

2024 Regular Session

HOUSE BILL NO. 888

BY REPRESENTATIVES STAGNI AND FISHER

SOCIAL WORKER: Provides relative to the Social Work Licensure Compact

1 AN ACT

2 To enact Chapter 35-A of Title 37 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 37:2731 through 2746, relative to the Social Work Licensure
4 Compact; to establish the purpose of the Compact; to identify certain objectives; to
5 provide for definitions; to provide eligibility requirements for state and social worker
6 participation; to establish provisions for the issuance of a multistate license; to
7 authorize the Interstate Compact Commission; to provide for member licensing
8 authority; to establish certain provisions for military families; to establish authority
9 for certain entities to take adverse action; to establish the Social Work Licensure
10 Compact Commission; to require usage of a coordinated data system; to require the
11 promulgation of certain rules; to provide for oversight, dispute resolution, and
12 enforcement of certain provisions; to provide for construction and severability; to
13 require consistency and conflict resolution between states; to establish provisions for
14 a criminal background check for the Louisiana State Board of Social Work
15 Examiners; and to provide for related matters.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. Chapter 35-A of Title 37 of the Louisiana Revised Statutes of 1950,
18 comprised of R.S. 37:2731 through 2746, is hereby enacted to read as follows:

19 CHAPTER 35-A. SOCIAL WORK LICENSURE COMPACT

20 §2731. Short title; purpose; objectives

21 A. This Chapter shall be known and may be cited as the "Social Work
22 Licensure Compact".

1 B. The purpose of this Compact is to facilitate the interstate practice of
2 regulated social workers by improving public access to competent social work
3 services. The Social Work Licensure Compact preserves the regulatory authority of
4 states to protect public health and safety through the current system of state
5 licensure.

6 C. This Compact is designed to achieve all of the following objectives:

7 (1) Increase public access to social work services.

8 (2) Reduce overly burdensome and duplicative requirements associated with
9 holding multiple licenses.

10 (3) Enhance the member states' ability to protect the public's health and
11 safety.

12 (4) Encourage the cooperation of member states in regulating multistate
13 practice.

14 (5) Promote mobility and address workforce shortages by eliminating the
15 necessity for licenses in multiple states by providing for the mutual recognition of
16 other member state licenses.

17 (6) Support military families.

18 (7) Facilitate the exchange of licensure and disciplinary information among
19 member states.

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

24 (9) Allow for the use of telehealth to facilitate increased access to regulated
25 social work services.

26 §2732. Definitions

27 For the purposes of this Chapter, the following terms have the meaning
28 ascribed to them:

1 (1) "Active military member" means any individual with full-time duty
2 status in the active United States Armed Forces, members of the National Guard of
3 the United States, and the United States Army Reserve.

4 (2) "Adverse action" means any administrative, civil, equitable or criminal
5 action permitted by a state's laws which is imposed by a licensing authority or other
6 authority against a regulated social worker, including actions against an individual's
7 license or multistate authorization to practice such as revocation, suspension,
8 probation, monitoring of the licensee, limitation on the licensee's practice, or any
9 other encumbrance on licensure affecting a regulated social worker's authorization
10 to practice, including issuance of a cease and desist action.

11 (3) "Alternative program" means a nondisciplinary monitoring or practice
12 remediation process approved by a licensing authority to address practitioners with
13 an impairment.

14 (4) "Charter member states" means member states that have enacted
15 legislation to adopt this Compact where such legislation predates the effective date
16 of this Compact as provided in R.S. 37:2744.

17 (5) "Compact commission" or "commission" means the government agency
18 whose membership consists of all states that have enacted this Compact, which is
19 known as the Social Work Licensure Compact Commission, as provided in R.S.
20 37:2740, and which shall operate as an instrumentality of the member states.

21 (6) "Criminal history record information" means all state records of arrest,
22 prosecution, and conviction, including those which have been expunged or dismissed
23 in accordance with Louisiana Code of Criminal Procedure Articles 893 and 894 and
24 national records, which shall include fingerprints of the applicant, biometrics, and
25 other identifying information, if so requested by the licensing board.

26 (7) "Current significant investigative information" means:

27 (a) Investigative information that a licensing authority, after a preliminary
28 inquiry that includes notification and an opportunity for the regulated social worker

1 to respond has reason to believe is not groundless and, if proven true, would indicate
2 more than a minor infraction as may be defined by the Commission.

3 (b) Investigative information that indicates that the regulated social worker
4 represents an immediate threat to public health and safety, as may be defined by the
5 Commission, regardless of whether the regulated social worker has been notified and
6 has had an opportunity to respond.

7 (8) "Data system" means a repository of information about licensees,
8 including continuing education, examination, licensure, current significant
9 investigative information, disqualifying event, multistate licenses, and adverse action
10 information or other information as required by the Commission.

11 (9) "Disqualifying event" means any adverse action or incident which results
12 in an encumbrance that disqualifies or makes the licensee ineligible to either obtain,
13 retain, or renew a multistate license.

14 (10) "Domicile" means the jurisdiction in which the licensee resides and
15 intends to remain indefinitely.

16 (11) "Encumbrance" means a revocation or suspension of, or any limitation
17 on, the full and unrestricted practice of social work licensed and regulated by a
18 licensing authority.

19 (12) "Executive committee" means a group of delegates elected or appointed
20 to act on behalf of, and within the powers granted to them by, this Compact and
21 Commission.

22 (13) "Home state" means the member state that is the licensee's primary
23 domicile.

24 (14) "Impairment" means a condition that may impair a practitioner's ability
25 to engage in full and unrestricted practice as a regulated social worker without some
26 type of intervention and may include alcohol and drug dependence, mental health
27 impairment, and neurological or physical impairments.

28 (15) "Licensee" means an individual who currently holds a license from a
29 state to practice as a regulated social worker.

1 (16) "Licensing authority" means the board or agency of a member state, or
2 the equivalent, that is responsible for the licensing and regulation of regulated social
3 workers.

4 (17) "Member state" means a state, commonwealth, district, or territory of
5 the United States of America that has enacted this Compact.

6 (18) "Multistate authorization to practice" means a legally authorized
7 privilege to practice, which is equivalent to a license, associated with a multistate
8 license permitting the practice of social work in a remote state.

9 (19) "Multistate license" means a license to practice as a regulated social
10 worker issued by a home state licensing authority that authorizes the regulated social
11 worker to practice in all member states under multistate authorization to practice.

12 (20) "Qualifying national exam" means a national licensing examination
13 approved by the Commission.

14 (21) "Regulated social worker" means any social worker with a clinical,
15 master's, or bachelor's degree who is licensed by a member state regardless of the
16 title used by that member state.

17 (22) "Remote state" means a member state other than the licensee's home
18 state.

19 (23) "Rule or rules of the commission" means a regulation or regulations
20 duly promulgated by the Commission, as authorized by this Compact, that has the
21 force of law.

22 (24) "Single state license" means a social work license issued by any state
23 that authorizes practice only within the issuing state and does not include multistate
24 authorization to practice in any member state.

25 (25) "Social work" or "social work services" means the application of social
26 work theory, knowledge, methods, ethics, and the professional use of self to restore
27 or enhance social, psychosocial, or biopsychosocial functioning of individuals,
28 couples, families, groups, organizations, and communities through the care and

1 services provided by a regulated social worker as set forth in the member state's
2 statutes and regulations in the state where the services are being provided.

3 (26) "State" means any state, commonwealth, district, or territory of the
4 United States of America that regulates the practice of social work.

5 (27) "Unencumbered license" means a license that authorizes a regulated
6 social worker to engage in the full and unrestricted practice of social work.

7 §2733. State participation

8 A. To be eligible to participate in this Compact, a potential member state
9 shall currently meet all of the following criteria:

10 (1) License and regulate the practice of social work at the clinical, master's,
11 or bachelor's category.

12 (2) Require applicants for licensure to graduate from a program that is all of
13 the following:

14 (a) Operated by a college or university recognized by the licensing authority.

15 (b) Accredited, or in candidacy by an institution that subsequently becomes
16 accredited, by an accrediting agency recognized by either of the following:

17 (i) The Council for Higher Education Accreditation, or its successor.

18 (ii) The United States Department of Education.

19 (c) Corresponds to the licensure sought in accordance with R.S. 37:2734.

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

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

24 B. To maintain membership in this Compact, a member state shall do all of
25 the following:

26 (1) Require that applicants for a multistate license pass a qualifying national
27 exam for the corresponding category of multistate license sought as provided in R.S.
28 37:2734.

1 (2) Participate fully in the Commission's data system, including using the
2 Commission's unique identifier as defined in rules.

3 (3) Notify the Commission, in compliance with the terms of this Compact
4 and rules, of any adverse action or the availability of current significant investigative
5 information regarding a licensee.

6 (4)(a) Implement procedures for considering the criminal history records of
7 applicants for a multistate license. Such procedures shall include the submission of
8 fingerprints or other biometric-based information by applicants for the purpose of
9 obtaining an applicant's criminal history record information from the Federal Bureau
10 of Investigation and the agency responsible for retaining that state's criminal records.

11 (b) The Louisiana State Board of Social Work Examiners shall be entitled
12 to the criminal history record and identification files of the Louisiana Bureau of
13 Criminal Identification and Information, located within the Louisiana Department
14 of Public Safety and Corrections, of any person who is required to be licensed as a
15 social worker in this state or as part of the Social Work Licensure Compact.
16 Fingerprints, biometrics, and other identifying information of the applicant shall be
17 submitted to the Louisiana Bureau of Criminal Identification and Information. The
18 Louisiana Bureau of Criminal Identification and Information shall, upon request of
19 the Louisiana State Board of Social Work Examiners and after receipt of a
20 fingerprint card and other identifying information from the applicant, make available
21 to the board all arrest and conviction information contained in the Louisiana Bureau
22 of Criminal Identification and Information's criminal history record and
23 identification files which pertain to the applicant for licensure. In addition, the
24 fingerprints shall be forwarded by the Louisiana Bureau of Criminal Identification
25 and Information to the Federal Bureau of Investigation for a national criminal history
26 record check.

27 (c) In accordance with the authority provided for in this Compact, the costs
28 of providing the information required in accordance with this Paragraph shall be
29 charged by the Louisiana Bureau of Criminal Identification and Information, as

1 specified in R.S. 15:587(B), to the Louisiana State Board of Social Work Examiners
2 for furnishing information contained in the Louisiana Bureau of Criminal
3 Identification and Information's criminal history records and identification files,
4 including any additional cost of providing the national criminal history records
5 check, which pertains to the applicant. The board may impose any or all such fees
6 or costs on the applicant.

7 (5) Comply with the rules of the Commission.

8 (6) Require an applicant to obtain or retain a license in the home state and
9 meet the home state's qualifications for licensure or renewal of licensure, as well as
10 all other applicable home state laws.

11 (7) Authorize a licensee holding a multistate license in any member state to
12 practice in accordance with the terms of this Compact and rules of the Commission.

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

14 C. A member state meeting the requirements provided in this Section shall
15 designate the categories of social work licensure that are eligible for issuance of a
16 multistate license for applicants in such member state. To the extent that any
17 member state does not meet the requirements for participation in this Compact at any
18 particular category of social work licensure, such member state may choose, but is
19 not obligated to, issue a multistate license to applicants who otherwise meet the
20 requirements of this Section for issuance of a multistate license in such category or
21 categories of licensure.

22 D. The home state may charge a fee for granting the multistate license.

23 §2734. Social worker participation

24 A. To be eligible for a multistate license under the terms and provisions of
25 this Compact, an applicant, regardless of category, shall do all of the following:

26 (1) Hold or be eligible for an active, unencumbered license in the home state.

27 (2) Pay any applicable fees, including any state fee, for the multistate license.

28 (3) Submit, in connection with an application for a multistate license,
29 fingerprints or other biometric data for the purpose of obtaining criminal history

1 record information from the Federal Bureau of Investigation and the agency
2 responsible for retaining that state's criminal records.

3 (4) Notify the home state of any adverse action, encumbrance, or restriction
4 on any professional license taken by any member state or nonmember state within
5 thirty days from the date the action is taken.

6 (5) Meet any continuing competence requirements established by the home
7 state.

8 (6) Abide by the laws, regulations, and applicable standards in the member
9 state where the client is located at the time care is rendered.

10 B. An applicant for a clinical-category multistate license shall meet all of the
11 following requirements:

12 (1) Fulfill a competency requirement, which shall be satisfied by either of
13 the following:

14 (a) Passage of a clinical-category qualifying national exam.

15 (b) Licensure of the applicant in his home state at the clinical category,
16 beginning prior to such time as a qualifying national exam was required by the home
17 state and accompanied by a period of continuous social work licensure thereafter, all
18 of which may be further governed by the rules of the commission.

19 (c) The substantial equivalency of the foregoing competency requirements
20 which the commission may determine by rule.

21 (2) Attain at least a master's degree in social work from a program that meets
22 both of the following criteria:

23 (a) Operated by a college or university recognized by the licensing authority.

24 (b) Accredited, or in candidacy that subsequently becomes accredited, by an
25 accrediting agency recognized by either of the following:

26 (i) The Council for Higher Education Accreditation or its successor.

27 (ii) The United States Department of Education.

28 (3) Fulfill a practice requirement, which shall be satisfied by demonstrating
29 completion of either of the following:

1 (a) A period of postgraduate supervised clinical practice equal to a minimum
2 of three thousand hours.

3 (b) A minimum of two years of full-time postgraduate supervised clinical
4 practice.

5 (c) The substantial equivalency of the foregoing practice requirements which
6 the commission may determine by rule.

7 C. An applicant for a master's-category multistate license shall meet all of
8 the following requirements:

9 (1) Fulfill a competency requirement, which shall be satisfied by either of
10 the following:

11 (a) Passage of a masters-category qualifying national exam.

12 (b) Licensure of the applicant in his home state at the master's category,
13 beginning prior to such time as a qualifying national exam was required by the home
14 state at the master's category and accompanied by a continuous period of social work
15 licensure thereafter, all of which may be further governed by the rules of the
16 commission.

17 (c) The substantial equivalency of the foregoing competency requirements
18 which the commission may determine by rule.

19 (2) Attain at least a master's degree in social work from a program that is
20 both of the following:

21 (a) Operated by a college or university recognized by the licensing authority.

22 (b) Accredited, or in candidacy that subsequently becomes accredited, by an
23 accrediting agency recognized by either of the following:

24 (i) The Council for Higher Education Accreditation or its successor.

25 (ii) The United States Department of Education.

26 D. An applicant for a bachelor's-category multistate license shall meet all of
27 the following requirements:

28 (1) Fulfill a competency requirement, which shall be satisfied by either of
29 the following:

- 1 (a) Passage of a bachelor's-category qualifying national exam.
- 2 (b) Licensure of the applicant in his home state at the bachelor's category,
3 beginning prior to such time as a qualifying national exam was required by the home
4 state and accompanied by a period of continuous social work licensure thereafter, all
5 of which may be further governed by the rules of the commission.
- 6 (c) The substantial equivalency of the foregoing competency requirements
7 which the Commission may determine by rule.
- 8 (2) Attain at least a bachelor's degree in social work from a program that is
9 both of the following:
- 10 (a) Operated by a college or university recognized by the licensing authority.
- 11 (b) Accredited, or in candidacy that subsequently becomes accredited, by an
12 accrediting agency recognized by either of the following:
- 13 (i) The Council for Higher Education Accreditation or its successor.
- 14 (ii) The United States Department of Education.
- 15 E. The multistate license for a regulated social worker is subject to the
16 renewal requirements of the home state. The regulated social worker shall maintain
17 compliance with the requirements of this Section to be eligible to renew a multistate
18 license.
- 19 F. The regulated social worker's services in a remote state are subject to that
20 member state's regulatory authority. A remote state may, in accordance with due
21 process and that member state's laws, remove a regulated social worker's multistate
22 authorization to practice in the remote state for a specific period of time, impose
23 finer, and take any other necessary actions to protect the health and safety of its
24 citizens.
- 25 G. If a multistate license is encumbered, the regulated social worker's
26 multistate authorization to practice shall be deactivated in all remote states until the
27 multistate license is no longer encumbered.

1 H. If a multistate authorization to practice is encumbered in a remote state,
2 the regulated social worker's multistate authorization to practice may be deactivated
3 in that state until the multistate authorization to practice is no longer encumbered.

4 §2735. Issuance of a multistate license

5 A. Upon receipt of an application for multistate license, the home state
6 licensing authority shall determine the applicant's eligibility for a multistate license
7 in accordance with R.S. 37:2734 of this Compact.

8 B. If such applicant is eligible pursuant to R.S. 37:2734 of this Compact, the
9 home state licensing authority shall issue a multistate license that authorizes the
10 applicant or regulated social worker to practice in all member states under a
11 multistate authorization to practice.

12 C. Upon issuance of a multistate license, the home state licensing authority
13 shall designate whether the regulated social worker holds a multistate license in the
14 bachelor's, master's, or clinical category of social work.

15 D. A multistate license issued by a home state to a resident in that state shall
16 be recognized by all Compact member states as authorizing social work practice
17 under a multistate authorization to practice corresponding to each category of
18 licensure regulated in each member state.

19 §2736. Authority of Interstate Compact Commission; member state licensing
20 authorities

21 A. Nothing in this Compact, nor any rule of the Commission, shall be
22 construed to limit, restrict, or in any way reduce the ability of a member state to
23 enact and enforce laws, regulations, or other rules related to the practice of social
24 work in that state, where those laws, regulations, or other rules are not inconsistent
25 with the provisions of this Compact.

26 B. Nothing in this Compact shall affect the requirements established by a
27 member state for the issuance of a single state license.

28 C. Nothing in this Compact, nor any rule of the Commission, shall be
29 construed to limit, restrict, or in any way reduce the ability of a member state to take

1 adverse action against a licensee's single state license to practice social work in that
2 state.

3 D. Nothing in this Compact, nor any rule of the Commission, shall be
4 construed to limit, restrict, or in any way reduce the ability of a remote state to take
5 adverse action against a licensee's multistate authorization to practice in that state.

6 E. Nothing in this Compact, nor any rule of the Commission, shall be
7 construed to limit, restrict, or in any way reduce the ability of a licensee's home state
8 to take adverse action against a licensee's multistate license based upon information
9 provided by a remote state.

10 §2737. Reissuance of a multistate license by a new home state

11 A. A licensee can hold a multistate license, issued by his home state, in only
12 one member state at any given time.

13 B. If a licensee changes his home state by moving between two member
14 states, all of the following provisions shall apply:

15 (1) The licensee shall immediately apply for the reissuance of his multistate
16 license in his new home state. The licensee shall pay all applicable fees and notify
17 the prior home state in accordance with the rules of the Commission.

18 (2) Upon receipt of an application to reissue a multistate license, the new
19 home state shall verify that the multistate license is active, unencumbered, and
20 eligible for reissuance in accordance with the provisions of this Compact and the
21 rules of the Commission. The multistate license issued by the prior home state will
22 be deactivated and all member states notified in accordance with the applicable rules
23 adopted by the Commission.

24 (3) Prior to the reissuance of the multistate license, the new home state shall
25 conduct procedures for considering the criminal history records of the licensee. Such
26 procedures shall include the submission of fingerprints or other biometric-based
27 information by applicants for the purpose of obtaining an applicant's criminal history
28 record information from the Federal Bureau of Investigation and the agency
29 responsible for retaining that state's criminal records.

1 (4) If required for initial licensure, the new home state may require
2 completion of jurisprudence requirements in the new home state.

3 (5) Notwithstanding any other provision of this Compact, if a licensee does
4 not meet the requirements set forth in this Compact for the reissuance of a multistate
5 license by the new home state, then the licensee shall be subject to the new home
6 state requirements for the issuance of a single state license in that state.

7 C. If a licensee changes his primary state of residence by moving from a
8 member state to a nonmember state, or from a nonmember state to a member state,
9 then the licensee shall be subject to the state requirements for the issuance of a single
10 state license in the new home state.

11 D. Nothing in this Compact shall interfere with a licensee's ability to hold
12 a single state license in multiple states; however, for the purposes of this Compact,
13 a licensee shall have only one home state and only one multistate license.

14 E. Nothing in this Compact shall interfere with the requirements established
15 by a member state for the issuance of a single state license.

16 §2738. Military families

17 An active military member or his spouse shall designate a home state where
18 the individual has a multistate license. The individual may retain his home state
19 designation during the period the service member is on active duty.

20 §2739. Adverse actions

21 A. In addition to the other powers conferred by state law, a remote state shall
22 have the authority, in accordance with existing state due process law, to do all of the
23 following:

24 (1) Take adverse action against a regulated social worker's multistate
25 authorization to practice only within that member state, and issue subpoenas for both
26 hearings and investigations that require the attendance and testimony of witnesses
27 as well as the production of evidence. Subpoenas issued by a licensing authority in
28 a member state for the attendance and testimony of witnesses or the production of
29 evidence from another member state shall be enforced in the latter state by any court

1 of competent jurisdiction, according to the practice and procedure of that court
2 applicable to subpoenas issued in proceedings pending before it. The issuing
3 licensing authority shall pay any witness fees, travel expenses, mileage, and other
4 fees required by the service statutes of the state in which the witnesses or evidence
5 are located.

6 (2) Only the home state shall have the power to take adverse action against
7 a regulated social worker's multistate license.

8 B. For purposes of taking adverse action, the home state shall give the same
9 priority and effect to reported conduct received from a member state as it would if
10 the conduct had occurred within the home state. In so doing, the home state shall
11 apply its own state laws to determine appropriate action.

12 C. The home state shall complete any pending investigations of a regulated
13 social worker who changes his home state during the course of the investigations.
14 The home state shall also have the authority to take appropriate actions and shall
15 promptly report the conclusions of the investigations to the administrator of the data
16 system. The administrator of the data system shall promptly notify the new home
17 state of any adverse actions.

18 D. A member state, if otherwise permitted by state law, may recover from
19 the affected regulated social worker the costs of investigations and dispositions of
20 cases resulting from any adverse action taken against that regulated social worker.

21 E. A member state may take adverse action based on the factual findings of
22 another member state, if the member state follows its own procedures for taking the
23 adverse action.

24 F. Both of the following apply to joint investigations:

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

1 (2) Member states shall share any investigative, litigation, or compliance
2 materials in furtherance of any joint or individual investigation initiated in
3 accordance with this Compact.

4 G. If adverse action is taken by the home state against the multistate license
5 of a regulated social worker, the regulated social worker's multistate authorization
6 to practice in all other member states shall be deactivated until all encumbrances
7 have been removed from the multistate license. All home state disciplinary orders
8 that impose adverse action against the license of a regulated social worker shall
9 include a statement that the regulated social worker's multistate authorization to
10 practice is deactivated in all member states until all conditions of the decision, order,
11 or agreement are satisfied.

12 H. If a member state takes adverse action, it shall promptly notify the
13 administrator of the data system. The administrator of the data system shall
14 promptly notify the home state and all other member states of any adverse actions
15 by remote states.

16 I. Nothing in this Compact shall override a member state's decision that
17 participation in an alternative program may be used in lieu of adverse action.

18 J. Nothing in this Compact shall authorize a member state to demand the
19 issuance of subpoenas for attendance and testimony of witnesses or the production
20 of evidence from another member state for lawful actions within that member state.

21 K. Nothing in this Compact shall authorize a member state to impose
22 discipline against a regulated social worker who holds a multistate authorization to
23 practice for lawful actions within another member state.

24 §2740. Establishment of the Social Work Licensure Compact Commission

25 A. The member states of this Compact hereby create and establish a joint
26 government agency whose membership consists of all member states that have
27 enacted this Compact known as the Social Work Licensure Compact Commission.
28 The Commission shall be an instrumentality of the Compact member states acting

1 jointly and not an instrumentality of any one state. The Commission shall come into
2 existence on or after the effective date of this Compact as set forth in R.S. 37:2744.

3 B. The membership, voting, and meeting provisions of the Compact go as
4 follows:

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

7 (2) The delegate shall be either of the following:

8 (a) A current member of the state licensing authority at the time of
9 appointment, who is a regulated social worker or public member of the state
10 licensing authority.

11 (b) An administrator of the state licensing authority or his designee.

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

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

16 (5) A member state's state licensing authority shall fill any vacancy of its
17 delegate occurring on the Commission within sixty days of the vacancy.

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

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

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

26 C. The Commission shall have power to do all of the following:

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.

- 1 (4) Maintain its financial records in accordance with the bylaws.
- 2 (5) Meet and take such actions as are consistent with the provisions of this
3 Compact, the Commission's rules, and the bylaws.
- 4 (6) Initiate and conclude legal proceedings or actions in the name of the
5 Commission, if the standing of any state licensing board to sue or be sued under
6 applicable law is not affected.
- 7 (7) Maintain and certify records and information provided to a member state
8 as the authenticated business records of the Commission, and designate an agent to
9 do so on the Commission's behalf.
- 10 (8) Purchase and maintain insurance and bonds.
- 11 (9) Borrow, accept, or contract for services of personnel, including but not
12 limited to employees of a member state.
- 13 (10) Conduct an annual financial review.
- 14 (11) Hire employees, elect or appoint officers, fix compensation, define
15 duties, grant such individuals appropriate authority to carry out the purposes of this
16 Compact, and establish the Commission's personnel policies and programs relating
17 to conflicts of interest, qualifications of personnel, and other related personnel
18 matters.
- 19 (12) Assess and collect fees.
- 20 (13) Accept any and all appropriate gifts, donations, grants of money, other
21 sources of revenue, equipment, supplies, materials, and services, and receive, utilize,
22 and dispose of the same; if at all times the Commission avoids any appearance of
23 impropriety or conflict of interest.
- 24 (14) Lease, purchase, retain, own, hold, improve, or use any property, real,
25 personal, or mixed, or any undivided interest therein.
- 26 (15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
27 dispose of any property real, personal, or mixed.
- 28 (16) Establish a budget and make expenditures.
- 29 (17) Borrow money.

1 (18) Appoint committees, including standing committees, composed of
2 members, state regulators, state legislators or their representatives, and consumer
3 representatives, and such other interested persons as may be designated in this
4 Compact and the bylaws.

5 (19) Provide and receive information from, and cooperate with, law
6 enforcement agencies.

7 (20) Establish and elect an executive committee, including a chair and a vice
8 chair.

9 (21) Determine whether a state's adopted language is materially different
10 from the model compact language such that the state would not qualify for
11 participation in this Compact.

12 (22) Perform such other functions as may be necessary or appropriate to
13 achieve the purposes of this Compact.

14 D. All of the following apply to the executive committee:

15 (1) The executive committee shall have the power to act on behalf of the
16 Commission according to the terms of this Compact. The powers, duties, and
17 responsibilities of the executive committee shall include all of the following:

18 (a) Oversee the day-to-day activities of the administration of this Compact
19 including enforcement and compliance with the provisions of this Compact, its rules
20 and bylaws, and other such duties as deemed necessary.

21 (b) Recommend to the Commission changes to the rules or bylaws, changes
22 to this Compact legislation, fees charged to Compact member states, fees charged
23 to licensees, and other fees.

24 (c) Ensure Compact administration services are appropriately provided,
25 including by contract.

26 (d) Prepare and recommend the budget.

27 (e) Maintain financial records on behalf of the Commission.

28 (f) Monitor Compact compliance of member states and provide compliance
29 reports to the Commission.

1 (g) Establish additional committees as necessary.

2 (h) Exercise the powers and duties of the Commission during the interim
3 between Commission meetings, except for adopting or amending rules, adopting or
4 amending bylaws, and exercising any other powers and duties expressly reserved to
5 the Commission by rule or bylaw.

6 (i) Engage in other duties as provided in the rules or bylaws of the
7 Commission.

8 (2) The executive committee shall be composed of up to eleven members
9 and the provision of such members go as follows:

10 (a) The chair and vice chair of the Commission shall be voting members of
11 the executive committee.

12 (b) The Commission shall elect five voting members from the current
13 membership of the Commission.

14 (c) Up to four ex officio, nonvoting members from four recognized national
15 social work organizations.

16 (d) The ex officio members will be selected by their respective
17 organizations.

18 (3) The Commission may remove any member of the executive committee
19 as provided in the Commission's bylaws.

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

21 (a) Executive committee meetings shall be open to the public, except that the
22 executive committee may meet in a closed, nonpublic meeting as provided in this
23 Section.

24 (b) The executive committee shall give seven days' notice of its meetings,
25 posted on its website and as determined to provide notice to persons with an interest
26 in the business of the Commission.

27 (c) The executive committee may hold a special meeting in accordance with
28 this Section.

1 E. The Commission shall adopt and provide to the member states an annual
2 report.

3 F. The provisions for meetings of the Commission go as follows:

4 (1) All meetings shall be open to the public, except that the Commission may
5 meet in a closed, nonpublic meeting as provided in this Section.

6 (a) Public notice for all meetings of the full Commission of meetings shall
7 be given in the same manner as required under the rulemaking provisions in R.S.
8 37:2742, except that the Commission may hold a special meeting as provided in this
9 Section.

10 (b) The Commission may hold a special meeting when it shall meet to
11 conduct emergency business by giving notice forty-eight hours in advance to all
12 commissioners, on the Commission's website, and other means as provided in the
13 Commission's rules. The Commission's legal counsel shall certify that the
14 Commission's need to meet qualifies as an emergency.

15 (2) The Commission or the executive committee or other committees of the
16 Commission may convene in a closed, nonpublic meeting for the Commission or
17 executive committee or other committees of the Commission to receive legal advice
18 or to discuss any of the following:

19 (a) Noncompliance of a member state with its obligations under the
20 Compact.

21 (b) The employment, compensation, discipline or other matters, practices or
22 procedures related to specific employees.

23 (c) Current or threatened discipline of a licensee by the Commission or by
24 a member state's licensing authority.

25 (d) Current, threatened, or reasonably anticipated litigation.

26 (e) Negotiation of contracts for the purchase, lease, or sale of goods,
27 services, or real estate.

28 (f) Accusation of any person of a crime or formally censuring any person.

1 (g) Trade secrets or commercial or financial information that is privileged
2 or confidential.

3 (h) Information of a personal nature where disclosure would constitute a
4 clearly unwarranted invasion of personal privacy.

5 (i) Investigative records compiled for law enforcement purposes.

6 (j) Information related to any investigative reports prepared by or on behalf
7 of or for use of the Commission or other committee charged with responsibility of
8 investigation or determination of compliance issues pursuant to this Compact.

9 (k) Matters specifically exempted from disclosure by federal or member state
10 law.

11 (l) Other matters as promulgated by the Commission by rule.

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

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

22 G. All of the following apply for financing the Commission:

23 (1) The Commission shall pay, or provide for the payment of, the reasonable
24 expenses of its establishment, organization, and ongoing activities.

25 (2) The Commission may accept any and all appropriate revenue sources as
26 provided in this Section.

27 (3) The Commission may levy on and collect an annual assessment from
28 each member state and impose fees on licensees of member states to whom it grants
29 a multistate license to cover the cost of the operations and activities of the

1 Commission and its staff, which shall be in a total amount sufficient to cover its
2 annual budget as approved each year for which revenue is not provided by other
3 sources. The aggregate annual assessment amount for member states shall be
4 allocated based upon a formula that the Commission shall promulgate by rule.

5 (4) The Commission shall not incur obligations of any kind prior to securing
6 the funds adequate to meet the same nor shall the Commission pledge the credit of
7 any of the member states, except by and with the authority of the member state.

8 (5) The Commission shall keep accurate accounts of all receipts and
9 disbursements. The receipts and disbursements of the Commission shall be subject
10 to the financial review and accounting procedures established under its bylaws.
11 However, all receipts and disbursements of funds handled by the Commission shall
12 be subject to an annual financial review by a certified or licensed public accountant,
13 and the report of the financial review shall be included in and become part of the
14 annual report of the Commission.

15 H. The provisions for qualified immunity, defense, and indemnification go
16 as follows:

17 (1) The members, officers, executive director, employees and representatives
18 of the Commission shall be immune from suit and liability, both personally and in
19 their official capacity, for any claim for damage to or loss of property or personal
20 injury or other civil liability caused by or arising out of any actual or alleged act,
21 error, or omission that occurred, or that the person against whom the claim is made
22 had a reasonable basis for believing occurred within the scope of Commission
23 employment, duties or responsibilities; if nothing in this Paragraph is construed to
24 protect any such person from suit or liability for any damage, loss, injury, or liability
25 caused by the intentional or willful or wanton misconduct of that person. The
26 procurement of insurance of any type by the Commission shall not in any way
27 compromise or limit the immunity granted hereunder.

28 (2) The Commission shall defend any member, officer, executive director,
29 employee, and representative of the Commission in any civil action seeking to

1 impose liability arising out of any actual or alleged act, error, or omission that
2 occurred within the scope of Commission employment, duties, or responsibilities,
3 or as determined by the Commission that the person against whom the claim is made
4 had a reasonable basis for believing occurred within the scope of Commission
5 employment, duties, or responsibilities; if nothing herein is construed to prohibit that
6 person from retaining his own counsel at his own expense; and if the actual or
7 alleged act, error, or omission did not result from that person's intentional or willful
8 or wanton misconduct.

9 (3) The Commission shall indemnify and hold harmless any member, officer,
10 executive director, employee, and representative of the Commission for the amount
11 of any settlement or judgment obtained against that person arising out of any actual
12 or alleged act, error, or omission that occurred within the scope of Commission
13 employment, duties, or responsibilities, or that such person had a reasonable basis
14 for believing occurred within the scope of Commission employment, duties, or
15 responsibilities, if the actual or alleged act, error, or omission did not result from the
16 intentional or willful or wanton misconduct of that person.

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

20 (5) Nothing in this Compact shall be interpreted to waive or otherwise
21 abrogate a member state's state action immunity or state action affirmative defense
22 with respect to antitrust claims under the Sherman Antitrust Act of 1890, Clayton
23 Antitrust Act of 1914, or any other state or federal antitrust or anticompetitive law
24 or regulation.

25 (6) Nothing in this Compact shall be construed to be a waiver of sovereign
26 immunity by the member states or by the Commission.

27 §2741. Data system

28 A. The Commission shall provide for the development, maintenance,
29 operation, and utilization of a coordinated data system.

1 B. The Commission shall assign each applicant for a multistate license a
2 unique identifier, as determined by the rules of the Commission.

3 C. Notwithstanding any other provision of state law to the contrary, a
4 member state shall submit a uniform data set to the data system on all individuals to
5 whom this Compact is applicable as required by the rules of the Commission,
6 including all of the following:

7 (1) Identifying information.

8 (2) Licensure data.

9 (3) Adverse actions against a license and information related thereto.

10 (4) Nonconfidential information related to alternative program participation,
11 the beginning and ending dates of such participation, and other information related
12 to such participation not made confidential under member state law.

13 (5) Any denial of application for licensure, and the reasons for such denial.

14 (6) The presence of current significant investigative information.

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

17 D. The records and information provided to a member state in accordance
18 with this Compact or through the data system, when certified by the Commission or
19 an agent thereof, shall constitute the authenticated business records of the
20 Commission, and shall be entitled to any associated hearsay exception in any
21 relevant judicial, quasi judicial or administrative proceedings in a member state.

22 E.(1) Current significant investigative information pertaining to a licensee
23 in any member state will be available only to other member states.

24 (2) It is the responsibility of the member states to report any adverse action
25 against a licensee and to monitor the database to determine whether adverse action
26 has been taken against a licensee. Adverse action information pertaining to a
27 licensee in any member state will be available to any other member state.

1 F. Member states contributing information to the data system may designate
2 information that may not be shared with the public without the express permission
3 of the contributing state.

4 G. Any information submitted to the data system that is subsequently
5 expunged pursuant to federal law or the laws of the member state contributing the
6 information shall be removed from the data system.

7 §2742. Rulemaking

8 A. The Commission shall promulgate reasonable rules in order to effectively
9 and efficiently implement and administer the purposes and provisions of this
10 Compact. A rule shall be invalid and have no force or effect only if a court of
11 competent jurisdiction holds that the rule is invalid because the Commission
12 exercised its rulemaking authority in a manner that is beyond the scope and purposes
13 of this Compact, or the powers granted hereunder, or based upon another applicable
14 standard of review.

15 B. The rules of the Commission shall have the force of law in each member
16 state, provided, however, that where the rules of the Commission conflict with the
17 laws of the member state that establish the member state's laws, regulations, and
18 applicable standards that govern the practice of social work as held by a court of
19 competent jurisdiction, the rules of the Commission shall be ineffective in that state
20 to the extent of the conflict.

21 C. The Commission shall exercise its rulemaking powers pursuant to the
22 criteria set forth in this Section and the rules adopted thereunder. Rules shall become
23 binding on the day following adoption or the date specified in the rule or
24 amendment, whichever is later.

25 D. If a majority of the member state legislatures reject a rule, or portion of
26 a rule, by enactment of a statute or resolution in the same manner used to adopt this
27 Compact within four years of the date of adoption of the rule, then such rule shall
28 have no further force and effect in any member state.

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

1 F. Prior to adoption of a proposed rule, the Commission shall hold a public
2 hearing and allow persons to provide oral and written comments, data, facts,
3 opinions, and arguments.

4 G. Prior to adoption of a proposed rule by the Commission, and at least thirty
5 days in advance of the meeting at which the Commission will hold a public hearing
6 on the proposed rule, the Commission shall provide a notice of proposed rulemaking
7 that meets all of the following criteria:

8 (1) On the website of the Commission or other publicly accessible platform.

9 (2) To persons who have requested notice of the Commission's notices of
10 proposed rulemaking.

11 (3) In such other ways as the Commission may by rule specify.

12 H. The notice of proposed rulemaking shall include all of the following:

13 (1) The time, date, and location of the public hearing at which the
14 Commission will hear public comments on the proposed rule and, if different, the
15 time, date, and location of the meeting where the Commission will consider and vote
16 on the proposed rule.

17 (2) If the hearing is held via telecommunication, video conference, or other
18 electronic means, the Commission shall include the mechanism for access to the
19 hearing in the notice of proposed rulemaking.

20 (3) The text of the proposed rule and the reason therefor.

21 (4) A request for comments on the proposed rule from any interested person.

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

23 I. All hearings will be recorded. A copy of the recording and all written
24 comments and documents received by the Commission in response to the proposed
25 rule shall be available to the public.

26 J. Nothing in this Section shall be construed as requiring a separate hearing
27 on each rule. Rules may be grouped for the convenience of the Commission at
28 hearings required by this Section.

1 K. The Commission shall, by majority vote of all members, take final action
2 on the proposed rule based on the rulemaking record and the full text of the rule.

3 (1) The Commission may adopt changes to the proposed rule if the changes
4 do not enlarge the original purpose of the proposed rule.

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

8 (3) The Commission shall determine a reasonable effective date for the rule.
9 Except for an emergency as provided in this Section, the effective date of the rule
10 shall be no sooner than thirty days after issuing the notice that it adopted or amended
11 the rule.

12 L. Upon determination that an emergency exists, the Commission may
13 consider and adopt an emergency rule with notice forty-eight hours in advance, with
14 opportunity to comment, if the usual rulemaking procedures provided in this
15 Compact and in this Section are retroactively applied to the rule as soon as
16 reasonably possible, in no event later than ninety days after the effective date of the
17 rule. For the purposes of this provision, an emergency rule is one that shall be
18 adopted immediately in order to do the following:

19 (1) Meet an imminent threat to public health, safety, or welfare.

20 (2) Prevent a loss of Commission or member state funds.

21 (3) Meet a deadline for the promulgation of a rule that is established by
22 federal law or rule.

23 (4) Protect public health and safety.

24 M. The Commission or an authorized committee of the Commission may
25 direct revisions to a previously adopted rule for purposes of correcting typographical
26 errors, errors in format, errors in consistency, or grammatical errors. Public notice
27 of any revisions shall be posted on the website of the Commission. The revision
28 shall be subject to challenge by any person for a period of thirty days after posting.
29 The revision may be challenged only on grounds that the revision results in a

1 material change to a rule. A challenge shall be made in writing and delivered to the
2 Commission prior to the end of the notice period. If no challenge is made, the
3 revision will take effect without further action. If the revision is challenged, the
4 revision may not take effect without the approval of the Commission.

5 N. No member state's rulemaking requirements shall apply in accordance
6 with this Compact.

7 §2743. Oversight, dispute resolution, and enforcement

8 A. All of the following apply to oversight:

9 (1) The executive and judicial branches of state government in each member
10 state shall enforce this Compact and take all actions necessary and appropriate to
11 implement this Compact.

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

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

25 B. The default, technical assistance, and termination provisions go as
26 follows:

27 (1) If the Commission determines that a member state has defaulted in the
28 performance of its obligations or responsibilities in accordance with this Compact
29 or the promulgated rules, the Commission shall provide written notice to the

1 defaulting state. The notice of default shall describe the default, the proposed means
2 of curing the default, and any other action that the Commission may take, and shall
3 offer training and specific technical assistance regarding the default.

4 (2) The Commission shall provide a copy of the notice of default to the other
5 member states.

6 C. If a state in default fails to cure the default, the defaulting state may be
7 terminated from this Compact upon an affirmative vote of a majority of the delegates
8 of the member states, and all rights, privileges and benefits conferred on that state
9 by this Compact may be terminated on the effective date of termination. A cure of
10 the default does not relieve the offending state of obligations or liabilities incurred
11 during the period of default.

12 D. Termination of membership in this Compact shall be imposed only after
13 all other means of securing compliance have been exhausted. Notice of intent to
14 suspend or terminate shall be given by the Commission to the governor, the majority
15 and minority leaders of the defaulting state's legislature, the defaulting state's state
16 licensing authority and each of the member states' state licensing authority.

17 E. A state that has been terminated is responsible for all assessments,
18 obligations, and liabilities incurred through the effective date of termination,
19 including obligations that extend beyond the effective date of termination.

20 F. Upon the termination of a state's membership from this Compact, that
21 state shall immediately provide notice to all licensees within that state of such
22 termination. The terminated state shall continue to recognize all licenses granted
23 pursuant to this Compact for a minimum of six months after the date of the notice
24 of termination.

25 G. The Commission shall not bear any costs related to a state that is found
26 to be in default or that has been terminated from this Compact, unless agreed upon
27 in writing between the Commission and the defaulting state.

28 H. The defaulting state may appeal the action of the Commission by
29 petitioning the United States District Court for the District of Columbia or the federal

1 district where the Commission has its principal offices. The prevailing party shall
2 be awarded all costs of such litigation, including reasonable attorney's fees.

3 I. All of the following apply to dispute resolution:

4 (1) Upon request by a member state, the Commission shall attempt to resolve
5 disputes related to this Compact that arise among member states and between
6 member and nonmember states.

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

9 J. All of the following apply to enforcement:

10 (1) By majority vote as provided by rule, the Commission may initiate legal
11 action against a member state in default in the United States District Court for the
12 District of Columbia or the federal district where the Commission has its principal
13 offices to enforce compliance with the provisions of this Compact and its
14 promulgated rules. The relief sought may include both injunctive relief and
15 damages. In the event judicial enforcement is necessary, the prevailing party shall
16 be awarded all costs of such litigation, including reasonable attorney's fees. The
17 remedies herein shall not be the exclusive remedies of the Commission. The
18 Commission may pursue any other remedies available under federal or the defaulting
19 member state's law.

20 (2) A member state may initiate legal action against the Commission in the
21 United States District Court for the District of Columbia or the federal district where
22 the Commission has its principal offices to enforce compliance with the provisions
23 of this Compact and its promulgated rules. The relief sought may include both
24 injunctive relief and damages. In the event judicial enforcement is necessary, the
25 prevailing party shall be awarded all costs of such litigation, including reasonable
26 attorney's fees.

27 (3) No person other than a member state shall enforce this Compact against
28 the Commission.

1 §2744. Effective date; withdrawal; amendments

2 A. This Compact shall come into effect on the date on which the Compact
3 statute is enacted into law in the seventh member state.

4 (1) On or after the effective date of this Compact, the Commission shall
5 convene and review the enactment of each of the first seven member states, "charter
6 member states", to determine if the statute enacted by each such charter member
7 state is materially different than the model Compact statute.

8 (a) A charter member state whose enactment is found to be materially
9 different from the model Compact statute shall be entitled to the default process set
10 forth in R.S. 37:2743.

11 (b) If any member state is later found to be in default, or is terminated or
12 withdraws from this Compact, the Commission shall remain in existence and this
13 Compact shall remain in effect even if the number of member states should be less
14 than seven.

15 (2) Member states enacting this Compact subsequent to the seven initial
16 charter member states shall be subject to the process set forth in R.S. 37:2740 to
17 determine if their enactments are materially different from the model Compact
18 statute and whether they qualify for participation in this Compact.

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

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

28 B. Any member state may withdraw from this Compact by enacting a statute
29 repealing the same.

1 (1) A member state's withdrawal shall not take effect until one hundred
2 eighty days after enactment of the repealing statute.

3 (2) Withdrawal shall not affect the continuing requirement of the
4 withdrawing state's licensing authority to comply with the investigative and adverse
5 action reporting requirements of this Compact prior to the effective date of
6 withdrawal.

7 (3) Upon the enactment of a statute withdrawing from this Compact, a state
8 shall immediately provide notice of such withdrawal to all licensees within that state.
9 Notwithstanding any subsequent statutory enactment to the contrary, such
10 withdrawing state shall continue to recognize all licenses granted pursuant to this
11 compact for a minimum of one hundred eighty days after the date of such notice of
12 withdrawal.

13 C. Nothing contained in this Compact shall be construed to invalidate or
14 prevent any licensure agreement or other cooperative arrangement between a
15 member state and a nonmember state that does not conflict with the provisions of
16 this Compact.

17 D. This Compact may be amended by the member states. No amendment
18 to this Compact shall become effective and binding upon any member state until it
19 is enacted into the laws of all member states.

20 §2745. Construction and severability

21 A. This Compact and the Commission's rulemaking authority shall be
22 liberally construed so as to effectuate the purposes, and the implementation and
23 administration of this Compact. Provisions of this Compact expressly authorizing
24 or requiring the promulgation of rules shall not be construed to limit the
25 Commission's rulemaking authority solely for those purposes.

26 B. The provisions of this Compact shall be severable and if any phrase,
27 clause, sentence or provision of this Compact is held by a court of competent
28 jurisdiction to be contrary to the constitution of any member state, a state seeking
29 participation in this Compact, or of the United States, or the applicability thereof to

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

5 C. Notwithstanding Subsection B of this Section, the Commission may deny
6 a state's participation in this Compact or, in accordance with the requirements of R.S.
7 37:2743, terminate a member state's participation in this Compact, if it determines
8 that a constitutional requirement of a member state is a material departure from this
9 Compact. Otherwise, if this Compact shall be held to be contrary to the constitution
10 of any member state, this Compact shall remain in full force and effect as to the
11 remaining member states and in full force and effect as to the member state affected
12 as to all severable matters.

13 §2746. Consistent effect and conflict with other states

14 A. A licensee providing services in a remote state under a multistate
15 authorization to practice shall adhere to the laws and regulations, including laws,
16 regulations, and applicable standards, of the remote state where the client is located
17 at the time care is rendered.

18 B. Nothing herein shall prevent or inhibit the enforcement of any other law
19 of a member state that is not inconsistent with this Compact.

20 C. Any laws, statutes, regulations, or other legal requirements in a member
21 state in conflict with this Compact are superseded to the extent of the conflict.

22 D. All permissible agreements between the Commission and the member
23 states are binding in accordance with their terms.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 888 Engrossed

2024 Regular Session

Stagni

Abstract: Creates the Social Work Licensure Compact in Louisiana.

Proposed law shall be known and may be cited as the "Social Work Licensure Compact".

Proposed law further provides that its purpose is to facilitate the interstate practice of regulated social workers by improving public access to competent social work services and further requires the preservation of regulatory authority for states to protect public health and safety through the current system of state licensure.

Proposed law identifies certain objectives for which is designed to achieve.

Proposed law defines "active military member", "adverse action", "alternative program", "charter member states", "compact commission", "commission", "criminal history record information", "current significant investigative information", "data system", "disqualifying event", "domicile", "encumbrance", "executive committee", "home state", "impairment", "licensee", "licensing authority", "member state", "multistate authorization to practice", "multistate license", "qualifying national exam", "regulated social worker", "remote state", "rule", "rules of the commission", "single state license", "social work", "social work services", "state", and "unencumbered license".

Proposed law identifies certain criteria that applicants shall meet to be eligible to participate in the compact, which includes all of the following:

- (1) Holding or being eligible for an active, unencumbered license in the home state.
- (2) Paying any applicable fees, including any state fee, for the multistate license.
- (3) Submitting, in connection with an application for a multistate license, fingerprints, or other biometric data to obtain criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.
- (4) Notifying the home state of any adverse action, encumbrance, or restriction on any professional license taken by any member state or non-member state within thirty days from the date the action is taken.
- (5) Meeting any continuing competence requirements established by the home state.
- (6) Abiding by the laws, regulations, and applicable standards in the member state where the client is located at the time care is rendered.

Proposed law further provides that there are certain criteria to be eligible for a multistate license in accordance with the provisions of the compact, which includes all of the following:

- (1) Fulfilling a competency requirement as detailed in proposed law.
- (2) Attaining at least a clinical, bachelor's, or master's degree in social work from a program that meets certain requirements identified in proposed law.
- (3) Fulfilling a practice requirement.

Proposed law establishes authority for the Interstate Compact Commission and outlines the abilities that states participating in the compact have and establishes rules for the commission. Proposed law further provides that such rules shall not be construed to limit, restrict, or in any way reduce for a member state.

Proposed law establishes certain criteria for reissuance of a multistate license by a new home state.

Proposed law requires an active military member or their spouse to designate a home state where the individual has a multistate license. Proposed law further provides that the

individual may retain their home state designation during the period the service member is on active duty.

Proposed law establishes powers for a home state, member state, and remote state to take certain adverse actions against regulated social worker's multistate authorization to practice. Proposed law further establishes investigative provisions.

Proposed law establishes a joint government agency, which shall consist of all member states that have enacted the compact known as the Social Work Licensure Compact Commission and provides that the commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state.

Proposed law establishes certain criteria for membership, voting, and meetings. Proposed law provides for an executive committee, annual report, financing for the commission, and details certain provisions for qualified immunity, defense, and indemnification.

Proposed law requires the commission to provide for the development, maintenance, operation, and utilization of a coordinated data system and establishes provisions in furtherance of such requirements.

Proposed law establishes provisions for oversight, dispute resolution, and enforcement of the compact.

Proposed law provides that the compact shall come into effect on the date on which the compact statute is enacted into law in the seventh member state. Proposed law further establishes provisions for a state's withdrawal from the compact.

Proposed law provides that the compact may be amended by the member states and further provides that no amendment to the compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

Proposed law establishes certain provisions for rulemaking and severability.

Proposed law requires a licensee providing services in a remote state under a multistate authorization to practice to adhere to the laws and regulations, including laws, regulations, and applicable standards, of the remote state where the client is located at the time care is rendered.

Proposed law further provides that nothing in proposed law shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.

Proposed law provides that any laws, statutes, regulations, or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.

Proposed law further provides that all permissible agreements between the commission and the member states are binding in accordance with their terms.

Proposed law provides that the La. State Bd. of Social Work Examiners shall be entitled to the criminal record and identification files of the Bureau of Criminal Identification and Information for any person who is licensed to be a social worker in this state or as part of the Social Work Licensure Compact.

Proposed law further requires the costs associated with acquiring the background information of compact participants to be charged to the La. State Bd. of Social Work Examiners.

(Adds R.S. 37:2731-2746)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Define "criminal history record information".
2. Provide that the La. State Bd. of Social Work Examiners shall be entitled to the criminal record and identification files of the Bureau of Criminal Identification and Information for any person who is licensed to be a social worker in this state or as part of the Social Work Licensure Compact.
3. Require the costs associated with acquiring the background information of compact participants to be charged to the La. State Bd. of Social Work Examiners.
4. Make technical corrections.