

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5559

By Delegate Leavitt

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Committee on Government Organization]

5 (3) "Business entity" means any firm, partnership, association, company, corporation,
6 limited partnership, limited liability company, or other entity providing social work services.

7 (4) "Code of Ethics" means the Code of Ethics of the National Association of Social
8 Workers.

9 (5) "General supervision" means the supervising social worker provides instructions and
10 oversight for services and is easily accessible.

11 (6) "Indirect supervision" means the performance of an action after instruction from a
12 supervising social worker.

13 (7) "License" means a license issued under this article. A license does not mean a
14 provisional license issued under this article.

15 (8) "Licensee" means a person holding a license under this article. A licensee does not
16 mean a person provisionally licensed under this article.

17 (9) "Multistate license" means a license to practice as a regulated social worker issued by
18 the board that authorizes the regulated social worker to practice in all member states under a
19 multistate authorization to practice pursuant to the Social Work Licensure Compact, §30-30A-1 et
20 seq. of this code.

21 ~~(9)-(10)~~ "Permit" means a temporary permit to practice social work issued by the board.

22 ~~(10)~~ (11) "Permittee" means a person holding a permit issued under this article.

23 ~~(11)~~ (12) "Supervising social worker" means a social worker, who meets the requirements
24 of this article, who assumes responsibility for the professional care given by a person authorized
25 by this article to work under his or her general or indirect supervision.

§30-30-5. Powers and duties of the board.

1 (a) The board has all the powers and duties set forth in this article, by rule, in §30-1-1 *et*
2 *seq.* of this code and elsewhere in law.

3 (b) The board shall:

4 (1) Hold meetings;

- 5 (2) Establish requirements for licenses and permits;
- 6 (3) Establish procedures for submitting, approving, and rejecting applications for licenses
7 and permits;
- 8 (4) Determine the qualifications of an applicant for licenses and permits;
- 9 (5) Maintain records of the examinations the board or a third party administers, including
10 the number of persons taking the examinations and the pass and fail rate;
- 11 (6) Hire, discharge, establish the job requirements, and fix the compensation of the
12 executive director;
- 13 (7) Maintain an office, and hire, discharge, establish the job requirements, and fix the
14 compensation of employees, investigators, and contracted employees necessary to enforce this
15 article;
- 16 (8) Investigate alleged violations of this article, legislative rules, orders, and final decisions
17 of the board;
- 18 (9) Conduct disciplinary hearings of persons regulated by the board;
- 19 (10) Determine disciplinary action and issue orders;
- 20 (11) Institute appropriate legal action for the enforcement of this article;
- 21 (12) Maintain an accurate registry of names and addresses of all persons regulated by the
22 board;
- 23 (13) Keep accurate and complete records of its proceedings, and certify the same as may
24 be necessary and appropriate;
- 25 (14) Establish the continuing education requirements for licensees;
- 26 (15) Issue, renew, combine, deny, suspend, revoke, or reinstate licenses and permits;
- 27 (16) Establish a fee schedule;
- 28 (17) Propose rules in accordance with §29a-3-1 *et seq.* of this code to implement this
29 article; and
- 30 (18) Take all other actions necessary and proper to implement this article.

31 (c) The board may:

32 (1) Contract with third parties to administer the examinations required under this article;

33 (2) Sue and be sued in its official name as an agency of this state; and

34 (3) Confer with the Attorney General or his or her assistant in connection with legal matters

35 and questions.

36 (d) The board is authorized to require state and national criminal history record checks for
37 the purpose of issuing multistate licenses. The board shall require an applicant for a multistate
38 license, as a condition of eligibility for a multistate license, to submit to a state and national criminal
39 history record check as set forth in this subsection.

40 (1) The applicant shall meet all requirements necessary to accomplish the state and
41 national criminal history record check, including:

42 (A) Submitting fingerprints for the purposes set forth in this subsection; and

43 (B) Authorizing the board, the West Virginia State Police, and the Federal Bureau of
44 Investigation to use all records submitted and produced for the purpose of screening the applicant
45 for a multistate license.

46 (2) The results of the state and national criminal history record check may not be released
47 to or by a private entity except:

48 (A) To the individual who is the subject of the criminal history record check;

49 (B) With the written authorization of the individual who is the subject of the criminal history
50 record check; or

51 (C) Pursuant to a court order.

52 (3) The criminal history record check and related records are not public records for the
53 purposes of §29B-1-1 et seq. of this code.

54 (4) The applicant shall pay the actual costs of the fingerprinting and criminal history record
55 check.

56 (5) The board may propose rules or amendments to existing rules for legislative approval
57 to comply with the provisions of this subsection pursuant to the provisions of §29A-3-1 et seq. of
58 this code.

ARTICLE 30A. SOCIAL WORK LICENSURE COMPACT.

§30-30A-1. Purpose.

1 (a) The purpose of this Compact is to facilitate interstate practice of Regulated Social
2 Workers by improving public access to competent Social Work Services. The Compact preserves
3 the regulatory authority of states to protect public health and safety through the current system of
4 State licensure.

5 (b) This Compact is designed to achieve the following objectives:

6 (1) Increase public access to Social Work Services;

7 (2) Reduce overly burdensome and duplicative requirements associated with holding
8 multiple licenses;

9 (3) Enhance the Member States' ability to protect the public's health and safety;

10 (4) Encourage the cooperation of Member States in regulating multistate practice;

11 (5) Promote mobility and address workforce shortages by eliminating the necessity for
12 licenses in multiple states by providing for the mutual recognition of other Member State licenses;

13 (6) Support military families;

14 (7) Facilitate the exchange of licensure and disciplinary information among Member
15 States;

16 (8) Authorize all Member States to hold a Regulated Social Worker accountable for abiding
17 by a Member State's laws, regulations, and applicable professional standards in the Member State
18 in which the client is located at the time care is rendered; and

19 (9) Allow for the use of telehealth to facilitate increased access to regulated Social Work
20 Services.

§30-30A-2.**Definitions.**

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

3 (1) "Active Military Member" means any individual with full-time duty status in the active
4 armed forces of the United States including members of the National Guard and Reserve.

5 (2) "Adverse Action" means any administrative, civil, equitable, or criminal action permitted
6 by a state's laws which is imposed by a Licensing Authority or other authority against a Regulated
7 Social Worker, including actions against an individual's license or Multistate Authorization to
8 Practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the
9 licensee's practice, or any other Encumbrance on licensure affecting a Regulated Social Worker's
10 authorization to practice, including issuance of a cease and desist action.

11 (3) "Alternative Program" means a non-disciplinary monitoring or practice remediation
12 process approved by a Licensing Authority to address practitioners with an Impairment.

13 (4) "Charter Member States" means Member States who have enacted legislation to adopt
14 this Compact where such legislation predates the effective date of this Compact as described in
15 §30-30A-14 of this code.

16 (5) "Compact Commission" or "Commission" means the government agency whose
17 membership consists of all states that have enacted this Compact, which is known as the Social
18 Work Licensure Compact Commission, as described in §30-30A-10, and which shall operate as
19 an instrumentality of the Member States.

20 (6) "Current Significant Investigative Information" means:

21 (A) Investigative information that a Licensing Authority, after a preliminary inquiry that
22 includes notification and an opportunity for the Regulated Social Worker to respond has reason to
23 believe is not groundless and, if proved true, would indicate more than a minor infraction as may
24 be defined by the Commission; or

25 (B) Investigative information that indicates that the Regulated Social Worker represents an
26 immediate threat to public health and safety, as may be defined by the Commission, regardless of
27 whether the Regulated Social Worker has been notified and has had an opportunity to respond.

28 (7) "Data System" means a repository of information about licensees, including, continuing
29 education, examination, licensure, Current Significant Investigative Information, Disqualifying
30 Event, Multistate License(s), Adverse Action information, or other information as required by the
31 Commission.

32 (8) "Disqualifying Event" means any Adverse Action or incident which results in an
33 Encumbrance that disqualifies or makes the licensee ineligible to either obtain, retain, or renew a
34 Multistate License.

35 (9) "Domicile" means the jurisdiction in which the licensee resides and intends to remain
36 indefinitely.

37 (10) "Encumbrance" means a revocation or suspension of, or any limitation on, the full and
38 unrestricted practice of Social Work licensed and regulated by a Licensing Authority.

39 (11) "Executive Committee" means a group of delegates elected or appointed to act on
40 behalf of, and within the powers granted to them by, the Compact and Commission.

41 (12) "Home State" means the Member State that is the licensee's primary Domicile.

42 (13) "Impairment" means a condition(s) that may impair a practitioner's ability to engage in
43 full and unrestricted practice as a Regulated Social Worker without some type of intervention and
44 may include alcohol and drug dependence, mental health impairment, and neurological or
45 physical impairments.

46 (14) "Licensee(s)" means an individual who currently holds a license from a state to
47 practice as a Regulated Social Worker.

48 (15) "Licensing Authority" means the board or agency of a Member State, or equivalent,
49 that is responsible for the licensing and regulation of Regulated Social Workers.

50 (16) "Member State" means a state, commonwealth, district, or territory of the United
51 States of America that has enacted this Compact.

52 (17) "Multistate Authorization to Practice" means a legally authorized privilege to practice,
53 which is equivalent to a license, associated with a Multistate License permitting the practice of
54 Social Work in a Remote State.

55 (18) "Multistate License" means a license to practice as a Regulated Social Worker issued
56 by a Home State Licensing Authority that authorizes the Regulated Social Worker to practice in all
57 Member States under Multistate Authorization to Practice.

58 (19) "Qualifying National Exam" means a national licensing examination approved by the
59 Commission.

60 (20) "Regulated Social Worker" means any clinical, master's, or bachelor's Social Worker
61 licensed by a Member State regardless of the title used by that Member State.

62 (21) "Remote State" means a Member State other than the licensee's Home State.

63 (22) "Rule(s)" or "Rule(s) of the Commission" means a regulation or regulations duly
64 promulgated by the Commission, as authorized by the Compact, that has the force of law.

65 (23) "Single State License" means a Social Work license issued by any state that
66 authorizes practice only within the issuing state and does not include Multistate Authorization to
67 Practice in any Member State.

68 (24) "Social Work" or "Social Work Services" means the application of social work theory,
69 knowledge, methods, ethics, and the professional use of self to restore or enhance social,
70 psychosocial, or biopsychosocial functioning of individuals, couples, families, groups,
71 organizations, and communities through the care and services provided by a Regulated Social
72 Worker as set forth in the Member State's statutes and regulations in the state where the services
73 are being provided.

74 (25) "State" means any state, commonwealth, district, or territory of the United States of
75 America that regulates the practice of Social Work.

76 (26) "Unencumbered License" means a license that authorizes a Regulated Social Worker
77 to engage in the full and unrestricted practice of Social Work.

§30-30A-3. State participation in the Compact.

1 (a) To be eligible to participate in the compact, a potential Member State must currently
2 meet all of the following criteria:

3 (1) License and regulate the practice of Social Work at either the clinical, master's, or
4 bachelor's category.

5 (2) Require applicants for licensure to graduate from a program that is:

6 (A) Operated by a college or university recognized by the Licensing Authority;

7 (B) Accredited, or in candidacy by an institution that subsequently becomes accredited, by
8 an accrediting agency recognized by either:

9 (i) The Council for Higher Education Accreditation, or its successor; or

10 (ii) The United States Department of Education; and

11 (C) Corresponds to the licensure sought as outlined in §30-30A-4 of this code.

12 (3) Require applicants for clinical licensure to complete a period of supervised practice.

13 (4) Have a mechanism in place for receiving, investigating, and adjudicating complaints
14 about licensees.

15 (b) To maintain membership in the Compact a Member State shall:

16 (1) Require that applicants for a Multistate License pass a Qualifying National Exam for the
17 corresponding category of Multistate License sought as outlined in §30-30A-4 of this code.

18 (2) Participate fully in the Commission's Data System, including using the Commission's
19 unique identifier as defined in rules;

20 (3) Notify the Commission, in compliance with the terms of the Compact and rules, of any
21 Adverse Action or the availability of Current Significant Investigative Information regarding a
22 licensee;

23 (4) Implement procedures for considering the criminal history records of applicants for a
24 Multistate License. Such procedures shall include the submission of fingerprints or other
25 biometric-based information by applicants for the purpose of obtaining an applicant's criminal
26 history record information from the Federal Bureau of Investigation and the agency responsible for
27 retaining that state's criminal records.

28 (5) Comply with the rules of the Commission;

29 (6) Require an applicant to obtain or retain a license in the Home State and meet the Home
30 State's qualifications for licensure or renewal of licensure, as well as all other applicable Home
31 State laws;

32 (7) Authorize a licensee holding a Multistate License in any Member State to practice in
33 accordance with the terms of the Compact and rules of the Commission; and

34 (8) Designate a delegate to participate in the Commission meetings.

35 (c) A Member State meeting the requirements of §30-30A-3(a) and (b) of this Compact
36 shall designate the categories of Social Work licensure that are eligible for issuance of a Multistate
37 License for applicants in such Member State. To the extent that any Member State does not meet
38 the requirements for participation in the Compact at any particular category of Social Work
39 licensure, such Member State may choose, but is not obligated to, issue a Multistate License to
40 applicants that otherwise meet the requirements of §30-30A-4 of this code for issuance of a
41 Multistate License in such category or categories of licensure.

42 (d) The Home State may charge a fee for granting the Multistate License.

§30-30A-4. Social worker participation in the compact.

1 (a) To be eligible for a Multistate License under the terms and provisions of the Compact,
2 an applicant, regardless of category must:

3 (1) Hold or be eligible for an active, Unencumbered License in the Home State;

4 (2) Pay any applicable fees, including any state fee, for the Multistate License;

5 (3) Submit, in connection with an application for a Multistate License, fingerprints, or other
6 biometric data for the purpose of obtaining criminal history record information from the Federal
7 Bureau of Investigation and the agency responsible for retaining that state's criminal records.

8 (4) Notify the Home State of any Adverse Action, Encumbrance, or restriction on any
9 professional license taken by any Member State or non-Member State within 30 days from the
10 date the action is taken.

11 (5) Meet any continuing competence requirements established by the Home State;

12 (6) Abide by the laws, regulations, and applicable standards in the Member State where
13 the client is located at the time care is rendered.

14 (b) An applicant for a clinical-category Multistate License must meet all of the following
15 requirements:

16 (1) Fulfill a competency requirement, which shall be satisfied by either:

17 (A) Passage of a clinical-category Qualifying National Exam; or

18 (B) Licensure of the applicant in their Home State at the clinical category, beginning prior to
19 such time as a Qualifying National Exam was required by the Home State and accompanied by a
20 period of continuous Social Work licensure thereafter, all of which may be further governed by the
21 rules of the Commission; or

22 (C) The substantial equivalency of the foregoing competency requirements which the
23 Commission may determine by rule.

24 (2) Attain at least a master's degree in Social Work from a program that is:

25 (A) Operated by a college or university recognized by the Licensing Authority; and

26 (B) Accredited, or in candidacy that subsequently becomes accredited, by an accrediting
27 agency recognized by either:

28 (i) The Council for Higher Education Accreditation or its successor; or

29 (ii) The United States Department of Education.

30 (3) Fulfill a practice requirement, which shall be satisfied by demonstrating completion of
31 either:

32 (A) A period of postgraduate supervised clinical practice equal to a minimum of 3,000
33 hours; or

34 (B) A minimum of two years of full-time postgraduate supervised clinical practice; or

35 (C) The substantial equivalency of the foregoing practice requirements which the
36 Commission may determine by rule.

37 (c) An applicant for a master's-category Multistate License must meet all of the following
38 requirements:

39 (1) Fulfill a competency requirement, which shall be satisfied by either:

40 (A) Passage of a masters-category Qualifying National Exam;

41 (B) Licensure of the applicant in their Home State at the master's category, beginning prior
42 to such time as a Qualifying National Exam was required by the Home State at the master's
43 category and accompanied by a continuous period of Social Work licensure thereafter, all of which
44 may be further governed by the rules of the Commission; or

45 (C) The substantial equivalency of the foregoing competency requirements which the
46 Commission may determine by rule.

47 (2) Attain at least a master's degree in Social Work from a program that is:

48 (A) Operated by a college or university recognized by the Licensing Authority; and

49 (B) Accredited, or in candidacy that subsequently becomes accredited, by an accrediting
50 agency recognized by either:

51 (i) The Council for Higher Education Accreditation or its successor; or

52 (ii) The United States Department of Education.

53 (d) An applicant for a bachelor's-category Multistate License must meet all of the following
54 requirements:

55 (1) Fulfill a competency requirement, which shall be satisfied by either:

56 (A) Passage of a bachelor's-category Qualifying National Exam;

57 (B) Licensure of the applicant in their Home State at the bachelor's category, beginning
58 prior to such time as a Qualifying National Exam was required by the Home State and
59 accompanied by a period of continuous Social Work licensure thereafter, all of which may be
60 further governed by the rules of the Commission; or

61 (C) The substantial equivalency of the foregoing competency requirements which the
62 Commission may determine by rule.

63 (2) Attain at least a bachelor's degree in Social Work from a program that is:

64 (A) Operated by a college or university recognized by the Licensing Authority; and

65 (B) Accredited, or in candidacy that subsequently becomes accredited, by an accrediting
66 agency recognized by either:

67 (i) The Council for Higher Education Accreditation or its successor; or

68 (ii) The United States Department of Education.

69 (e) The Multistate License for a Regulated Social Worker is subject to the renewal
70 requirements of the Home State. The Regulated Social Worker must maintain compliance with the
71 requirements of §30-30A-4(a) to be eligible to renew a Multistate License.

72 (f) The Regulated Social Worker's services in a Remote State are subject to that Member
73 State's regulatory authority. A Remote State may, in accordance with due process and that
74 Member State's laws, remove a Regulated Social Worker's Multistate Authorization to Practice in
75 the Remote State for a specific period of time, impose fines, and take any other necessary actions
76 to protect the health and safety of its citizens.

77 (g) If a Multistate License is encumbered, the Regulated Social Worker's Multistate
78 Authorization to Practice shall be deactivated in all Remote States until the Multistate License is no
79 longer encumbered.

80 (h) If a Multistate Authorization to Practice is encumbered in a Remote State, the regulated
81 Social Worker's Multistate Authorization to Practice may be deactivated in that state until the
82 Multistate Authorization to Practice is no longer encumbered.

§30-30A-5. Issuance of a multistate license.

1 (a) Upon receipt of an application for Multistate License, the Home State Licensing
2 Authority shall determine the applicant's eligibility for a Multistate License in accordance with §30-
3 30A-4 of this Compact.

4 (b) If such applicant is eligible pursuant to §30-30A-4 of this Compact, the Home State
5 Licensing Authority shall issue a Multistate License that authorizes the applicant or Regulated
6 Social Worker to practice in all Member States under a Multistate Authorization to Practice.

7 (c) Upon issuance of a Multistate License, the Home State Licensing Authority shall
8 designate whether the Regulated Social Worker holds a Multistate License in the Bachelors,
9 Masters, or Clinical category of Social Work.

10 (d) A Multistate License issued by a Home State to a resident in that state shall be
11 recognized by all Compact Member States as authorizing Social Work Practice under a Multistate
12 Authorization to Practice corresponding to each category of licensure regulated in each Member
13 State.

§30-30A-6. Authority of Interstate Compact Commission and member state licensing
authorities.

1 (a) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,
2 restrict, or in any way reduce the ability of a Member State to enact and enforce laws, regulations,
3 or other rules related to the practice of Social Work in that state, where those laws, regulations, or
4 other rules are not inconsistent with the provisions of this Compact.

5 (b) Nothing in this Compact shall affect the requirements established by a Member State
6 for the issuance of a Single State License.

7 (c) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,
8 restrict, or in any way reduce the ability of a Member State to take Adverse Action against a
9 licensee's Single State License to practice Social Work in that state.

10 (d) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,
11 restrict, or in any way reduce the ability of a Remote State to take Adverse Action against a
12 licensee's Multistate Authorization to Practice in that state.

13 (e) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,
14 restrict, or in any way reduce the ability of a licensee's Home State to take Adverse Action against
15 a licensee's Multistate License based upon information provided by a Remote State.

§30-30A-7. Reissuance of a multistate license by a new home state.

1 (a) A licensee can hold a Multistate License, issued by their Home State, in only one
2 Member State at any given time.

3 (b) If a licensee changes their Home State by moving between two Member States:

4 (1) The licensee shall immediately apply for the reissuance of their Multistate License in
5 their new Home State. The licensee shall pay all applicable fees and notify the prior Home State in
6 accordance with the rules of the Commission.

7 (2) Upon receipt of an application to reissue a Multistate License, the new Home State
8 shall verify that the Multistate License is active, unencumbered and eligible for reissuance under
9 the terms of the Compact and the rules of the Commission. The Multistate License issued by the
10 prior Home State will be deactivated and all Member States notified in accordance with the
11 applicable rules adopted by the Commission.

12 (3) Prior to the reissuance of the Multistate License, the new Home State shall conduct
13 procedures for considering the criminal history records of the licensee. Such procedures shall
14 include the submission of fingerprints or other biometric-based information by applicants for the
15 purpose of obtaining an applicant's criminal history record information from the Federal Bureau of
16 Investigation and the agency responsible for retaining that state's criminal records.

17 (4) If required for initial licensure, the new Home State may require completion of
18 jurisprudence requirements in the new Home State.

19 (5) Notwithstanding any other provision of this Compact, if a licensee does not meet the
20 requirements set forth in this Compact for the reissuance of a Multistate License by the new Home
21 State, then the licensee shall be subject to the new Home State requirements for the issuance of a
22 Single State License in that state.

23 (c) If a licensee changes their primary state of residence by moving from a Member State
24 to a non-Member State, or from a non-Member State to a Member State, then the licensee shall be
25 subject to the state requirements for the issuance of a Single State License in the new Home
26 State.

27 (d) Nothing in this Compact shall interfere with a licensee's ability to hold a Single State
28 License in multiple states; however, for the purposes of this Compact, a licensee shall have only
29 one Home State, and only one Multistate License.

30 (e) Nothing in this Compact shall interfere with the requirements established by a Member
31 State for the issuance of a Single State License.

§30-30A-8. Military families.

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

§30-30A-9. Adverse actions.

1 (a) In addition to the other powers conferred by state law, a Remote State shall have the
2 authority, in accordance with existing state due process law, to:

3 (1) Take Adverse Action against a Regulated Social Worker's Multistate Authorization to
4 Practice only within that Member State, and issue subpoenas for both hearings and investigations
5 that require the attendance and testimony of witnesses as well as the production of evidence.
6 Subpoenas issued by a Licensing Authority in a Member State for the attendance and testimony of

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

12 (2) Only the Home State shall have the power to take Adverse Action against a Regulated
13 Social Worker's Multistate License.

14 (b) For purposes of taking Adverse Action, the Home State shall give the same priority and
15 effect to reported conduct received from a Member State as it would if the conduct had occurred
16 within the Home State. In so doing, the Home State shall apply its own state laws to determine
17 appropriate action.

18 (c) The Home State shall complete any pending investigations of a Regulated Social
19 Worker who changes their Home State during the course of the investigations. The Home State
20 shall also have the authority to take appropriate action(s) and shall promptly report the conclusions
21 of the investigations to the administrator of the Data System. The administrator of the Data System
22 shall promptly notify the new Home State of any Adverse Actions.

23 (d) A Member State, if otherwise permitted by state law, may recover from the affected
24 Regulated Social Worker the costs of investigations and dispositions of cases resulting from any
25 Adverse Action taken against that Regulated Social Worker.

26 (e) A Member State may take Adverse Action based on the factual findings of another
27 Member State, provided that the Member State follows its own procedures for taking the Adverse
28 Action.

29 (f) Joint Investigations:

30 (1) In addition to the authority granted to a Member State by its respective Social Work
31 practice act or other applicable state law, any Member State may participate with other Member
32 States in joint investigations of licensees.

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

35 (g) If Adverse Action is taken by the Home State against the Multistate License of a
36 Regulated Social Worker, the Regulated Social Worker's Multistate Authorization to Practice in all
37 other Member States shall be deactivated until all Encumbrances have been removed from the
38 Multistate License. All Home State disciplinary orders that impose Adverse Action against the
39 license of a Regulated Social Worker shall include a statement that the Regulated Social Worker's
40 Multistate Authorization to Practice is deactivated in all Member States until all conditions of the
41 decision, order, or agreement are satisfied.

42 (h) If a Member State takes Adverse Action, it shall promptly notify the administrator of the
43 Data System. The administrator of the Data System shall promptly notify the Home State and all
44 other Member States of any Adverse Actions by Remote States.

45 (i) Nothing in this Compact shall override a Member State's decision that participation in an
46 Alternative Program may be used in lieu of Adverse Action.

47 (j) Nothing in this Compact shall authorize a Member State to demand the issuance of
48 subpoenas for attendance and testimony of witnesses or the production of evidence from another
49 Member State for lawful actions within that Member State.

50 (k) Nothing in this Compact shall authorize a Member State to impose discipline against a
51 Regulated Social Worker who holds a Multistate Authorization to Practice for lawful actions within
52 another Member State.

§30-30A-10. Establishment of Social Work Licensure Compact Commission.

1 (a) The Compact Member States hereby create and establish a joint government agency
2 whose membership consists of all Member States that have enacted the compact known as the
3 Social Work Licensure Compact Commission. The Commission is an instrumentality of the
4 Compact States acting jointly and not an instrumentality of any one state. The Commission shall

4 come into existence on or after the effective date of the Compact as set forth in §30-30A-14 of this
5 code.

6 (b) Membership, voting, and meetings

7 (1) Each Member State shall have and be limited to one delegate selected by that Member
8 State's state Licensing Authority.

9 (2) The delegate shall be either:

10 (A) A current member of the State Licensing Authority at the time of appointment, who is a
11 Regulated Social Worker or public member of the State Licensing Authority; or

12 (B) An administrator of the State Licensing Authority or their designee.

13 (3) The Commission shall by rule or bylaw establish a term of office for delegates and may
14 by rule or bylaw establish term limits.

15 (4) The Commission may recommend removal or suspension any delegate from office.

16 (5) A Member State's State Licensing Authority shall fill any vacancy of its delegate
17 occurring on the Commission within 60 days of the vacancy.

18 (6) Each delegate shall be entitled to one vote on all matters before the Commission
19 requiring a vote by Commission delegates.

20 (7) A delegate shall vote in person or by such other means as provided in the bylaws. The
21 bylaws may provide for delegates to meet by telecommunication, videoconference, or other
22 means of communication.

23 (8) The Commission shall meet at least once during each calendar year. Additional
24 meetings may be held as set forth in the bylaws. The Commission may meet by
25 telecommunication, video conference, or other similar electronic means.

26 (c) The Commission shall have the following powers:

27 (1) Establish the fiscal year of the Commission;

28 (2) Establish code of conduct and conflict of interest policies;

29 (3) Establish and amend rules and bylaws;

30 (4) Maintain its financial records in accordance with the bylaws;

31 (5) Meet and take such actions as are consistent with the provisions of this Compact, the
32 Commission's rules, and the bylaws;

33 (6) Initiate and conclude legal proceedings or actions in the name of the Commission,
34 provided that the standing of any State Licensing Board to sue or be sued under applicable law
35 shall not be affected;

36 (7) Maintain and certify records and information provided to a Member State as the
37 authenticated business records of the Commission, and designate an agent to do so on the
38 Commission's behalf;

39 (8) Purchase and maintain insurance and bonds;

40 (9) Borrow, accept, or contract for services of personnel, including, but not limited to,
41 employees of a Member State;

42 (10) Conduct an annual financial review;

43 (11) Hire employees, elect or appoint officers, fix compensation, define duties, grant such
44 individuals appropriate authority to carry out the purposes of the Compact, and establish the
45 Commission's personnel policies and programs relating to conflicts of interest, qualifications of
46 personnel, and other related personnel matters;

47 (12) Assess and collect fees;

48 (13) Accept any and all appropriate gifts, donations, grants of money, other sources of
49 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the
50 same; provided that at all times the Commission shall avoid any appearance of impropriety or
51 conflict of interest;

52 (14) Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or
53 mixed, or any undivided interest therein;

54 (15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
55 any property real, personal, or mixed;

- 56 (16) Establish a budget and make expenditures;
- 57 (17) Borrow money;
- 58 (18) Appoint committees, including standing committees, composed of members, state
59 regulators, state legislators or their representatives, and consumer representatives, and such
60 other interested persons as may be designated in this Compact and the bylaws;
- 61 (19) Provide and receive information from, and cooperate with, law enforcement agencies;
- 62 (20) Establish and elect an Executive Committee, including a chair and a vice chair;
- 63 (21) Determine whether a state's adopted language is materially different from the model
64 compact language such that the state would not qualify for participation in the Compact; and
- 65 (22) Perform such other functions as may be necessary or appropriate to achieve the
66 purposes of this Compact.
- 67 (d) The Executive Committee
- 68 (1) The Executive Committee shall have the power to act on behalf of the Commission
69 according to the terms of this Compact. The powers, duties, and responsibilities of the Executive
70 Committee shall include:
- 71 (A) Oversee the day-to-day activities of the administration of the compact including
72 enforcement and compliance with the provisions of the compact, its rules and bylaws, and other
73 such duties as deemed necessary;
- 74 (B) Recommend to the Commission changes to the rules or bylaws, changes to this
75 Compact legislation, fees charged to Compact Member States, fees charged to licensees, and
76 other fees;
- 77 (C) Ensure Compact administration services are appropriately provided, including by
78 contract;
- 79 (D) Prepare and recommend the budget;
- 80 (E) Maintain financial records on behalf of the Commission;

81 (F) Monitor Compact compliance of Member States and provide compliance reports to the
82 Commission;

83 (G) Establish additional committees as necessary;

84 (H) Exercise the powers and duties of the Commission during the interim between
85 Commission meetings, except for adopting or amending rules, adopting or amending bylaws, and
86 exercising any other powers and duties expressly reserved to the Commission by rule or bylaw;
87 and

88 (I) Other duties as provided in the rules or bylaws of the Commission.

89 (2) The Executive Committee shall be composed of up to 11 members:

90 (A) The chair and vice chair of the Commission shall be voting members of the Executive
91 Committee; and

92 (B) The Commission shall elect five voting members from the current membership of the
93 Commission.

94 (C) Up to four ex-officio, nonvoting members from four recognized national Social Work
95 organizations.

96 (D) The ex-officio members will be selected by their respective organizations.

97 (3) The Commission may remove any member of the Executive Committee as provided in
98 the Commission's bylaws.

99 (4) The Executive Committee shall meet at least annually.

100 (A) Executive Committee meetings shall be open to the public, except that the Executive
101 Committee may meet in a closed, non-public meeting as provided in subsection (f)(2) below.

102 (B) The Executive Committee shall give seven days' notice of its meetings, posted on its
103 website and as determined to provide notice to persons with an interest in the business of the
104 Commission.

105 (C) The Executive Committee may hold a special meeting in accordance with subsection
106 (f)(1)(B) below.

- 107 (e) The Commission shall adopt and provide to the Member States an annual report.
- 108 (f) Meetings of the Commission
- 109 (1) All meetings shall be open to the public, except that the Commission may meet in a
110 closed, non-public meeting as provided in subsection (f)(2) below.
- 111 (A) Public notice for all meetings of the full Commission of meetings shall be given in the
112 same manner as required under the rulemaking provisions in §30-30A-12 of this code, except that
113 the Commission may hold a special meeting as provided in subsection (f)(1)(B) below.
- 114 (B) The Commission may hold a special meeting when it must meet to conduct emergency
115 business by giving 48 hours' notice to all commissioners, on the Commission's website, and other
116 means as provided in the Commission's rules. The Commission's legal counsel shall certify that
117 the Commission's need to meet qualifies as an emergency.
- 118 (2) The Commission or the Executive Committee or other committees of the Commission
119 may convene in a closed, non-public meeting for the Commission or Executive Committee or other
120 committees of the Commission to receive legal advice or to discuss:
- 121 (A) Non-compliance of a Member State with its obligations under the Compact;
- 122 (B) The employment, compensation, discipline or other matters, practices or procedures
123 related to specific employees;
- 124 (C) Current or threatened discipline of a licensee by the Commission or by a Member
125 State's Licensing Authority;
- 126 (D) Current, threatened, or reasonably anticipated litigation;
- 127 (E) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
128 estate;
- 129 (F) Accusing any person of a crime or formally censuring any person;
- 130 (G) Trade secrets or commercial or financial information that is privileged or confidential;
- 131 (H) Information of a personal nature where disclosure would constitute a clearly
132 unwarranted invasion of personal privacy;

- 133 (I) Investigative records compiled for law enforcement purposes;
- 134 (J) Information related to any investigative reports prepared by or on behalf of or for use of
135 the Commission or other committee charged with responsibility of investigation or determination of
136 compliance issues pursuant to the Compact;
- 137 (K) Matters specifically exempted from disclosure by federal or Member State law; or
- 138 (L) Other matters as promulgated by the Commission by rule.
- 139 (3) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the
140 meeting will be closed and reference each relevant exempting provision, and such reference shall
141 be recorded in the minutes.
- 142 (4) The Commission shall keep minutes that fully and clearly describe all matters
143 discussed in a meeting and shall provide a full and accurate summary of actions taken, and the
144 reasons therefore, including a description of the views expressed. All documents considered in
145 connection with an action shall be identified in such minutes. All minutes and documents of a
146 closed meeting shall remain under seal, subject to release only by a majority vote of the
147 Commission or order of a court of competent jurisdiction.
- 148 (g) Financing of the Commission
- 149 (1) The Commission shall pay, or provide for the payment of, the reasonable expenses of
150 its establishment, organization, and ongoing activities.
- 151 (2) The Commission may accept any and all appropriate revenue sources as provided in
152 subsection (c)(13).
- 153 (3) The Commission may levy on and collect an annual assessment from each Member
154 State and impose fees on licensees of Member States to whom it grants a Multistate License to
155 cover the cost of the operations and activities of the Commission and its staff, which must be in a
156 total amount sufficient to cover its annual budget as approved each year for which revenue is not
157 provided by other sources. The aggregate annual assessment amount for Member States shall be
158 allocated based upon a formula that the Commission shall promulgate by rule.

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

162 (5) The Commission shall keep accurate accounts of all receipts and disbursements. The
163 receipts and disbursements of the Commission shall be subject to the financial review and
164 accounting procedures established under its bylaws. However, all receipts and disbursements of
165 funds handled by the Commission shall be subject to an annual financial review by a certified or
166 licensed public accountant, and the report of the financial review shall be included in and become
167 part of the annual report of the Commission.

168 (h) Qualified immunity, defense, and indemnification

169 (1) The members, officers, executive director, employees, and representatives of the
170 Commission shall be immune from suit and liability, both personally and in their official capacity, for
171 any claim for damage to or loss of property or personal injury or other civil liability caused by or
172 arising out of any actual or alleged act, error, or omission that occurred, or that the person against
173 whom the claim is made had a reasonable basis for believing occurred within the scope of
174 Commission employment, duties, or responsibilities; provided that nothing in this paragraph shall
175 be construed to protect any such person from suit or liability for any damage, loss, injury, or liability
176 caused by the intentional, willful, or wanton misconduct of that person. The procurement of
177 insurance of any type by the Commission shall not in any way compromise or limit the immunity
178 granted hereunder.

179 (2) The Commission shall defend any member, officer, executive director, employee, and
180 representative of the Commission in any civil action seeking to impose liability arising out of any
181 actual or alleged act, error, or omission that occurred within the scope of Commission
182 employment, duties, or responsibilities, or as determined by the Commission that the person
183 against whom the claim is made had a reasonable basis for believing occurred within the scope of
184 Commission employment, duties, or responsibilities; provided that nothing herein shall be

185 construed to prohibit that person from retaining their own counsel at their own expense; and
186 provided further, that the actual or alleged act, error, or omission did not result from that person's
187 intentional or willful or wanton misconduct.

188 (3) The Commission shall indemnify and hold harmless any member, officer, executive
189 director, employee, and representative of the Commission for the amount of any settlement or
190 judgment obtained against that person arising out of any actual or alleged act, error, or omission
191 that occurred within the scope of Commission employment, duties, or responsibilities, or that such
192 person had a reasonable basis for believing occurred within the scope of Commission
193 employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission
194 did not result from the intentional, willful, or wanton misconduct of that person.

195 (4) Nothing herein shall be construed as a limitation on the liability of any licensee for
196 professional malpractice or misconduct, which shall be governed solely by any other applicable
197 state laws.

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

202 (6) Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the
203 Member States or by the Commission.

§30-30A-11. Data system.

1 (a) The Commission shall provide for the development, maintenance, operation, and
2 utilization of a coordinated Data System.

3 (b) The Commission shall assign each applicant for a Multistate License a unique identifier,
4 as determined by the rules of the Commission.

5 (c) Notwithstanding any other provision of state law to the contrary, a Member State shall
6 submit a uniform data set to the Data System on all individuals to whom this Compact is applicable
7 as required by the rules of the Commission, including:

8 (1) Identifying information;

9 (2) Licensure data;

10 (3) Adverse Actions against a license and information related thereto;

11 (4) Non-confidential information related to Alternative Program participation, the beginning
12 and ending dates of such participation, and other information related to such participation not
13 made confidential under Member State law;

14 (5) Any denial of application for licensure, and the reason(s) for such denial;

15 (6) The presence of Current Significant Investigative Information; and

16 (7) Other information that may facilitate the administration of this Compact or the protection
17 of the public, as determined by the rules of the Commission.

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

23 (e) Current Significant Investigative Information pertaining to a licensee in any Member
24 State will only be available to other Member States.

25 (2) It is the responsibility of the Member States to report any Adverse Action against a
26 licensee and to monitor the database to determine whether Adverse Action has been taken
27 against a licensee. Adverse Action information pertaining to a licensee in any Member State will be
28 available to any other Member State.

29 (f) Member States contributing information to the Data System may designate information
30 that may not be shared with the public without the express permission of the contributing State.

31 (g) Any information submitted to the Data System that is subsequently expunged pursuant
32 to federal law or the laws of the Member State contributing the information shall be removed from
33 the Data System.

§30-30A-12.

Rulemaking.

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

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

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

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

19 (e) Rules shall be adopted at a regular or special meeting of the Commission.

20 (f) Prior to adoption of a proposed rule, the Commission shall hold a public hearing and
21 allow persons to provide oral and written comments, data, facts, opinions, and arguments.

22 (g) Prior to adoption of a proposed rule by the Commission, and at least 30 days in
23 advance of the meeting at which the Commission will hold a public hearing on the proposed rule,
24 the Commission shall provide a Notice of Proposed Rulemaking:

25 (1) On the website of the Commission or other publicly accessible platform;

26 (2) To persons who have requested notice of the Commission's notices of proposed
27 rulemaking, and

28 (3) In such other way(s) as the Commission may by rule specify.

29 (h) The Notice of Proposed Rulemaking shall include:

30 (1) The time, date, and location of the public hearing at which the Commission will hear
31 public comments on the proposed rule and, if different, the time, date, and location of the meeting
32 where the Commission will consider and vote on the proposed rule;

33 (2) If the hearing is held via telecommunication, video conference, or other electronic
34 means, the Commission shall include the mechanism for access to the hearing in the Notice of
35 Proposed Rulemaking;

36 (3) The text of the proposed rule and the reason therefor;

37 (4) A request for comments on the proposed rule from any interested person; and

38 (5) The manner in which interested persons may submit written comments.

39 (i) All hearings will be recorded. A copy of the recording and all written comments and
40 documents received by the Commission in response to the proposed rule shall be available to the
41 public.

42 (j) Nothing in this section shall be construed as requiring a separate hearing on each rule.
43 Rules may be grouped for the convenience of the Commission at hearings required by this
44 section.

45 (k) The Commission shall, by majority vote of all members, take final action on the
46 proposed rule based on the rulemaking record and the full text of the rule.

47 (1) The Commission may adopt changes to the proposed rule provided the changes do not
48 enlarge the original purpose of the proposed rule.

49 (2) The Commission shall provide an explanation of the reasons for substantive changes
50 made to the proposed rule as well as reasons for substantive changes not made that were
51 recommended by commenters.

52 (3) The Commission shall determine a reasonable effective date for the rule. Except for an
53 emergency as provided in §30-30A-12(l) of this code, the effective date of the rule shall be no
54 sooner than 30 days after issuing the notice that it adopted or amended the rule.

55 (l) Upon determination that an emergency exists, the Commission may consider and adopt
56 an emergency rule with 48 hours' notice, with opportunity to comment, provided that the usual
57 rulemaking procedures provided in the Compact and in this section shall be retroactively applied to
58 the rule as soon as reasonably possible, in no event later than 90 days after the effective date of
59 the rule. For the purposes of this provision, an emergency rule is one that must be adopted
60 immediately in order to:

61 (1) Meet an imminent threat to public health, safety, or welfare;

62 (2) Prevent a loss of Commission or Member State funds;

63 (3) Meet a deadline for the promulgation of a rule that is established by federal law or rule;

64 or

65 (4) Protect public health and safety.

66 (m) The Commission or an authorized committee of the Commission may direct revisions
67 to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors
68 in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website
69 of the Commission. The revision shall be subject to challenge by any person for a period of 30
70 days after posting. The revision may be challenged only on grounds that the revision results in a
71 material change to a rule. A challenge shall be made in writing and delivered to the Commission
72 prior to the end of the notice period. If no challenge is made, the revision will take effect without

73 further action. If the revision is challenged, the revision may not take effect without the approval of
74 the Commission.

75 (n) No Member State's rulemaking requirements shall apply under this compact.

§30-30A-13. Oversight, dispute resolution, and enforcement.

1 (a) Oversight

2 (1) The executive and judicial branches of state government in each Member State shall
3 enforce this Compact and take all actions necessary and appropriate to implement the Compact.

4 (2) Except as otherwise provided in this Compact, venue is proper and judicial proceedings
5 by or against the Commission shall be brought solely and exclusively in a court of competent
6 jurisdiction where the principal office of the Commission is located. The Commission may waive
7 venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative
8 dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of
9 venue in any action against a licensee for professional malpractice, misconduct, or any such
10 similar matter.

11 (3) The Commission shall be entitled to receive service of process in any proceeding
12 regarding the enforcement or interpretation of the Compact and shall have standing to intervene in
13 such a proceeding for all purposes. Failure to provide the Commission service of process shall
14 render a judgment or order void as to the Commission, this Compact, or promulgated rules.

15 (b) Default, technical assistance, and termination

16 (1) If the Commission determines that a Member State has defaulted in the performance of
17 its obligations or responsibilities under this Compact or the promulgated rules, the Commission
18 shall provide written notice to the defaulting state. The notice of default shall describe the default,
19 the proposed means of curing the default, and any other action that the Commission may take,
20 and shall offer training and specific technical assistance regarding the default.

21 (2) The Commission shall provide a copy of the notice of default to the other Member
22 States.

23 (c) If a state in default fails to cure the default, the defaulting state may be terminated from
24 the Compact upon an affirmative vote of a majority of the delegates of the Member States, and all
25 rights, privileges, and benefits conferred on that state by this Compact may be terminated on the
26 effective date of termination. A cure of the default does not relieve the offending state of
27 obligations or liabilities incurred during the period of default.

28 (d) Termination of membership in the Compact shall be imposed only after all other means
29 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be
30 given by the Commission to the governor, the majority and minority leaders of the defaulting
31 state's legislature, the defaulting state's State Licensing Authority, and each of the Member States'
32 State Licensing Authority.

33 (e) A state that has been terminated is responsible for all assessments, obligations, and
34 liabilities incurred through the effective date of termination, including obligations that extend
35 beyond the effective date of termination.

36 (f) Upon the termination of a State's membership from this Compact, that state shall
37 immediately provide notice to all licensees within that state of such termination. The terminated
38 state shall continue to recognize all licenses granted pursuant to this Compact for a minimum of
39 six months after the date of said notice of termination.

40 (g) The Commission shall not bear any costs related to a state that is found to be in default
41 or that has been terminated from the Compact, unless agreed upon in writing between the
42 Commission and the defaulting state.

43 (h) The defaulting state may appeal the action of the Commission by petitioning the U.S.
44 District Court for the District of Columbia or the federal district where the Commission has its
45 principal offices. The prevailing party shall be awarded all costs of such litigation, including
46 reasonable attorney's fees.

47 (i) Dispute resolution

48 (1) Upon request by a Member State, the Commission shall attempt to resolve disputes
49 related to the Compact that arise among Member States and between Member and non-Member
50 States.

51 (2) The Commission shall promulgate a rule providing for both mediation and binding
52 dispute resolution for disputes as appropriate.

53 (j) Enforcement

54 (1) By majority vote as provided by rule, the Commission may initiate legal action against a
55 Member State in default in the United States District Court for the District of Columbia or the
56 federal district where the Commission has its principal offices to enforce compliance with the
57 provisions of the Compact and its promulgated rules. The relief sought may include both injunctive
58 relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be
59 awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein
60 shall not be the exclusive remedies of the Commission. The Commission may pursue any other
61 remedies available under federal or the defaulting Member State's law.

62 (2) A Member State may initiate legal action against the Commission in the U.S. District
63 Court for the District of Columbia or the federal district where the Commission has its principal
64 offices to enforce compliance with the provisions of the Compact and its promulgated rules. The
65 relief sought may include both injunctive relief and damages. In the event judicial enforcement is
66 necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable
67 attorney's fees.

68 (3) No person other than a Member State shall enforce this compact against the
69 Commission.

§30-30A-14. Effective date, withdrawal, and amendment.

1 (a) The Compact shall come into effect on the date on which the Compact statute is
2 enacted into law in the seventh Member State.

3 (1) On or after the effective date of the Compact, the Commission shall convene and
4 review the enactment of each of the first seven Member States ("Charter Member States") to
5 determine if the statute enacted by each such Charter Member State is materially different than
6 the model Compact statute.

7 (A) A Charter Member State whose enactment is found to be materially different from the
8 model Compact statute shall be entitled to the default process set forth in §30-30A-13 of this code.

9 (B) If any Member State is later found to be in default, or is terminated or withdraws from
10 the Compact, the Commission shall remain in existence and the Compact shall remain in effect
11 even if the number of Member States should be less than seven.

12 (2) Member States enacting the Compact subsequent to the seven initial Charter Member
13 States shall be subject to the process set forth in §30-30A-10(c)(21) of this code to determine if
14 their enactments are materially different from the model Compact statute and whether they qualify
15 for participation in the Compact.

16 (3) All actions taken for the benefit of the Commission or in furtherance of the purposes of
17 the administration of the Compact prior to the effective date of the Compact or the Commission
18 coming into existence shall be considered to be actions of the Commission unless specifically
19 repudiated by the Commission.

20 (4) Any state that joins the Compact subsequent to the Commission's initial adoption of the
21 rules and bylaws shall be subject to the rules and bylaws as they exist on the date on which the
22 Compact becomes law in that state. Any rule that has been previously adopted by the Commission
23 shall have the full force and effect of law on the day the Compact becomes law in that state.

24 (b) Any Member State may withdraw from this Compact by enacting a statute repealing the
25 same.

26 (1) A Member State's withdrawal shall not take effect until 180 days after enactment of the
27 repealing statute.

28 (2) Withdrawal shall not affect the continuing requirement of the withdrawing State's
29 Licensing Authority to comply with the investigative and Adverse Action reporting requirements of
30 this Compact prior to the effective date of withdrawal.

31 (3) Upon the enactment of a statute withdrawing from this compact, a state shall
32 immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding
33 any subsequent statutory enactment to the contrary, such withdrawing state shall continue to
34 recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of
35 such notice of withdrawal.

36 (c) Nothing contained in this Compact shall be construed to invalidate or prevent any
37 licensure agreement or other cooperative arrangement between a Member State and a non-
38 Member State that does not conflict with the provisions of this Compact.

39 (d) This Compact may be amended by the Member States. No amendment to this
40 Compact shall become effective and binding upon any Member State until it is enacted into the
41 laws of all Member States.

§30-30A-15. Construction and severability.

1 (a) This Compact and the Commission's rulemaking authority shall be liberally construed
2 so as to effectuate the purposes, and the implementation and administration of the Compact.
3 Provisions of the Compact expressly authorizing or requiring the promulgation of rules shall not be
4 construed to limit the Commission's rulemaking authority solely for those purposes.

5 (b) The provisions of this Compact shall be severable and if any phrase, clause, sentence,
6 or provision of this Compact is held by a court of competent jurisdiction to be contrary to the
7 constitution of any Member State, a state seeking participation in the Compact, or of the United
8 States, or the applicability thereof to any government, agency, person, or circumstance is held to
9 be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this
10 Compact, and the applicability thereof to any other government, agency, person, or circumstance
11 shall not be affected thereby.

12 (c) Notwithstanding subsection (b) of this section, the Commission may deny a state's
13 participation in the Compact or, in accordance with the requirements of §30-30A-13(b), terminate a
14 Member State's participation in the Compact, if it determines that a constitutional requirement of a
15 Member State is a material departure from the Compact. Otherwise, if this Compact shall be held
16 to be contrary to the constitution of any Member State, the Compact shall remain in full force and
17 effect as to the remaining Member States and in full force and effect as to the Member State
18 affected as to all severable matters.

§30-30A-16. Consistent effect and conflict with other state laws.

1 (a) A licensee providing services in a Remote State under a Multistate Authorization to
2 Practice shall adhere to the laws and regulations, including laws, regulations, and applicable
3 standards, of the Remote State where the client is located at the time care is rendered.

4 (b) Nothing herein shall prevent or inhibit the enforcement of any other law of a Member
5 State that is not inconsistent with the Compact.

6 (c) Any laws, statutes, regulations, or other legal requirements in a Member State in
7 conflict with the Compact are superseded to the extent of the conflict.

8 (d) All permissible agreements between the Commission and the Member States are
9 binding in accordance with their terms.

NOTE: The purpose of this bill is to adopt the Interstate Compact on Social Work Licensure.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.