

# 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. **“Single State License”** means a Social Work license issued by any state that  
107 authorizes practice only within the issuing State and does not include a Multistate  
108 Authorization to Practice in any Member State.
- 109 X. **“Social Work” or “Social Work Services”** means the application of social work  
110 theory, knowledge, methods, ethics, and the professional use of self to restore or  
111 enhance social, psychosocial, or biopsychosocial functioning of individuals,

112 couples, families, groups, organizations, and communities through the care and  
113 services provided by a Regulated Social Worker as set forth in the Member  
114 State’s statutes and regulations in the State where the services are being  
115 provided.

116 Y. **“State”** means any state, commonwealth, district, or territory of the United States  
117 of America that regulates the practice of Social Work

118 Z. **“Unencumbered License”** means a license that authorizes a Regulated Social  
119 Worker to engage in the full and unrestricted practice of Social Work.

120

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

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

124 1. License and regulate clinical, master’s, or bachelor’s categories of Social  
125 Work practice.

126 2. Require applicants for licensure to pass a corresponding Qualifying  
127 National Exam for the category of licensure sought as outlined in Section  
128 4.

129 3. Require applicants for licensure to graduate from a program that is  
130 accredited by an accrediting agency recognized by the Council for Higher  
131 Education Accreditation, or its successor, or by the United States  
132 Department of Education and operated by a college or university  
133 recognized by the Licensing Authority and that corresponds to the  
134 licensure sought as outlined in Section 4.

135 4. Require applicants for clinical licensure to complete a period of  
136 supervised practice.

137 5. Have a mechanism in place for receiving, investigating, and adjudicating  
138 complaints about Licensees.

139 B. To maintain membership in the Compact a Member State shall:

140 1. Participate fully in the Commission’s Data System, including using the  
141 Commission’s unique identifier as defined in Rules;

142 2. Notify the Commission, in compliance with the terms of the Compact and  
143 rules, of any Adverse Action or the availability of Current Significant  
144 Investigative Information regarding a Licensee;

145 3. Implement or utilize procedures for considering the criminal history  
146 records of applicants for an initial Interstate Compact License. These  
147 procedures shall include the submission of fingerprints or other biometric-  
148 based information by applicants for the purpose of obtaining an  
149 applicant’s criminal history record information from the Federal Bureau of  
150 Investigation and the agency responsible for retaining that State’s criminal

- 151 records for the sole purpose of affirming or denying eligibility for  
152 participation in the Compact;
- 153 a. A member state must utilize or fully implement a criminal  
154 background check requirement, within a time frame  
155 established by rule of the Commission, by receiving the results  
156 of the Federal Bureau of Investigation record search and shall  
157 use the results in making licensure decisions/determining  
158 eligibility for participation in the Compact.
- 159 b. Communication between a Member State, the Commission  
160 and among Member States, through the Data System or  
161 otherwise, regarding the verification of any information  
162 received from the Federal Bureau of Investigation relating to a  
163 federal criminal records check performed by a Member State  
164 under Public Law 92-544.
- 165 4. Comply with the Rules of the Commission;
- 166 5. Require an applicant to obtain or retain a license in the Home State and  
167 meet the Home State's qualifications for licensure or renewal of licensure,  
168 as well as all other applicable Home State laws;
- 169 6. Authorize a Licensee holding an Interstate Compact License in any  
170 Member State to practice in accordance with the terms of the Compact  
171 and Rules of the Commission; and
- 172 7. Designate a delegate to participate in the Commission meetings.
- 173 C. Home States may charge a fee for granting the Interstate Compact License.
- 174 D. An Interstate Compact License issued by a Home State to a resident in that State  
175 shall be recognized by all Compact Member States as authorizing Social Work  
176 Practice under a Multistate Authorization to Practice corresponding to each  
177 category of licensure regulated in the Member State.
- 178

179 **SECTION 4. REGULATED SOCIAL WORKER PARTICIPATION IN THE**  
180 **COMPACT**

- 181 A. To be eligible for an Interstate Compact License under the terms and provisions of  
182 the compact, a Regulated Social Worker, regardless of category must:
- 183 1. Hold an active, Unencumbered License in the Home State;
- 184 2. Have an active United States Social Security Number, Qualifying National  
185 Exam Number, or an identifier as determined by the Commission;
- 186 3. Pay any applicable fees, including any State fee, for the Interstate Compact  
187 License;
- 188 4. Meet any continuing competence requirements established by the Home  
189 State;

- 190                   5.    Notify the Home State of any Adverse Action, Encumbrance, or restriction on  
191                   any professional license taken by any Member State or non-Member State  
192                   within 30 days from the date the action is taken.
- 193                   6.    Abide by the laws, regulations, and scope of practice in the Member State  
194                   where the client is located.
- 195            B.    A Regulated Social Worker who is a clinical-category Social Worker must meet the  
196            following requirements:
- 197                   1.    Passed a clinical-category Qualifying National Exam; or  
198                   2.    Has maintained an active unencumbered license and was licensed prior to their  
199                   Home State requiring passage of a Qualifying National Exam; and  
200                   3.    Graduated with a master’s degree, or higher, in Social Work, from a program that  
201                   is accredited by an accrediting agency recognized by the Council for Higher  
202                   Education Accreditation, or its successor, or by the United States Department of  
203                   Education and operated by a college or university recognized by the Licensing  
204                   Authority; and  
205                   4.    Completed a period of three thousand hours or two years of full-time  
206                   postgraduate supervised clinical practice.
- 207            C.    For a Regulated Social Worker who is a master’s-category Social Worker:
- 208                   1.    Passed a master’s-category Qualifying National Exam; or  
209                   2.    Has maintained an active unencumbered license and was licensed prior to their  
210                   Home State requiring passage of a Qualifying National Exam; and  
211                   3.    Graduated with a master’s degree, or higher, in Social Work, from a program that  
212                   is accredited by an accrediting agency recognized by the Council for Higher  
213                   Education Accreditation, or its successor, or by the United States Department of  
214                   Education and operated by a college or university recognized by the Licensing  
215                   Authority.
- 216            D.    For a Regulated Social Worker who is a bachelor’s-category Social Worker:
- 217                   1.    Passed a bachelor’s-category Qualifying National Exam; or  
218                   2.    Has maintained an active unencumbered license and was licensed prior to their  
219                   Home State requiring passage of a Qualifying National Exam; and  
220                   3.    Graduated with a bachelor’s degree, or higher, in Social Work, from a program  
221                   that is accredited by an accrediting agency recognized by the Council for Higher  
222                   Education Accreditation, or its successor, or by the United States Department of  
223                   Education and operated by a college or university recognized by the Licensing  
224                   Authority.
- 225            E.    The Interstate Compact License for a Regulated Social Worker is subject to the  
226                   renewal requirements of the Home State. The Regulated Social Worker must  
227                   maintain compliance with the requirements of Section 4(A).
- 228            F.    The Regulated Social Worker’s services in a Remote State are subject to that

229 Member State's regulatory authority. A Remote State may, in accordance with due  
230 process and that Member State's laws, remove a Regulated Social Worker's  
231 Multistate Authorization to Practice in the Remote State for a specific period of  
232 time, impose fines, and/or take any other necessary actions to protect the health  
233 and safety of its citizens.

234 G. If a Home State license is encumbered, the regulated Social Worker's Multistate  
235 Authorization to Practice shall be deactivated in all Remote States until the Home  
236 State license is no longer encumbered.

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

240 I. Nothing in this Compact shall affect the requirements established by a Member  
241 State for the issuance of a Single State License.  
242

## 243 **SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON AN** 244 **INTERSTATE COMPACT LICENSE**

245 A. If qualified, a Regulated Social Worker may hold an Interstate Compact License  
246 issued by a Home State Licensing Authority, which authorizes the Regulated Social  
247 Worker to practice in all Member States under a Multistate Authorization to Practice.

248 B. If an Interstate Compact License holder with Multistate Authorization to Practice  
249 changes primary State of Domicile by moving between two Member States:

250 1. The Interstate Compact License holder shall file an application for  
251 obtaining a new Home State license based on their Interstate Compact  
252 License which grants a Multistate Authorization to Practice, pay all  
253 applicable fees, and notify the current and new Home Member State in  
254 accordance with applicable Rules adopted by the Commission.

255 2. Upon receipt of an application for obtaining a new Home State license  
256 based on the Interstate Compact License which grants a Multistate  
257 Authorization to Practice, the new Home Member State may verify that  
258 the Regulated Social Worker meets the pertinent criteria outlined in  
259 Section 4 via the Data System, without need for primary source  
260 verification except for:

261 i. a Federal Bureau of Investigation fingerprint based criminal  
262 background check if not previously performed or updated pursuant  
263 to applicable rules adopted by the Commission in accordance with  
264 Public Law 92-544;

265 ii. other criminal background check as required by the new Home  
266 State; and

267 iii. completion of any requisite jurisprudence requirements of the new  
268 Home State.

269 3. The former Home State may convert the former Home State license into a

- 270 Multistate Authorization to Practice once the new Home State has  
271 activated the new Home State license in accordance with applicable  
272 Rules adopted by the Commission.
- 273 4. Notwithstanding any other provision of this Compact, if the Regulated  
274 Social Worker cannot meet the criteria in Section 4, the new Home State  
275 may apply its requirements for issuing a new Single State License.
- 276 5. The Regulated Social Worker shall pay all applicable fees to the new  
277 Home State in order to be issued a new Home State license.
- 278 C. If a Regulated Social Worker changes primary State of Domicile by moving from  
279 a Member State to a non-Member State, the non-member State criteria shall  
280 apply for issuance of a Single State License in the new non-Member State.
- 281 D. Nothing in this Compact shall interfere with a Regulated Social Worker's ability to  
282 hold a Single State License in multiple States, however for the purposes of this  
283 Compact, a Regulated Social Worker shall have only one Home State license.
- 284 E. Nothing in this Compact shall affect the requirements established by a Member  
285 State for the issuance of a Single State License.

## 286 **SECTION 6. MILITARY FAMILIES**

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

## 292 **SECTION 7. ADVERSE ACTIONS**

- 293 A. In addition to the other powers conferred by State law, a Remote State shall have  
294 the authority, in accordance with existing State due process law, to:
- 295 1. Take Adverse Action against a Regulated Social Worker's Multistate  
296 Authorization to Practice within that Member State, and issue subpoenas for  
297 both hearings and investigations that require the attendance and testimony of  
298 witnesses as well as the production of evidence. Subpoenas issued by a  
299 Licensing Authority in a Member State for the attendance and testimony of  
300 witnesses or the production of evidence from another Member State shall be  
301 enforced in the latter State by any court of competent jurisdiction, according to  
302 the practice and procedure of that court applicable to subpoenas issued in  
303 proceedings pending before it. The issuing authority shall pay any witness  
304 fees, travel expenses, mileage, and other fees required by the service statutes  
305 of the State in which the witnesses or evidence are located.
- 306 2. Only the Home State shall have the power to take Adverse Action against a  
307 Regulated Social Worker's Home State license
- 308 B. For purposes of taking Adverse Action, the Home State shall give the same priority



- 309 and effect to reported conduct received from a Member State as it would if the  
310 conduct had occurred within the Home State. In so doing, the Home State shall  
311 apply its own State laws to determine appropriate action.
- 312 C. The Home State shall complete any pending investigations of a Regulated Social  
313 Worker who changes primary State of Domicile during the course of the  
314 investigations. The Home State shall also have the authority to take appropriate  
315 action(s) and shall promptly report the conclusions of the investigations to the  
316 administrator of the Data System. The administrator of the Data System shall  
317 promptly notify the new Home State of any Adverse Actions.
- 318 D. A Member State, if otherwise permitted by State law, may recover from the  
319 affected Regulated Social Worker the costs of investigations and dispositions of  
320 cases resulting from any Adverse Action taken against that Regulated Social  
321 Worker.
- 322 E. A Member State may take Adverse Action based on the factual findings of another  
323 Member State, provided that the Member State follows its own procedures for  
324 taking the Adverse Action.
- 325 F. Joint Investigations:
- 326 1. In addition to the authority granted to a Member State by its respective  
327 Regulated Social Work practice act or other applicable State law, any Member  
328 State may participate with other Member States in joint investigations of  
329 Licensees.
- 330 2. Member States shall share any investigative, litigation, or compliance  
331 materials in furtherance of any joint or individual investigation initiated under  
332 the Compact.
- 333 G. If Adverse Action is taken by the Home State against the Interstate Compact  
334 License of a Regulated Social Worker, the Regulated Social Worker's Multistate  
335 Authorization to Practice in all other Member States shall be deactivated until all  
336 Encumbrances have been removed from the Interstate Compact License. All Home  
337 State disciplinary orders that impose Adverse Action against the license of a  
338 Regulated Social Worker shall include a statement that the Regulated Social  
339 Worker's Multistate Authorization to Practice is deactivated in all Member States  
340 until all conditions of the decision, order or agreement are satisfied.
- 341 H. If a Member State takes Adverse Action, it shall promptly notify the administrator of  
342 the Data System. The administrator of the Data System shall promptly notify the  
343 Home State and all other Member State's of any Adverse Actions by Remote  
344 States.
- 345 I. Nothing in this Compact shall override a Member State's decision that participation  
346 in an Alternative Program may be used in lieu of Adverse Action.

347 **SECTION 8. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT**  
348 **COMMISSION**

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

- 387 shall be binding to the extent and in the manner provided for in the Compact;
- 388 6. Bring and prosecute legal proceedings or actions in the name of the  
389 Commission, provided that the standing of any State Licensing Authority to  
390 sue or be sued under applicable law shall not be affected;
- 391 7. Purchase and maintain insurance and bonds;
- 392 8. Borrow, accept, or contract for services of personnel;
- 393 9. Hire employees, elect or appoint officers, fix compensation, define duties,  
394 grant such individuals appropriate authority to carry out the purposes of the  
395 Compact, and establish the Commission's personnel policies and programs  
396 relating to conflicts of interest, qualifications of personnel, and other related  
397 personnel matters;
- 398 10. Accept any and all appropriate donations and grants of money, equipment,  
399 supplies, materials, and services, and to receive, utilize, and dispose of the  
400 same; provided that at all times the Commission shall avoid any appearance  
401 of impropriety or conflict of interest;
- 402 11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own,  
403 hold, improve or use, any property, real, personal or mixed; provided that at all  
404 times the Commission shall avoid any appearance of impropriety or conflict of  
405 interest;
- 406 12. Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
407 dispose of any property real, personal, or mixed;
- 408 13. Establish a budget and make expenditures;
- 409 14. Borrow money;
- 410 15. Appoint committees, including standing committees composed of Commission  
411 members, State regulators, State legislators or their representatives, and  
412 consumer representatives, and such other interested persons as may be  
413 designated in this Compact and the bylaws;
- 414 16. Provide and receive information from, and cooperate with, law enforcement  
415 agencies;
- 416 17. Establish and elect an Executive Committee; and
- 417 18. Perform such other functions as may be necessary or appropriate to achieve  
418 the purposes of this Compact consistent with the State regulation of Social  
419 Work licensure and practice.
- 420 D. The Executive Committee
- 421 1. The Executive Committee shall have the power to act on behalf of the  
422 Commission according to the terms of this Compact.
- 423 2. The Executive Committee shall be composed of up to nine (9) members:
- 424 a. Seven voting members who are elected by the Commission from the  
425 current membership of the Commission; and

- 426                   b. Up to two (2) ex-officio, nonvoting members from two (2) recognized  
427                   national social worker organizations.
- 428                   c. The ex-officio members will be selected by their respective organizations  
429                   (and which will rotate terms in alphabetical order of the organizations).
- 430           3. The Commission may remove any member of the Executive Committee as  
431           provided in bylaws.
- 432           4. The Executive Committee shall meet at least annually and as necessary.
- 433           5. The Executive Committee shall serve terms set by the bylaws and shall rotate  
434           regularly to allow participation by all member states.
- 435           6. The Executive Committee shall have the following duties and responsibilities:
- 436                   a. Recommend to the entire Commission changes to the Rules or bylaws,  
437                   changes to this Compact legislation, fees paid by Compact Member  
438                   States such as annual dues, and any Commission Compact fee charged  
439                   to Licensees for the Privilege to Practice;
- 440                   b. Ensure Compact administration services are appropriately provided,  
441                   contractual or otherwise;
- 442                   c. Prepare and recommend the budget
- 443                   d. Maintain financial records on behalf of the Commission;
- 444                   e. Monitor Compact compliance of Member States and provide compliance  
445                   reports to the Commission;
- 446                   f. Establish additional committees as necessary; and
- 447                   g. Other duties as provided in Rules or bylaws.

448   E. Meetings of the Commission

- 449           1. All meetings of the full Commission shall be open to the public, and public  
450           notice of meetings shall be given in the same manner as required under the  
451           Rulemaking provisions in Section 11. Committee meetings shall be open to the  
452           public, and public notice of same shall be given in accordance with the bylaws.
- 453           2. The Commission or the Executive Committee or other committees of the  
454           Commission may convene in a closed, non-public meeting if the Commission  
455           or Executive Committee or other committees of the Commission must discuss:
- 456                   a. Non-compliance of a Member State with its obligations under the  
457                   Compact;
- 458                   b. The employment, compensation, discipline or other matters, practices or  
459                   procedures related to specific employees or other matters related to the  
460                   Commission's internal personnel practices and procedures;
- 461                   c. Current, threatened, or reasonably anticipated litigation;
- 462                   d. Negotiation of contracts for the purchase, lease, or sale of goods,  
463                   services, or real estate;

- 464 e. Accusing any person of a crime or formally censuring any person;
- 465 f. Disclosure of trade secrets or commercial or financial information that is
- 466 privileged or confidential;
- 467 g. Disclosure of information of a personal nature where disclosure would
- 468 constitute a clearly unwarranted invasion of personal privacy;
- 469 h. Disclosure of investigative records compiled for law enforcement
- 470 purposes;
- 471 i. Disclosure of information related to any investigative reports prepared by
- 472 or on behalf of or for use of the Commission or other committee charged
- 473 with responsibility of investigation or determination of compliance issues
- 474 pursuant to the Compact; or
- 475 3. Matters specifically exempted from disclosure by federal or Member State
- 476 statute. If a meeting, or portion of a meeting, is closed pursuant to this
- 477 provision, the Commission's legal counsel shall certify that the meeting may be
- 478 closed and shall reference each relevant exempting provision.
- 479 4. The Commission shall keep minutes that fully and clearly describe all matters
- 480 discussed in a meeting and shall provide a full and accurate summary of
- 481 actions taken, and the reasons therefore, including a description of the views
- 482 expressed. All documents considered in connection with an action shall be
- 483 identified in such minutes. All minutes and documents of a closed meeting shall
- 484 remain under seal, subject to release by a majority vote of the Commission or
- 485 order of a court of competent jurisdiction.
- 486 F. Financing of the Commission
- 487 1. The Commission shall pay, or provide for the payment of, the reasonable
- 488 expenses of its establishment, organization, and ongoing activities.
- 489 2. The Commission may accept any and all appropriate revenue sources,
- 490 donations, and grants of money, equipment, supplies, materials, and services.
- 491 3. The Commission may levy on and collect an annual assessment from each
- 492 Member State or impose fees on other parties to cover the cost of the
- 493 operations and activities of the Commission and its staff, which must be in a
- 494 total amount sufficient to cover its annual budget as approved each year for
- 495 which revenue is not provided by other sources. The aggregate annual
- 496 assessment amount shall be allocated based upon a formula to be determined
- 497 by the Commission, which shall promulgate a Rule binding upon all Member
- 498 States.
- 499 4. The Commission shall not incur obligations of any kind prior to securing the
- 500 funds adequate to meet the same; nor shall the Commission pledge the credit
- 501 of any of the Member States, except by and with the authority of the Member
- 502 State.
- 503 5. The Commission shall keep accurate accounts of all receipts and

504 disbursements. The receipts and disbursements of the Commission shall be  
505 subject to the audit and accounting procedures established under its bylaws.  
506 However, all receipts and disbursements of funds handled by the Commission  
507 shall be audited yearly by a certified or licensed public accountant, and the  
508 report of the audit shall be included in and become part of the annual report of  
509 the Commission.

510 G. Qualified Immunity, Defense, and Indemnification

- 511 1. The members, officers, executive director, employees and representatives of  
512 the Commission shall be immune from suit and liability, either personally or in  
513 their official capacity, for any claim for damage to or loss of property or  
514 personal injury or other civil liability caused by or arising out of any actual or  
515 alleged act, error or omission that occurred, or that the person against whom  
516 the claim is made had a reasonable basis for believing occurred within the  
517 scope of Commission employment, duties or responsibilities; provided that  
518 nothing in this paragraph shall be construed to protect any such person from  
519 suit and/or liability for any damage, loss, injury, or liability caused by the  
520 intentional or willful or wanton misconduct of that person.
- 521 2. The Commission shall defend any member, officer, executive director,  
522 employee or representative of the Commission in any civil action seeking to  
523 impose liability arising out of any actual or alleged act, error, or omission that  
524 occurred within the scope of Commission employment, duties, or  
525 responsibilities, or that the person against whom the claim is made had a  
526 reasonable basis for believing occurred within the scope of Commission  
527 employment, duties, or responsibilities; provided that nothing herein shall be  
528 construed to prohibit that person from retaining his or her own counsel; and  
529 provided further, that the actual or alleged act, error, or omission did not result  
530 from that person's intentional or willful or wanton misconduct.
- 531 3. The Commission shall indemnify and hold harmless any member, officer,  
532 executive director, employee, or representative of the Commission for the  
533 amount of any settlement or judgment obtained against that person arising out  
534 of any actual or alleged act, error, or omission that occurred within the scope of  
535 Commission employment, duties, or responsibilities, or that such person had a  
536 reasonable basis for believing occurred within the scope of Commission  
537 employment, duties, or responsibilities, provided that the actual or alleged act,  
538 error, or omission did not result from the intentional or willful or wanton  
539 misconduct of that person.

540

541 **SECTION 9. DATA SYSTEM**

- 542 A. The Commission shall provide for the development, maintenance, operation, and  
543 utilization of a coordinated database and reporting system containing licensure,  
544 Adverse Action, and Current Significant Investigative Information on all licensed  
545 individuals in Member States.

- 546 B. Notwithstanding any other provision of State law to the contrary, a Member State  
547 shall submit a uniform data set to the Data System on all individuals to whom this  
548 Compact is applicable as required by the Rules of the Commission, including:
- 549 1. Identifying information;
  - 550 2. Licensure data;
  - 551 3. Adverse Actions against a license or an Interstate Compact License;
  - 552 4. Non-confidential information related to Alternative Program participation;
  - 553 5. Any denial of application for licensure, and the reason(s) for such denial;
  - 554 6. Current Significant Investigative Information; and
  - 555 7. Other information that may facilitate the administration of this Compact, as  
556 determined by the Rules of the Commission.
- 557 C. Current Significant Investigative Information pertaining to a Licensee in any Member  
558 State will only be available to other Member States.
- 559 D. The Commission shall promptly notify all Member States of any Adverse Action  
560 taken against a Licensee or an individual applying for a license. Adverse Action  
561 information pertaining to a Licensee in any Member State will be available to any  
562 other Member State.
- 563 E. Member States contributing information to the Data System may designate  
564 information that may not be shared with the public without the express permission of  
565 the contributing State.
- 566 F. Any information submitted to the Data System that is subsequently required to be  
567 expunged by the laws of the Member State contributing the information shall be  
568 removed from the Data System.  
569

## 570 **SECTION 10. RULEMAKING**

571

- 572 A. The Commission shall promulgate reasonable Rules in order to effectively and  
573 efficiently achieve the purpose of the Compact. Notwithstanding the foregoing, in  
574 the event the Commission exercises its Rulemaking authority in a manner that is  
575 beyond the scope of the purposes of the Compact, or the powers granted  
576 hereunder, then such an action by the Commission shall be invalid and have no  
577 force or effect.
- 578 B. The Commission shall exercise its Rulemaking powers pursuant to the criteria set  
579 forth in this Section and the Rules adopted thereunder. Rules and amendments  
580 shall become binding as of the date specified in each Rule or amendment.
- 581 C. If a majority of the legislatures of the Member States rejects a Rule, by enactment of  
582 a statute or resolution in the same manner used to adopt the Compact within four  
583 (4) years of the date of adoption of the Rule, then such Rule shall have no further  
584 force and effect in a Member State.

- 585 D. Rules or amendments to the Rules shall be adopted at a regular or special meeting  
586 of the Commission.
- 587 E. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and  
588 at least thirty (30) days in advance of the meeting at which the Rule will be  
589 considered and voted upon, the Commission shall file a Notice of Proposed  
590 Rulemaking:
- 591 1. On the website of the Commission or other publicly accessible platform; and  
592 2. On the website of each Member State Social Work Licensing Authority or other  
593 publicly accessible platform or the publication in which each State would  
594 otherwise publish proposed Rules.
- 595 F. The Notice of Proposed Rulemaking shall include:
- 596 1. The proposed time, date, and location of the meeting in which the Rule will be  
597 considered and voted upon;
- 598 2. The text of the proposed Rule or amendment and the reason for the proposed  
599 Rule;
- 600 3. A request for comments on the proposed Rule from any interested person; and  
601 4. The manner in which interested persons may submit notice to the Commission  
602 of their intention to attend the public hearing and any written comments.
- 603 G. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit  
604 written data, facts, opinions, and arguments, which shall be made available to the  
605 public.
- 606 H. The Commission shall grant an opportunity for a public hearing before it adopts a  
607 Rule or amendment if a hearing is requested by:
- 608 1. At least twenty-five (25) persons;
- 609 2. A State or federal governmental subdivision or agency; or  
610 3. An association having at least twenty-five (25) members.
- 611 I. If a hearing is held on the proposed Rule or amendment, the Commission shall  
612 publish the place, time, and date of the scheduled public hearing. If the hearing is  
613 held via electronic means, the Commission shall publish the mechanism for access  
614 to the electronic hearing.
- 615 1. All persons wishing to be heard at the hearing shall notify the executive director  
616 of the Commission or other designated member in writing of their desire to  
617 appear and testify at the hearing not less than five (5) business days before the  
618 scheduled date of the hearing.
- 619 2. Hearings shall be conducted in a manner providing each person who wishes to  
620 comment a fair and reasonable opportunity to comment orally or in writing.
- 621 3. All hearings will be recorded. A copy of the recording will be made available on  
622 request.



- 623 4. Nothing in this section shall be construed as requiring a separate hearing on  
624 each Rule. Rules may be grouped for the convenience of the Commission at  
625 hearings required by this section.
- 626 J. Following the scheduled hearing date, or by the close of business on the scheduled  
627 hearing date if the hearing was not held, the Commission shall consider all written  
628 and oral comments received.
- 629 K. If no written notice of intent to attend the public hearing by interested parties is  
630 received, the Commission may proceed with promulgation of the proposed Rule  
631 without a public hearing.
- 632 L. The Commission shall, by majority vote of all members, take final action on the  
633 proposed Rule and shall determine the effective date of the Rule, if any, based on  
634 the Rulemaking record and the full text of the Rule.
- 635 M. Upon determination that an emergency exists, the Commission may consider and  
636 adopt an emergency Rule without prior notice, opportunity for comment, or hearing,  
637 provided that the usual Rulemaking procedures provided in the Compact and in this  
638 section shall be retroactively applied to the Rule as soon as reasonably possible, in  
639 no event later than ninety (90) days after the effective date of the Rule. For the  
640 purposes of this provision, an emergency Rule is one that must be adopted  
641 immediately in order to:
- 642 1. Meet an imminent threat to public health, safety, or welfare;
  - 643 2. Prevent a loss of Commission or Member State funds;
  - 644 3. Meet a deadline for the promulgation of an administrative Rule that is  
645 established by federal law or Rule; or
  - 646 4. Protect public health and safety.
- 647 N. The Commission or an authorized committee of the Commission may direct  
648 revisions to a previously adopted Rule or amendment for purposes of correcting  
649 typographical errors, errors in format, errors in consistency, or grammatical errors.  
650 Public notice of any revisions shall be posted on the website of the Commission.  
651 The revision shall be subject to challenge by any person for a period of thirty (30)  
652 days after posting. The revision may be challenged only on grounds that the  
653 revision results in a material change to a Rule. A challenge shall be made in writing  
654 and delivered to the chair of the Commission prior to the end of the notice period. If  
655 no challenge is made, the revision will take effect without further action. If the  
656 revision is challenged, the revision may not take effect without the approval of the  
657 Commission.  
658

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

660

### 661 **A. Oversight**

- 662 1. The executive, legislative, and judicial branches of State government in each

663 Member State shall enforce this Compact and take all actions necessary and  
664 appropriate to effectuate the Compact's purposes and intent. The provisions of  
665 this Compact and the Rules promulgated hereunder shall have standing as  
666 statutory law.

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

671 3. The Commission shall be entitled to receive service of process in any such  
672 proceeding and shall have standing to intervene in such a proceeding for all  
673 purposes. Failure to provide service of process to the Commission shall render  
674 a judgment or order void as to the Commission, this Compact, or promulgated  
675 Rules.

676 B. Default, Technical Assistance, and Termination

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

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

683 b. Provide remedial training and specific technical assistance regarding  
684 the default.

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

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

695 E. A State that has been terminated is responsible for all assessments, obligations,  
696 and liabilities incurred through the effective date of termination, including  
697 obligations that extend beyond the effective date of termination.

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

701 G. The defaulting State may appeal the action of the Commission by petitioning the  
702 U.S. District Court for the District of Columbia or the federal district where the  
703 Commission has its principal offices. The prevailing member shall be awarded all

- 704 costs of such litigation, including reasonable attorney's fees.
- 705 H. Dispute Resolution
- 706 1. Upon request by a Member State, the Commission shall attempt to resolve  
707 disputes related to the Compact that arise among Member States and between  
708 member and non-Member States.
- 709 2. The Commission shall promulgate a Rule providing for both mediation and  
710 binding dispute resolution for disputes as appropriate.
- 711 I. Enforcement
- 712 1. The Commission, in the reasonable exercise of its discretion, shall enforce the  
713 provisions and Rules of this Compact.
- 714 2. By majority vote, the Commission may initiate legal action in the United States  
715 District Court for the District of Columbia or the federal district where the  
716 Commission has its principal offices against a Member State in default to  
717 enforce compliance with the provisions of the Compact and its promulgated  
718 Rules and bylaws. The relief sought may include both injunctive relief and  
719 damages. In the event judicial enforcement is necessary, the prevailing  
720 member shall be awarded all costs of such litigation, including reasonable  
721 attorney's fees.
- 722 3. The remedies herein shall not be the exclusive remedies of the Commission.  
723 The Commission may pursue any other remedies available under federal or  
724 State law.

725

726 **SECTION 12. DATE OF IMPLEMENTATION OF THE SOCIAL WORK**  
727 **COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND**  
728 **AMENDMENT**  
729

- 730 A. The Compact shall come into effect on the date on which the Compact statute is  
731 enacted into law in the seventh Member State. The provisions, which become  
732 effective at that time, shall be limited to the powers granted to the Commission  
733 relating to assembly and the promulgation of Rules. Thereafter, the Commission  
734 shall meet and exercise Rulemaking powers necessary to the implementation  
735 and administration of the Compact.
- 736 B. Any State that joins the Compact subsequent to the Commission's initial  
737 adoption of the Rules shall be subject to the Rules as they exist on the date on  
738 which the Compact becomes law in that State. Any Rule that has been  
739 previously adopted by the Commission shall have the full force and effect of law  
740 on the day the Compact becomes law in that State.

- 741 C. Any Member State may withdraw from this Compact by enacting a statute  
742 repealing the same.
- 743 1. A Member State's withdrawal shall not take effect until six (6) months after  
744 enactment of the repealing statute.
- 745 2. Withdrawal shall not affect the continuing requirement of the withdrawing  
746 State's Social Work Licensing Authority to comply with the investigative  
747 and Adverse Action reporting requirements of this act prior to the effective  
748 date of withdrawal.
- 749 D. Nothing contained in this Compact shall be construed to invalidate or prevent any  
750 Social Work licensure agreement or other cooperative arrangement between a  
751 Member State and a non-Member State that does not conflict with the provisions  
752 of this Compact.
- 753 E. This Compact may be amended by the Member States. No amendment to this  
754 Compact shall become effective and binding upon any Member State until it is  
755 enacted into the laws of all Member States.
- 756

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

758 This Compact shall be liberally construed so as to effectuate the purposes thereof. The  
759 provisions of this Compact shall be severable and if any phrase, clause, sentence or  
760 provision of this Compact is declared to be contrary to the constitution of any Member  
761 State or of the United States or the applicability thereof to any government, agency,  
762 person or circumstance is held invalid, the validity of the remainder of this Compact and  
763 the applicability thereof to any government, agency, person or circumstance shall not be  
764 affected thereby. If this Compact shall be held contrary to the constitution of any  
765 Member State, the Compact shall remain in full force and effect as to the remaining  
766 Member States and in full force and effect as to the Member State affected as to all  
767 severable matters.

### 768 **SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS**

- 769
- 770 A. A Licensee providing services in a Remote State under the Privilege to Practice  
771 shall adhere to the laws and regulations, including scope of practice, of the Remote  
772 State.
- 773 B. Nothing herein prevents the enforcement of any other law of a Member State that  
774 is not inconsistent with the Compact.
- 775 C. Any laws in a Member State in conflict with the Compact are superseded to the

- 776 extent of the conflict.
- 777 D. Any lawful actions of the Commission, including all Rules and bylaws properly  
778 promulgated by the Commission, are binding upon the Member States.
- 779 E. All permissible agreements between the Commission and the Member States are  
780 binding in accordance with their terms.
- 781 F. In the event any provision of the Compact exceeds the constitutional limits  
782 imposed on the legislature of any Member State, the provision shall be ineffective  
783 to the extent of the conflict with the constitutional provision in question in that  
784 Member State.