative, civil, equitable, or criminal action**
8 **permitted by a state's laws which is imposed by a licensing authority or other**
9 **authority against a regulated social worker, including actions against an**
10 **individual's license or multistate authorization to practice such as revocation,**
11 **suspension, probation, monitoring of the licensee, limitation on the licensee's**
12 **practice, or any other encumbrance on licensure affecting a regulated social**
13 **worker's authorization to practice, including issuance of a cease and desist**
14 **action;**

15 **C. "Alternative program" means a nondisciplinary monitoring or practice**
16 **remediation process approved by a licensing authority to address practitioners**
17 **with an impairment;**

18 **D. "Charter member states" means member states that have enacted legislation to**
19 **adopt this compact where such legislation predates the effective date of this**
20 **compact as described in Section 14 of this compact;**

21 **E. "Compact commission" or "commission" means the government agency whose**
22 **membership consists of all states that have enacted this compact, which is known**
23 **as the Social Work Licensure Compact Commission, as described in Section 10 of**
24 **this compact, and which shall operate as an instrumentality of the member states;**

25 **F. "Current significant investigative information" means:**

26 **1. Investigative information that a licensing authority, after a preliminary**
27 **inquiry that includes notification and an opportunity for the regulated**

- 1 social worker to respond, has reason to believe is not groundless and, if
2 proved true, would indicate more than a minor infraction as may be defined
3 by the commission; or
- 4 2. Investigative information that indicates that the regulated social worker
5 represents an immediate threat to public health and safety, as may be
6 defined by the commission, regardless of whether the regulated social
7 worker has been notified and has had an opportunity to respond;
- 8 G. "Data system" means a repository of information about licensees, including but
9 not limited to continuing education, examination, licensure, current significant
10 investigative information, disqualifying event, multistate license or licenses, and
11 adverse action information or other information as required by the commission;
- 12 H. "Disqualifying event" means any adverse action or incident which results in an
13 encumbrance that disqualifies or makes the licensee ineligible to either obtain,
14 retain, or renew a multistate compact license;
- 15 I. "Domicile" means the jurisdiction in which the licensee resides and intends to
16 remain indefinitely;
- 17 J. "Encumbrance" means a revocation or suspension of, or any limitation on, the
18 full and unrestricted practice of social work licensed and regulated by a licensing
19 authority;
- 20 K. "Executive committee" means a group of delegates elected or appointed to act on
21 behalf of, and within the powers granted to them by, the compact and
22 commission;
- 23 L. "Home state" means the member state that is the licensee's primary domicile;
- 24 M. "Impairment" means a condition or conditions that may impair a practitioner's
25 ability to engage in full and unrestricted practice as a regulated social worker
26 without some type of intervention and may include but are not limited to alcohol
27 and drug dependence, mental health impairment, and neurological or physical

- 1 impairments;
- 2 N. "Licensee" means an individual who currently holds a license from a state to
- 3 practice as a regulated social worker;
- 4 O. "Licensing authority" means the board or agency of a member state, or
- 5 equivalent, that is responsible for the licensing and regulation of regulated social
- 6 workers;
- 7 P. "Member state" means a state, commonwealth, district, or territory of the United
- 8 States of America that has enacted the compact;
- 9 Q. "Multistate authorization to practice" means a legally authorized privilege to
- 10 practice, which is equivalent to a license, associated with a multistate license
- 11 permitting the practice of social work in a remote state;
- 12 R. "Multistate license" means a license to practice as a regulated social worker
- 13 issued by a home state licensing authority that authorizes the regulated social
- 14 worker to practice in all member states under a multistate authorization to
- 15 practice;
- 16 S. "Qualifying national exam" means a national licensing examination approved by
- 17 the commission;
- 18 T. "Regulated social worker" means any clinical, master's, or bachelor's social
- 19 worker licensed by a member state regardless of the title used by that member
- 20 state;
- 21 U. "Remote state" means a member state other than the licensee's home state;
- 22 V. "Rule of the commission" means a regulation or regulations duly promulgated
- 23 by the commission, as authorized by the compact, that has the force of law;
- 24 W. "Single state license" means a social work license issued by any state that
- 25 authorizes practice only within the issuing state and does not include multistate
- 26 authorization to practice in any member state;
- 27 X. "Social work" or "social work services" means the application of social work

1 theory, knowledge, methods, ethics, and the professional use of self to restore or
2 enhance social, psychosocial, or biopsychosocial functioning of individuals,
3 couples, families, groups, organizations, and communities through the care and
4 services provided by a regulated social worker as set forth in the member state's
5 statutes and regulations in the state where the services are being provided;

6 Y. "State" means any state, commonwealth, district, or territory of the United States
7 of America that regulates the practice of social work; and

8 Z. "Unencumbered license" means a license that authorizes a regulated social
9 worker to engage in the full and unrestricted practice of social work.

10 SECTION 3. STATE PARTICIPATION IN THE COMPACT

11 A. To be eligible to participate in the compact, a potential member state must
12 currently meet all the following criteria:

13 1. License and regulate the practice of social work at either the clinical,
14 master's, or bachelor's category;

15 2. Require applicants for licensure to graduate from a program that is:

16 a. Operated by a college or university recognized by the licensing
17 authority;

18 b. Accredited, or in candidacy by an institution that subsequently
19 becomes accredited, by an accrediting agency recognized by either:

20 i. The Council for Higher Education Accreditation, or its
21 successor; or

22 ii. The United States Department of Education; and

23 c. Corresponds to the licensure sought as outlined in Section 4 of this
24 compact;

25 3. Require applicants for clinical licensure to complete a period of supervised
26 practice; and

27 4. Have a mechanism in place for receiving, investigating, and adjudicating

1 complaints about licensees.

2 **B. To maintain membership in the compact, a member state shall:**

3 1. Require that applicants for a multistate license pass a qualifying national
4 exam for the corresponding category of multistate license sought as
5 outlined in Section 4 of this compact;

6 2. Participate fully in the commission's data system, including using the
7 commission's unique identifier as defined in rules;

8 3. Notify the commission, in compliance with the terms of the compact and
9 rules, of any adverse action or the availability of current significant
10 investigative information regarding a licensee;

11 4. Implement procedures for considering the criminal history records of
12 applicants for a multistate license. These procedures shall include the
13 submission of fingerprints or other biometric-based information by
14 applicants for the purpose of obtaining an applicant's criminal history
15 record information from the Federal Bureau of Investigation and the
16 agency responsible for retaining that state's criminal records;

17 5. Comply with the rules of the commission;

18 6. Require an applicant to obtain or retain a license in the home state and
19 meet the home state's qualifications for licensure or renewal of licensure,
20 as well as all other applicable home state laws;

21 7. Authorize a licensee holding a multistate license in any member state to
22 practice in accordance with the terms of the compact and rules of the
23 commission; and

24 8. Designate a delegate to participate in the commission meetings.

25 **C. A member state meeting the requirements of subsections A. and B. of this section**
26 **shall designate the categories of social work licensure that are eligible for**
27 **issuance of a multistate license for applicants in that member state. To the extent**

1 that any member state does not meet the requirements for participation in the
2 compact at any particular category of social work licensure, such member state
3 may choose, but is not obligated to, issue a multistate license to applicants that
4 otherwise meet the requirements of Section 4 of this compact for issuance of a
5 multistate license in such category or categories of licensure.

6 D. The home state may charge a fee for granting the multistate compact license.

7 **SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT**

8 A. To be eligible for a multistate license under the terms and provisions of the
9 compact, an applicant, regardless of category, must:

10 1. Hold or be eligible for an active, unencumbered license in the home state;

11 2. Pay any applicable fees, including any state fee, for the multistate license;

12 3. Submit, in connection with an application for a multistate license,
13 fingerprints or other biometric data for the purpose of obtaining criminal
14 history record information from the Federal Bureau of Investigation and
15 the agency responsible for retaining that state's criminal records;

16 4. Notify the home state of any adverse action, encumbrance, or restriction on
17 any professional license taken by any member state or nonmember state
18 within thirty (30) days from the date the action is taken;

19 5. Meet any continuing competence requirements established by the home
20 state; and

21 6. Abide by the laws, regulations, and applicable standards in the member
22 state where the client is located at the time care is rendered.

23 B. An applicant for a clinical-category multistate license must meet all of the
24 following requirements:

25 1. Fulfill a competency requirement, which shall be satisfied by either:

26 a. Passage of a clinical-category qualifying national exam; or

27 b. Licensure of the applicant in their home state at the clinical category,

- 1 beginning prior to such time as a qualifying national exam was
2 required by the home state and accompanied by a period of continuous
3 social work licensure thereafter, all of which may be further governed
4 by the rules of the commission; or
- 5 c. The substantial equivalency of the foregoing competency requirements
6 which the commission may determine by rule;
- 7 2. Attain at least a master's degree in social work from a program that is:
- 8 a. Operated by a college or university recognized by the licensing
9 authority; and
- 10 b. Accredited, or in candidacy that subsequently becomes accredited, by
11 an accrediting agency recognized by either:
- 12 i. The Council for Higher Education Accreditation or its
13 successor; or
- 14 ii. The United States Department of Education; and
- 15 3. Fulfill a practice requirement, which shall be satisfied by demonstrating
16 completion of either:
- 17 a. A period of postgraduate supervised clinical practice equal to a
18 minimum of three thousand (3,000) hours;
- 19 b. A minimum of two (2) years of full-time postgraduate supervised
20 clinical practice; or
- 21 c. The substantial equivalency of the foregoing practice requirements
22 which the commission may determine by rule.
- 23 C. An applicant for a master's-category multistate license must meet all of the
24 following requirements:
- 25 1. Fulfill a competency requirement, which shall be satisfied by either:
- 26 a. Passage of a master's-category qualifying national exam;
- 27 b. Licensure of the applicant in their home state at the master's category,

- 1 beginning prior to such time as a qualifying national exam was
2 required by the home state at the master's category and accompanied
3 by a continuous period of social work licensure thereafter, all of
4 which may be further governed by the rules of the commission; or
5 c. The substantial equivalency of the foregoing competency requirements
6 which the commission may determine by rule; and
7 2. Attain at least a master's degree in social work from a program that is:
8 a. Operated by a college or university recognized by the licensing
9 authority; and
10 b. Accredited, or in candidacy that subsequently becomes accredited, by
11 an accrediting agency recognized by either:
12 i. The Council for Higher Education Accreditation or its
13 successor; or
14 ii. The United States Department of Education.
15 D. An applicant for a bachelor's-category multistate license must meet all of the
16 following requirements:
17 1. Fulfill a competency requirement, which shall be satisfied by either:
18 a. Passage of a bachelor's-category qualifying national exam;
19 b. Licensure of the applicant in their home state at the bachelor's
20 category, beginning prior to such time as a qualifying national exam
21 was required by the home state and accompanied by a period of
22 continuous social work licensure thereafter, all of which may be
23 further governed by the rules of the commission; or
24 c. The substantial equivalency of the foregoing competency requirements
25 which the commission may determine by rule; and
26 2. Attain at least a bachelor's degree in social work from a program that is:
27 a. Operated by a college or university recognized by the licensing

- 1 authority; and
- 2 b. Accredited, or in candidacy that subsequently becomes accredited, by
- 3 an accrediting agency recognized by either:
- 4 i. The Council for Higher Education Accreditation or its
- 5 successor; or
- 6 ii. The United States Department of Education.

7 E. The multistate license for a regulated social worker is subject to the renewal

8 requirements of the home state. The regulated social worker must maintain

9 compliance with the requirements of subsection A. of this section to be eligible to

10 renew a multistate license.

11 F. The regulated social worker's services in a remote state are subject to that

12 member state's regulatory authority. A remote state may, in accordance with due

13 process and that member state's laws, remove a regulated social worker's

14 multistate authorization to practice in the remote state for a specific period of

15 time, impose fines, or take any other necessary actions to protect the health and

16 safety of its citizens.

17 G. If a multistate license is encumbered, the regulated social worker's multistate

18 authorization to practice shall be deactivated in all remote states until the

19 multistate license is no longer encumbered.

20 H. If a multistate authorization to practice is encumbered in a remote state, the

21 regulated social worker's multistate authorization to practice may be deactivated

22 in that state until the multistate authorization to practice is no longer

23 encumbered.

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

25 A. Upon receipt of an application for multistate license, the home state licensing

26 authority shall determine the applicant's eligibility for a multistate license in

27 accordance with Section 4 of this compact.

1 *B. If such applicant is eligible pursuant to Section 4 of this compact, the home state*
2 *licensing authority shall issue a multistate license that authorizes the applicant or*
3 *regulated social worker to practice in all member states under a multistate*
4 *authorization to practice.*

5 *C. Upon issuance of a multistate license, the home state licensing authority shall*
6 *designate whether the regulated social worker holds a multistate license in the*
7 *bachelor's, master's, or clinical category of social work.*

8 *D. A multistate license issued by a home state to a resident in that state shall be*
9 *recognized by all compact member states as authorizing social work practice*
10 *under a multistate authorization to practice corresponding to each category of*
11 *licensure regulated in each member state.*

12 **SECTION 6. AUTHORITY OF INTERSTATE COMPACT COMMISSION AND**
13 **MEMBER STATE LICENSING AUTHORITIES**

14 *A. Nothing in this compact, nor any rule of the commission, shall be construed to*
15 *limit, restrict, or in any way reduce the ability of a member state to enact and*
16 *enforce laws, regulations, or other rules related to the practice of social work in*
17 *that state, where those laws, regulations, or other rules are not inconsistent with*
18 *the provisions of this compact.*

19 *B. Nothing in this compact shall affect the requirements established by a member*
20 *state for the issuance of a single state license.*

21 *C. Nothing in this compact, nor any rule of the commission, shall be construed to*
22 *limit, restrict, or in any way reduce the ability of a member state to take adverse*
23 *action against a licensee's single state license to practice social work in that state.*

24 *D. Nothing in this compact, nor any rule of the commission, shall be construed to*
25 *limit, restrict, or in any way reduce the ability of a remote state to take adverse*
26 *action against a licensee's multistate authorization to practice in that state.*

27 *E. Nothing in this compact, nor any rule of the commission, shall be construed to*

1 limit, restrict, or in any way reduce the ability of a licensee's home state to take
2 adverse action against a licensee's multistate license based upon information
3 provided by a remote state.

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

6 **A. A licensee may hold a multistate license, issued by their home state, in only one**
7 **(1) member state at any given time.**

8 **B. If a licensee changes their home state by moving between two (2) member states:**

9 **1. The licensee shall immediately apply for the reissuance of their multistate**
10 **license in their new home state. The licensee shall pay all applicable fees**
11 **and notify the prior home state in accordance with the rules of the**
12 **commission;**

13 **2. Upon receipt of an application to reissue a multistate license, the new home**
14 **state shall verify that the multistate license is active, unencumbered, and**
15 **eligible for reissuance under the terms of the compact and the rules of the**
16 **commission. The multistate license issued by the prior home state will be**
17 **deactivated and all member states notified in accordance with the applicable**
18 **rules adopted by the commission;**

19 **3. Prior to the reissuance of the multistate license, the new home state shall**
20 **conduct procedures for considering the criminal history records of the**
21 **licensee. These procedures shall include the submission of fingerprints or**
22 **other biometric-based information by applicants for the purpose of**
23 **obtaining an applicant's criminal history record information from the**
24 **Federal Bureau of Investigation and the agency responsible for retaining**
25 **that state's criminal records;**

26 **4. If required for initial licensure, the new home state may require completion**
27 **of jurisprudence requirements in the new home state; and**

1 5. Notwithstanding any other provision of this compact, if a licensee does not
2 meet the requirements set forth in this compact for the reissuance of a
3 multistate license by the new home state, then the licensee shall be subject
4 to the new home state requirements for the issuance of a single state license
5 in that state.

6 C. If a licensee changes their primary state of residence by moving from a member
7 state to a nonmember state, or from a nonmember state to a member state, then
8 the licensee shall be subject to the state requirements for the issuance of a single
9 state license in the new home state.

10 D. Nothing in this compact shall interfere with a licensee's ability to hold a single
11 state license in multiple states; however, for the purposes of this compact, a
12 licensee shall have only one (1) home state, and only one (1) multistate license.

13 E. Nothing in this compact shall interfere with the requirements established by a
14 member state for the issuance of a single state license.

15 SECTION 8. MILITARY FAMILIES

16 An active military member, or their spouse, shall designate a home state where the
17 individual has a multistate license. The individual may retain their home state
18 designation during the period the service member is on active duty.

19 SECTION 9. ADVERSE ACTIONS

20 A. In addition to the other powers conferred by state law, a remote state shall have
21 the authority, in accordance with existing state due process law, to:

22 1. Take adverse action against a regulated social worker's multistate
23 authorization to practice only within that member state, and issue
24 subpoenas for both hearings and investigations that require the attendance
25 and testimony of witnesses as well as the production of evidence. Subpoenas
26 issued by a licensing authority in a member state for the attendance and
27 testimony of witnesses or the production of evidence from another member

1 state shall be enforced in the latter state by any court of competent
2 jurisdiction, according to the practice and procedure of that court
3 applicable to subpoenas issued in proceedings pending before it. The
4 issuing licensing authority shall pay any witness fees, travel expenses,
5 mileage, and other fees required by the service statutes of the state in which
6 the witnesses or evidence are located.

7 2. Only the home state shall have the power to take adverse action against a
8 regulated social worker's multistate license.

9 B. For purposes of taking adverse action, the home state shall give the same priority
10 and effect to reported conduct received from a member state as it would if the
11 conduct had occurred within the home state. In so doing, the home state shall
12 apply its own state laws to determine appropriate action.

13 C. The home state shall complete any pending investigations of a regulated social
14 worker who changes their home state during the course of the investigations. The
15 home state shall also have the authority to take appropriate action and shall
16 promptly report the conclusions of the investigations to the administrator of the
17 data system. The administrator of the data system shall promptly notify the new
18 home state of any adverse actions.

19 D. A member state, if otherwise permitted by state law, may recover from the affected
20 regulated social worker the costs of investigations and dispositions of cases
21 resulting from any adverse action taken against that regulated social worker.

22 E. A member state may take adverse action based on the factual findings of another
23 member state, provided that the member state follows its own procedures for
24 taking the adverse action.

25 F. Joint investigations.

26 1. In addition to the authority granted to a member state by its respective social
27 work practice act or other applicable state law, any member state may

1 participate with other member states in joint investigations of licensees.

2 2. Member states shall share any investigative, litigation, or compliance
3 materials in furtherance of any joint or individual investigation initiated
4 under the compact.

5 G. If adverse action is taken by the home state against the multistate license of a
6 regulated social worker, the regulated social worker's multistate authorization to
7 practice in all other member states shall be deactivated until all encumbrances
8 have been removed from the multistate license. All home state disciplinary orders
9 that impose adverse action against the license of a regulated social worker shall
10 include a statement that the regulated social worker's multistate authorization to
11 practice is deactivated in all member states until all conditions of the decision,
12 order, or agreement are satisfied.

13 H. If a member state takes adverse action, it shall promptly notify the administrator
14 of the data system. The administrator of the data system shall promptly notify the
15 home state and all other member states of any adverse actions by remote states.

16 I. Nothing in this compact shall override a member state's decision that
17 participation in an alternative program may be used in lieu of adverse action.

18 J. Nothing in this compact shall authorize a member state to demand the issuance
19 of subpoenas for attendance and testimony of witnesses or the production of
20 evidence from another member state for lawful actions within that member state.

21 K. Nothing in this compact shall authorize a member state to impose discipline
22 against a regulated social worker who holds a multistate authorization to practice
23 for lawful actions within another member state.

24 SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT
25 COMMISSION

26 A. The compact member states hereby create and establish a joint government
27 agency whose membership consists of all member states that have enacted the

1 compact known as the social work licensure compact commission. The
2 commission is an instrumentality of the compact states acting jointly and not an
3 instrumentality of any one (1) state. The commission shall come into existence on
4 or after the effective date of the compact as set forth in Section 14 of this
5 compact.

6 **B. Membership, voting, and meetings.**

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

9 2. The delegate shall be either:

10 a. A current member of the licensing authority at the time of
11 appointment, who is a regulated social worker or public member of the
12 licensing authority; or

13 b. An administrator of the licensing authority or their designee.

14 3. The commission shall by rule or bylaw establish a term of office for
15 delegates and may by rule or bylaw establish term limits.

16 4. The commission may recommend removal or suspension of any delegate
17 from office.

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

20 6. Each delegate shall be entitled to one (1) vote on all matters before the
21 commission requiring a vote by commission delegates.

22 7. A delegate shall vote in person or by such other means as provided in the
23 bylaws. The bylaws may provide for delegates to meet by
24 telecommunication, videoconference, or other means of communication.

25 8. The commission shall meet at least once during each calendar year.
26 Additional meetings may be held as set forth in the bylaws. The commission
27 may meet by telecommunication, video conference, or other similar

1 electronic means.

2 C. The commission shall have the following powers:

3 1. Establish the fiscal year of the commission;

4 2. Establish code of conduct and conflict of interest policies;

5 3. Establish and amend rules and bylaws;

6 4. Maintain its financial records in accordance with the bylaws;

7 5. Meet and take such actions as are consistent with the provisions of this
8 compact, the commission's rules, and the bylaws;

9 6. Initiate and conclude legal proceedings or actions in the name of the
10 commission, provided that the standing of any state licensing authority to
11 sue or be sued under applicable law shall not be affected;

12 7. Maintain and certify records and information provided to a member state as
13 the authenticated business records of the commission and designate an
14 agent to do so on the commission's behalf;

15 8. Purchase and maintain insurance and bonds;

16 9. Borrow, accept, or contract for services of personnel including but not
17 limited to employees of a member state;

18 10. Conduct an annual financial review;

19 11. Hire employees, elect or appoint officers, fix compensation, define duties,
20 grant such individuals appropriate authority to carry out the purposes of the
21 compact, and establish the commission's personnel policies and programs
22 relating to conflicts of interest, qualifications of personnel, and other
23 related personnel matters;

24 12. Assess and collect fees;

25 13. Accept any and all appropriate gifts, donations, grants of money, other
26 sources of revenue, equipment, supplies, materials, and services, and
27 receive, utilize, and dispose of the same; provided that at all times the

1 commission shall avoid any appearance of impropriety or conflict of
2 interest;

3 14. Lease, purchase, retain, or otherwise to own, hold, improve, or use, any
4 property, real, personal, or mixed, or any undivided interest therein;

5 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
6 dispose of any property real, personal, or mixed;

7 16. Establish a budget and make expenditures;

8 17. Borrow money;

9 18. Appoint committees, including standing committees composed of members,
10 state regulators, state legislators or their representatives, and consumer
11 representatives, and such other interested persons as may be designated in
12 this compact and the bylaws;

13 19. Provide and receive information from, and cooperate with, law enforcement
14 agencies;

15 20. Establish and elect an executive committee, including a chair and a vice
16 chair;

17 21. Determine whether a state's adopted language is materially different from
18 the model compact language such that the state would not qualify for
19 participation in the compact; and

20 22. Perform such other functions as may be necessary or appropriate to achieve
21 the purposes of this compact.

22 D. The executive committee.

23 1. The executive committee shall have the power to act on behalf of the
24 commission according to the terms of this compact. The powers, duties, and
25 responsibilities of the executive committee shall include to:

26 a. Oversee the day-to-day activities of the administration of the compact,
27 including enforcement and compliance with the provisions of the

- 1 *compact, its rules and bylaws, and other duties as deemed necessary;*
- 2 *b. Recommend to the commission changes to the rules or bylaws,*
- 3 *changes to this compact legislation, fees charged to compact member*
- 4 *states, fees charged to licensees, and other fees;*
- 5 *c. Ensure compact administration services are appropriately provided,*
- 6 *including by contract;*
- 7 *d. Prepare and recommend the budget;*
- 8 *e. Maintain financial records on behalf of the commission;*
- 9 *f. Monitor compact compliance of member states and provide*
- 10 *compliance reports to the commission;*
- 11 *g. Establish additional committees as necessary;*
- 12 *h. Exercise the powers and duties of the commission during the interim*
- 13 *between commission meetings, except for adopting or amending rules,*
- 14 *adopting or amending bylaws, and exercising any other powers and*
- 15 *duties expressly reserved to the commission by rule or bylaw; and*
- 16 *i. Other duties as provided in the rules or bylaws of the commission.*
- 17 *2. The executive committee shall be composed of up to eleven (11) members:*
- 18 *a. The chair and vice chair of the commission shall be voting members*
- 19 *of the executive committee;*
- 20 *b. Five (5) voting members who are elected by the commission from the*
- 21 *current membership of the commission;*
- 22 *c. Up to four (4) ex officio, nonvoting members from four (4) recognized*
- 23 *national social worker organizations; and*
- 24 *d. The ex officio members will be selected by their respective*
- 25 *organizations.*
- 26 *3. The commission may remove any member of the executive committee as*
- 27 *provided in the commission's bylaws.*

- 1 4. The executive committee shall meet at least annually.
- 2 a. Executive committee meetings shall be open to the public, except that
- 3 the executive committee may meet in a closed, nonpublic meeting as
- 4 provided in subsection F.2. of this section.
- 5 b. The executive committee shall give seven (7) days' notice of its
- 6 meetings, posted on its website and as determined to provide notice to
- 7 persons with an interest in the business of the commission.
- 8 c. The executive committee may hold a special meeting in accordance
- 9 with subsection F.1.b. of this section.
- 10 E. The commission shall adopt and provide to the member states an annual report.
- 11 F. Meetings of the commission.
- 12 1. All meetings shall be open to the public, except that the commission may
- 13 meet in a closed, nonpublic meeting as provided in paragraph 2. of this
- 14 subsection.
- 15 a. Public notice for all meetings of the full commission of meetings shall
- 16 be given in the same manner as required under the rulemaking
- 17 provisions in Section 12 of this compact, except that the commission
- 18 may hold a special meeting as provided in paragraph 1.b. of this
- 19 subsection.
- 20 b. The commission may hold a special meeting when it must meet to
- 21 conduct emergency business by giving forty-eight (48) hours' notice to
- 22 all commissioners, on the commission's website, and other means as
- 23 provided in the commission's rules. The commission's legal counsel
- 24 shall certify that the commission's need to meet qualifies as an
- 25 emergency.
- 26 2. The commission, the executive committee, or other committees of the
- 27 commission may convene in a closed, nonpublic meeting for the

- 1 commission, executive committee, or other committees of the commission to
2 receive legal advice or to discuss:
- 3 a. Noncompliance of a member state with its obligations under the
4 compact;
- 5 b. The employment, compensation, discipline, or other matters, practices
6 or procedures related to specific employees;
- 7 c. Current or threatened discipline of a licensee by the commission or by
8 a member state's licensing authority;
- 9 d. Current, threatened, or reasonably anticipated litigation;
- 10 e. Negotiation of contracts for the purchase, lease, or sale of goods,
11 services, or real estate;
- 12 f. Accusing any person of a crime or formally censuring any person;
- 13 g. Trade secrets or commercial or financial information that is privileged
14 or confidential;
- 15 h. Information of a personal nature where disclosure would constitute a
16 clearly unwarranted invasion of personal privacy;
- 17 i. Investigative records compiled for law enforcement purposes;
- 18 j. Information related to any investigative reports prepared by or on
19 behalf of or for use of the commission or other committee charged
20 with responsibility of investigation or determination of compliance
21 issues pursuant to the compact;
- 22 k. Matters specifically exempted from disclosure by federal or member
23 state law; or
- 24 l. Other matters as promulgated by the commission by rule.
- 25 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall
26 state that the meeting will be closed and reference each relevant exempting
27 provision, and such reference shall be recorded in the minutes.

1 4. The commission shall keep minutes that fully and clearly describe all
2 matters discussed in a meeting and shall provide a full and accurate
3 summary of actions taken, and the reasons therefor, including a description
4 of the views expressed. All documents considered in connection with an
5 action shall be identified in such minutes. All minutes and documents of a
6 closed meeting shall remain under seal, subject to release only by a majority
7 vote of the commission or order of a court of competent jurisdiction.

8 G. Financing of the commission.

9 1. The commission shall pay, or provide for the payment of, the reasonable
10 expenses of its establishment, organization, and ongoing activities.

11 2. The commission may accept any and all appropriate revenue sources, as
12 provided in subsection C.13. of this section.

13 3. The commission may levy on and collect an annual assessment from each
14 member state and impose fees on licensees of member states to whom it
15 grants a multistate license to cover the cost of the operations and activities
16 of the commission and its staff, which must be in a total amount sufficient
17 to cover its annual budget as approved each year for which revenue is not
18 provided by other sources. The aggregate annual assessment amount for
19 member states shall be allocated based upon a formula that the commission
20 shall promulgate by rule.

21 4. The commission shall not incur obligations of any kind prior to securing
22 the funds adequate to meet the same; nor shall the commission pledge the
23 credit of any of the member states, except by and with the authority of the
24 member state.

25 5. The commission shall keep accurate accounts of all receipts and
26 disbursements. The receipts and disbursements of the commission shall be
27 subject to the financial review and accounting procedures established under

1 its bylaws. However, all receipts and disbursements of funds handled by the
2 commission shall be subject to an annual financial review by a certified or
3 licensed public accountant, and the report of the financial review shall be
4 included in and become part of the annual report of the commission.

5 H. Qualified immunity, defense, and indemnification.

6 1. The members, officers, executive director, employees, and representatives of
7 the commission shall be immune from suit and liability, both personally and
8 in their official capacity, for any claim for damage to or loss of property or
9 personal injury or other civil liability caused by or arising out of any actual
10 or alleged act, error, or omission that occurred, or that the person against
11 whom the claim is made had a reasonable basis for believing occurred
12 within the scope of commission employment, duties, or responsibilities;
13 provided that nothing in this paragraph shall be construed to protect any
14 such person from suit or liability for any damage, loss, injury, or liability
15 caused by the intentional or willful or wanton misconduct of that person.
16 The procurement of insurance of any type by the commission shall not in
17 any way compromise or limit the immunity granted hereunder.

18 2. The commission shall defend any member, officer, executive director,
19 employee, and representative of the commission in any civil action seeking
20 to impose liability arising out of any actual or alleged act, error, or omission
21 that occurred within the scope of commission employment, duties, or
22 responsibilities, or as determined by the commission that the person against
23 whom the claim is made had a reasonable basis for believing occurred
24 within the scope of commission employment, duties, or responsibilities;
25 provided that nothing herein shall be construed to prohibit that person from
26 retaining their own counsel at their own expense; and provided further, that
27 the actual or alleged act, error, or omission did not result from that person's

1 intentional or willful or wanton misconduct.

2 3. The commission shall indemnify and hold harmless any member, officer,
3 executive director, employee, and representative of the commission for the
4 amount of any settlement or judgment obtained against that person arising
5 out of any actual or alleged act, error, or omission that occurred within the
6 scope of commission employment, duties, or responsibilities, or that such
7 person had a reasonable basis for believing occurred within the scope of
8 commission employment, duties, or responsibilities, provided that the actual
9 or alleged act, error, or omission did not result from the intentional or
10 willful or wanton misconduct of that person.

11 4. Nothing in this compact shall be construed as a limitation on the liability of
12 any licensee for professional malpractice or misconduct, which shall be
13 governed solely by any other applicable state laws.

14 5. Nothing in this compact shall be interpreted to waive or otherwise abrogate
15 a member state's state action immunity or state action affirmative defense
16 with respect to antitrust claims under the Sherman Antitrust Act, 15 U.S.C.
17 sec. 1 et seq.; Clayton Act, 15 U.S.C. sec. 12 et seq.; or any other state or
18 federal antitrust or anticompetitive law or regulation.

19 6. Nothing in this compact shall be construed to be a waiver of sovereign
20 immunity by the member states or by the commission.

21 **SECTION 11. DATA SYSTEM**

22 A. The commission shall provide for the development, maintenance, operation, and
23 utilization of a coordinated data system.

24 B. The commission shall assign each applicant for a multistate license a unique
25 identifier, as determined by the rules of the commission.

26 C. Notwithstanding any other provision of state law to the contrary, a member state
27 shall submit a uniform data set to the data system on all individuals to whom this

- 1 compact is applicable as required by the rules of the commission, including:
- 2 1. Identifying information;
- 3 2. Licensure data;
- 4 3. Adverse actions against a license and information related thereto;
- 5 4. Nonconfidential information related to alternative program participation,
- 6 the beginning and ending of such participation, and other information
- 7 related to such participation not made confidential under member state law;
- 8 5. Any denial of application for licensure, and the reasons for such denial;
- 9 6. The presence of current significant investigative information; and
- 10 7. Other information that may facilitate the administration of this compact or
- 11 the protection of the public, as determined by the rules of the commission.
- 12 D. The records and information provided to a member state pursuant to this compact
- 13 or through the data system, when certified by the commission or an agent thereof,
- 14 shall constitute the authenticated business records of the commission, and shall
- 15 be entitled to any associated hearsay exception in any relevant judicial, quasi-
- 16 judicial, or administrative proceedings in a member state.
- 17 E. Current significant investigative information pertaining to a licensee in any
- 18 member state will only be available to other member states. It is the responsibility
- 19 of the member states to report any adverse action against a licensee and to
- 20 monitor the database to determine whether adverse action has been taken against
- 21 a licensee. Adverse action information pertaining to a licensee in any member
- 22 state will be available to any other member state.
- 23 F. Member states contributing information to the data system may designate
- 24 information that may not be shared with the public without the express
- 25 permission of the contributing state.
- 26 G. Any information submitted to the data system that is subsequently expunged
- 27 pursuant to federal law or the laws of the member state contributing the

1 information shall be removed from the data system.

2 **SECTION 12. RULEMAKING**

- 3 **A. The commission shall promulgate reasonable rules in order to effectively and**
4 **efficiently implement and administer the purposes and provisions of the compact.**
5 **A rule shall be invalid and have no force or effect only if a court of competent**
6 **jurisdiction holds that the rule is invalid because the commission exercised its**
7 **rulemaking authority in a manner that is beyond the scope and purposes of the**
8 **compact, or the powers granted hereunder, or based upon another applicable**
9 **standard of review.**
- 10 **B. The rules of the commission shall have the force of law in each member state,**
11 **provided however that where the rules of the commission conflict with the laws of**
12 **the member state that establish the member state's laws, regulations, and**
13 **applicable standards that govern the practice of social work as held by a court of**
14 **competent jurisdiction, the rules of the commission shall be ineffective in that**
15 **state to the extent of the conflict.**
- 16 **C. The commission shall exercise its rulemaking powers pursuant to the criteria set**
17 **forth in this section and the rules adopted thereunder. Rules shall become**
18 **binding on the day following adoption or the date specified in the rule or**
19 **amendment, whichever is later.**
- 20 **D. If a majority of the legislatures of the member states rejects a rule or portion of a**
21 **rule, by enactment of a statute or resolution in the same manner used to adopt the**
22 **compact within four (4) years of the date of adoption of the rule, then the rule**
23 **shall have no further force and effect in any member state.**
- 24 **E. Rules shall be adopted at a regular or special meeting of the commission.**
- 25 **F. Prior to adoption of a proposed rule, the commission shall hold a public hearing**
26 **and allow persons to provide oral and written comments, data, facts, opinions,**
27 **and arguments.**

- 1 **G. Prior to adoption of a proposed rule by the commission, and at least thirty (30)**
2 **days in advance of the meeting at which the commission will hold a public**
3 **hearing on the proposed rule, the commission shall provide a notice of proposed**
4 **rulemaking:**
- 5 **1. On the website of the commission or other publicly accessible platform;**
6 **2. To persons who have requested notice of the commission's notices of**
7 **proposed rulemaking; and**
8 **3. In such other way as the commission may by rule specify.**
- 9 **H. The notice of proposed rulemaking shall include:**
- 10 **1. The time, date, and location of the public hearing at which the commission**
11 **will hear public comments on the proposed rule and, if different, the time,**
12 **date, and location of the meeting where the commission will consider and**
13 **vote on the proposed rule;**
- 14 **2. If the hearing is held via telecommunication, video conference, or other**
15 **electronic means, the commission shall include the mechanism for access to**
16 **the hearing in the notice of proposed rulemaking;**
- 17 **3. The text of the proposed rule and the reason therefor;**
18 **4. A request for comments on the proposed rule from any interested person;**
19 **and**
- 20 **5. The manner in which interested persons may submit written comments.**
- 21 **I. All hearings will be recorded. A copy of the recording and all written comments**
22 **and documents received by the commission in response to the proposed rule shall**
23 **be available to the public.**
- 24 **J. Nothing in this section shall be construed as requiring a separate hearing on**
25 **each rule. Rules may be grouped for the convenience of the commission at**
26 **hearings required by this section.**
- 27 **K. The commission shall, by majority vote of all members, take final action on the**

1 proposed rule based on the rulemaking record and the full text of the rule.

2 1. The commission may adopt changes to the proposed rule provided the
3 changes do not enlarge the original purpose of the proposed rule.

4 2. The commission shall provide an explanation of the reasons for substantive
5 changes made to the proposed rule as well as reasons for substantive
6 changes not made that were recommended by commenters.

7 3. The commission shall determine a reasonable effective date for the rule.
8 Except for an emergency as provided in subsection L. of this section, the
9 effective date of the rule shall be no sooner than thirty (30) days after
10 issuing the notice that it adopted or amended the rule.

11 L. Upon determination that an emergency exists, the commission may consider and
12 adopt an emergency rule with forty-eight (48) hours' notice, with opportunity to
13 comment, provided that the usual rulemaking procedures provided in the compact
14 and in this section shall be retroactively applied to the rule as soon as reasonably
15 possible, in no event later than ninety (90) days after the effective date of the rule.
16 For the purposes of this provision, an emergency rule is one that must be adopted
17 immediately in order to:

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

19 2. Prevent a loss of commission or member state funds;

20 3. Meet a deadline for the promulgation of a rule that is established by federal
21 law or rule; or

22 4. Protect public health and safety.

23 M. The commission or an authorized committee of the commission may direct
24 revisions to a previously adopted rule for purposes of correcting typographical
25 errors, errors in format, errors in consistency, or grammatical errors. Public
26 notice of any revisions shall be posted on the website of the commission. The
27 revision shall be subject to challenge by any person for a period of thirty (30)

1 days after posting. The revision may be challenged only on grounds that the
2 revision results in a material change to a rule. A challenge shall be made in
3 writing and delivered to the commission prior to the end of the notice period. If
4 no challenge is made, the revision will take effect without further action. If the
5 revision is challenged, the revision may not take effect without the approval of the
6 commission.

7 N. No member state's rulemaking requirements shall apply under this compact.

8 **SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

9 **A. Oversight.**

10 1. The executive and judicial branches of state government in each member
11 state shall enforce this compact and take all actions necessary and
12 appropriate to implement the compact.

13 2. Except as otherwise provided in this compact, venue is proper and judicial
14 proceedings by or against the commission shall be brought solely and
15 exclusively in a court of competent jurisdiction where the principal office of
16 the commission is located. The commission may waive venue and
17 jurisdictional defenses to the extent it adopts or consents to participate in
18 alternative dispute resolution proceedings. Nothing herein shall affect or
19 limit the selection or propriety of venue in any action against a licensee for
20 professional malpractice, misconduct, or any such similar matter.

21 3. The commission shall be entitled to receive service of process in any
22 proceeding regarding the enforcement or interpretation of the compact and
23 shall have standing to intervene in such a proceeding for all purposes.
24 Failure to provide the commission service of process shall render a
25 judgment or order void as to the commission, this compact, or promulgated
26 rules.

27 **B. Default, technical assistance, and termination.**

- 1 1. If the commission determines that a member state has defaulted in the
2 performance of its obligations or responsibilities under this compact or the
3 promulgated rules, the commission shall provide written notice to the
4 defaulting state. The notice of default shall describe the default, the
5 proposed means of curing the default, and any other action that the
6 commission may take, and shall offer training and specific technical
7 assistance regarding the default.
- 8 2. The commission shall provide a copy of the notice of default to the other
9 member states.
- 10 C. If a state in default fails to cure the default, the defaulting state may be
11 terminated from the compact upon an affirmative vote of a majority of the
12 delegates of the member states, and all rights, privileges, and benefits conferred
13 on that state by this compact may be terminated on the effective date of
14 termination. A cure of the default does not relieve the offending state of
15 obligations or liabilities incurred during the period of default.
- 16 D. Termination of membership in the compact shall be imposed only after all other
17 means of securing compliance have been exhausted. Notice of intent to suspend
18 or terminate shall be given by the commission to the Governor, the majority and
19 minority leaders of the defaulting state's legislature, the defaulting state's state
20 licensing authority, and each of the member states' state licensing authority.
- 21 E. A state that has been terminated is responsible for all assessments, obligations,
22 and liabilities incurred through the effective date of termination, including
23 obligations that extend beyond the effective date of termination.
- 24 F. Upon the termination of a state's membership from this compact, that state shall
25 immediately provide notice to all licensees within that state of such termination.
26 The terminated state shall continue to recognize all licenses granted pursuant to
27 this compact for a minimum of six (6) months after the date of said notice of

1 termination.

2 G. The commission shall not bear any costs related to a state that is found to be in
3 default or that has been terminated from the compact, unless agreed upon in
4 writing between the commission and the defaulting state.

5 H. The defaulting state may appeal the action of the commission by petitioning the
6 United States District Court for the District of Columbia or the federal district
7 where the commission has its principal offices. The prevailing party shall be
8 awarded all costs of such litigation, including reasonable attorney's fees.

9 I. Dispute resolution.

10 1. Upon request by a member state, the commission shall attempt to resolve
11 disputes related to the compact that arise among member states and between
12 member and nonmember states.

13 2. The commission shall promulgate a rule providing for both mediation and
14 binding dispute resolution for disputes as appropriate.

15 J. Enforcement.

16 1. By majority vote as provided by rule, the commission may initiate legal
17 action against a member state in default in the United States District Court
18 for the District of Columbia or the federal district where the commission
19 has its principal offices to enforce compliance with the provisions of the
20 compact and its promulgated rules. The relief sought may include both
21 injunctive relief and damages. In the event judicial enforcement is
22 necessary, the prevailing party shall be awarded all costs of such litigation,
23 including reasonable attorney's fees. The remedies herein shall not be the
24 exclusive remedies of the commission. The commission may pursue any
25 other remedies available under federal or the defaulting member state's law.

26 2. A member state may initiate legal action against the commission in the
27 United States District Court for the District of Columbia or the federal

1 district where the commission has its principal offices to enforce
2 compliance with the provisions of the compact and its promulgated rules.
3 The relief sought may include both injunctive relief and damages. In the
4 event judicial enforcement is necessary, the prevailing party shall be
5 awarded all costs of such litigation, including reasonable attorney's fees.

6 3. No person other than a member state shall enforce this compact against the
7 commission.

8 SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

9 A. The compact shall come into effect on the date on which the compact statute is
10 enacted into law in the seventh member state.

11 1. On or after the effective date of the compact, the commission shall convene
12 and review the enactment of each of the first seven (7) member states
13 ("charter member states") to determine if the statute enacted by each such
14 charter member state is materially different than the model compact statute.

15 a. A charter member state whose enactment is found to be materially
16 different from the model compact statute shall be entitled to the
17 default process set forth in Section 13 of this compact.

18 b. If any member state is later found to be in default, or is terminated or
19 withdraws from the compact, the commission shall remain in
20 existence and the compact shall remain in effect even if the number of
21 member states should be less than seven (7).

22 2. Member states enacting the compact subsequent to the seven (7) initial
23 charter member states shall be subject to the process set forth in Section
24 10.C.21. of this compact to determine if their enactments are materially
25 different from the model compact statute and whether they qualify for
26 participation in the compact.

27 3. All actions taken for the benefit of the commission or in furtherance of the

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

5 4. Any state that joins the compact subsequent to the commission's initial
6 adoption of the rules and bylaws shall be subject to the rules and bylaws as
7 they exist on the date on which the compact becomes law in that state. Any
8 rule that has been previously adopted by the commission shall have the full
9 force and effect of law on the day the compact becomes law in that state.

10 B. 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 3. Upon the enactment of a statute withdrawing from this compact, a state
19 shall immediately provide notice of such withdrawal to all licensees within
20 that state. Notwithstanding any subsequent statutory enactment to the
21 contrary, the withdrawing state shall continue to recognize all licenses
22 granted pursuant to this compact for a minimum of one hundred eighty
23 (180) days after the date of such notice of withdrawal.

24 C. Nothing contained in this compact shall be construed to invalidate or prevent any
25 social work licensure agreement or other cooperative arrangement between a
26 member state and a nonmember state that does not conflict with the provisions of
27 this compact.

1 D. 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 15. 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 or
8 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 13.B. of this compact, terminate a member state's participation in the compact, if
21 it determines that a constitutional requirement of a member state is a material
22 departure from the compact. Otherwise, if this compact shall be held to be
23 contrary to the constitution of any member state, the compact shall remain in full
24 force and effect as to the remaining member states and in full force and effect as
25 to the member state affected as to all severable matters.

26 SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE
27 LAWS

1 A. A licensee providing services in a remote state under a multistate authorization to
2 practice shall adhere to the laws, regulations, and applicable standards of the
3 remote state where the client is located at the time care is rendered.

4 B. Nothing herein shall prevent or inhibit the enforcement of any other law of a
5 member state that is not inconsistent with the compact.

6 C. Any laws, statutes, regulations, or other legal requirements in a member state in
7 conflict with the compact are superseded to the extent of the conflict.

8 D. All permissible agreements between the commission and the member states are
9 binding in accordance with their terms.

10 **SECTION 17. APPLICABILITY OF KENTUCKY STATE GOVERNMENT**

11 In order to clarify the effect of certain provisions of this compact and to ensure that the
12 rights and responsibilities of the various branches of government are maintained, the
13 following shall be in effect in this state:

14 A. By entering into this compact, this state authorizes the licensing authority as
15 defined in Section 2.O. of this compact and as created by KRS 335.050 to
16 implement the provisions of this compact.

17 B. Notwithstanding any provision of this compact to the contrary:

18 1. When a rule is adopted pursuant to Section 12 of this compact, the licensing
19 authority of this state as defined by Section 2.O. of this compact shall have
20 sixty (60) days to review the rule for the purpose of filing the rule as an
21 emergency administrative regulation pursuant to KRS 13A.190 and for
22 filing the rule as an accompanying ordinary administrative regulation,
23 following the requirements of KRS Chapter 13A. Failure by the licensing
24 authority of this state as defined by Section 2.O. of this compact to
25 promulgate a rule adopted by the Social Work Licensure Compact
26 Commission as an administrative regulation pursuant to KRS Chapter 13A
27 shall result in withdrawal as set forth in Section 14 of this compact. Nothing

1 in these provisions shall negate the applicability of a commission rule or
 2 Section 12 of this compact to this state.

3 2. If the proposed administrative regulation is found deficient and the
 4 deficiency is not resolved pursuant to KRS 13A.330 or 13A.335, Section 14
 5 of this compact shall apply. If the deficiency is resolved in a manner
 6 determined by the commission to be inconsistent with this compact or its
 7 rules, or if the procedures under Section 13 of this compact fail to resolve
 8 an issue, the withdrawal provisions of Section 14 of this compact shall
 9 apply.

10 3. If a court of competent jurisdiction determines that the Social Work
 11 Licensure Compact Commission created by Section 10 of this compact
 12 exercises its rulemaking authority in a manner that is beyond the scope of
 13 the purposes of this compact, or the powers granted under this compact,
 14 then such an action by the commission shall be invalid and have no force or
 15 effect.

16 C. Section 10.G. of this compact pertaining to the financing of the commission shall
 17 not be interpreted to obligate the general fund of this state. Any funds used to
 18 finance this compact shall be from money collected pursuant to KRS 335.140.

19 D. This compact shall apply only to those regulated social workers who practice or
 20 work under a compact privilege.

21 ➔Section 2. KRS 319.053 is amended to read as follows:

22 (1) A person holding a credential as a certified psychologist or as a licensed
 23 psychological associate may apply for a license to perform certain functions within
 24 the practice of psychology without supervision and to use the title of "licensed
 25 psychological practitioner" when all of the following conditions are met:

26 (a) Submission of three (3) letters of endorsement to the board to sit for the
 27 examination;

- 1 1. One (1) of the letters shall be from the applicant's current board-
2 approved supervisor of record and shall include a statement describing
3 the scope of practice demonstrated in the clinical experience of the
4 applicant; and
- 5 2. Two (2) letters shall be from licensed mental health professionals who
6 are acceptable to the board and who are familiar with the clinical work
7 of the applicant;
- 8 (b) Payment of a fee not to exceed two hundred dollars (\$200);
- 9 (c) Documentation of at least sixty (60) semester hours of graduate study in
10 psychology or a related field or its equivalent acceptable to the board; and
- 11 (d) Completion, after credentialing by the board as a certified psychologist,
12 psychological associate, or licensed psychological associate, of the equivalent
13 of two (2)~~five (5)~~ full-time years of professional experience under the
14 supervision of a board-approved licensed psychologist.
- 15 (2) An applicant for licensure under this section shall not have been subject to
16 disciplinary action by the board. An applicant who has been the subject of
17 disciplinary action may appeal to the board for an exception.
- 18 (3) An applicant for licensure under this section shall be required by the board to pass
19 the national objective examination known as the EPPP, with a score equal to or
20 exceeding the score required for passage for a licensed psychologist candidate at the
21 doctoral level at the time the examination is taken. The board shall accept the
22 applicant's previous examination results for the objective EPPP examination if the
23 original test score satisfied the licensure requirement at the doctoral level in effect
24 at the time of that test administration. If the applicant's previous score does not meet
25 this criterion, the applicant may retake the examination until the score obtained
26 equals or exceeds the score required for independent practice at the doctoral level at
27 the time the examination is taken.

- 1 (4) The board shall require an applicant for licensure under this section to pass an
2 examination on psychological practice, ethical principles, and the law. The
3 examination shall be conducted in accordance with procedures established in
4 administrative regulations promulgated by the board in accordance with KRS
5 Chapter 13A. The examination shall be evaluated using the same criteria as the
6 examination for licensed psychologist candidates.
- 7 (5) The applicant may continue to function under the supervision of a board-approved
8 licensed psychologist until the applicant successfully completes the requirements
9 for licensure as a licensed psychological practitioner.
- 10 (6) The board shall grade and keep the examinations and results on file for one (1) year.
11 Upon written request to the board, an applicant may arrange to discuss his or her
12 performance on the examinations.
- 13 (7) Upon successful completion of all requirements, the board shall issue to the
14 applicant a license to perform certain functions within the practice of psychology
15 without supervision and to use the title "licensed psychological practitioner."
- 16 (8) The licensee under this section shall not supervise certified psychologists, licensed
17 psychological practitioners, or licensed psychological associates.
- 18 ➔Section 3. KRS 319.050 is amended to read as follows:
- 19 (1) Before granting a license to practice psychology and to use the title "licensed
20 psychologist" the board shall require the applicant to pass an examination in
21 psychology and to fulfill all requirements for supervised experience.
- 22 (2) The applicant shall:
- 23 (a) Pay a fee not to exceed three hundred dollars (\$300);
- 24 (b) Have received a doctoral degree in psychology that is acceptable to the board
25 from a regionally accredited educational institution; provided, however, the
26 board may grant a license to an individual otherwise qualified under this
27 chapter who has received a doctoral degree in psychology that is acceptable to

- 1 the board from an educational institution outside the United States, if the
2 educational institution would otherwise be accredited by a regional
3 accrediting body if located in the United States;
- 4 (c) Have passed the national EPPP examination at the doctoral level; and
5 (d) Have had at least two (2) years of supervised professional experience
6 satisfactory to the board, one (1) year of which shall be an internship.
- 7 (3) Upon acceptance of the application to sit for the examination in psychology, the
8 applicant may practice psychology under the supervision of a licensed psychologist
9 under conditions of supervision and temporary licensure established by the board.
10 The board shall establish a grace period not to exceed one hundred eighty
11 (180)~~[sixty (60)]~~ days to allow for the employment and supervision of the applicant
12 by an agency from the time the applicant's degree requirements are completed to the
13 submission of the complete application. During this period of supervision, the
14 applicant for licensure may not supervise certified psychologists, licensed
15 psychological associates, other applicants for licensure, or temporarily licensed
16 persons, nor shall he engage in an independent practice, except under the
17 employment of his supervising psychologist. Upon certification to the board of
18 completion of the two (2) years of supervision satisfactory to the board, the
19 applicant shall be examined on psychological practice, ethical principles, and the
20 law.
- 21 (4) The board shall grade and keep the examinations and results on file for one (1) year.
22 Upon written request to the board, an applicant may arrange to discuss his or her
23 performance on the examination.
- 24 (5) Upon successful completion of the examination process, the board shall issue a
25 license to practice psychology and the applicant may use the title "licensed
26 psychologist."
- 27 (6) Licensed psychologists may function independently without supervision. Licensed

1 psychologists who have the designation "health service provider" may retain that
 2 designation and may employ and supervise certified psychologists and licensed
 3 psychological associates. Licensed psychologists who have the designation "health
 4 service provider" may supervise no more than a total of six (6) certified
 5 psychologists, licensed psychological associates, or applicants for licensure at one
 6 (1) time.

7 (7) ~~{(a) From July 15, 2010, until July 1, 2013, the designation "health service~~
 8 ~~provider" shall be made on the license of those licensed psychologists who~~
 9 ~~have completed one (1) year of supervised experience under conditions of~~
 10 ~~temporary licensure approved by the board or who have completed one (1)~~
 11 ~~year of supervised experience acceptable to the board after achieving~~
 12 ~~licensure status as a licensed psychologist.~~

13 ~~(b) Beginning July 1, 2013, }~~The designation "health service provider" shall be
 14 made on the license of those licensed psychologists who have completed one
 15 (1) additional year of supervised experience satisfactory to the board in health
 16 care service delivery. This year of supervised experience shall be in addition
 17 to the supervised experience requirement for licensure as a licensed
 18 psychologist. Health service providers may provide supervision of direct
 19 health care services by applicants for licensure, certified psychologists, and
 20 licensed psychological associates. Health service providers may supervise no
 21 more than a total of six (6) certified psychologists, licensed psychological
 22 associates, or applicants for licensure at one (1) time.

23 ➔Section 4. KRS 319.064 is amended to read as follows:

24 (1) An individual credentialed as a psychological associate shall use the title "licensed
 25 psychological associate" and the board shall issue a license with that title at the time
 26 of renewal.

27 (2) The board shall issue a license to perform certain functions within the practice of

1 psychology and to use the title "licensed psychological associate" to any applicant
2 who:

3 (a) Pays a fee not to exceed three hundred dollars (\$300);

4 (b) Has received:

5 1. A master's degree in psychology acceptable to the board; or

6 2. The equivalent education for a master's degree and has been accepted
7 into a psychology predoctoral internship program in Kentucky that
8 satisfies the criteria for the predoctoral internship established by the
9 board;

10 from a regionally accredited educational institution or from an educational
11 institution outside the United States, if such educational institution would
12 otherwise be accredited by a regional accrediting body if located in the United
13 States; and

14 (c) Has passed an examination procedure in psychology.

15 (3) Upon acceptance of the application to sit for the examination in psychology, the
16 applicant may practice psychology under the supervision of a licensed psychologist
17 under conditions of temporary licensure established by the board. The board shall
18 establish a grace period not to exceed one hundred eighty (180)~~[sixty (60)]~~ days to
19 allow for the employment and supervision of the applicant by an agency from the
20 time the applicant's degree requirements are completed to the submission of the
21 complete application.

22 (4) The board shall grade and keep the examinations and results for one (1) year. Upon
23 written request to the board, an applicant may arrange to discuss his or her
24 performance on the examination.

25 (5) Any psychological associate licensed pursuant to this section may perform certain
26 functions within the practice of psychology only under the supervision of a licensed
27 psychologist approved by the board. The licensed psychological associate shall not

1 practice independently, except under the employment and supervision of the board-
2 approved licensed psychologist. A licensed psychological associate shall not
3 represent himself or herself as a licensed or certified psychologist or as a licensed
4 psychological practitioner. A licensed psychological associate shall not employ or
5 supervise certified psychologists, licensed psychological practitioners, or licensed
6 psychological associates.