

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health Professions &
2 Programs Subcommittee

3 Representative Hunschofsky offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 168-1523 and insert:

7 (5) "Commission" means the government agency whose
8 membership consists of all states that have enacted this
9 compact, which is known as the Social Work Licensure Compact
10 Commission, as described in Article X, and which shall operate
11 as an instrumentality of the member states.

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

13 (a) Investigative information that a licensing authority,
14 after a preliminary inquiry that includes notification and an
15 opportunity for the regulated social worker to respond, has
16 reason to believe is not groundless and, if proved true, would

Amendment No.1

17 indicate more than a minor infraction as may be defined by the
18 commission; or

19 (b) Investigative information that indicates that the
20 regulated social worker represents an immediate threat to public
21 health and safety, as may be defined by the commission,
22 regardless of whether the regulated social worker has been
23 notified and has had an opportunity to respond.

24 (7) "Data system" means a repository of information about
25 licensees, including continuing education, examination,
26 licensure, current significant investigative information,
27 disqualifying events, multistate licenses, and adverse action
28 information or other information as required by the commission.

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

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

35 (10) "Encumbrance" means a revocation or suspension of, or
36 any limitation on, the full and unrestricted practice of social
37 work licensed and regulated by a licensing authority.

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

Amendment No.1

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

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

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

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

53 (16) "Member state" means a state, commonwealth, district,
54 or territory of the United States that has enacted this compact.

55 (17) "Multistate authorization to practice" means a
56 legally authorized privilege to practice, which is equivalent to
57 a license, associated with a multistate license permitting the
58 practice of social work in a remote state.

59 (18) "Multistate license" means a license to practice as a
60 regulated social worker issued by a home state licensing
61 authority that authorizes the regulated social worker to
62 practice in all member states under multistate authorization to
63 practice.

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

Amendment No.1

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

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

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

74 (23) "Single state license" means a social work license
75 issued by any state that authorizes practice only within the
76 issuing state and does not include multistate authorization to
77 practice in any member state.

78 (24) "Social work" or "social work services" means the
79 application of social work theory, knowledge, methods, ethics,
80 and the professional use of self to restore or enhance social,
81 psychosocial, or biopsychosocial functioning of individuals,
82 couples, families, groups, organizations, and communities
83 through the care and services provided by a regulated social
84 worker as provided in the member state's statutes and
85 regulations in the state where the services are being provided.

86 (25) "State" means any state, commonwealth, district, or
87 territory of the United States that regulates the practice of
88 social work.

Amendment No.1

89 (26) "Unencumbered license" means a license that
90 authorizes a regulated social worker to engage in the full and
91 unrestricted practice of social work.

93 ARTICLE III

94 STATE PARTICIPATION IN THE COMPACT

96 (1) To be eligible to participate in the compact, a
97 potential member state must currently meet all of the following
98 criteria:

99 (a) License and regulate the practice of social work at
100 the clinical, master's, or bachelor's level.

101 (b) Require applicants for licensure to graduate from a
102 program that:

103 1. Is operated by a college or university recognized by
104 the licensing authority;

105 2. Is accredited, or in candidacy by an institution that
106 subsequently becomes accredited, by an accrediting agency
107 recognized by either:

108 a. The Council for Higher Education Accreditation or its
109 successor; or

110 b. The United States Department of Education; and

111 3. Corresponds to the licensure sought as outlined in
112 Article IV.

Amendment No.1

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

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

117 (2) To maintain membership in the compact, a member state
118 shall:

119 (a) Require that applicants for a multistate license pass
120 a Qualifying National Exam for the corresponding category of
121 multistate license sought as outlined in Article IV.

122 (b) Participate fully in the commission's data system,
123 including using the commission's unique identifier as defined in
124 rules.

125 (c) Notify the commission, in compliance with the terms of
126 the compact and rules, of any adverse action or the availability
127 of current significant investigative information regarding a
128 licensee.

129 (d) Implement procedures for considering the criminal
130 history records of applicants for a multistate license. Such
131 procedures shall include the submission of fingerprints or other
132 biometric-based information by applicants for the purpose of
133 obtaining an applicant's criminal history record information
134 from the Federal Bureau of Investigation and the agency
135 responsible for retaining that state's criminal records.

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

Amendment No.1

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

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

144 (h) Designate a delegate to participate in the commission
145 meetings.

146 (3) A member state meeting the requirements under
147 subsections (1) and (2) shall designate the categories of social
148 work licensure that are eligible for issuance of a multistate
149 license for applicants in such member state. To the extent that
150 any member state does not meet the requirements for
151 participation in the compact at any particular category of
152 social work licensure, such member state may choose, but is not
153 obligated, to issue a multistate license to applicants who
154 otherwise meet the requirements of Article IV for issuance of a
155 multistate license in such category or categories of licensure.

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

158
159 ARTICLE IV

160 SOCIAL WORKER PARTICIPATION IN THE COMPACT
161

Amendment No.1

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

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

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

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

174 (d) Notify the home state of any adverse action,
175 encumbrance, or restriction on any professional license taken by
176 any member state or nonmember state within 30 days after the
177 date the action was taken.

178 (e) Meet any continuing competence requirements
179 established by the home state.

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

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

185 (a) Fulfill a competency requirement, which shall be
186 satisfied by:

Amendment No.1

- 187 1. Passage of a clinical-category Qualifying National
188 Exam;
- 189 2. Licensure of the applicant in his or her home state at
190 the clinical category, beginning before such time as a
191 Qualifying National Exam was required by the home state and
192 accompanied by a period of continuous social work licensure
193 thereafter, all of which may be further governed by the rules of
194 the commission; or
- 195 3. The substantial equivalency of the foregoing competency
196 requirements which the commission may determine by rule.
- 197 (b) Attain at least a master's degree in social work from
198 a program that is:
- 199 1. Operated by a college or university recognized by a
200 licensing authority.
- 201 2. Accredited, or in candidacy that subsequently becomes
202 accredited, by an accrediting agency recognized by either:
- 203 a. The Council for Higher Education Accreditation or its
204 successor; or
- 205 b. The United States Department of Education.
- 206 (c) Fulfill a practice requirement, which shall be
207 satisfied by demonstrating completion of:
- 208 1. A period of postgraduate supervised clinical practice
209 equal to a minimum of 3,000 hours;
- 210 2. A minimum of 2 years of full-time postgraduate
211 supervised clinical practice; or

Amendment No.1

212 3. The substantial equivalency of the foregoing practice
213 requirements which the commission may determine by rule.

214 (3) An applicant for a master's-category multistate
215 license must meet all of the following requirements:

216 (a) Fulfill a competency requirement, which shall be
217 satisfied by:

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

219 2. Licensure of the applicant in his or her home state at
220 the master's category, beginning before such time as a
221 Qualifying National Exam was required by the home state at the
222 master's category and accompanied by a continuous period of
223 social work licensure thereafter, all of which may be further
224 governed by the rules of the commission; or

225 3. The substantial equivalency of the foregoing competency
226 requirements which the commission may determine by rule.

227 (b) Attain at least a master's degree in social work from
228 a program that is:

229 1. Operated by a college or university recognized by a
230 licensing authority.

231 2. Accredited, or in candidacy by an institution that
232 subsequently becomes accredited, by an accrediting agency
233 recognized by either:

234 a. The Council for Higher Education Accreditation or its
235 successor; or

236 b. The United States Department of Education.

Amendment No.1

- 237 (4) An applicant for a bachelor's-category multistate
238 license must meet all of the following requirements:
- 239 (a) Fulfill a competency requirement, which shall be
240 satisfied by:
- 241 1. Passage of a bachelor's-category Qualifying National
242 Exam;
- 243 2. Licensure of the applicant in his or her home state at
244 the bachelor's category, beginning before such time as a
245 Qualifying National Exam was required by the home state and
246 accompanied by a period of continuous social work licensure
247 thereafter, all of which may be further governed by the rules of
248 the commission; or
- 249 3. The substantial equivalency of the foregoing competency
250 requirements which the commission may determine by rule.
- 251 (b) Attain at least a bachelor's degree in social work
252 from a program that is:
- 253 1. Operated by a college or university recognized by the
254 licensing authority.
- 255 2. Accredited, or in candidacy that subsequently becomes
256 accredited, by an accrediting agency recognized by either:
- 257 a. The Council for Higher Education Accreditation or its
258 successor; or
- 259 b. The United States Department of Education.
- 260 (5) The multistate license for a regulated social worker
261 is subject to the renewal requirements of the home state. The

Amendment No.1

262 regulated social worker must maintain compliance with the
263 requirements of subsection (1) to be eligible to renew a
264 multistate license.

265 (6) The regulated social worker's services in a remote
266 state are subject to that member state's regulatory authority. A
267 remote state may, in accordance with due process and that member
268 state's laws, remove a regulated social worker's multistate
269 authorization to practice in the remote state for a specific
270 period of time, impose fines, and take any other necessary
271 actions to protect the health and safety of its citizens.

272 (7) If a multistate license is encumbered, the regulated
273 social worker's multistate authorization to practice shall be
274 deactivated in all remote states until the multistate license is
275 no longer encumbered.

276 (8) If a multistate authorization to practice is
277 encumbered in a remote state, the regulated social worker's
278 multistate authorization to practice may be deactivated in that
279 state until the multistate authorization to practice is no
280 longer encumbered.

281
282 ARTICLE V

283 ISSUANCE OF A MULTISTATE LICENSE

284
285 (1) Upon receipt of an application for multistate license,
286 the home state licensing authority shall determine the

Amendment No.1

287 applicant's eligibility for a multistate license in accordance
288 with Article IV.

289 (2) If such applicant is eligible pursuant to Article IV,
290 the home state licensing authority shall issue a multistate
291 license that authorizes the applicant or regulated social worker
292 to practice in all member states under a multistate
293 authorization to practice.

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

298 (4) A multistate license issued by a home state to a
299 resident in that state shall be recognized by all compact member
300 states as authorizing social work practice under a multistate
301 authorization to practice corresponding to each category of
302 licensure regulated in each member state.

304 ARTICLE VI

305 AUTHORITY OF INTERSTATE COMPACT COMMISSION

306 AND MEMBER STATE LICENSING AUTHORITIES

307
308 (1) This compact, or any rule of the commission, does not
309 limit, restrict, or in any way reduce the ability of a member
310 state to:

Amendment No.1

311 (a) Enact and enforce laws, regulations, or other rules
312 related to the practice of social work in that state when those
313 laws, regulations, or other rules are not inconsistent with the
314 provisions of this compact.

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

317 (c) Take adverse action against a licensee's multistate
318 authorization to practice social work in that state.

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

324 (3) This compact does not affect the requirements
325 established by a member state for the issuance of a single state
326 license.

327 ARTICLE VII

328 REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

329
330 (1) A licensee can hold a multistate license, issued by
331 his or her home state, in only one member state at any given
332 time.

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

Amendment No.1

335 (a) The licensee shall immediately apply for the
336 reissuance of his or her multistate license in his or her new
337 home state. The licensee shall pay all applicable fees and
338 notify the prior home state in accordance with the rules of the
339 commission.

340 (b) Upon receipt of an application to reissue a multistate
341 license, the new home state shall verify that the multistate
342 license is active, unencumbered, and eligible for reissuance
343 under the terms of the compact and the rules of the commission.
344 The multistate license issued by the prior home state will be
345 deactivated and all member states notified in accordance with
346 the applicable rules adopted by the commission.

347 (c) Before the reissuance of the multistate license, the
348 new home state shall conduct procedures for considering the
349 criminal history records of the licensee. Such procedures shall
350 include the submission of fingerprints or other biometric-based
351 information by applicants for the purpose of obtaining an
352 applicant's criminal history record information from the Federal
353 Bureau of Investigation and the agency responsible for retaining
354 that state's criminal records.

355 (d) If required for initial licensure, the new home state
356 may require completion of jurisprudence requirements in the new
357 home state.

358 (e) Notwithstanding any other provision of this compact,
359 if a licensee does not meet the requirements provided in this

Amendment No.1

360 compact for the reissuance of a multistate license by the new
361 home state, then the licensee shall be subject to the new home
362 state requirements for the issuance of a single state license in
363 that state.

364 (3) If a licensee changes his or her primary state of
365 residence by moving from a member state to a nonmember state, or
366 from a nonmember state to a member state, then the licensee
367 shall be subject to the state requirements for the issuance of a
368 single state license in the new home state.

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

373 (5) This compact does not interfere with the requirements
374 established by a member state for the issuance of a single state
375 license.

376 ARTICLE VIII

377 MILITARY FAMILIES

378
379 An active military member or his or her spouse shall
380 designate a home state where the individual has a multistate
381 license. The individual may retain his or her home state
382 designation during the period the servicemember is on active
383 duty.
384

Amendment No.1

385 ARTICLE IX

386 ADVERSE ACTIONS

387
388 (1) In addition to the other powers conferred by general
389 law, a remote state shall have the authority, in accordance with
390 existing state due process law, to:

391 (a) Take adverse action against a regulated social
392 worker's multistate authorization to practice only within that
393 member state, and issue subpoenas for both hearings and
394 investigations that require the attendance and testimony of
395 witnesses as well as the production of evidence. Subpoenas
396 issued by a licensing authority in a member state for the
397 attendance and testimony of witnesses or the production of
398 evidence from another member state shall be enforced in the
399 latter state by any court of competent jurisdiction, according
400 to the practice and procedure of that court applicable to
401 subpoenas issued in proceedings pending before it. The issuing
402 licensing authority shall pay any witness fees, travel expenses,
403 mileage, and other fees required by the service statutes of the
404 state in which the witnesses or evidence are located.

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

408 (2) For purposes of taking adverse action, the home state
409 shall give the same priority and effect to reported conduct

Amendment No.1

410 received from a member state as it would if the conduct had
411 occurred within the home state. In so doing, the home state
412 shall apply its own state laws to determine appropriate action.

413 (3) The home state shall complete any pending
414 investigations of a regulated social worker who changes his or
415 her home state during the course of the investigations. The home
416 state shall also have the authority to take appropriate actions
417 and shall promptly report the conclusions of the investigations
418 to the administrator of the data system. The administrator of
419 the data system shall promptly notify the new home state of any
420 adverse actions.

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

425 (5) A member state may take adverse action based on the
426 factual findings of another member state, provided that the
427 member state follows its own procedures for taking the adverse
428 action.

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

Amendment No.1

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

436 (7) If adverse action is taken by the home state against
437 the multistate license of a regulated social worker, the
438 regulated social worker's multistate authorization to practice
439 in all other member states shall be deactivated until all
440 encumbrances have been removed from the multistate license. All
441 home state disciplinary orders that impose adverse action
442 against the license of a regulated social worker shall include a
443 statement that the regulated social worker's multistate
444 authorization to practice is deactivated in all member states
445 until all conditions of the decision, order, or agreement are
446 satisfied.

447 (8) If a member state takes adverse action, it shall
448 promptly notify the administrator of the data system. The
449 administrator of the data system shall promptly notify the home
450 state and all other member states of any adverse actions by
451 remote states.

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

455 (10) This compact does not authorize a member state to
456 demand the issuance of subpoenas for attendance and testimony of

Amendment No.1

457 witnesses or the production of evidence from another member
458 state for lawful actions within that member state.

459 (11) This compact does not authorize a member state to
460 impose discipline against a regulated social worker who holds a
461 multistate authorization to practice for lawful actions within
462 another member state.

463
464 ARTICLE X

465 ESTABLISHMENT OF SOCIAL WORK LICENSURE

466 COMPACT COMMISSION

467
468 (1) The compact member states hereby create and establish
469 a joint government agency whose membership consists of all
470 member states that have enacted the compact known as the Social
471 Work Licensure Compact Commission. The commission is an
472 instrumentality of the compact states acting jointly and not an
473 instrumentality of any one state. The commission shall come into
474 existence on or after the effective date of the compact as
475 provided in Article XIV.

476 (2) (a) Each member state shall have and be limited to one
477 delegate appointed by that member state's licensing authority.
478 The delegate shall be either:

479 1. A current member of the state licensing authority at
480 the time of appointment who is a regulated social worker or
481 public member of the state licensing authority; or

Amendment No.1

482 2. An administrator of the licensing authority or his or
483 her designee.

484 (b) The commission shall by rule or bylaw establish a term
485 of office for delegates and may by rule or bylaw establish term
486 limits.

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

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

492 (e) Each delegate shall be entitled to one vote on all
493 matters before the commission requiring a vote by commission
494 delegates.

495 (f) A delegate shall vote in person or by such other means
496 as provided in the bylaws. The bylaws may provide for delegates
497 to meet by telecommunication, video conference, or other similar
498 electronic means.

499 (g) The commission shall meet at least once during each
500 calendar year. Additional meetings may be held as provided in
501 the bylaws. The commission may meet by telecommunication, video
502 conference, or other similar electronic means.

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

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

505 (b) Establish code of conduct and conflict of interest
506 policies.

Amendment No.1

- 507 (c) Establish and amend rules and bylaws.
- 508 (d) Maintain its financial records in accordance with the
509 bylaws.
- 510 (e) Meet and take such actions as are consistent with the
511 provisions of this compact, the commission's rules, and the
512 bylaws.
- 513 (f) Initiate and conclude legal proceedings or actions in
514 the name of the commission, provided that the standing of any
515 licensing authority to sue or be sued under applicable law may
516 not be affected.
- 517 (g) Maintain and certify records and information provided
518 to a member state as the authenticated business records of the
519 commission, and designate an agent to do so on the commission's
520 behalf.
- 521 (h) Purchase and maintain insurance and bonds.
- 522 (i) Borrow, accept, or contract for services of personnel,
523 including, but not limited to, employees of a member state.
- 524 (j) Conduct an annual financial review.
- 525 (k) Hire employees, elect or appoint officers, fix
526 compensation, define duties, grant such individuals appropriate
527 authority to carry out the purposes of the compact, and
528 establish the commission's personnel policies and programs
529 relating to conflicts of interest, qualifications of personnel,
530 and other related personnel matters.
- 531 (l) Assess and collect fees.

Amendment No.1

532 (m) Accept any and all appropriate gifts, donations,
533 grants of money, other sources of revenue, equipment, supplies,
534 materials, and services, and receive, utilize, and dispose of
535 the same; provided that at all times the commission shall avoid
536 any appearance of impropriety or conflict of interest.

537 (n) Lease, purchase, retain, own, hold, improve, or use
538 any property, real, personal, or mixed, or any undivided
539 interest therein.

540 (o) Sell, convey, mortgage, pledge, lease, exchange,
541 abandon, or otherwise dispose of any property, real, personal,
542 or mixed.

543 (p) Establish a budget and make expenditures.

544 (q) Borrow money.

545 (r) Appoint committees, including standing committees,
546 composed of members, state regulators, state legislators or
547 their representatives, consumer representatives, and such other
548 interested persons as may be designated in this compact and the
549 bylaws.

550 (s) Provide and receive information from, and cooperate
551 with, law enforcement agencies.

552 (t) Establish and elect an executive committee, including
553 a chair and a vice chair.

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

Amendment No.1

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

559 (4) (a) The executive committee shall have the power to act
560 on behalf of the commission according to the terms of this
561 compact. The powers, duties, and responsibilities of the
562 executive committee shall include:

563 1. Oversee the day-to-day activities of the administration
564 of the compact, including enforcement and compliance with the
565 provisions of the compact, its rules and bylaws, and other such
566 duties as deemed necessary.

567 2. Recommend to the commission changes to the rules or
568 bylaws, changes to this compact legislation, fees charged to
569 compact member states, fees charged to licensees, and other
570 fees.

571 3. Ensure compact administration services are
572 appropriately provided, including by contract.

573 4. Prepare and recommend the budget.

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

575 6. Monitor compact compliance of member states and provide
576 compliance reports to the commission.

577 7. Establish additional committees as necessary.

578 8. Exercise the powers and duties of the commission during
579 the interim between commission meetings, except for adopting or
580 amending rules, adopting or amending bylaws, and exercising any

Amendment No.1

581 other powers and duties reserved expressly for use by the
582 commission by rule or bylaw.

583 9. Other duties as provided in the rules or bylaws of the
584 commission.

585 (b) The executive committee shall be composed of up to 11
586 members:

587 1. The chair and vice chair of the commission shall be
588 voting members of the executive committee.

589 2. The commission shall elect five voting members from the
590 current membership of the commission.

591 3. Up to four ex-officio, nonvoting members from four
592 recognized national social work organizations, selected by their
593 respective organizations.

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

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

597 1. Executive committee meetings shall be open to the
598 public, except that the executive committee may meet in a
599 closed, nonpublic meeting as provided in subsection (7).

600 2. The executive committee shall give 7 days' notice of
601 its meetings, posted on its website and as determined to provide
602 notice to persons with an interest in the business of the
603 commission.

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

Amendment No.1

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

608 (6) All meetings shall be open to the public, except that
609 the commission may meet in a closed, nonpublic meeting as
610 provided in subsection (7).

611 (a) Public notice for all meetings of the full commission
612 of meetings shall be given in the same manner as required under
613 the rulemaking provisions in Article XII, except that the
614 commission may hold a special meeting as provided in paragraph
615 (b).

616 (b) The commission may hold a special meeting when it must
617 meet to conduct emergency business by giving 48 hours' notice to
618 all commissioners, on the commission's website, and by other
619 means as provided in the commission's rules. The commission's
620 legal counsel shall certify that the commission's need to meet
621 qualifies as an emergency.

622 (7) (a) The commission or the executive committee or other
623 committee of the commission may convene in a closed, non-public
624 meeting if the commission or the committee needs to receive
625 legal advice or discuss any of the following:

626 1. Noncompliance of a member state with its
627 obligations under the compact.

628 2. The employment, compensation, discipline of, or
629 other matters, practices, or procedures related to specific
630 employees.

Amendment No.1

631 3. Current or threatened discipline of a licensee by
632 the commission or by a member state's licensing authority.

633 4. Current, threatened, or reasonably anticipated
634 litigation.

635 5. Negotiation of contracts for the purchase, lease,
636 or sale of goods, services, or real estate.

637 6. Accusing any person of a crime or formally
638 censuring any person.

639 7. Trade secrets or commercial or financial
640 information that is privileged or confidential.

641 8. Information of a personal nature when disclosure
642 would constitute a clearly unwarranted invasion of personal
643 privacy.

644 9. Investigative records compiled for law enforcement
645 purposes.

646 10. Information related to any investigative reports
647 prepared by, or on behalf of or for the use of, the commission
648 or other committee charged with responsibility of investigation
649 or determination of compliance issues pursuant to the compact.

650 11. Matters specifically exempted from disclosure by
651 federal or member state law.

652 12. Other matters as adopted by commission rule.

653 (b) If a meeting, or portion of a meeting, is closed, the
654 presiding officer shall state that the meeting will be closed

Amendment No.1

655 and reference each relevant exempting provision, and such
656 reference shall be recorded in the minutes.

657 (c) The commission shall keep minutes that fully and
658 clearly describe all matters discussed in a meeting and shall
659 provide a full and accurate summary of actions taken, and the
660 reasons therefor, including a description of the views
661 expressed. All documents considered in connection with an action
662 shall be identified in such minutes. All minutes and documents
663 of a closed meeting shall remain under seal, subject to release
664 only by a majority vote of the commission or order of a court of
665 competent jurisdiction.

666 (8) (a) The commission shall pay, or provide for the payment
667 of, the reasonable expenses of its establishment, organization,
668 and ongoing activities.

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

671 (c) The commission may levy on and collect an annual
672 assessment from each member state and impose fees on licensees
673 of member states to whom it grants a multistate license to cover
674 the cost of the operations and activities of the commission and
675 its staff, which must be in a total amount sufficient to cover
676 its annual budget as approved each year for which revenue is not
677 provided by other sources. The aggregate annual assessment
678 amount for member states shall be allocated based upon a formula
679 that the commission shall adopt by rule.

Amendment No.1

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

684 (e) The commission shall keep accurate accounts of all
685 receipts and disbursements. The receipts and disbursements of
686 the commission shall be subject to the financial review and
687 accounting procedures established under its bylaws. However, all
688 receipts and disbursements of funds handled by the commission
689 shall be subject to an annual financial review by a certified or
690 licensed public accountant, and the report of the financial
691 review shall be included in and become part of the annual report
692 of the commission.

693 (9) (a) The members, officers, executive director,
694 employees, and representatives of the commission shall be immune
695 from suit and liability, both personally and in their official
696 capacity, for any claim for damage to or loss of property or
697 personal injury or other civil liability caused by or arising
698 out of any actual or alleged act, error, or omission that
699 occurred, or that the person against whom the claim is made had
700 a reasonable basis for believing occurred within the scope of
701 commission employment, duties, or responsibilities; provided
702 that this paragraph does not protect any such person from suit
703 or liability for any damage, loss, injury, or liability caused
704 by the intentional or willful or wanton misconduct of that

Amendment No.1

705 person. The procurement of insurance of any type by the
706 commission may not in any way compromise or limit the immunity
707 granted hereunder.

708 (b) The commission shall defend any member, officer,
709 executive director, employee, and representative of the
710 commission in any civil action seeking to impose liability
711 arising out of any actual or alleged act, error, or omission
712 that occurred within the scope of commission employment, duties,
713 or responsibilities, or as determined by the commission that the
714 person against whom the claim is made had a reasonable basis for
715 believing occurred within the scope of commission employment,
716 duties, or responsibilities; provided that nothing herein shall
717 be construed to prohibit that person from retaining his or her
718 own counsel at his or her own expense; and provided further that
719 the actual or alleged act, error, or omission did not result
720 from the intentional or willful or wanton misconduct of that
721 person.

722 (c) The commission shall indemnify and hold harmless any
723 member, officer, executive director, employee, and
724 representative of the commission for the amount of any
725 settlement or judgment obtained against that person arising out
726 of any actual or alleged act, error, or omission that occurred
727 within the scope of commission employment, duties, or
728 responsibilities, or, as determined by the commission, that the
729 person against whom the claim is made had a reasonable basis for

Amendment No.1

730 believing occurred within the scope of commission employment,
731 duties, or responsibilities, provided that the actual or alleged
732 act, error, or omission did not result from the intentional or
733 willful or wanton misconduct of that person.

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

738 (e) This compact may not be interpreted to waive or
739 otherwise abrogate a member state's state action immunity or
740 state action affirmative defense with respect to antitrust
741 claims under the Sherman Antitrust Act, Clayton Antitrust Act of
742 1914, or any other state or federal antitrust or anticompetitive
743 law or regulation.

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

747 ARTICLE XI

748 DATA SYSTEM

749
750 (1) The commission shall provide for the development,
751 maintenance, operation, and utilization of a coordinated data
752 system.

Amendment No.1

753 (2) The commission shall assign each applicant for a
754 multistate license a unique identifier, as determined by the
755 rules of the commission.

756 (3) Notwithstanding any other provision of state law to
757 the contrary, a member state shall submit a uniform data set to
758 the data system on all individuals to whom this compact is
759 applicable as required by the rules of the commission,
760 including:

761 (a) Identifying information.

762 (b) Licensure data.

763 (c) Adverse actions against a license and information
764 related thereto.

765 (d) Nonconfidential information related to alternative
766 program participation, the beginning and ending dates of such
767 participation, and other information related to such
768 participation not made confidential under member state law.

769 (e) Any denial of application for licensure, and the
770 reason for such denial.

771 (f) The presence of current significant investigative
772 information.

773 (g) Other information that may facilitate the
774 administration of this compact or the protection of the public,
775 as determined by the rules of the commission.

776 (4) The records and information provided to a member state
777 pursuant to this compact or through the data system, when

Amendment No.1

778 certified by the commission or an agent thereof, shall
779 constitute the authenticated business records of the commission,
780 and shall be entitled to any associated hearsay exception in any
781 relevant judicial, quasi-judicial, or administrative proceedings
782 in a member state.

783 (5) (a) Current significant investigative information
784 pertaining to a licensee in any member state will only be
785 available to other member states.

786 (b) It is the responsibility of the member states to
787 report any adverse action against a licensee and to monitor the
788 database to determine whether adverse action has been taken
789 against a licensee. Adverse action information pertaining to a
790 licensee in any member state will be available to any other
791 member state.

792 (6) Member states contributing information to the data
793 system may designate information that may not be shared with the
794 public without the express permission of the contributing state.

795 (7) Any information submitted to the data system that is
796 subsequently expunged pursuant to federal law or the laws of the
797 member state contributing the information shall be removed from
798 the data system.

799

800 ARTICLE XII801 RULEMAKING

802

197033 - h027-line 168.docx

Published On: 2/10/2025 5:15:06 PM

Amendment No.1

803 (1) The commission shall adopt reasonable rules in order
804 to effectively and efficiently implement and administer the
805 purposes and provisions of the compact. A rule shall be invalid
806 and have no force or effect only if a court of competent
807 jurisdiction holds that the rule is invalid because the
808 commission exercised its rulemaking authority in a manner that
809 is beyond the scope and purposes of the compact, or the powers
810 granted hereunder, or based upon another applicable standard of
811 review.

812 (2) The rules of the commission shall have the force of
813 law in each member state; however, if the rules of the
814 commission conflict with the laws, regulations, and applicable
815 standards that govern the practice of social work as held by a
816 court of competent jurisdiction, the rules of the commission are
817 ineffective in that state to the extent of the conflict.

818 (3) The commission shall exercise its rulemaking powers
819 pursuant to the criteria provided in this section and the rules
820 adopted thereunder. Rules shall become binding on the day
821 following adoption or the date specified in the rule or
822 amendment, whichever is later.

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

Amendment No.1

828 (5) Rules shall be adopted at a regular or special meeting
829 of the commission.

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

833 (7) Before adoption of a proposed rule by the commission,
834 and at least 30 days in advance of the meeting at which the
835 commission will hold a public hearing on the proposed rule, the
836 commission shall provide a notice of proposed rulemaking:

837 (a) On the website of the commission or other publicly
838 accessible platform.

839 (b) To persons who have requested notice of the
840 commission's notices of proposed rulemaking.

841 (c) In such other way as the commission may by rule
842 specify.

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

844 (a) The time, date, and location of the public hearing at
845 which the commission will hear public comments on the proposed
846 rule and, if different, the time, date, and location of the
847 meeting where the commission will consider and vote on the
848 proposed rule.

849 (b) If the hearing is held via telecommunication, video
850 conference, or other similar electronic means, the commission
851 shall include the mechanism for access to the hearing in the
852 notice of proposed rulemaking.

Amendment No.1

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

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

856 (e) The manner in which interested persons may submit
857 written comments.

858 (9) All hearings will be recorded. A copy of the recording
859 and all written comments and documents received by the
860 commission in response to the proposed rule shall be available
861 to the public.

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

865 (11) The commission shall, by majority vote of all
866 members, take final action on the proposed rule based on the
867 rulemaking record and the full text of the rule.

868 (a) The commission may adopt changes to the proposed rule
869 provided the changes do not enlarge the original purpose of the
870 proposed rule.

871 (b) The commission shall provide an explanation of the
872 reasons for substantive changes made to the proposed rule as
873 well as reasons for substantive changes not made that were
874 recommended by commenters.

875 (c) The commission shall determine a reasonable effective
876 date for the rule. Except for an emergency as provided in
877 subsection (12), the effective date of the rule shall be no

Amendment No.1

878 sooner than 30 days after issuing the notice that the commission
879 adopted or amended the rule.

880 (12) Upon determination that an emergency exists, the
881 commission may consider and adopt an emergency rule with 48
882 hours' notice, with opportunity to comment, provided that the
883 usual rulemaking procedures provided in the compact and in this
884 section shall be retroactively applied to the rule as soon as
885 reasonably possible, but in no event later than 90 days after
886 the effective date of the rule. For the purposes of this
887 subsection, an emergency rule is one that must be adopted
888 immediately in order to:

889 (a) Meet an imminent threat to public health, safety, or
890 welfare;

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

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

894 (d) Protect public health and safety.

895 (13) The commission or an authorized committee of the
896 commission may direct revisions to a previously adopted rule for
897 purposes of correcting typographical errors, errors in format,
898 errors in consistency, or grammatical errors. Public notice of
899 any revisions shall be posted on the website of the commission.
900 The revision shall be subject to challenge by any person for a
901 period of 30 days after posting. The revision may be challenged
902 only on grounds that the revision results in a material change

Amendment No.1

903 to a rule. A challenge shall be made in writing and delivered to
904 the commission prior to the end of the notice period. If no
905 challenge is made, the revision will take effect without further
906 action. If the revision is challenged, the revision may not take
907 effect without the approval of the commission.

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

910
911 ARTICLE XIII

912 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

913
914 (1) (a) The executive and judicial branches of state
915 government in each member state shall enforce this compact and
916 take all actions necessary and appropriate to implement the
917 compact.

918 (b) Except as otherwise provided in this compact, venue is
919 proper and judicial proceedings by or against the commission
920 shall be brought solely and exclusively in a court of competent
921 jurisdiction where the principal office of the commission is
922 located. The commission may waive venue and jurisdictional
923 defenses to the extent it adopts or consents to participate in
924 alternative dispute resolution proceedings. Nothing herein shall
925 affect or limit the selection or propriety of venue in any
926 action against a licensee for professional malpractice,
927 misconduct, or any such similar matter.

Amendment No.1

928 (c) The commission shall be entitled to receive service of
929 process in any proceeding regarding the enforcement or
930 interpretation of the compact and shall have standing to
931 intervene in such a proceeding for all purposes. Failure to
932 provide the commission service of process shall render a
933 judgment or order void as to the commission, this compact, or
934 adopted rules.

935 (2) (a) If the commission determines that a member state
936 has defaulted in the performance of its obligations or
937 responsibilities under this compact or the adopted rules, the
938 commission shall provide written notice to the defaulting state.
939 The notice of default shall describe the default, the proposed
940 means of curing the default, and any other action that the
941 commission may take, and shall offer training and specific
942 technical assistance regarding the default.

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

945 (3) If a state in default fails to cure the default, the
946 defaulting state may be terminated from the compact upon an
947 affirmative vote of a majority of the delegates of the member
948 states, and all rights, privileges, and benefits conferred on
949 that state by this compact may be terminated on the effective
950 date of termination. A cure of the default does not relieve the
951 offending state of obligations or liabilities incurred during
952 the period of default.

Amendment No.1

953 (4) Termination of membership in the compact shall be
954 imposed only after all other means of securing compliance have
955 been exhausted. Notice of intent to suspend or terminate shall
956 be given by the commission to the Governor, the majority and
957 minority leaders of the defaulting state's legislature, the
958 defaulting state's state licensing authority, and the licensing
959 authority of each member state.

960 (5) A state that has been terminated is responsible for
961 all assessments, obligations, and liabilities incurred through
962 the effective date of termination, including obligations that
963 extend beyond the effective date of termination.

964 (6) Upon the termination of a state's membership from this
965 compact, that state shall immediately provide notice to all
966 licensees within that state of such termination. The terminated
967 state shall continue to recognize all licenses granted pursuant
968 to this compact for a minimum of 6 months after the date of said
969 notice of termination.

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

974 (8) The defaulting state may appeal the action of the
975 commission by petitioning the United States District Court for
976 the District of Columbia or the federal district where the
977 commission has its principal offices. The prevailing party shall

Amendment No.1

978 be awarded all costs of such litigation, including reasonable
979 attorney fees.

980 (9) (a) Upon request by a member state, the commission
981 shall attempt to resolve disputes related to the compact that
982 arise among member states and between member and nonmember
983 states.

984 (b) The commission shall adopt a rule providing for both
985 mediation and binding dispute resolution for disputes as
986 appropriate.

987 (10) (a) By majority vote as provided by rule, the
988 commission may initiate legal action against a member state in
989 default in the United States District Court for the District of
990 Columbia or the federal district where the commission has its
991 principal offices to enforce compliance with the provisions of
992 the compact and its adopted rules. The relief sought may include
993 both injunctive relief and damages. In the event judicial
994 enforcement is necessary, the prevailing party shall be awarded
995 all costs of such litigation, including reasonable attorney
996 fees. The remedies herein may not be the exclusive remedies of
997 the commission. The commission may pursue any other remedies
998 available under federal or the defaulting member state's law.

999 (b) A member state may initiate legal action against the
1000 commission in the United States District Court for the District
1001 of Columbia or the federal district where the commission has its
1002 principal offices to enforce compliance with the provisions of

Amendment No.1

1003 the compact and its adopted rules. The relief sought may include
1004 both injunctive relief and damages. In the event judicial
1005 enforcement is necessary, the prevailing party shall be awarded
1006 all costs of such litigation, including reasonable attorney
1007 fees.

1008 (c) Only a member state may enforce this compact against
1009 the commission.

1011 ARTICLE XIV

1012 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

1014 (1) The compact shall come into effect on the date on
1015 which the compact statute is enacted into law in the seventh
1016 member state.

1017 (2) (a) On or after the effective date of the compact, the
1018 commission shall convene and review the enactment of each of the
1019 first seven charter member states to determine if the statute
1020 enacted by each such charter member state is materially
1021 different than the model compact statute.

1022 1. A charter member state whose enactment is found to be
1023 materially different from the model compact statute shall be
1024 entitled to the default process provided in Article XIII.

1025 2. If any member state is later found to be in default, or
1026 is terminated or withdraws from the compact, the commission

Amendment No.1

1027 shall remain in existence and the compact shall remain in effect
1028 even if the number of member states should be less than seven.

1029 (b) Member states enacting the compact subsequent to the
1030 seven initial charter member states shall be subject to the
1031 process provided in paragraph (3)(u) of Article X to determine
1032 if their enactments are materially different from the model
1033 compact statute and whether they qualify for participation in
1034 the compact.

1035 (c) All actions taken for the benefit of the commission or
1036 in furtherance of the purposes of the administration of the
1037 compact prior to the effective date of the compact or the
1038 commission coming into existence shall be considered to be
1039 actions of the commission unless specifically repudiated by the
1040 commission.

1041 (d) Any state that joins the compact subsequent to the
1042 commission's initial adoption of the rules and bylaws shall be
1043 subject to the rules and bylaws as they exist on the date on
1044 which the compact becomes law in that state. Any rule that has
1045 been previously adopted by the commission shall have the full
1046 force and effect of law on the day the compact becomes law in
1047 that state.

1048 (3) Any member state may withdraw from this compact by
1049 enacting a statute repealing the same.

1050 (a) A member state's withdrawal may not take effect until
1051 180 days after enactment of the repealing statute.

Amendment No.1

1052 (b) Withdrawal may not affect the continuing requirement
1053 of the withdrawing state's licensing authority to comply with
1054 the investigative and adverse action reporting requirements of
1055 this compact before the effective date of withdrawal.

1056 (c) Upon the enactment of a statute withdrawing from this
1057 compact, a state shall immediately provide notice of such
1058 withdrawal to all licensees within that state. Notwithstanding
1059 any subsequent statutory enactment to the contrary, such
1060 withdrawing state shall continue to recognize all licenses
1061 granted pursuant to this compact for a minimum of 180 days after
1062 the date of such notice of withdrawal.

1063 (4) This compact does not invalidate or prevent any
1064 licensure agreement or other cooperative arrangement between a
1065 member state and a nonmember state that does not conflict with
1066 the provisions of this compact.

1067 (5) This compact may be amended by the member states. Any
1068 amendment to this compact is not effective and binding upon any
1069 member state until it is enacted into the laws of all member
1070 states.

1071
1072 ARTICLE XV

1073 CONSTRUCTION AND SEVERABILITY

1074
1075 (1) This compact and the commission's rulemaking authority
1076 shall be liberally construed so as to effectuate the purposes

Amendment No.1

1077 and the implementation and administration of the compact.
1078 Provisions of the compact expressly authorizing or requiring the
1079 adoption of rules may not be construed to limit the commission's
1080 rulemaking authority solely for those purposes.

1081 (2) The provisions of this compact shall be severable and
1082 if any phrase, clause, sentence, or provision of this compact is
1083 held by a court of competent jurisdiction to be contrary to the
1084 constitution of any member state, a state seeking participation
1085 in the compact, or of the United states, or the application
1086 thereof to any government, agency, person, or circumstance is
1087 held to be unconstitutional by a court of competent
1088 jurisdiction, the validity of the remainder of this compact and
1089 the applicability thereof to any other government, agency,
1090 person, or circumstance may not be affected thereby.

1091 (3) Notwithstanding subsection (2), the commission may
1092 deny a state's participation in the compact or, in accordance
1093 with the requirements of subsection (3) of Article XIII,
1094 terminate a member state's participation in the compact, if it
1095 determines that a constitutional requirement of a member state
1096 is a material departure from the compact. Otherwise, if this
1097 compact shall be held to be contrary to the constitution of any
1098 member state, the compact shall remain in full force and effect
1099 as to the remaining member states and in full force and effect
1100 as to the member state affected as to all severable matters.
1101

Amendment No.1

1102 ARTICLE XVI

1103 CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

1104
1105 (1) A licensee providing services in a remote state under
1106 a multistate authorization to practice shall adhere to the laws
1107 and regulations, including laws, regulations, and applicable
1108 standards, of the remote state where the client is located at
1109 the time care is rendered.

1110 (2) Nothing herein shall prevent or inhibit the
1111 enforcement of any other law of a member state that is not
1112 inconsistent with the compact.

1113 (3) Any laws, statutes, regulations, or other legal
1114 requirements in a member state in conflict with the compact are
1115 superseded to the extent of the conflict.

1116 (4) All permissible agreements between the commission and
1117 the member states are binding in accordance with their terms.

1118 **Section 2. Subsection (10) of section 456.073, Florida**
1119 **Statutes, is amended to read:**

1120 456.073 Disciplinary proceedings.—Disciplinary proceedings
1121 for each board shall be within the jurisdiction of the
1122 department.

1123 (10)(a) The complaint and all information obtained
1124 pursuant to the investigation by the department are confidential
1125 and exempt from s. 119.07(1) until 10 days after probable cause
1126 has been found to exist by the probable cause panel or by the

Amendment No.1

1127 department, or until the regulated professional or subject of
1128 the investigation waives his or her privilege of
1129 confidentiality, whichever occurs first.

1130 (b) The department shall report any significant
1131 investigative ~~investigation~~ information relating to a nurse
1132 holding a multistate license to the coordinated licensure
1133 information system pursuant to s. 464.0095; any investigative
1134 information relating to an audiologist or a speech-language
1135 pathologist holding a compact privilege under the Audiology and
1136 Speech-Language Pathology Interstate Compact to the data system
1137 pursuant to s. 468.1335; any investigative information relating
1138 to a physical therapist or physical therapist assistant holding
1139 a compact privilege under the Physical Therapy Licensure Compact
1140 to the data system pursuant to s. 486.112; any investigative
1141 ~~significant investigatory~~ information relating to a psychologist
1142 practicing under the Psychology Interjurisdictional Compact to
1143 the coordinated licensure information system pursuant to s.
1144 490.0075; ~~and~~ any significant investigative ~~investigatory~~
1145 information relating to a health care practitioner practicing
1146 under the Professional Counselors Licensure Compact to the data
1147 system pursuant to s. 491.017; and any investigative information
1148 relating to a clinical social worker practicing under the Social
1149 Work Licensure Interstate Compact to the data system pursuant to
1150 s. 491.022.

Amendment No.1

1151 (c) Upon completion of the investigation and a
1152 recommendation by the department to find probable cause, and
1153 pursuant to a written request by the subject or the subject's
1154 attorney, the department shall provide the subject an
1155 opportunity to inspect the investigative file or, at the
1156 subject's expense, forward to the subject a copy of the
1157 investigative file. Notwithstanding s. 456.057, the subject may
1158 inspect or receive a copy of any expert witness report or
1159 patient record connected with the investigation if the subject
1160 agrees in writing to maintain the confidentiality of any
1161 information received under this subsection until 10 days after
1162 probable cause is found and to maintain the confidentiality of
1163 patient records pursuant to s. 456.057. The subject may file a
1164 written response to the information contained in the
1165 investigative file. Such response must be filed within 20 days
1166 after ~~of~~ mailing by the department, unless an extension of time
1167 has been granted by the department.

1168 (d) This subsection does not prohibit the department from
1169 providing the complaint and any information obtained pursuant to
1170 the department's investigation to any law enforcement agency or
1171 to any other regulatory agency.

1172 **Section 3. Subsection (5) of section 456.076, Florida**
1173 **Statutes, is amended to read:**

1174 456.076 Impaired practitioner programs.—

Amendment No.1

1175 (5) A consultant shall enter into a participant contract
1176 with an impaired practitioner and shall establish the terms of
1177 monitoring and shall include the terms in a participant
1178 contract. In establishing the terms of monitoring, the
1179 consultant may consider the recommendations of one or more
1180 approved evaluators, treatment programs, or treatment providers.
1181 A consultant may modify the terms of monitoring if the
1182 consultant concludes, through the course of monitoring, that
1183 extended, additional, or amended terms of monitoring are
1184 required for the protection of the health, safety, and welfare
1185 of the public. If the impaired practitioner is an audiologist or
1186 a speech-language pathologist practicing under the Audiology and
1187 Speech-Language Pathology Interstate Compact pursuant to s.
1188 468.1335, a physical therapist or physical therapist assistant
1189 practicing under the Physical Therapy Licensure Compact pursuant
1190 to s. 486.112, a psychologist practicing under the Psychology
1191 Interjurisdictional Compact pursuant to s. 490.0075, ~~or~~ a health
1192 care practitioner practicing under the Professional Counselors
1193 Licensure Compact pursuant to s. 491.017, or a clinical social
1194 worker practicing under the Social Work Licensure Interstate
1195 Compact pursuant to s. 491.022, the terms of the monitoring
1196 contract must include the impaired practitioner's withdrawal
1197 from all practice under the compact unless authorized by a
1198 member state.

Amendment No.1

1199 **Section 4. Subsection (9) is added to section 491.004,**
1200 **Florida Statutes, to read:**

1201 491.004 Board of Clinical Social Work, Marriage and Family
1202 Therapy, and Mental Health Counseling.—

1203 (9) The board shall appoint an individual to serve as the
1204 state's delegate on the Social Work Licensure Interstate Compact
1205 Commission, as required under s. 491.022.

1206 **Section 5. Subsection (6) of section 491.005, Florida**
1207 **Statutes, is amended to read:**

1208 491.005 Licensure by examination.—

1209 (6) EXEMPTIONS ~~EXEMPTION~~.—

1210 (a) A person licensed as a clinical social worker,
1211 marriage and family therapist, or mental health counselor in
1212 another state who is practicing under the Professional
1213 Counselors Licensure Compact pursuant to s. 491.017, and only
1214 within the scope provided therein, is exempt from the licensure
1215 requirements of this section, as applicable.

1216 (b) A person licensed as a clinical social worker in
1217 another state who is practicing under the Social Work Licensure
1218 Interstate Compact pursuant to s. 491.022, and only within the
1219 scope provided therein, is exempt from the licensure
1220 requirements of this section, as applicable.

1221 **Section 6. Subsection (4) is added to section 491.006,**
1222 **Florida Statutes, to read:**

1223 491.006 Licensure or certification by endorsement.—

Amendment No.1

1224 (4) A person licensed as a clinical social worker in
1225 another state who is practicing under the Social Work Licensure
1226 Interstate Compact pursuant to s. 491.022, and only within the
1227 scope provided therein, is exempt from the licensure
1228 requirements of this section, as applicable.

1229 **Section 7. Subsection (1) of section 491.009, Florida**
1230 **Statutes, is amended, and paragraph (c) is added to subsection**
1231 **(2) of that section, to read:**

1232 491.009 Discipline.—

1233 (1) The following acts constitute grounds for denial of a
1234 license or disciplinary action, as specified in s. 456.072(2),
1235 ~~or~~ s. 491.017, or s. 491.022:

1236 (a) Attempting to obtain, obtaining, or renewing a
1237 license, registration, or certificate under this chapter by
1238 bribery or fraudulent misrepresentation or through an error of
1239 the board or the department.

1240 (b) Having a license, registration, or certificate to
1241 practice a comparable profession revoked, suspended, or
1242 otherwise acted against, including the denial of certification
1243 or licensure by another state, territory, or country.

1244 (c) Being convicted or found guilty of, regardless of
1245 adjudication, or having entered a plea of nolo contendere to, a
1246 crime in any jurisdiction which directly relates to the practice
1247 of his or her profession or the ability to practice his or her
1248 profession. However, in the case of a plea of nolo contendere,

197033 - h027-line 168.docx

Published On: 2/10/2025 5:15:06 PM

Amendment No.1

1249 the board shall allow the person who is the subject of the
1250 disciplinary proceeding to present evidence in mitigation
1251 relevant to the underlying charges and circumstances surrounding
1252 the plea.

1253 (d) False, deceptive, or misleading advertising or
1254 obtaining a fee or other thing of value on the representation
1255 that beneficial results from any treatment will be guaranteed.

1256 (e) Advertising, practicing, or attempting to practice
1257 under a name other than one's own.

1258 (f) Maintaining a professional association with any person
1259 who the applicant, licensee, registered intern, or
1260 certificateholder knows, or has reason to believe, is in
1261 violation of this chapter or of a rule of the department or the
1262 board.

1263 (g) Knowingly aiding, assisting, procuring, or advising
1264 any nonlicensed, nonregistered, or noncertified person to hold
1265 himself or herself out as licensed, registered, or certified
1266 under this chapter.

1267 (h) Failing to perform any statutory or legal obligation
1268 placed upon a person licensed, registered, or certified under
1269 this chapter.

1270 (i) Willfully making or filing a false report or record;
1271 failing to file a report or record required by state or federal
1272 law; willfully impeding or obstructing the filing of a report or
1273 record; or inducing another person to make or file a false

Amendment No.1

1274 report or record or to impede or obstruct the filing of a report
1275 or record. Such report or record includes only a report or
1276 record which requires the signature of a person licensed,
1277 registered, or certified under this chapter.

1278 (j) Paying a kickback, rebate, bonus, or other
1279 remuneration for receiving a patient or client, or receiving a
1280 kickback, rebate, bonus, or other remuneration for referring a
1281 patient or client to another provider of mental health care
1282 services or to a provider of health care services or goods;
1283 referring a patient or client to oneself for services on a fee-
1284 paid basis when those services are already being paid for by
1285 some other public or private entity; or entering into a
1286 reciprocal referral agreement.

1287 (k) Committing any act upon a patient or client which
1288 would constitute sexual battery or which would constitute sexual
1289 misconduct as defined pursuant to s. 491.0111.

1290 (l) Making misleading, deceptive, untrue, or fraudulent
1291 representations in the practice of any profession licensed,
1292 registered, or certified under this chapter.

1293 (m) Soliciting patients or clients personally, or through
1294 an agent, through the use of fraud, intimidation, undue
1295 influence, or a form of overreaching or vexatious conduct.

1296 (n) Failing to make available to a patient or client, upon
1297 written request, copies of tests, reports, or documents in the
1298 possession or under the control of the licensee, registered

Amendment No.1

1299 intern, or certificateholder which have been prepared for and
1300 paid for by the patient or client.

1301 (o) Failing to respond within 30 days to a written
1302 communication from the department or the board concerning any
1303 investigation by the department or the board, or failing to make
1304 available any relevant records with respect to any investigation
1305 about the licensee's, registered intern's, or
1306 certificateholder's conduct or background.

1307 (p) Being unable to practice the profession for which he
1308 or she is licensed, registered, or certified under this chapter
1309 with reasonable skill or competence as a result of any mental or
1310 physical condition or by reason of illness; drunkenness; or
1311 excessive use of drugs, narcotics, chemicals, or any other
1312 substance. In enforcing this paragraph, upon a finding by the
1313 State Surgeon General, the State Surgeon General's designee, or
1314 the board that probable cause exists to believe that the
1315 licensee, registered intern, or certificateholder is unable to
1316 practice the profession because of the reasons stated in this
1317 paragraph, the department shall have the authority to compel a
1318 licensee, registered intern, or certificateholder to submit to a
1319 mental or physical examination by psychologists, physicians, or
1320 other licensees under this chapter, designated by the department
1321 or board. If the licensee, registered intern, or
1322 certificateholder refuses to comply with such order, the
1323 department's order directing the examination may be enforced by

Amendment No.1

1324 filing a petition for enforcement in the circuit court in the
1325 circuit in which the licensee, registered intern, or
1326 certificateholder resides or does business. The licensee,
1327 registered intern, or certificateholder against whom the
1328 petition is filed may not be named or identified by initials in
1329 any public court records or documents, and the proceedings shall
1330 be closed to the public. The department shall be entitled to the
1331 summary procedure provided in s. 51.011. A licensee, registered
1332 intern, or certificateholder affected under this paragraph shall
1333 at reasonable intervals be afforded an opportunity to
1334 demonstrate that he or she can resume the competent practice for
1335 which he or she is licensed, registered, or certified with
1336 reasonable skill and safety to patients.

1337 (q) Performing any treatment or prescribing any therapy
1338 which, by the prevailing standards of the mental health
1339 professions in the community, would constitute experimentation
1340 on human subjects, without first obtaining full, informed, and
1341 written consent.

1342 (r) Failing to meet the minimum standards of performance
1343 in professional activities when measured against generally
1344 prevailing peer performance, including the undertaking of
1345 activities for which the licensee, registered intern, or
1346 certificateholder is not qualified by training or experience.

1347 (s) Delegating professional responsibilities to a person
1348 who the licensee, registered intern, or certificateholder knows

Amendment No.1

1349 or has reason to know is not qualified by training or experience
1350 to perform such responsibilities.

1351 (t) Violating a rule relating to the regulation of the
1352 profession or a lawful order of the department or the board
1353 previously entered in a disciplinary hearing.

1354 (u) Failure of the licensee, registered intern, or
1355 certificateholder to maintain in confidence a communication made
1356 by a patient or client in the context of such services, except
1357 as provided in s. 491.0147.

1358 (v) Making public statements which are derived from test
1359 data, client contacts, or behavioral research and which identify
1360 or damage research subjects or clients.

1361 (w) Violating any provision of this chapter or chapter
1362 456, or any rules adopted pursuant thereto.

1363 (2)

1364 (c) The board may take adverse action against a
1365 clinical social worker's privilege to practice under the Social
1366 Work Licensure Interstate Compact pursuant to s. 491.022 and may
1367 impose any of the penalties in s. 456.072(2) if the clinical
1368 social worker commits an act specified in subsection (1) or s.
1369 456.072(1).

1370 **Section 8. Paragraph (m) is added subsection (10) of**
1371 **section 768.28, Florida Statutes, to read:**

1372 768.28 Waiver of sovereign immunity in tort actions;
1373 recovery limits; civil liability for damages caused during a

Amendment No.1

1374 riot; limitation on attorney fees; statute of limitations;
1375 exclusions; indemnification; risk management programs.—

1376 (10)

1377 (m) For purposes of this section, the individual appointed
1378 under s. 491.004(9) as the state's delegate on the Social Work
1379 Licensure Compact Commission, pursuant to s. 491.022, and any
1380 administrator, officer, executive director, employee, or
1381 representative of the commission, when acting within the scope
1382 of his or her employment, duties, or responsibilities in this
1383 state, is considered an agent of the state. The commission shall
1384 pay any claims or judgments pursuant to this section and may
1385 maintain insurance coverage to pay any such claims or
1386 judgements.

1387 **Section 9.** This act shall take effect July 1, 2025.

1388

1389

1390 -----

1391 **T I T L E A M E N D M E N T**

1392 Remove lines 40-101 and insert:

1393 Licensure Compact Commission; providing for
1394 jurisdiction and venue for court proceedings;
1395 providing for membership and powers of the commission;
1396 specifying powers and duties of the commission's
1397 executive committee; authorizing the commission to
1398 convene in closed, nonpublic meetings under certain

Amendment No.1

1399 | circumstances; providing for the financing of the
1400 | commission; providing specified individuals immunity
1401 | from civil liability under certain circumstances;
1402 | providing exceptions; requiring the commission to
1403 | defend the specified individuals in civil actions
1404 | under certain circumstances; requiring the commission
1405 | to indemnify and hold harmless specified individuals
1406 | for any settlement or judgment obtained in such
1407 | actions under certain circumstances; providing for the
1408 | development of the data system, reporting procedures,
1409 | and the exchange of specified information between
1410 | member states; requiring the commission to notify
1411 | member states of any adverse action taken against a
1412 | licensee or applicant for licensure; authorizing
1413 | member states to designate as confidential information
1414 | provided to the data system; requiring the commission
1415 | to remove information from the data system under
1416 | certain circumstances; providing rulemaking procedures
1417 | for the commission; providing for member state
1418 | enforcement of the compact; authorizing the commission
1419 | to receive notice of process, and have standing to
1420 | intervene, in certain proceedings; rendering certain
1421 | judgments and orders void as to the commission, the
1422 | compact, or commission rules under certain
1423 | circumstances; providing for defaults and termination

197033 - h027-line 168.docx

Published On: 2/10/2025 5:15:06 PM

Amendment No.1

1424 of compact membership; providing procedures for the
1425 resolution of certain disputes; providing for
1426 commission enforcement of the compact; providing for
1427 remedies; providing for implementation of, withdrawal
1428 from, and amendment to the compact; specifying that
1429 licensees practicing in a remote state under the
1430 compact must adhere to the laws and rules of that
1431 state; specifying that the compact, commission rules,
1432 and commission actions are binding on member states;
1433 providing construction; providing for severability;
1434 amending s. 456.073, F.S.; requiring the Department of
1435 Health to report certain investigative information to
1436 the data system; amending s. 456.076, F.S.; requiring
1437 monitoring contracts for certain impaired
1438 practitioners to contain certain terms; amending s.
1439 491.004, F.S.; requiring the Board of Clinical Social
1440 Work, Marriage and Family Therapy, and Mental Health
1441 Counseling to appoint an individual to serve as the
1442 state's delegate on the commission; amending ss.
1443 491.005 and 491.006, F.S.; exempting certain persons
1444 from licensure requirements; amending s. 491.009,
1445 F.S.; authorizing certain disciplinary action under
1446 the compact for specified prohibited acts; amending s.
1447 768.28, F.S.; designating the state's delegate and
1448 other members or employees of the commission as state

197033 - h027-line 168.docx

Published On: 2/10/2025 5:15:06 PM

Amendment No.1

1449 agents for the purpose of applying waivers of
1450 sovereign immunity; requiring the commission to pay
1451 certain claims or judgments; authorizing the
1452 commission to maintain insurance coverage to pay such
1453 claims or judgments; providing an effective date.