

# SOCIAL WORK LICENSURE COMPACT

## SECTION 1: PURPOSE

The purpose of this Compact is to facilitate interstate practice of regulated Social Workers with the goal of improving public access to competent Social Work services. The Compact seeks to preserve the regulatory authority of States to protect public health and safety through the current system of State licensure.

This Compact is designed to achieve the following objectives:

- A. Increase public access to Social Work Services by providing for the mutual recognition of other Member State licenses;
- B. Enhance the Member States' ability to protect the public's health and safety;
- C. Encourage the cooperation of Member States in regulating multistate practice;
- D. Support military families;
- E. Facilitate the exchange of licensure and disciplinary information among Member States;
- F. Authorize all Member States to hold a Regulated Social Worker accountable for abiding by the Member State's Scope of Practice in the Member State in which the client is located at the time care is rendered;
- G. Allow for the use of telehealth to facilitate increased access to regulated Social Work Services;
- H. Support the uniformity of Social Work licensure requirements throughout the States to promote public safety and access to services; and
- I. Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple States.

## SECTION 2. DEFINITIONS

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

- A. **"Active Duty Military"** means any individual in full-time duty status in the active uniformed service of the United States including members of the National Guard and Reserve.
- B. **"Adverse Action"** means any administrative, civil, equitable or criminal action permitted by a State's laws which 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

36 practice, or any other Encumbrance on licensure affecting a Regulated Social  
37 Worker's authorization to practice, including issuance of a cease and desist  
38 action.

39 C. **"Alternative Program"** means a non-disciplinary monitoring or practice  
40 remediation process approved by a Social Work Licensing Authority to address  
41 Impaired Practitioners

42 D. **"Compact Commission" or "Commission"** means the national administrative  
43 body whose membership consists of all Member States that have enacted the  
44 Compact.

45 E. **"Current Significant Investigative Information"** means:

- 46 1. Investigative information that a Licensing Authority, after a preliminary  
47 inquiry that includes notification and an opportunity for the Regulated  
48 Social Worker to respond has reason to believe is not groundless and, if  
49 proved true, would indicate more than a minor infraction as may be  
50 defined by the Commission; or
- 51 2. Investigative information that indicates that the Regulated Social Worker  
52 represents an immediate threat to public health and safety, as may be  
53 defined by the Commission, regardless of whether the Regulated Social  
54 Worker has been notified and has had an opportunity to respond.

55 F. **"Data System"** means a repository of information about Licensees, including,  
56 but not limited to, continuing education, examination, licensure, Current  
57 Significant Investigative Information, Disqualifying Event, Interstate Compact  
58 License(s) and Adverse Action information or other information as required by  
59 the Commission.

60 G. **"Domicile"** means the jurisdiction in which the licensee resides and intends to  
61 remain indefinitely.

62 H. **"Disqualifying Event"** means any Adverse Action or incident which results in an  
63 encumbrance that disqualifies or makes the Licensee ineligible to either obtain,  
64 retain or renew an Interstate Compact License.

65 I. **"Encumbered License"** means a license in which an Adverse Action restricts  
66 the practice of Social Work by the Licensee and said Adverse Action and is  
67 reportable to the National Practitioners Data Bank (NPDB).

68 J. **"Encumbrance"** means a revocation or suspension of, or any limitation on, the  
69 full and unrestricted practice of Social Work licensed and regulated by a  
70 Licensing Authority.

71 K. **"Executive Committee"** means a group of directors elected or appointed to act  
72 on behalf of, and within the powers granted to them by, the compact and  
73 Commission.

- 74 L. **“Home State”** means the Member State that is the Licensee’s primary Domicile.
- 75 M. **“Impaired Practitioner”** means an individual who has a condition(s) that may  
76 impair their ability to engage in full and unrestricted practice as a Regulated  
77 Social Worker without some type of intervention and may include, but are not  
78 limited to, alcohol and drug dependence, mental health impairment, and  
79 neurological or physical impairments.
- 80 N. **“Licensee(s)”** means an individual who currently holds an authorization from the  
81 State to practice as a Regulated Social Worker.
- 82 O. **“Licensing Authority”** means the board or agency of a Member State, or  
83 equivalent, that is responsible for the licensing and regulation of Regulated  
84 Social Workers.
- 85 P. **“Member State”** means a state, commonwealth, district, or territory of the United  
86 States of America that has enacted the Compact.
- 87 Q. **“Multistate Authorization to Practice”** means a legal authorization, which is  
88 equivalent to a license, associated with an Interstate Compact License permitting  
89 the practice of Social Work in a Remote State.
- 90 R. **“Interstate Compact License”** means a license to practice as a Regulated  
91 Social Worker issued by a Home State Licensing Authority that authorizes the  
92 Regulated Social Worker to practice in all party states under a Multistate  
93 Authorization to Practice.
- 94 S. **“Qualifying National Exam”** means a national licensing examination developed  
95 and administered by a national association of Social Work Licensing Authorities  
96 or other competency assessment approved by the Commission.
- 97 T. **“Regulated Social Worker”** means any clinical, master’s or bachelor’s Social  
98 Worker licensed by a Member State regardless of the title used by that Member  
99 State.
- 100 U. **“Remote State”** means a Member State other than the Home State, where a  
101 Licensee is exercising or seeking to exercise the Multistate Authorization to  
102 Practice.
- 103 V. **“Rule(s) of the Commission”** means a regulation or regulations duly  
104 promulgated by the Commission, as authorized by the compact, that has the  
105 force of law.
- 106 W. **“Scope of Practice”** means the procedures, actions, and processes a  
107 Regulated Social Worker in a state is permitted to undertake in that state and the  
108 circumstances under which the Regulated Social Worker is permitted to  
109 undertake those procedures, actions and processes. Such procedures, actions  
110 and processes and the circumstances under which they may be undertaken may  
111 be established through official means, including, but not limited to, statute, rules

and regulations, case law, and other processes available to the State Regulatory Authority or other government agency.

- X. **“Single State License”** means a Social Work license issued by any state that authorizes practice only within the issuing State and does not include a Multistate Authorization to Practice in any Member State.
- Y. **“Social Work” or “Social Work Services”** means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities through the care and services provided by a Regulated Social Worker as set forth in the Member State’s statutes and regulations in the State where the services are being provided.
- Z. **“State”** means any state, commonwealth, district, or territory of the United States of America that regulates the practice of Social Work
- AA. **“Unencumbered License”** means a license that authorizes a Regulated Social Worker to engage in the full and unrestricted practice of Social Work.

### SECTION 3. STATE PARTICIPATION IN THE COMPACT

- A. To be eligible to participate in the compact, a potential Member State must currently meet all of the following criteria:
  - 1. License and regulate clinical, master’s, or bachelor’s categories of Social Work practice.
  - 2. Require applicants for licensure to pass a corresponding Qualifying National Exam for the category of licensure sought as outlined in Section 4.
  - 3. Require applicants for licensure to graduate from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university recognized by the Licensing Authority and that corresponds to the licensure sought as outlined in Section 4.
  - 4. Require applicants for clinical licensure to complete a period of supervised practice.
  - 5. Have a mechanism in place for receiving, investigating, and adjudicating complaints about Licensees.
- B. To maintain membership in the Compact a Member State shall:
  - 1. Participate fully in the Commission’s Data System, including using the Commission’s unique identifier as defined in Rules;
  - 2. Notify the Commission, in compliance with the terms of the Compact and

151 rules, of any Adverse Action or the availability of Current Significant  
152 Investigative Information regarding a Licensee;

- 153 3. Implement or utilize procedures for considering the criminal history  
154 records of applicants for an initial Interstate Compact License. These  
155 procedures shall include the submission of fingerprints or other biometric-  
156 based information by applicants for the purpose of obtaining an  
157 applicant's criminal history record information from the Federal Bureau of  
158 Investigation and the agency responsible for retaining that State's criminal  
159 records for the sole purpose of affirming or denying eligibility for  
160 participation in the Compact;

161 a. A member state must utilize or fully implement a criminal  
162 background check requirement, within a time frame  
163 established by rule of the Commission, by receiving the results  
164 of the Federal Bureau of Investigation record search and shall  
165 use the results in making licensure decisions/determining  
166 eligibility for participation in the Compact.

167 b. Communication between a Member State, the Commission  
168 and among Member States, through the Data System or  
169 otherwise, regarding the verification of any information  
170 received from the Federal Bureau of Investigation relating to a  
171 federal criminal records check performed by a Member State  
172 under Public Law 92-544.

- 173 4. Comply with the Rules of the Commission;

- 174 5. Require an applicant to obtain or retain a license in the Home State and  
175 meet the Home State's qualifications for licensure or renewal of licensure,  
176 as well as all other applicable Home State laws;

- 177 6. Authorize a Licensee holding an Interstate Compact License in any  
178 Member State to practice in accordance with the terms of the Compact  
179 and Rules of the Commission; and

- 180 7. Designate a delegate to participate in the Commission meetings.

181 C. Home States may charge a fee for granting the Interstate Compact License.

182 D. An Interstate Compact License issued by a Home State to a resident in that State  
183 shall be recognized by all Compact Member States as authorizing Social Work  
184 Practice under a Multistate Authorization to Practice corresponding to each  
185 category of licensure regulated in the Member State.  
186

#### 187 **SECTION 4. REGULATED SOCIAL WORKER PARTICIPATION IN THE** 188 **COMPACT**

- 189 A. To be eligible for an Interstate Compact License under the terms and provisions of  
190 the compact, a Regulated Social Worker, regardless of category must:

1. Hold an active, Unencumbered License in the Home State;
  2. Have an active United States Social Security Number, Qualifying National Exam Number, or an identifier as determined by the Commission;
  3. Pay any applicable fees, including any State fee, for the Interstate Compact License;
  4. Meet any continuing competence requirements established by the Home State;
  5. Notify the Home State of any Adverse Action, Encumbrance, or restriction on any professional license taken by any Member State or non-Member State within 30 days from the date the action is taken.
  6. Abide by the laws, regulations, and Scope of Practice in the Member State where the client is located.
- B. A Regulated Social Worker who is a clinical-category Social Worker must meet the following requirements:
1. Passed a clinical-category Qualifying National Exam. Regulated Social Workers holding an active and unencumbered license, who were licensed in a state before a qualifying national exam was required, may be exempted from this requirement, as provided for by the Rules of the Commission; and
  2. Graduated with a master's degree, or higher, in Social Work, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university recognized by the Licensing Authority; and
  3. Completed a period of three thousand hours or two years of full-time postgraduate supervised clinical practice.
- C. For a Regulated Social Worker who is a master's-category Social Worker:
1. Passed a master's-category Qualifying National Exam. Regulated Social Workers holding an active and unencumbered license, who were licensed in a state before a qualifying national exam was required, may be exempted from this requirement, as provided for by the Rules of the Commission; and
  2. Graduated with a master's degree, or higher, in Social Work, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university recognized by the Licensing Authority.
- D. For a Regulated Social Worker who is a bachelor's-category Social Worker:
1. Passed a bachelor's-category Qualifying National Exam. Regulated Social Workers holding an active and unencumbered license, who were licensed in a state before a qualifying national exam was required, may be exempted from this requirement, as provided for by the Rules of the Commission; and

- 231 2. Graduated with a bachelor's degree, or higher, in Social Work, from a program  
232 that is accredited by an accrediting agency recognized by the Council for Higher  
233 Education Accreditation, or its successor, or by the United States Department of  
234 Education and operated by a college or university recognized by the Licensing  
235 Authority.
- 236 E. The Interstate Compact License for a Regulated Social Worker is subject to the  
237 renewal requirements of the Home State. The Regulated Social Worker must  
238 maintain compliance with the requirements of Section 4(A).
- 239 F. The Regulated Social Worker's services in a Remote State are subject to that  
240 Member State's regulatory authority. A Remote State may, in accordance with due  
241 process and that Member State's laws, remove a Regulated Social Worker's  
242 Multistate Authorization to Practice in the Remote State for a specific period of  
243 time, impose fines, and/or take any other necessary actions to protect the health  
244 and safety of its citizens.
- 245 G. If a Home State license is encumbered, the regulated Social Worker's Multistate  
246 Authorization to Practice shall be deactivated in all Remote States until the Home  
247 State license is no longer encumbered.
- 248 H. If a Multistate Authorization to Practice is encumbered in a Remote State, the  
249 regulated Social Worker's Multistate Authorization to Practice may be deactivated  
250 in that State until the Multistate Authorization to Practice is no longer encumbered.
- 251 I. Nothing in this Compact shall affect the requirements established by a Member  
252 State for the issuance of a Single State License.  
253

254 **SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON AN**  
255 **INTERSTATE COMPACT LICENSE**

- 256 A. If qualified, a Regulated Social Worker may hold an Interstate Compact License  
257 issued by a Home State Licensing Authority, which authorizes the Regulated Social  
258 Worker to practice in all Member States under a Multistate Authorization to Practice.
- 259 B. If an Interstate Compact License holder with Multistate Authorization to Practice  
260 changes primary State of Domicile by moving between two Member States:
- 261 1. The Interstate Compact License holder shall file an application for  
262 obtaining a new Home State license based on their Interstate Compact  
263 License which grants a Multistate Authorization to Practice, pay all  
264 applicable fees, and notify the current and new Home Member State in  
265 accordance with applicable Rules adopted by the Commission.
- 266 2. Upon receipt of an application for obtaining a new Home State license  
267 based on the Interstate Compact License which grants a Multistate  
268 Authorization to Practice, the new Home Member State may verify that  
269 the Regulated Social Worker meets the pertinent criteria outlined in  
270 Section 4 via the Data System, without need for primary source  
271 verification except for:

- 272 i. a Federal Bureau of Investigation fingerprint based criminal  
273 background check if not previously performed or updated pursuant  
274 to applicable rules adopted by the Commission in accordance with  
275 Public Law 92-544;
- 276 ii. other criminal background check as required by the new Home  
277 State; and
- 278 iii. completion of any requisite jurisprudence requirements of the new  
279 Home State.

280 3. The former Home State may convert the former Home State license into a  
281 Multistate Authorization to Practice once the new Home State has  
282 activated the new Home State license in accordance with applicable  
283 Rules adopted by the Commission.

284 4. Notwithstanding any other provision of this Compact, if the Regulated  
285 Social Worker cannot meet the criteria in Section 4, the new Home State  
286 may apply its requirements for issuing a new Single State License.

287 5. The Regulated Social Worker shall pay all applicable fees to the new  
288 Home State in order to be issued a new Home State license.

289 C. If a Regulated Social Worker changes primary State of Domicile by moving from  
290 a Member State to a non-Member State, the non-member State criteria shall  
291 apply for issuance of a Single State License in the new non-Member State.

292 D. Nothing in this Compact shall interfere with a Regulated Social Worker's ability to  
293 hold a Single State License in multiple States, however for the purposes of this  
294 Compact, a Regulated Social Worker shall have only one Home State license.

295 E. Nothing in this Compact shall affect the requirements established by a Member  
296 State for the issuance of a Single State License.

## 297 **SECTION 6. MILITARY FAMILIES**

298 Active Duty Military personnel, or their spouse, shall designate a Home State where the  
299 individual has a current license in good standing. The individual may retain the Home  
300 State designation during the period the service member is on active duty. Subsequent to  
301 designating a Home State, the individual may only change their Home State through  
302 application for licensure in the new State, or through the process outlined in Section 5.

## 303 **SECTION 7. ADVERSE ACTIONS**

304 A. In addition to the other powers conferred by State law, a Remote State shall have  
305 the authority, in accordance with existing State due process law, to:

- 306 1. Take Adverse Action against a Regulated Social Worker's Multistate  
307 Authorization to Practice within that Member State, and issue subpoenas for  
308 both hearings and investigations that require the attendance and testimony of  
309 witnesses as well as the production of evidence. Subpoenas issued by a  
310 Licensing Authority in a Member State for the attendance and testimony of



witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

2. Only the Home State shall have the power to take Adverse Action against a Regulated Social Worker's Home State license

- B. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.
- C. The Home State shall complete any pending investigations of a Regulated Social Worker who changes primary State of Domicile during the course of the investigations. The Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the Data System shall promptly notify the new Home State of any Adverse Actions.
- D. A Member State, if otherwise permitted by State law, may recover from the affected Regulated Social Worker the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Regulated Social Worker.
- E. A Member State may take Adverse Action based on the factual findings of another Member State, provided that the Member State follows its own procedures for taking the Adverse Action.
- F. Joint Investigations:
  - 1. In addition to the authority granted to a Member State by its respective Regulated Social Work practice act or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.
  - 2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.
- G. If Adverse Action is taken by the Home State against the Interstate Compact License of a Regulated Social Worker, the Regulated Social Worker's Multistate Authorization to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from the Interstate Compact License. All Home State disciplinary orders that impose Adverse Action against the license of a Regulated Social Worker shall include a statement that the Regulated Social Worker's Multistate Authorization to Practice is deactivated in all Member States until all conditions of the decision, order or agreement are satisfied.

- 352 H. If a Member State takes Adverse Action, it shall promptly notify the administrator of  
353 the Data System. The administrator of the Data System shall promptly notify the  
354 Home State and all other Member State's of any Adverse Actions by Remote  
355 States.
- 356 I. Nothing in this Compact shall override a Member State's decision that participation  
357 in an Alternative Program may be used in lieu of Adverse Action.

358 **SECTION 8. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT**  
359 **COMMISSION**

- 360 A. The Compact Member States hereby create and establish a joint governmental  
361 agency known as the Social Work Compact Commission:
- 362 1. The Commission is a joint governmental agency of the Member States.
- 363 2. Venue is proper and judicial proceedings by or against the Commission shall  
364 be brought solely and exclusively in a court of competent jurisdiction where  
365 the principal office of the Commission is located. The Commission may waive  
366 venue and jurisdictional defenses to the extent it adopts or consents to  
367 participate in alternative dispute resolution proceedings.
- 368 3. Nothing in this Compact shall be construed to be a waiver of sovereign  
369 immunity.
- 370 B. Membership, Voting, and Meetings
- 371 1. Each Member State shall have and be limited to one (1) delegate selected by  
372 that Member State's Licensing Authority.
- 373 2. The delegate shall be either:
- 374 a. A current member of the State Licensing Authority at the time of  
375 appointment, who is a Regulated Social Worker or public member of the  
376 Licensing Authority; or
- 377 b. An administrator of the Licensing Authority or their designee.
- 378 3. Any delegate may be removed or suspended from office as provided by the  
379 law of the Member State from which the delegate is appointed.
- 380 4. The Member State Licensing Board shall fill any vacancy occurring on the  
381 Commission within 60 days.
- 382 5. Each delegate shall be entitled to one (1) vote with regard to the promulgation  
383 of rules and creation of bylaws and shall otherwise have an opportunity to  
384 participate in the business and affairs of the Commission.
- 385 6. A delegate shall vote in person or by such other means as provided in the  
386 bylaws. The bylaws may provide for delegates' participation in meetings by  
387 telephone or other means of communication.
- 388 7. The Commission shall meet at least once during each calendar year.  
389 Additional meetings shall be held as set forth in the bylaws or as necessary to  
390 effectively implement and administer the terms of the Compact.

- C. The Commission shall have the following powers and duties:
1. Establish the fiscal year of the Commission;
  2. Establish bylaws;
  3. Maintain its financial records in accordance with the bylaws;
  4. Meet and take such actions as are consistent with the provisions of this Compact, rules and bylaws;
  5. Promulgate reasonable rules as are authorized by the Compact and which shall be binding to the extent and in the manner provided for in the Compact;
  6. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Board to sue or be sued under applicable law shall not be affected;
  7. Purchase and maintain insurance and bonds;
  8. Borrow, accept, or contract for services of personnel;
  9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
  10. Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;
  11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;
  12. Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;
  13. Establish a budget and make expenditures;
  14. Borrow money;
  15. Appoint committees, including standing committees composed of Commission members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;
  16. Provide and receive information from, and cooperate with, law enforcement agencies;
  17. Establish and elect an Executive Committee;
  18. Determine whether a State's adopted language is materially different from the

429 model compact language such that the State would not qualify for participation  
430 in the Compact; and

431 19. Perform such other functions as may be necessary or appropriate to achieve  
432 the purposes of this Compact consistent with the State regulation of Social  
433 Work licensure and practice.

434 D. The Executive Committee

435 1. The Executive Committee shall have the power to act on behalf of the  
436 Commission according to the terms of this Compact.

437 2. The Executive Committee shall be composed of up to nine (9) members:

438 a. Seven voting members who are elected by the Commission from the  
439 current membership of the Commission; and

440 b. Up to two (2) ex-officio, nonvoting members from two (2) recognized  
441 national social worker organizations.

442 c. The ex-officio members will be selected by their respective organizations  
443 (and which will rotate terms in alphabetical order of the organizations).

444 3. The Commission may remove any member of the Executive Committee as  
445 provided in bylaws.

446 4. The Executive Committee shall meet at least annually and as necessary.

447 a. Executive Committee meetings shall be open to the public, except that  
448 the Executive Committee may meet in a closed, non-public meeting as  
449 provided in subsection E below.

450 b. The Executive Committee shall give seven days' notice of its meetings,  
451 posted on its website and as determined to provide notice to persons with  
452 an interest in the business of the Commission.

453 c. The Executive Committee may hold a special meeting in accordance with  
454 subsection E below.

455 5. The Executive Committee shall serve terms set by the bylaws and shall rotate  
456 regularly to allow participation by all member states.

457 6. The Executive Committee shall have the following duties and responsibilities:

458 a. Oversee the day-to-day activities of the administration of the compact  
459 including enforcement and compliance with the provisions of the compact,  
460 its rules and bylaws, and other duties as deemed necessary;

461 b. Recommend to the entire Commission changes to the Rules or bylaws,  
462 changes to this Compact legislation, fees paid by Compact Member  
463 States such as annual dues, and any Commission Compact fee charged  
464 to Licensees for the Privilege to Practice;

465 c. Ensure Compact administration services are appropriately provided,  
466 contractual or otherwise;

- d. Prepare and recommend the budget
  - e. Maintain financial records on behalf of the Commission;
  - f. Monitor Compact compliance of Member States and provide compliance reports to the Commission;
  - g. Establish additional committees as necessary; and
  - h. Other duties as provided in Rules or bylaws.
- E. Meetings of the Commission
1. All meetings of the full Commission shall be open to the public, and public notice of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 11 except that the Commission may meet in a closed, non-public meeting as provided in subsection E-3 below. Committee meetings shall be open to the public, and public notice of same shall be given in accordance with the bylaws.
    - a. Public notice for all meetings of the full Commission of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 11, except that the Commission may hold a special meeting as provided in subsection E-1-b below.
    - b. The Commission may hold a special meeting when it must meet to conduct emergency business by giving 48 hours' notice to all commissioners, on the Commission's website, and other means as provided in the Commission's rules. The Commission's legal counsel shall certify that the Commission's need to meet qualifies as an emergency.
  2. All meetings of the full Commission shall be open to the public, and public notice of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 11. Committee meetings shall be open to the public, and public notice of same shall be given in accordance with the bylaws.
  3. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:
    - a. Non-compliance of a Member State with its obligations under the Compact;
    - b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
    - c. Current, threatened, or reasonably anticipated litigation;
    - d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
    - e. Accusing any person of a crime or formally censuring any person;

- 506 f. Disclosure of trade secrets or commercial or financial information that is  
507 privileged or confidential;
- 508 g. Disclosure of information of a personal nature where disclosure would  
509 constitute a clearly unwarranted invasion of personal privacy;
- 510 h. Disclosure of investigative records compiled for law enforcement  
511 purposes;
- 512 i. Disclosure of information related to any investigative reports prepared by  
513 or on behalf of or for use of the Commission or other committee charged  
514 with responsibility of investigation or determination of compliance issues  
515 pursuant to the Compact; or
- 516 4. Matters specifically exempted from disclosure by federal or Member State  
517 statute. If a meeting, or portion of a meeting, is closed pursuant to this  
518 provision, the Commission's legal counsel shall certify that the meeting may be  
519 closed and shall reference each relevant exempting provision.
- 520 5. The Commission shall keep minutes that fully and clearly describe all matters  
521 discussed in a meeting and shall provide a full and accurate summary of  
522 actions taken, and the reasons therefore, including a description of the views  
523 expressed. All documents considered in connection with an action shall be  
524 identified in such minutes. All minutes and documents of a closed meeting shall  
525 remain under seal, subject to release by a majority vote of the Commission or  
526 order of a court of competent jurisdiction.
- 527 F. Financing of the Commission
- 528 1. The Commission shall pay, or provide for the payment of, the reasonable  
529 expenses of its establishment, organization, and ongoing activities.
- 530 2. The Commission may accept any and all appropriate revenue sources,  
531 donations, and grants of money, equipment, supplies, materials, and services.
- 532 3. The Commission may levy on and collect an annual assessment from each  
533 Member State or impose fees on other parties to cover the cost of the  
534 operations and activities of the Commission and its staff, which must be in a  
535 total amount sufficient to cover its annual budget as approved each year for  
536 which revenue is not provided by other sources. The aggregate annual  
537 assessment amount shall be allocated based upon a formula to be determined  
538 by the Commission, which shall promulgate a Rule binding upon all Member  
539 States.
- 540 4. The Commission shall not incur obligations of any kind prior to securing the  
541 funds adequate to meet the same; nor shall the Commission pledge the credit  
542 of any of the Member States, except by and with the authority of the Member  
543 State.
- 544 5. The Commission shall keep accurate accounts of all receipts and  
545 disbursements. The receipts and disbursements of the Commission shall be  
546 subject to the audit and accounting procedures established under its bylaws.

547 However, all receipts and disbursements of funds handled by the Commission  
548 shall be audited yearly by a certified or licensed public accountant, and the  
549 report of the audit shall be included in and become part of the annual report of  
550 the Commission.

551 G. Qualified Immunity, Defense, and Indemnification

- 552 1. The members, officers, executive director, employees and representatives of  
553 the Commission shall be immune from suit and liability, either personally or in  
554 their official capacity, for any claim for damage to or loss of property or  
555 personal injury or other civil liability caused by or arising out of any actual or  
556 alleged act, error or omission that occurred, or that the person against whom  
557 the claim is made had a reasonable basis for believing occurred within the  
558 scope of Commission employment, duties or responsibilities; provided that  
559 nothing in this paragraph shall be construed to protect any such person from  
560 suit and/or liability for any damage, loss, injury, or liability caused by the  
561 intentional or willful or wanton misconduct of that person.
- 562 2. The Commission shall defend any member, officer, executive director,  
563 employee or representative of the Commission in any civil action seeking to  
564 impose liability arising out of any actual or alleged act, error, or omission that  
565 occurred within the scope of Commission employment, duties, or  
566 responsibilities, or that the person against whom the claim is made had a  
567 reasonable basis for believing occurred within the scope of Commission  
568 employment, duties, or responsibilities; provided that nothing herein shall be  
569 construed to prohibit that person from retaining his or her own counsel; and  
570 provided further, that the actual or alleged act, error, or omission did not result  
571 from that person's intentional or willful or wanton misconduct.
- 572 3. The Commission shall indemnify and hold harmless any member, officer,  
573 executive director, employee, or representative of the Commission for the  
574 amount of any settlement or judgment obtained against that person arising out  
575 of any actual or alleged act, error, or omission that occurred within the scope of  
576 Commission employment, duties, or responsibilities, or that such person had a  
577 reasonable basis for believing occurred within the scope of Commission  
578 employment, duties, or responsibilities, provided that the actual or alleged act,  
579 error, or omission did not result from the intentional or willful or wanton  
580 misconduct of that person.  
581

582 **SECTION 9. DATA SYSTEM**

- 583 A. The Commission shall provide for the development, maintenance, operation, and  
584 utilization of a coordinated database and reporting system containing licensure,  
585 Adverse Action, and Current Significant Investigative Information on all licensed  
586 individuals in Member States.
- 587 B. Notwithstanding any other provision of State law to the contrary, a Member State  
588 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:

1. Identifying information;
2. Licensure data;
3. Adverse Actions against a license or an Interstate Compact License and information related thereto;
4. Non-confidential information related to Alternative Program participation;
5. Any denial of application for licensure, and the reason(s) for such denial;
6. Current Significant Investigative Information; and
7. Other information that may facilitate the administration of this Compact, as determined by the Rules of the Commission.

- C. Current Significant Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.
- D. 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..
- E. The Commission shall promptly notify all Member States of any Adverse Action taken against a Licensee or an individual applying for a license. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.
- F. 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.
- G. Any information submitted to the Data System that is subsequently required to be expunged by the laws of the Member State contributing the information shall be removed from the Data System.

## **SECTION 10. RULEMAKING**

- A. 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.
- B. 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 Scope of Practice as held by a



629 court of competent jurisdiction, the Rules of the Commission shall be ineffective in  
630 that State to the extent of the conflict.

631 C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set  
632 forth in this Section and the Rules adopted thereunder. Rules shall become binding  
633 as of the date specified in each Rule.

634 D. If a majority of the legislatures of the Member States rejects a Rule or portion of a  
635 Rule, by enactment of a statute or resolution in the same manner used to adopt the  
636 Compact within four (4) years of the date of adoption of the Rule, then such Rule  
637 shall have no further force and effect in any Member State.

638 E. Rules shall be adopted at a regular or special meeting of the Commission.

639 F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing  
640 and allow persons to provide oral and written comments, data, facts, opinions, and  
641 arguments.

642 G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30)  
643 days in advance of the meeting at which the Commission will hold a public hearing  
644 on the proposed Rule, the Commission shall provide a Notice of Proposed  
645 Rulemaking:

646 1. On the website of the Commission or other publicly accessible platform;  
647 2. To persons who have requested notice of the Commission's notices of proposed  
648 rulemaking, and  
649 3. In such other way(s) as the Commission may by Rule specify.

650 H. The Notice of Proposed Rulemaking shall include:

651 1. The time, date, and location of the public hearing at which the Commission will  
652 hear public comments on the proposed Rule and, if different, the time, date, and  
653 location of the meeting where the Commission will consider and vote on the  
654 proposed Rule;

655 2. If the hearing is held via telecommunication, video conference, or other electronic  
656 means, the Commission shall include the mechanism for access to the hearing in  
657 the Notice of Proposed Rulemaking;

658 3. The text of the proposed Rule and the reason therefor;

659 4. A request for comments on the proposed Rule from any interested person; and  
660 5. The manner in which interested persons may submit written comments.

661 I. All hearings will be recorded. A copy of the recording and all written comments and  
662 documents received by the Commission in response to the proposed Rule shall be  
663 available to the public.

664 J. Nothing in this section shall be construed as requiring a separate hearing on each  
665 Rule. Rules may be grouped for the convenience of the Commission at hearings  
666 required by this section.

667 K. The Commission shall, by majority vote of all members, take final action on the

proposed Rule based on the Rulemaking record and the full text of the Rule.

1. The Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule.

2. The Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.

3. The Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in Section 11.L, the effective date of the rule shall be no sooner than 30 days after issuing the notice that it adopted or amended the Rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule with [24 or 48] hours' notice, with opportunity to comment, provided that the usual Rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

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

2. Prevent a loss of Commission or Member State funds;

3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

N. No Member State's rulemaking requirements shall apply under this compact.

## **SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

### **A. Oversight**

1. The executive, legislative, and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of

708 this Compact and the Rules promulgated hereunder shall have standing as  
709 statutory law.

710 2. All courts shall take judicial notice of the Compact and the Rules in any judicial  
711 or administrative proceeding in a Member State pertaining to the subject matter  
712 of this Compact which may affect the powers, responsibilities, or actions of the  
713 Commission.

714 3. The Commission shall be entitled to receive service of process in any such  
715 proceeding and shall have standing to intervene in such a proceeding for all  
716 purposes. Failure to provide service of process to the Commission shall render  
717 a judgment or order void as to the Commission, this Compact, or promulgated  
718 Rules.

719 B. Default, Technical Assistance, and Termination

720 1. If the Commission determines that a Member State has defaulted in the  
721 performance of its obligations or responsibilities under this Compact or the  
722 promulgated Rules, the Commission shall:

723 a. Provide written notice to the defaulting State and other Member  
724 States of the nature of the default, the proposed means of curing the  
725 default and/or any other action to be taken by the Commission; and

726 b. Provide remedial training and specific technical assistance regarding  
727 the default.

728 C. If a State in default fails to cure the default, the defaulting State may be terminated  
729 from the Compact upon an affirmative vote of a majority of the Member States, and  
730 all rights, privileges and benefits conferred by this Compact may be terminated on  
731 the effective date of termination. A cure of the default does not relieve the  
732 offending State of obligations or liabilities incurred during the period of default.

733 D. Termination of membership in the Compact shall be imposed only after all other  
734 means of securing compliance have been exhausted. Notice of intent to suspend  
735 or terminate shall be given by the Commission to the governor, the majority and  
736 minority leaders of the defaulting State's legislature, and each of the Member  
737 States.

738 E. Upon the termination of a State's membership from this Compact, that State shall  
739 immediately provide notice to all Licensees within that State of such termination.  
740 The terminated State shall continue to recognize all licenses granted pursuant to  
741 this Compact for a minimum of six (6) months after the date of said notice of  
742 termination.

743 F. A State that has been terminated is responsible for all assessments, obligations,  
744 and liabilities incurred through the effective date of termination, including  
745 obligations that extend beyond the effective date of termination.

746 G. The Commission shall not bear any costs related to a State that is found to be in  
747 default or that has been terminated from the Compact, unless agreed upon in  
748 writing between the Commission and the defaulting State.

H. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

I. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between member and non-Member States.
2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

J. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.
2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a Member State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.
3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or State law.

**SECTION 12. DATE OF IMPLEMENTATION OF THE SOCIAL WORK  
COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND  
AMENDMENT**

- A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of Rules. Thereafter, the Commission shall meet and exercise Rulemaking powers necessary to the implementation and administration of the Compact.
- B. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules shall be subject to the Rules as they exist on the date on which the Compact becomes law in that State. Any Rule that has been

787 previously adopted by the Commission shall have the full force and effect of law  
788 on the day the Compact becomes law in that State.

789 C. Any Member State may withdraw from this Compact by enacting a statute  
790 repealing the same.

791 1. A Member State's withdrawal shall not take effect until six (6) months after  
792 enactment of the repealing statute.

793 2. Withdrawal shall not affect the continuing requirement of the withdrawing  
794 State's Social Work Licensing Board to comply with the investigative and  
795 Adverse Action reporting requirements of this act prior to the effective date  
796 of withdrawal.

797 D. Nothing contained in this Compact shall be construed to invalidate or prevent any  
798 Social Work licensure agreement or other cooperative arrangement between a  
799 Member State and a non-Member State that does not conflict with the provisions  
800 of this Compact.

801 E. This Compact may be collectively amended by the Member States. No  
802 amendment to this Compact shall become effective and binding upon any Member  
803 State until it is enacted into the laws of all Member States.

### 805 **SECTION 13. CONSTRUCTION AND SEVERABILITY**

806 A. This Compact and the Commission's rulemaking authority shall be liberally  
807 construed so as to effectuate the purposes, and the implementation and  
808 administration of the Compact. Provisions of the Compact expressly authorizing or  
809 requiring the promulgation of Rules shall not be construed to limit the  
810 Commission's rulemaking authority solely for those purposes.

811 B. The provisions of this Compact shall be severable and if any phrase, clause,  
812 sentence or provision of this Compact is held by a court of competent jurisdiction  
813 to be contrary to the constitution of any Member State, a State seeking  
814 participation in the Compact, or of the United States, or the applicability thereof to  
815 any government, agency, person or circumstance is held to be unconstitutional by  
816 a court of competent jurisdiction, the validity of the remainder of this Compact and  
817 the applicability thereof to any other government, agency, person or circumstance  
818 shall not be affected thereby.

819 C. Notwithstanding subsection B of this section, the Commission may deny a State's  
820 participation in the Compact or, in accordance with the requirements of Section  
821 12.B, terminate a Member State's participation in the Compact, if it determines

that a constitutional requirement of a Member State is, or would be with respect to a State seeking to participate in the Compact, a material departure from the Compact. Otherwise, if this Compact shall be 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 14. BINDING EFFECT OF COMPACT AND OTHER LAWS**

- A. A Licensee providing services in a Remote State under the Privilege to Practice shall adhere to the laws and regulations, including Scope of Practice, of the Remote State.
- B. Nothing herein prevents the enforcement of any other law of a Member State that is not inconsistent with the Compact.
- C. Any laws in a Member State in conflict with the Compact are superseded to the extent of the conflict.
- D. Any lawful actions of the Commission, including all Rules and bylaws properly promulgated by the Commission, are binding upon the Member States.
- E. All permissible agreements between the Commission and the Member States are binding in accordance with their terms.
- F. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any Member State, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that Member State.