

ASSEMBLY, No. 2813

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblywoman SHANIQUE SPEIGHT

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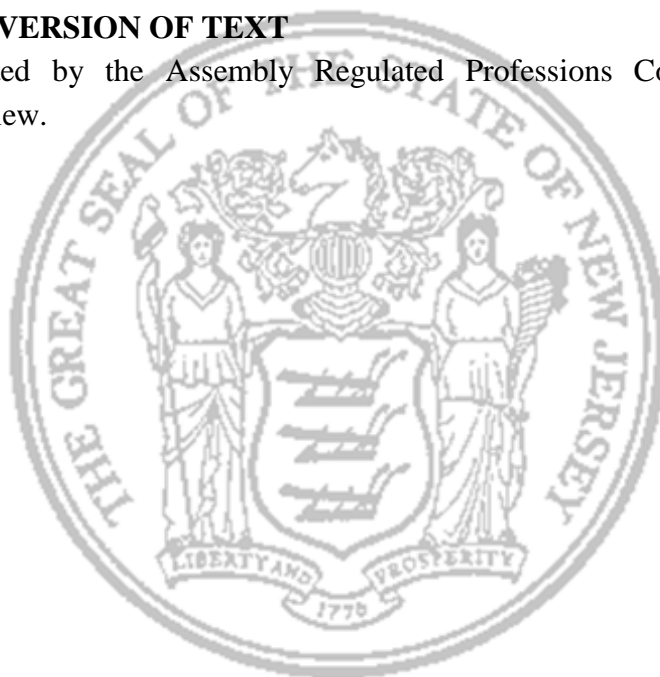
**Assemblymen Verrelli, Atkins, Moen, Assemblywoman Morales,
Assemblymen Sampson, Karabinchak, Assemblywomen Matsikoudis, Hall,
McCoy and Carter**

SYNOPSIS

Enters NJ in Social Work Licensure Compact.

CURRENT VERSION OF TEXT

As reported by the Assembly Regulated Professions Committee with technical review.



(Sponsorship Updated As Of: 4/4/2024)

1 AN ACT concerning the Social Work Licensure Compact and
2 supplementing Title 45 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. The State of New Jersey enacts and enters into the Social
8 Work Licensure Compact with all other jurisdictions that legally
9 join in the compact in the form substantially as follows:

10

11 ARTICLE I: Purpose and Objectives

12

13 1. The purpose of this compact is to facilitate interstate practice
14 of regulated social workers by improving public access to
15 competent social work services. The compact preserves the
16 regulatory authority of states to protect public health and safety
17 through the current system of state licensure.

18 2. This compact is designed to achieve the following
19 objectives:

- 20 a. Increase public access to social work services;
- 21 b. Reduce overly burdensome and duplicative requirements
22 associated with holding multiple licenses;
- 23 c. Enhance the member states' ability to protect the public's
24 health and safety;
- 25 d. Encourage the cooperation of member states in regulating
26 multistate practice;
- 27 e. Promote mobility and address workforce shortages by
28 eliminating the necessity for licenses in multiple states by providing
29 for the mutual recognition of other member state licenses;
- 30 f. Support military families;
- 31 g. Facilitate the exchange of licensure and disciplinary
32 information among member states;
- 33 h. Authorize all member states to hold a regulated social
34 worker accountable for abiding by a member state's laws,
35 regulations, and applicable professional standards in the member
36 state in which the client is located at the time care is rendered; and
- 37 i. Allow for the use of telehealth to facilitate increased access
38 to regulated social work services.

39

40 ARTICLE II: Definitions

41

42 As used in this Compact, and except as otherwise provided, the
43 following definitions shall apply:

44 a. "Active military member" means any individual with full-
45 time duty status in the active armed forces of the United States
46 including members of the National Guard and Reserve.

47 b. "Adverse action" means any administrative, civil, equitable
48 or criminal action permitted by a state's laws which is imposed by a

1 licensing authority or other authority against a regulated social
2 worker, including actions against an individual's license or
3 multistate authorization to practice such as revocation, suspension,
4 probation, monitoring of the licensee, limitation on the licensee's
5 practice, or any other encumbrance on licensure affecting a
6 regulated social worker's authorization to practice, including
7 issuance of a cease and desist action.

8 c. "Alternative program" means a non-disciplinary monitoring
9 or practice remediation process approved by a licensing authority to
10 address practitioners with an impairment.

11 d. "Charter member states" means member states who have
12 enacted legislation to adopt this compact where such legislation
13 predates the effective date of this compact as described in Article
14 XIV.

15 e. "Compact commission" or "commission" means the
16 government agency whose membership consists of all states that
17 have enacted this compact, which is known as the Social Work
18 Licensure Compact Commission, as described in Article X, and
19 which shall operate as an instrumentality of the member states.

20 f. "Current significant investigative information" means:

21 1. investigative information that a licensing authority, after a
22 preliminary inquiry that includes notification and an opportunity for
23 the regulated social worker to respond has reason to believe is not
24 groundless and, if proved true, would indicate more than a minor
25 infraction as may be defined by the commission; or

26 2. investigative information that indicates that the regulated
27 social worker represents an immediate threat to public health and
28 safety, as may be defined by the commission, regardless of whether
29 the regulated social worker has been notified and has had an
30 opportunity to respond.

31 g. "Data system" means a repository of information about
32 licensees, including, continuing education, examination, licensure,
33 current significant investigative information, disqualifying event,
34 multistate license, and adverse action information or other
35 information as required by the commission.

36 h. "Domicile" means the jurisdiction in which the licensee
37 resides and intends to remain indefinitely.

38 i. "Disqualifying event" means any adverse action or incident
39 which results in an encumbrance that disqualifies or makes the
40 licensee ineligible to either obtain, retain or renew a multistate
41 license.

42 j. "Encumbrance" means a revocation or suspension of, or any
43 limitation on, the full and unrestricted practice of social work
44 licensed and regulated by a licensing authority.

45 k. "Executive committee" means a group of delegates elected
46 or appointed to act on behalf of, and within the powers granted to
47 them by, the compact and commission.

- 1 l. “Home state” means the member state that is the licensee’s
2 primary domicile.
- 3 m. “Impairment” means a condition that may impair a
4 practitioner’s ability to engage in full and unrestricted practice as a
5 regulated social worker without some type of intervention and may
6 include alcohol and drug dependence, mental health impairment,
7 and neurological or physical impairments.
- 8 n. “Licensee” means an individual who currently holds a
9 license from a state to practice as a regulated social worker.
- 10 o. “Licensing authority” means the board or agency of a
11 member state, or equivalent, that is responsible for the licensing and
12 regulation of regulated social workers.
- 13 p. “Member State” means a state, commonwealth, district, or
14 territory of the United States that has enacted this compact.
- 15 q. “Multistate authorization to practice” means a legally
16 authorized privilege to practice, which is equivalent to a license,
17 associated with a multistate license permitting the practice of social
18 work in a remote state.
- 19 r. “Multistate license” means a license to practice as a
20 regulated social worker issued by a home state licensing authority
21 that authorizes the regulated social worker to practice in all member
22 states under multistate authorization to practice.
- 23 s. “Qualifying national exam” means a national licensing
24 examination approved by the commission.
- 25 t. “Regulated social worker” means any clinical, master’s or
26 bachelor’s social worker licensed by a member state regardless of
27 the title used by that member state.
- 28 u. “Remote state” means a member state other than the
29 licensee’s home state.
- 30 v. “Rule,” “rules,” “rule of the commission,” or “rules of the
31 commission” means a regulation or regulations duly promulgated
32 by the commission, as authorized by the compact, that has the force
33 of law.
- 34 w. “Single state license” means a social work license issued by
35 any state that authorizes practice only within the issuing state and
36 does not include multistate authorization to practice in any member
37 state.
- 38 x. “Social work” or “social work services” means the
39 application of social work theory, knowledge, methods, ethics, and
40 the professional use of self to restore or enhance social,
41 psychosocial, or biopsychosocial functioning of individuals,
42 couples, families, groups, organizations, and communities through
43 the care and services provided by a regulated social worker as set
44 forth in the statutes and regulations of member states in the state
45 where the services are being provided.
- 46 y. “State” means any state, commonwealth, district, or territory
47 of the United States that regulates the practice of social work.

1 z. “Unencumbered license” means a license that authorizes a
2 regulated social worker to engage in the full and unrestricted
3 practice of social work.
4

5 ARTICLE III: State Participation in the Compact
6

7 1. To be eligible to participate in the compact, a potential
8 member state must currently meet all of the following criteria:

9 a. License and regulate the practice of social work at either the
10 clinical, master’s, or bachelor’s category;

11 b. Require applicants for licensure to graduate from a program
12 that is:

13 (1) operated by a college or university recognized by the
14 licensing authority;

15 (2) accredited, or in candidacy by an institution that
16 subsequently becomes accredited, by an accrediting agency
17 recognized by the Council for Higher Education Accreditation, or
18 its successor, or the United States Department of Education; and

19 (3) corresponds to the licensure sought as outlined in Article IV;

20 c. Require applicants for clinical licensure to complete a period
21 of supervised practice; and

22 d. Have a mechanism in place for receiving, investigating, and
23 adjudicating complaints about licensees;

24 2. To maintain membership in the compact, a member state
25 shall:

26 a. Require that applicants for a multistate license pass a
27 qualifying national exam for the corresponding category of
28 multistate license sought as outlined in Article IV;

29 b. Participate fully in the commission’s data system, including
30 using the commission’s unique identifier as defined in rules of the
31 commission;

32 c. Notify the commission, in compliance with the terms of the
33 compact and rules, of any adverse action or the availability of
34 current significant investigative information regarding a licensee;

35 d. Implement procedures for considering the criminal history
36 records of applicants for a multistate license. The procedures shall
37 include the submission of fingerprints or other biometric-based
38 information by applicants for the purpose of obtaining an
39 applicant’s criminal history record information from the Federal
40 Bureau of Investigation and the agency responsible for retaining
41 that state’s criminal records;

42 e. Comply with the rules of the commission;

43 f. Require an applicant to obtain or retain a license in the home
44 state and meet the home state’s qualifications for licensure or
45 renewal of licensure, as well as all other applicable home state laws;

46 g. Authorize a licensee holding a multistate license in any
47 member state to practice in accordance with the terms of the
48 compact and rules of the commission; and

1 h. Designate a delegate to participate in the commission
2 meetings.

3 3. A member state meeting the requirements of sections 1 and 2
4 of Article III of this compact shall designate the categories of social
5 work licensure that are eligible for issuance of a multistate license
6 for applicants in such member state. To the extent that any member
7 state does not meet the requirements for participation in the
8 compact at any particular category of social work licensure, such
9 member state may choose, but is not obligated to, issue a multistate
10 license to applicants that otherwise meet the requirements of Article
11 IV for issuance of a multistate license in such category or categories
12 of licensure.

13 4. The home state may charge a fee for granting the multistate
14 license.

15

16 ARTICLE IV: Social Worker Participation in the Compact

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18 1. To be eligible for a multistate license under the terms and
19 provisions of the compact, an applicant, regardless of category
20 must:

21 a. Hold or be eligible for an active, unencumbered license in
22 the home state;

23 b. Pay any applicable fees, including any state fee, for the
24 multistate license;

25 c. Submit, in connection with an application for a multistate
26 license, fingerprints or other biometric data for the purpose of
27 obtaining criminal history record information from the Federal
28 Bureau of Investigation and the agency responsible for retaining
29 that state's criminal records;

30 d. Notify the home state of any adverse action, encumbrance,
31 or restriction on any professional license taken by any member state
32 or non-member state within 30 days from the date the action is
33 taken;

34 e. Meet any continuing competence requirements established
35 by the home state; and

36 f. Abide by the laws, regulations, and applicable standards in
37 the member state where the client is located at the time care is
38 rendered.

39 2. An applicant for a clinical category multistate license must
40 meet all of the following requirements:

41 a. Fulfill a competency requirement, which shall be satisfied by
42 either:

43 (1) Passage of a clinical category qualifying national exam;

44 (2) Licensure of the applicant in their home state at the clinical
45 category, beginning prior to such time as a qualifying national exam
46 was required by the home state and accompanied by a period of
47 continuous social work licensure thereafter, all of which may be
48 further governed by the rules of the commission; or

- 1 (3) The substantial equivalency of the foregoing competency
2 requirements which the commission may determine by rule;
- 3 b. Attain at least a master's degree in social work from a
4 program that is:
 - 5 (1) Operated by a college or university recognized by the
6 licensing authority; and
 - 7 (2) Accredited, or in candidacy that subsequently becomes
8 accredited, by an accrediting agency recognized by the Council for
9 Higher Education Accreditation, or its successor, or the United
10 States Department of Education; and
- 11 c. Fulfill a practice requirement, which shall be satisfied by
12 demonstrating completion of either:
 - 13 (1) A period of postgraduate supervised clinical practice equal
14 to a minimum of three thousand hours;
 - 15 (2) A minimum of two years of full-time postgraduate
16 supervised clinical practice; or
 - 17 (3) The substantial equivalency of the foregoing practice
18 requirements which the commission may determine by rule.
- 19 3. An applicant for a master's category multistate license must
20 meet all of the following requirements:
 - 21 a. Fulfill a competency requirement, which shall be satisfied by
22 either:
 - 23 (1) Passage of a master's category qualifying national exam;
 - 24 (2) Licensure of the applicant in their home state at the master's
25 category, beginning prior to the time a qualifying national exam
26 was required by the home state at the master's category and
27 accompanied by a continuous period of social work licensure
28 thereafter, all of which may be further governed by the rules of the
29 commission; or
 - 30 (3) The substantial equivalency of the foregoing competency
31 requirements which the commission may determine by rule; or
 - 32 b. Attain at least a master's degree in social work from a
33 program that is:
 - 34 (1) Operated by a college or university recognized by the
35 licensing authority; and
 - 36 (2) Accredited, or in candidacy that subsequently becomes
37 accredited, by an accrediting agency recognized by either the
38 Council for Higher Education Accreditation, or its successor, or the
39 United States Department of Education;
- 40 4. An applicant for a bachelor's category multistate license
41 must meet all of the following requirements:
 - 42 a. Fulfill a competency requirement, which shall be satisfied by
43 either:
 - 44 (1) Passage of a bachelor's category qualifying national exam;
 - 45 (2) Licensure of the applicant in their home state at the
46 bachelor's category, beginning prior to the time a qualifying
47 national exam was required by the home state and accompanied by

- 1 a period of continuous social work licensure thereafter, all of which
2 may be further governed by the rules of the commission; or
3 (3) The substantial equivalency of the foregoing competency
4 requirements which the commission may determine by rule; or
5 b. Attain at least a bachelor's degree in social work from a
6 program that is:
7 (1) Operated by a college or university recognized by the
8 licensing authority; and
9 (2) Accredited, or in candidacy that subsequently becomes
10 accredited, by an accrediting agency recognized by either the
11 Council for Higher Education Accreditation or its successor or the
12 United States Department of Education.
13 5. The multistate license for a regulated social worker is
14 subject to the renewal requirements of the home state. The
15 regulated social worker must maintain compliance with the
16 requirements of section 1 of Article IV to be eligible to renew a
17 multistate license.
18 6. The regulated social worker's services in a remote state are
19 subject to that member state's regulatory authority. A remote state
20 may, in accordance with due process and that member state's laws,
21 remove a regulated social worker's multistate authorization to
22 practice in the remote state for a specific period of time, impose
23 fines, and take any other necessary actions to protect the health and
24 safety of its citizens.
25 7. If a multistate license is encumbered, the regulated social
26 worker's multistate authorization to practice shall be deactivated in
27 all remote states until the multistate license is no longer
28 encumbered.
29 8. If a multistate authorization to practice is encumbered in a
30 remote state, the regulated social worker's multistate authorization
31 to practice may be deactivated in that state until the multistate
32 authorization to practice is no longer encumbered.

33
34 ARTICLE V: Issuance of a Multistate License
35

- 36 1. Upon receipt of an application for a multistate license, the
37 home state licensing authority shall determine the applicant's
38 eligibility for a multistate license in accordance with Article IV of
39 this compact.
40 2. If such applicant is eligible pursuant to Article IV of this
41 compact, the home state licensing authority shall issue a multistate
42 license that authorizes the applicant or regulated social worker to
43 practice in all member states under a multistate authorization to
44 practice.
45 3. Upon issuance of a multistate license, the home state
46 licensing authority shall designate whether the regulated social
47 worker holds a multistate license in the bachelor's, master's, or
48 clinical category of social work.

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

ARTICLE VI: Authority of Interstate Compact Commission and Member State Licensing Authorities

1. Nothing in this compact, nor any rule of the commission, shall be construed to limit, restrict, or in any way reduce the ability of a member state to enact and enforce laws, regulations, or other rules related to the practice of social work in that state, where those laws, regulations, or other rules are not inconsistent with the provisions of this compact.

2. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single state license.

3. Nothing in this compact, nor any rule of the commission, shall be construed to limit, restrict, or in any way reduce the ability of a member state to take adverse action against a licensee's single state license to practice social work in that state.

4. Nothing in this compact, nor any rule of the commission, shall be construed to limit, restrict, or in any way reduce the ability of a remote state to take adverse action against a licensee's multistate authorization to practice in that state.

5. Nothing in this compact, nor any rule of the commission, shall be construed to limit, restrict, or in any way reduce the ability of a licensee's home state to take adverse action against a licensee's multistate license based upon information provided by a remote state.

ARTICLE VII: Reissuance of a Multistate License by a New Home State

1. A licensee can hold a multistate license, issued by their home state, in only one member state at any given time.

2. If a licensee changes their home state by moving between two member states:

a. The licensee shall immediately apply for the reissuance of their multistate license in their new home state. The licensee shall pay all applicable fees and notify the prior home state in accordance with the rules of the commission.

b. Upon receipt of an application to reissue a multistate license, the new home state shall verify that the multistate license is active, unencumbered and eligible for reissuance under the terms of the compact and the rules of the commission. The multistate license issued by the prior home state will be deactivated and all member

1 states notified in accordance with the applicable rules adopted by
2 the commission.

3 c. Prior to the reissuance of the multistate license, the new
4 home state shall conduct procedures for considering the criminal
5 history records of the licensee. Such procedures shall include the
6 submission of fingerprints or other biometric-based information by
7 applicants for the purpose of obtaining an applicant's criminal
8 history record information from the Federal Bureau of Investigation
9 and the agency responsible for retaining that state's criminal
10 records.

11 d. If required for initial licensure, the new home state may
12 require completion of jurisprudence requirements in the new home
13 state.

14 e. Notwithstanding any other provision of this compact, if a
15 licensee does not meet the requirements set forth in this compact for
16 the reissuance of a multistate license by the new home state, then
17 the licensee shall be subject to the new home state requirements for
18 the issuance of a single state license in that state.

19 3. If a licensee changes their primary state of residence by
20 moving from a member state to a non-member state, or from a non-
21 member state to a member state, then the licensee shall be subject to
22 the state requirements for the issuance of a single state license in
23 the new home state.

24 4. Nothing in this compact shall interfere with a licensee's
25 ability to hold a single state license in multiple states; however, for
26 the purposes of this compact, a licensee shall have only one home
27 state, and only one multistate license.

28 5. Nothing in this compact shall interfere with the requirements
29 established by a member state for the issuance of a single state
30 license.

31 32 ARTICLE VIII: Military Families

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34 An active military member or their spouse shall designate a
35 home state where the individual has a multistate license. The
36 individual may retain their home state designation during the period
37 the service member is on active duty.

38 39 ARTICLE IX: Adverse Actions

40
41 1. In addition to the other powers conferred by state law, a
42 remote state shall have the authority, in accordance with existing
43 state due process law, to:

44 a. Take adverse action against a regulated social worker's
45 multistate authorization to practice only within that member state,
46 and issue subpoenas for both hearings and investigations that
47 require the attendance and testimony of witnesses as well as the
48 production of evidence. Subpoenas issued by a licensing authority

1 in a member state for the attendance and testimony of witnesses or
2 the production of evidence from another member state shall be
3 enforced in the latter state by any court of competent jurisdiction,
4 according to the practice and procedure of that court applicable to
5 subpoenas issued in proceedings pending before it. The issuing
6 licensing authority shall pay any witness fees, travel expenses,
7 mileage, and other fees required by the service statutes of the state
8 in which the witnesses or evidence are located.

9 b. Only the home state shall have the power to take adverse
10 action against a regulated social worker's multistate license.

11 2. For purposes of taking adverse action, the home state shall
12 give the same priority and effect to reported conduct received from
13 a member state as it would if the conduct had occurred within the
14 home state. In so doing, the home state shall apply its own state
15 laws to determine appropriate action.

16 3. The home state shall complete any pending investigations of
17 a regulated social worker who changes their home state during the
18 course of the investigations. The home state shall also have the
19 authority to take appropriate action and shall promptly report the
20 conclusions of the investigations to the administrator of the data
21 system. The administrator of the data system shall promptly notify
22 the new home state of any adverse actions.

23 4. A member state, if otherwise permitted by state law, may
24 recover from the affected regulated social worker the costs of
25 investigations and dispositions of cases resulting from any adverse
26 action taken against that regulated social worker.

27 5. A member state may take adverse action based on the factual
28 findings of another member state, provided that the member state
29 follows its own procedures for taking the adverse action.

30 6. Joint Investigations:

31 a. In addition to the authority granted to a member state by its
32 respective social work practice act or other applicable state law, any
33 member state may participate with other member states in joint
34 investigations of licensees.

35 b. Member states shall share any investigative, litigation, or
36 compliance materials in furtherance of any joint or individual
37 investigation initiated under the compact.

38 7. If adverse action is taken by the home state against the
39 multistate license of a regulated social worker, the regulated social
40 worker's multistate authorization to practice in all other member
41 states shall be deactivated until all encumbrances have been
42 removed from the multistate license. All home state disciplinary
43 orders that impose adverse action against the license of a regulated
44 social worker shall include a statement that the regulated social
45 worker's multistate authorization to practice is deactivated in all
46 member states until all conditions of the decision, order or
47 agreement are satisfied.

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

9. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

10. Nothing in this compact shall authorize a member state to demand the issuance of subpoenas for attendance and testimony of witnesses or the production of evidence from another member state for lawful actions within that member state.

11. Nothing in this compact shall authorize a member state to impose discipline against a regulated social worker who holds a multistate authorization to practice for lawful actions within another member state.

ARTICLE X: Establishment of Social Work Licensure Compact Commission

1. The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the social work licensure compact commission. The commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in Article XIV.

2. Membership, Voting, and Meetings

a. Each member state shall have and be limited to one delegate selected by that member state's licensing authority.

b. The delegate shall be either:

(1) A current member of the state licensing authority at the time of appointment, who is a regulated social worker or public member of the state licensing authority; or

(2) An administrator of the state licensing authority or their designee.

c. The commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits.

d. The commission may recommend removal or suspension any delegate from office.

e. A member state's licensing authority shall fill any vacancy of its delegate occurring on the commission within 60 days of the vacancy.

f. Each delegate shall be entitled to one vote on all matters before the commission requiring a vote by commission delegates.

g. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates to

- 1 meet by telecommunication, videoconference, or other means of
2 communication.
- 3 h. The commission shall meet at least once during each
4 calendar year. Additional meetings may be held as set forth in the
5 bylaws. The commission may meet by telecommunication, video
6 conference or other similar electronic means.
- 7 3. The commission shall have the following powers:
- 8 a. Establish the fiscal year of the commission;
- 9 b. Establish code of conduct and conflict of interest policies;
- 10 c. Establish and amend rules and bylaws;
- 11 d. Maintain its financial records in accordance with the bylaws;
- 12 e. Meet and take such actions as are consistent with the
13 provisions of this compact, the commission's rules, and the bylaws;
- 14 f. Initiate and conclude legal proceedings or actions in the
15 name of the commission, provided that the standing of any state
16 licensing board to sue or be sued under applicable law shall not be
17 affected;
- 18 g. Maintain and certify records and information provided to a
19 member state as the authenticated business records of the
20 commission, and designate an agent to do so on the commission's
21 behalf;
- 22 h. Purchase and maintain insurance and bonds;
- 23 i. Borrow, accept, or contract for services of personnel,
24 including, but not limited to, employees of a member state;
- 25 j. Conduct an annual financial review
- 26 k. Hire employees, elect or appoint officers, fix compensation,
27 define duties, grant such individuals appropriate authority to carry
28 out the purposes of the compact, and establish the commission's
29 personnel policies and programs relating to conflicts of interest,
30 qualifications of personnel, and other related personnel matters;
- 31 l. Assess and collect fees;
- 32 m. Accept any and all appropriate gifts, donations, grants of
33 money, other sources of revenue, equipment, supplies, materials,
34 and services, and receive, utilize, and dispose of the same; provided
35 that at all times the commission shall avoid any appearance of
36 impropriety or conflict of interest;
- 37 n. Lease, purchase, retain, own, hold, improve, or use any
38 property, real, personal, or mixed, or any undivided interest therein;
- 39 o. Sell, convey, mortgage, pledge, lease, exchange, abandon, or
40 otherwise dispose of any property real, personal, or mixed;
- 41 p. Establish a budget and make expenditures;
- 42 q. Borrow money;
- 43 r. Appoint committees, including standing committees,
44 composed of members, state regulators, state legislators or their
45 representatives, and consumer representatives, and such other
46 interested persons as may be designated in this compact and the
47 bylaws;

- 1 s. Provide and receive information from, and cooperate with,
- 2 law enforcement agencies;
- 3 t. Establish and elect an executive committee, including a chair
- 4 and a vice chair;
- 5 u. Determine whether a state's adopted language is materially
- 6 different from the model compact language such that the state
- 7 would not qualify for participation in the compact; and
- 8 v. Perform such other functions as may be necessary or
- 9 appropriate to achieve the purposes of this compact.
- 10 4. The Executive Committee
- 11 a. The executive committee shall have the power to act on
- 12 behalf of the commission according to the terms of this compact.
- 13 The powers, duties, and responsibilities of the executive committee
- 14 shall include:
 - 15 (1) Oversee the day-to-day activities of the administration of the
 - 16 compact including enforcement and compliance with the provisions
 - 17 of the compact, its rules and bylaws, and other such duties as
 - 18 deemed necessary;
 - 19 (2) Recommend to the commission changes to the rules or
 - 20 bylaws, changes to this compact legislation, fees charged to
 - 21 compact member states, fees charged to licensees, and other fees;
 - 22 (3) Ensure compact administration services are appropriately
 - 23 provided, including by contract;
 - 24 (4) Prepare and recommend the budget;
 - 25 (5) Maintain financial records on behalf of the commission;
 - 26 (6) Monitor compact compliance of member states and provide
 - 27 compliance reports to the commission;
 - 28 (7) Establish additional committees as necessary;
 - 29 (8) Exercise the powers and duties of the commission during the
 - 30 interim between commission meetings, except for adopting or
 - 31 amending rules, adopting or amending bylaws, and exercising any
 - 32 other powers and duties expressly reserved to the commission by
 - 33 rule or bylaw; and
 - 34 (9) Other duties as provided in the rules or bylaws of the
 - 35 commission.
- 36 b. The executive committee shall be composed of up to 11
- 37 members:
 - 38 (1) The chair and vice chair of the commission shall be voting
 - 39 members of the executive committee; and
 - 40 (2) The commission shall elect five voting members from the
 - 41 current membership of the commission.
 - 42 (3) Up to four ex-officio, nonvoting members from four
 - 43 nationally recognized social work organizations.
 - 44 (5) The ex-officio members will be selected by their respective
 - 45 organizations.
- 46 c. The commission may remove any member of the executive
- 47 committee as provided in the commission's bylaws.
- 48 d. The executive committee shall meet at least annually.

1 (1) Executive committee meetings shall be open to the public,
2 except that the executive committee may meet in a closed, non-
3 public meeting as provided in subsection b. of section 6 below.

4 (2) The executive committee shall give seven days' notice of its
5 meetings, posted on its website and as determined to provide notice
6 to persons with an interest in the business of the commission.

7 (3) The executive committee may hold a special meeting in
8 accordance with paragraph (2) of subsection a. of section 6 below.

9 5. The commission shall adopt and provide to the member
10 states an annual report.

11 6. Meetings of the commission

12 a. All meetings shall be open to the public, except that the
13 commission may meet in a closed, non-public meeting as provided
14 in subsection b. of this section.

15 (1) Public notice for all meetings of the full commission of
16 meetings shall be given in the same manner as required under the
17 rulemaking provisions in Article XII, except that the commission
18 may hold a special meeting as provided in paragraph (2) of
19 subsection a. of this section.

20 (2) The commission may hold a special meeting when it must
21 meet to conduct emergency business by giving 48 hours' notice to
22 all commissioners, on the commission's website, and other means
23 as provided in the commission's rules. The commission's legal
24 counsel shall certify that the commission's need to meet qualifies as
25 an emergency.

26 b. The commission or the executive committee or other
27 committees of the commission may convene in a closed, non-public
28 meeting for the commission or executive committee or other
29 committees of the commission to receive legal advice or to discuss:

30 (1) Non-compliance of a member state with its obligations under
31 the compact;

32 (2) The employment, compensation, discipline or other matters,
33 practices or procedures related to specific employees;

34 (3) Current or threatened discipline of a licensee by the
35 commission or by a member state's licensing authority;

36 (4) Current, threatened, or reasonably anticipated litigation;

37 (5) Negotiation of contracts for the purchase, lease, or sale of
38 goods, services, or real estate;

39 (6) Accusing any person of a crime or formally censuring any
40 person;

41 (7) Trade secrets or commercial or financial information that is
42 privileged or confidential;

43 (8) Information of a personal nature where disclosure would
44 constitute a clearly unwarranted invasion of personal privacy;

45 (9) Investigative records compiled for law enforcement
46 purposes;

47 (10) Information related to any investigative reports prepared by
48 or on behalf of or for use of the commission or other committee

- 1 charged with responsibility of investigation or determination of
2 compliance issues pursuant to the compact;
- 3 (11)Matters specifically exempted from disclosure by federal or
4 member state law; or
- 5 (12)Other matters as promulgated by the commission by rule.
- 6 c. If a meeting, or portion of a meeting, is closed, the presiding
7 officer shall state that the meeting will be closed and reference each
8 relevant exempting provision, and such reference shall be recorded
9 in the minutes.
- 10 d. The Commission shall keep minutes that fully and clearly
11 describe all matters discussed in a meeting and shall provide a full
12 and accurate summary of actions taken, and the reasons therefore,
13 including a description of the views expressed. All documents
14 considered in connection with an action shall be identified in such
15 minutes. All minutes and documents of a closed meeting shall
16 remain under seal, subject to release only by a majority vote of the
17 commission or order of a court of competent jurisdiction.
- 18 7. Financing of the commission
- 19 a. The commission shall pay, or provide for the payment of, the
20 reasonable expenses of its establishment, organization, and ongoing
21 activities.
- 22 b. The commission may accept any and all appropriate revenue
23 sources as provided in subsection m. of section 3 of this article.
- 24 c. The commission may levy on and collect an annual
25 assessment from each member state and impose fees on licensees of
26 member states to whom it grants a multistate license to cover the
27 cost of the operations and activities of the commission and its staff,
28 which must be in a total amount sufficient to cover its annual
29 budget as approved each year for which revenue is not provided by
30 other sources. The aggregate annual assessment amount for
31 member states shall be allocated based upon a formula that the
32 commission shall promulgate by rule.
- 33 d. The commission shall not incur obligations of any kind prior
34 to securing the funds adequate to meet the same; nor shall the
35 commission pledge the credit of any of the member states, except
36 by and with the authority of the member state.
- 37 e. The commission shall keep accurate accounts of all receipts
38 and disbursements. The receipts and disbursements of the
39 commission shall be subject to the financial review and accounting
40 procedures established under its bylaws. However, all receipts and
41 disbursements of funds handled by the commission shall be subject
42 to an annual financial review by a certified or licensed public
43 accountant, and the report of the financial review shall be included
44 in and become part of the annual report of the commission.
- 45 8. Qualified Immunity, Defense, and Indemnification
- 46 a. The members, officers, executive director, employees and
47 representatives of the commission shall be immune from suit and
48 liability, both personally and in their official capacity, for any claim

1 for damage to or loss of property or personal injury or other civil
2 liability caused by or arising out of any actual or alleged act, error,
3 or omission that occurred, or that the person against whom the
4 claim is made had a reasonable basis for believing occurred within
5 the scope of commission employment, duties or responsibilities;
6 provided that nothing in this paragraph shall be construed to protect
7 any such person from suit or liability for any damage, loss, injury,
8 or liability caused by the intentional or willful or wanton
9 misconduct of that person. The procurement of insurance of any
10 type by the commission shall not in any way compromise or limit
11 the immunity granted hereunder.

12 b. The commission shall defend any member, officer, executive
13 director, employee, and representative of the commission in any
14 civil action seeking to impose liability arising out of any actual or
15 alleged act, error, or omission that occurred within the scope of
16 commission employment, duties, or responsibilities, or as
17 determined by the commission that the person against whom the
18 claim is made had a reasonable basis for believing occurred within
19 the scope of commission employment, duties, or responsibilities;
20 provided that nothing herein shall be construed to prohibit that
21 person from retaining their own counsel at their own expense; and
22 provided further, that the actual or alleged act, error, or omission
23 did not result from that person's intentional or willful or wanton
24 misconduct.

25 c. The commission shall indemnify and hold harmless any
26 member, officer, executive director, employee, and representative
27 of the commission for the amount of any settlement or judgment
28 obtained against that person arising out of any actual or alleged act,
29 error, or omission that occurred within the scope of commission
30 employment, duties, or responsibilities, or that such person had a
31 reasonable basis for believing occurred within the scope of
32 commission employment, duties, or responsibilities, provided that
33 the actual or alleged act, error, or omission did not result from the
34 intentional or willful or wanton misconduct of that person.

35 d. Nothing herein shall be construed as a limitation on the
36 liability of any licensee for professional malpractice or misconduct,
37 which shall be governed solely by any other applicable state laws.

38 e. Nothing in this compact shall be interpreted to waive or
39 otherwise abrogate a member state's state action immunity or state
40 action affirmative defense with respect to antitrust claims under the
41 Sherman Antitrust Act of 1890 (15 U.S.C. s.1 et seq.), the Clayton
42 Antitrust Act of 1914 (15 U.S.C. s.12 et al.), or any other state or
43 federal antitrust or anticompetitive law or regulation.

44 f. Nothing in this compact shall be construed to be a waiver of
45 sovereign immunity by the member states or by the commission.

ARTICLE XI: Data System

1. The commission shall provide for the development, maintenance, operation, and utilization of a coordinated data system.

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

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

- a. Identifying information;
- b. Licensure data;
- c. Adverse actions against a license and information related thereto;
- d. Non-confidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under member state law;
- e. Any denial of application for licensure, and the reason for such denial;
- f. The presence of current significant investigative information; and
- g. Other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.

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

5. Current significant investigative information pertaining to a licensee in any member state will only be available to other member states. It is the responsibility of the member states to report any adverse action against a licensee and to monitor the database to determine whether adverse action has been taken against a licensee. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

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

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

ARTICLE XII: Rulemaking

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

2. The rules of the commission shall have the force of law in each member state, provided however that where the rules of the commission conflict with the laws of the member state that establish the member state's laws, regulations, and applicable standards that govern the practice of social work as held by a court of competent jurisdiction, the rules of the commission shall be ineffective in that state to the extent of the conflict.

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

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

5. Rules shall be adopted at a regular or special meeting of the commission.

6. Prior to adoption of a proposed rule, the commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

7. Prior to adoption of a proposed rule by the commission, and at least 30 days in advance of the meeting at which the commission will hold a public hearing on the proposed rule, the commission shall provide a notice of proposed rulemaking:

a. On the website of the commission or other publicly accessible platform;

b. To persons who have requested notice of the commission's notices of proposed rulemaking; and

c. In such other way as the commission may by rule specify.

8. The notice of proposed rulemaking shall include:

a. The time, date, and location of the public hearing at which the commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the commission will consider and vote on the proposed rule;

b. If the hearing is held via telecommunication, video conference, or other electronic means, the commission shall include

1 the mechanism for access to the hearing in the notice of proposed
2 rulemaking;

3 c. The text of the proposed rule and the reason therefor;

4 d. A request for comments on the proposed rule from any
5 interested person; and

6 e. The manner in which interested persons may submit written
7 comments.

8 9. All hearings will be recorded. A copy of the recording and
9 all written comments and documents received by the commission in
10 response to the proposed rule shall be available to the public.

11 10. Nothing in this section shall be construed as requiring a
12 separate hearing on each rule. Rules may be grouped for the
13 convenience of the commission at hearings required by this section.

14 11. The commission shall, by majority vote of all members, take
15 final action on the proposed rule based on the rulemaking record
16 and the full text of the rule.

17 a. The commission may adopt changes to the proposed rule
18 provided the changes do not enlarge the original purpose of the
19 proposed rule.

20 b. The commission shall provide an explanation of the reasons
21 for substantive changes made to the proposed rule as well as
22 reasons for substantive changes not made that were recommended
23 by commenters.

24 c. The commission shall determine a reasonable effective date
25 for the rule. Except for an emergency as provided in section 12 of
26 this article, the effective date of the rule shall be no sooner than 30
27 days after issuing the notice that it adopted or amended the rule.

28 12. Upon determination that an emergency exists, the
29 commission may consider and adopt an emergency rule with 48
30 hours' notice, with opportunity to comment, provided that the usual
31 rulemaking procedures provided in the compact and in this section
32 shall be retroactively applied to the rule as soon as reasonably
33 possible, in no event later than 90 days after the effective date of
34 the rule. For the purposes of this provision, an emergency rule is
35 one that must be adopted immediately in order to:

36 a. Meet an imminent threat to public health, safety, or welfare;

37 b. Prevent a loss of commission or member state funds;

38 c. Meet a deadline for the promulgation of a rule that is
39 established by federal law or rule; or

40 d. Protect public health and safety.

41 13. The commission or an authorized committee of the
42 commission may direct revisions to a previously adopted rule for
43 purposes of correcting typographical errors, errors in format, errors
44 in consistency, or grammatical errors. Public notice of any
45 revisions shall be posted on the website of the commission. The
46 revision shall be subject to challenge by any person for a period of
47 30 days after posting. The revision may be challenged only on
48 grounds that the revision results in a material change to a rule. A

1 challenge shall be made in writing and delivered to the commission
2 prior to the end of the notice period. If no challenge is made, the
3 revision will take effect without further action. If the revision is
4 challenged, the revision may not take effect without the approval of
5 the commission.

6 14. No member state's rulemaking requirements shall apply
7 under this compact.
8

9 ARTICLE XIII: Oversight, Dispute Resolution, and Enforcement
10

11 1. Oversight

12 a. The executive and judicial branches of state government in
13 each member state shall enforce this compact and take all actions
14 necessary and appropriate to implement the compact.

15 b. Except as otherwise provided in this compact, venue is
16 proper and judicial proceedings by or against the commission shall
17 be brought solely and exclusively in a court of competent
18 jurisdiction where the principal office of the commission is located.
19 The commission may waive venue and jurisdictional defenses to the
20 extent it adopts or consents to participate in alternative dispute
21 resolution proceedings. Nothing herein shall affect or limit the
22 selection or propriety of venue in any action against a licensee for
23 professional malpractice, misconduct or any such similar matter.

24 c. The commission shall be entitled to receive service of
25 process in any proceeding regarding the enforcement or
26 interpretation of the compact and shall have standing to intervene in
27 such a proceeding for all purposes. Failure to provide the
28 commission service of process shall render a judgment or order void
29 as to the commission, this compact, or promulgated rules.

30 2. Default, Technical Assistance, and Termination

31 a. If the commission determines that a member state has
32 defaulted in the performance of its obligations or responsibilities
33 under this compact or the promulgated rules, the commission shall
34 provide written notice to the defaulting state. The notice of default
35 shall describe the default, the proposed means of curing the default,
36 and any other action that the commission may take, and shall offer
37 training and specific technical assistance regarding the default.

38 b. The commission shall provide a copy of the notice of default
39 to the other member states.

40 3. If a state in default fails to cure the default, the defaulting
41 state may be terminated from the compact upon an affirmative vote
42 of a majority of the delegates of the member states, and all rights,
43 privileges and benefits conferred on that state by this compact may
44 be terminated on the effective date of termination. A cure of the
45 default does not relieve the offending state of obligations or
46 liabilities incurred during the period of default.

47 4. Termination of membership in the compact shall be imposed
48 only after all other means of securing compliance have been

1 exhausted. Notice of intent to suspend or terminate shall be given
2 by the commission to the governor, the majority and minority
3 leaders of the defaulting state's legislature, the defaulting state's
4 licensing authority and each of the member states' licensing
5 authority.

6 5. A state that has been terminated is responsible for all
7 assessments, obligations, and liabilities incurred through the
8 effective date of termination, including obligations that extend
9 beyond the effective date of termination.

10 6. Upon the termination of a state's membership from this
11 compact, that state shall immediately provide notice to all licensees
12 within that state of such termination. The terminated state shall
13 continue to recognize all licenses granted pursuant to this compact
14 for a minimum of six months after the date of said notice of
15 termination.

16 7. The commission shall not bear any costs related to a state that
17 is found to be in default or that has been terminated from the
18 compact, unless agreed upon in writing between the commission
19 and the defaulting state.

20 8. The defaulting state may appeal the action of the
21 commission by petitioning the U.S. District Court for the District of
22 Columbia or the federal district where the commission has its
23 principal offices. The prevailing party shall be awarded all costs of
24 such litigation, including reasonable attorney's fees.

25 9. Dispute Resolution

26 a. Upon request by a member state, the commission shall
27 attempt to resolve disputes related to the compact that arise among
28 member states and between member and non-member states.

29 b. The commission shall promulgate a rule providing for both
30 mediation and binding dispute resolution for disputes as
31 appropriate.

32 10. Enforcement

33 a. By majority vote as provided by rule, the commission may
34 initiate legal action against a member state in default in the United
35 States District Court for the District of Columbia or the federal
36 district where the commission has its principal offices to enforce
37 compliance with the provisions of the compact and its promulgated
38 rules. The relief sought may include both injunctive relief and
39 damages. In the event judicial enforcement is necessary, the
40 prevailing party shall be awarded all costs of such litigation,
41 including reasonable attorney's fees. The remedies herein shall not
42 be the exclusive remedies of the commission. The commission may
43 pursue any other remedies available under federal or the defaulting
44 member state's law.

45 b. A member state may initiate legal action against the
46 commission in the U.S. District Court for the District of Columbia
47 or the federal district where the commission has its principal offices
48 to enforce compliance with the provisions of the compact and its

1 promulgated rules. The relief sought may include both injunctive
2 relief and damages. In the event judicial enforcement is necessary,
3 the prevailing party shall be awarded all costs of such litigation,
4 including reasonable attorney's fees.

5 c. No person other than a member state shall enforce this
6 compact against the commission.
7

8 ARTICLE XIV: Effective Date, Withdrawal, and Amendment 9

10 1. The compact shall come into effect on the date on which the
11 compact statute is enacted into law in the seventh member state.

12 a. On or after the effective date of the compact, the
13 commission shall convene and review the enactment of each of the
14 first seven member states ("charter member states") to determine if
15 the statute enacted by each such charter member state is materially
16 different than the model compact statute.

17 (1) A charter member state whose enactment is found to be
18 materially different from the model compact statute shall be entitled
19 to the default process set forth in Article XIII.

20 (2) If any member state is later found to be in default, or is
21 terminated or withdraws from the compact, the commission shall
22 remain in existence and the compact shall remain in effect even if
23 the number of member states should be less than seven.

24 b. Member states enacting the compact subsequent to the seven
25 initial charter member states shall be subject to the process set forth
26 in subsection u. of section 3 of Article X to determine if their
27 enactments are materially different from the model compact statute
28 and whether they qualify for participation in the compact.

29 c. All actions taken for the benefit of the commission or in
30 furtherance of the purposes of the administration of the compact
31 prior to the effective date of the compact or the commission coming
32 into existence shall be considered to be actions of the commission
33 unless specifically repudiated by the commission.

34 d. Any state that joins the compact subsequent to the
35 commission's initial adoption of the rules and bylaws shall be
36 subject to the rules and bylaws as they exist on the date on which
37 the compact becomes law in that state. Any rule that has been
38 previously adopted by the commission shall have the full force and
39 effect of law on the day the compact becomes law in that state.

40 2. Any member state may withdraw from this compact by
41 enacting a statute repealing the same.

42 a. A member state's withdrawal shall not take effect until 180
43 days after enactment of the repealing statute.

44 b. Withdrawal shall not affect the continuing requirement of
45 the withdrawing the state's licensing authority to comply with the
46 investigative and adverse action reporting requirements of this
47 compact prior to the effective date of withdrawal.

1 c. Upon the enactment of a statute withdrawing from this
2 compact, a state shall immediately provide notice of such
3 withdrawal to all licensees within that state. Notwithstanding any
4 subsequent statutory enactment to the contrary, such withdrawing
5 state shall continue to recognize all licenses granted pursuant to this
6 compact for a minimum of 180 days after the date of such notice of
7 withdrawal.

8 3. Nothing contained in this compact shall be construed to
9 invalidate or prevent any licensure agreement or other cooperative
10 arrangement between a member state and a non-member state that
11 does not conflict with the provisions of this compact.

12 4. This compact may be amended by the member states. No
13 amendment to this compact shall become effective and binding
14 upon any member state until it is enacted into the laws of all
15 member states.

16 17 ARTICLE XV: Construction and Severability

18
19 1. This compact and the commission's rulemaking authority
20 shall be liberally construed so as to effectuate the purposes, and the
21 implementation and administration of the compact. Provisions of
22 the compact expressly authorizing or requiring the promulgation of
23 rules shall not be construed to limit the commission's rulemaking
24 authority solely for those purposes.

25 2. The provisions of this compact shall be severable and if any
26 phrase, clause, sentence or provision of this compact is held by a
27 court of competent jurisdiction to be contrary to the constitution of
28 any member state, a state seeking participation in the compact, or of
29 the United States, or the applicability thereof to any government,
30 agency, person or circumstance is held to be unconstitutional by a
31 court of competent jurisdiction, the validity of the remainder of this
32 compact and the applicability thereof to any other government,
33 agency, person or circumstance shall not be affected thereby.

34 3. Notwithstanding section 2 of this article, the commission
35 may deny a state's participation in the compact or, in accordance
36 with the requirements of section 2 of Article XIII, terminate a
37 member state's participation in the compact, if it determines that a
38 constitutional requirement of a member state is a material departure
39 from the compact. Otherwise, if this compact shall be held to be
40 contrary to the constitution of any member state, the compact shall
41 remain in full force and effect as to the remaining member states
42 and in full force and effect as to the member state affected as to all
43 severable matters.

ARTICLE XVI: Consistent Effect and Conflict with Other State
Laws

1. A licensee providing 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.

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

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

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

2. This act shall take effect immediately.