

# ACT No. 791

2024 Regular Session

HOUSE BILL NO. 888

BY REPRESENTATIVES STAGNI, BAGLEY, CARRIER, WILFORD CARTER, COX, DOMANGUE, FISHER, FREIBERG, GREEN, JORDAN, LARVADAIN, LYONS, NEWELL, PHELPS, SELDERS, TAYLOR, WALTERS, AND WYBLE

1 AN ACT

2 To enact Part II of Chapter 35 of Title 37 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 37:2731, relative to the Social Work Licensure Compact; to  
4 establish the purpose of the Compact; to identify certain objectives; to provide for  
5 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; to designate Chapter 35 of Title 37 of the Louisiana Revised Statutes of  
16 1950, comprised of R.S. 37:2701 through 2724, "PART I. SOCIAL WORKERS";  
17 and to provide for related matters.

18 Be it enacted by the Legislature of Louisiana:

19 Section 1. The provisions of Chapter 35 of Title 37 of the Louisiana Revised Statutes  
20 of 1950, comprised of R.S. 37:2701 through 2724, are hereby designated "PART I. SOCIAL  
21 WORKERS".

1 Section 2. Part II of Chapter 35 of Title 37 of the Louisiana Revised Statutes of 1950,  
2 comprised of R.S. 37:2731, is hereby enacted to read as follows:

3 PART II. SOCIAL WORK LICENSURE COMPACT

4 §2731. Social Work Licensure Compact; adoption

5 The Social Work Licensure Compact is hereby recognized and enacted into  
6 law and entered into by this state with all states legally joining therein in the form  
7 substantially as follows:

8 SECTION 1. PURPOSE

9 The purpose of this Compact is to facilitate the interstate practice of regulated  
10 social workers by improving public access to competent social work services. The  
11 Social Work Licensure Compact preserves the regulatory authority of states to  
12 protect public health and safety through the current system of state licensure.

13 This Compact is designed to achieve all of the following objectives:

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

15 (2) Reduce overly burdensome and duplicative requirements associated with  
16 holding multiple licenses.

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

19 (4) Encourage the cooperation of member states in regulating multistate  
20 practice.

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

24 (6) Support military families.

25 (7) Facilitate the exchange of licensure and disciplinary information among  
26 member states.

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

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

3                   SECTION 2. DEFINITIONS

4                   For the purposes of this Chapter, the following terms have the meaning  
 5                   ascribed to them:

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

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

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

19                  (4) "Charter member states" means member states that have enacted  
 20                  legislation to adopt this Compact where such legislation predates the effective date  
 21                  of this Compact as provided in Section 14.

22                  (5) "Compact commission" or "commission" means the government agency  
 23                  whose membership consists of all states that have enacted this Compact, which is  
 24                  known as the Social Work Licensure Compact Commission, as provided in Section  
 25                  10, and which shall operate as an instrumentality of the member states.

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

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

2                   (a) Investigative information that a licensing authority, after a preliminary  
3 inquiry that includes notification and an opportunity for the regulated social worker  
4 to respond has reason to believe is not groundless and, if proven true, would indicate  
5 more than a minor infraction as may be defined by the Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27          (25) "Social work" or "social work services" means the application of social  
28          work theory, knowledge, methods, ethics, and the professional use of self to restore  
29          or enhance social, psychosocial, or biopsychosocial functioning of individuals,  
30          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 SECTION 3. STATE PARTICIPATION IN THE COMPACT

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 Section 4.

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  
28 Section 4.

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

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

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

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

25           (c) In accordance with the authority provided for in this Compact, the costs  
26           of providing the information required in accordance with this Paragraph shall be  
27           charged by the Louisiana Bureau of Criminal Identification and Information, as  
28           specified in R.S. 15:587(B), to the Louisiana State Board of Social Work Examiners  
29           for furnishing information contained in the Louisiana Bureau of Criminal  
30           Identification and Information's criminal history records and identification files,

1 including any additional cost of providing the national criminal history records  
2 check, which pertains to the applicant. The board may impose any or all such fees  
3 or costs on the applicant.

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

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

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

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

11 C. A member state meeting the requirements provided in this Section shall  
12 designate the categories of social work licensure that are eligible for issuance of a  
13 multistate license for applicants in such member state. To the extent that any  
14 member state does not meet the requirements for participation in this Compact at any  
15 particular category of social work licensure, such member state may choose, but is  
16 not obligated to, issue a multistate license to applicants who otherwise meet the  
17 requirements of Section 4 for issuance of a multistate license in such category or  
18 categories of licensure.

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

#### 20 SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT

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

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

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

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



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

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

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

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

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

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

13                   (b) Licensure of the applicant in his home state at the clinical category,  
14                   beginning prior to such time as a qualifying national exam was required by the home  
15                   state and accompanied by a period of continuous social work licensure thereafter, all  
16                   of which may be further governed by the rules of the 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 meets  
20                   both of the following criteria:

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

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

1                   **(b) A minimum of two years of full-time postgraduate supervised clinical**  
2                   **practice.**

3                   **(c) The substantial equivalency of the foregoing practice requirements which**  
4                   **the commission may determine by rule.**

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

7                   **(1) Fulfill a competency requirement, which shall be satisfied by either of**  
8                   **the following:**

9                   **(a) Passage of a master's-category qualifying national exam.**

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

15                  **(c) The substantial equivalency of the foregoing competency requirements**  
16                  **which the commission may determine by rule.**

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

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

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

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

23                  **(ii) The United States Department of Education.**

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

26                  **(1) Fulfill a competency requirement, which shall be satisfied by either of**  
27                  **the following:**

28                  **(a) Passage of a bachelor's-category qualifying national exam.**

1           (b) Licensure of the applicant in his home state at the bachelor's category,  
2           beginning prior to such time as a qualifying national exam was required by the home  
3           state and accompanied by a period of continuous social work licensure thereafter, all  
4           of which may be further governed by the rules of the Commission.

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

7           (2) Attain at least a bachelor's degree in social work from a program that is  
8           both of the following:

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

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

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

13          (ii) The United States Department of Education.

14          E. The multistate license for a regulated social worker is subject to the  
15          renewal requirements of the home state. The regulated social worker shall maintain  
16          compliance with the requirements of this Section to be eligible to renew a multistate  
17          license.

18          F. The regulated social worker's services in a remote state are subject to that  
19          member state's regulatory authority. A remote state may, in accordance with due  
20          process and that member state's laws, remove a regulated social worker's multistate  
21          authorization to practice in the remote state for a specific period of time, impose  
22          finer, and take any other necessary actions to protect the health and safety of its  
23          citizens.

24          G. If a multistate license is encumbered, the regulated social worker's  
25          multistate authorization to practice shall be deactivated in all remote states until the  
26          multistate license is no longer encumbered.

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

1                    SECTION 5. ISSUANCE OF A MULTISTATE LICENSE

2                    A. Upon receipt of an application for multistate license, the home state  
3                    licensing authority shall determine the applicant's eligibility for a multistate license  
4                    in accordance with Section 4 of this Compact.

5                    B. If such applicant is eligible pursuant to Section 4 of this Compact, the  
6                    home state licensing authority shall issue a multistate license that authorizes the  
7                    applicant or regulated social worker to practice in all member states under a  
8                    multistate authorization to practice.

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

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

16                   SECTION 6. AUTHORITY OF INTERSTATE COMPACT COMMISSION AND17                   MEMBER STATE LICENSING AUTHORITIES

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

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

25                   C. Nothing in this Compact, nor any rule of the Commission, shall be  
26                   construed to limit, restrict, or in any way reduce the ability of a member state to take  
27                   adverse action against a licensee's single state license to practice social work in that  
28                   state.

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

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

8           SECTION 7. REISSUANCE OF A MULTISTATE LICENSE

9                           BY A NEW HOME STATE

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

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

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

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

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

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

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

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

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

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

#### 14                                   SECTION 8. MILITARY FAMILIES

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

#### 18                                   SECTION 9. ADVERSE ACTIONS

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

22                  (1) Take adverse action against a regulated social worker's multistate  
 23                  authorization to practice only within that member state, and issue subpoenas for both  
 24                  hearings and investigations that require the attendance and testimony of witnesses  
 25                  as well as the production of evidence. Subpoenas issued by a licensing authority in  
 26                  a member state for the attendance and testimony of witnesses or the production of  
 27                  evidence from another member state shall be enforced in the latter state by any court  
 28                  of competent jurisdiction, according to the practice and procedure of that court  
 29                  applicable to subpoenas issued in proceedings pending before it. The issuing  
 30                  licensing authority shall pay any witness fees, travel expenses, mileage, and other

1           fees required by the service statutes of the state in which the witnesses or evidence  
2           are located.

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

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

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

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

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

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

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

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

28                  G. If adverse action is taken by the home state against the multistate license  
29          of a regulated social worker, the regulated social worker's multistate authorization

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

7 H. If a member state takes adverse action, it shall promptly notify the  
8 administrator of the data system. The administrator of the data system shall  
9 promptly notify the home state and all other member states of any adverse actions  
10 by remote states.

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

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

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

19 SECTION 10. ESTABLISHMENT OF A SOCIAL WORK

20 LICENSURE COMPACT COMMISSION

21 A. The member states of this Compact hereby create and establish a joint  
22 government agency whose membership consists of all member states that have  
23 enacted this Compact known as the Social Work Licensure Compact Commission.  
24 The Commission shall be an instrumentality of the Compact member states acting  
25 jointly and not an instrumentality of any one state. The Commission shall come into  
26 existence on or after the effective date of this Compact as set forth in Section 14.

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

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



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

2                   (a) A current member of the state licensing authority at the time of  
3                   appointment, who is a regulated social worker or public member of the state  
4                   licensing authority.

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

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

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

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

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

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

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

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

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

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

23                  (3) Establish and amend rules and bylaws.

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

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

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

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

4                   (8) Purchase and maintain insurance and bonds.

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

7                   (10) Conduct an annual financial review.

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

13                  (12) Assess and collect fees.

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

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

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

22                  (16) Establish a budget and make expenditures.

23                  (17) Borrow money.

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

28                  (19) Provide and receive information from, and cooperate with, law  
29                  enforcement agencies.

1                   (20) Establish and elect an executive committee, including a chair and a vice  
 2                   chair.

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

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

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

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

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

15                  (b) Recommend to the Commission changes to the rules or bylaws, changes  
 16                  to this Compact legislation, fees charged to Compact member states, fees charged  
 17                  to licensees, and other fees.

18                  (c) Ensure Compact administration services are appropriately provided,  
 19                  including by contract.

20                  (d) Prepare and recommend the budget.

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

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

24                  (g) Establish additional committees as necessary.

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

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

1                   (2) The executive committee shall be composed of up to eleven members as  
2                   follows:

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

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

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

9                   (d) The ex officio members will be selected by their respective  
10                  organizations.

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

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

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

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

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

22                  E. The Commission shall adopt and provide to the member states an annual  
23                  report.

24                  F. All of the following apply to meetings of the Commission:

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

27                  (a) Public notice for all meetings of the full Commission of meetings shall  
28                  be given in the same manner as required under the rulemaking provisions in Section  
29                  12, except that the Commission may hold a special meeting as provided in this  
30                  Section.

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

6           **(2) The Commission or the executive committee or other committees of the**  
7           **Commission may convene in a closed, nonpublic meeting for the Commission or**  
8           **executive committee or other committees of the Commission to receive legal advice**  
9           **or to discuss any of the following:**

10           **(a) Noncompliance of a member state with its obligations under the**  
11           **Compact.**

12           **(b) The employment, compensation, discipline or other matters, practices or**  
13           **procedures related to specific employees.**

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

16           **(d) Current, threatened, or reasonably anticipated litigation.**

17           **(e) Negotiation of contracts for the purchase, lease, or sale of goods,**  
18           **services, or real estate.**

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

20           **(g) Trade secrets or commercial or financial information that is privileged**  
21           **or confidential.**

22           **(h) Information of a personal nature where disclosure would constitute a**  
23           **clearly unwarranted invasion of personal privacy.**

24           **(i) Investigative records compiled for law enforcement purposes.**

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

28           **(k) Matters specifically exempted from disclosure by federal or member state**  
29           **law.**

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

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

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

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

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

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

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

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

26           (5) The Commission shall keep accurate accounts of all receipts and  
27           disbursements. The receipts and disbursements of the Commission shall be subject  
28           to the financial review and accounting procedures established under its bylaws.  
29           However, all receipts and disbursements of funds handled by the Commission shall  
30           be subject to an annual financial review by a certified or licensed public accountant,

1           and the report of the financial review shall be included in and become part of the  
2           annual report of the Commission.

3           H. All of the following apply to qualified immunity, defense, and  
4           indemnification:

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

16          (2) The Commission shall defend any member, officer, executive director,  
17          employee, and representative of the Commission in any civil action seeking to  
18          impose liability arising out of any actual or alleged act, error, or omission that  
19          occurred within the scope of Commission employment, duties, or responsibilities,  
20          or as determined by the Commission that the person against whom the claim is made  
21          had a reasonable basis for believing occurred within the scope of Commission  
22          employment, duties, or responsibilities; if nothing herein is construed to prohibit that  
23          person from retaining his own counsel at his own expense; and if the actual or  
24          alleged act, error, or omission did not result from that person's intentional or willful  
25          or wanton misconduct.

26          (3) The Commission shall indemnify and hold harmless any member, officer,  
27          executive director, employee, and representative of the Commission for the amount  
28          of any settlement or judgment obtained against that person arising out of any actual  
29          or alleged act, error, or omission that occurred within the scope of Commission  
30          employment, duties, or responsibilities, or that such person had a reasonable basis

1 for believing occurred within the scope of Commission employment, duties, or  
2 responsibilities, if the actual or alleged act, error, or omission did not result from the  
3 intentional or willful or wanton misconduct of that person.

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

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

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

#### 14 SECTION 11. DATA SYSTEM

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

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

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

23 (1) Identifying information.

24 (2) Licensure data.

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

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

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

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



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

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

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

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

14          F. Member states contributing information to the data system may designate  
15          information that may not be shared with the public without the express permission  
16          of the contributing state.

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

20                                  SECTION 12. RULEMAKING

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

28          B. The rules of the Commission shall have the force of law in each member  
29          state, provided, however, that where the rules of the Commission conflict with the  
30          laws of the member state that establish the member state's laws, regulations, and

1 applicable standards that govern the practice of social work as held by a court of  
2 competent jurisdiction, the rules of the Commission shall be ineffective in that state  
3 to the extent of the conflict.

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

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

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

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

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

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

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

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

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

25 (1) The time, date, and location of the public hearing at which the  
26 Commission will hear public comments on the proposed rule and, if different, the  
27 time, date, and location of the meeting where the Commission will consider and vote  
28 on the proposed rule.

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

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

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

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

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

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

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

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

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

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

24                  L. Upon determination that an emergency exists, the Commission may  
25                  consider and adopt an emergency rule with notice forty-eight hours in advance, with  
26                  opportunity to comment, if the usual rulemaking procedures provided in this  
27                  Compact and in this Section are retroactively applied to the rule as soon as  
28                  reasonably possible, in no event later than ninety days after the effective date of the

1 rule. For the purposes of this provision, an emergency rule is one that shall be  
 2 adopted immediately in order to do the following:

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

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

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

7 (4) Protect public health and safety.

8 M. The Commission or an authorized committee of the Commission may  
 9 direct revisions to a previously adopted rule for purposes of correcting typographical  
 10 errors, errors in format, errors in consistency, or grammatical errors. Public notice  
 11 of any revisions shall be posted on the website of the Commission. The revision  
 12 shall be subject to challenge by any person for a period of thirty days after posting.  
 13 The revision may be challenged only on grounds that the revision results in a  
 14 material change to a rule. A challenge shall be made in writing and delivered to the  
 15 Commission prior to the end of the notice period. If no challenge is made, the  
 16 revision will take effect without further action. If the revision is challenged, the  
 17 revision may not take effect without the approval of the Commission.

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

20 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION,

21 AND ENFORCEMENT

22 A. All of the following apply to oversight:

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

26 (2) Except as otherwise provided in this Compact, venue is proper and  
 27 judicial proceedings by or against the Commission shall be brought solely and  
 28 exclusively in a court of competent jurisdiction where the principal office of the  
 29 Commission is located. The Commission may waive venue and jurisdictional  
 30 defenses to the extent it adopts or consents to participate in alternative dispute

1 resolution proceedings. Nothing herein shall affect or limit the selection or propriety  
2 of venue in any action against a licensee for professional malpractice, misconduct  
3 or any such similar matter.

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

9 B. All of the following apply to default, technical assistance, and  
10 termination:

11 (1) If the Commission determines that a member state has defaulted in the  
12 performance of its obligations or responsibilities in accordance with this Compact  
13 or the promulgated rules, the Commission shall provide written notice to the  
14 defaulting state. The notice of default shall describe the default, the proposed means  
15 of curing the default, and any other action that the Commission may take, and shall  
16 offer training and specific technical assistance regarding the default.

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

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

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

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

4           F. Upon the termination of a state's membership from this Compact, that  
5           state shall immediately provide notice to all licensees within that state of such  
6           termination. The terminated state shall continue to recognize all licenses granted  
7           pursuant to this Compact for a minimum of six months after the date of the notice  
8           of termination.

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

12           H. The defaulting state may appeal the action of the Commission by  
13           petitioning the United States District Court for the District of Columbia or the federal  
14           district where the Commission has its principal offices. The prevailing party shall  
15           be awarded all costs of such litigation, including reasonable attorney's fees.

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

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

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

22           J. All of the following apply to enforcement:

23           (1) By majority vote as provided by rule, the Commission may initiate legal  
24           action against a member state in default in the United States District Court for the  
25           District of Columbia or the federal district where the Commission has its principal  
26           offices to enforce compliance with the provisions of this Compact and its  
27           promulgated rules. The relief sought may include both injunctive relief and  
28           damages. In the event judicial enforcement is necessary, the prevailing party shall  
29           be awarded all costs of such litigation, including reasonable attorney's fees. The  
30           remedies herein shall not be the exclusive remedies of the Commission. The

1           Commission may pursue any other remedies available under federal or the defaulting  
2           member state's law.

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

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

12           SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

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

19           (a) A charter member state whose enactment is found to be materially  
20           different from the model Compact statute shall be entitled to the default process set  
21           forth in Section 13.

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

26           (2) Member states enacting this Compact subsequent to the seven initial  
27           charter member states shall be subject to the process set forth in Section 10(C)(21)  
28           to determine if their enactments are materially different from the model Compact  
29           statute and whether they qualify for participation in this Compact.

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

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

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

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

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

18           (3) Upon the enactment of a statute withdrawing from this Compact, a state  
19           shall immediately provide notice of such withdrawal to all licensees within that state.  
20           Notwithstanding any subsequent statutory enactment to the contrary, such  
21           withdrawing state shall continue to recognize all licenses granted pursuant to this  
22           compact for a minimum of one hundred eighty days after the date of such notice of  
23           withdrawal.

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

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



1                    SECTION 15. CONSTRUCTION AND SEVERABILITY

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

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

15                  C. Notwithstanding Subsection B of this Section, the Commission may deny  
16                  a state's participation in this Compact or, in accordance with the requirements of  
17                  Section 13(B), terminate a member state's participation in this Compact, if it  
18                  determines that a constitutional requirement of a member state is a material departure  
19                  from this Compact. Otherwise, if this Compact shall be held to be contrary to the  
20                  constitution of any member state, this Compact shall remain in full force and effect  
21                  as to the remaining member states and in full force and effect as to the member state  
22                  affected as to all severable matters.

23                    SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH24                    OTHER STATE LAWS

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

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

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

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

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_