

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 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; authorizing the commission to
45 convene in closed, nonpublic meetings under certain
46 circumstances; providing for the financing of the
47 commission; providing specified individuals immunity
48 from civil liability under certain circumstances;
49 providing exceptions; requiring the commission to
50 defend the specified individuals in civil actions

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

76 | licensees practicing in a remote state under the
77 | compact must adhere to the laws and rules of that
78 | state; specifying that the compact, commission rules,
79 | and commission actions are binding on member states;
80 | providing construction; providing for severability;
81 | amending s. 456.073, F.S.; requiring the Department of
82 | Health to report certain investigative information to
83 | the data system; amending s. 456.076, F.S.; requiring
84 | monitoring contracts for certain impaired
85 | practitioners to contain certain terms; amending s.
86 | 491.004, F.S.; requiring the Board of Clinical Social
87 | Work, Marriage and Family Therapy, and Mental Health
88 | Counseling to appoint an individual to serve as the
89 | state's delegate on the commission; amending ss.
90 | 491.005 and 491.006, F.S.; exempting certain persons
91 | from licensure requirements; amending s. 491.009,
92 | F.S.; authorizing certain disciplinary action under
93 | the compact for specified prohibited acts; amending s.
94 | 768.28, F.S.; designating the state's delegate and
95 | other members or employees of the commission as state
96 | agents for the purpose of applying waivers of
97 | sovereign immunity; requiring the commission to pay
98 | certain claims or judgments; authorizing the
99 | commission to maintain insurance coverage to pay such
100 | claims or judgments; providing an effective date.

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

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

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

ARTICLE I

PURPOSE

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

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

(a) Increase public access to social work services.

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

(c) Enhance member states' ability to protect the public health and safety.

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

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

132 (f) Support military families.

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

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

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

143 ARTICLE II

144 DEFINITIONS

145
 146 As used in this compact, the term:

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

150 (2) "Adverse action" means any administrative, civil,

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

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

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

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

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

173 (a) Investigative information that a licensing authority,
174 after a preliminary inquiry that includes notification and an
175 opportunity for the regulated social worker to respond, has

176 reason to believe is not groundless and, if proved true, would
 177 indicate more than a minor infraction as may be defined by the
 178 commission; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

249 (26) "Unencumbered license" means a license that
250 authorizes a regulated social worker to engage in the full and

251 unrestricted practice of social work.

252
253 ARTICLE III

254 STATE PARTICIPATION IN THE COMPACT

255
256 (1) To be eligible to participate in the compact, a
257 potential member state must currently meet all of the following
258 criteria:

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

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

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

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

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

270 b. The United States Department of Education; and

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

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

275 (d) Have a mechanism in place for receiving,

276 investigating, and adjudicating complaints about licensees.

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

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

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

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

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

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

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

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

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

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

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

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 319 ARTICLE IV

320 SOCIAL WORKER PARTICIPATION IN THE COMPACT

321
 322 (1) To be eligible for a multistate license under this
 323 compact, an applicant, regardless of category, must meet all of
 324 the following requirements:

325 (a) Hold or be eligible for an active, unencumbered

326 license in the home state.

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

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

334 (d) Notify the home state of any adverse action,
335 encumbrance, or restriction on any professional license taken by
336 any member state or nonmember state within 30 days after the
337 date the action was taken.

338 (e) Meet any continuing competence requirements
339 established by the home state.

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

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

345 (a) Fulfill a competency requirement, which shall be
346 satisfied by:

347 1. Passage of a clinical-category Qualifying National
348 Exam;

349 2. Licensure of the applicant in his or her home state at
350 the clinical category, beginning before such time as a

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

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

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

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

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

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

365 b. The United States Department of Education.

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

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

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

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

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

376 (a) Fulfill a competency requirement, which shall be
 377 satisfied by:
 378 1. Passage of a masters-category Qualifying National Exam;
 379 2. Licensure of the applicant in his or her home state at
 380 the master's category, beginning before such time as a
 381 Qualifying National Exam was required by the home state at the
 382 master's category and accompanied by a continuous period of
 383 social work licensure thereafter, all of which may be further
 384 governed by the rules of the commission; or
 385 3. The substantial equivalency of the foregoing competency
 386 requirements which the commission may determine by rule.
 387 (b) Attain at least a master's degree in social work from
 388 a program that is:
 389 1. Operated by a college or university recognized by a
 390 licensing authority.
 391 2. Accredited, or in candidacy by an institution that
 392 subsequently becomes accredited, by an accrediting agency
 393 recognized by either:
 394 a. The Council for Higher Education Accreditation or its
 395 successor; or
 396 b. The United States Department of Education.
 397 (4) An applicant for a bachelor's-category multistate
 398 license must meet all of the following requirements:
 399 (a) Fulfill a competency requirement, which shall be
 400 satisfied by:

- 401 1. Passage of a bachelor's-category Qualifying National
402 Exam;
- 403 2. Licensure of the applicant in his or her home state at
404 the bachelor's category, beginning before such time as a
405 Qualifying National Exam was required by the home state and
406 accompanied by a period of continuous social work licensure
407 thereafter, all of which may be further governed by the rules of
408 the commission; or
- 409 3. The substantial equivalency of the foregoing competency
410 requirements which the commission may determine by rule.
- 411 (b) Attain at least a bachelor's degree in social work
412 from a program that is:
- 413 1. Operated by a college or university recognized by the
414 licensing authority.
- 415 2. Accredited, or in candidacy that subsequently becomes
416 accredited, by an accrediting agency recognized by either:
- 417 a. The Council for Higher Education Accreditation or its
418 successor; or
- 419 b. The United States Department of Education.
- 420 (5) The multistate license for a regulated social worker
421 is subject to the renewal requirements of the home state. The
422 regulated social worker must maintain compliance with the
423 requirements of subsection (1) to be eligible to renew a
424 multistate license.
- 425 (6) The regulated social worker's services in a remote

426 state are subject to that member state's regulatory authority. A
427 remote state may, in accordance with due process and that member
428 state's laws, remove a regulated social worker's multistate
429 authorization to practice in the remote state for a specific
430 period of time, impose fines, and take any other necessary
431 actions to protect the health and safety of its citizens.

432 (7) If a multistate license is encumbered, the regulated
433 social worker's multistate authorization to practice shall be
434 deactivated in all remote states until the multistate license is
435 no longer encumbered.

436 (8) If a multistate authorization to practice is
437 encumbered in a remote state, the regulated social worker's
438 multistate authorization to practice may be deactivated in that
439 state until the multistate authorization to practice is no
440 longer encumbered.

442 ARTICLE V

443 ISSUANCE OF A MULTISTATE LICENSE

444
445 (1) Upon receipt of an application for multistate license,
446 the home state licensing authority shall determine the
447 applicant's eligibility for a multistate license in accordance
448 with Article IV.

449 (2) If such applicant is eligible pursuant to Article IV,
450 the home state licensing authority shall issue a multistate

451 license that authorizes the applicant or regulated social worker
452 to practice in all member states under a multistate
453 authorization to practice.

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

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

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464 ARTICLE VI

465 AUTHORITY OF SOCIAL WORK LICENSURE COMPACT COMMISSION
466 AND MEMBER STATE LICENSING AUTHORITIES

467
468 (1) This compact, or any rule of the commission, does not
469 limit, restrict, or in any way reduce the ability of a member
470 state to:

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

475 (b) Take adverse action against a licensee's single state

476 | license to practice social work in that state.

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

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

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

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 488 | ARTICLE VII

489 | REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

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

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

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

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

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

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

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

525 (3) If a licensee changes his or her primary state of

526 residence by moving from a member state to a nonmember state, or
527 from a nonmember state to a member state, then the licensee
528 shall be subject to the state requirements for the issuance of a
529 single state license in the new home state.

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

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

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538 ARTICLE VIII

539 MILITARY FAMILIES

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

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547 ARTICLE IX

548 ADVERSE ACTIONS

549
550 (1) In addition to the other powers conferred by general

551 law, a remote state shall have the authority, in accordance with
552 existing state due process law, to:

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

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

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

575 (3) The home state shall complete any pending

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

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

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

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

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

598 (7) If adverse action is taken by the home state against
599 the multistate license of a regulated social worker, the
600 regulated social worker's multistate authorization to practice

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

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

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

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

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

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ARTICLE X

ESTABLISHMENT OF SOCIAL WORK LICENSURE

COMPACT COMMISSION

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

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

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

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

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

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

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

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

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

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

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

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

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

669 (c) Establish and amend rules and bylaws.

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

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

675 (f) Initiate and conclude legal proceedings or actions in

676 the name of the commission, provided that the standing of any
677 licensing authority to sue or be sued under applicable law may
678 not be affected.

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

683 (h) Purchase and maintain insurance and bonds.

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

686 (j) Conduct an annual financial review.

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

693 (l) Assess and collect fees.

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

699 (n) Lease, purchase, retain, own, hold, improve, or use
700 any property, real, personal, or mixed, or any undivided

701 interest therein.

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

705 (p) Establish a budget and make expenditures.

706 (q) Borrow money.

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

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

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

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

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

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

725 1. Oversee the day-to-day activities of the administration

726 of the compact, including enforcement and compliance with the
727 provisions of the compact, its rules and bylaws, and other such
728 duties as deemed necessary.

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

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

735 4. Prepare and recommend the budget.

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

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

739 7. Establish additional committees as necessary.

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

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

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

749 1. The chair and vice chair of the commission shall be
750 voting members of the executive committee.

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

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

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

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

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

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

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

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

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

773 (a) Public notice for all meetings of the full commission
774 of meetings shall be given in the same manner as required under
775 the rulemaking provisions in Article XII, except that the

776 commission may hold a special meeting as provided in paragraph
777 (b).

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

784 (7) (a) The commission or the executive committee or other
785 committee of the commission may convene in a closed, nonpublic
786 meeting if the commission or the committee needs to receive
787 legal advice or discuss any of the following:

788 1. Noncompliance of a member state with its obligations
789 under the compact.

790 2. The employment, compensation, or discipline of, or
791 other matters, practices, or procedures related to, specific
792 employees.

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

795 4. Current, threatened, or reasonably anticipated
796 litigation.

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

799 6. Accusing any person of a crime or formally censuring
800 any person.

801 7. Trade secrets or commercial or financial information
 802 that is privileged or confidential.

803 8. Information of a personal nature when disclosure would
 804 constitute a clearly unwarranted invasion of personal privacy.

805 9. Investigative records compiled for law enforcement
 806 purposes.

807 10. Information related to any investigative reports
 808 prepared by, or on behalf of or for the use of, the commission
 809 or other committee charged with responsibility of investigation
 810 or determination of compliance issues pursuant to the compact.

811 11. Matters specifically exempted from disclosure by
 812 federal or member state law.

813 12. Other matters as adopted by commission rule.

814 (b) If a meeting, or portion of a meeting, is closed, the
 815 presiding officer shall state that the meeting will be closed
 816 and reference each relevant exempting provision, and such
 817 reference shall be recorded in the minutes.

818 (c) The commission shall keep minutes that fully and
 819 clearly describe all matters discussed in a meeting and shall
 820 provide a full and accurate summary of actions taken, and the
 821 reasons therefor, including a description of the views
 822 expressed. All documents considered in connection with an action
 823 shall be identified in such minutes. All minutes and documents
 824 of a closed meeting shall remain under seal, subject to release
 825 only by a majority vote of the commission or order of a court of

826 competent jurisdiction.

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

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

832 (c) The commission may levy on and collect an annual
833 assessment from each member state and impose fees on licensees
834 of member states to whom it grants a multistate license to cover
835 the cost of the operations and activities of the commission and
836 its staff, which must be in a total amount sufficient to cover
837 its annual budget as approved each year for which revenue is not
838 provided by other sources. The aggregate annual assessment
839 amount for member states shall be allocated based upon a formula
840 that the commission shall adopt by rule.

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

845 (e) The commission shall keep accurate accounts of all
846 receipts and disbursements. The receipts and disbursements of
847 the commission shall be subject to the financial review and
848 accounting procedures established under its bylaws. However, all
849 receipts and disbursements of funds handled by the commission
850 shall be subject to an annual financial review by a certified or

851 licensed public accountant, and the report of the financial
852 review shall be included in and become part of the annual report
853 of the commission.

854 (9) (a) The members, officers, executive director,
855 employees, and representatives of the commission shall be immune
856 from suit and liability, both personally and in their official
857 capacity, for any claim for damage to or loss of property or
858 personal injury or other civil liability caused by or arising
859 out of any actual or alleged act, error, or omission that
860 occurred, or that the person against whom the claim is made had
861 a reasonable basis for believing occurred within the scope of
862 commission employment, duties, or responsibilities; provided
863 that this paragraph does not protect any such person from suit
864 or liability for any damage, loss, injury, or liability caused
865 by the intentional or willful or wanton misconduct of that
866 person. The procurement of insurance of any type by the
867 commission may not in any way compromise or limit the immunity
868 granted hereunder.

869 (b) The commission shall defend any member, officer,
870 executive director, employee, and representative of the
871 commission in any civil action seeking to impose liability
872 arising out of any actual or alleged act, error, or omission
873 that occurred within the scope of commission employment, duties,
874 or responsibilities, or as determined by the commission that the
875 person against whom the claim is made had a reasonable basis for

876 believing occurred within the scope of commission employment,
877 duties, or responsibilities; provided that nothing herein shall
878 be construed to prohibit that person from retaining his or her
879 own counsel at his or her own expense; and provided further that
880 the actual or alleged act, error, or omission did not result
881 from the intentional or willful or wanton misconduct of that
882 person.

883 (c) The commission shall indemnify and hold harmless any
884 member, officer, executive director, employee, and
885 representative of the commission for the amount of any
886 settlement or judgment obtained against that person arising out
887 of any actual or alleged act, error, or omission that occurred
888 within the scope of commission employment, duties, or
889 responsibilities, or, as determined by the commission, that the
890 person against whom the claim is made had a reasonable basis for
891 believing occurred within the scope of commission employment,
892 duties, or responsibilities, provided that the actual or alleged
893 act, error, or omission did not result from the intentional or
894 willful or wanton misconduct of that person.

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

899 (e) This compact may not be interpreted to waive or
900 otherwise abrogate a member state's state action immunity or

901 state action affirmative defense with respect to antitrust
902 claims under the Sherman Antitrust Act, Clayton Antitrust Act of
903 1914, or any other state or federal antitrust or anticompetitive
904 law or regulation.

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

907

908 ARTICLE XI

909 DATA SYSTEM

910

911 (1) The commission shall provide for the development,
912 maintenance, operation, and utilization of a coordinated data
913 system.

914 (2) The commission shall assign each applicant for a
915 multistate license a unique identifier, as determined by the
916 rules of the commission.

917 (3) Notwithstanding any other provision of state law to
918 the contrary, a member state shall submit a uniform data set to
919 the data system on all individuals to whom this compact is
920 applicable as required by the rules of the commission,
921 including:

922 (a) Identifying information.

923 (b) Licensure data.

924 (c) Adverse actions against a license and information
925 related thereto.

926 (d) Nonconfidential information related to alternative
927 program participation, the beginning and ending dates of such
928 participation, and other information related to such
929 participation not made confidential under member state law.

930 (e) Any denial of application for licensure, and the
931 reason for such denial.

932 (f) The presence of current significant investigative
933 information.

934 (g) Other information that may facilitate the
935 administration of this compact or the protection of the public,
936 as determined by the rules of the commission.

937 (4) The records and information provided to a member state
938 pursuant to this compact or through the data system, when
939 certified by the commission or an agent thereof, shall
940 constitute the authenticated business records of the commission,
941 and shall be entitled to any associated hearsay exception in any
942 relevant judicial, quasi-judicial, or administrative proceedings
943 in a member state.

944 (5) (a) Current significant investigative information
945 pertaining to a licensee in any member state will only be
946 available to other member states.

947 (b) It is the responsibility of the member states to
948 report any adverse action against a licensee and to monitor the
949 database to determine whether adverse action has been taken
950 against a licensee. Adverse action information pertaining to a

951 licensee in any member state will be available to any other
952 member state.

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

956 (7) Any information submitted to the data system that is
957 subsequently expunged pursuant to federal law or the laws of the
958 member state contributing the information shall be removed from
959 the data system.

960
961 ARTICLE XII

962 RULEMAKING

963
964 (1) The commission shall adopt reasonable rules in order
965 to effectively and efficiently implement and administer the
966 purposes and provisions of the compact. A rule shall be invalid
967 and have no force or effect only if a court of competent
968 jurisdiction holds that the rule is invalid because the
969 commission exercised its rulemaking authority in a manner that
970 is beyond the scope and purposes of the compact, or the powers
971 granted hereunder, or based upon another applicable standard of
972 review.

973 (2) The rules of the commission shall have the force of
974 law in each member state; however, if the rules of the
975 commission conflict with the laws, regulations, and applicable

976 standards that govern the practice of social work as held by a
977 court of competent jurisdiction, the rules of the commission are
978 ineffective in that state to the extent of the conflict.

979 (3) The commission shall exercise its rulemaking powers
980 pursuant to the criteria provided in this section and the rules
981 adopted thereunder. Rules shall become binding on the day
982 following adoption or the date specified in the rule or
983 amendment, whichever is later.

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

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

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

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

998 (a) On the website of the commission or other publicly
999 accessible platform.

1000 (b) To persons who have requested notice of the

1001 commission's notices of proposed rulemaking.

1002 (c) In such other way as the commission may by rule

1003 specify.

1004 (8) The notice of proposed rulemaking shall include:

1005 (a) The time, date, and location of the public hearing at

1006 which the commission will hear public comments on the proposed

1007 rule and, if different, the time, date, and location of the

1008 meeting where the commission will consider and vote on the

1009 proposed rule.

1010 (b) If the hearing is held via telecommunication, video

1011 conference, or other similar electronic means, the commission

1012 shall include the mechanism for access to the hearing in the

1013 notice of proposed rulemaking.

1014 (c) The text of the proposed rule and the reason therefor.

1015 (d) A request for comments on the proposed rule from any

1016 interested person.

1017 (e) The manner in which interested persons may submit

1018 written comments.

1019 (9) All hearings will be recorded. A copy of the recording

1020 and all written comments and documents received by the

1021 commission in response to the proposed rule shall be available

1022 to the public.

1023 (10) This section does not require a separate hearing on

1024 each rule. Rules may be grouped for the convenience of the

1025 commission at hearings required by this section.

1026 (11) The commission shall, by majority vote of all
 1027 members, take final action on the proposed rule based on the
 1028 rulemaking record and the full text of the rule.

1029 (a) The commission may adopt changes to the proposed rule
 1030 provided the changes do not enlarge the original purpose of the
 1031 proposed rule.

1032 (b) The commission shall provide an explanation of the
 1033 reasons for substantive changes made to the proposed rule as
 1034 well as reasons for substantive changes not made that were
 1035 recommended by commenters.

1036 (c) The commission shall determine a reasonable effective
 1037 date for the rule. Except for an emergency as provided in
 1038 subsection (12), the effective date of the rule shall be no
 1039 sooner than 30 days after issuing the notice that the commission
 1040 adopted or amended the rule.

1041 (12) Upon determination that an emergency exists, the
 1042 commission may consider and adopt an emergency rule with 48
 1043 hours' notice, with opportunity to comment, provided that the
 1044 usual rulemaking procedures provided in the compact and in this
 1045 section shall be retroactively applied to the rule as soon as
 1046 reasonably possible, but in no event later than 90 days after
 1047 the effective date of the rule. For the purposes of this
 1048 subsection, an emergency rule is one that must be adopted
 1049 immediately in order to:

1050 (a) Meet an imminent threat to public health, safety, or

1051 welfare;
 1052 (b) Prevent a loss of commission or member state funds;
 1053 (c) Meet a deadline for the adoption of a rule that is
 1054 established by federal law or rule; or
 1055 (d) Protect public health and safety.
 1056 (13) The commission or an authorized committee of the
 1057 commission may direct revisions to a previously adopted rule for
 1058 purposes of correcting typographical errors, errors in format,
 1059 errors in consistency, or grammatical errors. Public notice of
 1060 any revisions shall be posted on the website of the commission.
 1061 The revision shall be subject to challenge by any person for a
 1062 period of 30 days after posting. The revision may be challenged
 1063 only on grounds that the revision results in a material change
 1064 to a rule. A challenge shall be made in writing and delivered to
 1065 the commission prior to the end of the notice period. If no
 1066 challenge is made, the revision will take effect without further
 1067 action. If the revision is challenged, the revision may not take
 1068 effect without the approval of the commission.
 1069 (14) No member state's rulemaking requirements shall apply
 1070 under this compact.

1071
 1072 ARTICLE XIII

1073 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

1074
 1075 (1) (a) The executive and judicial branches of state

1076 government in each member state shall enforce this compact and
1077 take all actions necessary and appropriate to implement the
1078 compact.

1079 (b) Except as otherwise provided in this compact, venue is
1080 proper and judicial proceedings by or against the commission
1081 shall be brought solely and exclusively in a court of competent
1082 jurisdiction where the principal office of the commission is
1083 located. The commission may waive venue and jurisdictional
1084 defenses to the extent it adopts or consents to participate in
1085 alternative dispute resolution proceedings. Nothing herein shall
1086 affect or limit the selection or propriety of venue in any
1087 action against a licensee for professional malpractice,
1088 misconduct, or any such similar matter.

1089 (c) The commission shall be entitled to receive service of
1090 process in any proceeding regarding the enforcement or
1091 interpretation of the compact and shall have standing to
1092 intervene in such a proceeding for all purposes. Failure to
1093 provide the commission service of process shall render a
1094 judgment or order void as to the commission, this compact, or
1095 adopted rules.

1096 (2) (a) If the commission determines that a member state
1097 has defaulted in the performance of its obligations or
1098 responsibilities under this compact or the adopted rules, the
1099 commission shall provide written notice to the defaulting state.
1100 The notice of default shall describe the default, the proposed

1101 means of curing the default, and any other action that the
1102 commission may take, and shall offer training and specific
1103 technical assistance regarding the default.

1104 (b) The commission shall provide a copy of the notice of
1105 default to the other member states.

1106 (3) If a state in default fails to cure the default, the
1107 defaulting state may be terminated from the compact upon an
1108 affirmative vote of a majority of the delegates of the member
1109 states, and all rights, privileges, and benefits conferred on
1110 that state by this compact may be terminated on the effective
1111 date of termination. A cure of the default does not relieve the
1112 offending state of obligations or liabilities incurred during
1113 the period of default.

1114 (4) Termination of membership in the compact shall be
1115 imposed only after all other means of securing compliance have
1116 been exhausted. Notice of intent to suspend or terminate shall
1117 be given by the commission to the Governor, the majority and
1118 minority leaders of the defaulting state's legislature, the
1119 defaulting state's state licensing authority, and the licensing
1120 authority of each member state.

1121 (5) A state that has been terminated is responsible for
1122 all assessments, obligations, and liabilities incurred through
1123 the effective date of termination, including obligations that
1124 extend beyond the effective date of termination.

1125 (6) Upon the termination of a state's membership from this

1126 compact, that state shall immediately provide notice to all
1127 licensees within that state of such termination. The terminated
1128 state shall continue to recognize all licenses granted pursuant
1129 to this compact for a minimum of 6 months after the date of said
1130 notice of termination.

1131 (7) The commission may not bear any costs related to a
1132 state that is found to be in default or that has been terminated
1133 from the compact, unless agreed upon in writing between the
1134 commission and the defaulting state.

1135 (8) The defaulting state may appeal the action of the
1136 commission by petitioning the United States District Court for
1137 the District of Columbia or the federal district where the
1138 commission has its principal offices. The prevailing party shall
1139 be awarded all costs of such litigation, including reasonable
1140 attorney fees.

1141 (9) (a) Upon request by a member state, the commission
1142 shall attempt to resolve disputes related to the compact that
1143 arise among member states and between member and nonmember
1144 states.

1145 (b) The commission shall adopt a rule providing for both
1146 mediation and binding dispute resolution for disputes as
1147 appropriate.

1148 (10) (a) By majority vote as provided by rule, the
1149 commission may initiate legal action against a member state in
1150 default in the United States District Court for the District of

1151 Columbia or the federal district where the commission has its
1152 principal offices to enforce compliance with the provisions of
1153 the compact and its adopted rules. The relief sought may include
1154 both injunctive relief and damages. In the event judicial
1155 enforcement is necessary, the prevailing party shall be awarded
1156 all costs of such litigation, including reasonable attorney
1157 fees. The remedies herein may not be the exclusive remedies of
1158 the commission. The commission may pursue any other remedies
1159 available under federal or the defaulting member state's law.

1160 (b) A member state may initiate legal action against the
1161 commission in the United States District Court for the District
1162 of Columbia or the federal district where the commission has its
1163 principal offices to enforce compliance with the provisions of
1164 the compact and its adopted rules. The relief sought may include
1165 both injunctive relief and damages. In the event judicial
1166 enforcement is necessary, the prevailing party shall be awarded
1167 all costs of such litigation, including reasonable attorney
1168 fees.

1169 (c) Only a member state may enforce this compact against
1170 the commission.

1171

1172 ARTICLE XIV

1173 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

1174

1175 (1) The compact shall come into effect on the date on

1176 which the compact statute is enacted into law in the seventh
1177 member state.

1178 (2) (a) On or after the effective date of the compact, the
1179 commission shall convene and review the enactment of each of the
1180 first seven charter member states to determine if the statute
1181 enacted by each such charter member state is materially
1182 different than the model compact statute.

1183 1. A charter member state whose enactment is found to be
1184 materially different from the model compact statute shall be
1185 entitled to the default process provided in Article XIII.

1186 2. If any member state is later found to be in default, or
1187 is terminated or withdraws from the compact, the commission
1188 shall remain in existence and the compact shall remain in effect
1189 even if the number of member states should be less than seven.

1190 (b) Member states enacting the compact subsequent to the
1191 seven initial charter member states shall be subject to the
1192 process provided in paragraph (3) (u) of Article X to determine
1193 if their enactments are materially different from the model
1194 compact statute and whether they qualify for participation in
1195 the compact.

1196 (c) All actions taken for the benefit of the commission or
1197 in furtherance of the purposes of the administration of the
1198 compact prior to the effective date of the compact or the
1199 commission coming into existence shall be considered to be
1200 actions of the commission unless specifically repudiated by the

1201 commission.

1202 (d) Any state that joins the compact subsequent to the
1203 commission's initial adoption of the rules and bylaws shall be
1204 subject to the rules and bylaws as they exist on the date on
1205 which the compact becomes law in that state. Any rule that has
1206 been previously adopted by the commission shall have the full
1207 force and effect of law on the day the compact becomes law in
1208 that state.

1209 (3) Any member state may withdraw from this compact by
1210 enacting a statute repealing the same.

1211 (a) A member state's withdrawal may not take effect until
1212 180 days after enactment of the repealing statute.

1213 (b) Withdrawal may not affect the continuing requirement
1214 of the withdrawing state's licensing authority to comply with
1215 the investigative and adverse action reporting requirements of
1216 this compact before the effective date of withdrawal.

1217 (c) Upon the enactment of a statute withdrawing from this
1218 compact, a state shall immediately provide notice of such
1219 withdrawal to all licensees within that state. Notwithstanding
1220 any subsequent statutory enactment to the contrary, such
1221 withdrawing state shall continue to recognize all licenses
1222 granted pursuant to this compact for a minimum of 180 days after
1223 the date of such notice of withdrawal.

1224 (4) This compact does not invalidate or prevent any
1225 licensure agreement or other cooperative arrangement between a

1226 member state and a nonmember state that does not conflict with
 1227 the provisions of this compact.

1228 (5) This compact may be amended by the member states. Any
 1229 amendment to this compact is not effective and binding upon any
 1230 member state until it is enacted into the laws of all member
 1231 states.

1232
 1233 ARTICLE XV

1234 CONSTRUCTION AND SEVERABILITY

1235
 1236 (1) This compact and the commission's rulemaking authority
 1237 shall be liberally construed so as to effectuate the purposes
 1238 and the implementation and administration of the compact.
 1239 Provisions of the compact expressly authorizing or requiring the
 1240 adoption of rules may not be construed to limit the commission's
 1241 rulemaking authority solely for those purposes.

1242 (2) The provisions of this compact shall be severable and
 1243 if any phrase, clause, sentence, or provision of this compact is
 1244 held by a court of competent jurisdiction to be contrary to the
 1245 constitution of any member state, a state seeking participation
 1246 in the compact, or of the United states, or the application
 1247 thereof to any government, agency, person, or circumstance is
 1248 held to be unconstitutional by a court of competent
 1249 jurisdiction, the validity of the remainder of this compact and
 1250 the applicability thereof to any other government, agency,

1251 person, or circumstance may not be affected thereby.

1252 (3) Notwithstanding subsection (2), the commission may
1253 deny a state's participation in the compact or, in accordance
1254 with the requirements of subsection (3) of Article XIII,
1255 terminate a member state's participation in the compact, if it
1256 determines that a constitutional requirement of a member state
1257 is a material departure from the compact. Otherwise, if this
1258 compact shall be held to be contrary to the constitution of any
1259 member state, the compact shall remain in full force and effect
1260 as to the remaining member states and in full force and effect
1261 as to the member state affected as to all severable matters.

1262
1263 ARTICLE XVI

1264 CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS
1265

1266 (1) A licensee providing services in a remote state under
1267 a multistate authorization to practice shall adhere to the laws
1268 and regulations, including laws, regulations, and applicable
1269 standards, of the remote state where the client is located at
1270 the time care is rendered.

1271 (2) Nothing herein shall prevent or inhibit the
1272 enforcement of any other law of a member state that is not
1273 inconsistent with the compact.

1274 (3) Any laws, statutes, regulations, or other legal
1275 requirements in a member state in conflict with the compact are

1276 superseded to the extent of the conflict.

1277 (4) All permissible agreements between the commission and
 1278 the member states are binding in accordance with their terms.

1279 **Section 2. Subsection (10) of section 456.073, Florida**
 1280 **Statutes, is amended to read:**

1281 456.073 Disciplinary proceedings.—Disciplinary proceedings
 1282 for each board shall be within the jurisdiction of the
 1283 department.

1284 (10) (a) The complaint and all information obtained
 1285 pursuant to the investigation by the department are confidential
 1286 and exempt from s. 119.07(1) until 10 days after probable cause
 1287 has been found to exist by the probable cause panel or by the
 1288 department, or until the regulated professional or subject of
 1289 the investigation waives his or her privilege of
 1290 confidentiality, whichever occurs first.

1291 (b) The department shall report any significant
 1292 investigative ~~investigation~~ information relating to a nurse
 1293 holding a multistate license to the coordinated licensure
 1294 information system pursuant to s. 464.0095; any investigative
 1295 information relating to an audiologist or a speech-language
 1296 pathologist holding a compact privilege under the Audiology and
 1297 Speech-Language Pathology Interstate Compact to the data system
 1298 pursuant to s. 468.1335; any investigative information relating
 1299 to a physical therapist or physical therapist assistant holding
 1300 a compact privilege under the Physical Therapy Licensure Compact

1301 to the data system pursuant to s. 486.112; any investigative
 1302 ~~significant investigatory~~ information relating to a psychologist
 1303 practicing under the Psychology Interjurisdictional Compact to
 1304 the coordinated licensure information system pursuant to s.
 1305 490.0075; ~~and~~ any significant investigative ~~investigatory~~
 1306 information relating to a health care practitioner practicing
 1307 under the Professional Counselors Licensure Compact to the data
 1308 system pursuant to s. 491.017; and any investigative information
 1309 relating to a clinical social worker practicing under the Social
 1310 Work Licensure Interstate Compact to the data system pursuant to
 1311 s. 491.022.

1312 (c) Upon completion of the investigation and a
 1313 recommendation by the department to find probable cause, and
 1314 pursuant to a written request by the subject or the subject's
 1315 attorney, the department shall provide the subject an
 1316 opportunity to inspect the investigative file or, at the
 1317 subject's expense, forward to the subject a copy of the
 1318 investigative file. Notwithstanding s. 456.057, the subject may
 1319 inspect or receive a copy of any expert witness report or
 1320 patient record connected with the investigation if the subject
 1321 agrees in writing to maintain the confidentiality of any
 1322 information received under this subsection until 10 days after
 1323 probable cause is found and to maintain the confidentiality of
 1324 patient records pursuant to s. 456.057. The subject may file a
 1325 written response to the information contained in the

1326 | investigative file. Such response must be filed within 20 days
 1327 | after ~~of~~ mailing by the department, unless an extension of time
 1328 | has been granted by the department.

1329 | (d) This subsection does not prohibit the department from
 1330 | providing the complaint and any information obtained pursuant to
 1331 | the department's investigation to any law enforcement agency or
 1332 | to any other regulatory agency.

1333 | **Section 3. Subsection (5) of section 456.076, Florida**
 1334 | **Statutes, is amended to read:**

1335 | 456.076 Impaired practitioner programs.—

1336 | (5) A consultant shall enter into a participant contract
 1337 | with an impaired practitioner and shall establish the terms of
 1338 | monitoring and shall include the terms in a participant
 1339 | contract. In establishing the terms of monitoring, the
 1340 | consultant may consider the recommendations of one or more
 1341 | approved evaluators, treatment programs, or treatment providers.
 1342 | A consultant may modify the terms of monitoring if the
 1343 | consultant concludes, through the course of monitoring, that
 1344 | extended, additional, or amended terms of monitoring are
 1345 | required for the protection of the health, safety, and welfare
 1346 | of the public. If the impaired practitioner is an audiologist or
 1347 | a speech-language pathologist practicing under the Audiology and
 1348 | Speech-Language Pathology Interstate Compact pursuant to s.
 1349 | 468.1335, a physical therapist or physical therapist assistant
 1350 | practicing under the Physical Therapy Licensure Compact pursuant

1351 to s. 486.112, a psychologist practicing under the Psychology
 1352 Interjurisdictional Compact pursuant to s. 490.0075, ~~or~~ a health
 1353 care practitioner practicing under the Professional Counselors
 1354 Licensure Compact pursuant to s. 491.017, or a clinical social
 1355 worker practicing under the Social Work Licensure Interstate
 1356 Compact pursuant to s. 491.022, the terms of the monitoring
 1357 contract must include the impaired practitioner's withdrawal
 1358 from all practice under the compact unless authorized by a
 1359 member state.

1360 **Section 4. Subsection (9) is added to section 491.004,**
 1361 **Florida Statutes, to read:**

1362 491.004 Board of Clinical Social Work, Marriage and Family
 1363 Therapy, and Mental Health Counseling.—

1364 (9) The board shall appoint an individual to serve as the
 1365 state's delegate on the Social Work Licensure Compact
 1366 Commission, as required under s. 491.022.

1367 **Section 5. Subsection (6) of section 491.005, Florida**
 1368 **Statutes, is amended to read:**

1369 491.005 Licensure by examination.—

1370 (6) EXEMPTIONS ~~EXEMPTION~~.—

1371 (a) A person licensed as a clinical social worker,
 1372 marriage and family therapist, or mental health counselor in
 1373 another state who is practicing under the Professional
 1374 Counselors Licensure Compact pursuant to s. 491.017, and only
 1375 within the scope provided therein, is exempt from the licensure

1376 requirements of this section, as applicable.

1377 (b) A person licensed as a clinical social worker in
 1378 another state who is practicing under the Social Work Licensure
 1379 Interstate Compact pursuant to s. 491.022, and only within the
 1380 scope provided therein, is exempt from the licensure
 1381 requirements of this section, as applicable.

1382 **Section 6. Subsection (4) is added to section 491.006,**
 1383 **Florida Statutes, to read:**

1384 491.006 Licensure or certification by endorsement.—

1385 (4) A person licensed as a clinical social worker in
 1386 another state who is practicing under the Social Work Licensure
 1387 Interstate Compact pursuant to s. 491.022, and only within the
 1388 scope provided therein, is exempt from the licensure
 1389 requirements of this section, as applicable.

1390 **Section 7. Subsection (1) of section 491.009, Florida**
 1391 **Statutes, is amended, and paragraph (c) is added to subsection**
 1392 **(2) of that section, to read:**

1393 491.009 Discipline.—

1394 (1) The following acts constitute grounds for denial of a
 1395 license or disciplinary action, as specified in s. 456.072(2),
 1396 ~~or~~ s. 491.017, or s. 491.022:

1397 (a) Attempting to obtain, obtaining, or renewing a
 1398 license, registration, or certificate under this chapter by
 1399 bribery or fraudulent misrepresentation or through an error of
 1400 the board or the department.

1401 (b) Having a license, registration, or certificate to
 1402 practice a comparable profession revoked, suspended, or
 1403 otherwise acted against, including the denial of certification
 1404 or licensure by another state, territory, or country.

1405 (c) Being convicted or found guilty of, regardless of
 1406 adjudication, or having entered a plea of nolo contendere to, a
 1407 crime in any jurisdiction which directly relates to the practice
 1408 of his or her profession or the ability to practice his or her
 1409 profession. However, in the case of a plea of nolo contendere,
 1410 the board shall allow the person who is the subject of the
 1411 disciplinary proceeding to present evidence in mitigation
 1412 relevant to the underlying charges and circumstances surrounding
 1413 the plea.

1414 (d) False, deceptive, or misleading advertising or
 1415 obtaining a fee or other thing of value on the representation
 1416 that beneficial results from any treatment will be guaranteed.

1417 (e) Advertising, practicing, or attempting to practice
 1418 under a name other than one's own.

1419 (f) Maintaining a professional association with any person
 1420 who the applicant, licensee, registered intern, or
 1421 certificateholder knows, or has reason to believe, is in
 1422 violation of this chapter or of a rule of the department or the
 1423 board.

1424 (g) Knowingly aiding, assisting, procuring, or advising
 1425 any nonlicensed, nonregistered, or noncertified person to hold

1426 himself or herself out as licensed, registered, or certified
1427 under this chapter.

1428 (h) Failing to perform any statutory or legal obligation
1429 placed upon a person licensed, registered, or certified under
1430 this chapter.

1431 (i) Willfully making or filing a false report or record;
1432 failing to file a report or record required by state or federal
1433 law; willfully impeding or obstructing the filing of a report or
1434 record; or inducing another person to make or file a false
1435 report or record or to impede or obstruct the filing of a report
1436 or record. Such report or record includes only a report or
1437 record which requires the signature of a person licensed,
1438 registered, or certified under this chapter.

1439 (j) Paying a kickback, rebate, bonus, or other
1440 remuneration for receiving a patient or client, or receiving a
1441 kickback, rebate, bonus, or other remuneration for referring a
1442 patient or client to another provider of mental health care
1443 services or to a provider of health care services or goods;
1444 referring a patient or client to oneself for services on a fee-
1445 paid basis when those services are already being paid for by
1446 some other public or private entity; or entering into a
1447 reciprocal referral agreement.

1448 (k) Committing any act upon a patient or client which
1449 would constitute sexual battery or which would constitute sexual
1450 misconduct as defined pursuant to s. 491.0111.

1451 (l) Making misleading, deceptive, untrue, or fraudulent
 1452 representations in the practice of any profession licensed,
 1453 registered, or certified under this chapter.

1454 (m) Soliciting patients or clients personally, or through
 1455 an agent, through the use of fraud, intimidation, undue
 1456 influence, or a form of overreaching or vexatious conduct.

1457 (n) Failing to make available to a patient or client, upon
 1458 written request, copies of tests, reports, or documents in the
 1459 possession or under the control of the licensee, registered
 1460 intern, or certificateholder which have been prepared for and
 1461 paid for by the patient or client.

1462 (o) Failing to respond within 30 days to a written
 1463 communication from the department or the board concerning any
 1464 investigation by the department or the board, or failing to make
 1465 available any relevant records with respect to any investigation
 1466 about the licensee's, registered intern's, or
 1467 certificateholder's conduct or background.

1468 (p) Being unable to practice the profession for which he
 1469 or she is licensed, registered, or certified under this chapter
 1470 with reasonable skill or competence as a result of any mental or
 1471 physical condition or by reason of illness; drunkenness; or
 1472 excessive use of drugs, narcotics, chemicals, or any other
 1473 substance. In enforcing this paragraph, upon a finding by the
 1474 State Surgeon General, the State Surgeon General's designee, or
 1475 the board that probable cause exists to believe that the

1476 licensee, registered intern, or certificateholder is unable to
1477 practice the profession because of the reasons stated in this
1478 paragraph, the department shall have the authority to compel a
1479 licensee, registered intern, or certificateholder to submit to a
1480 mental or physical examination by psychologists, physicians, or
1481 other licensees under this chapter, designated by the department
1482 or board. If the licensee, registered intern, or
1483 certificateholder refuses to comply with such order, the
1484 department's order directing the examination may be enforced by
1485 filing a petition for enforcement in the circuit court in the
1486 circuit in which the licensee, registered intern, or
1487 certificateholder resides or does business. The licensee,
1488 registered intern, or certificateholder against whom the
1489 petition is filed may not be named or identified by initials in
1490 any public court records or documents, and the proceedings shall
1491 be closed to the public. The department shall be entitled to the
1492 summary procedure provided in s. 51.011. A licensee, registered
1493 intern, or certificateholder affected under this paragraph shall
1494 at reasonable intervals be afforded an opportunity to
1495 demonstrate that he or she can resume the competent practice for
1496 which he or she is licensed, registered, or certified with
1497 reasonable skill and safety to patients.

1498 (q) Performing any treatment or prescribing any therapy
1499 which, by the prevailing standards of the mental health
1500 professions in the community, would constitute experimentation

1501 on human subjects, without first obtaining full, informed, and
 1502 written consent.

1503 (r) Failing to meet the minimum standards of performance
 1504 in professional activities when measured against generally
 1505 prevailing peer performance, including the undertaking of
 1506 activities for which the licensee, registered intern, or
 1507 certificateholder is not qualified by training or experience.

1508 (s) Delegating professional responsibilities to a person
 1509 who the licensee, registered intern, or certificateholder knows
 1510 or has reason to know is not qualified by training or experience
 1511 to perform such responsibilities.

1512 (t) Violating a rule relating to the regulation of the
 1513 profession or a lawful order of the department or the board
 1514 previously entered in a disciplinary hearing.

1515 (u) Failure of the licensee, registered intern, or
 1516 certificateholder to maintain in confidence a communication made
 1517 by a patient or client in the context of such services, except
 1518 as provided in s. 491.0147.

1519 (v) Making public statements which are derived from test
 1520 data, client contacts, or behavioral research and which identify
 1521 or damage research subjects or clients.

1522 (w) Violating any provision of this chapter or chapter
 1523 456, or any rules adopted pursuant thereto.

1524 (2)

1525 (c) The board may take adverse action against a clinical

1526 social worker's privilege to practice under the Social Work
1527 Licensure Interstate Compact pursuant to s. 491.022 and may
1528 impose any of the penalties in s. 456.072(2) if the clinical
1529 social worker commits an act specified in subsection (1) or s.
1530 456.072(1).

1531 **Section 8. Paragraph (m) is added subsection (10) of**
1532 **section 768.28, Florida Statutes, to read:**

1533 768.28 Waiver of sovereign immunity in tort actions;
1534 recovery limits; civil liability for damages caused during a
1535 riot; limitation on attorney fees; statute of limitations;
1536 exclusions; indemnification; risk management programs.—

1537 (10)

1538 (m) For purposes of this section, the individual appointed
1539 under s. 491.004(9) as the state's delegate on the Social Work
1540 Licensure Compact Commission, pursuant to s. 491.022, and any
1541 administrator, officer, executive director, employee, or
1542 representative of the commission, when acting within the scope
1543 of his or her employment, duties, or responsibilities in this
1544 state, is considered an agent of the state. The commission shall
1545 pay any claims or judgments pursuant to this section and may
1546 maintain insurance coverage to pay any such claims or judgments.

1547 **Section 9.** This act shall take effect July 1, 2025.