

As Reported by the House Commerce and Labor Committee

135th General Assembly

Regular Session

2023-2024

S. B. No. 90

Senator Roegner

Cosponsors: Senators Johnson, Hoagland, Cirino, Craig, DeMora, Gavarone, Hackett, Hicks-Hudson, Ingram, Kunze, Landis, McColley, Reineke, Reynolds, Romanchuk, Rulli, Sykes, Wilkin

Representatives Johnson, Abrams, Claggett, Dell'Aquila, Jarrells, Jones, Roemer

—————

A BILL

To enact sections 4757.52 and 4757.521 of the 1
Revised Code to enter into the Social Work 2
Licensure Compact. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4757.52 and 4757.521 of the 4
Revised Code be enacted to read as follows: 5

Sec. 4757.52. The "Social Work Licensure Compact" is 6
hereby ratified, enacted into law, and entered into by the state 7
of Ohio as a party to the compact with any other state that has 8
legally joined in the compact as follows: 9

SOCIAL WORK LICENSURE COMPACT 10

SECTION 1: PURPOSE 11

The purpose of this Compact is to facilitate interstate 12
practice of Regulated Social Workers by improving public access 13
to competent Social Work Services. The Compact preserves the 14
regulatory authority of States to protect public health and 15

safety through the current system of State licensure. 16

This Compact is designed to achieve the following 17
objectives: 18

A. Increase public access to Social Work Services; 19

B. Reduce overly burdensome and duplicative requirements 20
associated with holding multiple licenses; 21

C. Enhance the Member States' ability to protect the 22
public's health and safety; 23

D. Encourage the cooperation of Member States in 24
regulating multistate practice; 25

E. Promote mobility and address workforce shortages by 26
eliminating the necessity for licenses in multiple States by 27
providing for the mutual recognition of other Member State 28
licenses; 29

F. Support military families; 30

G. Facilitate the exchange of licensure and disciplinary 31
information among Member States; 32

H. Authorize all Member States to hold a Regulated Social 33
Worker accountable for abiding by a Member State's laws, 34
regulations, and applicable professional standards in the Member 35
State in which the client is located at the time care is 36
rendered; and 37

I. Allow for the use of telehealth to facilitate increased 38
access to regulated Social Work Services. 39

SECTION 2. DEFINITIONS 40

As used in this Compact, and except as otherwise provided, 41
the following definitions shall apply: 42

A. "Active Military Member" means any individual with 43
full-time duty status in the active armed forces of the United 44
States including members of the National Guard and Reserve. 45

B. "Adverse Action" means any administrative, civil, 46
equitable or criminal action permitted by a State's laws which 47
is imposed by a Licensing Authority or other authority against a 48
Regulated Social Worker, including actions against an 49
individual's license or Multistate Authorization to Practice 50
such as revocation, suspension, probation, monitoring of the 51
Licensee, limitation on the Licensee's practice, or any other 52
Encumbrance on licensure affecting a Regulated Social Worker's 53
authorization to practice, including issuance of a cease and 54
desist action. 55

C. "Alternative Program" means a non-disciplinary 56
monitoring or practice remediation process approved by a 57
Licensing Authority to address practitioners with an Impairment. 58

D. "Charter Member States" - Member States who have 59
enacted legislation to adopt this Compact where such legislation 60
predates the effective date of this Compact as described in 61
Section 14. 62

E. "Compact Commission" or "Commission" means the 63
government agency whose membership consists of all States that 64
have enacted this Compact, which is known as the Social Work 65
Licensure Compact Commission, as described in Section 10, and 66
which shall operate as an instrumentality of the Member States. 67

F. "Current Significant Investigative Information" means: 68

1. Investigative information that a Licensing Authority, 69
after a preliminary inquiry that includes notification and an 70
opportunity for the Regulated Social Worker to respond has 71

reason to believe is not groundless and, if proved true, would 72
indicate more than a minor infraction as may be defined by the 73
Commission; or 74

2. Investigative information that indicates that the 75
Regulated Social Worker represents an immediate threat to public 76
health and safety, as may be defined by the Commission, 77
regardless of whether the Regulated Social Worker has been 78
notified and has had an opportunity to respond. 79

G. "Data System" means a repository of information about 80
Licensees, including, continuing education, examination, 81
licensure, Current Significant Investigative Information, 82
Disqualifying Event, Multistate License(s) and Adverse Action 83
information or other information as required by the Commission. 84

H. "Domicile" means the jurisdiction in which the Licensee 85
resides and intends to remain indefinitely. 86

I. "Disqualifying Event" means any Adverse Action or 87
incident which results in an Encumbrance that disqualifies or 88
makes the Licensee ineligible to either obtain, retain or renew 89
a Multistate License. 90

J. "Encumbrance" means a revocation or suspension of, or 91
any limitation on, the full and unrestricted practice of Social 92
Work licensed and regulated by a Licensing Authority. 93

K. "Executive Committee" means a group of delegates 94
elected or appointed to act on behalf of, and within the powers 95
granted to them by, the compact and Commission. 96

L. "Home State" means the Member State that is the 97
Licensee's primary Domicile. 98

M. "Impairment" means a condition(s) that may impair a 99

practitioner's ability to engage in full and unrestricted 100
practice as a Regulated Social Worker without some type of 101
intervention and may include alcohol and drug dependence, mental 102
health impairment, and neurological or physical impairments. 103

N. "Licensee(s)" means an individual who currently holds a 104
license from a State to practice as a Regulated Social Worker. 105

O. "Licensing Authority" means the board or agency of a 106
Member State, or equivalent, that is responsible for the 107
licensing and regulation of Regulated Social Workers. 108

P. "Member State" means a state, commonwealth, district, 109
or territory of the United States of America that has enacted 110
this Compact. 111

Q. "Multistate Authorization to Practice" means a legally 112
authorized privilege to practice, which is equivalent to a 113
license, associated with a Multistate License permitting the 114
practice of Social Work in a Remote State. 115

R. "Multistate License" means a license to practice as a 116
Regulated Social Worker issued by a Home State Licensing 117
Authority that authorizes the Regulated Social Worker to 118
practice in all Member States under Multistate Authorization to 119
Practice. 120

S. "Qualifying National Exam" means a national licensing 121
examination approved by the Commission. 122

T. "Regulated Social Worker" means any clinical, master's 123
or bachelor's Social Worker licensed by a Member State 124
regardless of the title used by that Member State. 125

U. "Remote State" means a Member State other than the 126
Licensee's Home State. 127

V. "Rule(s)" or "Rule(s) of the Commission" means a regulation or regulations duly promulgated by the Commission, as authorized by the Compact, that has the force of law. 128
129
130

W. "Single State License" means a Social Work license issued by any State that authorizes practice only within the issuing State and does not include Multistate Authorization to Practice in any Member State. 131
132
133
134

X. "Social Work" or "Social Work Services" means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities through the care and services provided by a Regulated Social Worker as set forth in the Member State's statutes and regulations in the State where the services are being provided. 135
136
137
138
139
140
141
142

Y. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of Social Work. 143
144
145

Z. "Unencumbered License" means a license that authorizes a Regulated Social Worker to engage in the full and unrestricted practice of Social Work. 146
147
148

SECTION 3. STATE PARTICIPATION IN THE COMPACT 149

A. To be eligible to participate in the compact, a potential Member State must currently meet all of the following criteria: 150
151
152

1. License and regulate the practice of Social Work at either the clinical, master's, or bachelor's category. 153
154

2. Require applicants for licensure to graduate from a 155

<u>program that is:</u>	156
<u>a. Operated by a college or university recognized by the</u>	157
<u>Licensing Authority;</u>	158
<u>b. Accredited, or in candidacy by an institution that</u>	159
<u>subsequently becomes accredited, by an accrediting agency</u>	160
<u>recognized by either:</u>	161
<u>i. the Council for Higher Education Accreditation, or its</u>	162
<u>successor; or</u>	163
<u>ii. the United States Department of Education; and</u>	164
<u>c. Corresponds to the licensure sought as outlined in</u>	165
<u>Section 4.</u>	166
<u>3. Require applicants for clinical licensure to complete a</u>	167
<u>period of supervised practice.</u>	168
<u>4. Have a mechanism in place for receiving, investigating,</u>	169
<u>and adjudicating complaints about Licensees.</u>	170
<u>B. To maintain membership in the Compact a Member State</u>	171
<u>shall:</u>	172
<u>1. Require that applicants for a Multistate License pass a</u>	173
<u>Qualifying National Exam for the corresponding category of</u>	174
<u>Multistate License sought as outlined in Section 4.</u>	175
<u>2. Participate fully in the Commission's Data System,</u>	176
<u>including using the Commission's unique identifier as defined in</u>	177
<u>Rules;</u>	178
<u>3. Notify the Commission, in compliance with the terms of</u>	179
<u>the Compact and Rules, of any Adverse Action or the availability</u>	180
<u>of Current Significant Investigative Information regarding a</u>	181
<u>Licensee;</u>	182

<u>4. Implement procedures for considering the criminal</u>	183
<u>history records of applicants for a Multistate License. Such</u>	184
<u>procedures shall include the submission of fingerprints or other</u>	185
<u>biometric-based information by applicants for the purpose of</u>	186
<u>obtaining an applicant's criminal history record information</u>	187
<u>from the Federal Bureau of Investigation and the agency</u>	188
<u>responsible for retaining that State's criminal records.</u>	189
<u>5. Comply with the Rules of the Commission;</u>	190
<u>6. Require an applicant to obtain or retain a license in</u>	191
<u>the Home State and meet the Home State's qualifications for</u>	192
<u>licensure or renewal of licensure, as well as all other</u>	193
<u>applicable Home State laws;</u>	194
<u>7. Authorize a Licensee holding a Multistate License in</u>	195
<u>any Member State to practice in accordance with the terms of the</u>	196
<u>Compact and Rules of the Commission; and</u>	197
<u>8. Designate a delegate to participate in the Commission</u>	198
<u>meetings.</u>	199
<u>C. A Member State meeting the requirements of Section 3.A.</u>	200
<u>and 3.B of this Compact shall designate the categories of Social</u>	201
<u>Work licensure that are eligible for issuance of a Multistate</u>	202
<u>License for applicants in such Member State. To the extent that</u>	203
<u>any Member State does not meet the requirements for</u>	204
<u>participation in the Compact at any particular category of</u>	205
<u>Social Work licensure, such Member State may choose, but is not</u>	206
<u>obligated to, issue a Multistate License to applicants that</u>	207
<u>otherwise meet the requirements of Section 4 for issuance of a</u>	208
<u>Multistate License in such category or categories of licensure.</u>	209
<u>D. The Home State may charge a fee for granting the</u>	210
<u>Multistate License.</u>	211

<u>SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT</u>	212
<u>A. To be eligible for a Multistate License under the terms</u>	213
<u>and provisions of the Compact, an applicant, regardless of</u>	214
<u>category must:</u>	215
<u>1. Hold or be eligible for an active, Unencumbered License</u>	216
<u>in the Home State;</u>	217
<u>2. Pay any applicable fees, including any State fee, for</u>	218
<u>the Multistate License;</u>	219
<u>3. Submit, in connection with an application for a</u>	220
<u>Multistate License, fingerprints or other biometric data for the</u>	221
<u>purpose of obtaining criminal history record information from</u>	222
<u>the Federal Bureau of Investigation and the agency responsible</u>	223
<u>for retaining that State's criminal records.</u>	224
<u>4. Notify the Home State of any Adverse Action,</u>	225
<u>Encumbrance, or restriction on any professional license taken by</u>	226
<u>any Member State or non-Member State within 30 days from the</u>	227
<u>date the action is taken.</u>	228
<u>5. Meet any continuing competence requirements established</u>	229
<u>by the Home State;</u>	230
<u>6. Abide by the laws, regulations, and applicable</u>	231
<u>standards in the Member State where the client is located at the</u>	232
<u>time care is rendered.</u>	233
<u>B. An applicant for a clinical-category Multistate License</u>	234
<u>must meet all of the following requirements:</u>	235
<u>2. Fulfill a competency requirement, which shall be</u>	236
<u>satisfied by either:</u>	237
<u>a. Passage of a clinical-category Qualifying National</u>	238

<u>Exam; or</u>	239
<u>b. Licensure of the applicant in their Home State at the</u>	240
<u>clinical category, beginning prior to such time as a Qualifying</u>	241
<u>National Exam was required by the Home State and accompanied by</u>	242
<u>a period of continuous Social Work licensure thereafter, all of</u>	243
<u>which may be further governed by the Rules of the Commission; or</u>	244
<u>c. The substantial equivalency of the foregoing competency</u>	245
<u>requirements which the Commission may determine by Rule.</u>	246
<u>3. Attain at least a master's degree in Social Work from a</u>	247
<u>program that is:</u>	248
<u>a. Operated by a college or university recognized by the</u>	249
<u>Licensing Authority; and</u>	250
<u>b. Accredited, or in candidacy that subsequently becomes</u>	251
<u>accredited, by an accrediting agency recognized by either:</u>	252
<u>i. the Council for Higher Education Accreditation or its</u>	253
<u>successor; or</u>	254
<u>ii. the United States Department of Education.</u>	255
<u>4. Fulfill a practice requirement, which shall be</u>	256
<u>satisfied by demonstrating completion of either:</u>	257
<u>a. A period of postgraduate supervised clinical practice</u>	258
<u>equal to a minimum of three thousand hours; or</u>	259
<u>b. A minimum of two years of full-time postgraduate</u>	260
<u>supervised clinical practice; or</u>	261
<u>c. The substantial equivalency of the foregoing practice</u>	262
<u>requirements which the Commission may determine by Rule.</u>	263
<u>C. An applicant for a master's-category Multistate License</u>	264
<u>must meet all of the following requirements:</u>	265

<u>1. Fulfill a competency requirement, which shall be</u>	266
<u>satisfied by either:</u>	267
<u>a. Passage of a masters-category Qualifying National Exam;</u>	268
<u>b. Licensure of the applicant in their Home State at the</u>	269
<u>master's category, beginning prior to such time as a Qualifying</u>	270
<u>National Exam was required by the Home State at the master's</u>	271
<u>category and accompanied by a continuous period of Social Work</u>	272
<u>licensure thereafter, all of which may be further governed by</u>	273
<u>the Rules of the Commission; or</u>	274
<u>c. The substantial equivalency of the foregoing competency</u>	275
<u>requirements which the Commission may determine by Rule.</u>	276
<u>2. Attain at least a master's degree in Social Work from a</u>	277
<u>program that is:</u>	278
<u>a. Operated by a college or university recognized by the</u>	279
<u>Licensing Authority; and</u>	280
<u>b. Accredited, or in candidacy that subsequently becomes</u>	281
<u>accredited, by an accrediting agency recognized by either:</u>	282
<u>i. the Council for Higher Education Accreditation or its</u>	283
<u>successor; or</u>	284
<u>ii. the United States Department of Education.</u>	285
<u>D. An applicant for a bachelor's-category Multistate</u>	286
<u>License must meet all of the following requirements:</u>	287
<u>1. Fulfill a competency requirement, which shall be</u>	288
<u>satisfied by either:</u>	289
<u>a. Passage of a bachelor's-category Qualifying National</u>	290
<u>Exam;</u>	291
<u>b. Licensure of the applicant in their Home State at the</u>	292

<u>bachelor's category, beginning prior to such time as a</u>	293
<u>Qualifying National Exam was required by the Home State and</u>	294
<u>accompanied by a period of continuous Social Work licensure</u>	295
<u>thereafter, all of which may be further governed by the Rules of</u>	296
<u>the Commission; or</u>	297
<u>c. The substantial equivalency of the foregoing competency</u>	298
<u>requirements which the Commission may determine by Rule.</u>	299
<u>2. Attain at least a bachelor's degree in Social Work from</u>	300
<u>a program that is:</u>	301
<u>a. Operated by a college or university recognized by the</u>	302
<u>Licensing Authority; and</u>	303
<u>b. Accredited, or in candidacy that subsequently becomes</u>	304
<u>accredited, by an accrediting agency recognized by either:</u>	305
<u>i. the Council for Higher Education Accreditation or its</u>	306
<u>successor; or</u>	307
<u>ii. the United States Department of Education.</u>	308
<u>E. The Multistate License for a Regulated Social Worker is</u>	309
<u>subject to the renewal requirements of the Home State. The</u>	310
<u>Regulated Social Worker must maintain compliance with the</u>	311
<u>requirements of Section 4(A) to be eligible to renew a</u>	312
<u>Multistate License.</u>	313
<u>F. The Regulated Social Worker's services in a Remote</u>	314
<u>State are subject to that Member State's regulatory authority. A</u>	315
<u>Remote State may, in accordance with due process and that Member</u>	316
<u>State's laws, remove a Regulated Social Worker's Multistate</u>	317
<u>Authorization to Practice in the Remote State for a specific</u>	318
<u>period of time, impose fines, and take any other necessary</u>	319
<u>actions to protect the health and safety of its citizens.</u>	320

G. If a Multistate License is encumbered, the Regulated Social Worker's Multistate Authorization to Practice shall be deactivated in all Remote States until the Multistate License is no longer encumbered. 321
322
323
324

H. If a Multistate Authorization to Practice is encumbered in a Remote State, the regulated Social Worker's Multistate Authorization to Practice may be deactivated in that State until the Multistate Authorization to Practice is no longer encumbered. 325
326
327
328
329

SECTION 5: ISSUANCE OF A MULTISTATE LICENSE 330

A. Upon receipt of an application for Multistate License, the Home State Licensing Authority shall determine the applicant's eligibility for a Multistate License in accordance with Section 4 of this Compact. 331
332
333
334

B. If such applicant is eligible pursuant to Section 4 of this Compact, the Home State Licensing Authority shall issue a Multistate License that authorizes the applicant or Regulated Social Worker to practice in all Member States under a Multistate Authorization to Practice. 335
336
337
338
339

C. Upon issuance of a Multistate License, the Home State Licensing Authority shall designate whether the Regulated Social Worker holds a Multistate License in the Bachelors, Masters, or Clinical category of Social Work. 340
341
342
343

D. A Multistate License issued by a Home State to a resident in that State shall be recognized by all Compact Member States as authorizing Social Work Practice under a Multistate Authorization to Practice corresponding to each category of licensure regulated in each Member State. 344
345
346
347
348

SECTION 6: AUTHORITY OF INTERSTATE COMPACT COMMISSION AND MEMBER 349

<u>STATE LICENSING AUTHORITIES</u>	350
<u>A. Nothing in this Compact, nor any Rule of the</u>	351
<u>Commission, shall be construed to limit, restrict, or in any way</u>	352
<u>reduce the ability of a Member State to enact and enforce laws,</u>	353
<u>regulations, or other rules related to the practice of Social</u>	354
<u>Work in that State, where those laws, regulations, or other</u>	355
<u>rules are not inconsistent with the provisions of this Compact.</u>	356
<u>B. Nothing in this Compact shall affect the requirements</u>	357
<u>established by a Member State for the issuance of a Single State</u>	358
<u>License.</u>	359
<u>C. Nothing in this Compact, nor any Rule of the</u>	360
<u>Commission, shall be construed to limit, restrict, or in any way</u>	361
<u>reduce the ability of a Member State to take Adverse Action</u>	362
<u>against a Licensee's Single State License to practice Social</u>	363
<u>Work in that State.</u>	364
<u>D. Nothing in this Compact, nor any Rule of the</u>	365
<u>Commission, shall be construed to limit, restrict, or in any way</u>	366
<u>reduce the ability of a Remote State to take Adverse Action</u>	367
<u>against a Licensee's Multistate Authorization to Practice in</u>	368
<u>that State.</u>	369
<u>E. Nothing in this Compact, nor any Rule of the</u>	370
<u>Commission, shall be construed to limit, restrict, or in any way</u>	371
<u>reduce the ability of a Licensee's Home State to take Adverse</u>	372
<u>Action against a Licensee's Multistate License based upon</u>	373
<u>information provided by a Remote State.</u>	374
<u>SECTION 7: REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME</u>	375
<u>STATE</u>	376
<u>A. A Licensee can hold a Multistate License, issued by</u>	377
<u>their Home State, in only one Member State at any given time.</u>	378

<u>B. If a Licensee changes their Home State by moving</u>	379
<u>between two Member States:</u>	380
<u>1. The Licensee shall immediately apply for the reissuance</u>	381
<u>of their Multistate License in their new Home State. The</u>	382
<u>Licensee shall pay all applicable fees and notify the prior Home</u>	383
<u>State in accordance with the Rules of the Commission.</u>	384
<u>2. Upon receipt of an application to reissue a Multistate</u>	385
<u>License, the new Home State shall verify that the Multistate</u>	386
<u>License is active, unencumbered and eligible for reissuance</u>	387
<u>under the terms of the Compact and the Rules of the Commission.</u>	388
<u>The Multistate License issued by the prior Home State will be</u>	389
<u>deactivated and all Member States notified in accordance with</u>	390
<u>the applicable Rules adopted by the Commission.</u>	391
<u>3. Prior to the reissuance of the Multistate License, the</u>	392
<u>new Home State shall conduct procedures for considering the</u>	393
<u>criminal history records of the Licensee. Such procedures shall</u>	394
<u>include the submission of fingerprints or other biometric-based</u>	395
<u>information by applicants for the purpose of obtaining an</u>	396
<u>applicant's criminal history record information from the Federal</u>	397
<u>Bureau of Investigation and the agency responsible for retaining</u>	398
<u>that State's criminal records.</u>	399
<u>4. If required for initial licensure, the new Home State</u>	400
<u>may require completion of jurisprudence requirements in the new</u>	401
<u>Home State.</u>	402
<u>5. Notwithstanding any other provision of this Compact, if</u>	403
<u>a Licensee does not meet the requirements set forth in this</u>	404
<u>Compact for the reissuance of a Multistate License by the new</u>	405
<u>Home State, then the Licensee shall be subject to the new Home</u>	406
<u>State requirements for the issuance of a Single State License in</u>	407

that State. 408

C. If a Licensee changes their primary State of residence 409
by moving from a Member State to a non-Member State, or from a 410
non-Member State to a Member State, then the Licensee shall be 411
subject to the State requirements for the issuance of a Single 412
State License in the new Home State. 413

D. Nothing in this Compact shall interfere with a 414
Licensee's ability to hold a Single State License in multiple 415
States; however, for the purposes of this Compact, a Licensee 416
shall have only one Home State, and only one Multistate License. 417

E. Nothing in this Compact shall interfere with the 418
requirements established by a Member State for the issuance of a 419
Single State License. 420

SECTION 8. MILITARY FAMILIES 421

An Active Military Member or their spouse shall designate 422
a Home State where the individual has a Multistate License. The 423
individual may retain their Home State designation during the 424
period the service member is on active duty. 425

SECTION 9. ADVERSE ACTIONS 426

A. In addition to the other powers conferred by State law, 427
a Remote State shall have the authority, in accordance with 428
existing State due process law, to: 429

1. Take Adverse Action against a Regulated Social Worker's 430
Multistate Authorization to Practice only within that Member 431
State, and issue subpoenas for both hearings and investigations 432
that require the attendance and testimony of witnesses as well 433
as the production of evidence. Subpoenas issued by a Licensing 434
Authority in a Member State for the attendance and testimony of 435

witnesses or the production of evidence from another Member 436
State shall be enforced in the latter State by any court of 437
competent jurisdiction, according to the practice and procedure 438
of that court applicable to subpoenas issued in proceedings 439
pending before it. The issuing Licensing Authority shall pay any 440
witness fees, travel expenses, mileage, and other fees required 441
by the service statutes of the State in which the witnesses or 442
evidence are located. 443

2. Only the Home State shall have the power to take 444
Adverse Action against a Regulated Social Worker's Multistate 445
License. 446

B. For purposes of taking Adverse Action, the Home State 447
shall give the same priority and effect to reported conduct 448
received from a Member State as it would if the conduct had 449
occurred within the Home State. In so doing, the Home State 450
shall apply its own State laws to determine appropriate action. 451

C. The Home State shall complete any pending 452
investigations of a Regulated Social Worker who changes their 453
Home State during the course of the investigations. The Home 454
State shall also have the authority to take appropriate 455
action(s) and shall promptly report the conclusions of the 456
investigations to the administrator of the Data System. The 457
administrator of the Data System shall promptly notify the new 458
Home State of any Adverse Actions. 459

D. A Member State, if otherwise permitted by State law, 460
may recover from the affected Regulated Social Worker the costs 461
of investigations and dispositions of cases resulting from any 462
Adverse Action taken against that Regulated Social Worker. 463

E. A Member State may take Adverse Action based on the 464

factual findings of another Member State, provided that the 465
Member State follows its own procedures for taking the Adverse 466
Action. 467

F. Joint Investigations: 468

1. In addition to the authority granted to a Member State 469
by its respective Social Work practice act or other applicable 470
State law, any Member State may participate with other Member 471
States in joint investigations of Licensees. 472

2. Member States shall share any investigative, 473
litigation, or compliance materials in furtherance of any joint 474
or individual investigation initiated under the Compact. 475

G. If Adverse Action is taken by the Home State against 476
the Multistate License of a Regulated Social Worker, the 477
Regulated Social Worker's Multistate Authorization to Practice 478
in all other Member States shall be deactivated until all 479
Encumbrances have been removed from the Multistate License. All 480
Home State disciplinary orders that impose Adverse Action 481
against the license of a Regulated Social Worker shall include a 482
statement that the Regulated Social Worker's Multistate 483
Authorization to Practice is deactivated in all Member States 484
until all conditions of the decision, order or agreement are 485
satisfied. 486

H. If a Member State takes Adverse Action, it shall 487
promptly notify the administrator of the Data System. The 488
administrator of the Data System shall promptly notify the Home 489
State and all other Member State's of any Adverse Actions by 490
Remote States. 491

I. Nothing in this Compact shall override a Member State's 492
decision that participation in an Alternative Program may be 493

used in lieu of Adverse Action. 494

J. Nothing in this Compact shall authorize a Member State 495
to demand the issuance of subpoenas for attendance and testimony 496
of witnesses or the production of evidence from another Member 497
State for lawful actions within that Member State. 498

K. Nothing in this Compact shall authorize a Member State 499
to impose discipline against a Regulated Social Worker who holds 500
a Multistate Authorization to Practice for lawful actions within 501
another Member State. 502

SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT 503

COMMISSION 504

A. The Compact Member States hereby create and establish a 505
joint government agency whose membership consists of all Member 506
States that have enacted the compact known as the Social Work 507
Licensure Compact Commission. The Commission is an 508
instrumentality of the Compact States acting jointly and not an 509
instrumentality of any one State. The Commission shall come into 510
existence on or after the effective date of the Compact as set 511
forth in Section 14. 512

B. Membership, Voting, and Meetings 513

1. Each Member State shall have and be limited to one (1) 514
delegate selected by that Member State's State Licensing 515
Authority. 516

2. The delegate shall be either: 517

a. A current member of the State Licensing Authority at 518
the time of appointment, who is a Regulated Social Worker or 519
public member of the State Licensing Authority; or 520

b. An administrator of the State Licensing Authority or 521

<u>their designee.</u>	522
<u>3. The Commission shall by Rule or bylaw establish a term</u>	523
<u>of office for delegates and may by Rule or bylaw establish term</u>	524
<u>limits.</u>	525
<u>4. The Commission may recommend removal or suspension any</u>	526
<u>delegate from office.</u>	527
<u>5. A Member State's State Licensing Authority shall fill</u>	528
<u>any vacancy of its delegate occurring on the Commission within</u>	529
<u>60 days of the vacancy.</u>	530
<u>6. Each delegate shall be entitled to one vote on all</u>	531
<u>matters before the Commission requiring a vote by Commission</u>	532
<u>delegates.</u>	533
<u>7. A delegate shall vote in person or by such other means</u>	534
<u>as provided in the bylaws. The bylaws may provide for delegates</u>	535
<u>to meet by telecommunication, videoconference, or other means of</u>	536
<u>communication.</u>	537
<u>8. The Commission shall meet at least once during each</u>	538
<u>calendar year. Additional meetings may be held as set forth in</u>	539
<u>the bylaws. The Commission may meet by telecommunication, video</u>	540
<u>conference or other similar electronic means.</u>	541
<u>C. The Commission shall have the following powers:</u>	542
<u>1. Establish the fiscal year of the Commission;</u>	543
<u>2. Establish code of conduct and conflict of interest</u>	544
<u>policies;</u>	545
<u>3. Establish and amend Rules and bylaws;</u>	546
<u>4. Maintain its financial records in accordance with the</u>	547
<u>bylaws;</u>	548

<u>5. Meet and take such actions as are consistent with the</u>	549
<u>provisions of this Compact, the Commission's Rules, and the</u>	550
<u>bylaws;</u>	551
<u>6. Initiate and conclude legal proceedings or actions in</u>	552
<u>the name of the Commission, provided that the standing of any</u>	553
<u>State Licensing Board to sue or be sued under applicable law</u>	554
<u>shall not be affected;</u>	555
<u>7. Maintain and certify records and information provided</u>	556
<u>to a Member State as the authenticated business records of the</u>	557
<u>Commission, and designate an agent to do so on the Commission's</u>	558
<u>behalf;</u>	559
<u>8. Purchase and maintain insurance and bonds;</u>	560
<u>9. Borrow, accept, or contract for services of personnel,</u>	561
<u>including, but not limited to, employees of a Member State;</u>	562
<u>10. Conduct an annual financial review</u>	563
<u>11. Hire employees, elect or appoint officers, fix</u>	564
<u>compensation, define duties, grant such individuals appropriate</u>	565
<u>authority to carry out the purposes of the Compact, and</u>	566
<u>establish the Commission's personnel policies and programs</u>	567
<u>relating to conflicts of interest, qualifications of personnel,</u>	568
<u>and other related personnel matters;</u>	569
<u>12. Assess and collect fees;</u>	570
<u>13. Accept any and all appropriate gifts, donations,</u>	571
<u>grants of money, other sources of revenue, equipment, supplies,</u>	572
<u>materials, and services, and receive, utilize, and dispose of</u>	573
<u>the same; provided that at all times the Commission shall avoid</u>	574
<u>any appearance of impropriety or conflict of interest;</u>	575
<u>14. Lease, purchase, retain, own, hold, improve, or use</u>	576

<u>any property, real, personal, or mixed, or any undivided</u>	577
<u>interest therein;</u>	578
<u>15. Sell, convey, mortgage, pledge, lease, exchange,</u>	579
<u>abandon, or otherwise dispose of any property real, personal, or</u>	580
<u>mixed;</u>	581
<u>16. Establish a budget and make expenditures;</u>	582
<u>17. Borrow money;</u>	583
<u>18. Appoint committees, including standing committees,</u>	584
<u>composed of members, State regulators, State legislators or</u>	585
<u>their representatives, and consumer representatives, and such</u>	586
<u>other interested persons as may be designated in this Compact</u>	587
<u>and the bylaws;</u>	588
<u>19. Provide and receive information from, and cooperate</u>	589
<u>with, law enforcement agencies;</u>	590
<u>20. Establish and elect an Executive Committee, including</u>	591
<u>a chair and a vice chair;</u>	592
<u>21. Determine whether a State's adopted language is</u>	593
<u>materially different from the model compact language such that</u>	594
<u>the State would not qualify for participation in the Compact;</u>	595
<u>and</u>	596
<u>22. Perform such other functions as may be necessary or</u>	597
<u>appropriate to achieve the purposes of this Compact.</u>	598
<u>D. The Executive Committee</u>	599
<u>1. The Executive Committee shall have the power to act on</u>	600
<u>behalf of the Commission according to the terms of this Compact.</u>	601
<u>The powers, duties, and responsibilities of the Executive</u>	602
<u>Committee shall include:</u>	603

<u>a. Oversee the day-to-day activities of the administration</u>	604
<u>of the compact including enforcement and compliance with the</u>	605
<u>provisions of the compact, its Rules and bylaws, and other such</u>	606
<u>duties as deemed necessary;</u>	607
<u>b. Recommend to the Commission changes to the Rules or</u>	608
<u>bylaws, changes to this Compact legislation, fees charged to</u>	609
<u>Compact Member States, fees charged to Licensees, and other</u>	610
<u>fees;</u>	611
<u>c. Ensure Compact administration services are</u>	612
<u>appropriately provided, including by contract;</u>	613
<u>d. Prepare and recommend the budget;</u>	614
<u>e. Maintain financial records on behalf of the Commission;</u>	615
<u>f. Monitor Compact compliance of Member States and provide</u>	616
<u>compliance reports to the Commission;</u>	617
<u>g. Establish additional committees as necessary;</u>	618
<u>h. Exercise the powers and duties of the Commission during</u>	619
<u>the interim between Commission meetings, except for adopting or</u>	620
<u>amending Rules, adopting or amending bylaws, and exercising any</u>	621
<u>other powers and duties expressly reserved to the Commission by</u>	622
<u>Rule or bylaw; and</u>	623
<u>i. Other duties as provided in the Rules or bylaws of the</u>	624
<u>Commission.</u>	625
<u>2. The Executive Committee shall be composed of up to</u>	626
<u>eleven (11) members:</u>	627
<u>a. The chair and vice chair of the Commission shall be</u>	628
<u>voting members of the Executive Committee; and</u>	629
<u>b. The Commission shall elect five voting members from the</u>	630

<u>current membership of the Commission.</u>	631
<u>c. Up to four (4) ex-officio, nonvoting members from four</u>	632
<u>(4) recognized national Social Work organizations.</u>	633
<u>d. The ex-officio members will be selected by their</u>	634
<u>respective organizations.</u>	635
<u>3. The Commission may remove any member of the Executive</u>	636
<u>Committee as provided in the Commission's bylaws.</u>	637
<u>4. The Executive Committee shall meet at least annually.</u>	638
<u>a. Executive Committee meetings shall be open to the</u>	639
<u>public, except that the Executive Committee may meet in a</u>	640
<u>closed, non-public meeting as provided in subsection F.2 below.</u>	641
<u>b. The Executive Committee shall give seven (7) days'</u>	642
<u>notice of its meetings, posted on its website and as determined</u>	643
<u>to provide notice to persons with an interest in the business of</u>	644
<u>the Commission.</u>	645
<u>c. The Executive Committee may hold a special meeting in</u>	646
<u>accordance with subsection F.1.b. below.</u>	647
<u>E. The Commission shall adopt and provide to the Member</u>	648
<u>States an annual report.</u>	649
<u>F. Meetings of the Commission</u>	650
<u>1. All meetings shall be open to the public, except that</u>	651
<u>the Commission may meet in a closed, non-public meeting as</u>	652
<u>provided in subsection F.2 below.</u>	653
<u>a. Public notice for all meetings of the full Commission</u>	654
<u>of meetings shall be given in the same manner as required under</u>	655
<u>the Rulemaking provisions in Section 12, except that the</u>	656
<u>Commission may hold a special meeting as provided in subsection</u>	657

<u>F.1.b below.</u>	658
<u>b. The Commission may hold a special meeting when it must</u>	659
<u>meet to conduct emergency business by giving 48 hours' notice to</u>	660
<u>all commissioners, on the Commission's website, and other means</u>	661
<u>as provided in the Commission's Rules. The Commission's legal</u>	662
<u>counsel shall certify that the Commission's need to meet</u>	663
<u>qualifies as an emergency.</u>	664
<u>2. The Commission or the Executive Committee or other</u>	665
<u>committees of the Commission may convene in a closed, non-public</u>	666
<u>meeting for the Commission or Executive Committee or other</u>	667
<u>committees of the Commission to receive legal advice or to</u>	668
<u>discuss:</u>	669
<u>a. Non-compliance of a Member State with its obligations</u>	670
<u>under the Compact;</u>	671
<u>b. The employment, compensation, discipline or other</u>	672
<u>matters, practices or procedures related to specific employees;</u>	673
<u>c. Current or threatened discipline of a Licensee by the</u>	674
<u>Commission or by a Member State's Licensing Authority;</u>	675
<u>d. Current, threatened, or reasonably anticipated</u>	676
<u>litigation;</u>	677
<u>e. Negotiation of contracts for the purchase, lease, or</u>	678
<u>sale of goods, services, or real estate;</u>	679
<u>f. Accusing any person of a crime or formally censuring</u>	680
<u>any person;</u>	681
<u>g. Trade secrets or commercial or financial information</u>	682
<u>that is privileged or confidential;</u>	683
<u>h. Information of a personal nature where disclosure would</u>	684

<u>constitute a clearly unwarranted invasion of personal privacy;</u>	685
<u>i. Investigative records compiled for law enforcement</u>	686
<u>purposes;</u>	687
<u>j. Information related to any investigative reports</u>	688
<u>prepared by or on behalf of or for use of the Commission or</u>	689
<u>other committee charged with responsibility of investigation or</u>	690
<u>determination of compliance issues pursuant to the Compact;</u>	691
<u>k. Matters specifically exempted from disclosure by</u>	692
<u>federal or Member State law; or</u>	693
<u>1. Other matters as promulgated by the Commission by Rule.</u>	694
<u>3. If a meeting, or portion of a meeting, is closed, the</u>	695
<u>presiding officer shall state that the meeting will be closed</u>	696
<u>and reference each relevant exempting provision, and such</u>	697
<u>reference shall be recorded in the minutes.</u>	698
<u>4. The Commission shall keep minutes that fully and</u>	699
<u>clearly describe all matters discussed in a meeting and shall</u>	700
<u>provide a full and accurate summary of actions taken, and the</u>	701
<u>reasons therefore, including a description of the views</u>	702
<u>expressed. All documents considered in connection with an action</u>	703
<u>shall be identified in such minutes. All minutes and documents</u>	704
<u>of a closed meeting shall remain under seal, subject to release</u>	705
<u>only by a majority vote of the Commission or order of a court of</u>	706
<u>competent jurisdiction.</u>	707
<u>G. Financing of the Commission</u>	708
<u>1. The Commission shall pay, or provide for the payment</u>	709
<u>of, the reasonable expenses of its establishment, organization,</u>	710
<u>and ongoing activities.</u>	711
<u>2. The Commission may accept any and all appropriate</u>	712

revenue sources as provided in subsection C(13). 713

3. The Commission may levy on and collect an annual 714
assessment from each Member State and impose fees on Licensees 715
of Member States to whom it grants a Multistate License to cover 716
the cost of the operations and activities of the Commission and 717
its staff, which must be in a total amount sufficient to cover 718
its annual budget as approved each year for which revenue is not 719
provided by other sources. The aggregate annual assessment 720
amount for Member States shall be allocated based upon a formula 721
that the Commission shall promulgate by Rule. 722

4. The Commission shall not incur obligations of any kind 723
prior to securing the funds adequate to meet the same; nor shall 724
the Commission pledge the credit of any of the Member States, 725
except by and with the authority of the Member State. 726

5. The Commission shall keep accurate accounts of all 727
receipts and disbursements. The receipts and disbursements of 728
the Commission shall be subject to the financial review and 729
accounting procedures established under its bylaws. However, all 730
receipts and disbursements of funds handled by the Commission 731
shall be subject to an annual financial review by a certified or 732
licensed public accountant, and the report of the financial 733
review shall be included in and become part of the annual report 734
of the Commission. 735

H. Qualified Immunity, Defense, and Indemnification 736

1. The members, officers, executive director, employees 737
and representatives of the Commission shall be immune from suit 738
and liability, both personally and in their official capacity, 739
for any claim for damage to or loss of property or personal 740
injury or other civil liability caused by or arising out of any 741

actual or alleged act, error, or omission that occurred, or that 742
the person against whom the claim is made had a reasonable basis 743
for believing occurred within the scope of Commission 744
employment, duties or responsibilities; provided that nothing in 745
this paragraph shall be construed to protect any such person 746
from suit or liability for any damage, loss, injury, or 747
liability caused by the intentional or willful or wanton 748
misconduct of that person. The procurement of insurance of any 749
type by the Commission shall not in any way compromise or limit 750
the immunity granted hereunder. 751

2. The Commission shall defend any member, officer, 752
executive director, employee, and representative of the 753
Commission in any civil action seeking to impose liability 754
arising out of any actual or alleged act, error, or omission 755
that occurred within the scope of Commission employment, duties, 756
or responsibilities, or as determined by the Commission that the 757
person against whom the claim is made had a reasonable basis for 758
believing occurred within the scope of Commission employment, 759
duties, or responsibilities; provided that nothing herein shall 760
be construed to prohibit that person from retaining their own 761
counsel at their own expense; and provided further, that the 762
actual or alleged act, error, or omission did not result from 763
that person's intentional or willful or wanton misconduct. 764

3. The Commission shall indemnify and hold harmless any 765
member, officer, executive director, employee, and 766
representative of the Commission for the amount of any 767
settlement or judgment obtained against that person arising out 768
of any actual or alleged act, error, or omission that occurred 769
within the scope of Commission employment, duties, or 770
responsibilities, or that such person had a reasonable basis for 771
believing occurred within the scope of Commission employment, 772

duties, or responsibilities, provided that the actual or alleged 773
act, error, or omission did not result from the intentional or 774
willful or wanton misconduct of that person. 775

4. Nothing herein shall be construed as a limitation on 776
the liability of any Licensee for professional malpractice or 777
misconduct, which shall be governed solely by any other 778
applicable State laws. 779

5. Nothing in this Compact shall be interpreted to waive 780
or otherwise abrogate a Member State's state action immunity or 781
state action affirmative defense with respect to antitrust 782
claims under the Sherman Act, Clayton Act, or any other State or 783
federal antitrust or anticompetitive law or regulation. 784

6. Nothing in this Compact shall be construed to be a 785
waiver of sovereign immunity by the Member States or by the 786
Commission. 787

SECTION 11. DATA SYSTEM 788

A. The Commission shall provide for the development, 789
maintenance, operation, and utilization of a coordinated Data 790
System. 791

B. The Commission shall assign each applicant for a 792
Multistate License a unique identifier, as determined by the 793
Rules of the Commission. 794

C. Notwithstanding any other provision of State law to the 795
contrary, a Member State shall submit a uniform data set to the 796
Data System on all individuals to whom this Compact is 797
applicable as required by the Rules of the Commission, 798
including: 799

1. Identifying information; 800

<u>2. Licensure data;</u>	801
<u>3. Adverse Actions against a license and information related thereto;</u>	802 803
<u>4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under Member State law;</u>	804 805 806 807
<u>5. Any denial of application for licensure, and the reason(s) for such denial;</u>	808 809
<u>6. The presence of Current Significant Investigative Information; and</u>	810 811
<u>7. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission.</u>	812 813 814
<u>D. The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a Member State.</u>	815 816 817 818 819 820 821
<u>E. Current Significant Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.</u>	822 823 824
<u>1. It is the responsibility of the Member States to report any Adverse Action against a Licensee and to monitor the database to determine whether Adverse Action has been taken against a Licensee. Adverse Action information pertaining to a</u>	825 826 827 828

Licensee in any Member State will be available to any other 829
Member State. 830

F. Member States contributing information to the Data 831
System may designate information that may not be shared with the 832
public without the express permission of the contributing State. 833

G. Any information submitted to the Data System that is 834
subsequently expunged pursuant to federal law or the laws of the 835
Member State contributing the information shall be removed from 836
the Data System. 837

SECTION 12. RULEMAKING 838

A. The Commission shall promulgate reasonable Rules in 839
order to effectively and efficiently implement and administer 840
the purposes and provisions of the Compact. A Rule shall be 841
invalid and have no force or effect only if a court of competent 842
jurisdiction holds that the Rule is invalid because the 843
Commission exercised its rulemaking authority in a manner that 844
is beyond the scope and purposes of the Compact, or the powers 845
granted hereunder, or based upon another applicable standard of 846
review. 847

B. The Rules of the Commission shall have the force of law 848
in each Member State, provided however that where the Rules of 849
the Commission conflict with the laws of the Member State that 850
establish the Member State's laws, regulations, and applicable 851
standards that govern the practice of Social Work as held by a 852
court of competent jurisdiction, the Rules of the Commission 853
shall be ineffective in that State to the extent of the 854
conflict. 855

C. The Commission shall exercise its Rulemaking powers 856
pursuant to the criteria set forth in this Section and the Rules 857

adopted thereunder. Rules shall become binding on the day 858
following adoption or the date specified in the rule or 859
amendment, whichever is later. 860

D. If a majority of the legislatures of the Member States 861
rejects a Rule or portion of a Rule, by enactment of a statute 862
or resolution in the same manner used to adopt the Compact 863
within four (4) years of the date of adoption of the Rule, then 864
such Rule shall have no further force and effect in any Member 865
State. 866

E. Rules shall be adopted at a regular or special meeting 867
of the Commission. 868

F. Prior to adoption of a proposed Rule, the Commission 869
shall hold a public hearing and allow persons to provide oral 870
and written comments, data, facts, opinions, and arguments. 871

G. Prior to adoption of a proposed Rule by the Commission, 872
and at least thirty (30) days in advance of the meeting at which 873
the Commission will hold a public hearing on the proposed Rule, 874
the Commission shall provide a Notice of Proposed Rulemaking: 875

1. On the website of the Commission or other publicly 876
accessible platform; 877

2. To persons who have requested notice of the 878
Commission's notices of proposed rulemaking, and 879

3. In such other way(s) as the Commission may by Rule 880
specify. 881

H. The Notice of Proposed Rulemaking shall include: 882

1. The time, date, and location of the public hearing at 883
which the Commission will hear public comments on the proposed 884
Rule and, if different, the time, date, and location of the 885

<u>meeting where the Commission will consider and vote on the</u>	886
<u>proposed Rule;</u>	887
<u>2. If the hearing is held via telecommunication, video</u>	888
<u>conference, or other electronic means, the Commission shall</u>	889
<u>include the mechanism for access to the hearing in the Notice of</u>	890
<u>Proposed Rulemaking;</u>	891
<u>3. The text of the proposed Rule and the reason therefor;</u>	892
<u>4. A request for comments on the proposed Rule from any</u>	893
<u>interested person; and</u>	894
<u>5. The manner in which interested persons may submit</u>	895
<u>written comments.</u>	896
<u>I. All hearings will be recorded. A copy of the recording</u>	897
<u>and all written comments and documents received by the</u>	898
<u>Commission in response to the proposed Rule shall be available</u>	899
<u>to the public.</u>	900
<u>J. Nothing in this section shall be construed as requiring</u>	901
<u>a separate hearing on each Rule. Rules may be grouped for the</u>	902
<u>convenience of the Commission at hearings required by this</u>	903
<u>section.</u>	904
<u>K. The Commission shall, by majority vote of all members,</u>	905
<u>take final action on the proposed Rule based on the Rulemaking</u>	906
<u>record and the full text of the Rule.</u>	907
<u>1. The Commission may adopt changes to the proposed Rule</u>	908
<u>provided the changes do not enlarge the original purpose of the</u>	909
<u>proposed Rule.</u>	910
<u>2. The Commission shall provide an explanation of the</u>	911
<u>reasons for substantive changes made to the proposed Rule as</u>	912
<u>well as reasons for substantive changes not made that were</u>	913

recommended by commenters. 914

3. The Commission shall determine a reasonable effective 915
date for the Rule. Except for an emergency as provided in 916
Section 12.L, the effective date of the rule shall be no sooner 917
than 30 days after issuing the notice that it adopted or amended 918
the Rule. 919

L. Upon determination that an emergency exists, the 920
Commission may consider and adopt an emergency Rule with 48 921
hours' notice, with opportunity to comment, provided that the 922
usual Rulemaking procedures provided in the Compact and in this 923
section shall be retroactively applied to the Rule as soon as 924
reasonably possible, in no event later than ninety (90) days 925
after the effective date of the Rule. For the purposes of this 926
provision, an emergency Rule is one that must be adopted 927
immediately in order to: 928

1. Meet an imminent threat to public health, safety, or 929
welfare; 930

2. Prevent a loss of Commission or Member State funds; 931

3. Meet a deadline for the promulgation of a Rule that is 932
established by federal law or rule; or 933

4. Protect public health and safety. 934

M. The Commission or an authorized committee of the 935
Commission may direct revisions to a previously adopted Rule for 936
purposes of correcting typographical errors, errors in format, 937
errors in consistency, or grammatical errors. Public notice of 938
any revisions shall be posted on the website of the Commission. 939
The revision shall be subject to challenge by any person for a 940
period of thirty (30) days after posting. The revision may be 941
challenged only on grounds that the revision results in a 942

material change to a Rule. A challenge shall be made in writing 943
and delivered to the Commission prior to the end of the notice 944
period. If no challenge is made, the revision will take effect 945
without further action. If the revision is challenged, the 946
revision may not take effect without the approval of the 947
Commission. 948

N. No Member State's rulemaking requirements shall apply 949
under this compact. 950

SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT 951

A. Oversight 952

1. The executive and judicial branches of State government 953
in each Member State shall enforce this Compact and take all 954
actions necessary and appropriate to implement the Compact. 955

2. Except as otherwise provided in this Compact, venue is 956
proper and judicial proceedings by or against the Commission 957
shall be brought solely and exclusively in a court of competent 958
jurisdiction where the principal office of the Commission is 959
located. The Commission may waive venue and jurisdictional 960
defenses to the extent it adopts or consents to participate in 961
alternative dispute resolution proceedings. Nothing herein shall 962
affect or limit the selection or propriety of venue in any 963
action against a Licensee for professional malpractice, 964
misconduct or any such similar matter. 965

3. The Commission shall be entitled to receive service of 966
process in any proceeding regarding the enforcement or 967
interpretation of the Compact and shall have standing to 968
intervene in such a proceeding for all purposes. Failure to 969
provide the Commission service of process shall render a 970
judgment or order void as to the Commission, this Compact, or 971

<u>promulgated Rules.</u>	972
<u>B. Default, Technical Assistance, and Termination</u>	973
<u>1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Commission may take, and shall offer training and specific technical assistance regarding the default.</u>	974 975 976 977 978 979 980 981
<u>2. The Commission shall provide a copy of the notice of default to the other Member States.</u>	982 983
<u>C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the Member States, and all rights, privileges and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.</u>	984 985 986 987 988 989 990 991
<u>D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's State Licensing Authority and each of the Member States' State Licensing Authority.</u>	992 993 994 995 996 997 998
<u>E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the</u>	999 1000

effective date of termination, including obligations that extend 1001
beyond the effective date of termination. 1002

F. Upon the termination of a State's membership from this 1003
Compact, that State shall immediately provide notice to all 1004
Licensees within that State of such termination. The terminated 1005
State shall continue to recognize all licenses granted pursuant 1006
to this Compact for a minimum of six (6) months after the date 1007
of said notice of termination. 1008

G. The Commission shall not bear any costs related to a 1009
State that is found to be in default or that has been terminated 1010
from the Compact, unless agreed upon in writing between the 1011
Commission and the defaulting State. 1012

H. The defaulting State may appeal the action of the 1013
Commission by petitioning the U.S. District Court for the 1014
District of Columbia or the federal district where the 1015
Commission has its principal offices. The prevailing party shall 1016
be awarded all costs of such litigation, including reasonable 1017
attorney's fees. 1018

I. Dispute Resolution 1019

1. Upon request by a Member State, the Commission shall 1020
attempt to resolve disputes related to the Compact that arise 1021
among Member States and between Member and non-Member States. 1022

2. The Commission shall promulgate a Rule providing for 1023
both mediation and binding dispute resolution for disputes as 1024
appropriate. 1025

J. Enforcement 1026

1. By majority vote as provided by Rule, the Commission 1027
may initiate legal action against a Member State in default in 1028

the United States District Court for the District of Columbia or 1029
the federal district where the Commission has its principal 1030
offices to enforce compliance with the provisions of the Compact 1031
and its promulgated Rules. The relief sought may include both 1032
injunctive relief and damages. In the event judicial enforcement 1033
is necessary, the prevailing party shall be awarded all costs of 1034
such litigation, including reasonable attorney's fees. The 1035
remedies herein shall not be the exclusive remedies of the 1036
Commission. The Commission may pursue any other remedies 1037
available under federal or the defaulting Member State's law. 1038

2. A Member State may initiate legal action against the 1039
Commission in the U.S. District Court for the District of 1040
Columbia or the federal district where the Commission has its 1041
principal offices to enforce compliance with the provisions of 1042
the Compact and its promulgated Rules. The relief sought may 1043
include both injunctive relief and damages. In the event 1044
judicial enforcement is necessary, the prevailing party shall be 1045
awarded all costs of such litigation, including reasonable 1046
attorney's fees. 1047

3. No person other than a Member State shall enforce this 1048
compact against the Commission. 1049

SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT 1050

A. The Compact shall come into effect on the date on which 1051
the Compact statute is enacted into law in the seventh Member 1052
State. 1053

1. On or after the effective date of the Compact, the 1054
Commission shall convene and review the enactment of each of the 1055
first seven Member States ("Charter Member States") to determine 1056
if the statute enacted by each such Charter Member State is 1057

materially different than the model Compact statute. 1058

a. A Charter Member State whose enactment is found to be 1059
materially different from the model Compact statute shall be 1060
entitled to the default process set forth in Section 13. 1061

b. If any Member State is later found to be in default, or 1062
is terminated or withdraws from the Compact, the Commission 1063
shall remain in existence and the Compact shall remain in effect 1064
even if the number of Member States should be less than seven. 1065

2. Member States enacting the Compact subsequent to the 1066
seven initial Charter Member States shall be subject to the 1067
process set forth in Section 10(C)(21) to determine if their 1068
enactments are materially different from the model Compact 1069
statute and whether they qualify for participation in the 1070
Compact. 1071

3. All actions taken for the benefit of the Commission or 1072
in furtherance of the purposes of the administration of the 1073
Compact prior to the effective date of the Compact or the 1074
Commission coming into existence shall be considered to be 1075
actions of the Commission unless specifically repudiated by the 1076
Commission. 1077

4. Any State that joins the Compact subsequent to the 1078
Commission's initial adoption of the Rules and bylaws shall be 1079
subject to the Rules and bylaws as they exist on the date on 1080
which the Compact becomes law in that State. Any Rule that has 1081
been previously adopted by the Commission shall have the full 1082
force and effect of law on the day the Compact becomes law in 1083
that State. 1084

B. Any Member State may withdraw from this Compact by 1085
enacting a statute repealing the same. 1086

1. A Member State's withdrawal shall not take effect until 1087
180 days after enactment of the repealing statute. 1088

2. Withdrawal shall not affect the continuing requirement 1089
of the withdrawing State's Licensing Authority to comply with 1090
the investigative and Adverse Action reporting requirements of 1091
this Compact prior to the effective date of withdrawal. 1092

3. Upon the enactment of a statute withdrawing from this 1093
compact, a State shall immediately provide notice of such 1094
withdrawal to all Licensees within that State. Notwithstanding 1095
any subsequent statutory enactment to the contrary, such 1096
withdrawing State shall continue to recognize all licenses 1097
granted pursuant to this compact for a minimum of 180 days after 1098
the date of such notice of withdrawal. 1099

C. Nothing contained in this Compact shall be construed to 1100
invalidate or prevent any licensure agreement or other 1101
cooperative arrangement between a Member State and a non-Member 1102
State that does not conflict with the provisions of this 1103
Compact. 1104

D. This Compact may be amended by the Member States. No 1105
amendment to this Compact shall become effective and binding 1106
upon any Member State until it is enacted into the laws of all 1107
Member States. 1108

SECTION 15. CONSTRUCTION AND SEVERABILITY 1109

A. This Compact and the Commission's rulemaking authority 1110
shall be liberally construed so as to effectuate the purposes, 1111
and the implementation and administration of the Compact. 1112
Provisions of the Compact expressly authorizing or requiring the 1113
promulgation of Rules shall not be construed to limit the 1114
Commission's rulemaking authority solely for those purposes. 1115

B. The provisions of this Compact shall be severable and 1116
if any phrase, clause, sentence or provision of this Compact is 1117
held by a court of competent jurisdiction to be contrary to the 1118
constitution of any Member State, a State seeking participation 1119
in the Compact, or of the United States, or the applicability 1120
thereof to any government, agency, person or circumstance is 1121
held to be unconstitutional by a court of competent 1122
jurisdiction, the validity of the remainder of this Compact and 1123
the applicability thereof to any other government, agency, 1124
person or circumstance shall not be affected thereby. 1125

C. Notwithstanding subsection B of this section, the 1126
Commission may deny a State's participation in the Compact or, 1127
in accordance with the requirements of Section 13.B, terminate a 1128
Member State's participation in the Compact, if it determines 1129
that a constitutional requirement of a Member State is a 1130
material departure from the Compact. Otherwise, if this Compact 1131
shall be held to be contrary to the constitution of any Member 1132
State, the Compact shall remain in full force and effect as to 1133
the remaining Member States and in full force and effect as to 1134
the Member State affected as to all severable matters. 1135

SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS 1136

A. A Licensee providing services in a Remote State under a 1137
Multistate Authorization to Practice shall adhere to the laws 1138
and regulations, including laws, regulations, and applicable 1139
standards, of the Remote State where the client is located at 1140
the time care is rendered. 1141

B. Nothing herein shall prevent or inhibit the enforcement 1142
of any other law of a Member State that is not inconsistent with 1143
the Compact. 1144

C. Any laws, statutes, regulations, or other legal 1145
requirements in a Member State in conflict with the Compact are 1146
superseded to the extent of the conflict. 1147

D. All permissible agreements between the Commission and 1148
the Member States are binding in accordance with their terms. 1149

Sec. 4757.521. Not later than sixty days after the 1150
"Social Work Licensure Compact" is entered into under section 1151
4757.52 of the Revised Code, the counselor, social worker, and 1152
marriage and family therapist board, in accordance with section 1153
10 of the compact, shall select an individual to serve as a 1154
delegate to the social work licensure compact commission created 1155
under the compact. The board shall fill a vacancy in this 1156
position not later than sixty days after the vacancy occurs. 1157