

RÉSUMÉ DIGEST

ACT 791 (HB 888)

2024 Regular Session

Stagni

New law provides that the Social Work Licensure Compact is hereby recognized, enacted into law, and entered into by this state with all states legally joining therein.

New 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.

New law identifies certain objectives for which it is designed to achieve.

New 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".

New law identifies certain criteria that potential member states shall meet to be eligible to participate in the compact, which includes all of the following:

- (1) License and regulate the practice of social work at the clinical, master's, or bachelor's category.
- (2) Require applicants for licensure to graduate from a program that satisfies the requirements set forth in new law.
- (3) Require applicants for clinical licensure to complete a period of supervised practice.
- (4) Have a mechanism in place for receiving, investigating, and adjudicating complaints about licensees.

New law further provides that in order to maintain membership in the compact, a member state shall do all of the following:

- (1) Require that applicants for a multistate license pass a qualifying national exam for the corresponding category of multistate license sought as provided in new law.
- (2) Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules.
- (3) Notify the commission, in compliance with the terms of this compact and rules, of any adverse action or the availability of current significant investigative information regarding a licensee.
- (4) Implement procedures for considering the criminal history records of applicants for a multistate license.
- (5) Comply with the rules of the commission.
- (6) Require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable home state laws.
- (7) Authorize a licensee holding a multistate license in any member state to practice in accordance with the terms of this compact and rules of the commission.
- (8) Designate a delegate to participate in the commission meetings.

New law specifies certain criteria for an applicant to be eligible for a multistate license in accordance with the provisions of the compact, which includes all of the following:

- (1) Hold or be eligible for an active, unencumbered license in the home state.
- (2) Pay any applicable fees, including any state fee, for the multistate license.
- (3) Submit, in connection with an application for a multistate license, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.
- (4) Notify the home state of any adverse action, encumbrance, or restriction on any professional license taken by any member state or nonmember state within 30 days from the date the action is taken.
- (5) Meet any continuing competence requirements established by the home state.
- (6) Abide by the laws, regulations, and applicable standards in the member state where the client is located at the time care is rendered.

New law details applicant requirements for a clinical-category multistate license, master's-category multistate license, and bachelor's-category multistate license.

New 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. New law further provides that such rules shall not be construed to limit, restrict, or in any way reduce for a member state.

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

New law requires an active military member or their spouse to designate a home state where the individual has a multistate license. New law further provides that the individual may retain his home state designation during the period the service member is on active duty.

New 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. New law further establishes investigative provisions.

New 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.

New law establishes certain criteria for membership, voting, and meetings.

New law provides for an executive committee, the annual report, financing for the commission, and details provisions for qualified immunity, defense, and indemnification.

New 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.

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

New law provides that if the commission determines that a member state has defaulted in the performance of its obligations or responsibilities in accordance with new law or the rules promulgated therefrom, the commission shall provide written notice to the defaulting state and details requirements for such notice. Upon failure to cure its default, new law provides that a state may be subject to termination as provided in new law.

New 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. New law further establishes provisions for a state's withdrawal from the compact.

New 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.

New law establishes certain provisions for rulemaking in accordance with new law and, when applicable, severability of certain provisions of new law.

New 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.

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

New 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.

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

New 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.

New 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.

Effective August 1, 2024.

(Adds R.S. 37:2731)