

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2140

H.P. 1364

House of Representatives, January 3, 2024

An Act to Enact the Interstate Social Work Licensure Compact

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CRAFTS of Newcastle.
Cosponsored by Representatives: DHALAC of South Portland, DOUDERA of Camden,
KUHN of Falmouth, MURPHY of Scarborough, Speaker TALBOT ROSS of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **CONCEPT DRAFT**

3 **SUMMARY**

4 This bill is a concept draft pursuant to Joint Rule 208.

5 This bill proposes to enact the Social Work Licensure Compact to facilitate the
6 interstate practice of regulated social workers by improving public access to competent
7 social work services. The compact preserves the regulatory authority of a state to protect
8 public health and safety through that state's current system of state licensure and promote
9 mobility and address workforce shortages by eliminating the necessity for licenses in
10 multiple states by providing for the mutual recognition of other member state licenses.

11 The verbatim text of the Social Work Licensure Compact, which has not been edited
12 to make necessary, nonsubstantive changes to conform to Maine legislative drafting
13 standards, reads as follows.

14 **SECTION 1: PURPOSE**

15 The purpose of this Compact is to facilitate interstate practice of Regulated Social
16 Workers by improving public access to competent Social Work Services. The Compact
17 preserves the regulatory authority of States to protect public health and safety through the
18 current system of State licensure.

19 This Compact is designed to achieve the following objectives:

- 20 A. Increase public access to Social Work Services;
- 21 B. Reduce overly burdensome and duplicative requirements associated with holding
22 multiple licenses;
- 23 C. Enhance the Member States' ability to protect the public's health and safety;
- 24 D. Encourage the cooperation of Member States in regulating multistate practice;
- 25 E. Promote mobility and address workforce shortages by eliminating the necessity for
26 licenses in multiple States by providing for the mutual recognition of other Member
27 State licenses;
- 28 F. Support military families;
- 29 G. Facilitate the exchange of licensure and disciplinary information among Member
30 States;
- 31 H. Authorize all Member States to hold a Regulated Social Worker accountable for
32 abiding by a Member State's laws, regulations, and applicable professional standards
33 in the Member State in which the client is located at the time care is rendered; and
- 34 I. Allow for the use of telehealth to facilitate increased access to regulated Social Work
35 Services.

36 **SECTION 2. DEFINITIONS**

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

- 1 A. "Active Military Member" means any individual with full-time duty status in the
2 active armed forces of the United States including members of the National Guard and
3 Reserve.
- 4 B. "Adverse Action" means any administrative, civil, equitable or criminal action
5 permitted by a State's laws which is imposed by a Licensing Authority or other
6 authority against a Regulated Social Worker, including actions against an individual's
7 license or Multistate Authorization to Practice such as revocation, suspension,
8 probation, monitoring of the Licensee, limitation on the Licensee's practice, or any
9 other Encumbrance on licensure affecting a Regulated Social Worker's authorization
10 to practice, including issuance of a cease and desist action.
- 11 C. "Alternative Program" means a non-disciplinary monitoring or practice remediation
12 process approved by a Licensing Authority to address practitioners with an
13 Impairment.
- 14 D. "Charter Member States" - Member States who have enacted legislation to adopt
15 this Compact where such legislation predates the effective date of this Compact as
16 described in Section 14.
- 17 E. "Compact Commission" or "Commission" means the government agency whose
18 membership consists of all States that have enacted this Compact, which is known as
19 the Social Work Licensure Compact Commission, as described in Section 10, and
20 which shall operate as an instrumentality of the Member States.
- 21 F. "Current Significant Investigative Information" means:
- 22 1. Investigative information that a Licensing Authority, after a preliminary inquiry
23 that includes notification and an opportunity for the Regulated Social Worker to
24 respond has reason to believe is not groundless and, if proved true, would indicate
25 more than a minor infraction as may be defined by the Commission; or
- 26 2. Investigative information that indicates that the Regulated Social Worker
27 represents an immediate threat to public health and safety, as may be defined by
28 the Commission, regardless of whether the Regulated Social Worker has been
29 notified and has had an opportunity to respond.
- 30 G. "Data System" means a repository of information about Licensees, including,
31 continuing education, examination, licensure, Current Significant Investigative
32 Information, Disqualifying Event, Multistate License(s) and Adverse Action
33 information or other information as required by the Commission.
- 34 H. "Domicile" means the jurisdiction in which the Licensee resides and intends to
35 remain indefinitely.
- 36 I. "Disqualifying Event" means any Adverse Action or incident which results in an
37 Encumbrance that disqualifies or makes the Licensee ineligible to either obtain, retain
38 or renew a Multistate License.
- 39 J. "Encumbrance" means a revocation or suspension of, or any limitation on, the full
40 and unrestricted practice of Social Work licensed and regulated by a Licensing
41 Authority.
- 42 K. "Executive Committee" means a group of delegates elected or appointed to act on
43 behalf of, and within the powers granted to them by, the compact and Commission.

- 1 L. “Home State” means the Member State that is the Licensee’s primary Domicile.
- 2 M. “Impairment” means a condition(s) that may impair a practitioner’s ability to
3 engage in full and unrestricted practice as a Regulated Social Worker without some
4 type of intervention and may include alcohol and drug dependence, mental health
5 impairment, and neurological or physical impairments.
- 6 N. “Licensee(s)” means an individual who currently holds a license from a State to
7 practice as a Regulated Social Worker.
- 8 O. “Licensing Authority” means the board or agency of a Member State, or equivalent,
9 that is responsible for the licensing and regulation of Regulated Social Workers.
- 10 P. “Member State” means a state, commonwealth, district, or territory of the United
11 States of America that has enacted this Compact.
- 12 Q. “Multistate Authorization to Practice” means a legally authorized privilege to
13 practice, which is equivalent to a license, associated with a Multistate License
14 permitting the practice of Social Work in a Remote State.
- 15 R. “Multistate License” means a license to practice as a Regulated Social Worker
16 issued by a Home State Licensing Authority that authorizes the Regulated Social
17 Worker to practice in all Member States under Multistate Authorization to Practice.
- 18 S. “Qualifying National Exam” means a national licensing examination approved by
19 the Commission.
- 20 T. “Regulated Social Worker” means any clinical, master’s or bachelor’s Social
21 Worker licensed by a Member State regardless of the title used by that Member State.
- 22 U. “Remote State” means a Member State other than the Licensee’s Home State.
- 23 V. “Rule(s)” or “Rule(s) of the Commission” means a regulation or regulations duly
24 promulgated by the Commission, as authorized by the Compact, that has the force of
25 law.
- 26 W. “Single State License” means a Social Work license issued by any State that
27 authorizes practice only within the issuing State and does not include Multistate
28 Authorization to Practice in any Member State.
- 29 X. “Social Work” or “Social Work Services” means the application of social work
30 theory, knowledge, methods, ethics, and the professional use of self to restore or
31 enhance social, psychosocial, or biopsychosocial functioning of individuals, couples,
32 families, groups, organizations, and communities through the care and services
33 provided by a Regulated Social Worker as set forth in the Member State’s statutes and
34 regulations in the State where the services are being provided.
- 35 Y. “State” means any state, commonwealth, district, or territory of the United States of
36 America that regulates the practice of Social Work.
- 37 Z. “Unencumbered License” means a license that authorizes a Regulated Social
38 Worker to engage in the full and unrestricted practice of Social Work.

39 **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

- 40 A. To be eligible to participate in the compact, a potential Member State must currently
41 meet all of the following criteria:

- 1 1. License and regulate the practice of Social Work at either the clinical, master's,
2 or bachelor's category.
- 3 2. Require applicants for licensure to graduate from a program that is:
 - 4 a. Operated by a college or university recognized by the Licensing Authority;
 - 5 b. Accredited, or in candidacy by an institution that subsequently becomes
6 accredited, by an accrediting agency recognized by either:
 - 7 i. the Council for Higher Education Accreditation, or its successor; or
 - 8 ii. the United States Department of Education; and
 - 9 c. Corresponds to the licensure sought as outlined in Section 4.
- 10 3. Require applicants for clinical licensure to complete a period of supervised
11 practice.
- 12 4. Have a mechanism in place for receiving, investigating, and adjudicating
13 complaints about Licensees.
- 14 B. To maintain membership in the Compact a Member State shall:
 - 15 1. Require that applicants for a Multistate License pass a Qualifying National Exam
16 for the corresponding category of Multistate License sought as outlined in Section
17 4.
 - 18 2. Participate fully in the Commission's Data System, including using the
19 Commission's unique identifier as defined in Rules;
 - 20 3. Notify the Commission, in compliance with the terms of the Compact and Rules,
21 of any Adverse Action or the availability of Current Significant Investigative
22 Information regarding a Licensee;
 - 23 4. Implement procedures for considering the criminal history records of applicants
24 for a Multistate License. Such procedures shall include the submission of
25 fingerprints or other biometric-based information by applicants for the purpose of
26 obtaining an applicant's criminal history record information from the Federal
27 Bureau of Investigation and the agency responsible for retaining that State's
28 criminal records.
 - 29 5. Comply with the Rules of the Commission;
 - 30 6. Require an applicant to obtain or retain a license in the Home State and meet the
31 Home State's qualifications for licensure or renewal of licensure, as well as all
32 other applicable Home State laws;
 - 33 7. Authorize a Licensee holding a Multistate License in any Member State to
34 practice in accordance with the terms of the Compact and Rules of the
35 Commission; and
 - 36 8. Designate a delegate to participate in the Commission meetings.
- 37 C. A Member State meeting the requirements of Section 3.A and 3.B of this Compact
38 shall designate the categories of Social Work licensure that are eligible for issuance of
39 a Multistate License for applicants in such Member State. To the extent that any
40 Member State does not meet the requirements for participation in the Compact at any

1 particular category of Social Work licensure, such Member State may choose, but is
2 not obligated to, issue a Multistate License to applicants that otherwise meet the
3 requirements of Section 4 for issuance of a Multistate License in such category or
4 categories of licensure.

5 D. The Home State may charge a fee for granting the Multistate License.

6 **SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT**

7 A. To be eligible for a Multistate License under the terms and provisions of the
8 Compact, an applicant, regardless of category must:

- 9 1. Hold or be eligible for an active, Unencumbered License in the Home State;
- 10 2. Pay any applicable fees, including any State fee, for the Multistate License;
- 11 3. Submit, in connection with an application for a Multistate License, fingerprints
12 or other biometric data for the purpose of obtaining criminal history record
13 information from the Federal Bureau of Investigation and the agency responsible
14 for retaining that State's criminal records.
- 15 4. Notify the Home State of any Adverse Action, Encumbrance, or restriction on
16 any professional license taken by any Member State or non-Member State within
17 30 days from the date the action is taken.
- 18 5. Meet any continuing competence requirements established by the Home State;
- 19 6. Abide by the laws, regulations, and applicable standards in the Member State
20 where the client is located at the time care is rendered.

21 B. An applicant for a clinical-category Multistate License must meet all of the
22 following requirements:

- 23 1. Fulfill a competency requirement, which shall be satisfied by either:
 - 24 a. Passage of a clinical-category Qualifying National Exam; or
 - 25 b. Licensure of the applicant in their Home State at the clinical category,
26 beginning prior to such time as a Qualifying National Exam was required by
27 the Home State and accompanied by a period of continuous Social Work
28 licensure thereafter, all of which may be further governed by the Rules of the
29 Commission; or
 - 30 c. The substantial equivalency of the foregoing competency requirements
31 which the Commission may determine by Rule.
- 32 2. Attain at least a master's degree in Social Work from a program that is:
 - 33 a. Operated by a college or university recognized by the Licensing Authority;
34 and
 - 35 b. Accredited, or in candidacy that subsequently becomes accredited, by an
36 accrediting agency recognized by either:
 - 37 i. the Council for Higher Education Accreditation or its successor; or
 - 38 ii. the United States Department of Education.
- 39 3. Fulfill a practice requirement, which shall be satisfied by demonstrating
40 completion of either:

- 1 a. A period of postgraduate supervised clinical practice equal to a minimum of
2 three thousand hours; or
- 3 b. A minimum of two years of full-time postgraduate supervised clinical
4 practice; or
- 5 c. The substantial equivalency of the foregoing practice requirements which
6 the Commission may determine by Rule.
- 7 C. An applicant for a master's-category Multistate License must meet all of the
8 following requirements:
- 9 1. Fulfill a competency requirement, which shall be satisfied by either:
- 10 a. Passage of a masters-category Qualifying National Exam;
- 11 b. Licensure of the applicant in their Home State at the master's category,
12 beginning prior to such time as a Qualifying National Exam was required by
13 the Home State at the master's category and accompanied by a continuous
14 period of Social Work licensure thereafter, all of which may be further
15 governed by the Rules of the Commission; or
- 16 c. The substantial equivalency of the foregoing competency requirements
17 which the Commission may determine by Rule.
- 18 2. Attain at least a master's degree in Social Work from a program that is:
- 19 a. Operated by a college or university recognized by the Licensing Authority;
20 and
- 21 b. Accredited, or in candidacy that subsequently becomes accredited, by an
22 accrediting agency recognized by either:
- 23 i. the Council for Higher Education Accreditation or its successor; or
24 ii. the United States Department of Education.
- 25 D. An applicant for a bachelor's-category Multistate License must meet all of the
26 following requirements:
- 27 1. Fulfill a competency requirement, which shall be satisfied by either:
- 28 a. Passage of a bachelor's-category Qualifying National Exam;
- 29 b. Licensure of the applicant in their Home State at the bachelor's category,
30 beginning prior to such time as a Qualifying National Exam was required by
31 the Home State and accompanied by a period of continuous Social Work
32 licensure thereafter, all of which may be further governed by the Rules of the
33 Commission; or
- 34 c. The substantial equivalency of the foregoing competency requirements
35 which the Commission may determine by Rule.
- 36 2. Attain at least a bachelor's degree in Social Work from a program that is:
- 37 a. Operated by a college or university recognized by the Licensing Authority;
38 and
- 39 b. Accredited, or in candidacy that subsequently becomes accredited, by an
40 accrediting agency recognized by either:

- 1 i. the Council for Higher Education Accreditation or its successor; or
- 2 ii. the United States Department of Education.

3 E. The Multistate License for a Regulated Social Worker is subject to the renewal
4 requirements of the Home State. The Regulated Social Worker must maintain
5 compliance with the requirements of Section 4(A) to be eligible to renew a Multistate
6 License.

7 F. The Regulated Social Worker's services in a Remote State are subject to that
8 Member State's regulatory authority. A Remote State may, in accordance with due
9 process and that Member State's laws, remove a Regulated Social Worker's Multistate
10 Authorization to Practice in the Remote State for a specific period of time, impose
11 fines, and take any other necessary actions to protect the health and safety of its
12 citizens.

13 G. If a Multistate License is encumbered, the Regulated Social Worker's Multistate
14 Authorization to Practice shall be deactivated in all Remote States until the Multistate
15 License is no longer encumbered.

16 H. If a Multistate Authorization to Practice is encumbered in a Remote State, the
17 regulated Social Worker's Multistate Authorization to Practice may be deactivated in
18 that State until the Multistate Authorization to Practice is no longer encumbered.

19 **SECTION 5: ISSUANCE OF A MULTISTATE LICENSE**

20 A. Upon receipt of an application for Multistate License, the Home State Licensing
21 Authority shall determine the applicant's eligibility for a Multistate License in
22 accordance with Section 4 of this Compact.

23 B. If such applicant is eligible pursuant to Section 4 of this Compact, the Home State
24 Licensing Authority shall issue a Multistate License that authorizes the applicant or
25 Regulated Social Worker to practice in all Member States under a Multistate
26 Authorization to Practice.

27 C. Upon issuance of a Multistate License, the Home State Licensing Authority shall
28 designate whether the Regulated Social Worker holds a Multistate License in the
29 Bachelors, Masters, or Clinical category of Social Work.

30 D. A Multistate License issued by a Home State to a resident in that State shall be
31 recognized by all Compact Member States as authorizing Social Work Practice under
32 a Multistate Authorization to Practice corresponding to each category of licensure
33 regulated in each Member State.

34 **SECTION 6: AUTHORITY OF INTERSTATE COMPACT COMMISSION AND**
35 **MEMBER STATE LICENSING AUTHORITIES**

36 A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
37 limit, restrict, or in any way reduce the ability of a Member State to enact and enforce
38 laws, regulations, or other rules related to the practice of Social Work in that State,
39 where those laws, regulations, or other rules are not inconsistent with the provisions of
40 this Compact.

41 B. Nothing in this Compact shall affect the requirements established by a Member State
42 for the issuance of a Single State License.

- 1 C. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
- 2 limit, restrict, or in any way reduce the ability of a Member State to take Adverse
- 3 Action against a Licensee’s Single State License to practice Social Work in that State.
- 4 D. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
- 5 limit, restrict, or in any way reduce the ability of a Remote State to take Adverse Action
- 6 against a Licensee’s Multistate Authorization to Practice in that State.
- 7 E. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
- 8 limit, restrict, or in any way reduce the ability of a Licensee’s Home State to take
- 9 Adverse Action against a Licensee’s Multistate License based upon information
- 10 provided by a Remote State.

11 **SECTION 7: REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME**
12 **STATE**

- 13 A. A Licensee can hold a Multistate License, issued by their Home State, in only one
- 14 Member State at any given time.
- 15 B. If a Licensee changes their Home State by moving between two Member States:
 - 16 1. The Licensee shall immediately apply for the reissuance of their Multistate
 - 17 License in their new Home State. The Licensee shall pay all applicable fees and
 - 18 notify the prior Home State in accordance with the Rules of the Commission.
 - 19 2. Upon receipt of an application to reissue a Multistate License, the new Home
 - 20 State shall verify that the Multistate License is active, unencumbered and eligible
 - 21 for reissuance under the terms of the Compact and the Rules of the Commission.
 - 22 The Multistate License issued by the prior Home State will be deactivated and all
 - 23 Member States notified in accordance with the applicable Rules adopted by the
 - 24 Commission.
 - 25 3. Prior to the reissuance of the Multistate License, the new Home State shall
 - 26 conduct procedures for considering the criminal history records of the Licensee.
 - 27 Such procedures shall include the submission of fingerprints or other biometric-
 - 28 based information by applicants for the purpose of obtaining an applicant’s
 - 29 criminal history record information from the Federal Bureau of Investigation and
 - 30 the agency responsible for retaining that State’s criminal records.
 - 31 4. If required for initial licensure, the new Home State may require completion of
 - 32 jurisprudence requirements in the new Home State.
 - 33 5. Notwithstanding any other provision of this Compact, if a Licensee does not
 - 34 meet the requirements set forth in this Compact for the reissuance of a Multistate
 - 35 License by the new Home State, then the Licensee shall be subject to the new Home
 - 36 State requirements for the issuance of a Single State License in that State.
- 37 C. If a Licensee changes their primary State of residence by moving from a Member
- 38 State to a non-Member State, or from a non-Member State to a Member State, then the
- 39 Licensee shall be subject to the State requirements for the issuance of a Single State
- 40 License in the new Home State.
- 41 D. Nothing in this Compact shall interfere with a Licensee’s ability to hold a Single
- 42 State License in multiple States; however, for the purposes of this Compact, a Licensee
- 43 shall have only one Home State, and only one Multistate License.

1 E. Nothing in this Compact shall interfere with the requirements established by a
2 Member State for the issuance of a Single State License.

3 **SECTION 8. MILITARY FAMILIES**

4 An Active Military Member or their spouse shall designate a Home State where the
5 individual has a Multistate License. The individual may retain their Home State designation
6 during the period the service member is on active duty.

7 **SECTION 9. ADVERSE ACTIONS**

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

10 1. Take Adverse Action against a Regulated Social Worker's Multistate
11 Authorization to Practice only within that Member State, and issue subpoenas for
12 both hearings and investigations that require the attendance and testimony of
13 witnesses as well as the production of evidence. Subpoenas issued by a Licensing
14 Authority in a Member State for the attendance and testimony of witnesses or the
15 production of evidence from another Member State shall be enforced in the latter
16 State by any court of competent jurisdiction, according to the practice and
17 procedure of that court applicable to subpoenas issued in proceedings pending
18 before it. The issuing Licensing Authority shall pay any witness fees, travel
19 expenses, mileage, and other fees required by the service statutes of the State in
20 which the witnesses or evidence are located.

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

23 B. For purposes of taking Adverse Action, the Home State shall give the same priority
24 and effect to reported conduct received from a Member State as it would if the conduct
25 had occurred within the Home State. In so doing, the Home State shall apply its own
26 State laws to determine appropriate action.

27 C. The Home State shall complete any pending investigations of a Regulated Social
28 Worker who changes their Home State during the course of the investigations. The
29 Home State shall also have the authority to take appropriate action(s) and shall
30 promptly report the conclusions of the investigations to the administrator of the Data
31 System. The administrator of the Data System shall promptly notify the new Home
32 State of any Adverse Actions.

33 D. A Member State, if otherwise permitted by State law, may recover from the affected
34 Regulated Social Worker the costs of investigations and dispositions of cases resulting
35 from any Adverse Action taken against that Regulated Social Worker.

36 E. A Member State may take Adverse Action based on the factual findings of another
37 Member State, provided that the Member State follows its own procedures for taking
38 the Adverse Action.

39 F. Joint Investigations:

40 1. In addition to the authority granted to a Member State by its respective Social
41 Work practice act or other applicable State law, any Member State may participate
42 with other Member States in joint investigations of Licensees.

1 2. Member States shall share any investigative, litigation, or compliance materials
2 in furtherance of any joint or individual investigation initiated under the Compact.

3 G. If Adverse Action is taken by the Home State against the Multistate License of a
4 Regulated Social Worker, the Regulated Social Worker’s Multistate Authorization to
5 Practice in all other Member States shall be deactivated until all Encumbrances have
6 been removed from the Multistate License. All Home State disciplinary orders that
7 impose Adverse Action against the license of a Regulated Social Worker shall include
8 a statement that the Regulated Social Worker’s Multistate Authorization to Practice is
9 deactivated in all Member States until all conditions of the decision, order or agreement
10 are satisfied.

11 H. If a Member State takes Adverse Action, it shall promptly notify the administrator
12 of the Data System. The administrator of the Data System shall promptly notify the
13 Home State and all other Member State’s of any Adverse Actions by Remote States.

14 I. Nothing in this Compact shall override a Member State’s decision that participation
15 in an Alternative Program may be used in lieu of Adverse Action.

16 J. Nothing in this Compact shall authorize a Member State to demand the issuance of
17 subpoenas for attendance and testimony of witnesses or the production of evidence
18 from another Member State for lawful actions within that Member State.

19 K. Nothing in this Compact shall authorize a Member State to impose discipline against
20 a Regulated Social Worker who holds a Multistate Authorization to Practice for lawful
21 actions within another Member State.

22 **SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT**
23 **COMMISSION**

24 A. The Compact Member States hereby create and establish a joint government agency
25 whose membership consists of all Member States that have enacted the compact known
26 as the Social Work Licensure Compact Commission. The Commission is an
27 instrumentality of the Compact States acting jointly and not an instrumentality of any
28 one State. The Commission shall come into existence on or after the effective date of
29 the Compact as set forth in Section 14.

30 B. Membership, Voting, and Meetings

31 1. Each Member State shall have and be limited to one (1) delegate selected by that
32 Member State’s Licensing Authority.

33 2. The delegate shall be either:

34 a. A current member of the Licensing Authority at the time of appointment,
35 who is a Regulated Social Worker or public member of the State Licensing
36 Authority; or

37 b. An administrator of the Licensing Authority or their designee.

38 3. The Commission shall by Rule or bylaw establish a term of office for delegates
39 and may by Rule or bylaw establish term limits.

40 4. The Commission may recommend removal or suspension of any delegate from
41 office.

- 1 5. A Member State's Licensing Authority shall fill any vacancy of its delegate
2 occurring on the Commission within 60 days of the vacancy.
- 3 6. Each delegate shall be entitled to one vote on all matters before the Commission
4 requiring a vote by Commission delegates.
- 5 7. A delegate shall vote in person or by such other means as provided in the bylaws.
6 The bylaws may provide for delegates to meet by telecommunication,
7 videoconference, or other means of communication.
- 8 8. The Commission shall meet at least once during each calendar year. Additional
9 meetings may be held as set forth in the bylaws. The Commission may meet by
10 telecommunication, video conference or other similar electronic means.
- 11 C. The Commission shall have the following powers:
- 12 1. Establish the fiscal year of the Commission;
- 13 2. Establish code of conduct and conflict of interest policies;
- 14 3. Establish and amend Rules and bylaws;
- 15 4. Maintain its financial records in accordance with the bylaws;
- 16 5. Meet and take such actions as are consistent with the provisions of this Compact,
17 the Commission's Rules, and the bylaws;
- 18 6. Initiate and conclude legal proceedings or actions in the name of the
19 Commission, provided that the standing of any Licensing Authority to sue or be
20 sued under applicable law shall not be affected;
- 21 7. Maintain and certify records and information provided to a Member State as the
22 authenticated business records of the Commission, and designate an agent to do so
23 on the Commission's behalf;
- 24 8. Purchase and maintain insurance and bonds;
- 25 9. Borrow, accept, or contract for services of personnel, including, but not limited
26 to, employees of a Member State;
- 27 10. Conduct an annual financial review
- 28 11. Hire employees, elect or appoint officers, fix compensation, define duties, grant
29 such individuals appropriate authority to carry out the purposes of the Compact,
30 and establish the Commission's personnel policies and programs relating to
31 conflicts of interest, qualifications of personnel, and other related personnel
32 matters;
- 33 12. Assess and collect fees;
- 34 13. Accept any and all appropriate gifts, donations, grants of money, other sources
35 of revenue, equipment, supplies, materials, and services, and receive, utilize, and
36 dispose of the same; provided that at all times the Commission shall avoid any
37 appearance of impropriety or conflict of interest;
- 38 14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal,
39 or mixed, or any undivided interest therein;

- 1 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
2 of any property real, personal, or mixed;
- 3 16. Establish a budget and make expenditures;
- 4 17. Borrow money;
- 5 18. Appoint committees, including standing committees, composed of members,
6 State regulators, State legislators or their representatives, and consumer
7 representatives, and such other interested persons as may be designated in this
8 Compact and the bylaws;
- 9 19. Provide and receive information from, and cooperate with, law enforcement
10 agencies;
- 11 20. Establish and elect an Executive Committee, including a chair and a vice chair;
- 12 21. Determine whether a State's adopted language is materially different from the
13 model compact language such that the State would not qualify for participation in
14 the Compact; and
- 15 22. Perform such other functions as may be necessary or appropriate to achieve the
16 purposes of this Compact.

17 D. The Executive Committee

- 18 1. The Executive Committee shall have the power to act on behalf of the
19 Commission according to the terms of this Compact. The powers, duties, and
20 responsibilities of the Executive Committee shall include:
 - 21 a. Oversee the day-to-day activities of the administration of the compact
22 including enforcement and compliance with the provisions of the compact, its
23 Rules and bylaws, and other such duties as deemed necessary;
 - 24 b. Recommend to the Commission changes to the Rules or bylaws, changes to
25 this Compact legislation, fees charged to Compact Member States, fees
26 charged to Licensees, and other fees;
 - 27 c. Ensure Compact administration services are appropriately provided,
28 including by contract;
 - 29 d. Prepare and recommend the budget;
 - 30 e. Maintain financial records on behalf of the Commission;
 - 31 f. Monitor Compact compliance of Member States and provide compliance
32 reports to the Commission;
 - 33 g. Establish additional committees as necessary;
 - 34 h. Exercise the powers and duties of the Commission during the interim
35 between Commission meetings, except for adopting or amending Rules,
36 adopting or amending bylaws, and exercising any other powers and duties
37 expressly reserved to the Commission by Rule or bylaw; and
 - 38 i. Other duties as provided in the Rules or bylaws of the Commission.
- 39 2. The Executive Committee shall be composed of up to eleven (11) members:

- 1 a. The chair and vice chair of the Commission shall be voting members of the
2 Executive Committee; and
- 3 b. The Commission shall elect five voting members from the current
4 membership of the Commission.
- 5 c. Up to four (4) ex-officio, nonvoting members from four (4) recognized
6 national Social Work organizations.
- 7 d. The ex-officio members will be selected by their respective organizations.
- 8 3. The Commission may remove any member of the Executive Committee as
9 provided in the Commission’s bylaws.
- 10 4. The Executive Committee shall meet at least annually.
- 11 a. Executive Committee meetings shall be open to the public, except that the
12 Executive Committee may meet in a closed, non-public meeting as provided
13 in subsection F.2 below.
- 14 b. The Executive Committee shall give seven (7) days’ notice of its meetings,
15 posted on its website and as determined to provide notice to persons with an
16 interest in the business of the Commission.
- 17 c. The Executive Committee may hold a special meeting in accordance with
18 subsection F.1.b. below.
- 19 E. The Commission shall adopt and provide to the Member States an annual report.
- 20 F. Meetings of the Commission
- 21 1. All meetings shall be open to the public, except that the Commission may meet
22 in a closed, non-public meeting as provided in subsection F.2 below.
- 23 a. Public notice for all meetings of the full Commission of meetings shall be
24 given in the same manner as required under the Rulemaking provisions in
25 Section 12, except that the Commission may hold a special meeting as
26 provided in subsection F.1.b. below.
- 27 b. The Commission may hold a special meeting when it must meet to conduct
28 emergency business by giving 48 hours’ notice to all commissioners, on the
29 Commission’s website, and other means as provided in the Commission’s
30 Rules. The Commission’s legal counsel shall certify that the Commission’s
31 need to meet qualifies as an emergency.
- 32 2. The Commission or the Executive Committee or other committees of the
33 Commission may convene in a closed, non-public meeting for the Commission or
34 Executive Committee or other committees of the Commission to receive legal
35 advice or to discuss:
- 36 a. Non-compliance of a Member State with its obligations under the Compact;
37 b. The employment, compensation, discipline or other matters, practices or
38 procedures related to specific employees;
- 39 c. Current or threatened discipline of a Licensee by the Commission or by a
40 Member State’s Licensing Authority;

- 1 d. Current, threatened, or reasonably anticipated litigation;
- 2 e. Negotiation of contracts for the purchase, lease, or sale of goods, services,
- 3 or real estate;
- 4 f. Accusing any person of a crime or formally censuring any person;
- 5 g. Trade secrets or commercial or financial information that is privileged or
- 6 confidential;
- 7 h. Information of a personal nature where disclosure would constitute a clearly
- 8 unwarranted invasion of personal privacy;
- 9 i. Investigative records compiled for law enforcement purposes;
- 10 j. Information related to any investigative reports prepared by or on behalf of
- 11 or for use of the Commission or other committee charged with responsibility
- 12 of investigation or determination of compliance issues pursuant to the
- 13 Compact;
- 14 k. Matters specifically exempted from disclosure by federal or Member State
- 15 law; or
- 16 l. Other matters as promulgated by the Commission by Rule.

17 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the
18 meeting will be closed and reference each relevant exempting provision, and such reference
19 shall be recorded in the minutes.

20 4. The Commission shall keep minutes that fully and clearly describe all matters discussed
21 in a meeting and shall provide a full and accurate summary of actions taken, and the reasons
22 therefore, including a description of the views expressed. All documents considered in
23 connection with an action shall be identified in such minutes. All minutes and documents of
24 a closed meeting shall remain under seal, subject to release only by a majority vote of the
25 Commission or order of a court of competent jurisdiction.

26 G. Financing of the Commission

27 1. The Commission shall pay, or provide for the payment of, the reasonable
28 expenses of its establishment, organization, and ongoing activities.

29 2. The Commission may accept any and all appropriate revenue sources as
30 provided in subsection C (13).

31 3. The Commission may levy on and collect an annual assessment from each
32 Member State and impose fees on Licensees of Member States to whom it grants
33 a Multistate License to cover the cost of the operations and activities of the
34 Commission and its staff, which must be in a total amount sufficient to cover its
35 annual budget as approved each year for which revenue is not provided by other
36 sources. The aggregate annual assessment amount for Member States shall be
37 allocated based upon a formula that the Commission shall promulgate by Rule.

38 4. The Commission shall not incur obligations of any kind prior to securing the
39 funds adequate to meet the same; nor shall the Commission pledge the credit of
40 any of the Member States, except by and with the authority of the Member State.

1 5. The Commission shall keep accurate accounts of all receipts and disbursements.
2 The receipts and disbursements of the Commission shall be subject to the financial
3 review and accounting procedures established under its bylaws. However, all
4 receipts and disbursements of funds handled by the Commission shall be subject
5 to an annual financial review by a certified or licensed public accountant, and the
6 report of the financial review shall be included in and become part of the annual
7 report of the Commission.

8 H. Qualified Immunity, Defense, and Indemnification

9 1. The members, officers, executive director, employees and representatives of the
10 Commission shall be immune from suit and liability, both personally and in their
11 official capacity, for any claim for damage to or loss of property or personal injury
12 or other civil liability caused by or arising out of any actual or alleged act, error, or
13 omission that occurred, or that the person against whom the claim is made had a
14 reasonable basis for believing occurred within the scope of Commission
15 employment, duties or responsibilities; provided that nothing in this paragraph
16 shall be construed to protect any such person from suit or liability for any damage,
17 loss, injury, or liability caused by the intentional or willful or wanton misconduct
18 of that person. The procurement of insurance of any type by the Commission shall
19 not in any way compromise or limit the immunity granted hereunder.

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

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

38 4. Nothing herein shall be construed as a limitation on the liability of any Licensee
39 for professional malpractice or misconduct, which shall be governed solely by any
40 other applicable State laws.

41 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a
42 Member State's state action immunity or state action affirmative defense with
43 respect to antitrust claims under the Sherman Act, Clayton Act, or any other State
44 or federal antitrust or anticompetitive law or regulation.

1 6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity
2 by the Member States or by the Commission.

3 **SECTION 11. DATA SYSTEM**

4 A. The Commission shall provide for the development, maintenance, operation, and
5 utilization of a coordinated Data System.

6 B. The Commission shall assign each applicant for a Multistate License a unique
7 identifier, as determined by the Rules of the Commission.

8 C. Notwithstanding any other provision of State law to the contrary, a Member State
9 shall submit a uniform data set to the Data System on all individuals to whom this
10 Compact is applicable as required by the Rules of the Commission, including:

- 11 1. Identifying information;
- 12 2. Licensure data;
- 13 3. Adverse Actions against a license and information related thereto;
- 14 4. Non-confidential information related to Alternative Program participation, the
15 beginning and ending dates of such participation, and other information related to
16 such participation not made confidential under Member State law;
- 17 5. Any denial of application for licensure, and the reason(s) for such denial;
- 18 6. The presence of Current Significant Investigative Information; and
- 19 7. Other information that may facilitate the administration of this Compact or the
20 protection of the public, as determined by the Rules of the Commission.

21 D. The records and information provided to a Member State pursuant to this Compact
22 or through the Data System, when certified by the Commission or an agent thereof,
23 shall constitute the authenticated business records of the Commission, and shall be
24 entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or
25 administrative proceedings in a Member State.

26 E. Current Significant Investigative Information pertaining to a Licensee in any
27 Member State will only be available to other Member States.

- 28 1. It is the responsibility of the Member States to report any Adverse Action against
29 a Licensee and to monitor the database to determine whether Adverse Action has
30 been taken against a Licensee. Adverse Action information pertaining to a
31 Licensee in any Member State will be available to any other Member State.

32 F. Member States contributing information to the Data System may designate
33 information that may not be shared with the public without the express permission of
34 the contributing State.

35 G. Any information submitted to the Data System that is subsequently expunged
36 pursuant to federal law or the laws of the Member State contributing the information
37 shall be removed from the Data System.

38 **SECTION 12. RULEMAKING**

39 A. The Commission shall promulgate reasonable Rules in order to effectively and
40 efficiently implement and administer the purposes and provisions of the Compact. A

1 Rule shall be invalid and have no force or effect only if a court of competent
2 jurisdiction holds that the Rule is invalid because the Commission exercised its
3 rulemaking authority in a manner that is beyond the scope and purposes of the
4 Compact, or the powers granted hereunder, or based upon another applicable standard
5 of review.

6 B. The Rules of the Commission shall have the force of law in each Member State,
7 provided however that where the Rules of the Commission conflict with the laws of
8 the Member State that establish the Member State’s laws, regulations, and applicable
9 standards that govern the practice of Social Work as held by a court of competent
10 jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent
11 of the conflict.

12 C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set
13 forth in this Section and the Rules adopted thereunder. Rules shall become binding on
14 the day following adoption or the date specified in the rule or amendment, whichever
15 is later.

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

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

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

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

- 27 1. On the website of the Commission or other publicly accessible platform;
- 28 2. To persons who have requested notice of the Commission’s notices of proposed
29 rulemaking, and
- 30 3. In such other way(s) as the Commission may by Rule specify.

31 H. The Notice of Proposed Rulemaking shall include:

- 32 1. The time, date, and location of the public hearing at which the Commission will
33 hear public comments on the proposed Rule and, if different, the time, date, and
34 location of the meeting where the Commission will consider and vote on the
35 proposed Rule;
- 36 2. If the hearing is held via telecommunication, video conference, or other
37 electronic means, the Commission shall include the mechanism for access to the
38 hearing in the Notice of Proposed Rulemaking;
- 39 3. The text of the proposed Rule and the reason therefor;
- 40 4. A request for comments on the proposed Rule from any interested person; and
- 41 5. The manner in which interested persons may submit written comments.

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

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

7 K. The Commission shall, by majority vote of all members, take final action on the
8 proposed Rule based on the Rulemaking record and the full text of the Rule.

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

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

14 3. The Commission shall determine a reasonable effective date for the Rule. Except
15 for an emergency as provided in Section 12.L, the effective date of the rule shall
16 be no sooner than 30 days after issuing the notice that it adopted or amended the
17 Rule.

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

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

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

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

29 4. Protect public health and safety.

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

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

41 **SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

42 A. Oversight

- 1 1. The executive and judicial branches of State government in each Member State
2 shall enforce this Compact and take all actions necessary and appropriate to
3 implement the Compact.
- 4 2. Except as otherwise provided in this Compact, venue is proper and judicial
5 proceedings by or against the Commission shall be brought solely and exclusively
6 in a court of competent jurisdiction where the principal office of the Commission
7 is located. The Commission may waive venue and jurisdictional defenses to the
8 extent it adopts or consents to participate in alternative dispute resolution
9 proceedings. Nothing herein shall affect or limit the selection or propriety of venue
10 in any action against a Licensee for professional malpractice, misconduct or any
11 such similar matter.
- 12 3. The Commission shall be entitled to receive service of process in any proceeding
13 regarding the enforcement or interpretation of the Compact and shall have standing
14 to intervene in such a proceeding for all purposes. Failure to provide the
15 Commission service of process shall render a judgment or order void as to the
16 Commission, this Compact, or promulgated Rules.
- 17 B. Default, Technical Assistance, and Termination
- 18 1. If the Commission determines that a Member State has defaulted in the
19 performance of its obligations or responsibilities under this Compact or the
20 promulgated Rules, the Commission shall provide written notice to the defaulting
21 State. The notice of default shall describe the default, the proposed means of curing
22 the default, and any other action that the Commission may take, and shall offer
23 training and specific technical assistance regarding the default.
- 24 2. The Commission shall provide a copy of the notice of default to the other
25 Member States.
- 26 C. If a State in default fails to cure the default, the defaulting State may be terminated
27 from the Compact upon an affirmative vote of a majority of the delegates of the
28 Member States, and all rights, privileges and benefits conferred on that State by this
29 Compact may be terminated on the effective date of termination. A cure of the default
30 does not relieve the offending State of obligations or liabilities incurred during the
31 period of default.
- 32 D. Termination of membership in the Compact shall be imposed only after all other
33 means of securing compliance have been exhausted. Notice of intent to suspend or
34 terminate shall be given by the Commission to the governor, the majority and minority
35 leaders of the defaulting State's legislature, the defaulting State's State Licensing
36 Authority and each of the Member States' Licensing Authority.
- 37 E. A State that has been terminated is responsible for all assessments, obligations, and
38 liabilities incurred through the effective date of termination, including obligations that
39 extend beyond the effective date of termination.
- 40 F. Upon the termination of a State's membership from this Compact, that State shall
41 immediately provide notice to all Licensees within that State of such termination. The
42 terminated State shall continue to recognize all licenses granted pursuant to this
43 Compact for a minimum of six (6) months after the date of said notice of termination.

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

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

8 I. Dispute Resolution

9 1. Upon request by a Member State, the Commission shall attempt to resolve
10 disputes related to the Compact that arise among Member States and between
11 Member and non-Member States.

12 2. The Commission shall promulgate a Rule providing for both mediation and
13 binding dispute resolution for disputes as appropriate.

14 J. Enforcement

15 1. By majority vote as provided by Rule, the Commission may initiate legal action
16 against a Member State in default in the United States District Court for the District
17 of Columbia or the federal district where the Commission has its principal offices
18 to enforce compliance with the provisions of the Compact and its promulgated
19 Rules. The relief sought may include both injunctive relief and damages. In the
20 event judicial enforcement is necessary, the prevailing party shall be awarded all
21 costs of such litigation, including reasonable attorney’s fees. The remedies herein
22 shall not be the exclusive remedies of the Commission. The Commission may
23 pursue any other remedies available under federal or the defaulting Member State’s
24 law.

25 2. A Member State may initiate legal action against the Commission in the U.S.
26 District Court for the District of Columbia or the federal district where the
27 Commission has its principal offices to enforce compliance with the provisions of
28 the Compact and its promulgated Rules. The relief sought may include both
29 injunctive relief and damages. In the event judicial enforcement is necessary, the
30 prevailing party shall be awarded all costs of such litigation, including reasonable
31 attorney’s fees.

32 3. No person other than a Member State shall enforce this compact against the
33 Commission.

34 **SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

35 A. The Compact shall come into effect on the date on which the Compact statute is
36 enacted into law in the seventh Member State.

37 1. On or after the effective date of the Compact, the Commission shall convene and
38 review the enactment of each of the first seven Member States (“Charter Member
39 States”) to determine if the statute enacted by each such Charter Member State is
40 materially different than the model Compact statute.

41 a. A Charter Member State whose enactment is found to be materially different
42 from the model Compact statute shall be entitled to the default process set forth
43 in Section 13.

1 b. If any Member State is later found to be in default, or is terminated or
2 withdraws from the Compact, the Commission shall remain in existence and
3 the Compact shall remain in effect even if the number of Member States should
4 be less than seven.

5 2. Member States enacting the Compact subsequent to the seven initial Charter
6 Member States shall be subject to the process set forth in Section 10(C)(21) to
7 determine if their enactments are materially different from the model Compact
8 statute and whether they qualify for participation in the Compact.

9 3. All actions taken for the benefit of the Commission or in furtherance of the
10 purposes of the administration of the Compact prior to the effective date of the
11 Compact or the Commission coming into existence shall be considered to be
12 actions of the Commission unless specifically repudiated by the Commission.

13 4. Any State that joins the Compact subsequent to the Commission's initial
14 adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they
15 exist on the date on which the Compact becomes law in that State. Any Rule that
16 has been previously adopted by the Commission shall have the full force and effect
17 of law on the day the Compact becomes law in that State.

18 B. Any Member State may withdraw from this Compact by enacting a statute repealing
19 the same.

20 1. A Member State's withdrawal shall not take effect until 180 days after enactment
21 of the repealing statute.

22 2. Withdrawal shall not affect the continuing requirement of the withdrawing
23 State's Licensing Authority to comply with the investigative and Adverse Action
24 reporting requirements of this Compact prior to the effective date of withdrawal.

25 3. Upon the enactment of a statute withdrawing from this compact, a State shall
26 immediately provide notice of such withdrawal to all Licensees within that State.
27 Notwithstanding any subsequent statutory enactment to the contrary, such
28 withdrawing State shall continue to recognize all licenses granted pursuant to this
29 compact for a minimum of 180 days after the date of such notice of withdrawal.

30 C. Nothing contained in this Compact shall be construed to invalidate or prevent any
31 licensure agreement or other cooperative arrangement between a Member State and a
32 non-Member State that does not conflict with the provisions of this Compact.

33 D. This Compact may be amended by the Member States. No amendment to this
34 Compact shall become effective and binding upon any Member State until it is enacted
35 into the laws of all Member States.

36 **SECTION 15. CONSTRUCTION AND SEVERABILITY**

37 A. This Compact and the Commission's rulemaking authority shall be liberally
38 construed so as to effectuate the purposes, and the implementation and administration
39 of the Compact. Provisions of the Compact expressly authorizing or requiring the
40 promulgation of Rules shall not be construed to limit the Commission's rulemaking
41 authority solely for those purposes.

42 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence
43 or provision of this Compact is held by a court of competent jurisdiction to be contrary

1 to the constitution of any Member State, a State seeking participation in the Compact,
2 or of the United States, or the applicability thereof to any government, agency, person
3 or circumstance is held to be unconstitutional by a court of competent jurisdiction, the
4 validity of the remainder of this Compact and the applicability thereof to any other
5 government, agency, person or circumstance shall not be affected thereby.

6 C. Notwithstanding subsection B of this section, the Commission may deny a State's
7 participation in the Compact or, in accordance with the requirements of Section 13.B,
8 terminate a Member State's participation in the Compact, if it determines that a
9 constitutional requirement of a Member State is a material departure from the Compact.
10 Otherwise, if this Compact shall be held to be contrary to the constitution of any
11 Member State, the Compact shall remain in full force and effect as to the remaining
12 Member States and in full force and effect as to the Member State affected as to all
13 severable matters.

14 **SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE**
15 **LAWS**

16 A. A Licensee providing services in a Remote State under a Multistate Authorization
17 to Practice shall adhere to the laws and regulations, including laws, regulations, and
18 applicable standards, of the Remote State where the client is located at the time care is
19 rendered.

20 B. Nothing herein shall prevent or inhibit the enforcement of any other law of a
21 Member State that is not inconsistent with the Compact.

22 C. Any laws, statutes, regulations, or other legal requirements in a Member State in
23 conflict with the Compact are superseded to the extent of the conflict.

24 D. All permissible agreements between the Commission and the Member States are
25 binding in accordance with their terms.