

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           finances, 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. All of the following apply to membership, voting, and meetings:

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

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

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

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

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

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

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

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

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

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

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

26 (1) Establish the fiscal year of the Commission.

27 (2) Establish code of conduct and conflict of interest policies.

28 (3) Establish and amend rules and bylaws.

29 (4) Maintain its financial records in accordance with the bylaws.

1           (5) Meet and take such actions as are consistent with the provisions of this  
2           Compact, the Commission's rules, and the bylaws.

3           (6) Initiate and conclude legal proceedings or actions in the name of the  
4           Commission, if the standing of any state licensing board to sue or be sued under  
5           applicable law is not affected.

6           (7) Maintain and certify records and information provided to a member state  
7           as the authenticated business records of the Commission, and designate an agent to  
8           do so on the Commission's behalf.

9           (8) Purchase and maintain insurance and bonds.

10          (9) Borrow, accept, or contract for services of personnel, including but not  
11          limited to employees of a member state.

12          (10) Conduct an annual financial review.

13          (11) Hire employees, elect or appoint officers, fix compensation, define  
14          duties, grant such individuals appropriate authority to carry out the purposes of this  
15          Compact, and establish the Commission's personnel policies and programs relating  
16          to conflicts of interest, qualifications of personnel, and other related personnel  
17          matters.

18          (12) Assess and collect fees.

19          (13) Accept any and all appropriate gifts, donations, grants of money, other  
20          sources of revenue, equipment, supplies, materials, and services, and receive, utilize,  
21          and dispose of the same; if at all times the Commission avoids any appearance of  
22          impropriety or conflict of interest.

23          (14) Lease, purchase, retain, own, hold, improve, or use any property, real,  
24          personal, or mixed, or any undivided interest therein.

25          (15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
26          dispose of any property real, personal, or mixed.

27          (16) Establish a budget and make expenditures.

28          (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 as  
9           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. All of the following apply to meetings of the Commission:

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. All of the following apply to qualified immunity, defense, and  
16 indemnification:

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. All of the following apply to default, technical assistance, and  
26 termination:

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.

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#### 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)]

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HB 888 Reengrossed

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.

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the engrossed bill:

1. Make technical changes.