

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SOCIAL WORK LICENSURE COMPACT
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Sandra Hollins
Senate Sponsor: Todd D. Weiler

LONG TITLE

General Description:

This bill enacts the Social Work Licensure Compact.

Highlighted Provisions:

This bill:

- ▶ enacts the Social Work Licensure Compact;
- ▶ provides rulemaking authority; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-60-103.1, as enacted by Laws of Utah 2022, Chapter 466

58-60-205, as last amended by Laws of Utah 2023, Chapters 283, 339

ENACTS:

58-60b-101, as Utah Code Annotated 1953

58-60b-102, as Utah Code Annotated 1953

58-60b-103, as Utah Code Annotated 1953

58-60b-104, as Utah Code Annotated 1953

58-60b-105, as Utah Code Annotated 1953

58-60b-106, as Utah Code Annotated 1953

58-60b-107, as Utah Code Annotated 1953

58-60b-108, as Utah Code Annotated 1953

58-60b-109, as Utah Code Annotated 1953

29 **58-60b-110**, as Utah Code Annotated 1953
30 **58-60b-111**, as Utah Code Annotated 1953
31 **58-60b-112**, as Utah Code Annotated 1953
32 **58-60b-113**, as Utah Code Annotated 1953
33 **58-60b-114**, as Utah Code Annotated 1953
34 **58-60b-115**, as Utah Code Annotated 1953
35 **58-60b-116**, as Utah Code Annotated 1953
36 **58-60b-201**, as Utah Code Annotated 1953

37

38 *Be it enacted by the Legislature of the state of Utah:*39 Section 1. Section **58-60-103.1** is amended to read:40 **58-60-103.1 . Criminal background check.**41 (1) An applicant for licensure under this chapter who requires a criminal background check
42 shall:43 (a) submit fingerprint cards in a form acceptable to the division at the time the license
44 application is filed; and45 (b) consent to a fingerprint background check conducted by the Bureau of Criminal
46 Identification and the Federal Bureau of Investigation regarding the application.

47 (2) The division shall:

48 (a) in addition to other fees authorized by this chapter, collect from each applicant
49 submitting fingerprints in accordance with this section the fee that the Bureau of
50 Criminal Identification is authorized to collect for the services provided under
51 Section 53-10-108 and the fee charged by the Federal Bureau of Investigation for
52 fingerprint processing for the purpose of obtaining federal criminal history record
53 information;54 (b) submit from each applicant the fingerprint card and the fees described in Subsection
55 (2)(a) to the Bureau of Criminal Identification; and56 (c) obtain and retain in division records a signed waiver approved by the Bureau of
57 Criminal Identification in accordance with Section 53-10-108 for each applicant.58 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of
59 Section 53-10-108:60 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state
61 and regional criminal records databases;

62 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal

- 63 history background check; and
- 64 (c) provide the results from the state, regional, and nationwide criminal history
- 65 background checks to the division.
- 66 (4) For purposes of conducting a criminal background check required under this section, the
- 67 division shall have direct access to criminal background information maintained under
- 68 Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.
- 69 (5) The division may not:
 - 70 (a) disseminate outside of the division any criminal history record information that the
 - 71 division obtains from the Bureau of Criminal Identification or the Federal Bureau of
 - 72 Investigation under the criminal background check requirements of this section; or
 - 73 (b) issue a letter of qualification to participate in the Counseling Compact under Chapter
 - 74 60a, Counseling Compact, until the criminal background check described in this
 - 75 section is completed[-] ; or
 - 76 (c) issue a letter of qualification to participate in the Social Work Licensure Compact
 - 77 under Chapter 60b, Social Work Licensure Compact, until the criminal background
 - 78 check described in this section is completed.

79 Section 2. Section **58-60-205** is amended to read:

80 **58-60-205 . Qualifications for licensure or certification as a clinical social worker,**
 81 **certified social worker, and social service worker.**

- 82 (1) An applicant for licensure as a clinical social worker shall:
 - 83 (a) submit an application on a form provided by the division;
 - 84 (b) pay a fee determined by the department under Section 63J-1-504;
 - 85 (c) produce certified transcripts from an accredited institution of higher education
 - 86 recognized by the division in collaboration with the board verifying satisfactory
 - 87 completion of an education and an earned degree as follows:
 - 88 (i) a master's degree in a social work program accredited by the Council on Social
 - 89 Work Education or by the Canadian Association of Schools of Social Work; or
 - 90 (ii) a doctoral degree that contains a clinical social work concentration and practicum
 - 91 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
 - 92 Administrative Rulemaking Act, that is consistent with Section 58-1-203;
 - 93 (d) have completed a minimum of 3,000 hours of clinical social work training as defined
 - 94 by division rule under Section 58-1-203:
 - 95 (i) under the supervision of a supervisor approved by the division in collaboration
 - 96 with the board who is a:

- 97 (A) clinical mental health counselor;
98 (B) psychiatrist;
99 (C) psychologist;
100 (D) registered psychiatric mental health nurse practitioner;
101 (E) marriage and family therapist; or
102 (F) clinical social worker; and
103 (ii) including a minimum of two hours of training in suicide prevention via a course
104 that the division designates as approved;
- 105 (e) document successful completion of not less than 1,000 hours of supervised training
106 in mental health therapy obtained after completion of the education requirement in
107 Subsection (1)(c), which training may be included as part of the 3,000 hours of
108 training in Subsection (1)(d), and of which documented evidence demonstrates not
109 less than 75 of the hours were obtained under the direct supervision, as defined by
110 rule, of a supervisor described in Subsection (1)(d)(i);
- 111 (f) have completed a case work, group work, or family treatment course sequence with a
112 clinical practicum in content as defined by rule under Section 58-1-203;
- 113 (g) pass the examination requirement established by rule under Section 58-1-203; and
- 114 (h) if the applicant is applying to participate in the [~~Counseling Compact under Chapter~~
115 ~~60a, Counseling Compact,~~] Social Work Licensure Compact under Chapter 60b,
116 Social Work Licensure Compact, consent to a criminal background check in
117 accordance with Section 58-60-103.1 and any requirements established by division
118 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
119 Act.
- 120 (2) An applicant for licensure as a certified social worker shall:
- 121 (a) submit an application on a form provided by the division;
122 (b) pay a fee determined by the department under Section 63J-1-504; and
123 (c) produce certified transcripts from an accredited institution of higher education
124 recognized by the division in collaboration with the board verifying satisfactory
125 completion of an education and an earned degree as follows:
- 126 (i) a master's degree in a social work program accredited by the Council on Social
127 Work Education or by the Canadian Association of Schools of Social Work; or
128 (ii) a doctoral degree that contains a clinical social work concentration and practicum
129 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
130 Administrative Rulemaking Act, that is consistent with Section 58-1-203.

- 131 (3) An applicant for licensure as a social service worker shall:
- 132 (a) submit an application on a form provided by the division;
- 133 (b) pay a fee determined by the department under Section 63J-1-504; and
- 134 (c) produce certified transcripts from an accredited institution of higher education
- 135 recognized by the division in collaboration with the board verifying satisfactory
- 136 completion of an education and an earned degree as follows:
- 137 (i) a bachelor's degree in a social work program accredited by the Council on Social
- 138 Work Education or by the Canadian Association of Schools of Social Work;
- 139 (ii) a master's degree in a field approved by the division in collaboration with the
- 140 board;
- 141 (iii) a bachelor's degree in any field if the applicant:
- 142 (A) has completed at least three semester hours, or the equivalent, in each of the
- 143 following areas:
- 144 (I) social welfare policy;
- 145 (II) human growth and development; and
- 146 (III) social work practice methods, as defined by rule; and
- 147 (B) provides documentation that the applicant has completed at least 2,000 hours
- 148 of qualifying experience under the supervision of a mental health therapist,
- 149 which experience is approved by the division in collaboration with the board,
- 150 and which is performed after completion of the requirements to obtain the
- 151 bachelor's degree required under this Subsection [~~(4)~~ (3)]; or
- 152 (iv) successful completion of the first academic year of a Council on Social Work
- 153 Education approved master's of social work curriculum and practicum.
- 154 (4) The division shall ensure that the rules for an examination described under Subsection
- 155 (1)(g) allow additional time to complete the examination if requested by an applicant
- 156 who is:
- 157 (a) a foreign born legal resident of the United States for whom English is a second
- 158 language; or
- 159 (b) an enrolled member of a federally recognized Native American tribe.

160 Section 3. Section **58-60b-101** is enacted to read:

161 **CHAPTER 60b. SOCIAL WORK LICENSURE COMPACT**

162 **Part 1. Compact Text**

163 **58-60b-101 . Section 1 -- Purpose.**

164 The purpose of this Compact is to facilitate interstate practice of Regulated Social
165 Workers by improving public access to competent Social Work Services. The
166 Compact preserves the regulatory authority of States to protect public health and
167 safety through the current system of State licensure.

168 This Compact is designed to achieve the following objectives:

169 A. Increase public access to Social Work Services;

170 B. Reduce overly burdensome and duplicative requirements associated with
171 holding multiple licenses;

172 C. Enhance the Member States' ability to protect the public's health and safety;

173 D. Encourage the cooperation of Member States in regulating multistate practice;

174 E. Promote mobility and address workforce shortages by eliminating the necessity
175 for licenses in multiple States by providing for the mutual recognition of other
176 Member State licenses;

177 F. Support military families;

178 G. Facilitate the exchange of licensure and disciplinary information among
179 Member States;

180 H. Authorize all Member States to hold a Regulated Social Worker accountable
181 for abiding by a Member State's laws, regulations, and applicable professional
182 standards in the Member State in which the client is located at the time care is
183 rendered; and

184 I. Allow for the use of telehealth to facilitate increased access to regulated Social
185 Work Services.

186 Section 4. Section **58-60b-102** is enacted to read:

187 **58-60b-102 . Section 2 -- Definitions.**

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

190 A. "Active Military Member" means any individual with full-time duty status in
191 the active armed forces of the United States including members of the National
192 Guard and Reserve.

193 B. "Adverse Action" means any administrative, civil, equitable or criminal action
194 permitted by a State's laws which is imposed by a Licensing Authority or other
195 authority against a Regulated Social Worker, including actions against an individual's
196 license or Multistate Authorization to Practice such as revocation, suspension,
197 probation, monitoring of the Licensee, limitation on the Licensee's practice, or any

198 other Encumbrance on licensure affecting a Regulated Social Worker's authorization
199 to practice, including issuance of a cease and desist action.

200 C. "Alternative Program" means a non-disciplinary monitoring or practice
201 remediation process approved by a Licensing Authority to address practitioners with
202 an Impairment.

203 D. "Charter Member States" means Member States who have enacted legislation
204 to adopt this Compact where such legislation predates the effective date of this
205 Compact as described in Section 14.

206 E. "Compact Commission" or "Commission" means the government agency
207 whose membership consists of all States that have enacted this Compact, which is
208 known as the Social Work Licensure Compact Commission, as described in Section
209 10, and which shall operate as an instrumentality of the Member States.

210 F. "Current Significant Investigative Information" means:

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

215 2. Investigative information that indicates that the Regulated Social Worker
216 represents an immediate threat to public health and safety, as may be defined by the
217 Commission, regardless of whether the Regulated Social Worker has been notified
218 and has had an opportunity to respond.

219 G. "Data System" means a repository of information about Licensees, including,
220 continuing education, examination, licensure, Current Significant Investigative
221 Information, Disqualifying Event, Multistate License(s) and Adverse Action
222 information or other information as required by the Commission.

223 H. "Domicile" means the jurisdiction in which the Licensee resides and intends to
224 remain indefinitely.

225 I. "Disqualifying Event" means any Adverse Action or incident which results in an
226 Encumbrance that disqualifies or makes the Licensee ineligible to either obtain,
227 retain or renew a Multistate License.

228 J. "Encumbrance" means a revocation or suspension of, or any limitation on, the
229 full and unrestricted practice of Social Work licensed and regulated by a Licensing
230 Authority.

231 K. "Executive Committee" means a group of delegates elected or appointed to act

- 232 on behalf of, and within the powers granted to them by, the compact and Commission.
- 233 L. "Home State" means the Member State that is the Licensee's primary Domicile.
- 234 M. "Impairment" means a condition(s) that may impair a practitioner's ability to
- 235 engage in full and unrestricted practice as a Regulated Social Worker without some
- 236 type of intervention and may include alcohol and drug dependence, mental health
- 237 impairment, and neurological or physical impairments.
- 238 N. "Licensee(s)" means an individual who currently holds a license from a State to
- 239 practice as a Regulated Social Worker.
- 240 O. "Licensing Authority" means the board or agency of a Member State, or
- 241 equivalent, that is responsible for the licensing and regulation of Regulated Social
- 242 Workers.
- 243 P. "Member State" means a state, commonwealth, district, or territory of the
- 244 United States of America that has enacted this Compact.
- 245 Q. "Multistate Authorization to Practice" means a legally authorized privilege to
- 246 practice, which is equivalent to a license, associated with a Multistate License
- 247 permitting the practice of Social Work in a Remote State.
- 248 R. "Multistate License" means a license to practice as a Regulated Social Worker
- 249 issued by a Home State Licensing Authority that authorizes the Regulated Social
- 250 Worker to practice in all Member States under Multistate Authorization to Practice.
- 251 S. "Qualifying National Exam" means a national licensing examination approved
- 252 by the Commission.
- 253 T. "Regulated Social Worker" means any clinical, master's or bachelor's Social
- 254 Worker licensed by a Member State regardless of the title used by that Member State.
- 255 U. "Remote State" means a Member State other than the Licensee's Home State.
- 256 V. "Rule(s)" or "Rule(s) of the Commission" means a regulation or regulations
- 257 duly promulgated by the Commission, as authorized by the Compact, that has the
- 258 force of law.
- 259 W. "Single State License" means a Social Work license issued by any State that
- 260 authorizes practice only within the issuing State and does not include Multistate
- 261 Authorization to Practice in any Member State.
- 262 X. "Social Work" or "Social Work Services" means the application of social work
- 263 theory, knowledge, methods, ethics, and the professional use of self to restore or
- 264 enhance social, psychosocial, or biopsychosocial functioning of individuals, couples,
- 265 families, groups, organizations, and communities through the care and services

266 provided by a Regulated Social Worker as set forth in the Member State's statutes
267 and regulations in the State where the services are being provided.

268 Y. "State" means any state, commonwealth, district, or territory of the United
269 States of America that regulates the practice of Social Work.

270 Z. "Unencumbered License" means a license that authorizes a Regulated Social
271 Worker to engage in the full and unrestricted practice of Social Work.

272 Section 5. Section **58-60b-103** is enacted to read:

273 **58-60b-103 . Section 3 -- State participation in the Compact.**

274 A. To be eligible to participate in the compact, a potential Member State must
275 currently meet all of the following criteria:

276 1. License and regulate the practice of Social Work at either the clinical, master's,
277 or bachelor's category.

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

279 a. Operated by a college or university recognized by the Licensing Authority;

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

282 i. the Council for Higher Education Accreditation, or its successor; or

283 ii. the United States Department of Education; and

284 c. Corresponds to the licensure as outlined in Section 4.

285 3. Require applicants for clinical licensure to complete a period of supervised
286 practice.

287 4. Have a mechanism in place for receiving, investigating, and adjudicating
288 complaints about Licensees.

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

290 1. Require that applicants for a Multistate License pass a Qualifying National
291 Exam for the corresponding category of Multistate License sought as outlined in
292 Section 4;

293 2. Participate fully in the Commission's Data System, including using the
294 Commission's unique identifier as defined in Rules;

295 3. Notify the Commission, in compliance with the terms of the Compact and
296 Rules, of any Adverse Action or the availability of Current Significant Investigative
297 Information regarding a Licensee;

298 4. Implement procedures for considering the criminal history records of applicants
299 for a Multistate License. Such procedures shall include the submission of fingerprints

300 or other biometric-based information by applicants for the purpose of obtaining an
301 applicant's criminal history record information from the Federal Bureau of
302 Investigation and the agency responsible for retaining that State's criminal records;
303 5. Comply with the Rules of the Commission;
304 6. Require an applicant to obtain or retain a license in the Home State and meet
305 the Home State's qualifications for licensure or renewal of licensure, as well as all
306 other applicable Home State laws;
307 7. Authorize a Licensee holding a Multistate License in any Member State to
308 practice in accordance with the terms of the Compact and Rules of the Commission;
309 and

310 8. Designate a delegate to participate in the Commission meetings.
311 C. A Member State meeting the requirements of Section 3.A and 3.B of this
312 Compact shall designate the categories of Social Work licensure that are eligible for
313 issuance of a Multistate License for applicants in such Member State. To the extent
314 that any Member State does not meet the requirements for participation in the
315 Compact at any particular category of Social Work licensure, such Member State
316 may choose, but is not obligated to, issue a Multistate License to applicants that
317 otherwise meet the requirements of Section 4 for issuance of a Multistate License in
318 such category or categories of licensure.

319 D. The Home State may charge a fee for granting the Multistate License.

320 Section 6. Section **58-60b-104** is enacted to read:

321 **58-60b-104 . Section 4 -- Social Worker participation in the Compact.**

322 A. To be eligible for a Multistate License under the terms and provisions of the
323 Compact, an applicant, regardless of category must:

324 1. Hold or be eligible for an active, Unencumbered License in the Home State;
325 2. Pay any applicable fees, including any State fee, for the Multistate License;
326 3. Submit, in connection with an application for a Multistate License, fingerprints
327 or other biometric data for the purpose of obtaining criminal history record
328 information from the Federal Bureau of Investigation and the agency responsible for
329 retaining that State's criminal records;
330 4. Notify the Home State of any Adverse Action, Encumbrance, or restriction on
331 any professional license taken by any Member State or non-Member State within 30
332 days from the date the action is taken;
333 5. Meet any continuing competence requirements established by the Home State;

334 and

335 6. Abide by the laws, regulations, and applicable standards in the Member State
336 where the client is located at the time care is rendered.

337 B. An applicant for a clinical-category Multistate License must meet all of the
338 following requirements:

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

340 a. Passage of a clinical-category Qualifying National Exam; or

341 b. Licensure of the applicant in their Home State at the clinical category,
342 beginning prior to such time as a Qualifying National Exam was required by the

343 Home State and accompanied by a period of continuous Social Work licensure
344 thereafter, all of which may be further governed by the Rules of the Commission; or

345 c. The substantial equivalency of the foregoing competency requirements which
346 the Commission may determine by Rule.

347 2. Attain at least a master's degree in Social Work from a program that is:

348 a. Operated by a college or university recognized by the Licensing Authority; and

349 b. Accredited, or in candidacy that subsequently becomes accredited, by an
350 accrediting agency recognized by either:

351 i. the Council for Higher Education Accreditation or its successor; or

352 ii. the United States Department of Education.

353 3. Fulfill a practice requirement, which shall be satisfied by demonstrating
354 completion of either:

355 a. A period of postgraduate supervised clinical practice equal to a minimum of
356 three thousand hours; or

357 b. A minimum of two years of full-time postgraduate supervised clinical practice;
358 or

359 c. The substantial equivalency of the foregoing practice requirements which the
360 Commission may determine by Rule.

361 C. An applicant for a master's-category Multistate License must meet all of the
362 following requirements:

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

364 a. Passage of a master's-category Qualifying National Exam;

365 b. Licensure of the applicant in their Home State at the master's category,
366 beginning prior to such time as a Qualifying National Exam was required by the

367 Home State at the master's category and accompanied by a continuous period of

368 Social Work licensure thereafter, all of which may be further governed by the Rules
369 of the Commission; or

370 c. The substantial equivalency of the foregoing competency requirements which
371 the Commission may determine by Rule.

372 2. Attain at least a master's degree in Social Work from a program that is:

373 a. Operated by a college or university recognized by the Licensing Authority; and
374 b. Accredited, or in candidacy that subsequently becomes accredited, by an
375 accrediting agency recognized by either:

376 i. the Council for Higher Education Accreditation or its successor; or
377 ii. the United States Department of Education.

378 D. An applicant for a bachelor's category Multistate License must meet all of the
379 following requirements:

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

381 a. Passage of a bachelor's-category Qualifying National Exam;
382 b. Licensure of the applicant in their Home State at the bachelor's category,
383 beginning prior to such time as a Qualifying National Exam was required by the
384 Home State and accompanied by a period of continuous Social Work licensure
385 thereafter, all of which may be further governed by the Rules of the Commission; or

386 c. The substantial equivalency of the foregoing competency requirements which
387 the Commission may determine by Rule.

388 2. Attain at least a bachelor's degree in Social Work from a program that is:

389 a. Operated by a college or university recognized by the Licensing Authority; and
390 b. Accredited, or in candidacy that subsequently becomes accredited, by an
391 accrediting agency recognized by either:

392 i. the Council for Higher Education Accreditation or its successor; or
393 ii. the United States Department of Education.

394 E. The Multistate License for a Regulated Social Worker is subject to the renewal
395 requirements of the Home State. The Regulated Social Worker must maintain
396 compliance with the requirements of Section 4(A) to be eligible to renew a Multistate
397 License.

398 F. The Regulated Social Worker's services in a Remote State are subject to that
399 Member State's regulatory authority. A Remote State may, in accordance with due
400 process and that Member State's laws, remove a Regulated Social Worker's
401 Multistate Authorization to Practice in the Remote State for a specific period of time,

402 impose fines, and take any other necessary actions to protect the health and safety of
403 its citizens.

404 G. If a Multistate License is encumbered, the Regulated Social Worker's
405 Multistate Authorization to Practice shall be deactivated in all Remote States until the
406 Multistate License is no longer encumbered.

407 H. If a Multistate Authorization to Practice is encumbered in a Remote State, the
408 regulated Social Worker's Multistate Authorization to Practice may be deactivated in
409 that State until the Multistate Authorization to Practice is no longer encumbered.

410 Section 7. Section **58-60b-105** is enacted to read:

411 **58-60b-105 . Section 5 -- Issuance of a Multistate License.**

412 A. Upon receipt of an application for Multistate License, the Home State Licensing
413 Authority shall determine the applicant's eligibility for a Multistate License in
414 accordance with Section 4 of this Compact.

415 B. If such applicant is eligible pursuant to Section 4 of this Compact, the Home
416 State Licensing Authority shall issue a Multistate License that authorizes the
417 applicant or Regulated Social Worker to practice in all Member States under a
418 Multistate Authorization to Practice.

419 C. Upon issuance of a Multistate License, the Home State Licensing Authority
420 shall designate whether the Regulated Social Worker holds a Multistate License in
421 the Bachelors, Masters, or Clinical category of Social Work.

422 D. A Multistate License issued by a Home State to a resident in that State shall be
423 recognized by all Compact Member States as authorizing Social Work Practice under
424 a Multistate Authorization to Practice corresponding to each category of licensure
425 regulated in each Member State.

426 Section 8. Section **58-60b-106** is enacted to read:

427 **58-60b-106 . Section 6 -- Authority of Interstate Compact Commission and**
428 **Member State Licensing Authorities.**

429 A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
430 limit, restrict, or in any way reduce the ability of a Member State to enact and enforce
431 laws, regulations, or other rules related to the practice of Social Work in that State.

432 B. Nothing in this Compact shall affect the requirements established by a Member
433 State for the issuance of a Single State License.

434 C. Nothing in this Compact, nor any Rule of the Commission, shall be construed
435 to limit, restrict, or in any way reduce the ability of a Member State to take Adverse

436 Action against a Licensee's Single State License to practice Social Work in that State.

437 D. Nothing in this Compact, nor any Rule of the Commission, shall be construed
438 to limit, restrict, or in any way reduce the ability of a Remote State to take Adverse
439 Action against a Licensee's Multistate Authorization to Practice in that State.

440 E. Nothing in this Compact, nor any Rule of the Commission, shall be construed
441 to limit, restrict, or in any way reduce the ability of a Licensee's Home State to take
442 Adverse Action against a Licensee's Multistate License based upon information
443 provided by a Remote State.

444 Section 9. Section **58-60b-107** is enacted to read:

445 **58-60b-107 . Section 7 -- Reissuance of a Multistate License by a new Home**
446 **State.**

447 A. A Licensee can hold a Multistate License, issued by their Home State, in only one
448 Member State at any given time.

449 B. If a Licensee changes their Home State by moving between two Member States:

450 1. The Licensee shall immediately apply for the reissuance of their Multistate
451 License in their new Home State. The Licensee shall pay all applicable fees and
452 notify the prior Home State in accordance with the Rules of the Commission.

453 2. Upon receipt of an application to reissue a Multistate License, the new Home
454 State shall verify that the Multistate License is active, unencumbered and eligible for
455 reissuance under the terms of the Compact and the Rules of the Commission. The
456 Multistate License issued by the prior Home State will be deactivated and all
457 Member States notified in accordance with the applicable Rules adopted by the
458 Commission.

459 3. Prior to the reissuance of the Multistate License, the new Home State shall
460 conduct procedures for considering the criminal history records of the Licensee. Such
461 procedures shall include the submission of fingerprints or other biometric-based
462 information by applicants for the purpose of obtaining an applicant's criminal history
463 record information from the Federal Bureau of Investigation and the agency
464 responsible for retaining that State's criminal records.

465 4. If required for initial licensure, the new Home State may require completion of
466 jurisprudence requirements in the new Home State.

467 5. Notwithstanding any other provision of this Compact, if a Licensee does not
468 meet the requirements set forth in this Compact for the reissuance of a Multistate
469 License by the new Home State, then the Licensee shall be subject to the new Home

470 State requirements for the issuance of a Single State License in that State.

471 C. If a Licensee changes their primary State of residence by moving from a
472 Member State to a non-Member State, or from a non-Member State to a Member
473 State, then the Licensee shall be subject to the State requirements for the issuance of
474 a Single State License in the new Home State.

475 D. Nothing in this Compact shall interfere with a Licensee's ability to hold a
476 Single State License in multiple States; however, for the purposes of this Compact, a
477 Licensee shall have only one Home State, and only one Multistate License.

478 E. Nothing in this Compact shall interfere with the requirements established by a
479 Member State for the issuance of a Single State License.

480 Section 10. Section **58-60b-108** is enacted to read:

481 **58-60b-108 . Section 8 -- Military families.**

482 An Active Military Member or their spouse shall designate a Home State where the
483 individual has a Multistate License. The individual may retain their Home State
484 designation during the period the service member is on active duty.

485 Section 11. Section **58-60b-109** is enacted to read:

486 **58-60b-109 . Section 9 -- Adverse Actions.**

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

489 1. Take Adverse Action against a Regulated Social Worker's Multistate
490 Authorization to Practice only within that Member State, and issue subpoenas for
491 both hearings and investigations that require the attendance and testimony of
492 witnesses as well as the production of evidence. Subpoenas issued by a Licensing
493 Authority in a Member State for the attendance and testimony of witnesses or the
494 production of evidence from another Member State shall be enforced in the latter
495 State by any court of competent jurisdiction, according to the practice and procedure
496 of that court applicable to subpoenas issued in proceedings pending before it. The
497 issuing Licensing Authority shall pay any witness fees, travel expenses, mileage, and
498 other fees required by the service statutes of the State in which the witnesses or
499 evidence are located.

500 2. Only the Home State shall have the power to take Adverse Action against a
501 Regulated Social Worker's Multistate License.

502 B. For purposes of taking Adverse Action, the Home State shall give the same
503 priority and effect to reported conduct received from a Member State as it would if

504 the conduct had occurred within the Home State. In so doing, the Home State shall
505 apply its own State laws to determine appropriate action.

506 C. The Home State shall complete any pending investigations of a Regulated
507 Social Worker who changes their Home State during the course of the investigations.
508 The Home State shall also have the authority to take appropriate action(s) and shall
509 promptly report the conclusions of the investigations to the administrator of the Data
510 System. The administrator of the Data System shall promptly notify the new Home
511 State of any Adverse Actions.

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

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

518 F. Joint Investigations:

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

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

524 G. If Adverse Action is taken by the Home State against the Multistate License of
525 a Regulated Social Worker, the Regulated Social Worker's Multistate Authorization
526 to Practice in all other Member States shall be deactivated until all Encumbrances
527 have been removed from the Multistate License. All Home State disciplinary orders
528 that impose Adverse Action against the license of a Regulated Social Worker shall
529 include a statement that the Regulated Social Worker's Multistate Authorization to
530 Practice is deactivated in all Member States until all conditions of the decision, order
531 or agreement are satisfied.

532 H. If a Member State takes Adverse Action, it shall promptly notify the
533 administrator of the Data System. The administrator of the Data System shall
534 promptly notify the Home State and all other Member States of any Adverse Actions
535 by Remote States.

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

538 J. Nothing in this Compact shall authorize a Member State to demand the issuance
539 of subpoenas for attendance and testimony of witnesses or the production of evidence
540 from another Member State for lawful actions within that Member State.

541 K. Nothing in this Compact shall authorize a Member State to impose discipline
542 against a Regulated Social Worker who holds a Multistate Authorization to Practice
543 for lawful actions within another Member State.

544 Section 12. Section **58-60b-110** is enacted to read:

545 **58-60b-110 . Section 10 -- Establishment of Social Work Licensure Compact**
546 **Commission.**

547 A. The Compact Member States hereby create and establish a joint government
548 agency whose membership consists of all member states that have enacted the
549 compact known as the Social Work Licensure Compact Commission. The
550 Commission is an instrumentality of the Compact States acting jointly and not an
551 instrumentality of any one state. The Commission shall come into existence on or
552 after the effective date of the Compact as set forth in Section 14.

553 B. Membership, Voting, and Meetings

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

556 2. The delegate shall be either:

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

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

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

562 4. The Commission may recommend removal or suspension of any delegate from
563 office.

564 5. A Member State's Licensing Authority shall fill any vacancy of its delegate
565 occurring on the Commission within 60 days of the vacancy.

566 6. Each delegate shall be entitled to one vote on all matters before the
567 Commission requiring a vote by Commission delegates.

568 7. A delegate shall vote in person or by such other means as provided in the
569 bylaws. The bylaws may provide for delegates to meet by telecommunication, video
570 conference or other means of communication.

571 8. The Commission shall meet at least once during each calendar year. Additional

572 meetings may be held as set forth in the bylaws. The Commission may meet by
573 telecommunication, video conference or other similar electronic means.

574 C. The Commission shall have the following powers:

575 1. Establish the fiscal year of the Commission;

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

577 3. Establish and amend Rules and bylaws;

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

579 5. Meet and take such actions as are consistent with the provisions of this

580 Compact, the Commission's Rules and the bylaws;

581 6. Initiate and conclude legal proceedings or actions in the name of the

582 Commission, provided that the standing of any Licensing Authority to sue or be sued
583 under applicable law shall not be affected;

584 7. Maintain and certify records and information provided to a Member State as the
585 authenticated business records of the Commission and designate an agent to do so on
586 the Commission's behalf;

587 8. Purchase and maintain insurance and bonds;

588 9. Borrow, accept, or contract for services of personnel, including, but not limited
589 to, employees of a Member State;

590 10. Conduct an annual financial review;

591 11. Hire employees, elect or appoint officers, fix compensation, define duties,
592 grant such individuals appropriate authority to carry out the purposes of the Compact,
593 and establish the Commission's personnel policies and programs relating to conflicts
594 of interest, qualifications of personnel, and other related personnel matters;

595 12. Assess and collect fees;

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

600 14. Lease, purchase, retain, own, hold, improve, or use any property, real,
601 personal, or mixed, or any undivided interest therein;

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

604 16. Establish a budget and make expenditures;

605 17. Borrow money;

- 606 18. Appoint committees, including standing committees, composed of members,
607 State regulators, State legislators or their representatives, and consumer
608 representatives, and such other interested persons as may be designated in this
609 Compact and the bylaws;
- 610 19. Provide and receive information from, and cooperate with, law enforcement
611 agencies;
- 612 20. Establish and elect an Executive Committee, including a chair and a vice chair;
- 613 21. Determine whether a State's adopted language is materially different from the
614 model compact language such that the State would not qualify for participation in the
615 Compact; and
- 616 22. Perform such other functions as may be necessary or appropriate to achieve
617 the purposes of this Compact.
- 618 D. The Executive Committee
- 619 1. The Executive Committee shall have the power to act on behalf of the
620 Commission according to the terms of this Compact. The powers, duties, and
621 responsibilities of the Executive Committee shall include:
- 622 a. Oversee the day-to-day activities of the administration of the compact including
623 enforcement and compliance with the provisions of the compact, its Rules and
624 bylaws, and other such duties as deemed necessary;
- 625 b. Recommend to the Commission changes to the Rules or bylaws, changes to this
626 Compact legislation, fees charged to Compact Member States, fees charged to
627 Licensees, and other fees;
- 628 c. Ensure Compact administration services are appropriately provided, including
629 by contract;
- 630 d. Prepare and recommend the budget;
- 631 e. Maintain financial records on behalf of the Commission;
- 632 f. Monitor Compact compliance of Member States and provide compliance reports
633 to the Commission;
- 634 g. Establish additional committees as necessary;
- 635 h. Exercise the powers and duties of the Commission during the interim between
636 Commission meetings, except for adopting or amending Rules, adopting or amending
637 bylaws, and exercising any other powers and duties expressly reserved to the
638 Commission by Rule or bylaw; and
- 639 i. Other duties as provided in the Rules or bylaws of the Commission.

- 640 2. The Executive Committee shall be composed of up to eleven (11) members:
641 a. The chair and vice chair of the Commission shall be voting members of the
642 Executive Committee;
643 b. The Commission shall elect five voting members from the current membership
644 of the Commission;
645 c. Up to four (4) ex-officio, nonvoting members from four (4) recognized national
646 Social Work organizations; and
647 d. The ex-officio members will be selected by their respective organizations.
648 3. The Commission may remove any member of the Executive Committee as
649 provided in the Commission's bylaws.
650 4. The Executive Committee shall meet at least annually.
651 a. Executive Committee meetings shall be open to the public, except that the
652 Executive Committee may meet in a closed, non-public meeting as provided in
653 subsection F.2 below.
654 b. The Executive Committee shall give seven (7) days' notice of its meetings,
655 posted on its website and as determined to provide notice to persons with an interest
656 in the business of the Commission.
657 c. The Executive Committee may hold a special meeting in accordance with
658 subsection F.1.b below.
659 E. The Commission shall adopt and provide to the Member States an annual report.
660 F. Meetings of the Commission
661 1. All meetings shall be open to the public, except that the Commission may meet
662 in a closed, non-public meeting as provided in subsection F.2 below.
663 a. Public notice for all meetings of the full Commission of meetings shall be given
664 in the same manner as required under the Rulemaking provisions in Section 12,
665 except that the Commission may hold a special meeting as provided in subsection
666 F.1.b below.
667 b. The Commission may hold a special meeting when it must meet to conduct
668 emergency business by giving 48 hours' notice to all commissioners, on the
669 Commission's website, and other means as provided in the Commission's rules. The
670 Commission's legal counsel shall certify that the Commission's need to meet qualifies
671 as an emergency.
672 2. The Commission or the Executive Committee or other committees of the
673 Commission may convene in a closed, non-public meeting for the Commission or

- 674 Executive Committee or other committees of the Commission to receive legal advice
675 or to discuss:
- 676 a. Non-compliance of a Member State with its obligations under the Compact;
677 b. The employment, compensation, discipline or other matters, practices or
678 procedures related to specific employees;
679 c. Current or threatened discipline of a Licensee by the Commission or by a
680 Member State's Licensing Authority;
681 d. Current, threatened, or reasonably anticipated litigation;
682 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or
683 real estate;
684 f. Accusing any person of a crime or formally censuring any person;
685 g. Trade secrets or commercial or financial information that is privileged or
686 confidential;
687 h. Information of a personal nature where disclosure would constitute a clearly
688 unwarranted invasion of personal privacy;
689 i. Investigative records compiled for law enforcement purposes;
690 j. Information related to any investigative reports prepared by or on behalf of or
691 for use of the Commission or other committee charged with responsibility of
692 investigation or determination of compliance issues pursuant to the Compact; or
693 k. Matters specifically exempted from disclosure by federal or Member State law;
694 or
695 l. Other matters as promulgated by the Commission by Rule.
- 696 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state
697 that the meeting will be closed and reference each relevant exempting provision, and
698 such reference shall be recorded in the minutes.
- 699 4. The Commission shall keep minutes that fully and clearly describe all matters
700 discussed in a meeting and shall provide a full and accurate summary of actions
701 taken, and the reasons therefore, including a description of the views expressed. All
702 documents considered in connection with an action shall be identified in such
703 minutes. All minutes and documents of a closed meeting shall remain under seal,
704 subject to release only by a majority vote of the Commission or order of a court of
705 competent jurisdiction.
- 706 G. Financing of the Commission
- 707 1. The Commission shall pay, or provide for the payment of, the reasonable

708 expenses of its establishment, organization, and ongoing activities.

709 2. The Commission may accept any and all appropriate revenue sources, as
710 provided in C(13).

711 3. The Commission may levy on and collect an annual assessment from each
712 Member State and impose fees on licensees of Member States to whom it grants a
713 Multistate License to cover the cost of the operations and activities of the
714 Commission and its staff, which must be in a total amount sufficient to cover its
715 annual budget as approved each year for which revenue is not provided by other
716 sources. The aggregate annual assessment amount for Member States shall be
717 allocated based upon a formula that the Commission shall promulgate by Rule.

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

721 5. The Commission shall keep accurate accounts of all receipts and disbursements.
722 The receipts and disbursements of the Commission shall be subject to the financial
723 review and accounting procedures established under its bylaws. However, all receipts
724 and disbursements of funds handled by the Commission shall be subject to an annual
725 financial review by a certified or licensed public accountant, and the report of the
726 financial review shall be included in and become part of the annual report of the
727 Commission.

728 H. Qualified Immunity, Defense, and Indemnification

729 1. The members, officers, executive director, employees and representatives of the
730 Commission shall be immune from suit and liability, both personally and in their
731 official capacity, for any claim for damage to or loss of property or personal injury or
732 other civil liability caused by or arising out of any actual or alleged act, error or
733 omission that occurred, or that the person against whom the claim is made had a
734 reasonable basis for believing occurred within the scope of Commission employment,
735 duties or responsibilities; provided that nothing in this paragraph shall be construed
736 to protect any such person from suit or liability for any damage, loss, injury, or
737 liability caused by the intentional or willful or wanton misconduct of that person. The
738 procurement of insurance of any type by the Commission shall not in any way
739 compromise or limit the immunity granted hereunder.

740 2. The Commission shall defend any member, officer, executive director,
741 employee and representative of the Commission in any civil action seeking to impose

742 liability arising out of any actual or alleged act, error, or omission that occurred
743 within the scope of Commission employment, duties, or responsibilities, or as
744 determined by the Commission that the person against whom the claim is made had a
745 reasonable basis for believing occurred within the scope of Commission employment,
746 duties, or responsibilities; provided that nothing herein shall be construed to prohibit
747 that person from retaining their own counsel at their own expense; and provided
748 further, that the actual or alleged act, error, or omission did not result from that
749 person's intentional or willful or wanton misconduct.

750 3. The Commission shall indemnify and hold harmless any member, officer,
751 executive director, employee, and representative of the Commission for the amount
752 of any settlement or judgment obtained against that person arising out of any actual
753 or alleged act, error, or omission that occurred within the scope of Commission
754 employment, duties, or responsibilities, or that such person had a reasonable basis for
755 believing occurred within the scope of Commission employment, duties, or
756 responsibilities, provided that the actual or alleged act, error, or omission did not
757 result from the intentional or willful or wanton misconduct of that person.

758 4. Nothing herein shall be construed as a limitation on the liability of any licensee
759 for professional malpractice or misconduct, which shall be governed solely by any
760 other applicable State laws.

761 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a
762 Member State's state action immunity or state action affirmative defense with respect
763 to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal
764 antitrust or anticompetitive law or regulation.

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

767 Section 13. Section **58-60b-111** is enacted to read:

768 **58-60b-111 . Section 11 -- Data System.**

769 A. The Commission shall provide for the development, maintenance, operation, and
770 utilization of a coordinated Data System.

771 B. The Commission shall assign each applicant for a Multistate License a unique
772 identifier, as determined by the Rules of the Commission.

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

- 776 1. Identifying information;
777 2. Licensure data;
778 3. Adverse Actions against a license and information related thereto;
779 4. Non-confidential information related to Alternative Program participation, the
780 beginning and ending dates of such participation, and other information related to
781 such participation not made confidential under Member State law;
782 5. Any denial of application for licensure, and the reason(s) for such denial;
783 6. The presence of Current Significant Investigative Information; and
784 7. Other information that may facilitate the administration of this Compact or the
785 protection of the public, as determined by the Rules of the Commission.

786 D. The records and information provided to a Member State pursuant to this
787 Compact or through the Data System, when certified by the Commission or an agent
788 thereof, shall constitute the authenticated business records of the Commission, and
789 shall be entitled to any associated hearsay exception in any relevant judicial,
790 quasi-judicial or administrative proceedings in a Member State.

791 E. Current Significant Investigative Information pertaining to a Licensee in any
792 Member State will only be available to other Member States.

793 1. It is the responsibility of the Member States to report any Adverse Action
794 against a Licensee and to monitor the database to determine whether Adverse Action
795 has been taken against a Licensee. Adverse Action information pertaining to a
796 Licensee in any Member State will be available to any other Member State.

797 F. Member States contributing information to the Data System may designate
798 information that may not be shared with the public without the express permission of
799 the contributing State.

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

803 Section 14. Section **58-60b-112** is enacted to read:

804 **58-60b-112 . Section 12 -- Rulemaking.**

805 A. The Commission shall promulgate reasonable Rules in order to effectively and
806 efficiently implement and administer the purposes and provisions of the Compact. A
807 Rule shall be invalid and have no force or effect only if a court of competent
808 jurisdiction holds that the Rule is invalid because the Commission exercised its
809 rulemaking authority in a manner that is beyond the scope and purposes of the

810 Compact, or the powers granted hereunder, or based upon another applicable
811 standard of review.

812 B. The Rules of the Commission shall have the force of law in each Member
813 State, provided however that where the Rules of the Commission conflict with the
814 laws of the Member State that establish the Member State's laws, regulations, and
815 applicable standards that govern the practice of Social Work as held by a court of
816 competent jurisdiction, the Rules of the Commission shall be ineffective in that State
817 to the extent of the conflict.

818 C. The Commission shall exercise its Rulemaking powers pursuant to the criteria
819 set forth in this Section and the Rules adopted thereunder. Rules shall become
820 binding on the day following adoption or the date specified in the Rule or
821 amendment, whichever is later.

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

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

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

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

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

835 2. To persons who have requested notice of the Commission's notices of proposed
836 rulemaking; and

837 3. In such other way(s) as the Commission may by Rule specify.

838 H. The Notice of Proposed Rulemaking shall include:

839 1. The time, date, and location of the public hearing at which the Commission will
840 hear public comments on the proposed Rule and, if different, the time, date, and
841 location of the meeting where the Commission will consider and vote on the
842 proposed rule;

843 2. If the hearing is held via telecommunication, video conference, or other

844 electronic means, the Commission shall include the mechanism for access to the
845 hearing in the Notice of Proposed Rulemaking;

846 3. The text of the proposed Rule and the reason therefor;

847 4. A request for comments on the proposed Rule from any interested person; and

848 5. The manner in which interested persons may submit written comments.

849 I. All hearings will be recorded. A copy of the recording and all written comments
850 and documents received by the Commission in response to the proposed Rule shall be
851 available to the public.

852 J. Nothing in this section shall be construed as requiring a separate hearing on
853 each Rule. Rules may be grouped for the convenience of the Commission at hearings
854 required by this section.

855 K. The Commission shall, by majority vote of all members, take final action on
856 the proposed Rule based on the Rulemaking record and the full text of the Rule.

857 1. The Commission may adopt changes to the proposed Rule provided the changes
858 do not enlarge the original purpose of the proposed Rule.

859 2. The Commission shall provide an explanation of the reasons for substantive
860 changes made to the proposed Rule as well as reasons for substantive changes not
861 made that were recommended by commenters.

862 3. The Commission shall determine a reasonable effective date for the Rule.
863 Except for an emergency as provided in Section 12.L, the effective date of the Rule
864 shall be no sooner than 30 days after issuing the notice that it adopted or amended the
865 Rule.

866 L. Upon determination that an emergency exists, the Commission may consider
867 and adopt an emergency Rule with 48 hours' notice, with opportunity to comment,
868 provided that the usual Rulemaking procedures provided in the Compact and in this
869 section shall be retroactively applied to the Rule as soon as reasonably possible, in no
870 event later than ninety (90) days after the effective date of the Rule. For the purposes
871 of this provision, an emergency Rule is one that must be adopted immediately in
872 order to:

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

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

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

877 4. Protect public health and safety.

878 M. The Commission or an authorized committee of the Commission may direct
879 revisions to a previously adopted Rule for purposes of correcting typographical
880 errors, errors in format, errors in consistency, or grammatical errors. Public notice of
881 any revisions shall be posted on the website of the Commission. The revision shall be
882 subject to challenge by any person for a period of thirty (30) days after posting. The
883 revision may be challenged only on grounds that the revision results in a material
884 change to a Rule. A challenge shall be made in writing and delivered to the
885 Commission prior to the end of the notice period. If no challenge is made, the
886 revision will take effect without further action. If the revision is challenged, the
887 revision may not take effect without the approval of the Commission.

888 N. No Member State's rulemaking requirements shall apply under this compact.

889 Section 15. Section **58-60b-113** is enacted to read:

890 **58-60b-113 . Section 13 -- Oversight, dispute resolution, and enforcement.**

891 A. Oversight

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

895 2. Except as otherwise provided in this Compact, venue is proper and judicial
896 proceedings by or against the Commission shall be brought solely and exclusively in
897 a court of competent jurisdiction where the principal office of the Commission is
898 located. The Commission may waive venue and jurisdictional defenses to the extent
899 it adopts or consents to participate in alternative dispute resolution proceedings.
900 Nothing herein shall affect or limit the selection or propriety of venue in any action
901 against a Licensee for professional malpractice, misconduct or any such similar
902 matter.

903 3. The Commission shall be entitled to receive service of process in any
904 proceeding regarding the enforcement or interpretation of the Compact and shall have
905 standing to intervene in such a proceeding for all purposes. Failure to provide the
906 Commission service of process shall render a judgment or order void as to the
907 Commission, this Compact, or promulgated Rules.

908 B. Default, Technical Assistance, and Termination

909 1. If the Commission determines that a Member State has defaulted in the
910 performance of its obligations or responsibilities under this Compact or the
911 promulgated Rules, the Commission shall provide written notice to the defaulting

912 State. The notice of default shall describe the default, the proposed means of curing
913 the default, and any other action that the Commission may take, and shall offer
914 training and specific technical assistance regarding the default.

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

917 C. If a State in default fails to cure the default, the defaulting State may be
918 terminated from the Compact upon an affirmative vote of a majority of the delegates
919 of the Member States, and all rights, privileges and benefits conferred on that State
920 by this Compact may be terminated on the effective date of termination. A cure of the
921 default does not relieve the offending State of obligations or liabilities incurred
922 during the period of default.

923 D. Termination of membership in the Compact shall be imposed only after all
924 other means of securing compliance have been exhausted. Notice of intent to suspend
925 or terminate shall be given by the Commission to the governor, the majority and
926 minority leaders of the defaulting State's legislature, the defaulting State's State
927 Licensing Authority and each of the Member States' Licensing Authority.

928 E. A State that has been terminated is responsible for all assessments, obligations,
929 and liabilities incurred through the effective date of termination, including
930 obligations that extend beyond the effective date of termination.

931 F. Upon the termination of a State's membership from this Compact, that State
932 shall immediately provide notice to all Licensees within that State of such
933 termination. The terminated State shall continue to recognize all licenses granted
934 pursuant to this Compact for a minimum of six (6) months after the date of said
935 notice of termination.

936 G. The Commission shall not bear any costs related to a State that is found to be in
937 default or that has been terminated from the Compact, unless agreed upon in writing
938 between the Commission and the defaulting State.

939 H. The defaulting State may appeal the action of the Commission by petitioning
940 the U.S. District Court for the District of Columbia or the federal district where the
941 Commission has its principal offices. The prevailing party shall be awarded all costs
942 of such litigation, including reasonable attorney's fees.

943 I. Dispute Resolution

944 1. Upon request by a Member State, the Commission shall attempt to resolve
945 disputes related to the Compact that arise among Member States and between

946 Member and non-Member States.

947 2. The Commission shall promulgate a Rule providing for both mediation and
948 binding dispute resolution for disputes as appropriate.

949 J. Enforcement

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

959 2. A Member State may initiate legal action against the Commission in the U.S.
960 District Court for the District of Columbia or the federal district where the
961 Commission has its principal offices to enforce compliance with the provisions of the
962 Compact and its promulgated Rules. The relief sought may include both injunctive
963 relief and damages. In the event judicial enforcement is necessary, the prevailing
964 party shall be awarded all costs of such litigation, including reasonable attorney's fees.

965 3. No person other than a Member State shall enforce this compact against the
966 Commission.

967 Section 16. Section **58-60b-114** is enacted to read:

968 **58-60b-114 . Section 14 -- Effective date, withdrawal, and amendment.**

969 A. The Compact shall come into effect on the date on which the Compact statute is
970 enacted into law in the seventh Member State.

971 1. On or after the effective date of the Compact, the Commission shall convene
972 and review the enactment of each of the first seven Member States ("Charter Member
973 States") to determine if the statute enacted by each such Charter Member State is
974 materially different than the model Compact statute.

975 a. A Charter Member State whose enactment is found to be materially different
976 from the model Compact statute shall be entitled to the default process set forth in
977 Section 13.

978 b. If any Member State is later found to be in default, or is terminated or
979 withdraws from the Compact, the Commission shall remain in existence and the

980 Compact shall remain in effect even if the number of Member States should be less
981 than seven.

982 2. Member States enacting the Compact subsequent to the seven initial Charter
983 Member States shall be subject to the process set forth in Section 10(C)(21) to
984 determine if their enactments are materially different from the model Compact statute
985 and whether they qualify for participation in the Compact.

986 3. All actions taken for the benefit of the Commission or in furtherance of the
987 purposes of the administration of the Compact prior to the effective date of the
988 Compact or the Commission coming into existence shall be considered to be actions
989 of the Commission unless specifically repudiated by the Commission.

990 4. Any State that joins the Compact subsequent to the Commission's initial
991 adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they
992 exist on the date on which the Compact becomes law in that State. Any Rule that has
993 been previously adopted by the Commission shall have the full force and effect of
994 law on the day the Compact becomes law in that State.

995 B. Any Member State may withdraw from this Compact by enacting a statute
996 repealing the same.

997 1. A Member State's withdrawal shall not take effect until 180 days after
998 enactment of the repealing statute.

999 2. Withdrawal shall not affect the continuing requirement of the withdrawing
1000 State's Licensing Authority to comply with the investigative and Adverse Action
1001 reporting requirements of this Compact prior to the effective date of withdrawal.

1002 3. Upon the enactment of a statute withdrawing from this compact, a State shall
1003 immediately provide notice of such withdrawal to all Licensees within that State.
1004 Notwithstanding any subsequent statutory enactment to the contrary, such
1005 withdrawing State shall continue to recognize all licenses granted pursuant to this
1006 compact for a minimum of 180 days after the date of such notice of withdrawal.

1007 C. Nothing contained in this Compact shall be construed to invalidate or prevent
1008 any licensure agreement or other cooperative arrangement between a Member State
1009 and a non-Member State that does not conflict with the provisions of this Compact.

1010 D. This Compact may be amended by the Member States. No amendment to this
1011 Compact shall become effective and binding upon any Member State until it is
1012 enacted into the laws of all Member States.

1013 Section 17. Section **58-60b-115** is enacted to read:

1014 **58-60b-115 . Section 15 -- Construction and severability.**

1015 A. This Compact and the Commission's rulemaking authority shall be liberally
1016 construed so as to effectuate the purposes, and the implementation and administration
1017 of the Compact. Provisions of the Compact expressly authorizing or requiring the
1018 promulgation of Rules shall not be construed to limit the Commission's rulemaking
1019 authority solely for those purposes.

1020 B. The provisions of this Compact shall be severable and if any phrase, clause,
1021 sentence or provision of this Compact is held by a court of competent jurisdiction to
1022 be contrary to the constitution of any Member State, a State seeking participation in
1023 the Compact, or of the United States, or the applicability thereof to any government,
1024 agency, person or circumstance is held to be unconstitutional by a court of competent
1025 jurisdiction, the validity of the remainder of this Compact and the applicability
1026 thereof to any other government, agency, person or circumstance shall not be affected
1027 thereby.

1028 C. Notwithstanding subsection B of this section, the Commission may deny a
1029 State's participation in the Compact or, in accordance with the requirements of
1030 Section 13.B, terminate a Member State's participation in the Compact, if it
1031 determines that a constitutional requirement of a Member State is a material
1032 departure from the Compact. Otherwise, if this Compact shall be held to be contrary
1033 to the constitution of any Member State, the Compact shall remain in full force and
1034 effect as to the remaining Member States and in full force and effect as to the
1035 Member State affected as to all severable matters.

1036 Section 18. Section **58-60b-116** is enacted to read:

1037 **58-60b-116 . Section 16 -- Consistent effect and conflict with other state laws.**

1038 A. A Licensee providing services in a Remote State under a Multistate Authorization
1039 to Practice shall adhere to the laws and regulations, including laws, regulations, and
1040 applicable standards, of the Remote State where the client is located at the time care
1041 is rendered.

1042 B. Nothing herein shall prevent or inhibit the enforcement of any other law of a
1043 Member State that is not inconsistent with the Compact.

1044 C. Any laws, statutes, regulations, or other legal requirements in a Member State
1045 in conflict with the Compact are superseded to the extent of the conflict.

1046 D. All permissible agreements between the Commission and the Member States
1047 are binding in accordance with their terms.

1048 Section 19. Section **58-60b-201** is enacted to read:

1049

Part 2. Division Implementation

1050 **58-60b-201 . Rulemaking authority -- State authority over scope of practice.**

1051 (1) The division may make rules in accordance with Title 63G, Chapter 3, Utah

1052 Administrative Rulemaking Act, to implement this chapter.

1053 (2) Notwithstanding any provision in Sections 58-60b-101 through 58-60b-114, Sections

1054 58-60b-101 through 58-60b-114 do not supersede state law related to an individual's

1055 scope of practice under this title.

1056 Section 20. **Effective date.**

1057 This bill takes effect on May 1, 2024.