

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 upon 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; amending s. 456.073, F.S.; requiring  
80 the Department of Health to report certain  
81 investigative information to the data system; amending  
82 s. 456.076, F.S.; requiring monitoring contracts for  
83 certain impaired practitioners to contain certain  
84 terms; amending s. 491.004, F.S.; requiring the Board  
85 of Clinical Social Work, Marriage and Family Therapy,  
86 and Mental Health Counseling to appoint an individual  
87 to serve as the state's delegate on the commission;  
88 amending ss. 491.005 and 491.006, F.S.; exempting  
89 certain persons from licensure requirements; amending  
90 s. 491.009, F.S.; authorizing certain disciplinary  
91 action under the compact for specified prohibited  
92 acts; amending s. 768.28, F.S.; designating the  
93 state's delegate and other members or employees of the  
94 commission as state agents for the purpose of applying  
95 waivers of sovereign immunity; requiring the  
96 commission to pay certain claims or judgments;  
97 authorizing the commission to maintain insurance  
98 coverage to pay such claims or judgments; requiring  
99 the department to notify the Division of Law Revision  
100 upon enactment of the compact into law by seven

101 states; providing a contingent effective date.

102  
103 Be It Enacted by the Legislature of the state of Florida:

104  
105 **Section 1. Section 491.022, Florida Statutes, is created**  
106 **to read:**

107 491.022 Social Work Licensure Interstate Compact.—The  
108 Social Work Licensure Interstate Compact is hereby enacted into  
109 law and entered into by this state with all other states legally  
110 joining therein in the form substantially as follows:

111  
112 ARTICLE I

113 PURPOSE

114  
115 (1) The purpose of this compact is to facilitate  
116 interstate practice of regulated social workers by improving  
117 public access to competent social work services.

118 (2) The compact preserves the regulatory authority of  
119 member states to protect public health and safety through the  
120 current system of licensure. This compact is designed to achieve  
121 all of the following objectives:

122 (a) Increase public access to social work services.

123 (b) Reduce overly burdensome and duplicative requirements  
124 associated with holding multiple licenses.

125 (c) Enhance member states' ability to protect the public

126 health and safety.

127 (d) Encourage the cooperation of member states in  
 128 regulating multistate practice.

129 (e) Promote mobility and address workforce shortages by  
 130 eliminating the necessity for licenses in multiple states by  
 131 providing for the mutual recognition of other member state  
 132 licenses.

133 (f) Support military families.

134 (g) Facilitate the exchange of licensure and disciplinary  
 135 information among member states.

136 (h) Authorize all member states to hold a regulated social  
 137 worker accountable for abiding by a member state's laws,  
 138 regulations, and applicable professional standards in the member  
 139 state in which the client is located at the time care is  
 140 rendered.

141 (i) Allow for the use of telehealth to facilitate  
 142 increased access to social work services.

144 ARTICLE II

145 DEFINITIONS

146  
 147 As used in this compact, the term:

148 (1) "Active military member" means any individual with  
 149 full-time duty status in the active Armed Forces of the United  
 150 States, including members of the National Guard and Reserve.

151       (2) "Adverse action" means any administrative, civil,  
152 equitable, or criminal action permitted by a state's laws which  
153 is imposed by a licensing authority or other authority against a  
154 regulated social worker, including actions against an  
155 individual's license or multistate authorization to practice  
156 such as revocation, suspension, probation, monitoring of the  
157 licensee, limitation on the licensee's practice, or any other  
158 encumbrance on licensure affecting a regulated social worker's  
159 authorization to practice, including issuance of a cease and  
160 desist action.

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

164       (4) "Charter member states" means member states that have  
165 enacted legislation to adopt this compact where such legislation  
166 predates the effective date of this compact as described in  
167 Article XIV.

168       (5) "Commission" means the government agency whose  
169 membership consists of all states that have enacted this  
170 compact, which is known as the Social Work Licensure Interstate  
171 Compact Commission, as described in Article X, and which shall  
172 operate as an instrumentality of the member states.

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

174       (a) Investigative information that a licensing authority,  
175 after a preliminary inquiry that includes notification and an

176 opportunity for the regulated social worker to respond, has  
177 reason to believe is not groundless and, if proved true, would  
178 indicate more than a minor infraction as may be defined by the  
179 commission; or

180 (b) Investigative information that indicates that the  
181 regulated social worker represents an immediate threat to public  
182 health and safety, as may be defined by the commission,  
183 regardless of whether the regulated social worker has been  
184 notified and has had an opportunity to respond.

185 (7) "Data system" means a repository of information about  
186 licensees, including continuing education, examination,  
187 licensure, current significant investigative information,  
188 disqualifying events, multistate licenses, and adverse action  
189 information or other information as required by the commission.

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

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

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

199 (11) "Executive committee" means a group of delegates  
200 elected or appointed to act on behalf of, and within the powers



201 granted to them by, the compact and commission.

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

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

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

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

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

216 (17) "Multistate authorization to practice" means a  
217 legally authorized privilege to practice, which is equivalent to  
218 a license, associated with a multistate license permitting the  
219 practice of social work in a remote state.

220 (18) "Multistate license" means a license to practice as a  
221 regulated social worker issued by a home state licensing  
222 authority that authorizes the regulated social worker to  
223 practice in all member states under multistate authorization to  
224 practice.

225 (19) "Qualifying National Exam" means a national licensing

226 examination approved by the commission.

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

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

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

235 (23) "Single state license" means a social work license  
236 issued by any state that authorizes practice only within the  
237 issuing state and does not include multistate authorization to  
238 practice in any member state.

239 (24) "Social work" or "social work services" means the  
240 application of social work theory, knowledge, methods, ethics,  
241 and the professional use of self to restore or enhance social,  
242 psychosocial, or biopsychosocial functioning of individuals,  
243 couples, families, groups, organizations, and communities  
244 through the care and services provided by a regulated social  
245 worker as provided in the member state's statutes and  
246 regulations in the state where the services are being provided.

247 (25) "State" means any state, commonwealth, district, or  
248 territory of the United States that regulates the practice of  
249 social work.

250 (26) "Unencumbered license" means a license that

251 authorizes a regulated social worker to engage in the full and  
252 unrestricted practice of social work.

254 ARTICLE III

255 STATE PARTICIPATION IN THE COMPACT

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

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

262 (b) Require applicants for licensure to graduate from a  
263 program that:

264 1. Is operated by a college or university recognized by a  
265 licensing authority;

266 2. Is accredited, or in candidacy by an institution that  
267 subsequently becomes accredited, by an accrediting agency  
268 recognized by either:

269 a. The Council for Higher Education Accreditation or its  
270 successor; or

271 b. The United States Department of Education; and

272 3. Corresponds to the licensure sought as outlined in  
273 Article IV.

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

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

278 (2) To maintain membership in the compact, a member state  
279 shall:

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

283 (b) Participate fully in the commission's data system,  
284 including using the commission's unique identifier as defined in  
285 rules.

286 (c) Notify the commission, in compliance with the terms of  
287 the compact and rules, of any adverse action or the availability  
288 of current significant investigative information regarding a  
289 licensee.

290 (d) Implement procedures for considering the criminal  
291 history records of applicants for a multistate license. Such  
292 procedures shall include the submission of fingerprints or other  
293 biometric-based information by applicants for the purpose of  
294 obtaining an applicant's criminal history record information  
295 from the Federal Bureau of Investigation and the agency  
296 responsible for retaining that state's criminal records.

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

298 (f) Require an applicant to obtain or retain a license in  
299 the home state and meet the home state's qualifications for  
300 licensure or renewal of licensure, as well as all other

301 applicable home state laws.

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

305 (h) Designate a delegate to participate in the commission  
306 meetings.

307 (3) A member state meeting the requirements under  
308 subsections (1) and (2) shall designate the categories of social  
309 work licensure that are eligible for issuance of a multistate  
310 license for applicants in such member state. To the extent that  
311 any member state does not meet the requirements for  
312 participation in the compact at any particular category of  
313 social work licensure, such member state may choose, but is not  
314 obligated, to issue a multistate license to applicants who  
315 otherwise meet the requirements of Article IV for issuance of a  
316 multistate license in such category or categories of licensure.

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

319

#### 320 ARTICLE IV

#### 321 SOCIAL WORKER PARTICIPATION IN THE COMPACT

322

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

- 326        (a) Hold or be eligible for an active, unencumbered  
327 license in the home state.
- 328        (b) Pay any applicable fees, including any member state  
329 fee, for the multistate license.
- 330        (c) Submit, in connection with an application for a  
331 multistate license, fingerprints or other biometric data for the  
332 purpose of obtaining criminal history record information from  
333 the Federal Bureau of Investigation and the agency responsible  
334 for retaining that state's criminal records.
- 335        (d) Notify the home state of any adverse action,  
336 encumbrance, or restriction on any professional license taken by  
337 any member state or nonmember state within 30 days after the  
338 date the action was taken.
- 339        (e) Meet any continuing competence requirements  
340 established by the home state.
- 341        (f) Abide by the laws, regulations, and applicable  
342 standards in the member state where the client is located at the  
343 time care is rendered.
- 344        (2) An applicant for a clinical-category multistate  
345 license must meet all of the following requirements:
- 346            (a) Fulfill a competency requirement, which shall be  
347 satisfied by:
- 348                1. Passage of a clinical-category Qualifying National  
349 Exam;
- 350                2. Licensure of the applicant in his or her home state at

351 the clinical category, beginning before such time as a  
352 Qualifying National Exam was required by the home state and  
353 accompanied by a period of continuous social work licensure  
354 thereafter, all of which may be further governed by the rules of  
355 the commission; or

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

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

360 1. Operated by a college or university recognized by a  
361 licensing authority.

362 2. Accredited, or in candidacy that subsequently becomes  
363 accredited, by an accrediting agency recognized by either:

364 a. The Council for Higher Education Accreditation or its  
365 successor; or

366 b. The United States Department of Education.

367 (c) Fulfill a practice requirement, which shall be  
368 satisfied by demonstrating completion of:

369 1. A period of postgraduate supervised clinical practice  
370 equal to a minimum of 3,000 hours;

371 2. A minimum of 2 years of full-time postgraduate  
372 supervised clinical practice; or

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

375 (3) An applicant for a master'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 masters-category Qualifying National Exam;

380 2. Licensure of the applicant in his or her home state at  
381 the master's category, beginning before such time as a  
382 Qualifying National Exam was required by the home state at the  
383 master's category and accompanied by a continuous period of  
384 social work licensure thereafter, all of which may be further  
385 governed by the rules of the commission; or

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

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

390 1. Operated by a college or university recognized by a  
391 licensing authority.

392 2. Accredited, or in candidacy by an institution that  
393 subsequently becomes accredited, by an accrediting agency  
394 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 (4) An applicant for a bachelor's-category multistate  
399 license must meet all of the following requirements:

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



401 satisfied by:

402 1. Passage of a bachelor's-category Qualifying National  
403 Exam;

404 2. Licensure of the applicant in his or her home state at  
405 the bachelor's category, beginning before such time as a  
406 Qualifying National Exam was required by the home state and  
407 accompanied by a period of continuous social work licensure  
408 thereafter, all of which may be further governed by the rules of  
409 the commission; or

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

412 (b) Attain at least a bachelor's degree in social work  
413 from a program that is:

414 1. Operated by a college or university recognized by the  
415 licensing authority.

416 2. Accredited, or in candidacy that subsequently becomes  
417 accredited, by an accrediting agency recognized by either:

418 a. The Council for Higher Education Accreditation or its  
419 successor; or

420 b. The United States Department of Education.

421 (5) The multistate license for a regulated social worker  
422 is subject to the renewal requirements of the home state. The  
423 regulated social worker must maintain compliance with the  
424 requirements of subsection (1) to be eligible to renew a  
425 multistate license.



451 the home state licensing authority shall issue a multistate  
452 license that authorizes the applicant or regulated social worker  
453 to practice in all member states under a multistate  
454 authorization to practice.

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

459 (4) A multistate license issued by a home state to a  
460 resident in that state shall be recognized by all compact member  
461 states as authorizing social work practice under a multistate  
462 authorization to practice corresponding to each category of  
463 licensure regulated in each member state.

464  
465 ARTICLE VI

466 AUTHORITY OF INTERSTATE COMPACT COMMISSION

467 AND MEMBER STATE LICENSING AUTHORITIES

468  
469 (1) This compact, or any rule of the commission, does not  
470 limit, restrict, or in any way reduce the ability of a member  
471 state to:

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

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

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

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

485 (3) This compact does not affect the requirements  
486 established by a member state for the issuance of a single state  
487 license.

488  
489 ARTICLE VII

490 REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

491  
492 (1) A licensee can hold a multistate license, issued by  
493 his or her home state, in only one member state at any given  
494 time.

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

497 (a) The licensee shall immediately apply for the  
498 reissuance of his or her multistate license in his or her new  
499 home state. The licensee shall pay all applicable fees and  
500 notify the prior home state in accordance with the rules of the

501 commission.

502 (b) Upon receipt of an application to reissue a multistate  
503 license, the new home state shall verify that the multistate  
504 license is active, unencumbered, and eligible for reissuance  
505 under the terms of the compact and the rules of the commission.  
506 The multistate license issued by the prior home state will be  
507 deactivated and all member states notified in accordance with  
508 the applicable rules adopted by the commission.

509 (c) Before the reissuance of the multistate license, the  
510 new home state shall conduct procedures for considering the  
511 criminal history records of the licensee. Such procedures shall  
512 include the submission of fingerprints or other biometric-based  
513 information by applicants for the purpose of obtaining an  
514 applicant's criminal history record information from the Federal  
515 Bureau of Investigation and the agency responsible for retaining  
516 that state's criminal records.

517 (d) If required for initial licensure, the new home state  
518 may require completion of jurisprudence requirements in the new  
519 home state.

520 (e) Notwithstanding any other provision of this compact,  
521 if a licensee does not meet the requirements provided in this  
522 compact for the reissuance of a multistate license by the new  
523 home state, then the licensee shall be subject to the new home  
524 state requirements for the issuance of a single state license in  
525 that state.

526        (3) If a licensee changes his or her primary state of  
 527 residence by moving from a member state to a nonmember state, or  
 528 from a nonmember state to a member state, then the licensee  
 529 shall be subject to the state requirements for the issuance of a  
 530 single state license in the new home state.

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

535        (5) This compact does not interfere with the requirements  
 536 established by a member state for the issuance of a single state  
 537 license.

538  
 539                                    ARTICLE VIII  
 540                                    MILITARY FAMILIES

541  
 542        An active military member or his or her spouse shall  
 543 designate a home state where the individual has a multistate  
 544 license. The individual may retain his or her home state  
 545 designation during the period the servicemember is on active  
 546 duty.

547  
 548                                    ARTICLE IX  
 549                                    ADVERSE ACTIONS

550

551 (1) In addition to the other powers conferred by general  
552 law, a remote state shall have the authority, in accordance with  
553 existing state due process law, to:

554 (a) Take adverse action against a regulated social  
555 worker's multistate authorization to practice only within that  
556 member state, and issue subpoenas for both hearings and  
557 investigations that require the attendance and testimony of  
558 witnesses as well as the production of evidence. Subpoenas  
559 issued by a licensing authority in a member state for the  
560 attendance and testimony of witnesses or the production of  
561 evidence from another member state shall be enforced in the  
562 latter state by any court of competent jurisdiction, according  
563 to the practice and procedure of that court applicable to  
564 subpoenas issued in proceedings pending before it. The issuing  
565 licensing authority shall pay any witness fees, travel expenses,  
566 mileage, and other fees required by the service statutes of the  
567 state in which the witnesses or evidence are located.

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

571 (2) For purposes of taking adverse action, the home state  
572 shall give the same priority and effect to reported conduct  
573 received from a member state as it would if the conduct had  
574 occurred within the home state. In so doing, the home state  
575 shall apply its own state laws to determine appropriate action.

576       (3) The home state shall complete any pending  
577 investigations of a regulated social worker who changes his or  
578 her home state during the course of the investigations. The home  
579 state shall also have the authority to take appropriate actions  
580 and shall promptly report the conclusions of the investigations  
581 to the administrator of the data system. The administrator of  
582 the data system shall promptly notify the new home state of any  
583 adverse actions.

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

588       (5) A member state may take adverse action based on the  
589 factual findings of another member state, provided that the  
590 member state follows its own procedures for taking the adverse  
591 action.

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

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

599       (7) If adverse action is taken by the home state against  
600 the multistate license of a regulated social worker, the



601 regulated social worker's multistate authorization to practice  
602 in all other member states shall be deactivated until all  
603 encumbrances have been removed from the multistate license. All  
604 home state disciplinary orders that impose adverse action  
605 against the license of a regulated social worker shall include a  
606 statement that the regulated social worker's multistate  
607 authorization to practice is deactivated in all member states  
608 until all conditions of the decision, order, or agreement are  
609 satisfied.

610 (8) If a member state takes adverse action, it shall  
611 promptly notify the administrator of the data system. The  
612 administrator of the data system shall promptly notify the home  
613 state and all other member states of any adverse actions by  
614 remote states.

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

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

622 (11) This compact does not authorize a member state to  
623 impose discipline against a regulated social worker who holds a  
624 multistate authorization to practice for lawful actions within  
625 another member state.

626  
627 ARTICLE X

628 ESTABLISHMENT OF SOCIAL WORK LICENSURE

629 INTERSTATE COMPACT COMMISSION

630  
631 (1) The compact member states hereby create and establish  
632 a joint government agency whose membership consists of all  
633 member states that have enacted the compact known as the Social  
634 Work Licensure Interstate Compact Commission. The commission is  
635 an instrumentality of the compact states acting jointly and not  
636 an instrumentality of any one state. The commission shall come  
637 into existence on or after the effective date of the compact as  
638 provided in Article XIV.

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

642 1. A current member of the licensing authority at the time  
643 of appointment who is a regulated social worker or public member  
644 of the state licensing authority; or

645 2. An administrator of the licensing authority or his or  
646 her designee.

647 (b) The commission shall by rule or bylaw establish a term  
648 of office for delegates and may by rule or bylaw establish term  
649 limits.

650 (c) The commission may recommend removal or suspension of

651 any delegate from office.

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

655 (e) Each delegate shall be entitled to one vote on all  
656 matters before the commission requiring a vote by commission  
657 delegates.

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

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

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

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

668 (b) Establish code of conduct and conflict of interest  
669 policies.

670 (c) Establish and amend rules and bylaws.

671 (d) Maintain its financial records in accordance with the  
672 bylaws.

673 (e) Meet and take such actions as are consistent with the  
674 provisions of this compact, the commission's rules, and the  
675 bylaws.

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

680 (g) Maintain and certify records and information provided  
681 to a member state as the authenticated business records of the  
682 commission, and designate an agent to do so on the commission's  
683 behalf.

684 (h) Purchase and maintain insurance and bonds.

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

687 (j) Conduct an annual financial review.

688 (k) Hire employees, elect or appoint officers, fix  
689 compensation, define duties, grant such individuals appropriate  
690 authority to carry out the purposes of the compact, and  
691 establish the commission's personnel policies and programs  
692 relating to conflicts of interest, qualifications of personnel,  
693 and other related personnel matters.

694 (l) Assess and collect fees.

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

700 (n) Lease, purchase, retain, own, hold, improve, or use

701 any property, real, personal, or mixed, or any undivided  
702 interest therein.

703 (o) Sell, convey, mortgage, pledge, lease, exchange,  
704 abandon, or otherwise dispose of any property, real, personal,  
705 or mixed.

706 (p) Establish a budget and make expenditures.

707 (q) Borrow money.

708 (r) Appoint committees, including standing committees,  
709 composed of members, state regulators, state legislators or  
710 their representatives, consumer representatives, and such other  
711 interested persons as may be designated in this compact and the  
712 bylaws.

713 (s) Provide and receive information from, and cooperate  
714 with, law enforcement agencies.

715 (t) Establish and elect an executive committee, including  
716 a chair and a vice chair.

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

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

722 (4) (a) The executive committee shall have the power to act  
723 on behalf of the commission according to the terms of this  
724 compact. The powers, duties, and responsibilities of the  
725 executive committee shall include:

726 1. Oversee the day-to-day activities of the administration  
727 of the compact, including enforcement and compliance with the  
728 provisions of the compact, its rules and bylaws, and other such  
729 duties as deemed necessary.

730 2. Recommend to the commission changes to the rules or  
731 bylaws, changes to this compact legislation, fees charged to  
732 compact member states, fees charged to licensees, and other  
733 fees.

734 3. Ensure compact administration services are  
735 appropriately provided, including by contract.

736 4. Prepare and recommend the budget.

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

738 6. Monitor compact compliance of member states and provide  
739 compliance reports to the commission.

740 7. Establish additional committees as necessary.

741 8. Exercise the powers and duties of the commission during  
742 the interim between commission meetings, except for adopting or  
743 amending rules, adopting or amending bylaws, and exercising any  
744 other powers and duties reserved expressly for use by the  
745 commission by rule or bylaw.

746 9. Other duties as provided in the rules or bylaws of the  
747 commission.

748 (b) The executive committee shall be composed of up to 11  
749 members:

750 1. The chair and vice chair of the commission shall be

751 voting members of the executive committee.

752 2. The commission shall elect five voting members from the  
753 current membership of the commission.

754 3. Up to four ex-officio, nonvoting members from four  
755 recognized national social work organizations, selected by their  
756 respective organizations.

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

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

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

763 2. The executive committee shall give 7 days' notice of  
764 its meetings, posted on its website and as determined to provide  
765 notice to persons with an interest in the business of the  
766 commission.

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

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

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

774 (a) Public notice for all meetings of the full commission  
775 of meetings shall be given in the same manner as required under

776 the rulemaking provisions in Article XII, except that the  
777 commission may hold a special meeting as provided in paragraph  
778 (b).

779 (b) The commission may hold a special meeting when it must  
780 meet to conduct emergency business by giving 48 hours' notice to  
781 all commissioners, on the commission's website, and by other  
782 means as provided in the commission's rules. The commission's  
783 legal counsel shall certify that the commission's need to meet  
784 qualifies as an emergency.

785 (c) If a meeting, or portion of a meeting, is closed, the  
786 presiding officer shall state that the meeting will be closed  
787 and reference each relevant exempting provision, and such  
788 reference shall be recorded in the minutes.

789 (d) The commission shall keep minutes that fully and  
790 clearly describe all matters discussed in a meeting and shall  
791 provide a full and accurate summary of actions taken, and the  
792 reasons therefor, including a description of the views  
793 expressed. All documents considered in connection with an action  
794 shall be identified in such minutes. All minutes and documents  
795 of a closed meeting shall remain under seal, subject to release  
796 only by a majority vote of the commission or order of a court of  
797 competent jurisdiction.

798 (7) (a) The commission shall pay, or provide for the  
799 payment of, the reasonable expenses of its establishment,  
800 organization, and ongoing activities.



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

803 (c) The commission may levy on and collect an annual  
804 assessment from each member state and impose fees on licensees  
805 of member states to whom it grants a multistate license to cover  
806 the cost of the operations and activities of the commission and  
807 its staff, which must be in a total amount sufficient to cover  
808 its annual budget as approved each year for which revenue is not  
809 provided by other sources. The aggregate annual assessment  
810 amount for member states shall be allocated based upon a formula  
811 that the commission shall adopt by rule.

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

816 (e) The commission shall keep accurate accounts of all  
817 receipts and disbursements. The receipts and disbursements of  
818 the commission shall be subject to the financial review and  
819 accounting procedures established under its bylaws. However, all  
820 receipts and disbursements of funds handled by the commission  
821 shall be subject to an annual financial review by a certified or  
822 licensed public accountant, and the report of the financial  
823 review shall be included in and become part of the annual report  
824 of the commission.

825 (8) (a) The members, officers, executive director,

826 employees, and representatives of the commission shall be immune  
827 from suit and liability, both personally and in their official  
828 capacity, for any claim for damage to or loss of property or  
829 personal injury or other civil liability caused by or arising  
830 out of any actual or alleged act, error, or omission that  
831 occurred, or that the person against whom the claim is made had  
832 a reasonable basis for believing occurred within the scope of  
833 commission employment, duties, or responsibilities; provided  
834 that this paragraph does not protect any such person from suit  
835 or liability for any damage, loss, injury, or liability caused  
836 by the intentional or willful or wanton misconduct of that  
837 person. The procurement of insurance of any type by the  
838 commission may not in any way compromise or limit the immunity  
839 granted hereunder.

840 (b) The commission shall defend any member, officer,  
841 executive director, employee, and representative of the  
842 commission in any civil action seeking to impose liability  
843 arising out of any actual or alleged act, error, or omission  
844 that occurred within the scope of commission employment, duties,  
845 or responsibilities, or as determined by the commission that the  
846 person against whom the claim is made had a reasonable basis for  
847 believing occurred within the scope of commission employment,  
848 duties, or responsibilities; provided that nothing herein shall  
849 be construed to prohibit that person from retaining his or her  
850 own counsel at his or her own expense; and provided further that

851 the actual or alleged act, error, or omission did not result  
852 from the intentional or willful or wanton misconduct of that  
853 person.

854 (c) The commission shall indemnify and hold harmless any  
855 member, officer, executive director, employee, and  
856 representative of the commission for the amount of any  
857 settlement or judgment obtained against that person arising out  
858 of any actual or alleged act, error, or omission that occurred  
859 within the scope of commission employment, duties, or  
860 responsibilities, or, as determined by the commission, that the  
861 person against whom the claim is made had a reasonable basis for  
862 believing occurred within the scope of commission employment,  
863 duties, or responsibilities, provided that the actual or alleged  
864 act, error, or omission did not result from the intentional or  
865 willful or wanton misconduct of that person.

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

870 (e) This compact may not be interpreted to waive or  
871 otherwise abrogate a member state's state action immunity or  
872 state action affirmative defense with respect to antitrust  
873 claims under the Sherman Antitrust Act, Clayton Antitrust Act of  
874 1914, or any other state or federal antitrust or anticompetitive  
875 law or regulation.

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

878  
879 ARTICLE XI  
880 DATA SYSTEM

881  
882 (1) The commission shall provide for the development,  
883 maintenance, operation, and utilization of a coordinated data  
884 system.

885 (2) The commission shall assign each applicant for a  
886 multistate license a unique identifier, as determined by the  
887 rules of the commission.

888 (3) Notwithstanding any other provision of state law to  
889 the contrary, a member state shall submit a uniform data set to  
890 the data system on all individuals to whom this compact is  
891 applicable as required by the rules of the commission,  
892 including:

893 (a) Identifying information.

894 (b) Licensure data.

895 (c) Adverse actions against a license and information  
896 related thereto.

897 (d) Nonconfidential information related to alternative  
898 program participation, the beginning and ending dates of such  
899 participation, and other information related to such  
900 participation not made confidential under member state law.

901        (e) Any denial of application for licensure, and the  
902 reason for such denial.

903        (f) The presence of current significant investigative  
904 information.

905        (g) Other information that may facilitate the  
906 administration of this compact or the protection of the public,  
907 as determined by the rules of the commission.

908        (4) The records and information provided to a member state  
909 pursuant to this compact or through the data system, when  
910 certified by the commission or an agent thereof, shall  
911 constitute the authenticated business records of the commission,  
912 and shall be entitled to any associated hearsay exception in any  
913 relevant judicial, quasi-judicial, or administrative proceedings  
914 in a member state.

915        (5) (a) Current significant investigative information  
916 pertaining to a licensee in any member state will only be  
917 available to other member states.

918        (b) It is the responsibility of the member states to  
919 report any adverse action against a licensee and to monitor the  
920 database to determine whether adverse action has been taken  
921 against a licensee. Adverse action information pertaining to a  
922 licensee in any member state will be available to any other  
923 member state.

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

926 public without the express permission of the contributing state.

927 (7) Any information submitted to the data system that is  
928 subsequently expunged pursuant to federal law or the laws of the  
929 member state contributing the information shall be removed from  
930 the data system.

931  
932 ARTICLE XII

933 RULEMAKING

934  
935 (1) The commission shall adopt reasonable rules in order  
936 to effectively and efficiently implement and administer the  
937 purposes and provisions of the compact. A rule shall be invalid  
938 and have no force or effect only if a court of competent  
939 jurisdiction holds that the rule is invalid because the  
940 commission exercised its rulemaking authority in a manner that  
941 is beyond the scope and purposes of the compact, or the powers  
942 granted hereunder, or based upon another applicable standard of  
943 review.

944 (2) The rules of the commission shall have the force of  
945 law in each member state; however, if the rules of the  
946 commission conflict with the laws, regulations, and applicable  
947 standards that govern the practice of social work as held by a  
948 court of competent jurisdiction, the rules of the commission are  
949 ineffective in that state to the extent of the conflict.

950 (3) The commission shall exercise its rulemaking powers

951 pursuant to the criteria provided in this section and the rules  
952 adopted thereunder. Rules shall become binding on the day  
953 following adoption or the date specified in the rule or  
954 amendment, whichever is later.

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

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

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

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

969 (a) On the website of the commission or other publicly  
970 accessible platform.

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

973 (c) In such other way as the commission may by rule  
974 specify.

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

976 (a) The time, date, and location of the public hearing at  
977 which the commission will hear public comments on the proposed  
978 rule and, if different, the time, date, and location of the  
979 meeting where the commission will consider and vote on the  
980 proposed rule.

981 (b) If the hearing is held via telecommunication, video  
982 conference, or other similar electronic means, the commission  
983 shall include the mechanism for access to the hearing in the  
984 notice of proposed rulemaking.

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

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

988 (e) The manner in which interested persons may submit  
989 written comments.

990 (9) All hearings will be recorded. A copy of the recording  
991 and all written comments and documents received by the  
992 commission in response to the proposed rule shall be available  
993 to the public.

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

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

1000 (a) The commission may adopt changes to the proposed rule



1001 provided the changes do not enlarge the original purpose of the  
1002 proposed rule.

1003 (b) The commission shall provide an explanation of the  
1004 reasons for substantive changes made to the proposed rule as  
1005 well as reasons for substantive changes not made that were  
1006 recommended by commenters.

1007 (c) The commission shall determine a reasonable effective  
1008 date for the rule. Except for an emergency as provided in  
1009 subsection (12), the effective date of the rule shall be no  
1010 sooner than 30 days after issuing the notice that the commission  
1011 adopted or amended the rule.

1012 (12) Upon determination that an emergency exists, the  
1013 commission may consider and adopt an emergency rule with 48  
1014 hours' notice, with opportunity to comment, provided that the  
1015 usual rulemaking procedures provided in the compact and in this  
1016 section shall be retroactively applied to the rule as soon as  
1017 reasonably possible, but in no event later than 90 days after  
1018 the effective date of the rule. For the purposes of this  
1019 subsection, an emergency rule is one that must be adopted  
1020 immediately in order to:

1021 (a) Meet an imminent threat to public health, safety, or  
1022 welfare;

1023 (b) Prevent a loss of commission or member state funds;

1024 (c) Meet a deadline for the adoption of a rule that is  
1025 established by federal law or rule; or

1026 (d) Protect public health and safety.

1027 (13) The commission or an authorized committee of the  
 1028 commission may direct revisions to a previously adopted rule for  
 1029 purposes of correcting typographical errors, errors in format,  
 1030 errors in consistency, or grammatical errors. Public notice of  
 1031 any revisions shall be posted on the website of the commission.  
 1032 The revision shall be subject to challenge by any person for a  
 1033 period of 30 days after posting. The revision may be challenged  
 1034 only on grounds that the revision results in a material change  
 1035 to a rule. A challenge shall be made in writing and delivered to  
 1036 the commission prior to the end of the notice period. If no  
 1037 challenge is made, the revision will take effect without further  
 1038 action. If the revision is challenged, the revision may not take  
 1039 effect without the approval of the commission.

1040 (14) No member state's rulemaking requirements shall apply  
 1041 under this compact.

1042  
 1043 ARTICLE XIII

1044 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

1045  
 1046 (1) (a) The executive and judicial branches of state  
 1047 government in each member state shall enforce this compact and  
 1048 take all actions necessary and appropriate to implement the  
 1049 compact.

1050 (b) Except as otherwise provided in this compact, venue is

1051 proper and judicial proceedings by or against the commission  
1052 shall be brought solely and exclusively in a court of competent  
1053 jurisdiction where the principal office of the commission is  
1054 located. The commission may waive venue and jurisdictional  
1055 defenses to the extent it adopts or consents to participate in  
1056 alternative dispute resolution proceedings. Nothing herein shall  
1057 affect or limit the selection or propriety of venue in any  
1058 action against a licensee for professional malpractice,  
1059 misconduct, or any such similar matter.

1060 (c) The commission shall be entitled to receive service of  
1061 process in any proceeding regarding the enforcement or  
1062 interpretation of the compact and shall have standing to  
1063 intervene in such a proceeding for all purposes. Failure to  
1064 provide the commission service of process shall render a  
1065 judgment or order void as to the commission, this compact, or  
1066 adopted rules.

1067 (2) (a) If the commission determines that a member state  
1068 has defaulted in the performance of its obligations or  
1069 responsibilities under this compact or the adopted rules, the  
1070 commission shall provide written notice to the defaulting state.  
1071 The notice of default shall describe the default, the proposed  
1072 means of curing the default, and any other action that the  
1073 commission may take, and shall offer training and specific  
1074 technical assistance regarding the default.

1075 (b) The commission shall provide a copy of the notice of

1076 default to the other member states.

1077 (3) If a state in default fails to cure the default, the  
1078 defaulting state may be terminated from the compact upon an  
1079 affirmative vote of a majority of the delegates of the member  
1080 states, and all rights, privileges, and benefits conferred on  
1081 that state by this compact may be terminated on the effective  
1082 date of termination. A cure of the default does not relieve the  
1083 offending state of obligations or liabilities incurred during  
1084 the period of default.

1085 (4) Termination of membership in the compact shall be  
1086 imposed only after all other means of securing compliance have  
1087 been exhausted. Notice of intent to suspend or terminate shall  
1088 be given by the commission to the Governor, the majority and  
1089 minority leaders of the defaulting state's legislature, the  
1090 defaulting state's state licensing authority, and the licensing  
1091 authority of each member state.

1092 (5) A state that has been terminated is responsible for  
1093 all assessments, obligations, and liabilities incurred through  
1094 the effective date of termination, including obligations that  
1095 extend beyond the effective date of termination.

1096 (6) Upon the termination of a state's membership from this  
1097 compact, that state shall immediately provide notice to all  
1098 licensees within that state of such termination. The terminated  
1099 state shall continue to recognize all licenses granted pursuant  
1100 to this compact for a minimum of 6 months after the date of said

1101 notice of termination.

1102 (7) The commission may not bear any costs related to a  
1103 state that is found to be in default or that has been terminated  
1104 from the compact, unless agreed upon in writing between the  
1105 commission and the defaulting state.

1106 (8) The defaulting state may appeal the action of the  
1107 commission by petitioning the United States District Court for  
1108 the District of Columbia or the federal district where the  
1109 commission has its principal offices. The prevailing party shall  
1110 be awarded all costs of such litigation, including reasonable  
1111 attorney fees.

1112 (9) (a) Upon request by a member state, the commission  
1113 shall attempt to resolve disputes related to the compact that  
1114 arise among member states and between member and nonmember  
1115 states.

1116 (b) The commission shall adopt a rule providing for both  
1117 mediation and binding dispute resolution for disputes as  
1118 appropriate.

1119 (10) (a) By majority vote as provided by rule, the  
1120 commission may initiate legal action against a member state in  
1121 default in the United States District Court for the District of  
1122 Columbia or the federal district where the commission has its  
1123 principal offices to enforce compliance with the provisions of  
1124 the compact and its adopted rules. The relief sought may include  
1125 both injunctive relief and damages. In the event judicial

1126 enforcement is necessary, the prevailing party shall be awarded  
 1127 all costs of such litigation, including reasonable attorney  
 1128 fees. The remedies herein may not be the exclusive remedies of  
 1129 the commission. The commission may pursue any other remedies  
 1130 available under federal or the defaulting member state's law.

1131 (b) A member state may initiate legal action against the  
 1132 commission in the United States District Court for the District  
 1133 of Columbia or the federal district where the commission has its  
 1134 principal offices to enforce compliance with the provisions of  
 1135 the compact and its adopted rules. The relief sought may include  
 1136 both injunctive relief and damages. In the event judicial  
 1137 enforcement is necessary, the prevailing party shall be awarded  
 1138 all costs of such litigation, including reasonable attorney  
 1139 fees.

1140 (c) Only a member state may enforce this compact against  
 1141 the commission.

1143 ARTICLE XIV

1144 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

1146 (1) The compact shall come into effect on the date on  
 1147 which the compact statute is enacted into law in the seventh  
 1148 member state.

1149 (2) (a) On or after the effective date of the compact, the  
 1150 commission shall convene and review the enactment of each of the

1151 first seven charter member states to determine if the statute  
1152 enacted by each such charter member state is materially  
1153 different than the model compact statute.

1154 1. A charter member state whose enactment is found to be  
1155 materially different from the model compact statute shall be  
1156 entitled to the default process provided in Article XIII.

1157 2. If any member state is later found to be in default, or  
1158 is terminated or withdraws from the compact, the commission  
1159 shall remain in existence and the compact shall remain in effect  
1160 even if the number of member states should be less than seven.

1161 (b) Member states enacting the compact subsequent to the  
1162 seven initial charter member states shall be subject to the  
1163 process provided in paragraph (3)(u) of Article X to determine  
1164 if their enactments are materially different from the model  
1165 compact statute and whether they qualify for participation in  
1166 the compact.

1167 (c) All actions taken for the benefit of the commission or  
1168 in furtherance of the purposes of the administration of the  
1169 compact prior to the effective date of the compact or the  
1170 commission coming into existence shall be considered to be  
1171 actions of the commission unless specifically repudiated by the  
1172 commission.

1173 (d) Any state that joins the compact subsequent to the  
1174 commission's initial adoption of the rules and bylaws shall be  
1175 subject to the rules and bylaws as they exist on the date on

1176 which the compact becomes law in that state. Any rule that has  
1177 been previously adopted by the commission shall have the full  
1178 force and effect of law on the day the compact becomes law in  
1179 that state.

1180 (3) Any member state may withdraw from this compact by  
1181 enacting a statute repealing the same.

1182 (a) A member state's withdrawal may not take effect until  
1183 180 days after enactment of the repealing statute.

1184 (b) Withdrawal may not affect the continuing requirement  
1185 of the withdrawing state's licensing authority to comply with  
1186 the investigative and adverse action reporting requirements of  
1187 this compact before the effective date of withdrawal.

1188 (c) Upon the enactment of a statute withdrawing from this  
1189 compact, a state shall immediately provide notice of such  
1190 withdrawal to all licensees within that state. Notwithstanding  
1191 any subsequent statutory enactment to the contrary, such  
1192 withdrawing state shall continue to recognize all licenses  
1193 granted pursuant to this compact for a minimum of 180 days after  
1194 the date of such notice of withdrawal.

1195 (4) This compact does not invalidate or prevent any  
1196 licensure agreement or other cooperative arrangement between a  
1197 member state and a nonmember state that does not conflict with  
1198 the provisions of this compact.

1199 (5) This compact may be amended by the member states. Any  
1200 amendment to this compact is not effective and binding upon any



1201 member state until it is enacted into the laws of all member  
 1202 states.

1203

1204 ARTICLE XV

1205 CONSTRUCTION AND SEVERABILITY

1206

1207 (1) This compact and the commission's rulemaking authority  
 1208 shall be liberally construed so as to effectuate the purposes  
 1209 and the implementation and administration of the compact.  
 1210 Provisions of the compact expressly authorizing or requiring the  
 1211 adoption of rules may not be construed to limit the commission's  
 1212 rulemaking authority solely for those purposes.

1213 (2) The provisions of this compact shall be severable and  
 1214 if any phrase, clause, sentence, or provision of this compact is  
 1215 held by a court of competent jurisdiction to be contrary to the  
 1216 constitution of any member state, a state seeking participation  
 1217 in the compact, or of the United states, or the application  
 1218 thereof to any government, agency, person, or circumstance is  
 1219 held to be unconstitutional by a court of competent  
 1220 jurisdiction, the validity of the remainder of this compact and  
 1221 the applicability thereof to any other government, agency,  
 1222 person, or circumstance may not be affected thereby.

1223 (3) Notwithstanding subsection (2), the commission may  
 1224 deny a state's participation in the compact or, in accordance  
 1225 with the requirements of subsection (3) of Article XIII,

1226 terminate a member state's participation in the compact, if it  
1227 determines that a constitutional requirement of a member state  
1228 is a material departure from the compact. Otherwise, if this  
1229 compact shall be held to be contrary to the constitution of any  
1230 member state, the compact shall remain in full force and effect  
1231 as to the remaining member states and in full force and effect  
1232 as to the member state affected as to all severable matters.  
1233

1234 ARTICLE XVI

1235 CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS  
1236

1237 (1) A licensee providing services in a remote state under  
1238 a multistate authorization to practice shall adhere to the laws  
1239 and regulations, including laws, regulations, and applicable  
1240 standards, of the remote state where the client is located at  
1241 the time care is rendered.

1242 (2) Nothing herein shall prevent or inhibit the  
1243 enforcement of any other law of a member state that is not  
1244 inconsistent with the compact.

1245 (3) Any laws, statutes, regulations, or other legal  
1246 requirements in a member state in conflict with the compact are  
1247 superseded to the extent of the conflict.

1248 (4) All permissible agreements between the commission and  
1249 the member states are binding in accordance with their terms.

1250 **Section 2. Subsection (10) of section 456.073, Florida**

1251 **Statutes, is amended to read:**

1252 456.073 Disciplinary proceedings.—Disciplinary proceedings  
 1253 for each board shall be within the jurisdiction of the  
 1254 department.

1255 (10) (a) The complaint and all information obtained  
 1256 pursuant to the investigation by the department are confidential  
 1257 and exempt from s. 119.07(1) until 10 days after probable cause  
 1258 has been found to exist by the probable cause panel or by the  
 1259 department, or until the regulated professional or subject of  
 1260 the investigation waives his or her privilege of  
 1261 confidentiality, whichever occurs first.

1262 (b) The department shall report any significant  
 1263 investigative ~~investigation~~ information relating to a nurse  
 1264 holding a multistate license to the coordinated licensure  
 1265 information system pursuant to s. 464.0095; any investigative  
 1266 information relating to an audiologist or a speech-language  
 1267 pathologist holding a compact privilege under the Audiology and  
 1268 Speech-Language Pathology Interstate Compact to the data system  
 1269 pursuant to s. 468.1335; any investigative information relating  
 1270 to a physical therapist or physical therapist assistant holding  
 1271 a compact privilege under the Physical Therapy Licensure Compact  
 1272 to the data system pursuant to s. 486.112; any investigative  
 1273 ~~significant investigatory~~ information relating to a psychologist  
 1274 practicing under the Psychology Interjurisdictional Compact to  
 1275 the coordinated licensure information system pursuant to s.

1276 490.0075; ~~and~~ any significant investigative ~~investigatory~~  
1277 information relating to a health care practitioner practicing  
1278 under the Professional Counselors Licensure Compact to the data  
1279 system pursuant to s. 491.017; and any investigative information  
1280 relating to a clinical social worker practicing under the Social  
1281 Work Licensure Interstate Compact to the data system pursuant to  
1282 s. 491.022.

1283 (c) Upon completion of the investigation and a  
1284 recommendation by the department to find probable cause, and  
1285 pursuant to a written request by the subject or the subject's  
1286 attorney, the department shall provide the subject an  
1287 opportunity to inspect the investigative file or, at the  
1288 subject's expense, forward to the subject a copy of the  
1289 investigative file. Notwithstanding s. 456.057, the subject may  
1290 inspect or receive a copy of any expert witness report or  
1291 patient record connected with the investigation if the subject  
1292 agrees in writing to maintain the confidentiality of any  
1293 information received under this subsection until 10 days after  
1294 probable cause is found and to maintain the confidentiality of  
1295 patient records pursuant to s. 456.057. The subject may file a  
1296 written response to the information contained in the  
1297 investigative file. Such response must be filed within 20 days  
1298 after ~~of~~ mailing by the department, unless an extension of time  
1299 has been granted by the department.

1300 (d) This subsection does not prohibit the department from

1301 providing the complaint and any information obtained pursuant to  
 1302 the department's investigation to any law enforcement agency or  
 1303 to any other regulatory agency.

1304 **Section 3. Subsection (5) of section 456.076, Florida**  
 1305 **Statutes, is amended to read:**

1306 456.076 Impaired practitioner programs.—

1307 (5) A consultant shall enter into a participant contract  
 1308 with an impaired practitioner and shall establish the terms of  
 1309 monitoring and shall include the terms in a participant  
 1310 contract. In establishing the terms of monitoring, the  
 1311 consultant may consider the recommendations of one or more  
 1312 approved evaluators, treatment programs, or treatment providers.  
 1313 A consultant may modify the terms of monitoring if the  
 1314 consultant concludes, through the course of monitoring, that  
 1315 extended, additional, or amended terms of monitoring are  
 1316 required for the protection of the health, safety, and welfare  
 1317 of the public. If the impaired practitioner is an audiologist or  
 1318 a speech-language pathologist practicing under the Audiology and  
 1319 Speech-Language Pathology Interstate Compact pursuant to s.  
 1320 468.1335, a physical therapist or physical therapist assistant  
 1321 practicing under the Physical Therapy Licensure Compact pursuant  
 1322 to s. 486.112, a psychologist practicing under the Psychology  
 1323 Interjurisdictional Compact pursuant to s. 490.0075, ~~or~~ a health  
 1324 care practitioner practicing under the Professional Counselors  
 1325 Licensure Compact pursuant to s. 491.017, or a clinical social

1326 worker practicing under the Social Work Licensure Interstate  
 1327 Compact pursuant to s. 491.022, the terms of the monitoring  
 1328 contract must include the impaired practitioner's withdrawal  
 1329 from all practice under the compact unless authorized by a  
 1330 member state.

1331 **Section 4. Subsection (9) is added to section 491.004,**  
 1332 **Florida Statutes, to read:**

1333 491.004 Board of Clinical Social Work, Marriage and Family  
 1334 Therapy, and Mental Health Counseling.—

1335 (9) The board shall appoint an individual to serve as the  
 1336 state's delegate on the Social Work Licensure Interstate Compact  
 1337 Commission, as required under s. 491.022.

1338 **Section 5. Subsection (6) of section 491.005, Florida**  
 1339 **Statutes, is amended to read:**

1340 491.005 Licensure by examination.—

1341 (6) EXEMPTIONS ~~EXEMPTION~~.—

1342 (a) A person licensed as a clinical social worker,  
 1343 marriage and family therapist, or mental health counselor in  
 1344 another state who is practicing under the Professional  
 1345 Counselors Licensure Compact pursuant to s. 491.017, and only  
 1346 within the scope provided therein, is exempt from the licensure  
 1347 requirements of this section, as applicable.

1348 (b) A person licensed as a clinical social worker in  
 1349 another state who is practicing under the Social Work Licensure  
 1350 Interstate Compact pursuant to s. 491.022, and only within the

1351 scope provided therein, is exempt from the licensure  
 1352 requirements of this section, as applicable.

1353 **Section 6. Subsection (4) is added to section 491.006,**  
 1354 **Florida Statutes, to read:**

1355 491.006 Licensure or certification by endorsement.—

1356 (4) A person licensed as a clinical social worker in  
 1357 another state who is practicing under the Social Work Licensure  
 1358 Interstate Compact pursuant to s. 491.022, and only within the  
 1359 scope provided therein, is exempt from the licensure  
 1360 requirements of this section, as applicable.

1361 **Section 7. Subsection (1) of section 491.009, Florida**  
 1362 **Statutes, is amended, and paragraph (c) is added to subsection**  
 1363 **(2) of that section, to read:**

1364 491.009 Discipline.—

1365 (1) The following acts constitute grounds for denial of a  
 1366 license or disciplinary action, as specified in s. 456.072(2),  
 1367 ~~or~~ s. 491.017, or s. 491.022:

1368 (a) Attempting to obtain, obtaining, or renewing a  
 1369 license, registration, or certificate under this chapter by  
 1370 bribery or fraudulent misrepresentation or through an error of  
 1371 the board or the department.

1372 (b) Having a license, registration, or certificate to  
 1373 practice a comparable profession revoked, suspended, or  
 1374 otherwise acted against, including the denial of certification  
 1375 or licensure by another state, territory, or country.

1376 (c) Being convicted or found guilty of, regardless of  
1377 adjudication, or having entered a plea of nolo contendere to, a  
1378 crime in any jurisdiction which directly relates to the practice  
1379 of his or her profession or the ability to practice his or her  
1380 profession. However, in the case of a plea of nolo contendere,  
1381 the board shall allow the person who is the subject of the  
1382 disciplinary proceeding to present evidence in mitigation  
1383 relevant to the underlying charges and circumstances surrounding  
1384 the plea.

1385 (d) False, deceptive, or misleading advertising or  
1386 obtaining a fee or other thing of value on the representation  
1387 that beneficial results from any treatment will be guaranteed.

1388 (e) Advertising, practicing, or attempting to practice  
1389 under a name other than one's own.

1390 (f) Maintaining a professional association with any person  
1391 who the applicant, licensee, registered intern, or  
1392 certificateholder knows, or has reason to believe, is in  
1393 violation of this chapter or of a rule of the department or the  
1394 board.

1395 (g) Knowingly aiding, assisting, procuring, or advising  
1396 any nonlicensed, nonregistered, or noncertified person to hold  
1397 himself or herself out as licensed, registered, or certified  
1398 under this chapter.

1399 (h) Failing to perform any statutory or legal obligation  
1400 placed upon a person licensed, registered, or certified under



1401 this chapter.

1402 (i) Willfully making or filing a false report or record;  
1403 failing to file a report or record required by state or federal  
1404 law; willfully impeding or obstructing the filing of a report or  
1405 record; or inducing another person to make or file a false  
1406 report or record or to impede or obstruct the filing of a report  
1407 or record. Such report or record includes only a report or  
1408 record which requires the signature of a person licensed,  
1409 registered, or certified under this chapter.

1410 (j) Paying a kickback, rebate, bonus, or other  
1411 remuneration for receiving a patient or client, or receiving a  
1412 kickback, rebate, bonus, or other remuneration for referring a  
1413 patient or client to another provider of mental health care  
1414 services or to a provider of health care services or goods;  
1415 referring a patient or client to oneself for services on a fee-  
1416 paid basis when those services are already being paid for by  
1417 some other public or private entity; or entering into a  
1418 reciprocal referral agreement.

1419 (k) Committing any act upon a patient or client which  
1420 would constitute sexual battery or which would constitute sexual  
1421 misconduct as defined pursuant to s. 491.0111.

1422 (l) Making misleading, deceptive, untrue, or fraudulent  
1423 representations in the practice of any profession licensed,  
1424 registered, or certified under this chapter.

1425 (m) Soliciting patients or clients personally, or through

1426 an agent, through the use of fraud, intimidation, undue  
1427 influence, or a form of overreaching or vexatious conduct.

1428 (n) Failing to make available to a patient or client, upon  
1429 written request, copies of tests, reports, or documents in the  
1430 possession or under the control of the licensee, registered  
1431 intern, or certificateholder which have been prepared for and  
1432 paid for by the patient or client.

1433 (o) Failing to respond within 30 days to a written  
1434 communication from the department or the board concerning any  
1435 investigation by the department or the board, or failing to make  
1436 available any relevant records with respect to any investigation  
1437 about the licensee's, registered intern's, or  
1438 certificateholder's conduct or background.

1439 (p) Being unable to practice the profession for which he  
1440 or she is licensed, registered, or certified under this chapter  
1441 with reasonable skill or competence as a result of any mental or  
1442 physical condition or by reason of illness; drunkenness; or  
1443 excessive use of drugs, narcotics, chemicals, or any other  
1444 substance. In enforcing this paragraph, upon a finding by the  
1445 State Surgeon General, the State Surgeon General's designee, or  
1446 the board that probable cause exists to believe that the  
1447 licensee, registered intern, or certificateholder is unable to  
1448 practice the profession because of the reasons stated in this  
1449 paragraph, the department shall have the authority to compel a  
1450 licensee, registered intern, or certificateholder to submit to a

1451 mental or physical examination by psychologists, physicians, or  
1452 other licensees under this chapter, designated by the department  
1453 or board. If the licensee, registered intern, or  
1454 certificateholder refuses to comply with such order, the  
1455 department's order directing the examination may be enforced by  
1456 filing a petition for enforcement in the circuit court in the  
1457 circuit in which the licensee, registered intern, or  
1458 certificateholder resides or does business. The licensee,  
1459 registered intern, or certificateholder against whom the  
1460 petition is filed may not be named or identified by initials in  
1461 any public court records or documents, and the proceedings shall  
1462 be closed to the public. The department shall be entitled to the  
1463 summary procedure provided in s. 51.011. A licensee, registered  
1464 intern, or certificateholder affected under this paragraph shall  
1465 at reasonable intervals be afforded an opportunity to  
1466 demonstrate that he or she can resume the competent practice for  
1467 which he or she is licensed, registered, or certified with  
1468 reasonable skill and safety to patients.

1469 (q) Performing any treatment or prescribing any therapy  
1470 which, by the prevailing standards of the mental health  
1471 professions in the community, would constitute experimentation  
1472 on human subjects, without first obtaining full, informed, and  
1473 written consent.

1474 (r) Failing to meet the minimum standards of performance  
1475 in professional activities when measured against generally

1476 prevailing peer performance, including the undertaking of  
1477 activities for which the licensee, registered intern, or  
1478 certificateholder is not qualified by training or experience.

1479 (s) Delegating professional responsibilities to a person  
1480 who the licensee, registered intern, or certificateholder knows  
1481 or has reason to know is not qualified by training or experience  
1482 to perform such responsibilities.

1483 (t) Violating a rule relating to the regulation of the  
1484 profession or a lawful order of the department or the board  
1485 previously entered in a disciplinary hearing.

1486 (u) Failure of the licensee, registered intern, or  
1487 certificateholder to maintain in confidence a communication made  
1488 by a patient or client in the context of such services, except  
1489 as provided in s. 491.0147.

1490 (v) Making public statements which are derived from test  
1491 data, client contacts, or behavioral research and which identify  
1492 or damage research subjects or clients.

1493 (w) Violating any provision of this chapter or chapter  
1494 456, or any rules adopted pursuant thereto.

1495 (2)

1496 (c) The board may take adverse action against a clinical  
1497 social worker's privilege to practice under the Social Work  
1498 Licensure Interstate Compact pursuant to s. 491.022 and may  
1499 impose any of the penalties in s. 456.072(2) if the clinical  
1500 social worker commits an act specified in subsection (1) or s.

1501 456.072(1).

1502 **Section 8. Paragraph (m) is added subsection (10) of**  
 1503 **section 768.28, Florida Statutes, to read:**

1504 768.28 Waiver of sovereign immunity in tort actions;  
 1505 recovery limits; civil liability for damages caused during a  
 1506 riot; limitation on attorney fees; statute of limitations;  
 1507 exclusions; indemnification; risk management programs.—

1508 (10)

1509 (m) For purposes of this section, the individual appointed  
 1510 under s. 491.004(9) as the state's delegate on the Social Work  
 1511 Licensure Compact Commission, pursuant to s. 491.022, and any  
 1512 administrator, officer, executive director, employee, or  
 1513 representative of the commission, when acting within the scope  
 1514 of his or her employment, duties, or responsibilities in this  
 1515 state, is considered an agent of the state. The commission shall  
 1516 pay any claims or judgments pursuant to this section and may  
 1517 maintain insurance coverage to pay any such claims or judgments.

1518 **Section 9.** The Department of Health shall notify the  
 1519 Division of Law Revision upon the enactment of the Social Work  
 1520 Licensure Interstate Compact into law by seven states.

1521 **Section 10.** This act shall take effect upon enactment of  
 1522 the Social Work Licensure Interstate Compact into law by seven  
 1523 states.