

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth I. Gordon and James J. O'Day

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing the Social Work Licensure Compact in Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/14/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act establishing the Social Work Licensure Compact in Massachusetts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 112 of the General Laws, as appearing in the 2022 Official Edition,
2 is hereby amended by inserting after Section 137 the following Section:-

3 Section 137A. Social Work Licensure Compact

4 Section 1. The purpose of this compact is to facilitate interstate practice of regulated
5 social workers by improving public access to competent social work services. The compact
6 preserves the regulatory authority of states to protect public health and safety through the current
7 system of state licensure. This compact is designed to achieve the following objectives:

- 8 (a) increase public access to social work services;
- 9 (b) reduce overly burdensome and duplicative requirements associated with holding
10 multiple licenses;
- 11 (c) enhance the member states’ ability to protect the public’s health and safety;
- 12 (d) encourage the cooperation of member states in regulating multistate practice;

13 (e) promote mobility and address workforce shortages by eliminating the necessity for
14 licenses in multiple states by providing for the mutual recognition of other member state
15 licenses;

16 (f) support military families;

17 (g) facilitate the exchange of licensure and disciplinary information among member
18 states;

19 (h) authorize all member states to hold a regulated social worker accountable for abiding
20 by a member state's laws, regulations, and applicable professional standards in the member state
21 in which the client is located at the time care is rendered; and

22 (i) allow for the use of telehealth to facilitate increased access to regulated social work
23 services.

24 Section 2. As used in this chapter, unless the context requires otherwise, the following
25 words shall have the following meanings:

26 (a) "Active military member", any individual with full-time duty status in the active
27 armed forces of the United States including members of the National Guard and Reserve.

28 (b) "Adverse action", any administrative, civil, equitable or criminal action permitted by
29 a state's laws which is imposed by a licensing authority or other authority against a regulated
30 social worker, including actions against an individual's license or multistate authorization to
31 practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the
32 licensee's practice, or any other encumbrance on licensure affecting a regulated social worker's
33 authorization to practice, including issuance of a cease and desist action.

34 (c) “Alternative program”, a non-disciplinary monitoring or practice remediation process
35 approved by a licensing authority to address practitioners with an impairment.

36 (d) “Charter member states”, member states who have enacted legislation to adopt this
37 compact where such legislation predates the effective date of this compact as described in section
38 14.

39 (e) “Compact Commission” or “Commission”, the government agency whose
40 membership consists of all states that have enacted this compact, which is known as the Social
41 Work Licensure Compact Commission, as described in section 10, and which shall operate as an
42 instrumentality of the member states.

43 (f) “Current significant investigative information”,:

44 (1) investigative information that a licensing authority, after a preliminary inquiry that
45 includes notification and an opportunity for the regulated social worker to respond has reason to
46 believe is not groundless and, if proved true, would indicate more than a minor infraction as may
47 be defined by the commission; or

48 (2) investigative information that indicates that the regulated social worker represents an
49 immediate threat to public health and safety, as may be defined by the commission, regardless of
50 whether the regulated social worker has been notified and has had an opportunity to respond.

51 (g) “Data system”, a repository of information about licensees, including, continuing
52 education, examination, licensure, current significant investigative information, disqualifying
53 event, multistate license(s) and adverse action information or other information as required by
54 the commission.

55 (h) “Disqualifying event”, any adverse action or incident which results in an
56 encumbrance that disqualifies or makes the licensee ineligible to either obtain, retain or renew a
57 multistate license.

58 (i) “Domicile”, the jurisdiction in which the licensee resides and intends to remain
59 indefinitely.

60 (j) “Encumbrance”, a revocation or suspension of, or any limitation on, the full and
61 unrestricted practice of social work licensed and regulated by a licensing authority.

62 (k) “Executive committee”, a group of delegates elected or appointed to act on behalf of,
63 and within the powers granted to them by, the compact and commission.

64 (l) “Home state”, the member state that is the licensee’s primary domicile.

65 (m) “Impairment”, a condition(s) that may impair a practitioner’s ability to engage in full
66 and unrestricted practice as a regulated social worker without some type of intervention and may
67 include alcohol and drug dependence, mental health impairment, and neurological or physical
68 impairments.

69 (n) “Licensee(s)”, an individual who currently holds a license from a state to practice as a
70 regulated social worker.

71 (o) “Licensing authority”, the board or agency of a member state, or equivalent, that is
72 responsible for the licensing and regulation of regulated social workers.

73 (p) “Member state”, a state, commonwealth, district, or territory of the United States of
74 America that has enacted this compact.

75 (q) “Multistate authorization to practice”, a legally authorized privilege to practice, which
76 is equivalent to a license, associated with a multistate license permitting the practice of social
77 work in a remote state.

78 (r) “Multistate license”, a license to practice as a regulated social worker issued by a
79 home state licensing authority that authorizes the regulated social worker to practice in all
80 member states under multistate authorization to practice.

81 (s) “Qualifying national exam”, a national licensing examination approved by the
82 commission.

83 (t) “Regulated social worker”, any clinical, master’s or bachelor’s social worker licensed
84 by a member state regardless of the title used by that member state.

85 (u) “Remote state”, a member state other than the licensee’s home state.

86 (v) “Rule(s)” or “Rule(s) of the commission”, a regulation or regulations duly
87 promulgated by the commission, as authorized by the compact, that has the force of law.

88 (w) “Single state license”, a social work license issued by any state that authorizes
89 practice only within the issuing state and does not include multistate authorization to practice in
90 any member state.

91 (x) “Social work” or “Social work services”, the application of social work theory,
92 knowledge, methods, ethics, and the professional use of self to restore or enhance social,
93 psychosocial, or biopsychosocial functioning of individuals, couples, families, groups,
94 organizations, and communities through the care and services provided by a regulated social

95 worker as set forth in the member state’s statutes and regulations in the state where the services
96 are being provided.

97 (y) “State”, any state, commonwealth, district, or territory of the United States of
98 America that regulates the practice of social work.

99 (z) “Unencumbered license”, a license that authorizes a regulated social worker to engage
100 in the full and unrestricted practice of social work.

101 Section 3. (a) To be eligible to participate in the compact, a potential member state must
102 currently meet all of the following criteria:

103 (1) license and regulate the practice of social work at either the clinical, master’s, or
104 bachelor’s category.

105 (2) require applicants for licensure to graduate from a program that is:

106 (i) operated by a college or university recognized by the licensing authority;

107 (ii) accredited, or in candidacy by an institution that subsequently becomes accredited, by
108 an accrediting agency recognized by either:

109 (A) the Council for Higher Education Accreditation, or its successor; or

110 (B) the United States Department of Education; and

111 (iii) corresponds to the licensure sought as outlined in section (4).

112 (3) require applicants for clinical licensure to complete a period of supervised practice.

113 (4) have a mechanism in place for receiving, investigating, and adjudicating complaints
114 about licensees.

115 (b) To maintain membership in the compact a member state shall:

116 (1) require that applicants for a multistate license pass a qualifying national exam for the
117 corresponding category of multistate license sought as outlined in section (4);

118 (2) participate fully in the commission's data system, including using the commission's
119 unique identifier as defined in rules;

120 (3) notify the commission, in compliance with the terms of the compact and rules, of any
121 adverse action or the availability of current significant investigative information regarding a
122 licensee;

123 (4) implement procedures for considering the criminal history records of applicants for a
124 multistate license. Such procedures shall include the submission of fingerprints or other
125 biometric-based information by applicants for the purpose of obtaining an applicant's criminal
126 history record information from the Federal Bureau of Investigation and the agency responsible
127 for retaining that state's criminal records.

128 (5) comply with the rules of the commission;

129 (6) require an applicant to obtain or retain a license in the home state and meet the home
130 state's qualifications for licensure or renewal of licensure, as well as all other applicable home
131 state laws;

132 (7) authorize a licensee holding a multistate license in any member state to practice in
133 accordance with the terms of the compact and rules of the commission; and

134 (8) designate a delegate to participate in the commission meetings.

135 (c) A member state meeting the requirements of subsections (a) and (b) of section (3) of
136 this compact shall designate the categories of social work licensure that are eligible for issuance
137 of a multistate license for applicants in such member state. To the extent that any member state
138 does not meet the requirements for participation in the compact at any particular category of
139 social work licensure, such member state may choose, but is not obligated to, issue a multistate
140 license to applicants that otherwise meet the requirements of section (4) for issuance of a
141 multistate license in such category or categories of licensure.

142 (d) The home state may charge a fee for granting the multistate license.

143 Section 4. (a) To be eligible for a multistate license under the terms and provisions of the
144 compact, an applicant, regardless of category must:

145 (1) hold or be eligible for an active, unencumbered license in the home state;

146 (2) pay any applicable fees, including any state fee, for the multistate license;

147 (3) submit, in connection with an application for a multistate license, fingerprints or other
148 biometric data for the purpose of obtaining criminal history record information from the Federal
149 Bureau of Investigation and the agency responsible for retaining that state's criminal records.

150 (4) notify the home state of any adverse action, encumbrance, or restriction on any
151 professional license taken by any member state or non-member state within 30 days from the
152 date the action is taken.

153 (5) meet any continuing competence requirements established by the home state;

154 (6) abide by the laws, regulations, and applicable standards in the member state where the
155 client is located at the time care is rendered.

156 (b) An applicant for a clinical-category multistate license must meet all of the following
157 requirements:

158 (1) fulfill a competency requirement, which shall be satisfied by either:

159 (i) passage of a clinical-category qualifying national exam; or

160 (ii) licensure of the applicant in their home state at the clinical category, beginning prior
161 to such time as a qualifying national exam was required by the home state and accompanied by a
162 period of continuous social work licensure thereafter, all of which may be further governed by
163 the rules of the commission; or

164 (iii) the substantial equivalency of the foregoing competency requirements which the
165 commission may determine by rule.

166 (2) attain at least a master's degree in social work from a program that is:

167 (i) operated by a college or university recognized by the licensing authority; and

168 (ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting
169 agency recognized by either:

170 (A) the Council for Higher Education Accreditation or its successor; or

171 (B) the United States Department of Education.

172 (3) fulfill a practice requirement, which shall be satisfied by demonstrating completion of
173 either:

174 (i) a period of postgraduate supervised clinical practice equal to a minimum of three
175 thousand hours; or

176 (ii) a minimum of two years of full-time postgraduate supervised clinical practice; or

177 (ii) the substantial equivalency of the foregoing practice requirements which the
178 commission may determine by rule.

179 (c) An applicant for a master's-category multistate license must meet all of the following
180 requirements:

181 (1) fulfill a competency requirement, which shall be satisfied by either:

182 (i) passage of a masters-category qualifying national exam;

183 (ii) licensure of the applicant in their home state at the master's category, beginning prior
184 to such time as a qualifying national exam was required by the home state at the master's
185 category and accompanied by a continuous period of social work licensure thereafter, all of
186 which may be further governed by the rules of the commission; or

187 (iii) the substantial equivalency of the foregoing competency requirements which the
188 commission may determine by rule.

189 (2) attain at least a master's degree in social work from a program that is:

190 (i) operated by a college or university recognized by the licensing authority; and

191 (ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting
192 agency recognized by either:

193 (A) the Council for Higher Education Accreditation or its successor; or

194 (B) the United States Department of Education.

195 (d) An applicant for a bachelor's-category multistate license must meet all of the
196 following requirements:

197 (1) fulfill a competency requirement, which shall be satisfied by either:

198 (i) passage of a bachelor's-category qualifying national exam;

199 (ii) licensure of the applicant in their home state at the bachelor's category, beginning
200 prior to such time as a qualifying national exam was required by the home state and accompanied
201 by a period of continuous social work licensure thereafter, all of which may be further governed
202 by the rules of the commission; or

203 (iii) the substantial equivalency of the foregoing competency requirements which the
204 commission may determine by rule.

205 (2) attain at least a bachelor's degree in social work from a program that is:

206 (i) operated by a college or university recognized by the licensing authority; and

207 (ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting
208 agency recognized by either:

209 (A) the Council for Higher Education Accreditation or its successor; or

210 (B) the United States Department of Education.

211 (e) The multistate license for a regulated social worker is subject to the renewal
212 requirements of the home state. The regulated social worker must maintain compliance with the
213 requirements of subsection (a) of section (4) to be eligible to renew a multistate license.

214 (f) The regulated social worker's services in a remote state are subject to that member
215 state's regulatory authority. A remote state may, in accordance with due process and that
216 member state's laws, remove a regulated social worker's multistate authorization to practice in
217 the remote state for a specific period of time, impose fines, and take any other necessary actions
218 to protect the health and safety of its citizens.

219 (g) If a multistate license is encumbered, the regulated social worker's multistate
220 authorization to practice shall be deactivated in all remote states until the multistate license is no
221 longer encumbered.

222 (h) If a multistate authorization to practice is encumbered in a remote state, the regulated
223 social worker's multistate authorization to practice may be deactivated in that state until the
224 multistate authorization to practice is no longer encumbered.

225 Section 5. (a) Upon receipt of an application for multistate license, the home state
226 licensing authority shall determine the applicant's eligibility for a multistate license in
227 accordance with section (4) of this compact.

228 (b) If such applicant is eligible pursuant to section (4) of this compact, the home state
229 licensing authority shall issue a multistate license that authorizes the applicant or regulated social
230 worker to practice in all member states under a multistate authorization to practice.

231 (c) Upon issuance of a multistate license, the home state licensing authority shall
232 designate whether the regulated social worker holds a multistate license in the bachelors,
233 masters, or clinical category of social work.

234 (d) A multistate license issued by a home state to a resident in that state shall be
235 recognized by all compact member states as authorizing social work practice under a multistate
236 authorization to practice corresponding to each category of licensure regulated in each member
237 state.

238 Section 6. (a) Nothing in this compact, nor any rule of the commission, shall be construed
239 to limit, restrict, or in any way reduce the ability of a member state to enact and enforce laws,
240 regulations, or other rules related to the practice of social work in that state, where those laws,
241 regulations, or other rules are not inconsistent with the provisions of this compact.

242 (b) Nothing in this compact shall affect the requirements established by a member state
243 for the issuance of a single state license.

244 (c) Nothing in this compact, nor any rule of the commission, shall be construed to limit,
245 restrict, or in any way reduce the ability of a member state to take adverse action against a
246 licensee's single state license to practice social work in that state.

247 (d) Nothing in this compact, nor any rule of the commission, shall be construed to limit,
248 restrict, or in any way reduce the ability of a remote state to take adverse action against a
249 licensee's multistate authorization to practice in that state.

250 (e) Nothing in this compact, nor any rule of the commission, shall be construed to limit,
251 restrict, or in any way reduce the ability of a licensee's home state to take adverse action against
252 a licensee's multistate license based upon information provided by a remote state.

253 Section 7. (a) A licensee can hold a multistate license, issued by their home state, in only
254 one member state at any given time.

255 (b) If a licensee changes their home state by moving between two member states:

256 (1) the licensee shall immediately apply for the reissuance of their multistate license in
257 their new home state. The licensee shall pay all applicable fees and notify the prior home state in
258 accordance with the rules of the commission.

259 (2) upon receipt of an application to reissue a multistate license, the new home state shall
260 verify that the multistate license is active, unencumbered and eligible for reissuance under the
261 terms of the compact and the rules of the commission. The multistate license issued by the prior
262 home state will be deactivated and all member states notified in accordance with the applicable
263 rules adopted by the commission.

264 (3) prior to the reissuance of the multistate license, the new home state shall conduct
265 procedures for considering the criminal history records of the licensee. Such procedures shall
266 include the submission of fingerprints or other biometric-based information by applicants for the
267 purpose of obtaining an applicant's criminal history record information from the Federal Bureau
268 of Investigation and the agency responsible for retaining that state's criminal records.

269 (4) if required for initial licensure, the new home state may require completion of
270 jurisprudence requirements in the new home state.

271 (5) notwithstanding any other provision of this compact, if a licensee does not meet the
272 requirements set forth in this compact for the reissuance of a multistate license by the new home
273 state, then the licensee shall be subject to the new home state requirements for the issuance of a
274 single state license in that state.

275 (c) If a licensee changes their primary state of residence by moving from a member state
276 to a non-member state, or from a non-member state to a member state, then the licensee shall be
277 subject to the state requirements for the issuance of a single state license in the new home state.

278 (d) Nothing in this compact shall interfere with a licensee's ability to hold a single state
279 license in multiple states; however, for the purposes of this compact, a licensee shall have only
280 one home state, and only one multistate license.

281 (e) Nothing in this compact shall interfere with the requirements established by a member
282 state for the issuance of a single state license.

283 Section 8. (a) An active military member or their spouse shall designate a home state
284 where the individual has a multistate license. The individual may retain their home state
285 designation during the period the service member is on active duty.

286 Section 9. (a) In addition to the other powers conferred by state law, a remote state shall
287 have the authority, in accordance with existing state due process law, to:

288 (1) take adverse action against a regulated social worker's multistate authorization to
289 practice only within that member state, and issue subpoenas for both hearings and investigations
290 that require the attendance and testimony of witnesses as well as the production of evidence.

291 Subpoenas issued by a licensing authority in a member state for the attendance and testimony of

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

297 (2) only the home state shall have the power to take adverse action against a regulated
298 social worker's multistate license.

299 (b) For purposes of taking adverse action, the home state shall give the same priority and
300 effect to reported conduct received from a member state as it would if the conduct had occurred
301 within the home state. In so doing, the home state shall apply its own state laws to determine
302 appropriate action.

303 (c) The home state shall complete any pending investigations of a regulated social worker
304 who changes their home state during the course of the investigations. The home state shall also
305 have the authority to take appropriate action(s) and shall promptly report the conclusions of the
306 investigations to the administrator of the data system. The administrator of the data system shall
307 promptly notify the new home state of any adverse actions.

308 (d) A member state, if otherwise permitted by state law, may recover from the affected
309 regulated social worker the costs of investigations and dispositions of cases resulting from any
310 adverse action taken against that regulated social worker.

311 (e) A member state may take adverse action based on the factual findings of another
312 member state, provided that the member state follows its own procedures for taking the adverse
313 action.

314 (f) (1) In addition to the authority granted to a member state by its respective social work
315 practice act or other applicable state law, any member state may participate with other member
316 states in joint investigations of licensees.

317 (2) Member states shall share any investigative, litigation, or compliance materials in
318 furtherance of any joint or individual investigation initiated under the compact.

319 (g) If adverse action is taken by the home state against the multistate license of a
320 regulated social worker, the regulated social worker's multistate authorization to practice in all
321 other member states shall be deactivated until all encumbrances have been removed from the
322 multistate license. All home state disciplinary orders that impose adverse action against the
323 license of a regulated social worker shall include a statement that the regulated social worker's
324 multistate authorization to practice is deactivated in all member states until all conditions of the
325 decision, order or agreement are satisfied.

326 (h) If a member state takes adverse action, it shall promptly notify the administrator of
327 the data system. The administrator of the data system shall promptly notify the home state and all
328 other member state's of any adverse actions by remote states.

329 (i) Nothing in this compact shall override a member state's decision that participation in
330 an alternative program may be used in lieu of adverse action.

331 (j) Nothing in this compact shall authorize a member state to demand the issuance of
332 subpoenas for attendance and testimony of witnesses or the production of evidence from another
333 member state for lawful actions within that member state.

334 (k) Nothing in this compact shall authorize a member state to impose discipline against a
335 regulated social worker who holds a multistate authorization to practice for lawful actions within
336 another member state.

337 Section 10. (a) The compact member states hereby create and establish a joint
338 government agency whose membership consists of all member states that have enacted the
339 compact known as the social work licensure compact commission. The commission is an
340 instrumentality of the compact states acting jointly and not an instrumentality of any one state.
341 The commission shall come into existence on or after the effective date of the compact as set
342 forth in section (14).

343 (b) (1) Each member state shall have and be limited to one (1) delegate selected by that
344 member state's state licensing authority.

345 (2) The delegate shall be either:

346 (i) a current member of the state licensing authority at the time of appointment, who is a
347 regulated social worker or public member of the state licensing authority; or

348 (ii) an administrator of the state licensing authority or their designee.

349 (3) The commission shall by rule or bylaw establish a term of office for delegates and
350 may by rule or bylaw establish term limits.

351 (4) The commission may recommend removal or suspension of any delegate from office.

352 (5) A member state's state licensing authority shall fill any vacancy of its delegate
353 occurring on the commission within 60 days of the vacancy.

354 (6) Each delegate shall be entitled to one vote on all matters before the commission
355 requiring a vote by commission delegates.

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

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

362 (c) The commission shall have the following powers:

363 (1) establish the fiscal year of the commission;

364 (2) establish code of conduct and conflict of interest policies;

365 (3) establish and amend rules and bylaws;

366 (4) maintain its financial records in accordance with the bylaws;

367 (5) meet and take such actions as are consistent with the provisions of this compact, the
368 commission's rules, and the bylaws;

369 (6) initiate and conclude legal proceedings or actions in the name of the commission,
370 provided that the standing of any state licensing Board to sue or be sued under applicable law
371 shall not be affected;

372 (7) maintain and certify records and information provided to a member state as the
373 authenticated business records of the commission, and designate an agent to do so on the
374 commission's behalf;

375 (8) purchase and maintain insurance and bonds;

376 (9) borrow, accept, or contract for services of personnel, including, but not limited to,
377 employees of a member state;

378 (10) conduct an annual financial review

379 (11) hire employees, elect or appoint officers, fix compensation, define duties, grant such
380 individuals appropriate authority to carry out the purposes of the compact, and establish the
381 commission's personnel policies and programs relating to conflicts of interest, qualifications of
382 personnel, and other related personnel matters;

383 (12) assess and collect fees;

384 (13) accept any and all appropriate gifts, donations, grants of money, other sources of
385 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the
386 same; provided that at all times the commission shall avoid any appearance of impropriety or
387 conflict of interest;

388 (14) lease, purchase, retain, own, hold, improve, or use any property, real, personal, or
389 mixed, or any undivided interest therein;

390 (15) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
391 any property real, personal, or mixed;

392 (16) establish a budget and make expenditures;

393 (17) borrow money;

394 (18) appoint committees, including standing committees, composed of members, state
395 regulators, state legislators or their representatives, and consumer representatives, and such other
396 interested persons as may be designated in this compact and the bylaws;

397 (19) provide and receive information from, and cooperate with, law enforcement
398 agencies;

399 (20) establish and elect an executive committee, including a chair and a vice chair;

400 (21) determine whether a state's adopted language is materially different from the model
401 compact language such that the state would not qualify for participation in the compact; and

402 (22) perform such other functions as may be necessary or appropriate to achieve the
403 purposes of this compact.

404 (d)(1) The executive committee shall have the power to act on behalf of the commission
405 according to the terms of this compact. The powers, duties, and responsibilities of the executive
406 committee shall include:

407 (i) oversee the day-to-day activities of the administration of the compact including
408 enforcement and compliance with the provisions of the compact, its rules and bylaws, and other
409 such duties as deemed necessary;

410 (ii) recommend to the commission changes to the rules or bylaws, changes to this
411 compact legislation, fees charged to compact member states, fees charged to licensees, and other
412 fees;

413 (iii) ensure compact administration services are appropriately provided, including by
414 contract;

415 (iv) prepare and recommend the budget;

416 (v) maintain financial records on behalf of the commission;

417 (vi) monitor compact compliance of member states and provide compliance reports to the
418 commission;

419 (vii) establish additional committees as necessary;

420 (viii) exercise the powers and duties of the commission during the interim between
421 commission meetings, except for adopting or amending rules, adopting or amending bylaws, and
422 exercising any other powers and duties expressly reserved to the commission by rule or bylaw;
423 and

424 (ix) other duties as provided in the rules or bylaws of the commission.

425 (2) The executive committee shall be composed of up to eleven (11) members:

426 (i) the chair and vice chair of the commission shall be voting members of the executive
427 committee; and

428 (ii) the commission shall elect five voting members from the current membership of the
429 commission.

430 (iii) up to four (4) ex-officio, nonvoting members from four (4) recognized national social
431 work organizations.

432 (iv) the ex-officio members will be selected by their respective organizations.

433 (3) The commission may remove any member of the executive committee as provided in
434 the commission's bylaws.

435 (4) The executive committee shall meet at least annually.

436 (i) Executive committee meetings shall be open to the public, except that the executive
437 committee may meet in a closed, non-public meeting as provided in subsection (2) of section (f)
438 below.

439 (ii) The executive committee shall give seven (7) days' notice of its meetings, posted on
440 its website and as determined to provide notice to persons with an interest in the business of the
441 commission.

442 (iii) The executive committee may hold a special meeting in accordance with subsection
443 (ii) or subsection (1) of section (f) below.

444 (e) The commission shall adopt and provide to the member states an annual report.

445 (f)(1) All meetings shall be open to the public, except that the commission may meet in a
446 closed, non-public meeting as provided in subsection (2) of section (f).

447 (i) Public notice for all meetings of the full commission of meetings shall be given in the
448 same manner as required under the rulemaking provisions in section (12), except that the

449 commission may hold a special meeting as provided in subsection (ii) of subsection (1) of
450 section (f).

451 (ii) The commission may hold a special meeting when it must meet to conduct emergency
452 business by giving 48 hours' notice to all commissioners, on the commission's website, and
453 other means as provided in the commission's rules. The commission's legal counsel shall certify
454 that the commission's need to meet qualifies as an emergency.

455 (2) The commission or the executive committee or other committees of the commission
456 may convene in a closed, non-public meeting for the commission or executive committee or
457 other committees of the commission to receive legal advice or to discuss:

458 (i) non-compliance of a member state with its obligations under the compact;

459 (ii) the employment, compensation, discipline or other matters, practices or procedures
460 related to specific employees;

461 (iii) current or threatened discipline of a licensee by the commission or by a member
462 state's licensing authority;

463 (iv) current, threatened, or reasonably anticipated litigation;

464 (v) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
465 estate;

466 (vi) accusing any person of a crime or formally censuring any person;

467 (vii) trade secrets or commercial or financial information that is privileged or
468 confidential;

469 (viii) information of a personal nature where disclosure would constitute a clearly
470 unwarranted invasion of personal privacy;

471 (ix) investigative records compiled for law enforcement purposes;

472 (x) information related to any investigative reports prepared by or on behalf of or for use
473 of the commission or other committee charged with responsibility of investigation or
474 determination of compliance issues pursuant to the compact;

475 (xi) matters specifically exempted from disclosure by federal or member state law; or

476 (xii) other matters as promulgated by the commission by rule.

477 (3) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the
478 meeting will be closed and reference each relevant exempting provision, and such reference shall
479 be recorded in the minutes.

480 (4) The commission shall keep minutes that fully and clearly describe all matters
481 discussed in a meeting and shall provide a full and accurate summary of actions taken, and the
482 reasons therefore, including a description of the views expressed. All documents considered in
483 connection with an action shall be identified in such minutes. All minutes and documents of a
484 closed meeting shall remain under seal, subject to release only by a majority vote of the
485 commission or order of a court of competent jurisdiction.

486 (g)(1) The commission shall pay, or provide for the payment of, the reasonable expenses
487 of its establishment, organization, and ongoing activities.

488 (2) The commission may accept any and all appropriate revenue sources as provided in
489 subsection (13) of section (c).

490 (3) The commission may levy on and collect an annual assessment from each member
491 state and impose fees on licensees of member states to whom it grants a multistate license to
492 cover the cost of the operations and activities of the commission and its staff, which must be in a
493 total amount sufficient to cover its annual budget as approved each year for which revenue is not
494 provided by other sources. The aggregate annual assessment amount for member states shall be
495 allocated based upon a formula that the commission shall promulgate by rule.

496 (4) The commission shall not incur obligations of any kind prior to securing the funds
497 adequate to meet the same; nor shall the commission pledge the credit of any of the member
498 states, except by and with the authority of the member state.

499 (5) The commission shall keep accurate accounts of all receipts and disbursements. The
500 receipts and disbursements of the commission shall be subject to the financial review and
501 accounting procedures established under its bylaws. However, all receipts and disbursements of
502 funds handled by the commission shall be subject to an annual financial review by a certified or
503 licensed public accountant, and the report of the financial review shall be included in and
504 become part of the annual report of the commission.

505 (h)(1) The members, officers, executive director, employees and representatives of the
506 commission shall be immune from suit and liability, both personally and in their official
507 capacity, for any claim for damage to or loss of property or personal injury or other civil liability
508 caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the
509 person against whom the claim is made had a reasonable basis for believing occurred within the
510 scope of commission employment, duties or responsibilities; provided that nothing in this
511 paragraph shall be construed to protect any such person from suit or liability for any damage,

512 loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.
513 The procurement of insurance of any type by the commission shall not in any way compromise
514 or limit the immunity granted hereunder.

515 (2) The commission shall defend any member, officer, executive director, employee, and
516 representative of the commission in any civil action seeking to impose liability arising out of any
517 actual or alleged act, error, or omission that occurred within the scope of commission
518 employment, duties, or responsibilities, or as determined by the commission that the person
519 against whom the claim is made had a reasonable basis for believing occurred within the scope
520 of commission employment, duties, or responsibilities; provided that nothing herein shall be
521 construed to prohibit that person from retaining their own counsel at their own expense; and
522 provided further, that the actual or alleged act, error, or omission did not result from that
523 person's intentional or willful or wanton misconduct.

524 (3) The commission shall indemnify and hold harmless any member, officer, executive
525 director, employee, and representative of the commission for the amount of any settlement or
526 judgment obtained against that person arising out of any actual or alleged act, error, or omission
527 that occurred within the scope of commission employment, duties, or responsibilities, or that
528 such person had a reasonable basis for believing occurred within the scope of commission
529 employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission
530 did not result from the intentional or willful or wanton misconduct of that person.

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

534 (5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a member
535 state's state action immunity or state action affirmative defense with respect to antitrust claims
536 under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law
537 or regulation.

538 (6) Nothing in this compact shall be construed to be a waiver of sovereign immunity by
539 the member states or by the commission.

540 Section 11. (a) The commission shall provide for the development, maintenance,
541 operation, and utilization of a coordinated data system.

542 (b) The commission shall assign each applicant for a multistate license a unique
543 identifier, as determined by the rules of the commission.

544 (c) Notwithstanding any other provision of state law to the contrary, a member state shall
545 submit a uniform data set to the data system on all individuals to whom this compact is
546 applicable as required by the rules of the commission, including:

547 (1) identifying information;

548 (2) licensure data;

549 (3) adverse actions against a license and information related thereto;

550 (4) non-confidential information related to alternative program participation, the
551 beginning and ending dates of such participation, and other information related to such
552 participation not made confidential under member state law;

553 (5) any denial of application for licensure, and the reason(s) for such denial;

554 (6) the presence of current significant investigative information; and

555 (7) other information that may facilitate the administration of this compact or the
556 protection of the public, as determined by the rules of the commission.

557 (d) The records and information provided to a member state pursuant to this compact or
558 through the data system, when certified by the commission or an agent thereof, shall constitute
559 the authenticated business records of the commission, and shall be entitled to any associated
560 hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a
561 member state.

562 (e) Current significant investigative information pertaining to a licensee in any member
563 state will only be available to other member states.

564 (1) It is the responsibility of the member states to report any adverse action against a
565 licensee and to monitor the database to determine whether adverse action has been taken against
566 a licensee. Adverse action information pertaining to a licensee in any member state will be
567 available to any other member state.

568 (f) Member states contributing information to the data system may designate information
569 that may not be shared with the public without the express permission of the contributing state.

570 (g) Any information submitted to the data system that is subsequently expunged pursuant
571 to federal law or the laws of the member state contributing the information shall be removed
572 from the data system.

573 Section 12. (a) The commission shall promulgate reasonable rules in order to effectively
574 and efficiently implement and administer the purposes and provisions of the compact. A rule

575 shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the
576 rule is invalid because the commission exercised its rulemaking authority in a manner that is
577 beyond the scope and purposes of the compact, or the powers granted hereunder, or based upon
578 another applicable standard of review.

579 (b) The rules of the commission shall have the force of law in each member state,
580 provided however that where the rules of the commission conflict with the laws of the member
581 state that establish the member state's laws, regulations, and applicable standards that govern the
582 practice of social work as held by a court of competent jurisdiction, the rules of the commission
583 shall be ineffective in that state to the extent of the conflict.

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

587 (d) If a majority of the legislatures of the member states rejects a rule or portion of a rule,
588 by enactment of a statute or resolution in the same manner used to adopt the compact within four
589 (4) years of the date of adoption of the rule, then such rule shall have no further force and effect
590 in any member state.

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

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

594 (g) Prior to adoption of a proposed rule by the commission, and at least thirty (30) days in
595 advance of the meeting at which the commission will hold a public hearing on the proposed rule,
596 the commission shall provide a notice of proposed rulemaking:

597 (1) on the website of the commission or other publicly accessible platform;

598 (2) to persons who have requested notice of the commission's notices of proposed
599 rulemaking, and

600 (3) in such other way(s) as the commission may by rule specify.

601 (h) The notice of proposed rulemaking shall include:

602 (1) the time, date, and location of the public hearing at which the commission will hear
603 public comments on the proposed rule and, if different, the time, date, and location of the
604 meeting where the commission will consider and vote on the proposed rule;

605 (2) if the hearing is held via telecommunication, video conference, or other electronic
606 means, the commission shall include the mechanism for access to the hearing in the notice of
607 proposed rulemaking;

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

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

610 (5) the manner in which interested persons may submit written comments.

611 (i) All hearings will be recorded. A copy of the recording and all written comments and
612 documents received by the commission in response to the proposed rule shall be available to the
613 public.

614 (j) Nothing in this section shall be construed as requiring a separate hearing on each rule.
615 Rules may be grouped for the convenience of the commission at hearings required by this
616 section.

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

619 (1) The commission may adopt changes to the proposed rule provided the changes do not
620 enlarge the original purpose of the proposed rule.

621 (2) The commission shall provide an explanation of the reasons for substantive changes
622 made to the proposed rule as well as reasons for substantive changes not made that were
623 recommended by commenters.

624 (3) The commission shall determine a reasonable effective date for the rule. Except for an
625 emergency as provided in subsection (12) of section (1), the effective date of the rule shall be no
626 sooner than 30 days after issuing the notice that it adopted or amended the rule.

627 (l) Upon determination that an emergency exists, the commission may consider and adopt
628 an emergency rule with 48 hours' notice, with opportunity to comment, provided that the usual
629 rulemaking procedures provided in the compact and in this section shall be retroactively applied
630 to the rule as soon as reasonably possible, in no event later than ninety (90) days after the
631 effective date of the rule. For the purposes of this provision, an emergency rule is one that must
632 be adopted immediately in order to:

633 (1) meet an imminent threat to public health, safety, or welfare;

634 (2) prevent a loss of commission or member state funds;

635 (3) meet a deadline for the promulgation of a rule that is established by federal law or
636 rule; or

637 (4) protect public health and safety.

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

647 (n) No member state's rulemaking requirements shall apply under this compact.

648 Section 13. (a)(1) The executive and judicial branches of state government in each
649 member state shall enforce this compact and take all actions necessary and appropriate to
650 implement the compact.

651 (2) Except as otherwise provided in this compact, venue is proper and judicial
652 proceedings by or against the commission shall be brought solely and exclusively in a court of
653 competent jurisdiction where the principal office of the commission is located. The commission
654 may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in
655 alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or

656 propriety of venue in any action against a licensee for professional malpractice, misconduct or
657 any such similar matter.

658 (3) The commission shall be entitled to receive service of process in any proceeding
659 regarding the enforcement or interpretation of the compact and shall have standing to intervene
660 in such a proceeding for all purposes. Failure to provide the commission service of process shall
661 render a judgment or order void as to the commission, this compact, or promulgated rules.

662 (b)(1) If the commission determines that a member state has defaulted in the performance
663 of its obligations or responsibilities under this compact or the promulgated rules, the commission
664 shall provide written notice to the defaulting state. The notice of default shall describe the
665 default, the proposed means of curing the default, and any other action that the commission may
666 take, and shall offer training and specific technical assistance regarding the default.

667 (2) The commission shall provide a copy of the notice of default to the other member
668 states.

669 (c) If a state in default fails to cure the default, the defaulting state may be terminated
670 from the compact upon an affirmative vote of a majority of the delegates of the member states,
671 and all rights, privileges and benefits conferred on that state by this compact may be terminated
672 on the effective date of termination. A cure of the default does not relieve the offending state of
673 obligations or liabilities incurred during the period of default.

674 (d) Termination of membership in the compact shall be imposed only after all other
675 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
676 shall be given by the commission to the governor, the majority and minority leaders of the

677 defaulting state’s legislature, the defaulting state’s state licensing authority and each of the
678 member states’ state licensing authority.

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

682 (f) Upon the termination of a state’s membership from this compact, that state shall
683 immediately provide notice to all licensees within that state of such termination. The terminated
684 state shall continue to recognize all licenses granted pursuant to this compact for a minimum of
685 six (6) months after the date of said notice of termination.

686 (g) The commission shall not bear any costs related to a state that is found to be in default
687 or that has been terminated from the compact, unless agreed upon in writing between the
688 commission and the defaulting state.

689 (h) The defaulting state may appeal the action of the commission by petitioning the U.S.
690 District Court for the District of Columbia or the federal district where the commission has its
691 principal offices. The prevailing party shall be awarded all costs of such litigation, including
692 reasonable attorney’s fees.

693 (i)(1) Upon request by a member state, the commission shall attempt to resolve disputes
694 related to the compact that arise among member states and between member and non-member
695 states.

696 (2) The commission shall promulgate a rule providing for both mediation and binding
697 dispute resolution for disputes as appropriate.

698 (j)(1) By majority vote as provided by rule, the commission may initiate legal action
699 against a member state in default in the United States District Court for the District of Columbia
700 or the federal district where the commission has its principal offices to enforce compliance with
701 the provisions of the compact and its promulgated rules. The relief sought may include both
702 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party
703 shall be awarded all costs of such litigation, including reasonable attorney’s fees. The remedies
704 herein shall not be the exclusive remedies of the commission. The commission may pursue any
705 other remedies available under federal or the defaulting member state’s law.

706 (2) A member state may initiate legal action against the commission in the U.S. District
707 Court for the District of Columbia or the federal district where the commission has its principal
708 offices to enforce compliance with the provisions of the compact and its promulgated rules. The
709 relief sought may include both injunctive relief and damages. In the event judicial enforcement is
710 necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable
711 attorney’s fees.

712 (3) No person other than a member state shall enforce this compact against the
713 commission.

714 Section 14. (a) The compact shall come into effect on the date on which the compact
715 statute is enacted into law in the seventh member state.

716 (1) On or after the effective date of the compact, the commission shall convene and
717 review the enactment of each of the first seven member states (“charter member states”) to
718 determine if the statute enacted by each such charter member state is materially different than the
719 model compact statute.

720 (i) A charter member state whose enactment is found to be materially different from the
721 model compact statute shall be entitled to the default process set forth in section (13).

722 (ii) If any member state is later found to be in default, or is terminated or withdraws from
723 the compact, the commission shall remain in existence and the compact shall remain in effect
724 even if the number of member states should be less than seven.

725 (2) Member states enacting the compact subsequent to the seven initial charter member
726 states shall be subject to the process set forth in subsection (21) of subsection (c) of section 10 to
727 determine if their enactments are materially different from the model compact statute and
728 whether they qualify for participation in the compact.

729 (3) All actions taken for the benefit of the commission or in furtherance of the purposes
730 of the administration of the compact prior to the effective date of the compact or the commission
731 coming into existence shall be considered to be actions of the commission unless specifically
732 repudiated by the commission.

733 (4) Any state that joins the compact subsequent to the commission's initial adoption of
734 the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on which
735 the compact becomes law in that state. Any rule that has been previously adopted by the
736 commission shall have the full force and effect of law on the day the compact becomes law in
737 that state.

738 (b) Any member state may withdraw from this compact by enacting a statute repealing
739 the same.

740 (1) A member state's withdrawal shall not take effect until 180 days after enactment of
741 the repealing statute.

742 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's
743 licensing authority to comply with the investigative and adverse action reporting requirements of
744 this compact prior to the effective date of withdrawal.

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

750 (c) Nothing contained in this compact shall be construed to invalidate or prevent any
751 licensure agreement or other cooperative arrangement between a member state and a non-
752 member state that does not conflict with the provisions of this compact.

753 (d) This compact may be amended by the member states. No amendment to this compact
754 shall become effective and binding upon any member state until it is enacted into the laws of all
755 member states.

756 Section 15. (a) This compact and the commission's rulemaking authority shall be
757 liberally construed so as to effectuate the purposes, and the implementation and administration of
758 the compact. Provisions of the compact expressly authorizing or requiring the promulgation of
759 rules shall not be construed to limit the commission's rulemaking authority solely for those
760 purposes.

761 (b) The provisions of this compact shall be severable and if any phrase, clause, sentence
762 or provision of this compact is held by a court of competent jurisdiction to be contrary to the
763 constitution of any member state, a state seeking participation in the compact, or of the United
764 States, or the applicability thereof to any government, agency, person or circumstance is held to
765 be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this
766 compact and the applicability thereof to any other government, agency, person or circumstance
767 shall not be affected thereby.

768 (c) Notwithstanding subsection B of this section, the commission may deny a state's
769 participation in the compact or, in accordance with the requirements of subsection (b) of section
770 (13), terminate a member state's participation in the compact, if it determines that a
771 constitutional requirement of a member state is a material departure from the compact.
772 Otherwise, if this compact shall be held to be contrary to the constitution of any member state,
773 the compact shall remain in full force and effect as to the remaining member states and in full
774 force and effect as to the member state affected as to all severable matters.

775 Section 16. (a) A licensee providing services in a remote state under a multistate
776 authorization to practice shall adhere to the laws and regulations, including laws, regulations, and
777 applicable standards, of the remote state where the client is located at the time care is rendered.

778 (b) Nothing herein shall prevent or inhibit the enforcement of any other law of a member
779 state that is not inconsistent with the compact.

780 (c) Any laws, statutes, regulations, or other legal requirements in a member state in
781 conflict with the compact are superseded to the extent of the conflict.

782 (d) All permissible agreements between the commission and the member states are
783 binding in accordance with their terms.