

1 A bill to be entitled
 2 An act relating to the Social Work Licensure
 3 Interstate Compact; creating s. 491.022, F.S.;
 4 creating the Social Work Licensure Interstate Compact;
 5 providing purposes, objectives, and definitions;
 6 specifying requirements for state participation in the
 7 compact and duties of member states; specifying that
 8 the compact does not affect an individual's ability to
 9 apply for, and a member state's ability to grant, a
 10 single state license pursuant to the laws of that
 11 state; providing for recognition of compact privilege
 12 in member states; specifying criteria a licensee must
 13 meet for compact privilege; providing for the
 14 expiration and renewal of compact privilege;
 15 specifying that a licensee with compact privilege in a
 16 remote state must adhere to the laws and rules of that
 17 state; authorizing member states to act on a
 18 licensee's compact privilege under certain
 19 circumstances; specifying the consequences and
 20 parameters of practice for a licensee whose compact
 21 privilege has been acted on or whose home state
 22 license is encumbered; specifying that a licensee may
 23 hold a home state license in only one member state at
 24 a time; specifying requirements and procedures for
 25 changing a home state license designation; authorizing

26 active duty military personnel or their spouses to
27 keep their home state designation during active duty;
28 authorizing member states to take adverse actions
29 against licensees and issue subpoenas for hearings and
30 investigations under certain circumstances; providing
31 requirements and procedures for such adverse action;
32 authorizing member states to engage in joint
33 investigations under certain circumstances; providing
34 that a licensee's compact privilege must be
35 deactivated in all member states for the duration of
36 an encumbrance imposed by the licensee's home state;
37 providing for notice to the data system and the
38 licensee's home state of any adverse action taken
39 against a licensee; establishing the Social Work
40 Licensure Interstate Compact Commission; providing for
41 jurisdiction and venue for court proceedings;
42 providing for membership and powers of the commission;
43 specifying powers and duties of the commission's
44 executive committee; providing for the financing of
45 the commission; providing specified individuals
46 immunity from civil liability under certain
47 circumstances; providing exceptions; requiring the
48 commission to defend the specified individuals in
49 civil actions under certain circumstances; requiring
50 the commission to indemnify and hold harmless

51 | specified individuals for any settlement or judgment
52 | obtained in such actions under certain circumstances;
53 | providing for the development of the data system,
54 | reporting procedures, and the exchange of specified
55 | information between member states; requiring the
56 | commission to notify member states of any adverse
57 | action taken against a licensee or applicant for
58 | licensure; authorizing member states to designate as
59 | confidential information provided to the data system;
60 | requiring the commission to remove information from
61 | the data system under certain circumstances; providing
62 | rulemaking procedures for the commission; providing
63 | for member state enforcement of the compact;
64 | authorizing the commission to receive notice of
65 | process, and have standing to intervene, in certain
66 | proceedings; rendering certain judgments and orders
67 | void as to the commission, the compact, or commission
68 | rules under certain circumstances; providing for
69 | defaults and termination of compact membership;
70 | providing procedures for the resolution of certain
71 | disputes; providing for commission enforcement of the
72 | compact; providing for remedies; providing for
73 | implementation of, withdrawal from, and amendment to
74 | the compact; specifying that licensees practicing in a
75 | remote state under the compact must adhere to the laws

76 and rules of that state; specifying that the compact,
 77 commission rules, and commission actions are binding
 78 on member states; providing construction; providing
 79 for severability; providing an effective date.

81 Be It Enacted by the Legislature of the state of Florida:

82
 83 Section 1. Section 491.022, Florida Statutes, is created
 84 to read:

85 491.022 Social Work Licensure Interstate Compact.—The
 86 Social Work Licensure Interstate Compact is hereby enacted into
 87 law and entered into by this state with all other states legally
 88 joining therein in the form substantially as follows:

90 ARTICLE I

91 PURPOSE

92
 93 The purpose of this compact is to facilitate interstate
 94 practice of regulated social workers by improving public access
 95 to competent social work services. The compact preserves the
 96 regulatory authority of member states to protect public health
 97 and safety through the current system of licensure. This compact
 98 is designed to achieve all of the following objectives:

- 99 (1) Increase public access to social work services.
 100 (2) Reduce overly burdensome and duplicative requirements

101 associated with holding multiple licenses.

102 (3) Enhance member states' ability to protect the public
 103 health and safety.

104 (4) Encourage the cooperation of member states in
 105 regulating multistate practice.

106 (5) Promote mobility and address workforce shortages by
 107 eliminating the necessity for licenses in multiple states by
 108 providing for the mutual recognition of other member state
 109 licenses.

110 (6) Support military families.

111 (7) Facilitate the exchange of licensure and disciplinary
 112 information among member states.

113 (8) Authorize all member states to hold a regulated social
 114 worker accountable for abiding by a member state's laws,
 115 regulations, and applicable professional standards in the member
 116 state in which the client is located at the time care is
 117 rendered.

118 (9) Allow for the use of telehealth to facilitate
 119 increased access to social work services.

121 ARTICLE II

122 DEFINITIONS

123
 124 As used in this compact, the term:

125 (1) "Active military member" means any individual with

126 full-time duty status in the active Armed Forces of the United
 127 states including members of the National Guard and Reserve.

128 (2) "Adverse action" means any administrative, civil,
 129 equitable or criminal action permitted by a state's laws which
 130 is imposed by a licensing authority or other authority against a
 131 regulated social worker, including actions against an
 132 individual's license or multistate authorization to practice
 133 such as revocation, suspension, probation, monitoring of the
 134 licensee, limitation on the licensee's practice, or any other
 135 encumbrance on licensure affecting a regulated social worker's
 136 authorization to practice, including issuance of a cease and
 137 desist action.

138 (3) "Alternative program" means a nondisciplinary
 139 monitoring or practice remediation process approved by a
 140 licensing authority to address practitioners with an impairment.

141 (4) "Charter member states" means member states that have
 142 enacted legislation to adopt this compact where such legislation
 143 predates the effective date of this compact as described in
 144 Article XIV.

145 (5) "Commission" means the government agency whose
 146 membership consists of all states that have enacted this
 147 compact, which is known as the Social Work Licensure Interstate
 148 Compact commission, as described in Article X, and which shall
 149 operate as an instrumentality of the member states.

150 (6) "Current significant investigative information" means:

151 (a) Investigative information that a licensing authority,
 152 after a preliminary inquiry that includes notification and an
 153 opportunity for the regulated social worker to respond, has
 154 reason to believe is not groundless and, if proved true, would
 155 indicate more than a minor infraction as may be defined by the
 156 commission; or

157 (b) Investigative information that indicates that the
 158 regulated social worker represents an immediate threat to public
 159 health and safety, as may be defined by the commission,
 160 regardless of whether the regulated social worker has been
 161 notified and has had an opportunity to respond.

162 (7) "Data system" means a repository of information about
 163 licensees, including continuing education, examination,
 164 licensure, current significant investigative information,
 165 disqualifying events, multistate licenses, and adverse action
 166 information or other information as required by the commission.

167 (8) "Disqualifying event" means any adverse action or
 168 incident which results in an encumbrance that disqualifies or
 169 makes the licensee ineligible to obtain, retain, or renew a
 170 multistate license.

171 (9) "Domicile" means the jurisdiction in which the
 172 licensee resides and intends to remain indefinitely.

173 (10) "Encumbrance" means a revocation or suspension of, or
 174 any limitation on, the full and unrestricted practice of social
 175 work licensed and regulated by an authority.

176 (11) "Executive committee" means a group of delegates
177 elected or appointed to act on behalf of, and within the powers
178 granted to them by, the compact and commission.

179 (12) "Home state" means the member state that is the
180 licensee's primary domicile.

181 (13) "Impairment" means a condition that may impair a
182 practitioner's ability to engage in full and unrestricted
183 practice as a regulated social worker without some type of
184 intervention and may include alcohol and drug dependence, mental
185 health impairment, and neurological or physical impairments.

186 (14) "Licensee" means an individual who currently holds a
187 license from a state to practice as a regulated social worker.

188 (15) "Licensing authority" means the board or agency of a
189 member state, or an equivalent, that is responsible for the
190 licensing and regulation of regulated social workers.

191 (16) "Member state" means a state, commonwealth, district,
192 or territory of the United States of America that has enacted
193 this compact.

194 (17) "Multistate authorization to practice" means a
195 legally authorized privilege to practice, which is equivalent to
196 a license, associated with a multistate license permitting the
197 practice of social work in a remote state.

198 (18) "Multistate license" means a license to practice as a
199 regulated social worker issued by a home state licensing
200 authority that authorizes the regulated social worker to

201 practice in all member states under multistate authorization to
202 practice.

203 (19) "Qualifying National Exam" means a national licensing
204 examination approved by the commission.

205 (20) "Regulated social worker" means any clinical,
206 master's, or bachelor's social worker licensed by a member state
207 regardless of the title used by that member state.

208 (21) "Remote state" means a member state other than the
209 licensee's home state.

210 (22) "Rules" or "rules of the commission" means a
211 regulation or regulations duly adopted by the commission, as
212 authorized by the compact, that has the force of law.

213 (23) "Single state license" means a social work license
214 issued by any state that authorizes practice only within the
215 issuing state and does not include multistate authorization to
216 practice in any member state.

217 (24) "Social work" or "social work services" means the
218 application of social work theory, knowledge, methods, ethics,
219 and the professional use of self to restore or enhance social,
220 psychosocial, or biopsychosocial functioning of individuals,
221 couples, families, groups, organizations, and communities
222 through the care and services provided by a regulated social
223 worker as set forth in the member state's statutes and
224 regulations in the state where the services are being provided.

225 (25) "State" means any state, commonwealth, district, or

226 | territory of the United States of America that regulates the
 227 | practice of social work.

228 | (26) "Unencumbered license" means a license that
 229 | authorizes a regulated social worker to engage in the full and
 230 | unrestricted practice of social work.

231 |

232 | ARTICLE III
 233 | STATE PARTICIPATION IN THE COMPACT

234 |

235 | (1) To be eligible to participate in the compact, a
 236 | potential member state must currently meet all of the following
 237 | criteria:

238 | (a) License and regulate the practice of social work at
 239 | the clinical, master's, or bachelor's category.

240 | (b) Require applicants for licensure to graduate from a
 241 | program that is:

242 | 1. Operated by a college or university recognized by a
 243 | licensing authority;

244 | 2. Accredited, or in candidacy by an institution that
 245 | subsequently becomes accredited, by an accrediting agency
 246 | recognized by either:

247 | a. The Council for Higher Education Accreditation or its
 248 | successor; or

249 | b. The United States Department of Education; and

250 | 3. Corresponds to the licensure sought as outlined in

251 Article IV.

252 (c) Require applicants for clinical licensure to complete
253 a period of supervised practice.

254 (d) Have a mechanism in place for receiving,
255 investigating, and adjudicating complaints about licensees.

256 (2) To maintain membership in the compact, a member state
257 shall:

258 (a) Require that applicants for a multistate license pass
259 a Qualifying National Exam for the corresponding category of
260 multistate license sought as outlined in Article VI.

261 (b) Participate fully in the commission's data system,
262 including using the commission's unique identifier as defined in
263 rules.

264 (c) Notify the commission, in compliance with the terms of
265 the compact and rules, of any adverse action or the availability
266 of current significant investigative information regarding a
267 licensee.

268 (d) Implement procedures for considering the criminal
269 history records of applicants for a multistate license. Such
270 procedures shall include the submission of fingerprints or other
271 biometric-based information by applicants for the purpose of
272 obtaining an applicant's criminal history record information
273 from the Federal Bureau of Investigation and the agency
274 responsible for retaining that state's criminal records.

275 (e) Comply with the rules of the commission.

276 (f) Require an applicant to obtain or retain a license in
 277 the home state and meet the home state's qualifications for
 278 licensure or renewal of licensure, as well as all other
 279 applicable home state laws.

280 (g) Authorize a licensee holding a multistate license in
 281 any member state to practice in accordance with the terms of the
 282 compact and rules of the commission.

283 (h) Designate a delegate to participate in the commission
 284 meetings.

285 (3) A member state meeting the requirements under
 286 subsections (1) and (2) shall designate the categories of social
 287 work licensure that are eligible for issuance of a multistate
 288 license for applicants in such member state. To the extent that
 289 any member state does not meet the requirements for
 290 participation in the compact at any particular category of
 291 social work licensure, such member state may choose, but is not
 292 obligated to, issue a multistate license to applicants that
 293 otherwise meet the requirements of Article IV for issuance of a
 294 multistate license in such category or categories of licensure.

295 (4) The home state may charge a fee for granting the
 296 multistate license.

297
 298 ARTICLE IV

299 SOCIAL WORKER PARTICIPATION IN THE COMPACT

300

301 (1) To be eligible for a multistate license under this
302 compact, an applicant, regardless of category, must meet all of
303 the following requirements:

304 (a) Hold or be eligible for an active, unencumbered
305 license in the home state.

306 (b) Pay any applicable fees, including any member state
307 fee, for the multistate license.

308 (c) Submit, in connection with an application for a
309 multistate license, fingerprints or other biometric data for the
310 purpose of obtaining criminal history record information from
311 the Federal Bureau of Investigation and the agency responsible
312 for retaining that state's criminal records.

313 (d) Notify the home state of any adverse action,
314 encumbrance, or restriction on any professional license taken by
315 any member state or nonmember state within 30 days after the
316 date the action is taken.

317 (e) Meet any continuing competence requirements
318 established by the home state.

319 (f) Abide by the laws, regulations, and applicable
320 standards in the member state where the client is located at the
321 time care is rendered.

322 (2) An applicant for a clinical-category multistate
323 license must meet all of the following requirements:

324 (a) Fulfill a competency requirement, which shall be
325 satisfied by:

- 326 1. Passage of a clinical-category Qualifying National
 327 Exam;
- 328 2. Licensure of the applicant in their home state at the
 329 clinical category, beginning before such time as a Qualifying
 330 National Exam was required by the home state and accompanied by
 331 a period of continuous social work licensure thereafter, all of
 332 which may be further governed by the rules of the commission; or
- 333 3. The substantial equivalency of the foregoing competency
 334 requirements which the commission may determine by rule.
- 335 (b) Attain at least a master's degree in social work from
 336 a program that is:
- 337 1. Operated by a college or university recognized by a
 338 licensing authority.
- 339 2. Accredited, or in candidacy that subsequently becomes
 340 accredited, by an accrediting agency recognized by either:
- 341 a. The Council for Higher Education Accreditation or its
 342 successor; or
- 343 b. The United States Department of Education.
- 344 (c) Fulfill a practice requirement, which shall be
 345 satisfied by demonstrating completion of:
- 346 1. A period of postgraduate supervised clinical practice
 347 equal to a minimum of 3,000 hours;
- 348 2. A minimum of 2 years of full-time postgraduate
 349 supervised clinical practice; or
- 350 3. The substantial equivalency of the foregoing practice

351 requirements which the commission may determine by rule.

352 (3) An applicant for a master's-category multistate

353 license must meet all of the following requirements:

354 (a) Fulfill a competency requirement, which shall be

355 satisfied by:

356 1. Passage of a masters-category Qualifying National Exam;

357 2. Licensure of the applicant in their home state at the

358 master's category, beginning before such time as a Qualifying

359 National Exam was required by the home state at the master's

360 category and accompanied by a continuous period of social work

361 licensure thereafter, all of which may be further governed by

362 the rules of the commission; or

363 3. The substantial equivalency of the foregoing competency

364 requirements which the commission may determine by rule.

365 (b) Attain at least a master's degree in social work from

366 a program that is:

367 1. Operated by a college or university recognized by a

368 licensing authority.

369 2. Accredited, or in candidacy by an institution that

370 subsequently becomes accredited, by an accrediting agency

371 recognized by either:

372 a. The Council for Higher Education Accreditation or its

373 successor; or

374 b. The United States Department of Education.

375 (4) An applicant for a bachelor's-category multistate

376 | license must meet all of the following requirements:

377 | (a) Fulfill a competency requirement, which shall be

378 | satisfied by:

379 | 1. Passage of a bachelor's-category Qualifying National

380 | Exam;

381 | 2. Licensure of the applicant in his or her home state at

382 | the bachelor's category, beginning before such time as a

383 | Qualifying National Exam was required by the home state and

384 | accompanied by a period of continuous social work licensure

385 | thereafter, all of which may be further governed by the rules of

386 | the commission; or

387 | 3. The substantial equivalency of the foregoing competency

388 | requirements which the commission may determine by rule.

389 | (b) Attain at least a bachelor's degree in social work

390 | from a program that is:

391 | 1. Operated by a college or university recognized by the

392 | licensing authority.

393 | 2. Accredited, or in candidacy that subsequently becomes

394 | accredited, by an accrediting agency recognized by either:

395 | a. The Council for Higher Education Accreditation or its

396 | successor; or

397 | b. The United States Department of Education.

398 | (5) The multistate license for a regulated social worker

399 | is subject to the renewal requirements of the home state. The

400 | regulated social worker must maintain compliance with the

401 requirements of subsection (1) to be eligible to renew a
 402 multistate license.

403 (6) The regulated social worker's services in a remote
 404 state are subject to that member state's regulatory authority. A
 405 remote state may, in accordance with due process and that member
 406 state's laws, remove a regulated social worker's multistate
 407 authorization to practice in the remote state for a specific
 408 period of time, impose fines, and take any other necessary
 409 actions to protect the health and safety of its citizens.

410 (7) If a multistate license is encumbered, the regulated
 411 social worker's multistate authorization to practice shall be
 412 deactivated in all remote states until the multistate license is
 413 no longer encumbered.

414 (8) If a multistate authorization to practice is
 415 encumbered in a remote state, the regulated social worker's
 416 multistate authorization to practice may be deactivated in that
 417 state until the multistate authorization to practice is no
 418 longer encumbered.

419
 420 ARTICLE V

421 ISSUANCE OF A MULTISTATE LICENSE

422
 423 (1) Upon receipt of an application for multistate license,
 424 the home state licensing authority shall determine the
 425 applicant's eligibility for a multistate license in accordance

426 with Article VI.

427 (2) If such applicant is eligible pursuant to Article VI,
 428 the home state licensing authority shall issue a multistate
 429 license that authorizes the applicant or regulated social worker
 430 to practice in all member states under a multistate
 431 authorization to practice.

432 (3) Upon issuance of a multistate license, the home state
 433 licensing authority shall designate whether the regulated social
 434 worker holds a multistate license in the bachelor's, master's,
 435 or clinical category of social work.

436 (4) A multistate license issued by a home state to a
 437 resident in that state shall be recognized by all compact member
 438 states as authorizing social work practice under a multistate
 439 authorization to practice corresponding to each category of
 440 licensure regulated in each member state.

441
 442 ARTICLE VI

443 AUTHORITY OF INTERSTATE COMPACT COMMISSION

444 AND MEMBER STATE LICENSING AUTHORITIES

445
 446 (1) This compact, or any rule of the commission, does not
 447 limit, restrict, or in any way reduce the ability of a member
 448 state to:

449 (a) Enact and enforce laws, regulations, or other rules
 450 related to the practice of social work in that state when those

451 laws, regulations, or other rules are not inconsistent with the
 452 provisions of this compact.

453 (b) Take adverse action against a licensee's single state
 454 license to practice social work in that state.

455 (c) Take adverse action against a licensee's multistate
 456 authorization to practice in that state.

457 (2) This compact, or any rule of the commission, does not
 458 limit, restrict, or in any way reduce the ability of a
 459 licensee's home state to take adverse action against a
 460 licensee's multistate license based upon information provided by
 461 a remote state.

462 (3) This compact does not affect the requirements
 463 established by a member state for the issuance of a single state
 464 license.

465

466 ARTICLE VII

467 REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

468

469 (1) A licensee can hold a multistate license, issued by
 470 his or her home state, in only one member state at any given
 471 time.

472 (2) If a licensee changes his or her home state by moving
 473 between two member states:

474 (a) The licensee shall immediately apply for the
 475 reissuance of his or her multistate license in his or her new

476 home state. The licensee shall pay all applicable fees and
477 notify the prior home state in accordance with the rules of the
478 commission.

479 (b) Upon receipt of an application to reissue a multistate
480 license, the new home state shall verify that the multistate
481 license is active, unencumbered, and eligible for reissuance
482 under the terms of the compact and the rules of the commission.
483 The multistate license issued by the prior home state will be
484 deactivated and all member states notified in accordance with
485 the applicable rules adopted by the commission.

486 (c) Before the reissuance of the multistate license, the
487 new home state shall conduct procedures for considering the
488 criminal history records of the licensee. Such procedures shall
489 include the submission of fingerprints or other biometric-based
490 information by applicants for the purpose of obtaining an
491 applicant's criminal history record information from the Federal
492 Bureau of Investigation and the agency responsible for retaining
493 that state's criminal records.

494 (d) If required for initial licensure, the new home state
495 may require completion of jurisprudence requirements in the new
496 home state.

497 (e) Notwithstanding any other provision of this compact,
498 if a licensee does not meet the requirements set forth in this
499 compact for the reissuance of a multistate license by the new
500 home state, then the licensee shall be subject to the new home

501 state requirements for the issuance of a single state license in
 502 that state.

503 (3) If a licensee changes his or her primary state of
 504 residence by moving from a member state to a nonmember state, or
 505 from a nonmember state to a member state, then the licensee
 506 shall be subject to the state requirements for the issuance of a
 507 single state license in the new home state.

508 (4) This compact does not interfere with a licensee's
 509 ability to hold a single state license in multiple states;
 510 however, for the purposes of this compact, a licensee shall have
 511 only one home state, and only one multistate license.

512 (5) This compact does not interfere with the requirements
 513 established by a member state for the issuance of a single state
 514 license.

515
 516 ARTICLE VIII

517 MILITARY FAMILIES

518
 519 An active military member or his or her spouse shall
 520 designate a home state where the individual has a multistate
 521 license. The individual may retain his or her home state
 522 designation during the period the servicemember is on active
 523 duty.

524
 525 ARTICLE IX

ADVERSE ACTIONS

526
527
528 (1) In addition to the other powers conferred by general
529 law, a remote state shall have the authority, in accordance with
530 existing state due process law, to:

531 (a) Take adverse action against a regulated social
532 worker's multistate authorization to practice only within that
533 member state, and issue subpoenas for both hearings and
534 investigations that require the attendance and testimony of
535 witnesses as well as the production of evidence. Subpoenas
536 issued by a licensing authority in a member state for the
537 attendance and testimony of witnesses or the production of
538 evidence from another member state shall be enforced in the
539 latter state by any court of competent jurisdiction, according
540 to the practice and procedure of that court applicable to
541 subpoenas issued in proceedings pending before it. The issuing
542 licensing authority shall pay any witness fees, travel expenses,
543 mileage, and other fees required by the service statutes of the
544 state in which the witnesses or evidence are located.

545 (b) Only the home state shall have the power to take
546 adverse action against a regulated social worker's multistate
547 license.

548 (2) For purposes of taking adverse action, the home state
549 shall give the same priority and effect to reported conduct
550 received from a member state as it would if the conduct had

551 occurred within the home state. In so doing, the home state
552 shall apply its own state laws to determine appropriate action.

553 (3) The home state shall complete any pending
554 investigations of a regulated social worker who changes his or
555 her home state during the course of the investigations. The home
556 state shall also have the authority to take appropriate actions
557 and shall promptly report the conclusions of the investigations
558 to the administrator of the data system. The administrator of
559 the data system shall promptly notify the new home state of any
560 adverse actions.

561 (4) A member state, if otherwise permitted by state law,
562 may recover from the affected regulated social worker the costs
563 of investigations and dispositions of cases resulting from any
564 adverse action taken against that regulated social worker.

565 (5) A member state may take adverse action based on the
566 factual findings of another member state, provided that the
567 member state follows its own procedures for taking the adverse
568 action.

569 (6)(a) In addition to the authority granted to a member
570 state by its respective social work practice act or other
571 applicable state law, any member state may participate with
572 other member states in joint investigations of licensees.

573 (b) Member states shall share any investigative,
574 litigation, or compliance materials in furtherance of any joint
575 or individual investigation initiated under the compact.

576 (7) If adverse action is taken by the home state against
577 the multistate license of a regulated social worker, the
578 regulated social worker's multistate authorization to practice
579 in all other member states shall be deactivated until all
580 encumbrances have been removed from the multistate license. All
581 home state disciplinary orders that impose adverse action
582 against the license of a regulated social worker shall include a
583 statement that the regulated social worker's multistate
584 authorization to practice is deactivated in all member states
585 until all conditions of the decision, order, or agreement are
586 satisfied.

587 (8) If a member state takes adverse action, it shall
588 promptly notify the administrator of the data system. The
589 administrator of the data system shall promptly notify the home
590 state and all other member state's of any adverse actions by
591 remote states.

592 (9) This compact does not override a member state's
593 decision that participation in an alternative program may be
594 used in lieu of adverse action.

595 (10) This compact does not authorize a member state to
596 demand the issuance of subpoenas for attendance and testimony of
597 witnesses or the production of evidence from another member
598 state for lawful actions within that member state.

599 (11) This compact does not authorize a member state to
600 impose discipline against a regulated social worker who holds a

601 multistate authorization to practice for lawful actions within
 602 another member state.

603

604 ARTICLE X

605 ESTABLISHMENT OF SOCIAL WORK LICENSURE

606 INTERSTATE COMPACT COMMISSION

607

608 (1) The compact member states hereby create and establish
 609 a joint government agency whose membership consists of all
 610 member states that have enacted the compact known as the Social
 611 Work Licensure Interstate Compact Commission. The commission is
 612 an instrumentality of the compact states acting jointly and not
 613 an instrumentality of any one state. The commission shall come
 614 into existence on or after the effective date of the compact as
 615 set forth in Article XVI.

616 (2) (a) Each member state shall have and be limited to one
 617 (1) delegate selected by that member state's licensing
 618 authority. The delegate shall be either:

619 1. A current member of the licensing authority at the time
 620 of appointment who is a regulated social worker or public member
 621 of the state licensing authority; or

622 2. An administrator of the licensing authority or his or
 623 her designee.

624 (b) The commission shall by rule or bylaw establish a term
 625 of office for delegates and may by rule or bylaw establish term

626 limits.

627 (c) The commission may recommend removal or suspension of
628 any delegate from office.

629 (d) A member state's licensing authority shall fill any
630 vacancy of its delegate occurring on the commission within 60
631 days after the vacancy.

632 (e) Each delegate shall be entitled to one vote on all
633 matters before the commission requiring a vote by commission
634 delegates.

635 (f) A delegate shall vote in person or by such other means
636 as provided in the bylaws. The bylaws may provide for delegates
637 to meet by telecommunication, videoconference, or other means of
638 communication.

639 (g) The commission shall meet at least once during each
640 calendar year. Additional meetings may be held as set forth in
641 the bylaws. The commission may meet by telecommunication, video
642 conference, or other similar electronic means.

643 (3) The commission shall have the following powers:

644 (a) Establish the fiscal year of the commission.

645 (b) Establish code of conduct and conflict of interest
646 policies.

647 (c) Establish and amend rules and bylaws.

648 (d) Maintain its financial records in accordance with the
649 bylaws.

650 (e) Meet and take such actions as are consistent with the

651 provisions of this compact, the commission's rules, and the
652 bylaws.

653 (f) Initiate and conclude legal proceedings or actions in
654 the name of the commission, provided that the standing of any
655 licensing authority to sue or be sued under applicable law may
656 not be affected.

657 (g) Maintain and certify records and information provided
658 to a member state as the authenticated business records of the
659 commission, and designate an agent to do so on the commission's
660 behalf.

661 (h) Purchase and maintain insurance and bonds.

662 (i) Borrow, accept, or contract for services of personnel,
663 including, but not limited to, employees of a member state.

664 (j) Conduct an annual financial review.

665 (k) Hire employees, elect or appoint officers, fix
666 compensation, define duties, grant such individuals appropriate
667 authority to carry out the purposes of the compact, and
668 establish the commission's personnel policies and programs
669 relating to conflicts of interest, qualifications of personnel,
670 and other related personnel matters.

671 (l) Assess and collect fees.

672 (m) Accept any and all appropriate gifts, donations,
673 grants of money, other sources of revenue, equipment, supplies,
674 materials, and services, and receive, utilize, and dispose of
675 the same; provided that at all times the commission shall avoid

676 any appearance of impropriety or conflict of interest.

677 (n) Lease, purchase, retain, own, hold, improve, or use
678 any property, real, personal, or mixed, or any undivided
679 interest therein.

680 (o) Sell, convey, mortgage, pledge, lease, exchange,
681 abandon, or otherwise dispose of any property real, personal, or
682 mixed.

683 (p) Establish a budget and make expenditures.

684 (q) Borrow money.

685 (r) Appoint committees, including standing committees,
686 composed of members, state regulators, state legislators or
687 their representatives, and consumer representatives, and such
688 other interested persons as may be designated in this compact
689 and the bylaws.

690 (s) Provide and receive information from, and cooperate
691 with, law enforcement agencies.

692 (t) Establish and elect an executive committee, including
693 a chair and a vice chair.

694 (u) Determine whether a state's adopted language is
695 materially different from the model compact language such that
696 the state would not qualify for participation in the compact.

697 (v) Perform such other functions as may be necessary or
698 appropriate to achieve the purposes of this compact.

699 (4) (a) The executive committee shall have the power to act
700 on behalf of the commission according to the terms of this

701 compact. The powers, duties, and responsibilities of the
 702 executive committee shall include:

703 1. Oversee the day-to-day activities of the administration
 704 of the compact, including enforcement and compliance with the
 705 provisions of the compact, its rules and bylaws, and other such
 706 duties as deemed necessary.

707 2. Recommend to the commission changes to the rules or
 708 bylaws, changes to this compact legislation, fees charged to
 709 compact member states, fees charged to licensees, and other
 710 fees.

711 3. Ensure compact administration services are
 712 appropriately provided, including by contract.

713 4. Prepare and recommend the budget.

714 5. Maintain financial records on behalf of the commission.

715 6. Monitor compact compliance of member states and provide
 716 compliance reports to the commission.

717 7. Establish additional committees as necessary.

718 8. Exercise the powers and duties of the commission during
 719 the interim between commission meetings, except for adopting or
 720 amending rules, adopting or amending bylaws, and exercising any
 721 other powers and duties expressly reserved to the commission by
 722 rule or bylaw.

723 9. Other duties as provided in the rules or bylaws of the
 724 commission.

725 (b) The executive committee shall be composed of up to 11

726 members:

727 1. The chair and vice chair of the commission shall be
728 voting members of the executive committee.

729 2. The commission shall elect five voting members from the
730 current membership of the commission.

731 3. Up to four ex-officio, nonvoting members from four
732 recognized national social work organizations, selected by their
733 respective organizations.

734 (c) The commission may remove any member of the executive
735 committee as provided in the commission's bylaws.

736 (d) The executive committee shall meet at least annually.

737 1. Executive committee meetings shall be open to the
738 public, except that the executive committee may meet in a
739 closed, nonpublic meeting as provided in subsection (6).

740 2. The executive committee shall give 7 days' notice of
741 its meetings, posted on its website and as determined to provide
742 notice to persons with an interest in the business of the
743 commission.

744 3. The executive committee may hold a special meeting in
745 accordance with subsection (6).

746 (5) The commission shall adopt and provide to the member
747 states an annual report.

748 (6) All meetings shall be open to the public, except that
749 the commission may meet in a closed, nonpublic meeting as
750 provided in s. 491.023.

751 (a) Public notice for all meetings of the full commission
752 of meetings shall be given in the same manner as required under
753 the rulemaking provisions in Article XII, except that the
754 commission may hold a special meeting as provided in paragraph
755 (b).

756 (b) The commission may hold a special meeting when it must
757 meet to conduct emergency business by giving 48 hours' notice to
758 all commissioners, on the commission's website, and by other
759 means as provided in the commission's rules. The commission's
760 legal counsel shall certify that the commission's need to meet
761 qualifies as an emergency.

762 (c) If a meeting, or portion of a meeting, is closed, the
763 presiding officer shall state that the meeting will be closed
764 and reference each relevant exempting provision, and such
765 reference shall be recorded in the minutes.

766 (d) The commission shall keep minutes that fully and
767 clearly describe all matters discussed in a meeting and shall
768 provide a full and accurate summary of actions taken, and the
769 reasons therefore, including a description of the views
770 expressed. All documents considered in connection with an action
771 shall be identified in such minutes. All minutes and documents
772 of a closed meeting shall remain under seal, subject to release
773 only by a majority vote of the commission or order of a court of
774 competent jurisdiction.

775 (7) (a) The commission shall pay, or provide for the

776 payment of, the reasonable expenses of its establishment,
777 organization, and ongoing activities.

778 (b) The commission may accept any and all appropriate
779 revenue sources as provided in paragraph (3)(m).

780 (c) The commission may levy on and collect an annual
781 assessment from each member state and impose fees on licensees
782 of member states to whom it grants a multistate license to cover
783 the cost of the operations and activities of the commission and
784 its staff, which must be in a total amount sufficient to cover
785 its annual budget as approved each year for which revenue is not
786 provided by other sources. The aggregate annual assessment
787 amount for member states shall be allocated based upon a formula
788 that the commission shall adopt by rule.

789 (d) The commission may not incur obligations of any kind
790 prior to securing the funds adequate to meet the same; nor shall
791 the commission pledge the credit of any of the member states,
792 except by and with the authority of the member state.

793 (e) The commission shall keep accurate accounts of all
794 receipts and disbursements. The receipts and disbursements of
795 the commission shall be subject to the financial review and
796 accounting procedures established under its bylaws. However, all
797 receipts and disbursements of funds handled by the commission
798 shall be subject to an annual financial review by a certified or
799 licensed public accountant, and the report of the financial
800 review shall be included in and become part of the annual report

801 of the commission.

802 (8)(a) The members, officers, executive director,
803 employees, and representatives of the commission shall be immune
804 from suit and liability, both personally and in their official
805 capacity, for any claim for damage to or loss of property or
806 personal injury or other civil liability caused by or arising
807 out of any actual or alleged act, error, or omission that
808 occurred, or that the person against whom the claim is made had
809 a reasonable basis for believing occurred within the scope of
810 commission employment, duties, or responsibilities; provided
811 that this paragraph does not protect any such person from suit
812 or liability for any damage, loss, injury, or liability caused
813 by the intentional or willful or wanton misconduct of that
814 person. The procurement of insurance of any type by the
815 commission may not in any way compromise or limit the immunity
816 granted hereunder.

817 (b) The commission shall defend any member, officer,
818 executive director, employee, and representative of the
819 commission in any civil action seeking to impose liability
820 arising out of any actual or alleged act, error, or omission
821 that occurred within the scope of commission employment, duties,
822 or responsibilities, or as determined by the commission that the
823 person against whom the claim is made had a reasonable basis for
824 believing occurred within the scope of commission employment,
825 duties, or responsibilities; provided that nothing herein shall

826 be construed to prohibit that person from retaining his or her
827 own counsel at his or her own expense; and provided further that
828 the actual or alleged act, error, or omission did not result
829 from that person's intentional or willful or wanton misconduct.

830 (c) The commission shall indemnify and hold harmless any
831 member, officer, executive director, employee, and
832 representative of the commission for the amount of any
833 settlement or judgment obtained against that person arising out
834 of any actual or alleged act, error, or omission that occurred
835 within the scope of commission employment, duties, or
836 responsibilities, or that such person had a reasonable basis for
837 believing occurred within the scope of commission employment,
838 duties, or responsibilities, provided that the actual or alleged
839 act, error, or omission did not result from the intentional or
840 willful or wanton misconduct of that person.

841 (d) Nothing herein shall be construed as a limitation on
842 the liability of any licensee for professional malpractice or
843 misconduct, which shall be governed solely by any other
844 applicable state laws.

845 (e) This compact may not be interpreted to waive or
846 otherwise abrogate a member state's state action immunity or
847 state action affirmative defense with respect to antitrust
848 claims under the Sherman Antitrust Act, Clayton Antitrust Act of
849 1914, or any other state or federal antitrust or anticompetitive
850 law or regulation.

851 (f) This compact may not be construed to be a waiver of
 852 sovereign immunity by the member states or by the commission.

854 ARTICLE XI
 855 DATA SYSTEM

857 (1) The commission shall provide for the development,
 858 maintenance, operation, and utilization of a coordinated data
 859 system.

860 (2) The commission shall assign each applicant for a
 861 multistate license a unique identifier, as determined by the
 862 rules of the commission.

863 (3) Notwithstanding any other provision of state law to
 864 the contrary, a member state shall submit a uniform data set to
 865 the data system on all individuals to whom this compact is
 866 applicable as required by the rules of the commission,
 867 including:

868 (a) Identifying information.

869 (b) Licensure data.

870 (c) Adverse actions against a license and information
 871 related thereto.

872 (d) Nonconfidential information related to alternative
 873 program participation, the beginning and ending dates of such
 874 participation, and other information related to such
 875 participation not made confidential under member state law.

876 (e) Any denial of application for licensure, and the
877 reason for such denial.

878 (f) The presence of current significant investigative
879 information.

880 (g) Other information that may facilitate the
881 administration of this compact or the protection of the public,
882 as determined by the rules of the commission.

883 (4) The records and information provided to a member state
884 pursuant to this compact or through the data system, when
885 certified by the commission or an agent thereof, shall
886 constitute the authenticated business records of the commission,
887 and shall be entitled to any associated hearsay exception in any
888 relevant judicial, quasi-judicial, or administrative proceedings
889 in a member state.

890 (5)(a) Current significant investigative information
891 pertaining to a licensee in any member state will only be
892 available to other member states.

893 (b) It is the responsibility of the member states to
894 report any adverse action against a licensee and to monitor the
895 database to determine whether adverse action has been taken
896 against a licensee. Adverse action information pertaining to a
897 licensee in any member state will be available to any other
898 member state.

899 (6) Member states contributing information to the data
900 system may designate information that may not be shared with the

901 public without the express permission of the contributing state.
 902 (7) Any information submitted to the data system that is
 903 subsequently expunged pursuant to federal law or the laws of the
 904 member state contributing the information shall be removed from
 905 the data system.

907 ARTICLE XII

908 RULEMAKING

909
 910 (1) The commission shall adopt reasonable rules in order
 911 to effectively and efficiently implement and administer the
 912 purposes and provisions of the compact. A rule shall be invalid
 913 and have no force or effect only if a court of competent
 914 jurisdiction holds that the rule is invalid because the
 915 commission exercised its rulemaking authority in a manner that
 916 is beyond the scope and purposes of the compact, or the powers
 917 granted hereunder, or based upon another applicable standard of
 918 review.

919 (2) The rules of the commission shall have the force of
 920 law in each member state, provided, however, that if the rules
 921 of the commission conflict with the laws of the member state
 922 that establish the member state's laws, regulations, and
 923 applicable standards that govern the practice of social work as
 924 held by a court of competent jurisdiction, the rules of the
 925 commission shall be ineffective in that state to the extent of

926 | the conflict.

927 | (3) The commission shall exercise its rulemaking powers
928 | pursuant to the criteria set forth in this section and the rules
929 | adopted thereunder. Rules shall become binding on the day
930 | following adoption or the date specified in the rule or
931 | amendment, whichever is later.

932 | (4) If a majority of the legislatures of the member states
933 | rejects a rule or portion of a rule, by enactment of a statute
934 | or resolution in the same manner used to adopt the compact
935 | within 4 years after the date of adoption of the rule, then such
936 | rule shall have no further force and effect in any member state.

937 | (5) Rules shall be adopted at a regular or special meeting
938 | of the commission.

939 | (6) Before adoption of a proposed rule, the commission
940 | shall hold a public hearing and allow persons to provide oral
941 | and written comments, data, facts, opinions, and arguments.

942 | (7) Before adoption of a proposed rule by the commission,
943 | and at least 30 days in advance of the meeting at which the
944 | commission will hold a public hearing on the proposed rule, the
945 | commission shall provide a notice of proposed rulemaking:

946 | (a) On the website of the commission or other publicly
947 | accessible platform.

948 | (b) To persons who have requested notice of the
949 | commission's notices of proposed rulemaking.

950 | (c) In such other way as the commission may by rule

951 specify.

952 (8) The notice of proposed rulemaking shall include:

953 (a) The time, date, and location of the public hearing at
954 which the commission will hear public comments on the proposed
955 rule and, if different, the time, date, and location of the
956 meeting where the commission will consider and vote on the
957 proposed rule.

958 (b) If the hearing is held via telecommunication, video
959 conference, or other electronic means, the commission shall
960 include the mechanism for access to the hearing in the notice of
961 proposed rulemaking.

962 (c) The text of the proposed rule and the reason therefor.

963 (d) A request for comments on the proposed rule from any
964 interested person.

965 (e) The manner in which interested persons may submit
966 written comments.

967 (9) All hearings will be recorded. A copy of the recording
968 and all written comments and documents received by the
969 commission in response to the proposed rule shall be available
970 to the public.

971 (10) This section does not require a separate hearing on
972 each rule. Rules may be grouped for the convenience of the
973 commission at hearings required by this section.

974 (11) The commission shall, by majority vote of all
975 members, take final action on the proposed rule based on the

976 rulemaking record and the full text of the rule.

977 (a) The commission may adopt changes to the proposed rule
978 provided the changes do not enlarge the original purpose of the
979 proposed rule.

980 (b) The commission shall provide an explanation of the
981 reasons for substantive changes made to the proposed rule as
982 well as reasons for substantive changes not made that were
983 recommended by commenters.

984 (c) The commission shall determine a reasonable effective
985 date for the rule. Except for an emergency as provided in
986 subsection (12), the effective date of the rule shall be no
987 sooner than 30 days after issuing the notice that it adopted or
988 amended the rule.

989 (12) Upon determination that an emergency exists, the
990 commission may consider and adopt an emergency rule with 48
991 hours' notice, with opportunity to comment, provided that the
992 usual rulemaking procedures provided in the compact and in this
993 section shall be retroactively applied to the rule as soon as
994 reasonably possible, but in no event later than 90 days after
995 the effective date of the rule. For the purposes of this
996 subsection, an emergency rule is one that must be adopted
997 immediately in order to:

998 (a) Meet an imminent threat to public health, safety, or
999 welfare;

1000 (b) Prevent a loss of commission or member state funds;

1001 (c) Meet a deadline for the adoption of a rule that is
1002 established by federal law or rule; or

1003 (d) Protect public health and safety.

1004 (13) The commission or an authorized committee of the
1005 commission may direct revisions to a previously adopted rule for
1006 purposes of correcting typographical errors, errors in format,
1007 errors in consistency, or grammatical errors. Public notice of
1008 any revisions shall be posted on the website of the commission.
1009 The revision shall be subject to challenge by any person for a
1010 period of 30 days after posting. The revision may be challenged
1011 only on grounds that the revision results in a material change
1012 to a rule. A challenge shall be made in writing and delivered to
1013 the commission prior to the end of the notice period. If no
1014 challenge is made, the revision will take effect without further
1015 action. If the revision is challenged, the revision may not take
1016 effect without the approval of the commission.

1017 (14) No member state's rulemaking requirements shall apply
1018 under this compact.

1020 ARTICLE XIII

1021 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

1023 (1) (a) The executive and judicial branches of state
1024 government in each member state shall enforce this compact and
1025 take all actions necessary and appropriate to implement the

1026 compact.

1027 (b) Except as otherwise provided in this compact, venue is
1028 proper and judicial proceedings by or against the commission
1029 shall be brought solely and exclusively in a court of competent
1030 jurisdiction where the principal office of the commission is
1031 located. The commission may waive venue and jurisdictional
1032 defenses to the extent it adopts or consents to participate in
1033 alternative dispute resolution proceedings. Nothing herein shall
1034 affect or limit the selection or propriety of venue in any
1035 action against a licensee for professional malpractice,
1036 misconduct, or any such similar matter.

1037 (c) The commission shall be entitled to receive service of
1038 process in any proceeding regarding the enforcement or
1039 interpretation of the compact and shall have standing to
1040 intervene in such a proceeding for all purposes. Failure to
1041 provide the commission service of process shall render a
1042 judgment or order void as to the commission, this compact, or
1043 adopted rules.

1044 (2)(a) If the commission determines that a member state
1045 has defaulted in the performance of its obligations or
1046 responsibilities under this compact or the adopted rules, the
1047 commission shall provide written notice to the defaulting state.
1048 The notice of default shall describe the default, the proposed
1049 means of curing the default, and any other action that the
1050 commission may take, and shall offer training and specific

1051 technical assistance regarding the default.

1052 (b) The commission shall provide a copy of the notice of
1053 default to the other member states.

1054 (3) If a state in default fails to cure the default, the
1055 defaulting state may be terminated from the compact upon an
1056 affirmative vote of a majority of the delegates of the member
1057 states, and all rights, privileges, and benefits conferred on
1058 that state by this compact may be terminated on the effective
1059 date of termination. A cure of the default does not relieve the
1060 offending state of obligations or liabilities incurred during
1061 the period of default.

1062 (4) Termination of membership in the compact shall be
1063 imposed only after all other means of securing compliance have
1064 been exhausted. Notice of intent to suspend or terminate shall
1065 be given by the commission to the Governor, the majority and
1066 minority leaders of the defaulting state's legislature, the
1067 defaulting state's state licensing authority, and each of the
1068 member states' licensing authority.

1069 (5) A state that has been terminated is responsible for
1070 all assessments, obligations, and liabilities incurred through
1071 the effective date of termination, including obligations that
1072 extend beyond the effective date of termination.

1073 (6) Upon the termination of a state's membership from this
1074 compact, that state shall immediately provide notice to all
1075 licensees within that state of such termination. The terminated

1076 state shall continue to recognize all licenses granted pursuant
1077 to this compact for a minimum of 6 months after the date of said
1078 notice of termination.

1079 (7) The commission may not bear any costs related to a
1080 state that is found to be in default or that has been terminated
1081 from the compact, unless agreed upon in writing between the
1082 commission and the defaulting state.

1083 (8) The defaulting state may appeal the action of the
1084 commission by petitioning the United States District Court for
1085 the District of Columbia or the federal district where the
1086 commission has its principal offices. The prevailing party shall
1087 be awarded all costs of such litigation, including reasonable
1088 attorney fees.

1089 (9) (a) Upon request by a member state, the commission
1090 shall attempt to resolve disputes related to the compact that
1091 arise among member states and between member and nonmember
1092 states.

1093 (b) The commission shall adopt a rule providing for both
1094 mediation and binding dispute resolution for disputes as
1095 appropriate.

1096 (10) (a) By majority vote as provided by rule, the
1097 commission may initiate legal action against a member state in
1098 default in the United States District Court for the District of
1099 Columbia or the federal district where the commission has its
1100 principal offices to enforce compliance with the provisions of

1101 the compact and its adopted rules. The relief sought may include
 1102 both injunctive relief and damages. In the event judicial
 1103 enforcement is necessary, the prevailing party shall be awarded
 1104 all costs of such litigation, including reasonable attorney
 1105 fees. The remedies herein may not be the exclusive remedies of
 1106 the commission. The commission may pursue any other remedies
 1107 available under federal or the defaulting member state's law.

1108 (b) A member state may initiate legal action against the
 1109 commission in the United States District Court for the District
 1110 of Columbia or the federal district where the commission has its
 1111 principal offices to enforce compliance with the provisions of
 1112 the compact and its adopted rules. The relief sought may include
 1113 both injunctive relief and damages. In the event judicial
 1114 enforcement is necessary, the prevailing party shall be awarded
 1115 all costs of such litigation, including reasonable attorney
 1116 fees.

1117 (c) Only a member state may enforce this compact against
 1118 the commission.

1120 ARTICLE XIV

1121 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

1122
 1123 (1) The compact shall come into effect on the date on
 1124 which the compact statute is enacted into law in the seventh
 1125 member state.

1126 (2) (a) On or after the effective date of the compact, the
1127 commission shall convene and review the enactment of each of the
1128 first seven charter member states to determine if the statute
1129 enacted by each such charter member state is materially
1130 different than the model compact statute.

1131 1. A charter member state whose enactment is found to be
1132 materially different from the model compact statute shall be
1133 entitled to the default process set forth in Article XIII.

1134 2. If any member state is later found to be in default, or
1135 is terminated or withdraws from the compact, the commission
1136 shall remain in existence and the compact shall remain in effect
1137 even if the number of member states should be less than seven.

1138 (b) Member states enacting the compact subsequent to the
1139 seven initial charter member states shall be subject to the
1140 process provided in paragraph (3) (u) of Article X to determine
1141 if their enactments are materially different from the model
1142 compact statute and whether they qualify for participation in
1143 the compact.

1144 (c) All actions taken for the benefit of the commission or
1145 in furtherance of the purposes of the administration of the
1146 compact prior to the effective date of the compact or the
1147 commission coming into existence shall be considered to be
1148 actions of the commission unless specifically repudiated by the
1149 commission.

1150 (d) Any state that joins the compact subsequent to the

1151 commission's initial adoption of the rules and bylaws shall be
1152 subject to the rules and bylaws as they exist on the date on
1153 which the compact becomes law in that state. Any rule that has
1154 been previously adopted by the commission shall have the full
1155 force and effect of law on the day the compact becomes law in
1156 that state.

1157 (3) Any member state may withdraw from this compact by
1158 enacting a statute repealing the same.

1159 (a) A member state's withdrawal may not take effect until
1160 180 days after enactment of the repealing statute.

1161 (b) Withdrawal may not affect the continuing requirement
1162 of the withdrawing state's licensing authority to comply with
1163 the investigative and adverse action reporting requirements of
1164 this compact before the effective date of withdrawal.

1165 (c) Upon the enactment of a statute withdrawing from this
1166 compact, a state shall immediately provide notice of such
1167 withdrawal to all licensees within that state. Notwithstanding
1168 any subsequent statutory enactment to the contrary, such
1169 withdrawing state shall continue to recognize all licenses
1170 granted pursuant to this compact for a minimum of 180 days after
1171 the date of such notice of withdrawal.

1172 (4) This compact does not invalidate or prevent any
1173 licensure agreement or other cooperative arrangement between a
1174 member state and a nonmember state that does not conflict with
1175 the provisions of this compact.

1176 (5) This compact may be amended by the member states. Any
 1177 amendment to this compact is not effective and binding upon any
 1178 member state until it is enacted into the laws of all member
 1179 states.

1181 ARTICLE XV
 1182 CONSTRUCTION AND SEVERABILITY

1184 (1) This compact and the commission's rulemaking authority
 1185 shall be liberally construed so as to effectuate the purposes
 1186 and the implementation and administration of the compact.
 1187 Provisions of the compact expressly authorizing or requiring the
 1188 adoption of rules may not be construed to limit the commission's
 1189 rulemaking authority solely for those purposes.

1190 (2) The provisions of this compact shall be severable and
 1191 if any phrase, clause, sentence, or provision of this compact is
 1192 held by a court of competent jurisdiction to be contrary to the
 1193 constitution of any member state, a state seeking participation
 1194 in the compact, or of the United states, or the applicability
 1195 thereof to any government, agency, person, or circumstance is
 1196 held to be unconstitutional by a court of competent
 1197 jurisdiction, the validity of the remainder of this compact and
 1198 the applicability thereof to any other government, agency,
 1199 person, or circumstance may not be affected thereby.

1200 (3) Notwithstanding subsection (2), the commission may

1201 deny a state's participation in the compact or, in accordance
1202 with the requirements of subsection (2) of Article XIII,
1203 terminate a member state's participation in the compact, if it
1204 determines that a constitutional requirement of a member state
1205 is a material departure from the compact. Otherwise, if this
1206 compact shall be held to be contrary to the constitution of any
1207 member state, the compact shall remain in full force and effect
1208 as to the remaining member states and in full force and effect
1209 as to the member state affected as to all severable matters.

1210
1211 ARTICLE XVI

1212 CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

1213
1214 (1) A licensee providing services in a remote state under
1215 a multistate authorization to practice shall adhere to the laws
1216 and regulations, including laws, regulations, and applicable
1217 standards, of the remote state where the client is located at
1218 the time care is rendered.

1219 (2) Nothing herein shall prevent or inhibit the
1220 enforcement of any other law of a member state that is not
1221 inconsistent with the compact.

1222 (3) Any laws, statutes, regulations, or other legal
1223 requirements in a member state in conflict with the compact are
1224 superseded to the extent of the conflict.

1225 (4) All permissible agreements between the commission and

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1226 | the member states are binding in accordance with their terms.

1227 | Section 2. This act shall take effect July 1, 2024.