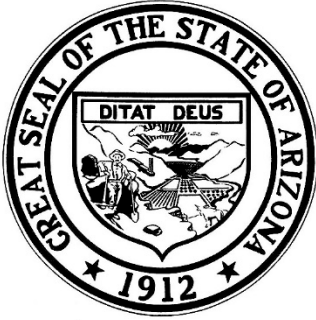


HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **SB 1295**_____

Bliss_____ Floor Amendment

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1. Requires an executive director of a health regulatory board that issues compact licenses to provide a report to the Legislature on the number of compact licenses issued in the preceding year by January 1 each year.
 2. Adopts the Social Work Licensure Compact to facilitate interstate practice of regulated social workers by improving public access to competent social work services.
 3. Creates the Social Work Licensure Compact Commission and outlines powers, responsibilities and duties.
 4. Declares the Compact effective on the date on which the Compact statute is enacted into law by the seventh member state.
 5. Defines pertinent terms.

Amendment explanation prepared by A. Graham
Phone Number 6-3848

ls

5/30/2024

BLISS FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1295
(Reference to Senate engrossed bill)

1 Page 18, after line 27, insert:

2 "Sec. 2. Title 32, chapter 32, Arizona Revised Statutes, is amended
3 by adding article 3.1, to read:

4 ARTICLE 3.1. HEALTH PROFESSIONAL LICENSURE COMPACTS

5 32-3247. Health professional licensure compacts; reporting
6 requirement

7 ON OR BEFORE JANUARY 1 EACH YEAR, THE EXECUTIVE DIRECTOR OF A HEALTH
8 PROFESSION REGULATORY BOARD THAT ISSUES COMPACT LICENSES PURSUANT TO THE
9 FOLLOWING SECTIONS SHALL ISSUE A REPORT ON THE NUMBER OF COMPACT LICENSES
10 ISSUED IN THE PRECEDING YEAR TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF
11 REPRESENTATIVES AND THE PRESIDENT OF THE SENATE AND SHALL PROVIDE A COPY OF
12 THE REPORT TO THE SECRETARY OF STATE:

- 13 1. SECTION 32-1660.
- 14 2. SECTION 32-1661.
- 15 3. SECTION 32-2053.
- 16 4. SECTION 32-2087.
- 17 5. SECTION 32-3241.
- 18 6. SECTION 32-3295.
- 19 7. SECTION 32-3306.
- 20 8. SECTION 32-3431.

1 Sec. 3. Title 32, chapter 33, Arizona Revised Statutes, is amended
2 by adding article 5.1, to read:

3 ARTICLE 5.1. SOCIAL WORK LICENSURE COMPACT

4 32-3295. Social work licensure compact

5 SECTION 1. PURPOSE

6 A. THE PURPOSE OF THIS COMPACT IS TO FACILITATE INTERSTATE PRACTICE
7 OF REGULATED SOCIAL WORKERS BY IMPROVING PUBLIC ACCESS TO COMPETENT SOCIAL
8 WORK SERVICES. THE COMPACT PRESERVES THE REGULATORY AUTHORITY OF STATES TO
9 PROTECT PUBLIC HEALTH AND SAFETY THROUGH THE CURRENT SYSTEM OF STATE
10 LICENSURE.

11 B. THIS COMPACT IS DESIGNED TO ACHIEVE THE FOLLOWING OBJECTIVES:

12 1. INCREASE PUBLIC ACCESS TO SOCIAL WORK SERVICES.

13 2. REDUCE OVERLY BURDENSOME AND DUPLICATIVE REQUIREMENTS ASSOCIATED
14 WITH HOLDING MULTIPLE LICENSES.

15 3. ENHANCE THE MEMBER STATES' ABILITY TO PROTECT THE PUBLIC'S HEALTH
16 AND SAFETY.

17 4. ENCOURAGE THE COOPERATION OF MEMBER STATES IN REGULATING
18 MULTISTATE PRACTICE.

19 5. PROMOTE MOBILITY AND ADDRESS WORKFORCE SHORTAGES BY ELIMINATING
20 THE NECESSITY FOR LICENSES IN MULTIPLE STATES BY PROVIDING FOR THE MUTUAL
21 RECOGNITION OF OTHER MEMBER STATE LICENSES.

22 6. SUPPORT MILITARY FAMILIES.

23 7. FACILITATE THE EXCHANGE OF LICENSURE AND DISCIPLINARY INFORMATION
24 AMONG MEMBER STATES.

25 8. AUTHORIZE ALL MEMBER STATES TO HOLD A REGULATED SOCIAL WORKER
26 ACCOUNTABLE FOR ABIDING BY A MEMBER STATE'S LAWS, REGULATIONS AND
27 APPLICABLE PROFESSIONAL STANDARDS IN THE MEMBER STATE IN WHICH THE CLIENT
28 IS LOCATED AT THE TIME CARE IS RENDERED.

29 9. ALLOW FOR THE USE OF TELEHEALTH TO FACILITATE INCREASED ACCESS TO
30 REGULATED SOCIAL WORK SERVICES.

SECTION 2. DEFINITIONS

IN THIS COMPACT, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "ACTIVE MILITARY MEMBER" MEANS ANY INDIVIDUAL WITH FULL-TIME DUTY STATUS IN THE ACTIVE ARMED FORCES OF THE UNITED STATES, INCLUDING MEMBERS OF THE NATIONAL GUARD AND RESERVE.

2. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL, EQUITABLE OR CRIMINAL ACTION ALLOWED BY A STATE'S LAWS THAT IS IMPOSED BY A LICENSING AUTHORITY OR OTHER AUTHORITY AGAINST A REGULATED SOCIAL WORKER, INCLUDING ACTIONS AGAINST AN INDIVIDUAL'S LICENSE OR MULTISTATE AUTHORIZATION TO PRACTICE, SUCH AS REVOCATION, SUSPENSION, PROBATION, MONITORING OF THE LICENSEE, LIMITATION ON THE LICENSEE'S PRACTICE OR ANY OTHER ENCUMBRANCE ON LICENSURE AFFECTING A REGULATED SOCIAL WORKER'S AUTHORIZATION TO PRACTICE, INCLUDING ISSUANCE OF A CEASE AND DESIST ACTION.

3. "ALTERNATIVE PROGRAM" MEANS A NONDISCIPLINARY MONITORING OR PRACTICE REMEDIATION PROCESS APPROVED BY A LICENSING AUTHORITY TO ADDRESS PRACTITIONERS WITH AN IMPAIRMENT.

4. "CHARTER MEMBER STATES" MEANS MEMBER STATES THAT HAVE ENACTED LEGISLATION TO ADOPT THIS COMPACT IF THE LEGISLATION PREDATES THE EFFECTIVE DATE OF THIS COMPACT AS DESCRIBED IN SECTION 14 OF THIS COMPACT.

5. "COMPACT COMMISSION" OR "COMMISSION" MEANS THE GOVERNMENT AGENCY WHOSE MEMBERSHIP CONSISTS OF ALL STATES THAT HAVE ENACTED THIS COMPACT, THAT IS KNOWN AS THE SOCIAL WORK LICENSURE COMPACT COMMISSION AS DESCRIBED IN SECTION 10 OF THIS COMPACT AND THAT OPERATES AS AN INSTRUMENTALITY OF THE MEMBER STATES.

6. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS EITHER:

(a) INVESTIGATIVE INFORMATION THAT A LICENSING AUTHORITY, AFTER A PRELIMINARY INQUIRY THAT INCLUDES NOTIFICATION AND AN OPPORTUNITY FOR THE REGULATED SOCIAL WORKER TO RESPOND, HAS REASON TO BELIEVE IS NOT GROUNDLESS AND, IF PROVED TRUE, WOULD INDICATE MORE THAN A MINOR INFRACTION AS MAY BE DEFINED BY THE COMMISSION.

(b) INVESTIGATIVE INFORMATION THAT INDICATES THAT THE REGULATED SOCIAL WORKER REPRESENTS AN IMMEDIATE THREAT TO PUBLIC HEALTH AND SAFETY,

1 AS DEFINED BY THE COMMISSION, REGARDLESS OF WHETHER THE REGULATED SOCIAL
2 WORKER HAS BEEN NOTIFIED AND HAS HAD AN OPPORTUNITY TO RESPOND.

3 7. "DATA SYSTEM" MEANS A REPOSITORY OF INFORMATION ABOUT LICENSEES,
4 INCLUDING CONTINUING EDUCATION, EXAMINATION, LICENSURE, CURRENT SIGNIFICANT
5 INVESTIGATIVE INFORMATION, DISQUALIFYING EVENTS, MULTISTATE LICENSES AND
6 ADVERSE ACTION INFORMATION OR OTHER INFORMATION AS REQUIRED BY THE
7 COMMISSION.

8 8. "DOMICILE" MEANS THE JURISDICTION IN WHICH THE LICENSEE RESIDES
9 AND INTENDS TO REMAIN INDEFINITELY.

10 9. "DISQUALIFYING EVENT" MEANS ANY ADVERSE ACTION OR INCIDENT THAT
11 RESULTS IN AN ENCUMBRANCE THAT DISQUALIFIES OR MAKES THE LICENSEE
12 INELIGIBLE TO EITHER OBTAIN, RETAIN OR RENEW A MULTISTATE LICENSE.

13 10. "ENCUMBRANCE" MEANS A REVOCATION OR SUSPENSION OF, OR ANY
14 LIMITATION ON, THE FULL AND UNRESTRICTED PRACTICE OF SOCIAL WORK LICENSED
15 AND REGULATED BY A LICENSING AUTHORITY.

16 11. "EXECUTIVE COMMITTEE" MEANS A GROUP OF DELEGATES ELECTED OR
17 APPOINTED TO ACT ON BEHALF OF, AND WITHIN THE POWERS GRANTED TO THEM BY,
18 THE COMPACT AND COMMISSION.

19 12. "HOME STATE" MEANS THE MEMBER STATE THAT IS THE LICENSEE'S
20 PRIMARY DOMICILE.

21 13. "IMPAIRMENT":

22 (a) MEANS A CONDITIONS OR CONDITIONS THAT MAY IMPAIR A
23 PRACTITIONER'S ABILITY TO ENGAGE IN FULL AND UNRESTRICTED PRACTICE AS A
24 REGULATED SOCIAL WORKER WITHOUT SOME TYPE OF INTERVENTION.

25 (b) MAY INCLUDE ALCOHOL AND DRUG DEPENDENCE, MENTAL HEALTH
26 IMPAIRMENT AND NEUROLOGICAL OR PHYSICAL IMPAIRMENTS.

27 14. "LICENSEES" MEANS AN INDIVIDUAL WHO CURRENTLY HOLDS A LICENSE
28 FROM A STATE TO PRACTICE AS A REGULATED SOCIAL WORKER.

29 15. "LICENSING AUTHORITY" MEANS THE BOARD OR AGENCY OF A MEMBER
30 STATE, OR EQUIVALENT, THAT IS RESPONSIBLE FOR LICENSING AND REGULATING
31 REGULATED SOCIAL WORKERS.

1 16. "MEMBER STATE" MEANS A STATE, COMMONWEALTH, DISTRICT OR
2 TERRITORY OF THE UNITED STATES OF AMERICA THAT HAS ENACTED THIS COMPACT.

3 17. "MULTISTATE AUTHORIZATION TO PRACTICE" MEANS A LEGALLY
4 AUTHORIZED PRIVILEGE TO PRACTICE THAT IS EQUIVALENT TO A LICENSE AND THAT
5 IS ASSOCIATED WITH A MULTISTATE LICENSE PERMITTING THE PRACTICE OF SOCIAL
6 WORK IN A REMOTE STATE.

7 18. "MULTISTATE LICENSE" MEANS A LICENSE TO PRACTICE AS A REGULATED
8 SOCIAL WORKER ISSUED BY A HOME STATE LICENSING AUTHORITY THAT AUTHORIZES
9 THE REGULATED SOCIAL WORKER TO PRACTICE IN ALL MEMBER STATES UNDER
10 MULTISTATE AUTHORIZATION TO PRACTICE.

11 19. "QUALIFYING NATIONAL EXAM" MEANS A NATIONAL LICENSING
12 EXAMINATION APPROVED BY THE COMMISSION.

13 20. "REGULATED SOCIAL WORKER" MEANS ANY CLINICAL, MASTER'S OR
14 BACHELOR'S SOCIAL WORKER WHO IS LICENSED BY A MEMBER STATE REGARDLESS OF
15 THE TITLE USED BY THAT MEMBER STATE.

16 21. "REMOTE STATE" MEANS A MEMBER STATE OTHER THAN THE LICENSEE'S
17 HOME STATE.

18 22. "RULE" OR "RULE OF THE COMMISSION" MEANS A REGULATION DULY
19 PROMULGATED BY THE COMMISSION, AS AUTHORIZED BY THE COMPACT, THAT HAS THE
20 FORCE OF LAW.

21 23. "SINGLE STATE LICENSE":

22 (a) MEANS A SOCIAL WORK LICENSE ISSUED BY ANY STATE THAT AUTHORIZES
23 PRACTICE ONLY WITHIN THE ISSUING STATE.

24 (b) DOES NOT INCLUDE MULTISTATE AUTHORIZATION TO PRACTICE IN ANY
25 MEMBER STATE.

26 24. "SOCIAL WORK" OR "SOCIAL WORK SERVICES" MEANS THE APPLICATION OF
27 SOCIAL WORK THEORY, KNOWLEDGE, METHODS, ETHICS AND THE PROFESSIONAL USE OF
28 SELF TO RESTORE OR ENHANCE SOCIAL, PSYCHOSOCIAL OR BIOPSYCHOSOCIAL
29 FUNCTIONING OF INDIVIDUALS, COUPLES, FAMILIES, GROUPS, ORGANIZATIONS AND
30 COMMUNITIES THROUGH THE CARE AND SERVICES PROVIDED BY A REGULATED SOCIAL
31 WORKER AS SET FORTH IN THE MEMBER STATE'S STATUTES AND REGULATIONS IN THE
32 STATE WHERE THE SERVICES ARE BEING PROVIDED.

1 25. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT OR TERRITORY OF
2 THE UNITED STATES OF AMERICA THAT REGULATES THE PRACTICE OF SOCIAL WORK.

3 26. "UNENCUMBERED LICENSE" MEANS A LICENSE THAT AUTHORIZES A
4 REGULATED SOCIAL WORKER TO ENGAGE IN THE FULL AND UNRESTRICTED PRACTICE OF
5 SOCIAL WORK.

6 SECTION 3. STATE PARTICIPATION IN THE COMPACT

7 A. TO BE ELIGIBLE TO PARTICIPATE IN THE COMPACT, A POTENTIAL MEMBER
8 STATE MUST CURRENTLY MEET ALL OF THE FOLLOWING CRITERIA:

9 1. LICENSE AND REGULATE THE PRACTICE OF SOCIAL WORK AT EITHER THE
10 CLINICAL, MASTER'S OR BACHELOR'S CATEGORY.

11 2. REQUIRE APPLICANTS FOR LICENSURE TO GRADUATE FROM A PROGRAM THAT:

12 (a) IS OPERATED BY A COLLEGE OR UNIVERSITY RECOGNIZED BY THE
13 LICENSING AUTHORITY.

14 (b) IS ACCREDITED, OR IN CANDIDACY BY AN INSTITUTION THAT
15 SUBSEQUENTLY BECOMES ACCREDITED, BY AN ACCREDITING AGENCY RECOGNIZED BY
16 EITHER:

17 (i) THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION, OR ITS
18 SUCCESSOR.

19 (ii) THE UNITED STATES DEPARTMENT OF EDUCATION; AND

20 (c) CORRESPONDS TO THE LICENSURE SOUGHT AS OUTLINED IN SECTION 4 OF
21 THIS COMPACT.

22 3. REQUIRE APPLICANTS FOR CLINICAL LICENSURE TO COMPLETE A PERIOD OF
23 SUPERVISED PRACTICE.

24 4. HAVE A MECHANISM IN PLACE FOR RECEIVING, INVESTIGATING AND
25 ADJUDICATING COMPLAINTS ABOUT LICENSEES.

26 B. TO MAINTAIN MEMBERSHIP IN THE COMPACT, A MEMBER STATE SHALL DO
27 ALL OF THE FOLLOWING:

28 1. REQUIRE THAT APPLICANTS FOR A MULTISTATE LICENSE PASS A
29 QUALIFYING NATIONAL EXAM FOR THE CORRESPONDING CATEGORY OF MULTISTATE
30 LICENSE SOUGHT AS OUTLINED IN SECTION 4 OF THIS COMPACT.

1 2. PARTICIPATE FULLY IN THE COMMISSION'S DATA SYSTEM, INCLUDING
2 USING THE COMMISSION'S UNIQUE IDENTIFIER AS DEFINED IN RULES.

3 3. NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS OF THE
4 COMPACT AND RULES, OF ANY ADVERSE ACTION OR THE AVAILABILITY OF CURRENT
5 SIGNIFICANT INVESTIGATIVE INFORMATION REGARDING A LICENSEE.

6 4. IMPLEMENT PROCEDURES FOR CONSIDERING THE CRIMINAL HISTORY RECORDS
7 OF APPLICANTS FOR A MULTISTATE LICENSE. SUCH PROCEDURES SHALL INCLUDE THE
8 SUBMISSION OF FINGERPRINTS OR OTHER BIOMETRIC-BASED INFORMATION BY
9 APPLICANTS FOR THE PURPOSE OF OBTAINING AN APPLICANT'S CRIMINAL HISTORY
10 RECORD INFORMATION FROM THE FEDERAL BUREAU OF INVESTIGATION AND THE AGENCY
11 RESPONSIBLE FOR RETAINING THAT STATE'S CRIMINAL RECORDS.

12 5. COMPLY WITH THE RULES OF THE COMMISSION.

13 6. REQUIRE AN APPLICANT TO OBTAIN OR RETAIN A LICENSE IN THE HOME
14 STATE AND MEET THE HOME STATE'S QUALIFICATIONS FOR LICENSURE OR RENEWAL OF
15 LICENSURE, AS WELL AS ALL OTHER APPLICABLE HOME STATE LAWS.

16 7. AUTHORIZE A LICENSEE HOLDING A MULTISTATE LICENSE IN ANY MEMBER
17 STATE TO PRACTICE IN ACCORDANCE WITH THE TERMS OF THE COMPACT AND RULES OF
18 THE COMMISSION.

19 8. DESIGNATE A DELEGATE TO PARTICIPATE IN THE COMMISSION MEETINGS.

20 C. A MEMBER STATE THAT MEETS THE REQUIREMENTS OF SUBSECTIONS A AND B
21 OF THIS SECTION SHALL DESIGNATE THE CATEGORIES OF SOCIAL WORK LICENSURE
22 THAT ARE ELIGIBLE FOR ISSUANCE OF A MULTISTATE LICENSE FOR APPLICANTS IN
23 SUCH MEMBER STATE. TO THE EXTENT THAT ANY MEMBER STATE DOES NOT MEET THE
24 REQUIREMENTS FOR PARTICIPATION IN THE COMPACT AT ANY PARTICULAR CATEGORY OF
25 SOCIAL WORK LICENSURE, SUCH MEMBER STATE MAY CHOOSE, BUT IS NOT OBLIGATED,
26 TO ISSUE A MULTISTATE LICENSE TO APPLICANTS WHO OTHERWISE MEET THE
27 REQUIREMENTS OF SECTION 4 OF THIS COMPACT FOR ISSUANCE OF A MULTISTATE
28 LICENSE IN SUCH CATEGORY OR CATEGORIES OF LICENSURE.

29 D. THE HOME STATE MAY CHARGE A FEE FOR GRANTING THE MULTISTATE
30 LICENSE.

SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT

A. TO BE ELIGIBLE FOR A MULTISTATE LICENSE UNDER THE TERMS AND PROVISIONS OF THIS COMPACT, AN APPLICANT, REGARDLESS OF CATEGORY MUST:

1. HOLD OR BE ELIGIBLE FOR AN ACTIVE, UNENCUMBERED LICENSE IN THE HOME STATE.

2. PAY ANY APPLICABLE FEES, INCLUDING ANY STATE FEE, FOR THE MULTISTATE LICENSE.

3. SUBMIT, IN CONNECTION WITH AN APPLICATION FOR A MULTISTATE LICENSE, FINGERPRINTS OR OTHER BIOMETRIC DATA FOR THE PURPOSE OF OBTAINING CRIMINAL HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU OF INVESTIGATION AND THE AGENCY RESPONSIBLE FOR RETAINING THAT STATE'S CRIMINAL RECORDS.

4. NOTIFY THE HOME STATE OF ANY ADVERSE ACTION, ENCUMBRANCE OR RESTRICTION ON ANY PROFESSIONAL LICENSE TAKEN BY ANY MEMBER STATE OR NONMEMBER STATE WITHIN THIRTY DAYS AFTER THE DATE THE ACTION IS TAKEN.

5. MEET ANY CONTINUING COMPETENCE REQUIREMENTS ESTABLISHED BY THE HOME STATE.

6. ABIDE BY THE LAWS, REGULATIONS AND APPLICABLE STANDARDS IN THE MEMBER STATE WHERE THE CLIENT IS LOCATED AT THE TIME CARE IS RENDERED.

B. AN APPLICANT FOR A CLINICAL-CATEGORY MULTISTATE LICENSE MUST MEET ALL OF THE FOLLOWING REQUIREMENTS:

1. FULFILL A COMPETENCY REQUIREMENT, WHICH SHALL BE SATISFIED BY EITHER:

(a) PASSAGE OF A CLINICAL-CATEGORY QUALIFYING NATIONAL EXAM.

(b) LICENSURE OF THE APPLICANT IN THE APPLICANT'S HOME STATE AT THE CLINICAL CATEGORY, BEGINNING PRIOR TO SUCH TIME AS A QUALIFYING NATIONAL EXAM WAS REQUIRED BY THE HOME STATE AND ACCOMPANIED BY A PERIOD OF CONTINUOUS SOCIAL WORK LICENSURE THEREAFTER, ALL OF WHICH MAY BE FURTHER GOVERNED BY THE RULES OF THE COMMISSION.

(c) THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING COMPETENCY REQUIREMENTS, WHICH THE COMMISSION MAY DETERMINE BY RULE.

1 2. ATTAIN AT LEAST A MASTER'S DEGREE IN SOCIAL WORK FROM A PROGRAM
2 THAT IS BOTH:

3 (a) OPERATED BY A COLLEGE OR UNIVERSITY RECOGNIZED BY THE LICENSING
4 AUTHORITY.

5 (b) ACCREDITED, OR IN CANDIDACY THAT SUBSEQUENTLY BECOMES
6 ACCREDITED, BY AN ACCREDITING AGENCY RECOGNIZED BY EITHER:

7 (i) THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION, OR ITS
8 SUCCESSOR.

9 (ii) THE UNITED STATES DEPARTMENT OF EDUCATION.

10 3. FULFILL A PRACTICE REQUIREMENT, WHICH SHALL BE SATISFIED BY
11 DEMONSTRATING COMPLETION OF EITHER:

12 (a) A PERIOD OF POSTGRADUATE SUPERVISED CLINICAL PRACTICE EQUAL TO A
13 MINIMUM OF THREE THOUSAND HOURS.

14 (b) A MINIMUM OF TWO YEARS OF FULL-TIME POSTGRADUATE SUPERVISED
15 CLINICAL PRACTICE.

16 (c) THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING PRACTICE
17 REQUIREMENTS, WHICH THE COMMISSION MAY DETERMINE BY RULE.

18 C. AN APPLICANT FOR A MASTER'S-CATEGORY MULTISTATE LICENSE MUST MEET
19 ALL OF THE FOLLOWING REQUIREMENTS:

20 1. FULFILL A COMPETENCY REQUIREMENT, WHICH SHALL BE SATISFIED BY
21 EITHER:

22 (a) PASSAGE OF A MASTERS-CATEGORY QUALIFYING NATIONAL EXAM.

23 (b) LICENSURE OF THE APPLICANT IN THE APPLICANT'S HOME STATE AT THE
24 MASTER'S CATEGORY, BEGINNING PRIOR TO SUCH TIME AS A QUALIFYING NATIONAL
25 EXAM WAS REQUIRED BY THE HOME STATE AT THE MASTER'S CATEGORY AND
26 ACCOMPANIED BY A CONTINUOUS PERIOD OF SOCIAL WORK LICENSURE THEREAFTER, ALL
27 OF WHICH MAY BE FURTHER GOVERNED BY THE RULES OF THE COMMISSION.

28 (c) THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING COMPETENCY
29 REQUIREMENTS, WHICH THE COMMISSION MAY DETERMINE BY RULE.

1 2. ATTAIN AT LEAST A MASTER'S DEGREE IN SOCIAL WORK FROM A PROGRAM
2 THAT IS BOTH:

3 (a) OPERATED BY A COLLEGE OR UNIVERSITY RECOGNIZED BY THE LICENSING
4 AUTHORITY.

5 (b) ACCREDITED, OR IN CANDIDACY THAT SUBSEQUENTLY BECOMES
6 ACCREDITED, BY AN ACCREDITING AGENCY RECOGNIZED BY EITHER:

7 (i) THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION, OR ITS
8 SUCCESSOR.

9 (ii) THE UNITED STATES DEPARTMENT OF EDUCATION.

10 D. AN APPLICANT FOR A BACHELOR'S-CATEGORY MULTISTATE LICENSE MUST
11 MEET ALL OF THE FOLLOWING REQUIREMENTS:

12 1. FULFILL A COMPETENCY REQUIREMENT, WHICH SHALL BE SATISFIED BY
13 EITHER:

14 (a) PASSAGE OF A BACHELOR'S-CATEGORY QUALIFYING NATIONAL EXAM.

15 (b) LICENSURE OF THE APPLICANT IN THE APPLICANT'S HOME STATE AT THE
16 BACHELOR'S CATEGORY, BEGINNING PRIOR TO SUCH TIME AS A QUALIFYING NATIONAL
17 EXAM WAS REQUIRED BY THE HOME STATE AND ACCOMPANIED BY A PERIOD OF
18 CONTINUOUS SOCIAL WORK LICENSURE THEREAFTER, ALL OF WHICH MAY BE FURTHER
19 GOVERNED BY THE RULES OF THE COMMISSION.

20 (c) THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING COMPETENCY
21 REQUIREMENTS, WHICH THE COMMISSION MAY DETERMINE BY RULE.

22 2. ATTAIN AT LEAST A BACHELOR'S DEGREE IN SOCIAL WORK FROM A PROGRAM
23 THAT IS BOTH:

24 (a) OPERATED BY A COLLEGE OR UNIVERSITY RECOGNIZED BY THE LICENSING
25 AUTHORITY.

26 (b) ACCREDITED, OR IN CANDIDACY THAT SUBSEQUENTLY BECOMES
27 ACCREDITED, BY AN ACCREDITING AGENCY RECOGNIZED BY EITHER:

28 (i) THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION, OR ITS
29 SUCCESSOR.

30 (ii) THE UNITED STATES DEPARTMENT OF EDUCATION.

1 E. THE MULTISTATE LICENSE FOR A REGULATED SOCIAL WORKER IS SUBJECT
2 TO THE RENEWAL REQUIREMENTS OF THE HOME STATE. THE REGULATED SOCIAL WORKER
3 MUST MAINTAIN COMPLIANCE WITH THE REQUIREMENTS OF SUBSECTION A OF THIS
4 SECTION TO BE ELIGIBLE TO RENEW A MULTISTATE LICENSE.

5 F. THE REGULATED SOCIAL WORKER'S SERVICES IN A REMOTE STATE ARE
6 SUBJECT TO THAT MEMBER STATE'S REGULATORY AUTHORITY. A REMOTE STATE MAY,
7 IN ACCORDANCE WITH DUE PROCESS AND THAT MEMBER STATE'S LAWS, REMOVE A
8 REGULATED SOCIAL WORKER'S MULTISTATE AUTHORIZATION TO PRACTICE IN THE
9 REMOTE STATE FOR A SPECIFIC PERIOD OF TIME, IMPOSE FINES AND TAKE ANY OTHER
10 NECESSARY ACTIONS TO PROTECT THE HEALTH AND SAFETY OF ITS CITIZENS.

11 G. IF A MULTISTATE LICENSE IS ENCUMBERED, THE REGULATED SOCIAL
12 WORKER'S MULTISTATE AUTHORIZATION TO PRACTICE SHALL BE DEACTIVATED IN ALL
13 REMOTE STATES UNTIL THE MULTISTATE LICENSE IS NO LONGER ENCUMBERED.

14 H. IF A MULTISTATE AUTHORIZATION TO PRACTICE IS ENCUMBERED IN A
15 REMOTE STATE, THE REGULATED SOCIAL WORKER'S MULTISTATE AUTHORIZATION TO
16 PRACTICE MAY BE DEACTIVATED IN THAT STATE UNTIL THE MULTISTATE
17 AUTHORIZATION TO PRACTICE IS NO LONGER ENCUMBERED.

18 SECTION 5. ISSUANCE OF A MULTISTATE LICENSE

19 A. ON RECEIPT OF AN APPLICATION FOR MULTISTATE LICENSE, THE HOME
20 STATE LICENSING AUTHORITY SHALL DETERMINE THE APPLICANT'S ELIGIBILITY FOR A
21 MULTISTATE LICENSE IN ACCORDANCE WITH SECTION 4 OF THIS COMPACT.

22 B. IF SUCH APPLICANT IS ELIGIBLE PURSUANT TO SECTION 4 OF THIS
23 COMPACT, THE HOME STATE LICENSING AUTHORITY SHALL ISSUE A MULTISTATE
24 LICENSE THAT AUTHORIZES THE APPLICANT OR REGULATED SOCIAL WORKER TO
25 PRACTICE IN ALL MEMBER STATES UNDER A MULTISTATE AUTHORIZATION TO PRACTICE.

26 C. ON ISSUANCE OF A MULTISTATE LICENSE, THE HOME STATE LICENSING
27 AUTHORITY SHALL DESIGNATE WHETHER THE REGULATED SOCIAL WORKER HOLDS A
28 MULTISTATE LICENSE IN THE BACHELOR'S, MASTER'S OR CLINICAL CATEGORY OF
29 SOCIAL WORK.

1 D. A MULTISTATE LICENSE ISSUED BY A HOME STATE TO A RESIDENT IN THAT
2 STATE SHALL BE RECOGNIZED BY ALL COMPACT MEMBER STATES AS AUTHORIZING
3 SOCIAL WORK PRACTICE UNDER A MULTISTATE AUTHORIZATION TO PRACTICE
4 CORRESPONDING TO EACH CATEGORY OF LICENSURE REGULATED IN EACH MEMBER STATE.

5 SECTION 6. AUTHORITY OF INTERSTATE COMPACT COMMISSION

6 AND MEMBER STATE LICENSING AUTHORITIES

7 A. THIS COMPACT AND ANY RULE OF THE COMMISSION DOES NOT LIMIT,
8 RESTRICT OR IN ANY WAY REDUCE THE ABILITY OF A MEMBER STATE TO ENACT AND
9 ENFORCE LAWS, REGULATIONS OR OTHER RULES RELATED TO THE PRACTICE OF SOCIAL
10 WORK IN THAT STATE IF THOSE LAWS, REGULATIONS OR OTHER RULES ARE NOT
11 INCONSISTENT WITH THE PROVISIONS OF THIS COMPACT.

12 B. THIS COMPACT DOES NOT AFFECT THE REQUIREMENTS ESTABLISHED BY A
13 MEMBER STATE FOR THE ISSUANCE OF A SINGLE STATE LICENSE.

14 C. THIS COMPACT AND ANY RULE OF THE COMMISSION DOES NOT LIMIT,
15 RESTRICT OR IN ANY WAY REDUCE THE ABILITY OF A MEMBER STATE TO TAKE ADVERSE
16 ACTION AGAINST A LICENSEE'S SINGLE STATE LICENSE TO PRACTICE SOCIAL WORK IN
17 THAT STATE.

18 D. THIS COMPACT AND ANY RULE OF THE COMMISSION DOES NOT LIMIT,
19 RESTRICT OR IN ANY WAY REDUCE THE ABILITY OF A REMOTE STATE TO TAKE ADVERSE
20 ACTION AGAINST A LICENSEE'S MULTISTATE AUTHORIZATION TO PRACTICE IN THAT
21 STATE.

22 E. THIS COMPACT AND ANY RULE OF THE COMMISSION DOES NOT LIMIT,
23 RESTRICT OR IN ANY WAY REDUCE THE ABILITY OF A LICENSEE'S HOME STATE TO
24 TAKE ADVERSE ACTION AGAINST A LICENSEE'S MULTISTATE LICENSE BASED ON
25 INFORMATION PROVIDED BY A REMOTE STATE.

26 SECTION 7. REISSUANCE OF A MULTISTATE LICENSE

27 BY A NEW HOME STATE

28 A. A LICENSEE CAN HOLD A MULTISTATE LICENSE ISSUED BY THE LICENSEE'S
29 HOME STATE IN ONLY ONE MEMBER STATE AT ANY GIVEN TIME.

1 B. IF A LICENSEE CHANGES THE LICENSEE'S HOME STATE BY MOVING BETWEEN
2 TWO MEMBER STATES:

3 1. THE LICENSEE SHALL IMMEDIATELY APPLY FOR THE REISSUANCE OF THE
4 LICENSEE'S MULTISTATE LICENSE IN THE NEW HOME STATE. THE LICENSEE SHALL
5 PAY ALL APPLICABLE FEES AND NOTIFY THE PRIOR HOME STATE IN ACCORDANCE WITH
6 THE RULES OF THE COMMISSION.

7 2. ON RECEIPT OF AN APPLICATION TO REISSUE A MULTISTATE LICENSE, THE
8 NEW HOME STATE SHALL VERIFY THAT THE MULTISTATE LICENSE IS ACTIVE,
9 UNENCUMBERED AND ELIGIBLE FOR REISSUANCE UNDER THE TERMS OF THE COMPACT AND
10 THE RULES OF THE COMMISSION. THE MULTISTATE LICENSE ISSUED BY THE PRIOR
11 HOME STATE WILL BE DEACTIVATED AND ALL MEMBER STATES NOTIFIED IN ACCORDANCE
12 WITH THE APPLICABLE RULES ADOPTED BY THE COMMISSION.

13 3. PRIOR TO THE REISSUANCE OF THE MULTISTATE LICENSE, THE NEW HOME
14 STATE SHALL CONDUCT PROCEDURES FOR CONSIDERING THE CRIMINAL HISTORY RECORDS
15 OF THE LICENSEE. SUCH PROCEDURES SHALL INCLUDE THE SUBMISSION OF
16 FINGERPRINTS OR OTHER BIOMETRIC-BASED INFORMATION BY APPLICANTS FOR THE
17 PURPOSE OF OBTAINING AN APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION
18 FROM THE FEDERAL BUREAU OF INVESTIGATION AND THE AGENCY RESPONSIBLE FOR
19 RETAINING THAT STATE'S CRIMINAL RECORDS.

20 4. IF REQUIRED FOR INITIAL LICENSURE, THE NEW HOME STATE MAY REQUIRE
21 COMPLETION OF JURISPRUDENCE REQUIREMENTS IN THE NEW HOME STATE.

22 5. NOTWITHSTANDING ANY OTHER PROVISION OF THIS COMPACT, IF A
23 LICENSEE DOES NOT MEET THE REQUIREMENTS SET FORTH IN THIS COMPACT FOR THE
24 REISSUANCE OF A MULTISTATE LICENSE BY THE NEW HOME STATE, THE LICENSEE
25 SHALL BE SUBJECT TO THE NEW HOME STATE REQUIREMENTS FOR THE ISSUANCE OF A
26 SINGLE STATE LICENSE IN THAT STATE.

27 C. IF A LICENSEE CHANGES THE LICENSEE'S PRIMARY STATE OF RESIDENCE
28 BY MOVING FROM A MEMBER STATE TO A NONMEMBER STATE, OR FROM A NONMEMBER
29 STATE TO A MEMBER STATE, THE LICENSEE SHALL BE SUBJECT TO THE STATE
30 REQUIREMENTS FOR THE ISSUANCE OF A SINGLE STATE LICENSE IN THE NEW HOME
31 STATE.

1 D. THIS COMPACT DOES NOT INTERFERE WITH A LICENSEE'S ABILITY TO HOLD
2 A SINGLE STATE LICENSE IN MULTIPLE STATES; HOWEVER, FOR THE PURPOSES OF
3 THIS COMPACT, A LICENSEE SHALL HAVE ONLY ONE HOME STATE AND ONLY ONE
4 MULTISTATE LICENSE.

5 E. THIS COMPACT DOES NOT INTERFERE WITH THE REQUIREMENTS ESTABLISHED
6 BY A MEMBER STATE FOR THE ISSUANCE OF A SINGLE STATE LICENSE.

7 SECTION 8. MILITARY FAMILIES

8 AN ACTIVE MILITARY MEMBER OR THE ACTIVE MILITARY MEMBER'S SPOUSE
9 SHALL DESIGNATE A HOME STATE WHERE THE INDIVIDUAL HAS A MULTISTATE
10 LICENSE. THE INDIVIDUAL MAY RETAIN THE INDIVIDUAL'S HOME STATE DESIGNATION
11 DURING THE PERIOD THE ACTIVE MILITARY MEMBER IS ON ACTIVE DUTY.

12 SECTION 9. ADVERSE ACTIONS

13 A. IN ADDITION TO THE OTHER POWERS CONFERRED BY STATE LAW, A REMOTE
14 STATE SHALL HAVE THE AUTHORITY, IN ACCORDANCE WITH EXISTING STATE DUE
15 PROCESS LAW, TO TAKE ADVERSE ACTION AGAINST A REGULATED SOCIAL WORKER'S
16 MULTISTATE AUTHORIZATION TO PRACTICE ONLY WITHIN THAT MEMBER STATE AND
17 ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT REQUIRE THE
18 ATTENDANCE AND TESTIMONY OF WITNESSES AS WELL AS THE PRODUCTION OF
19 EVIDENCE. SUBPOENAS ISSUED BY A LICENSING AUTHORITY IN A MEMBER STATE FOR
20 THE ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE
21 FROM ANOTHER MEMBER STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY
22 COURT OF COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND PROCEDURE OF
23 THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE
24 IT. THE ISSUING LICENSING AUTHORITY SHALL PAY ANY WITNESS FEES, TRAVEL
25 EXPENSES, MILEAGE AND OTHER FEES REQUIRED BY THE SERVICE STATUTES OF THE
26 STATE IN WHICH THE WITNESSES OR EVIDENCE IS LOCATED.

27 B. ONLY THE HOME STATE SHALL HAVE THE POWER TO TAKE ADVERSE ACTION
28 AGAINST A REGULATED SOCIAL WORKER'S MULTISTATE LICENSE.

29 C. FOR THE PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE SHALL
30 GIVE THE SAME PRIORITY AND EFFECT TO REPORTED CONDUCT RECEIVED FROM A
31 MEMBER STATE AS IT WOULD IF THE CONDUCT HAD OCCURRED WITHIN THE HOME STATE.

1 IN SO DOING, THE HOME STATE SHALL APPLY ITS OWN STATE LAWS TO DETERMINE
2 APPROPRIATE ACTION.

3 D. THE HOME STATE SHALL COMPLETE ANY PENDING INVESTIGATIONS OF A
4 REGULATED SOCIAL WORKER WHO CHANGES THE REGULATED SOCIAL WORKER'S HOME
5 STATE DURING THE COURSE OF THE INVESTIGATIONS. THE HOME STATE SHALL ALSO
6 HAVE THE AUTHORITY TO TAKE APPROPRIATE ACTION AND SHALL PROMPTLY REPORT THE
7 CONCLUSIONS OF THE INVESTIGATIONS TO THE ADMINISTRATOR OF THE DATA SYSTEM.
8 THE ADMINISTRATOR OF THE DATA SYSTEM SHALL PROMPTLY NOTIFY THE NEW HOME
9 STATE OF ANY ADVERSE ACTION.

10 E. A MEMBER STATE, IF OTHERWISE ALLOWED BY STATE LAW, MAY RECOVER
11 FROM THE AFFECTED REGULATED SOCIAL WORKER THE COSTS OF INVESTIGATIONS AND
12 DISPOSITIONS OF CASES RESULTING FROM ANY ADVERSE ACTION TAKEN AGAINST THAT
13 REGULATED SOCIAL WORKER.

14 F. A MEMBER STATE MAY TAKE ADVERSE ACTION BASED ON THE FACTUAL
15 FINDINGS OF ANOTHER MEMBER STATE IF THE MEMBER STATE FOLLOWS ITS OWN
16 PROCEDURES FOR TAKING THE ADVERSE ACTION.

17 G. THE FOLLOWING APPLY TO JOINT INVESTIGATIONS:

18 1. IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER STATE BY ITS
19 RESPECTIVE SOCIAL WORK PRACTICE ACT OR OTHER APPLICABLE STATE LAW, ANY
20 MEMBER STATE MAY PARTICIPATE WITH OTHER MEMBER STATES IN JOINT
21 INVESTIGATIONS OF LICENSEES.

22 2. MEMBER STATES SHALL SHARE ANY INVESTIGATIVE, LITIGATION OR
23 COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL
24 INVESTIGATION INITIATED UNDER THE COMPACT.

25 H. IF ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST THE
26 MULTISTATE LICENSE OF A REGULATED SOCIAL WORKER, THE REGULATED SOCIAL
27 WORKER'S MULTISTATE AUTHORIZATION TO PRACTICE IN ALL OTHER MEMBER STATES
28 SHALL BE DEACTIVATED UNTIL ALL ENCUMBRANCES HAVE BEEN REMOVED FROM THE
29 MULTISTATE LICENSE. ALL HOME STATE DISCIPLINARY ORDERS THAT IMPOSE ADVERSE
30 ACTION AGAINST THE LICENSE OF A REGULATED SOCIAL WORKER SHALL INCLUDE A
31 STATEMENT THAT THE REGULATED SOCIAL WORKER'S MULTISTATE AUTHORIZATION TO

1 PRACTICE IS DEACTIVATED IN ALL MEMBER STATES UNTIL ALL CONDITIONS OF THE
2 DECISION, ORDER OR AGREEMENT ARE SATISFIED.

3 I. IF A MEMBER STATE TAKES ADVERSE ACTION, IT SHALL PROMPTLY NOTIFY
4 THE ADMINISTRATOR OF THE DATA SYSTEM. THE ADMINISTRATOR OF THE DATA SYSTEM
5 SHALL PROMPTLY NOTIFY THE HOME STATE AND ALL OTHER MEMBER STATES OF ANY
6 ADVERSE ACTIONS BY REMOTE STATES.

7 J. THIS COMPACT DOES NOT OVERRIDE A MEMBER STATE'S DECISION THAT
8 PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN LIEU OF ADVERSE
9 ACTION.

10 K. THIS COMPACT DOES NOT AUTHORIZE A MEMBER STATE TO DEMAND THE
11 ISSUANCE OF SUBPOENAS FOR ATTENDANCE AND TESTIMONY OF WITNESSES OR THE
12 PRODUCTION OF EVIDENCE FROM ANOTHER MEMBER STATE FOR LAWFUL ACTIONS WITHIN
13 THAT MEMBER STATE.

14 L. THIS COMPACT DOES NOT AUTHORIZE A MEMBER STATE TO IMPOSE
15 DISCIPLINE AGAINST A REGULATED SOCIAL WORKER WHO HOLDS A MULTISTATE
16 AUTHORIZATION TO PRACTICE FOR LAWFUL ACTIONS WITHIN ANOTHER MEMBER STATE.

17 SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE
18 COMPACT COMMISSION

19 A. THE COMPACT MEMBER STATES HEREBY CREATE AND ESTABLISH A JOINT
20 GOVERNMENT AGENCY WHOSE MEMBERSHIP CONSISTS OF ALL MEMBER STATES THAT HAVE
21 ENACTED THE COMPACT KNOWN AS THE SOCIAL WORK LICENSURE COMPACT COMMISSION.
22 THE COMMISSION IS AN INSTRUMENTALITY OF THE COMPACT STATES ACTING JOINTLY
23 AND NOT AN INSTRUMENTALITY OF ANY ONE STATE. THE COMMISSION SHALL COME
24 INTO EXISTENCE ON OR AFTER THE EFFECTIVE DATE OF THE COMPACT AS SET FORTH
25 IN SECTION 14 OF THIS COMPACT.

26 B. THE MEMBERSHIP, VOTING AND MEETINGS OF THE COMMISSION ARE AS
27 FOLLOWS:

28 1. EACH MEMBER STATE SHALL HAVE AND BE LIMITED TO ONE DELEGATE
29 SELECTED BY THAT MEMBER STATE'S LICENSING AUTHORITY.

1 2. THE DELEGATE SHALL BE EITHER:

2 (a) A CURRENT MEMBER OF THE LICENSING AUTHORITY AT THE TIME OF
3 APPOINTMENT WHO IS A REGULATED SOCIAL WORKER OR PUBLIC MEMBER OF THE STATE
4 LICENSING AUTHORITY.

5 (b) AN ADMINISTRATOR OF THE LICENSING AUTHORITY OR THE
6 ADMINISTRATOR'S DESIGNEE.

7 3. THE COMMISSION SHALL BY RULE OR BYLAW ESTABLISH A TERM OF OFFICE
8 FOR DELEGATES AND MAY BY RULE OR BYLAW ESTABLISH TERM LIMITS.

9 4. THE COMMISSION MAY RECOMMEND THE REMOVAL OR SUSPENSION OF ANY
10 DELEGATE FROM OFFICE.

11 5. A MEMBER STATE'S LICENSING AUTHORITY SHALL FILL ANY VACANCY OF
12 ITS DELEGATE OCCURRING ON THE COMMISSION WITHIN SIXTY DAYS AFTER THE
13 VACANCY.

14 6. EACH DELEGATE SHALL BE ENTITLED TO ONE VOTE ON ALL MATTERS BEFORE
15 THE COMMISSION REQUIRING A VOTE BY COMMISSION DELEGATES.

16 7. A DELEGATE SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS AS
17 PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE FOR DELEGATES TO MEET BY
18 TELECOMMUNICATION, VIDEOCONFERENCE OR OTHER MEANS OF COMMUNICATION.

19 8. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH CALENDAR
20 YEAR. ADDITIONAL MEETINGS MAY BE HELD AS SET FORTH IN THE BYLAWS. THE
21 COMMISSION MAY MEET BY TELECOMMUNICATION, VIDEO CONFERENCE OR OTHER SIMILAR
22 ELECTRONIC MEANS.

23 C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

24 1. ESTABLISH THE FISCAL YEAR OF THE COMMISSION.

25 2. ESTABLISH CODE OF CONDUCT AND CONFLICT OF INTEREST POLICIES.

26 3. ESTABLISH AND AMEND RULES AND BYLAWS.

27 4. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH THE BYLAWS.

28 5. MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT WITH THIS COMPACT,
29 THE COMMISSION'S RULES AND THE BYLAWS.

30 6. INITIATE AND CONCLUDE LEGAL PROCEEDINGS OR ACTIONS IN THE NAME OF
31 THE COMMISSION IF THE STANDING OF ANY LICENSING AUTHORITY TO SUE OR BE SUED
32 UNDER APPLICABLE LAW IS NOT AFFECTED.

1 7. MAINTAIN AND CERTIFY RECORDS AND INFORMATION PROVIDED TO A MEMBER
2 STATE AS THE AUTHENTICATED BUSINESS RECORDS OF THE COMMISSION, AND
3 DESIGNATE AN AGENT TO DO SO ON THE COMMISSION'S BEHALF.

4 8. PURCHASE AND MAINTAIN INSURANCE AND BONDS.

5 9. BORROW, ACCEPT OR CONTRACT FOR SERVICES OF PERSONNEL, INCLUDING
6 EMPLOYEES OF A MEMBER STATE.

7 10. CONDUCT AN ANNUAL FINANCIAL REVIEW.

8 11. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX COMPENSATION,
9 DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE AUTHORITY TO CARRY OUT
10 THE PURPOSES OF THE COMPACT AND ESTABLISH THE COMMISSION'S PERSONNEL
11 POLICIES AND PROGRAMS RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF
12 PERSONNEL AND OTHER RELATED PERSONNEL MATTERS.

13 12. ASSESS AND COLLECT FEES.

14 13. ACCEPT ANY APPROPRIATE GIFTS, DONATIONS, GRANTS OF MONIES, OTHER
15 SOURCES OF REVENUE, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES AND
16 RECEIVE, USE AND DISPOSE OF THE SAME. AT ALL TIMES THE COMMISSION SHALL
17 AVOID ANY APPEARANCE OF IMPROPRIETY OR CONFLICT OF INTEREST.

18 14. LEASE, PURCHASE, RETAIN, OWN, HOLD, IMPROVE OR USE ANY PROPERTY,
19 REAL, PERSONAL, OR MIXED, OR ANY UNDIVIDED INTEREST IN THE PROPERTY.

20 15. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR
21 OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL, OR MIXED.

22 16. ESTABLISH A BUDGET AND MAKE EXPENDITURES.

23 17. BORROW MONIES.

24 18. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES, COMPOSED OF
25 MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR THEIR REPRESENTATIVES,
26 CONSUMER REPRESENTATIVES AND SUCH OTHER INTERESTED PERSONS AS MAY BE
27 DESIGNATED IN THIS COMPACT AND THE BYLAWS.

28 19. PROVIDE AND RECEIVE INFORMATION FROM, AND COOPERATE WITH, LAW
29 ENFORCEMENT AGENCIES.

30 20. ESTABLISH AND ELECT AN EXECUTIVE COMMITTEE, INCLUDING A
31 CHAIRPERSON AND A VICE CHAIRPERSON.

1 21. DETERMINE WHETHER A STATE'S ADOPTED LANGUAGE IS MATERIALLY
2 DIFFERENT FROM THE MODEL COMPACT LANGUAGE SUCH THAT THE STATE WOULD NOT
3 QUALIFY FOR PARTICIPATION IN THE COMPACT.

4 22. PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE
5 TO ACHIEVE THE PURPOSES OF THIS COMPACT.

6 D. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON BEHALF OF
7 THE COMMISSION ACCORDING TO THE TERMS OF THIS COMPACT. THE POWERS, DUTIES
8 AND RESPONSIBILITIES OF THE EXECUTIVE COMMITTEE INCLUDE:

9 1. OVERSEEING THE DAY-TO-DAY ACTIVITIES OF THE ADMINISTRATION OF THE
10 COMPACT, INCLUDING ENFORCEMENT AND COMPLIANCE WITH THE COMPACT, ITS RULES
11 AND BYLAWS, AND OTHER SUCH DUTIES AS DEEMED NECESSARY.

12 2. RECOMMENDING TO THE COMMISSION CHANGES TO THE RULES OR BYLAWS,
13 CHANGES TO THIS COMPACT LEGISLATION, FEES CHARGED TO MEMBER STATES, FEES
14 CHARGED TO LICENSEES AND OTHER FEES.

15 3. ENSURING THE COMPACT ADMINISTRATION SERVICES ARE APPROPRIATELY
16 PROVIDED, INCLUDING BY CONTRACT.

17 4. PREPARING AND RECOMMENDING THE BUDGET.

18 5. MAINTAINING FINANCIAL RECORDS ON BEHALF OF THE COMMISSION.

19 6. MONITORING COMPACT COMPLIANCE OF MEMBER STATES AND PROVIDING
20 COMPLIANCE REPORTS TO THE COMMISSION.

21 7. ESTABLISHING ADDITIONAL COMMITTEES AS NECESSARY.

22 8. EXERCISING THE POWERS AND DUTIES OF THE COMMISSION DURING THE
23 INTERIM BETWEEN COMMISSION MEETINGS, EXCEPT FOR ADOPTING OR AMENDING RULES,
24 ADOPTING OR AMENDING BYLAWS, AND EXERCISING ANY OTHER POWERS AND DUTIES
25 EXPRESSLY RESERVED TO THE COMMISSION BY RULE OR BYLAW.

26 9. PERFORMING OTHER DUTIES AS PROVIDED IN THE RULES OR BYLAWS OF THE
27 COMMISSION.

28 E. THE EXECUTIVE COMMITTEE SHALL BE COMPOSED OF UP TO ELEVEN MEMBERS
29 AS FOLLOWS:

30 1. THE CHAIRPERSON AND VICE CHAIRPERSON OF THE COMMISSION SHALL BE
31 VOTING MEMBERS OF THE EXECUTIVE COMMITTEE.

1 2. THE COMMISSION SHALL ELECT FIVE VOTING MEMBERS FROM THE CURRENT
2 MEMBERSHIP OF THE COMMISSION.

3 3. UP TO FOUR EX OFFICIO, NONVOTING MEMBERS FROM FOUR RECOGNIZED
4 NATIONAL SOCIAL WORK ORGANIZATIONS SHALL BE SELECTED BY THEIR RESPECTIVE
5 ORGANIZATIONS.

6 F. THE COMMISSION MAY REMOVE ANY MEMBER OF THE EXECUTIVE COMMITTEE
7 AS PROVIDED IN THE COMMISSION'S BYLAWS.

8 G. THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST ANNUALLY. EXECUTIVE
9 COMMITTEE MEETINGS SHALL BE OPEN TO THE PUBLIC, EXCEPT THAT THE EXECUTIVE
10 COMMITTEE MAY MEET IN A CLOSED, NONPUBLIC MEETING AS PROVIDED IN SUBSECTION
11 I, PARAGRAPH 2 OF THIS SECTION. THE EXECUTIVE COMMITTEE SHALL GIVE SEVEN
12 DAYS' NOTICE OF ITS MEETINGS, POSTED ON ITS WEBSITE AND AS DETERMINED TO
13 PROVIDE NOTICE TO PERSONS WITH AN INTEREST IN THE BUSINESS OF THE
14 COMMISSION. THE EXECUTIVE COMMITTEE MAY HOLD A SPECIAL MEETING IN
15 ACCORDANCE WITH SUBSECTION I, PARAGRAPH 1 OF THIS SECTION.

16 H. THE COMMISSION SHALL ADOPT AND PROVIDE TO THE MEMBER STATES AN
17 ANNUAL REPORT.

18 I. MEETINGS OF THE COMMISSION ARE AS FOLLOWS:

19 1. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, EXCEPT THAT THE
20 COMMISSION MAY MEET IN A CLOSED, NONPUBLIC MEETING AS PROVIDED IN PARAGRAPH
21 2 OF THIS SUBSECTION. PUBLIC NOTICE FOR ALL MEETINGS OF THE FULL
22 COMMISSION SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER THE
23 RULEMAKING PROVISIONS IN SECTION 12 OF THIS COMPACT, EXCEPT THAT THE
24 COMMISSION MAY HOLD A SPECIAL MEETING WHEN IT MUST MEET TO CONDUCT
25 EMERGENCY BUSINESS BY GIVING FORTY-EIGHT HOURS' NOTICE TO ALL
26 COMMISSIONERS, ON THE COMMISSION'S WEBSITE, AND BY OTHER MEANS AS PROVIDED
27 IN THE COMMISSION'S RULES. THE COMMISSION'S LEGAL COUNSEL SHALL CERTIFY
28 THAT THE COMMISSION'S NEED TO MEET QUALIFIES AS AN EMERGENCY.

29 2. THE COMMISSION OR THE EXECUTIVE COMMITTEE OR OTHER COMMITTEES OF
30 THE COMMISSION MAY CONVENE IN A CLOSED, NONPUBLIC MEETING FOR THE
31 COMMISSION OR EXECUTIVE COMMITTEE OR OTHER COMMITTEES OF THE COMMISSION TO
32 RECEIVE LEGAL ADVICE OR TO DISCUSS:

1 (a) NONCOMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS UNDER THE
2 COMPACT.

3 (b) THE EMPLOYMENT, COMPENSATION OR DISCIPLINE OR OTHER MATTERS,
4 PRACTICES OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES.

5 (c) CURRENT OR THREATENED DISCIPLINE OF A LICENSEE BY THE COMMISSION
6 OR BY A MEMBER STATE'S LICENSING AUTHORITY.

7 (d) CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION.

8 (e) NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE OR SALE OF
9 GOODS, SERVICES OR REAL ESTATE.

10 (f) ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING ANY PERSON.

11 (g) TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION THAT IS
12 PRIVILEGED OR CONFIDENTIAL.

13 (h) INFORMATION OF A PERSONAL NATURE IF DISCLOSURE WOULD CONSTITUTE
14 A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY.

15 (i) INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT PURPOSES.

16 (j) INFORMATION RELATED TO ANY INVESTIGATIVE REPORTS PREPARED BY OR
17 ON BEHALF OF OR FOR USE OF THE COMMISSION OR OTHER COMMITTEE CHARGED WITH
18 RESPONSIBILITY OF INVESTIGATION OR DETERMINATION OF COMPLIANCE ISSUES
19 PURSUANT TO THE COMPACT.

20 (k) MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL OR
21 MEMBER STATE LAW.

22 (l) OTHER MATTERS AS PROMULGATED BY THE COMMISSION BY RULE.

23 3. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED, THE PRESIDING
24 OFFICER SHALL STATE THAT THE MEETING WILL BE CLOSED AND REFERENCE EACH
25 RELEVANT EXEMPTING PROVISION, AND SUCH REFERENCE SHALL BE RECORDED IN THE
26 MINUTES.

27 4. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY DESCRIBE
28 ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND ACCURATE
29 SUMMARY OF ACTIONS TAKEN, AND THE REASONS THEREFORE, INCLUDING A
30 DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED IN CONNECTION
31 WITH AN ACTION SHALL BE IDENTIFIED IN SUCH MINUTES. ALL MINUTES AND
32 DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT TO RELEASE

1 ONLY BY A MAJORITY VOTE OF THE COMMISSION OR ORDER OF A COURT OF COMPETENT
2 JURISDICTION.

3 J. FINANCING OF THE COMMISSION IS AS FOLLOWS:

4 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE
5 REASONABLE EXPENSES OF THE COMMISSION'S ESTABLISHMENT, ORGANIZATION, AND
6 ONGOING ACTIVITIES.

7 2. THE COMMISSION MAY ACCEPT ANY APPROPRIATE REVENUE SOURCES AS
8 PROVIDED IN SUBSECTION C, PARAGRAPH 13 OF THIS SECTION.

9 3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT FROM
10 EACH MEMBER STATE AND IMPOSE FEES ON LICENSEES OF MEMBER STATES TO WHOM THE
11 COMMISSION GRANTS A MULTISTATE LICENSE TO COVER THE COST OF THE OPERATIONS
12 AND ACTIVITIES OF THE COMMISSION AND ITS STAFF, WHICH MUST BE IN A TOTAL
13 AMOUNT SUFFICIENT TO COVER ITS ANNUAL BUDGET AS APPROVED EACH YEAR FOR
14 WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE ANNUAL
15 ASSESSMENT AMOUNT FOR MEMBER STATES SHALL BE ALLOCATED BASED ON A FORMULA
16 THAT THE COMMISSION PROMULGATES BY RULE.

17 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND PRIOR TO
18 SECURING THE FUNDS ADEQUATE TO MEET THE SAME, AND THE COMMISSION SHALL NOT
19 PLEDGE THE CREDIT OF ANY OF THE MEMBER STATES, EXCEPT BY AND WITH THE
20 AUTHORITY OF THE MEMBER STATE.

21 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND
22 DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE COMMISSION ARE
23 SUBJECT TO THE FINANCIAL REVIEW AND ACCOUNTING PROCEDURES ESTABLISHED UNDER
24 THE COMMISSION'S BYLAWS. HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF FUNDS
25 HANDLED BY THE COMMISSION ARE SUBJECT TO AN ANNUAL FINANCIAL REVIEW BY A
26 CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE REPORT OF THE FINANCIAL
27 REVIEW SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT OF THE
28 COMMISSION.

29 K. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION ARE AS FOLLOWS:

30 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND
31 REPRESENTATIVES OF THE COMMISSION SHALL BE IMMUNE FROM SUIT AND LIABILITY,
32 BOTH PERSONALLY AND IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE TO

1 OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED BY
2 OR ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT
3 OCCURRED, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A
4 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION
5 EMPLOYMENT, DUTIES OR RESPONSIBILITIES. THIS PARAGRAPH DOES NOT PROTECT
6 ANY SUCH PERSON FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY OR
7 LIABILITY CAUSED BY THE INTENTIONAL OR WILFUL OR WANTON MISCONDUCT OF THAT
8 PERSON. THE PROCUREMENT OF INSURANCE OF ANY TYPE BY THE COMMISSION SHALL
9 NOT IN ANY WAY COMPROMISE OR LIMIT THE IMMUNITY GRANTED HEREUNDER.

10 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER, EXECUTIVE
11 DIRECTOR, EMPLOYEE AND REPRESENTATIVE OF THE COMMISSION IN ANY CIVIL ACTION
12 SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR
13 OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES
14 OR RESPONSIBILITIES, OR AS DETERMINED BY THE COMMISSION THAT THE PERSON
15 AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING
16 OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR
17 RESPONSIBILITIES. THIS PARAGRAPH DOES NOT PROHIBIT THAT PERSON FROM
18 RETAINING THE PERSON'S OWN COUNSEL AT THE PERSON'S OWN EXPENSE, AND IF THE
19 ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM THAT PERSON'S
20 INTENTIONAL OR WILFUL OR WANTON MISCONDUCT.

21 3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY MEMBER,
22 OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE AND REPRESENTATIVE OF THE COMMISSION
23 FOR THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED AGAINST THAT PERSON
24 ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED
25 WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, OR
26 THAT SUCH PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE
27 SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, IF THE ACTUAL
28 OR ALLEGED ACT, ERROR OR OMISSION DID NOT RESULT FROM THE INTENTIONAL OR
29 WILFUL OR WANTON MISCONDUCT OF THAT PERSON.

30 4. THIS COMPACT DOES NOT LIMIT THE LIABILITY OF ANY LICENSEE FOR
31 PROFESSIONAL MALPRACTICE OR MISCONDUCT, WHICH SHALL BE GOVERNED SOLELY BY
32 ANY OTHER APPLICABLE STATE LAWS.

1 5. THIS COMPACT DOES NOT WAIVE OR OTHERWISE ABROGATE A MEMBER
2 STATE'S STATE ACTION IMMUNITY OR STATE ACTION AFFIRMATIVE DEFENSE WITH
3 RESPECT TO ANTITRUST CLAIMS UNDER THE SHERMAN ACT, THE CLAYTON ACT OR ANY
4 OTHER STATE OR FEDERAL ANTITRUST OR ANTICOMPETITIVE LAW OR REGULATION.

5 6. THIS COMPACT IS NOT A WAIVER OF SOVEREIGN IMMUNITY BY THE MEMBER
6 STATES OR BY THE COMMISSION.

7 SECTION 11. DATA SYSTEM

8 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT, MAINTENANCE,
9 OPERATION AND UTILIZATION OF A COORDINATED DATA SYSTEM.

10 B. THE COMMISSION SHALL ASSIGN EACH APPLICANT FOR A MULTISTATE
11 LICENSE A UNIQUE IDENTIFIER AS DETERMINED BY THE RULES OF THE COMMISSION.

12 C. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE CONTRARY,
13 A MEMBER STATE SHALL SUBMIT A UNIFORM DATA SET TO THE DATA SYSTEM ON ALL
14 INDIVIDUALS TO WHOM THIS COMPACT APPLIES AS REQUIRED BY THE RULES OF THE
15 COMMISSION, INCLUDING:

16 1. IDENTIFYING INFORMATION.

17 2. LICENSURE DATA.

18 3. ADVERSE ACTIONS AGAINST A LICENSE AND INFORMATION RELATED TO THE
19 ADVERSE ACTION.

20 4. NONCONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE PROGRAM
21 PARTICIPATION, THE BEGINNING AND ENDING DATES OF SUCH PARTICIPATION, AND
22 OTHER INFORMATION RELATED TO SUCH PARTICIPATION THAT IS NOT MADE
23 CONFIDENTIAL UNDER MEMBER STATE LAW.

24 5. ANY DENIAL OF APPLICATION FOR LICENSURE, AND THE REASON OR
25 REASONS FOR SUCH DENIAL.

26 6. THE PRESENCE OF CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.

27 7. OTHER INFORMATION THAT MAY FACILITATE THE ADMINISTRATION OF THIS
28 COMPACT OR THE PROTECTION OF THE PUBLIC AS DETERMINED BY THE RULES OF THE
29 COMMISSION.

30 D. THE RECORDS AND INFORMATION PROVIDED TO A MEMBER STATE PURSUANT
31 TO THIS COMPACT OR THROUGH THE DATA SYSTEM, WHEN CERTIFIED BY THE
32 COMMISSION OR AN AGENT OF THE COMMISSION, SHALL CONSTITUTE THE

1 AUTHENTICATED BUSINESS RECORDS OF THE COMMISSION AND SHALL BE ENTITLED TO
2 ANY ASSOCIATED HEARSAY EXCEPTION IN ANY RELEVANT JUDICIAL, QUASI-JUDICIAL
3 OR ADMINISTRATIVE PROCEEDINGS IN A MEMBER STATE.

4 E. CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION PERTAINING TO A
5 LICENSEE IN ANY MEMBER STATE WILL ONLY BE AVAILABLE TO OTHER MEMBER STATES.

6 F. IT IS THE RESPONSIBILITY OF THE MEMBER STATES TO REPORT ANY
7 ADVERSE ACTION AGAINST A LICENSEE AND TO MONITOR THE DATABASE TO DETERMINE
8 WHETHER ADVERSE ACTION HAS BEEN TAKEN AGAINST A LICENSEE. ADVERSE ACTION
9 INFORMATION PERTAINING TO A LICENSEE IN ANY MEMBER STATE WILL BE AVAILABLE
10 TO ANY OTHER MEMBER STATE.

11 G. MEMBER STATES CONTRIBUTING INFORMATION TO THE DATA SYSTEM MAY
12 DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH THE PUBLIC WITHOUT THE
13 EXPRESS PERMISSION OF THE CONTRIBUTING STATE.

14 H. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS SUBSEQUENTLY
15 EXPUNGED PURSUANT TO FEDERAL LAW OR THE LAWS OF THE MEMBER STATE
16 CONTRIBUTING THE INFORMATION SHALL BE REMOVED FROM THE DATA SYSTEM.

17 SECTION 12. RULEMAKING

18 A. THE COMMISSION SHALL PROMULGATE REASONABLE RULES IN ORDER TO
19 EFFECTIVELY AND EFFICIENTLY IMPLEMENT AND ADMINISTER THE PURPOSES AND
20 PROVISIONS OF THE COMPACT. A RULE IS INVALID AND HAS NO FORCE OR EFFECT
21 ONLY IF A COURT OF COMPETENT JURISDICTION HOLDS THAT THE RULE IS INVALID
22 BECAUSE THE COMMISSION EXERCISED ITS RULEMAKING AUTHORITY IN A MANNER THAT
23 IS BEYOND THE SCOPE AND PURPOSES OF THE COMPACT, OR THE POWERS GRANTED
24 HEREUNDER, OR BASED ON ANOTHER APPLICABLE STANDARD OF REVIEW.

25 B. THE RULES OF THE COMMISSION SHALL HAVE THE FORCE OF LAW IN EACH
26 MEMBER STATE, PROVIDED THAT IF THE RULES OF THE COMMISSION CONFLICT WITH
27 THE LAWS OF THE MEMBER STATE THAT ESTABLISH THE MEMBER STATE'S LAWS,
28 REGULATIONS AND APPLICABLE STANDARDS THAT GOVERN THE PRACTICE OF SOCIAL
29 WORK AS HELD BY A COURT OF COMPETENT JURISDICTION, THE RULES OF THE
30 COMMISSION SHALL BE INEFFECTIVE IN THAT STATE TO THE EXTENT OF THE
31 CONFLICT.

1 C. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS PURSUANT TO
2 THE CRITERIA SET FORTH IN THIS SECTION AND THE RULES ADOPTED THEREUNDER.
3 RULES SHALL BECOME BINDING ON THE DAY FOLLOWING ADOPTION OR THE DATE
4 SPECIFIED IN THE RULE OR AMENDMENT, WHICHEVER IS LATER.

5 D. IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES REJECTS A
6 RULE OR PORTION OF A RULE BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE
7 SAME MANNER USED TO ADOPT THE COMPACT WITHIN FOUR YEARS AFTER THE DATE OF
8 ADOPTION OF THE RULE, SUCH RULE SHALL HAVE NO FURTHER FORCE AND EFFECT IN
9 ANY MEMBER STATE.

10 E. RULES SHALL BE ADOPTED AT A REGULAR OR SPECIAL MEETING OF THE
11 COMMISSION.

12 F. PRIOR TO ADOPTION OF A PROPOSED RULE, THE COMMISSION SHALL HOLD A
13 PUBLIC HEARING AND ALLOW PERSONS TO PROVIDE ORAL AND WRITTEN COMMENTS,
14 DATA, FACTS, OPINIONS AND ARGUMENTS.

15 G. PRIOR TO ADOPTION OF A PROPOSED RULE BY THE COMMISSION, AND AT
16 LEAST THIRTY DAYS BEFORE THE MEETING AT WHICH THE COMMISSION WILL HOLD A
17 PUBLIC HEARING ON THE PROPOSED RULE, THE COMMISSION SHALL PROVIDE A NOTICE
18 OF PROPOSED RULEMAKING:

19 1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY ACCESSIBLE
20 PLATFORM.

21 2. TO PERSONS WHO HAVE REQUESTED NOTICE OF THE COMMISSION'S NOTICES
22 OF PROPOSED RULEMAKING.

23 3. IN SUCH OTHER WAY AS THE COMMISSION MAY BY RULE SPECIFY.

24 H. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:

25 1. THE TIME, DATE AND LOCATION OF THE PUBLIC HEARING AT WHICH THE
26 COMMISSION WILL HEAR PUBLIC COMMENTS ON THE PROPOSED RULE AND, IF
27 DIFFERENT, THE TIME, DATE AND LOCATION OF THE MEETING WHERE THE COMMISSION
28 WILL CONSIDER AND VOTE ON THE PROPOSED RULE.

29 2. IF THE HEARING IS HELD VIA TELECOMMUNICATION, VIDEO CONFERENCE OR
30 OTHER ELECTRONIC MEANS, THE COMMISSION SHALL INCLUDE THE MECHANISM FOR
31 ACCESS TO THE HEARING IN THE NOTICE OF PROPOSED RULEMAKING.

1 3. THE TEXT OF THE PROPOSED RULE AND THE REASON FOR THE PROPOSED
2 RULE.

3 4. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY INTERESTED
4 PERSON.

5 5. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT WRITTEN
6 COMMENTS.

7 I. ALL HEARINGS SHALL BE RECORDED. A COPY OF THE RECORDING AND ALL
8 WRITTEN COMMENTS AND DOCUMENTS RECEIVED BY THE COMMISSION IN RESPONSE TO
9 THE PROPOSED RULE SHALL BE AVAILABLE TO THE PUBLIC.

10 J. THIS SECTION DOES NOT REQUIRE A SEPARATE HEARING ON EACH RULE.
11 RULES MAY BE GROUPED FOR THE CONVENIENCE OF THE COMMISSION AT HEARINGS
12 REQUIRED BY THIS SECTION.

13 K. THE COMMISSION, BY MAJORITY VOTE OF ALL MEMBERS, SHALL TAKE FINAL
14 ACTION ON THE PROPOSED RULE BASED ON THE RULEMAKING RECORD AND THE FULL
15 TEXT OF THE RULE. THE COMMISSION MAY ADOPT CHANGES TO THE PROPOSED RULE IF
16 THE CHANGES DO NOT ENLARGE THE ORIGINAL PURPOSE OF THE PROPOSED RULE. THE
17 COMMISSION SHALL PROVIDE AN EXPLANATION OF THE REASONS FOR SUBSTANTIVE
18 CHANGES MADE TO THE PROPOSED RULE AS WELL AS REASONS FOR SUBSTANTIVE
19 CHANGES NOT MADE THAT WERE RECOMMENDED BY COMMENTERS. THE COMMISSION SHALL
20 DETERMINE A REASONABLE EFFECTIVE DATE FOR THE RULE. EXCEPT FOR AN
21 EMERGENCY AS PROVIDED IN SUBSECTION L OF THIS SECTION, THE EFFECTIVE DATE
22 OF THE RULE SHALL BE NOT SOONER THAN THIRTY DAYS AFTER ISSUING THE NOTICE
23 THAT IT ADOPTED OR AMENDED THE RULE.

24 L. ON A DETERMINATION THAT AN EMERGENCY EXISTS, THE COMMISSION MAY
25 CONSIDER AND ADOPT AN EMERGENCY RULE WITH FORTY-EIGHT HOURS' NOTICE, WITH
26 OPPORTUNITY TO COMMENT, PROVIDED THAT THE USUAL RULEMAKING PROCEDURES
27 PROVIDED IN THE COMPACT AND IN THIS SECTION SHALL BE RETROACTIVELY APPLIED
28 TO THE RULE AS SOON AS REASONABLY POSSIBLE BUT NOT LATER THAN NINETY DAYS
29 AFTER THE EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS SUBSECTION,
30 AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED IMMEDIATELY IN ORDER TO:

31 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE.

1 2. PREVENT A LOSS OF COMMISSION OR MEMBER STATE MONIES.

2 3. MEET A DEADLINE FOR THE PROMULGATION OF A RULE THAT IS
3 ESTABLISHED BY FEDERAL LAW OR RULE.

4 4. PROTECT THE PUBLIC HEALTH AND SAFETY.

5 M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE COMMISSION MAY
6 DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE FOR PURPOSES OF CORRECTING
7 TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY OR
8 GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON THE
9 WEBSITE OF THE COMMISSION. THE REVISION SHALL BE SUBJECT TO CHALLENGE BY
10 ANY PERSON FOR A PERIOD OF THIRTY DAYS AFTER POSTING. THE REVISION MAY BE
11 CHALLENGED ONLY ON GROUNDS THAT THE REVISION RESULTS IN A MATERIAL CHANGE
12 TO A RULE. A CHALLENGE SHALL BE MADE IN WRITING AND DELIVERED TO THE
13 COMMISSION PRIOR TO THE END OF THE NOTICE PERIOD. IF NO CHALLENGE IS MADE,
14 THE REVISION WILL TAKE EFFECT WITHOUT FURTHER ACTION. IF THE REVISION IS
15 CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE APPROVAL OF THE
16 COMMISSION.

17 N. A MEMBER STATE'S RULEMAKING REQUIREMENTS SHALL NOT APPLY UNDER
18 THIS COMPACT.

19 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION
20 AND ENFORCEMENT

21 A. OVERSIGHT IS AS FOLLOWS:

22 1. THE EXECUTIVE AND JUDICIAL BRANCHES OF STATE GOVERNMENT IN EACH
23 MEMBER STATE SHALL ENFORCE THIS COMPACT AND TAKE ALL ACTIONS NECESSARY AND
24 APPROPRIATE TO IMPLEMENT THE COMPACT.

25 2. EXCEPT AS OTHERWISE PROVIDED IN THIS COMPACT, VENUE IS PROPER AND
26 JUDICIAL PROCEEDINGS BY OR AGAINST THE COMMISSION SHALL BE BROUGHT SOLELY
27 AND EXCLUSIVELY IN A COURT OF COMPETENT JURISDICTION WHERE THE PRINCIPAL
28 OFFICE OF THE COMMISSION IS LOCATED. THE COMMISSION MAY WAIVE VENUE AND
29 JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR CONSENTS TO PARTICIPATE
30 IN ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS. THIS SECTION DOES NOT
31 AFFECT OR LIMIT THE SELECTION OR PROPRIETY OF VENUE IN ANY ACTION AGAINST A

1 LICENSEE FOR PROFESSIONAL MALPRACTICE, MISCONDUCT OR ANY SUCH SIMILAR
2 MATTER.

3 3. THE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE OF PROCESS IN
4 ANY PROCEEDING REGARDING THE ENFORCEMENT OR INTERPRETATION OF THE COMPACT
5 AND SHALL HAVE STANDING TO INTERVENE IN SUCH A PROCEEDING FOR ALL
6 PURPOSES. FAILURE TO PROVIDE THE COMMISSION SERVICE OF PROCESS SHALL
7 RENDER A JUDGMENT OR ORDER VOID AS TO THE COMMISSION, THIS COMPACT OR
8 PROMULGATED RULES.

9 B. DEFAULT, TECHNICAL ASSISTANCE AND TERMINATION ARE AS FOLLOWS:

10 1. IF THE COMMISSION DETERMINES THAT A MEMBER STATE HAS DEFAULTED IN
11 THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER THIS COMPACT
12 OR THE PROMULGATED RULES, THE COMMISSION SHALL PROVIDE WRITTEN NOTICE TO
13 THE DEFAULTING STATE. THE NOTICE OF DEFAULT SHALL DESCRIBE THE DEFAULT,
14 THE PROPOSED MEANS OF CURING THE DEFAULT AND ANY OTHER ACTION THAT THE
15 COMMISSION MAY TAKE AND SHALL OFFER TRAINING AND SPECIFIC TECHNICAL
16 ASSISTANCE REGARDING THE DEFAULT.

17 2. THE COMMISSION SHALL PROVIDE A COPY OF THE NOTICE OF DEFAULT TO
18 THE OTHER MEMBER STATES.

19 C. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE DEFAULTING
20 STATE MAY BE TERMINATED FROM THE COMPACT ON AN AFFIRMATIVE VOTE OF A
21 MAJORITY OF THE DELEGATES OF THE MEMBER STATES, AND ALL RIGHTS, PRIVILEGES
22 AND BENEFITS CONFERRED ON THAT STATE BY THIS COMPACT MAY BE TERMINATED ON
23 THE EFFECTIVE DATE OF TERMINATION. A CURE OF THE DEFAULT DOES NOT RELIEVE
24 THE OFFENDING STATE OF OBLIGATIONS OR LIABILITIES INCURRED DURING THE
25 PERIOD OF DEFAULT.

26 D. TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE IMPOSED ONLY
27 AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN EXHAUSTED. NOTICE
28 OF INTENT TO SUSPEND OR TERMINATE SHALL BE GIVEN BY THE COMMISSION TO THE
29 GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF THE DEFAULTING STATE'S
30 LEGISLATURE, THE DEFAULTING STATE'S STATE LICENSING AUTHORITY AND EACH OF
31 THE MEMBER STATES' LICENSING AUTHORITY.

1 E. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL
2 ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE EFFECTIVE
3 DATE OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE EFFECTIVE
4 DATE OF TERMINATION.

5 F. ON THE TERMINATION OF A STATE'S MEMBERSHIP FROM THIS COMPACT,
6 THAT STATE SHALL IMMEDIATELY PROVIDE NOTICE TO ALL LICENSEES WITHIN THAT
7 STATE OF SUCH TERMINATION. THE TERMINATED STATE SHALL CONTINUE TO
8 RECOGNIZE ALL LICENSES GRANTED PURSUANT TO THIS COMPACT FOR AT LEAST SIX
9 MONTHS AFTER THE DATE OF THE NOTICE OF TERMINATION.

10 G. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A STATE THAT
11 IS FOUND TO BE IN DEFAULT OR THAT HAS BEEN TERMINATED FROM THE COMPACT,
12 UNLESS AGREED ON IN WRITING BETWEEN THE COMMISSION AND THE DEFAULTING
13 STATE.

14 H. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE COMMISSION BY
15 PETITIONING THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
16 OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES.
17 THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION,
18 INCLUDING REASONABLE ATTORNEY FEES.

19 I. DISPUTE RESOLUTION IS AS FOLLOWS:

20 1. ON REQUEST BY A MEMBER STATE, THE COMMISSION SHALL ATTEMPT TO
21 RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE AMONG MEMBER STATES AND
22 BETWEEN MEMBER AND NONMEMBER STATES.

23 2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR BOTH
24 MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS APPROPRIATE.

25 J. ENFORCEMENT IS AS FOLLOWS:

26 1. BY MAJORITY VOTE AS PROVIDED BY RULE, THE COMMISSION MAY INITIATE
27 LEGAL ACTION AGAINST A MEMBER STATE IN DEFAULT IN THE UNITED STATES
28 DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE
29 THE COMMISSION HAS ITS PRINCIPAL OFFICES TO ENFORCE COMPLIANCE WITH THE
30 COMPACT AND ITS PROMULGATED RULES. THE RELIEF SOUGHT MAY INCLUDE BOTH
31 INJUNCTIVE RELIEF AND DAMAGES. IF JUDICIAL ENFORCEMENT IS NECESSARY, THE
32 PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING

1 REASONABLE ATTORNEY FEES. THE REMEDIES PRESCRIBED IN THIS SUBSECTION SHALL
2 NOT BE THE EXCLUSIVE REMEDIES OF THE COMMISSION. THE COMMISSION MAY PURSUE
3 ANY OTHER REMEDIES AVAILABLE UNDER FEDERAL OR THE DEFAULTING MEMBER STATE'S
4 LAW.

5 2. A MEMBER STATE MAY INITIATE LEGAL ACTION AGAINST THE COMMISSION
6 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE
7 FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES TO ENFORCE
8 COMPLIANCE WITH THE COMPACT AND ITS PROMULGATED RULES. THE RELIEF SOUGHT
9 MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IF JUDICIAL ENFORCEMENT IS
10 NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH
11 LITIGATION, INCLUDING REASONABLE ATTORNEY FEES.

12 3. NO PERSON OTHER THAN A MEMBER STATE SHALL ENFORCE THIS COMPACT
13 AGAINST THE COMMISSION.

14 SECTION 14. EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

15 A. THIS COMPACT SHALL COME INTO EFFECT ON THE DATE ON WHICH THE
16 COMPACT STATUTE IS ENACTED INTO LAW IN THE SEVENTH MEMBER STATE. ON OR
17 AFTER THE EFFECTIVE DATE OF THE COMPACT, THE COMMISSION SHALL CONVENE AND
18 REVIEW THE ENACTMENT OF EACH OF THE FIRST SEVEN MEMBER STATES, KNOWN AS THE
19 CHARTER MEMBER STATES, TO DETERMINE IF THE STATUTE ENACTED BY EACH SUCH
20 CHARTER MEMBER STATE IS MATERIALLY DIFFERENT THAN THE MODEL COMPACT
21 STATUTE. A CHARTER MEMBER STATE WHOSE ENACTMENT IS FOUND TO BE MATERIALLY
22 DIFFERENT FROM THE MODEL COMPACT STATUTE SHALL BE ENTITLED TO THE DEFAULT
23 PROCESS SET FORTH IN SECTION 13 OF THIS COMPACT. IF ANY MEMBER STATE IS
24 LATER FOUND TO BE IN DEFAULT, OR IS TERMINATED OR WITHDRAWS FROM THE
25 COMPACT, THE COMMISSION SHALL REMAIN IN EXISTENCE AND THE COMPACT SHALL
26 REMAIN IN EFFECT EVEN IF THE NUMBER OF MEMBER STATES SHOULD BE LESS THAN
27 SEVEN. MEMBER STATES ENACTING THE COMPACT AFTER THE SEVEN INITIAL CHARTER
28 MEMBER STATES SHALL BE SUBJECT TO THE PROCESS SET FORTH IN SECTION 10,
29 SUBSECTION C, PARAGRAPH 21 OF THIS COMPACT TO DETERMINE IF THEIR ENACTMENTS
30 ARE MATERIALLY DIFFERENT FROM THE MODEL COMPACT STATUTE AND WHETHER THEY
31 QUALIFY FOR PARTICIPATION IN THE COMPACT.

1 B. ALL ACTIONS TAKEN FOR THE BENEFIT OF THE COMMISSION OR IN
2 FURTHERANCE OF THE PURPOSES OF THE ADMINISTRATION OF THE COMPACT PRIOR TO
3 THE EFFECTIVE DATE OF THE COMPACT OR THE COMMISSION COMING INTO EXISTENCE
4 SHALL BE CONSIDERED TO BE ACTIONS OF THE COMMISSION UNLESS SPECIFICALLY
5 REPUDIATED BY THE COMMISSION.

6 C. ANY STATE THAT JOINS THE COMPACT AFTER THE COMMISSION'S INITIAL
7 ADOPTION OF THE RULES AND BYLAWS SHALL BE SUBJECT TO THE RULES AND BYLAWS
8 AS THEY EXIST ON THE DATE ON WHICH THE COMPACT BECOMES LAW IN THAT STATE.
9 ANY RULE THAT HAS BEEN PREVIOUSLY ADOPTED BY THE COMMISSION HAS THE FULL
10 FORCE AND EFFECT OF LAW ON THE DAY THE COMPACT BECOMES LAW IN THAT STATE.

11 D. ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING A
12 STATUTE REPEALING THE SAME. A MEMBER STATE'S WITHDRAWAL SHALL NOT TAKE
13 EFFECT UNTIL ONE HUNDRED EIGHTY DAYS AFTER ENACTMENT OF THE REPEALING
14 STATUTE. WITHDRAWAL SHALL NOT AFFECT THE CONTINUING REQUIREMENT OF THE
15 WITHDRAWING STATE'S LICENSING AUTHORITY TO COMPLY WITH THE INVESTIGATIVE
16 AND ADVERSE ACTION REPORTING REQUIREMENTS OF THIS COMPACT PRIOR TO THE
17 EFFECTIVE DATE OF WITHDRAWAL. ON THE ENACTMENT OF A STATUTE WITHDRAWING
18 FROM THIS COMPACT, A STATE SHALL IMMEDIATELY PROVIDE NOTICE OF SUCH
19 WITHDRAWAL TO ALL LICENSEES WITHIN THAT STATE. NOTWITHSTANDING ANY
20 SUBSEQUENT STATUTORY ENACTMENT TO THE CONTRARY, SUCH WITHDRAWING STATE
21 SHALL CONTINUE TO RECOGNIZE ALL LICENSES GRANTED PURSUANT TO THIS COMPACT
22 FOR AT LEAST ONE HUNDRED EIGHTY DAYS AFTER THE DATE OF SUCH NOTICE OF
23 WITHDRAWAL.

24 E. THIS COMPACT DOES NOT INVALIDATE OR PREVENT ANY LICENSURE
25 AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A MEMBER STATE AND A
26 NONMEMBER STATE THAT DOES NOT CONFLICT WITH THIS COMPACT.

27 F. THIS COMPACT MAY BE AMENDED BY THE MEMBER STATES. AN AMENDMENT
28 TO THIS COMPACT DOES NOT BECOME EFFECTIVE AND BINDING ON ANY MEMBER STATE
29 UNTIL IT IS ENACTED INTO THE LAWS OF ALL MEMBER STATES.

SECTION 15. CONSTRUCTION AND SEVERABILITY

A. THIS COMPACT AND THE COMMISSION'S RULEMAKING AUTHORITY SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE PURPOSES, IMPLEMENTATION AND ADMINISTRATION OF THE COMPACT. PROVISIONS OF THE COMPACT EXPRESSLY AUTHORIZING OR REQUIRING THE PROMULGATION OF RULES SHALL NOT BE CONSTRUED TO LIMIT THE COMMISSION'S RULEMAKING AUTHORITY SOLELY FOR THOSE PURPOSES.

B. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE AND IF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT IS HELD BY A COURT OF COMPETENT JURISDICTION TO BE CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE, OF A STATE SEEKING PARTICIPATION IN THE COMPACT OR OF THE UNITED STATES, OR THE APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE IS HELD TO BE UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION, THE VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE APPLICABILITY THEREOF TO ANY OTHER GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.

C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, THE COMMISSION MAY DENY A STATE'S PARTICIPATION IN THE COMPACT OR, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 13, SUBSECTION B OF THIS COMPACT, TERMINATE A MEMBER STATE'S PARTICIPATION IN THE COMPACT, IF THE COMMISSION DETERMINES THAT A CONSTITUTIONAL REQUIREMENT OF A MEMBER STATE IS A MATERIAL DEPARTURE FROM THE COMPACT. OTHERWISE, IF THIS COMPACT IS HELD TO BE CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE, THE COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE REMAINING MEMBER STATES AND IN FULL FORCE AND EFFECT AS TO THE MEMBER STATE AFFECTED AS TO ALL SEVERABLE MATTERS.

SECTION 16. CONSISTENT EFFECT AND CONFLICT

WITH OTHER STATE LAWS

A. A LICENSEE WHO PROVIDES SERVICES IN A REMOTE STATE UNDER A MULTISTATE AUTHORIZATION TO PRACTICE SHALL ADHERE TO THE LAWS AND REGULATIONS, INCLUDING LAWS, REGULATIONS AND APPLICABLE STANDARDS, OF THE REMOTE STATE WHERE THE CLIENT IS LOCATED AT THE TIME CARE IS RENDERED.

1 B. THIS SECTION DOES NOT PREVENT OR INHIBIT THE ENFORCEMENT OF ANY
2 OTHER LAW OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THE COMPACT.

3 C. ANY LAWS, STATUTES, REGULATIONS OR OTHER LEGAL REQUIREMENTS IN A
4 MEMBER STATE THAT ARE IN CONFLICT WITH THE COMPACT ARE SUPERSEDED TO THE
5 EXTENT OF THE CONFLICT.

6 D. ALL PERMISSIBLE AGREEMENTS BETWEEN THE COMMISSION AND THE MEMBER
7 STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS."

8 Amend title to conform

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