

**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0483.01 Josh Schultz x5486

**HOUSE BILL 24-1002**

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**HOUSE SPONSORSHIP**

**Sirota and Martinez,**

**SENATE SPONSORSHIP**

**Marchman and Rich,**

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**House Committees**

Health & Human Services  
Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101    **CONCERNING THE ENACTMENT OF THE "SOCIAL WORK LICENSURE**  
102            **COMPACT", AND, IN CONNECTION THEREWITH, MAKING AN**  
103            **APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill enacts the "Social Work Licensure Compact" (compact). The compact is designed to:

- Eliminate the necessity for social workers to obtain licenses from multiple states by providing for the mutual recognition of licenses from other states that have signed

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.



1 OF REGULATED SOCIAL WORKERS BY IMPROVING PUBLIC ACCESS TO  
2 COMPETENT SOCIAL WORK SERVICES. THIS COMPACT PRESERVES THE  
3 REGULATORY AUTHORITY OF STATES TO PROTECT PUBLIC HEALTH AND  
4 SAFETY THROUGH THE CURRENT SYSTEM OF STATE LICENSURE.

5 THIS COMPACT IS DESIGNED TO ACHIEVE THE FOLLOWING OBJECTIVES:

- 6 A. INCREASE PUBLIC ACCESS TO SOCIAL WORK SERVICES;
- 7 B. REDUCE OVERLY BURDENSOME AND DUPLICATIVE REQUIREMENTS  
8 ASSOCIATED WITH HOLDING MULTIPLE LICENSES;
- 9 C. ENHANCE THE MEMBER STATES' ABILITY TO PROTECT THE PUBLIC'S  
10 HEALTH AND SAFETY;
- 11 D. ENCOURAGE THE COOPERATION OF MEMBER STATES IN  
12 REGULATING MULTISTATE PRACTICE;
- 13 E. PROMOTE MOBILITY AND ADDRESS WORKFORCE SHORTAGES BY  
14 ELIMINATING THE NECESSITY FOR LICENSES IN MULTIPLE STATES  
15 BY PROVIDING FOR THE MUTUAL RECOGNITION OF OTHER MEMBER  
16 STATE LICENSES;
- 17 F. SUPPORT MILITARY FAMILIES;
- 18 G. FACILITATE THE EXCHANGE OF LICENSURE AND DISCIPLINARY  
19 INFORMATION AMONG MEMBER STATES;
- 20 H. AUTHORIZE ALL MEMBER STATES TO HOLD A REGULATED SOCIAL  
21 WORKER ACCOUNTABLE FOR ABIDING BY A MEMBER STATE'S  
22 LAWS, REGULATIONS, AND APPLICABLE PROFESSIONAL STANDARDS  
23 IN THE MEMBER STATE IN WHICH THE CLIENT IS LOCATED AT THE  
24 TIME CARE IS RENDERED; AND
- 25 I. ALLOW FOR THE USE OF TELEHEALTH TO FACILITATE INCREASED  
26 ACCESS TO REGULATED SOCIAL WORK SERVICES.

27 **SECTION 2. DEFINITIONS**

1 AS USED IN THIS COMPACT, AND EXCEPT AS OTHERWISE PROVIDED, THE  
2 FOLLOWING DEFINITIONS SHALL APPLY:

3 A. "ACTIVE MILITARY MEMBER" MEANS ANY INDIVIDUAL WITH  
4 FULL-TIME DUTY STATUS IN THE ACTIVE ARMED FORCES OF THE  
5 UNITED STATES INCLUDING MEMBERS OF THE NATIONAL GUARD  
6 AND RESERVE.

7 B. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL,  
8 EQUITABLE, OR CRIMINAL ACTION PERMITTED BY A STATE'S LAWS  
9 WHICH IS IMPOSED BY A LICENSING AUTHORITY OR OTHER  
10 AUTHORITY AGAINST A REGULATED SOCIAL WORKER, INCLUDING  
11 ACTIONS AGAINST AN INDIVIDUAL'S LICENSE OR MULTISTATE  
12 AUTHORIZATION TO PRACTICE SUCH AS REVOCATION, SUSPENSION,  
13 PROBATION, MONITORING OF THE LICENSEE, LIMITATION ON THE  
14 LICENSEE'S PRACTICE, OR ANY OTHER ENCUMBRANCE ON  
15 LICENSURE AFFECTING A REGULATED SOCIAL WORKER'S  
16 AUTHORIZATION TO PRACTICE, INCLUDING ISSUANCE OF A  
17 CEASE-AND-DESIST ACTION.

18 C. "ALTERNATIVE PROGRAM" MEANS A NON-DISCIPLINARY  
19 MONITORING OR PRACTICE REMEDIATION PROCESS APPROVED BY A  
20 LICENSING AUTHORITY TO ADDRESS PRACTITIONERS WITH AN  
21 IMPAIRMENT.

22 D. "CHARTER MEMBER STATES" MEANS MEMBER STATES WHO HAVE  
23 ENACTED LEGISLATION TO ADOPT THIS COMPACT WHERE SUCH  
24 LEGISLATION PREDATES THE EFFECTIVE DATE OF THIS COMPACT AS  
25 DESCRIBED IN SECTION 14 OF THIS COMPACT.

26 E. "COMPACT COMMISSION" OR "COMMISSION" MEANS THE  
27 GOVERNMENT AGENCY WHOSE MEMBERSHIP CONSISTS OF ALL

1 STATES THAT HAVE ENACTED THIS COMPACT, WHICH IS KNOWN AS  
2 THE SOCIAL WORK LICENSURE COMPACT COMMISSION, AS  
3 DESCRIBED IN SECTION 10 OF THIS COMPACT, AND WHICH SHALL  
4 OPERATE AS AN INSTRUMENTALITY OF THE MEMBER STATES.

- 5 F. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS:
- 6 1. INVESTIGATIVE INFORMATION THAT A LICENSING  
7 AUTHORITY, AFTER A PRELIMINARY INQUIRY THAT  
8 INCLUDES NOTIFICATION AND AN OPPORTUNITY FOR THE  
9 REGULATED SOCIAL WORKER TO RESPOND, HAS REASON TO  
10 BELIEVE IS NOT GROUNDLESS AND, IF PROVED TRUE, WOULD  
11 INDICATE MORE THAN A MINOR INFRACTION AS MAY BE  
12 DEFINED BY THE COMMISSION; OR
  - 13 2. INVESTIGATIVE INFORMATION THAT INDICATES THAT THE  
14 REGULATED SOCIAL WORKER REPRESENTS AN IMMEDIATE  
15 THREAT TO PUBLIC HEALTH AND SAFETY, AS MAY BE  
16 DEFINED BY THE COMMISSION, REGARDLESS OF WHETHER  
17 THE REGULATED SOCIAL WORKER HAS BEEN NOTIFIED AND  
18 HAS HAD AN OPPORTUNITY TO RESPOND.

19 G. "DATA SYSTEM" MEANS A REPOSITORY OF INFORMATION ABOUT  
20 LICENSEES, INCLUDING CURRENT SIGNIFICANT INVESTIGATIVE  
21 INFORMATION; CONTINUING EDUCATION, EXAMINATION,  
22 LICENSURE, DISQUALIFYING EVENT, MULTISTATE LICENSE(S) AND  
23 ADVERSE ACTION INFORMATION; OR OTHER INFORMATION AS  
24 REQUIRED BY THE COMMISSION.

25 H. "DISQUALIFYING EVENT" MEANS ANY ADVERSE ACTION OR  
26 INCIDENT WHICH RESULTS IN AN ENCUMBRANCE THAT  
27 DISQUALIFIES OR MAKES THE LICENSEE INELIGIBLE TO EITHER

- 1           OBTAIN, RETAIN, OR RENEW A MULTISTATE LICENSE.
- 2    I.    "DOMICILE" MEANS THE JURISDICTION IN WHICH THE LICENSEE  
3           RESIDES AND INTENDS TO REMAIN INDEFINITELY.
- 4    J.    "ENCUMBRANCE" MEANS A REVOCATION OR SUSPENSION OF, OR  
5           ANY LIMITATION ON, THE FULL AND UNRESTRICTED PRACTICE OF  
6           SOCIAL WORK LICENSED AND REGULATED BY A LICENSING  
7           AUTHORITY.
- 8    K.    "EXECUTIVE COMMITTEE" MEANS A GROUP OF DELEGATES  
9           ELECTED OR APPOINTED TO ACT ON BEHALF OF, AND WITHIN THE  
10          POWERS GRANTED TO THEM BY, THE COMPACT AND COMMISSION.
- 11   L.    "HOME STATE" MEANS THE MEMBER STATE THAT IS THE  
12          LICENSEE'S PRIMARY DOMICILE.
- 13   M.    "IMPAIRMENT" MEANS A CONDITION(S) THAT MAY IMPAIR A  
14          PRACTITIONER'S ABILITY TO ENGAGE IN FULL AND UNRESTRICTED  
15          PRACTICE AS A REGULATED SOCIAL WORKER WITHOUT SOME TYPE  
16          OF INTERVENTION AND MAY INCLUDE ALCOHOL AND DRUG  
17          DEPENDENCE, MENTAL HEALTH IMPAIRMENT, AND NEUROLOGICAL  
18          OR PHYSICAL IMPAIRMENTS.
- 19   N.    "LICENSEE(S)" MEANS AN INDIVIDUAL WHO CURRENTLY HOLDS A  
20          LICENSE FROM A STATE TO PRACTICE AS A REGULATED SOCIAL  
21          WORKER.
- 22   O.    "LICENSING AUTHORITY" MEANS THE BOARD OR AGENCY OF A  
23          MEMBER STATE, OR EQUIVALENT, THAT IS RESPONSIBLE FOR THE  
24          LICENSING AND REGULATION OF REGULATED SOCIAL WORKERS.
- 25   P.    "MEMBER STATE" MEANS A STATE, COMMONWEALTH, DISTRICT, OR  
26          TERRITORY OF THE UNITED STATES OF AMERICA THAT HAS  
27          ENACTED THIS COMPACT.

- 1 Q. "MULTISTATE AUTHORIZATION TO PRACTICE" MEANS A LEGALLY  
2 AUTHORIZED PRIVILEGE TO PRACTICE, WHICH IS EQUIVALENT TO A  
3 LICENSE, ASSOCIATED WITH A MULTISTATE LICENSE PERMITTING  
4 THE PRACTICE OF SOCIAL WORK IN A REMOTE STATE.
- 5 R. "MULTISTATE LICENSE" MEANS A LICENSE TO PRACTICE AS A  
6 REGULATED SOCIAL WORKER ISSUED BY A HOME STATE  
7 LICENSING AUTHORITY THAT AUTHORIZES THE REGULATED  
8 SOCIAL WORKER TO PRACTICE IN ALL MEMBER STATES UNDER A  
9 MULTISTATE AUTHORIZATION TO PRACTICE.
- 10 S. "QUALIFYING NATIONAL EXAM" MEANS A NATIONAL LICENSING  
11 EXAMINATION APPROVED BY THE COMMISSION.
- 12 T. "REGULATED SOCIAL WORKER" MEANS ANY CLINICAL, MASTERS  
13 OR BACHELORS SOCIAL WORKER LICENSED BY A MEMBER STATE  
14 REGARDLESS OF THE TITLE USED BY THAT MEMBER STATE.
- 15 U. "REMOTE STATE" MEANS A MEMBER STATE OTHER THAN THE  
16 LICENSEE'S HOME STATE.
- 17 V. "RULE(S)" OR "RULE(S) OF THE COMMISSION" MEANS A  
18 REGULATION OR REGULATIONS DULY PROMULGATED BY THE  
19 COMMISSION, AS AUTHORIZED BY THE COMPACT, THAT HAVE THE  
20 FORCE OF LAW.
- 21 W. "SINGLE STATE LICENSE" MEANS A SOCIAL WORK LICENSE ISSUED  
22 BY ANY STATE THAT AUTHORIZES PRACTICE ONLY WITHIN THE  
23 ISSUING STATE AND DOES NOT INCLUDE MULTISTATE  
24 AUTHORIZATION TO PRACTICE IN ANY MEMBER STATE.
- 25 X. "SOCIAL WORK" OR "SOCIAL WORK SERVICES" MEANS THE  
26 APPLICATION OF SOCIAL WORK THEORY, KNOWLEDGE, METHODS,  
27 ETHICS, AND THE PROFESSIONAL USE OF SELF TO RESTORE OR

1 ENHANCE SOCIAL, PSYCHOSOCIAL, OR BIOPSYCHOSOCIAL  
2 FUNCTIONING OF INDIVIDUALS, COUPLES, FAMILIES, GROUPS,  
3 ORGANIZATIONS, AND COMMUNITIES THROUGH THE CARE AND  
4 SERVICES PROVIDED BY A REGULATED SOCIAL WORKER AS SET  
5 FORTH IN THE MEMBER STATE'S STATUTES AND REGULATIONS IN  
6 THE STATE WHERE THE SERVICES ARE BEING PROVIDED.

7 Y. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT, OR  
8 TERRITORY OF THE UNITED STATES OF AMERICA THAT REGULATES  
9 THE PRACTICE OF SOCIAL WORK.

10 Z. "UNENCUMBERED LICENSE" MEANS A LICENSE THAT AUTHORIZES  
11 A REGULATED SOCIAL WORKER TO ENGAGE IN THE FULL AND  
12 UNRESTRICTED PRACTICE OF SOCIAL WORK.

13 **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

14 A. TO BE ELIGIBLE TO PARTICIPATE IN THE COMPACT, A POTENTIAL  
15 MEMBER STATE MUST CURRENTLY MEET ALL OF THE FOLLOWING  
16 CRITERIA:

17 1. LICENSE AND REGULATE THE PRACTICE OF SOCIAL WORK  
18 AT EITHER THE CLINICAL, MASTERS, OR BACHELORS  
19 CATEGORY;

20 2. REQUIRE APPLICANTS FOR LICENSURE TO GRADUATE FROM  
21 A PROGRAM THAT:

22 a. IS OPERATED BY A COLLEGE OR UNIVERSITY  
23 RECOGNIZED BY THE LICENSING AUTHORITY;

24 b. IS ACCREDITED, OR IN CANDIDACY BY AN  
25 INSTITUTION THAT SUBSEQUENTLY BECOMES  
26 ACCREDITED, BY AN ACCREDITING AGENCY  
27 RECOGNIZED BY EITHER:



- 1                   i.     THE COUNCIL FOR HIGHER EDUCATION
- 2                             ACCREDITATION, OR ITS SUCCESSOR; OR
- 3                   ii.    THE UNITED STATES DEPARTMENT OF
- 4                             EDUCATION; AND
- 5                   c.     CORRESPONDS TO THE LICENSURE SOUGHT AS
- 6                             OUTLINED IN SECTION 4 OF THIS COMPACT;
- 7           3.     REQUIRE APPLICANTS FOR CLINICAL LICENSURE TO
- 8                     COMPLETE A PERIOD OF SUPERVISED PRACTICE;
- 9           4.     HAVE A MECHANISM IN PLACE FOR RECEIVING,
- 10                    INVESTIGATING, AND ADJUDICATING COMPLAINTS ABOUT
- 11                    LICENSEES.
- 12    B.    TO MAINTAIN MEMBERSHIP IN THIS COMPACT A MEMBER STATE
- 13            SHALL:
- 14           1.     REQUIRE THAT APPLICANTS FOR A MULTISTATE LICENSE
- 15                     PASS A QUALIFYING NATIONAL EXAM FOR THE
- 16                     CORRESPONDING CATEGORY OF MULTISTATE LICENSE
- 17                     SOUGHT AS OUTLINED IN SECTION 4 OF THIS COMPACT;
- 18           2.     PARTICIPATE FULLY IN THE COMMISSION'S DATA SYSTEM,
- 19                     INCLUDING USING THE COMMISSION'S UNIQUE IDENTIFIER AS
- 20                     DEFINED IN RULES;
- 21           3.     NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS
- 22                     OF THIS COMPACT AND RULES, OF ANY ADVERSE ACTION
- 23                     OR THE AVAILABILITY OF CURRENT SIGNIFICANT
- 24                     INVESTIGATIVE INFORMATION REGARDING A LICENSEE;
- 25           4.     IMPLEMENT PROCEDURES FOR CONSIDERING THE CRIMINAL
- 26                     HISTORY RECORDS OF APPLICANTS FOR A MULTISTATE
- 27                     LICENSE. SUCH PROCEDURES SHALL INCLUDE THE

1 SUBMISSION OF FINGERPRINTS OR OTHER BIOMETRIC-BASED  
2 INFORMATION BY APPLICANTS FOR THE PURPOSE OF  
3 OBTAINING AN APPLICANT'S CRIMINAL HISTORY RECORD  
4 INFORMATION FROM THE FEDERAL BUREAU OF  
5 INVESTIGATION AND THE AGENCY RESPONSIBLE FOR  
6 RETAINING THAT STATE'S CRIMINAL RECORDS.

- 7 5. COMPLY WITH THE RULES OF THE COMMISSION;
- 8 6. REQUIRE AN APPLICANT TO OBTAIN OR RETAIN A LICENSE IN  
9 THE HOME STATE AND MEET THE HOME STATE'S  
10 QUALIFICATIONS FOR LICENSURE OR RENEWAL OF  
11 LICENSURE, AS WELL AS ALL OTHER APPLICABLE HOME  
12 STATE LAWS;
- 13 7. AUTHORIZE A LICENSEE HOLDING A MULTISTATE LICENSE  
14 IN ANY MEMBER STATE TO PRACTICE IN ACCORDANCE WITH  
15 THE TERMS OF THIS COMPACT AND RULES OF THE  
16 COMMISSION; AND
- 17 8. DESIGNATE A DELEGATE TO PARTICIPATE IN THE  
18 COMMISSION MEETINGS.

19 C. A MEMBER STATE MEETING THE REQUIREMENTS OF SECTION 3.A.  
20 AND 3.B. OF THIS COMPACT SHALL DESIGNATE THE CATEGORIES OF  
21 SOCIAL WORK LICENSURE THAT ARE ELIGIBLE FOR ISSUANCE OF A  
22 MULTISTATE LICENSE FOR APPLICANTS IN SUCH MEMBER STATE.  
23 TO THE EXTENT THAT ANY MEMBER STATE DOES NOT MEET THE  
24 REQUIREMENTS FOR PARTICIPATION IN THIS COMPACT AT ANY  
25 PARTICULAR CATEGORY OF SOCIAL WORK LICENSURE, SUCH  
26 MEMBER STATE MAY CHOOSE, BUT IS NOT OBLIGATED, TO ISSUE A  
27 MULTISTATE LICENSE TO APPLICANTS THAT OTHERWISE MEET THE

1           REQUIREMENTS OF SECTION 4 OF THIS COMPACT FOR ISSUANCE OF  
2           A MULTISTATE LICENSE IN SUCH CATEGORY OR CATEGORIES OF  
3           LICENSURE.

4       D.    THE HOME STATE MAY CHARGE A FEE FOR GRANTING THE  
5           MULTISTATE LICENSE.

6           **SECTION 4. SOCIAL WORKER PARTICIPATION**  
7                                 **IN THE COMPACT**

8       A.    TO BE ELIGIBLE FOR A MULTISTATE LICENSE UNDER THE TERMS  
9           AND PROVISIONS OF THIS COMPACT, AN APPLICANT, REGARDLESS  
10          OF CATEGORY, MUST:

- 11           1.    HOLD OR BE ELIGIBLE FOR AN ACTIVE, UNENCUMBERED  
12                  LICENSE IN THE HOME STATE;
- 13           2.    PAY ANY APPLICABLE FEES, INCLUDING ANY STATE FEE, FOR  
14                  THE MULTISTATE LICENSE;
- 15           3.    SUBMIT, IN CONNECTION WITH AN APPLICATION FOR A  
16                  MULTISTATE LICENSE, FINGERPRINTS OR OTHER BIOMETRIC  
17                  DATA FOR THE PURPOSE OF OBTAINING CRIMINAL HISTORY  
18                  RECORD INFORMATION FROM THE FEDERAL BUREAU OF  
19                  INVESTIGATION AND THE AGENCY RESPONSIBLE FOR  
20                  RETAINING THAT STATE'S CRIMINAL RECORDS;
- 21           4.    NOTIFY THE HOME STATE OF ANY ADVERSE ACTION,  
22                  ENCUMBRANCE, OR RESTRICTION ON ANY PROFESSIONAL  
23                  LICENSE TAKEN BY ANY MEMBER STATE OR NON-MEMBER  
24                  STATE WITHIN THIRTY (30) DAYS FROM THE DATE THE  
25                  ACTION IS TAKEN;
- 26           5.    MEET ANY CONTINUING COMPETENCE REQUIREMENTS  
27                  ESTABLISHED BY THE HOME STATE;

1           6.     ABIDE BY THE LAWS, REGULATIONS, AND APPLICABLE  
2                     STANDARDS IN THE MEMBER STATE WHERE THE CLIENT IS  
3                     LOCATED AT THE TIME CARE IS RENDERED.

4     B.     AN APPLICANT FOR A CLINICAL-CATEGORY MULTISTATE LICENSE  
5             MUST MEET ALL OF THE FOLLOWING REQUIREMENTS:

6           1.     FULFILL A COMPETENCY REQUIREMENT, WHICH SHALL BE  
7                     SATISFIED BY EITHER:

8                     a.     PASSAGE OF A CLINICAL-CATEGORY QUALIFYING  
9                             NATIONAL EXAM; OR

10                    b.     LICENSURE OF THE APPLICANT IN THEIR HOME  
11                            STATE AT THE CLINICAL CATEGORY, BEGINNING  
12                            PRIOR TO SUCH TIME AS A QUALIFYING NATIONAL  
13                            EXAM WAS REQUIRED BY THE HOME STATE AND  
14                            ACCOMPANIED BY A PERIOD OF CONTINUOUS SOCIAL  
15                            WORK LICENSURE THEREAFTER, ALL OF WHICH MAY  
16                            BE FURTHER GOVERNED BY THE RULES OF THE  
17                            COMMISSION; OR

18                    c.     THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING  
19                            COMPETENCY REQUIREMENTS WHICH THE  
20                            COMMISSION MAY DETERMINE BY RULE;

21           2.     ATTAIN AT LEAST A MASTERS DEGREE IN SOCIAL WORK  
22                     FROM A PROGRAM THAT IS:

23                     a.     OPERATED BY A COLLEGE OR UNIVERSITY  
24                             RECOGNIZED BY THE LICENSING AUTHORITY; AND

25                     b.     ACCREDITED, OR IN CANDIDACY THAT  
26                             SUBSEQUENTLY BECOMES ACCREDITED, BY AN  
27                             ACCREDITING AGENCY RECOGNIZED BY EITHER:

- 1                                   i.     THE COUNCIL FOR HIGHER EDUCATION  
2   ACCREDITATION OR ITS SUCCESSOR; OR  
3                                   ii.    THE UNITED STATES DEPARTMENT OF  
4   EDUCATION;
- 5           3.   FULFILL A PRACTICE REQUIREMENT, WHICH SHALL BE  
6                                   SATISFIED BY DEMONSTRATING COMPLETION OF EITHER:
- 7                           a.     A PERIOD OF POSTGRADUATE SUPERVISED CLINICAL  
8   PRACTICE EQUAL TO A MINIMUM OF THREE  
9   THOUSAND HOURS; OR
- 10                           b.    A MINIMUM OF TWO YEARS OF FULL-TIME  
11    POSTGRADUATE SUPERVISED CLINICAL PRACTICE; OR
- 12                           c.     THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING  
13    PRACTICE REQUIREMENTS WHICH THE COMMISSION  
14    MAY DETERMINE BY RULE.
- 15   C.   AN APPLICANT FOR A MASTERS-CATEGORY MULTISTATE LICENSE  
16                                   MUST MEET ALL OF THE FOLLOWING REQUIREMENTS:
- 17           1.   FULFILL A COMPETENCY REQUIREMENT, WHICH SHALL BE  
18                                   SATISFIED BY EITHER:
- 19                           a.     PASSAGE OF A MASTERS-CATEGORY QUALIFYING  
20    NATIONAL EXAM;
- 21                           b.    LICENSURE OF THE APPLICANT IN THEIR HOME  
22    STATE AT THE MASTERS CATEGORY, BEGINNING  
23    PRIOR TO SUCH TIME AS A QUALIFYING NATIONAL  
24    EXAM WAS REQUIRED BY THE HOME STATE AT THE  
25    MASTERS-CATEGORY AND ACCOMPANIED BY A  
26    CONTINUOUS PERIOD OF SOCIAL WORK LICENSURE  
27    THEREAFTER, ALL OF WHICH MAY BE FURTHER

- 1 GOVERNED BY THE RULES OF THE COMMISSION; OR
- 2 c. THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING
- 3 COMPETENCY REQUIREMENTS WHICH THE
- 4 COMMISSION MAY DETERMINE BY RULE;
- 5 2. ATTAIN AT LEAST A MASTERS DEGREE IN SOCIAL WORK
- 6 FROM A PROGRAM THAT IS:
- 7 a. OPERATED BY A COLLEGE OR UNIVERSITY
- 8 RECOGNIZED BY THE LICENSING AUTHORITY; AND
- 9 b. ACCREDITED, OR IN CANDIDACY THAT
- 10 SUBSEQUENTLY BECOMES ACCREDITED, BY AN
- 11 ACCREDITING AGENCY RECOGNIZED BY EITHER:
- 12 i. THE COUNCIL FOR HIGHER EDUCATION
- 13 ACCREDITATION OR ITS SUCCESSOR; OR
- 14 ii. THE UNITED STATES DEPARTMENT OF
- 15 EDUCATION.
- 16 D. AN APPLICANT FOR A BACHELORS-CATEGORY MULTISTATE
- 17 LICENSE MUST MEET ALL OF THE FOLLOWING REQUIREMENTS:
- 18 1. FULFILL A COMPETENCY REQUIREMENT, WHICH SHALL BE
- 19 SATISFIED BY EITHER:
- 20 a. PASSAGE OF A BACHELORS-CATEGORY QUALIFYING
- 21 NATIONAL EXAM;
- 22 b. LICENSURE OF THE APPLICANT IN THEIR HOME
- 23 STATE AT THE BACHELORS-CATEGORY, BEGINNING
- 24 PRIOR TO SUCH TIME AS A QUALIFYING NATIONAL
- 25 EXAM WAS REQUIRED BY THE HOME STATE AND
- 26 ACCOMPANIED BY A PERIOD OF CONTINUOUS SOCIAL
- 27 WORK LICENSURE THEREAFTER, ALL OF WHICH MAY

1 BE FURTHER GOVERNED BY THE RULES OF THE  
2 COMMISSION; OR

3 c. THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING  
4 COMPETENCY REQUIREMENTS WHICH THE  
5 COMMISSION MAY DETERMINE BY RULE;

6 2. ATTAIN AT LEAST A BACHELORS DEGREE IN SOCIAL WORK  
7 FROM A PROGRAM THAT IS:

8 a. OPERATED BY A COLLEGE OR UNIVERSITY  
9 RECOGNIZED BY THE LICENSING AUTHORITY; AND

10 b. ACCREDITED, OR IN CANDIDACY THAT  
11 SUBSEQUENTLY BECOMES ACCREDITED, BY AN  
12 ACCREDITING AGENCY RECOGNIZED BY EITHER:

13 i. THE COUNCIL FOR HIGHER EDUCATION  
14 ACCREDITATION OR ITS SUCCESSOR; OR

15 ii. THE UNITED STATES DEPARTMENT OF  
16 EDUCATION.

17 E. THE MULTISTATE LICENSE FOR A REGULATED SOCIAL WORKER IS  
18 SUBJECT TO THE RENEWAL REQUIREMENTS OF THE HOME STATE.  
19 THE REGULATED SOCIAL WORKER MUST MAINTAIN COMPLIANCE  
20 WITH THE REQUIREMENTS OF SECTION 4.A. OF THIS COMPACT TO  
21 BE ELIGIBLE TO RENEW A MULTISTATE LICENSE.

22 F. THE REGULATED SOCIAL WORKER'S SERVICES IN A REMOTE STATE  
23 ARE SUBJECT TO THAT MEMBER STATE'S REGULATORY AUTHORITY.  
24 A REMOTE STATE MAY, IN ACCORDANCE WITH DUE PROCESS AND  
25 THAT MEMBER STATE'S LAWS, REMOVE A REGULATED SOCIAL  
26 WORKER'S MULTISTATE AUTHORIZATION TO PRACTICE IN THE  
27 REMOTE STATE FOR A SPECIFIC PERIOD OF TIME, IMPOSE FINES, AND

1 TAKE ANY OTHER NECESSARY ACTIONS TO PROTECT THE HEALTH  
2 AND SAFETY OF ITS CITIZENS.

3 G. IF A MULTISTATE LICENSE IS ENCUMBERED, THE REGULATED  
4 SOCIAL WORKER'S MULTISTATE AUTHORIZATION TO PRACTICE  
5 SHALL BE DEACTIVATED IN ALL REMOTE STATES UNTIL THE  
6 MULTISTATE LICENSE IS NO LONGER ENCUMBERED.

7 H. IF A MULTISTATE AUTHORIZATION TO PRACTICE IS ENCUMBERED  
8 IN A REMOTE STATE, THE REGULATED SOCIAL WORKER'S  
9 MULTISTATE AUTHORIZATION TO PRACTICE MAY BE DEACTIVATED  
10 IN THAT STATE UNTIL THE MULTISTATE AUTHORIZATION TO  
11 PRACTICE IS NO LONGER ENCUMBERED.

12 **SECTION 5. ISSUANCE OF A MULTISTATE LICENSE**

13 A. UPON RECEIPT OF AN APPLICATION FOR A MULTISTATE LICENSE,  
14 THE HOME STATE LICENSING AUTHORITY SHALL DETERMINE THE  
15 APPLICANT'S ELIGIBILITY FOR A MULTISTATE LICENSE IN  
16 ACCORDANCE WITH SECTION 4 OF THIS COMPACT.

17 B. IF SUCH APPLICANT IS ELIGIBLE PURSUANT TO SECTION 4 OF THIS  
18 COMPACT, THE HOME STATE LICENSING AUTHORITY SHALL ISSUE  
19 A MULTISTATE LICENSE THAT AUTHORIZES THE APPLICANT OR  
20 REGULATED SOCIAL WORKER TO PRACTICE IN ALL MEMBER  
21 STATES UNDER A MULTISTATE AUTHORIZATION TO PRACTICE.

22 C. UPON ISSUANCE OF A MULTISTATE LICENSE, THE HOME STATE  
23 LICENSING AUTHORITY SHALL DESIGNATE WHETHER THE  
24 REGULATED SOCIAL WORKER HOLDS A MULTISTATE LICENSE IN  
25 THE BACHELORS-, MASTERS-, OR CLINICAL-CATEGORY OF SOCIAL  
26 WORK.

27 D. A MULTISTATE LICENSE ISSUED BY A HOME STATE TO A RESIDENT



1 IN THAT STATE SHALL BE RECOGNIZED BY ALL COMPACT MEMBER  
2 STATES AS AUTHORIZING SOCIAL WORK PRACTICE UNDER A  
3 MULTISTATE AUTHORIZATION TO PRACTICE CORRESPONDING TO  
4 EACH CATEGORY OF LICENSURE REGULATED IN EACH MEMBER  
5 STATE.

6 **SECTION 6. AUTHORITY OF INTERSTATE**  
7 **COMPACT COMMISSION AND**  
8 **MEMBER STATE LICENSING AUTHORITIES**

9 A. NOTHING IN THIS COMPACT, NOR ANY RULE OF THE COMMISSION,  
10 SHALL BE CONSTRUED TO LIMIT, RESTRICT, OR IN ANY WAY REDUCE  
11 THE ABILITY OF A MEMBER STATE TO ENACT AND ENFORCE LAWS,  
12 REGULATIONS, OR OTHER RULES RELATED TO THE PRACTICE OF  
13 SOCIAL WORK IN THAT STATE, WHERE THOSE LAWS, REGULATIONS,  
14 OR OTHER RULES ARE NOT INCONSISTENT WITH THE PROVISIONS OF  
15 THIS COMPACT.

16 B. NOTHING IN THIS COMPACT SHALL AFFECT THE REQUIREMENTS  
17 ESTABLISHED BY A MEMBER STATE FOR THE ISSUANCE OF A SINGLE  
18 STATE LICENSE.

19 C. NOTHING IN THIS COMPACT, NOR ANY RULE OF THE COMMISSION,  
20 SHALL BE CONSTRUED TO LIMIT, RESTRICT, OR IN ANY WAY REDUCE  
21 THE ABILITY OF A MEMBER STATE TO TAKE ADVERSE ACTION  
22 AGAINST A LICENSEE'S SINGLE STATE LICENSE TO PRACTICE  
23 SOCIAL WORK IN THAT STATE.

24 D. NOTHING IN THIS COMPACT, NOR ANY RULE OF THE COMMISSION,  
25 SHALL BE CONSTRUED TO LIMIT, RESTRICT, OR IN ANY WAY REDUCE  
26 THE ABILITY OF A REMOTE STATE TO TAKE ADVERSE ACTION  
27 AGAINST A LICENSEE'S MULTISTATE AUTHORIZATION TO PRACTICE

1 IN THAT STATE.

2 E. NOTHING IN THIS COMPACT, NOR ANY RULE OF THE COMMISSION,  
3 SHALL BE CONSTRUED TO LIMIT, RESTRICT, OR IN ANY WAY REDUCE  
4 THE ABILITY OF A LICENSEE'S HOME STATE TO TAKE ADVERSE  
5 ACTION AGAINST A LICENSEE'S MULTISTATE LICENSE BASED UPON  
6 INFORMATION PROVIDED BY A REMOTE STATE.

7 **SECTION 7. REISSUANCE OF A MULTISTATE LICENSE**  
8 **BY A NEW HOME STATE**

9 A. A LICENSEE CAN HOLD A MULTISTATE LICENSE, ISSUED BY THEIR  
10 HOME STATE, IN ONLY ONE MEMBER STATE AT ANY GIVEN TIME.

11 B. IF A LICENSEE CHANGES THEIR HOME STATE BY MOVING BETWEEN  
12 TWO MEMBER STATES:

13 1. THE LICENSEE SHALL IMMEDIATELY APPLY FOR THE  
14 REISSUANCE OF THEIR MULTISTATE LICENSE IN THEIR NEW  
15 HOME STATE. THE LICENSEE SHALL PAY ALL APPLICABLE  
16 FEES AND NOTIFY THE PRIOR HOME STATE IN ACCORDANCE  
17 WITH THE RULES OF THE COMMISSION.

18 2. UPON RECEIPT OF AN APPLICATION TO REISSUE A  
19 MULTISTATE LICENSE, THE NEW HOME STATE SHALL  
20 VERIFY THAT THE MULTISTATE LICENSE IS ACTIVE,  
21 UNENCUMBERED, AND ELIGIBLE FOR REISSUANCE UNDER  
22 THE TERMS OF THIS COMPACT AND THE RULES OF THE  
23 COMMISSION. THE MULTISTATE LICENSE ISSUED BY THE  
24 PRIOR HOME STATE WILL BE DEACTIVATED AND ALL  
25 MEMBER STATES NOTIFIED IN ACCORDANCE WITH THE  
26 APPLICABLE RULES ADOPTED BY THE COMMISSION.

27 3. PRIOR TO THE REISSUANCE OF THE MULTISTATE LICENSE,

1 THE NEW HOME STATE SHALL CONDUCT PROCEDURES FOR  
2 CONSIDERING THE CRIMINAL HISTORY RECORDS OF THE  
3 LICENSEE. SUCH PROCEDURES SHALL INCLUDE THE  
4 SUBMISSION OF FINGERPRINTS OR OTHER BIOMETRIC-BASED  
5 INFORMATION BY APPLICANTS FOR THE PURPOSE OF  
6 OBTAINING AN APPLICANT'S CRIMINAL HISTORY RECORD  
7 INFORMATION FROM THE FEDERAL BUREAU OF  
8 INVESTIGATION AND THE AGENCY RESPONSIBLE FOR  
9 RETAINING THAT STATE'S CRIMINAL RECORDS.

10 4. IF REQUIRED FOR INITIAL LICENSURE, THE NEW HOME STATE  
11 MAY REQUIRE COMPLETION OF JURISPRUDENCE  
12 REQUIREMENTS IN THE NEW HOME STATE.

13 5. NOTWITHSTANDING ANY OTHER PROVISION OF THIS  
14 COMPACT, IF A LICENSEE DOES NOT MEET THE  
15 REQUIREMENTS SET FORTH IN THIS COMPACT FOR THE  
16 REISSUANCE OF A MULTISTATE LICENSE BY THE NEW HOME  
17 STATE, THEN THE LICENSEE SHALL BE SUBJECT TO THE NEW  
18 HOME STATE REQUIREMENTS FOR THE ISSUANCE OF A  
19 SINGLE STATE LICENSE IN THAT STATE.

20 C. IF A LICENSEE CHANGES THEIR PRIMARY STATE OF RESIDENCE BY  
21 MOVING FROM A MEMBER STATE TO A NON-MEMBER STATE, OR  
22 FROM A NON-MEMBER STATE TO A MEMBER STATE, THEN THE  
23 LICENSEE SHALL BE SUBJECT TO THE STATE REQUIREMENTS FOR  
24 THE ISSUANCE OF A SINGLE STATE LICENSE IN THE NEW HOME  
25 STATE.

26 D. NOTHING IN THIS COMPACT SHALL INTERFERE WITH A LICENSEE'S  
27 ABILITY TO HOLD A SINGLE STATE LICENSE IN MULTIPLE STATES;

1           HOWEVER, FOR THE PURPOSES OF THIS COMPACT, A LICENSEE  
2           SHALL HAVE ONLY ONE HOME STATE AND ONLY ONE MULTISTATE  
3           LICENSE.

4       E.     NOTHING IN THIS COMPACT SHALL INTERFERE WITH THE  
5           REQUIREMENTS ESTABLISHED BY A MEMBER STATE FOR THE  
6           ISSUANCE OF A SINGLE STATE LICENSE.

7   **SECTION 8. MILITARY FAMILIES**

8     AN ACTIVE MILITARY MEMBER OR THEIR SPOUSE SHALL DESIGNATE A  
9     HOME STATE WHERE THE INDIVIDUAL HAS A MULTISTATE LICENSE. THE  
10    INDIVIDUAL MAY RETAIN THEIR HOME STATE DESIGNATION DURING THE  
11    PERIOD THE SERVICE MEMBER IS ON ACTIVE DUTY.

12    **SECTION 9. ADVERSE ACTIONS**

13    A.     IN ADDITION TO THE OTHER POWERS CONFERRED BY STATE LAW, A  
14           REMOTE STATE SHALL HAVE THE AUTHORITY, IN ACCORDANCE  
15           WITH EXISTING STATE DUE PROCESS LAW, TO:

16           1.     TAKE ADVERSE ACTION AGAINST A REGULATED SOCIAL  
17           WORKER'S MULTISTATE AUTHORIZATION TO PRACTICE  
18           ONLY WITHIN THAT MEMBER STATE AND ISSUE SUBPOENAS  
19           FOR BOTH HEARINGS AND INVESTIGATIONS THAT REQUIRE  
20           THE ATTENDANCE AND TESTIMONY OF WITNESSES AS WELL  
21           AS THE PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY  
22           A LICENSING AUTHORITY IN A MEMBER STATE FOR THE  
23           ATTENDANCE AND TESTIMONY OF WITNESSES OR THE  
24           PRODUCTION OF EVIDENCE FROM ANOTHER MEMBER STATE  
25           SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT  
26           OF COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE  
27           AND PROCEDURE OF THAT COURT APPLICABLE TO

1 SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE IT.  
2 THE ISSUING LICENSING AUTHORITY SHALL PAY ANY  
3 WITNESS FEES, TRAVEL EXPENSES, MILEAGE, AND OTHER  
4 FEES REQUIRED BY THE SERVICE STATUTES OF THE STATE IN  
5 WHICH THE WITNESSES OR EVIDENCE ARE LOCATED.

6 2. ONLY THE HOME STATE SHALL HAVE THE POWER TO TAKE  
7 ADVERSE ACTION AGAINST A REGULATED SOCIAL  
8 WORKER'S MULTISTATE LICENSE.

9 B. FOR PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE  
10 SHALL GIVE THE SAME PRIORITY AND EFFECT TO REPORTED  
11 CONDUCT RECEIVED FROM A MEMBER STATE AS IT WOULD IF THE  
12 CONDUCT HAD OCCURRED WITHIN THE HOME STATE. IN SO DOING,  
13 THE HOME STATE SHALL APPLY ITS OWN STATE LAWS TO  
14 DETERMINE APPROPRIATE ACTION.

15 C. THE HOME STATE SHALL COMPLETE ANY PENDING INVESTIGATIONS  
16 OF A REGULATED SOCIAL WORKER WHO CHANGES THEIR HOME  
17 STATE DURING THE COURSE OF THE INVESTIGATIONS. THE HOME  
18 STATE SHALL ALSO HAVE THE AUTHORITY TO TAKE APPROPRIATE  
19 ACTION(S) AND SHALL PROMPTLY REPORT THE CONCLUSIONS OF  
20 THE INVESTIGATIONS TO THE ADMINISTRATOR OF THE DATA  
21 SYSTEM. THE ADMINISTRATOR OF THE DATA SYSTEM SHALL  
22 PROMPTLY NOTIFY THE NEW HOME STATE OF ANY ADVERSE  
23 ACTIONS.

24 D. A MEMBER STATE, IF OTHERWISE PERMITTED BY STATE LAW, MAY  
25 RECOVER FROM THE AFFECTED REGULATED SOCIAL WORKER THE  
26 COSTS OF INVESTIGATIONS AND DISPOSITIONS OF CASES RESULTING  
27 FROM ANY ADVERSE ACTION TAKEN AGAINST THAT REGULATED

- 1 SOCIAL WORKER.
- 2 E. A MEMBER STATE MAY TAKE ADVERSE ACTION BASED ON THE  
3 FACTUAL FINDINGS OF ANOTHER MEMBER STATE, PROVIDED THAT  
4 THE MEMBER STATE FOLLOWS ITS OWN PROCEDURES FOR TAKING  
5 THE ADVERSE ACTION.
- 6 F. JOINT INVESTIGATIONS:
- 7 1. IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER  
8 STATE BY ITS RESPECTIVE SOCIAL WORK PRACTICE ACT OR  
9 OTHER APPLICABLE STATE LAW, ANY MEMBER STATE MAY  
10 PARTICIPATE WITH OTHER MEMBER STATES IN JOINT  
11 INVESTIGATIONS OF LICENSEES.
- 12 2. MEMBER STATES SHALL SHARE ANY INVESTIGATIVE,  
13 LITIGATION, OR COMPLIANCE MATERIALS IN FURTHERANCE  
14 OF ANY JOINT OR INDIVIDUAL INVESTIGATION INITIATED  
15 UNDER THIS COMPACT.
- 16 G. IF ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST THE  
17 MULTISTATE LICENSE OF A REGULATED SOCIAL WORKER, THE  
18 REGULATED SOCIAL WORKER'S MULTISTATE AUTHORIZATION TO  
19 PRACTICE IN ALL OTHER MEMBER STATES SHALL BE DEACTIVATED  
20 UNTIL ALL ENCUMBRANCES HAVE BEEN REMOVED FROM THE  
21 MULTISTATE LICENSE. ALL HOME STATE DISCIPLINARY ORDERS  
22 THAT IMPOSE ADVERSE ACTION AGAINST THE LICENSE OF A  
23 REGULATED SOCIAL WORKER SHALL INCLUDE A STATEMENT THAT  
24 THE REGULATED SOCIAL WORKER'S MULTISTATE AUTHORIZATION  
25 TO PRACTICE IS DEACTIVATED IN ALL MEMBER STATES UNTIL ALL  
26 CONDITIONS OF THE DECISION, ORDER, OR AGREEMENT ARE  
27 SATISFIED.

1 H. IF A MEMBER STATE TAKES ADVERSE ACTION, IT SHALL PROMPTLY  
2 NOTIFY THE ADMINISTRATOR OF THE DATA SYSTEM. THE  
3 ADMINISTRATOR OF THE DATA SYSTEM SHALL PROMPTLY NOTIFY  
4 THE HOME STATE AND ALL OTHER MEMBER STATES OF ANY  
5 ADVERSE ACTIONS BY REMOTE STATES.

6 I. NOTHING IN THIS COMPACT SHALL OVERRIDE A MEMBER STATE'S  
7 DECISION THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY  
8 BE USED IN LIEU OF ADVERSE ACTION.

9 J. NOTHING IN THIS COMPACT SHALL AUTHORIZE A MEMBER STATE  
10 TO DEMAND THE ISSUANCE OF SUBPOENAS FOR ATTENDANCE AND  
11 TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE FROM  
12 ANOTHER MEMBER STATE FOR LAWFUL ACTIONS WITHIN THAT  
13 MEMBER STATE.

14 K. NOTHING IN THIS COMPACT SHALL AUTHORIZE A MEMBER STATE  
15 TO IMPOSE DISCIPLINE AGAINST A REGULATED SOCIAL WORKER  
16 WHO HOLDS A MULTISTATE AUTHORIZATION TO PRACTICE FOR  
17 LAWFUL ACTIONS WITHIN ANOTHER MEMBER STATE.

18 **SECTION 10. ESTABLISHMENT OF SOCIAL WORK**

19 **LICENSURE COMPACT COMMISSION**

20 A. THE COMPACT MEMBER STATES HEREBY CREATE AND ESTABLISH  
21 A JOINT GOVERNMENT AGENCY WHOSE MEMBERSHIP CONSISTS OF  
22 ALL MEMBER STATES THAT HAVE ENACTED THIS COMPACT KNOWN  
23 AS THE SOCIAL WORK LICENSURE COMPACT COMMISSION. THE  
24 COMMISSION IS AN INSTRUMENTALITY OF THE MEMBER STATES  
25 ACTING JOINTLY AND NOT AN INSTRUMENTALITY OF ANY ONE  
26 STATE. THE COMMISSION SHALL COME INTO EXISTENCE ON OR  
27 AFTER THE EFFECTIVE DATE OF THIS COMPACT AS SET FORTH IN

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SECTION 14.

B. MEMBERSHIP, VOTING, AND MEETINGS

1. EACH MEMBER STATE SHALL HAVE AND BE LIMITED TO ONE (1) DELEGATE SELECTED BY THAT MEMBER STATE'S STATE LICENSING AUTHORITY.
2. THE DELEGATE SHALL BE EITHER:
  - a. A CURRENT MEMBER OF THE STATE LICENSING AUTHORITY AT THE TIME OF APPOINTMENT, WHO IS A REGULATED SOCIAL WORKER OR PUBLIC MEMBER OF THE STATE LICENSING AUTHORITY; OR
  - b. AN ADMINISTRATOR OF THE STATE LICENSING AUTHORITY OR THEIR DESIGNEE.
3. THE COMMISSION SHALL BY RULE OR BYLAW ESTABLISH A TERM OF OFFICE FOR DELEGATES AND MAY BY RULE OR BYLAW ESTABLISH TERM LIMITS.
4. THE COMMISSION MAY RECOMMEND REMOVAL OR SUSPENSION OF ANY DELEGATE FROM OFFICE.
5. A MEMBER STATE'S STATE LICENSING AUTHORITY SHALL FILL ANY VACANCY OF ITS DELEGATE OCCURRING ON THE COMMISSION WITHIN SIXTY (60) DAYS OF THE VACANCY.
6. EACH DELEGATE SHALL BE ENTITLED TO ONE VOTE ON ALL MATTERS BEFORE THE COMMISSION REQUIRING A VOTE BY COMMISSION DELEGATES.
7. A DELEGATE SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS AS PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE FOR DELEGATES TO MEET BY TELECOMMUNICATION, VIDEOCONFERENCE, OR OTHER



1 MEANS OF COMMUNICATION.  
2 8. THE COMMISSION SHALL MEET AT LEAST ONCE DURING  
3 EACH CALENDAR YEAR. ADDITIONAL MEETINGS MAY BE  
4 HELD AS SET FORTH IN THE BYLAWS. THE COMMISSION MAY  
5 MEET BY TELECOMMUNICATION, VIDEO CONFERENCE, OR  
6 OTHER SIMILAR ELECTRONIC MEANS.

7 C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

- 8 1. ESTABLISH THE FISCAL YEAR OF THE COMMISSION;
- 9 2. ESTABLISH CODE OF CONDUCT AND CONFLICT OF INTEREST  
10 POLICIES;
- 11 3. ESTABLISH AND AMEND RULES AND BYLAWS;
- 12 4. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH  
13 THE BYLAWS;
- 14 5. MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT WITH  
15 THE PROVISIONS OF THIS COMPACT, THE COMMISSION'S  
16 RULES, AND THE BYLAWS;
- 17 6. INITIATE AND CONCLUDE LEGAL PROCEEDINGS OR ACTIONS  
18 IN THE NAME OF THE COMMISSION, PROVIDED THAT THE  
19 STANDING OF ANY STATE LICENSING BOARD TO SUE OR BE  
20 SUED UNDER APPLICABLE LAW SHALL NOT BE AFFECTED;
- 21 7. MAINTAIN AND CERTIFY RECORDS AND INFORMATION  
22 PROVIDED TO A MEMBER STATE AS THE AUTHENTICATED  
23 BUSINESS RECORDS OF THE COMMISSION AND DESIGNATE  
24 AN AGENT TO DO SO ON THE COMMISSION'S BEHALF;
- 25 8. PURCHASE AND MAINTAIN INSURANCE AND BONDS;
- 26 9. BORROW, ACCEPT, OR CONTRACT FOR SERVICES OF  
27 PERSONNEL, INCLUDING, BUT NOT LIMITED TO, EMPLOYEES

- 1 OF A MEMBER STATE;
- 2 10. CONDUCT AN ANNUAL FINANCIAL REVIEW;
- 3 11. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX  
4 COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS  
5 APPROPRIATE AUTHORITY TO CARRY OUT THE PURPOSES OF  
6 THIS COMPACT AND ESTABLISH THE COMMISSION'S  
7 PERSONNEL POLICIES AND PROGRAMS RELATING TO  
8 CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL,  
9 AND OTHER RELATED PERSONNEL MATTERS;
- 10 12. ASSESS AND COLLECT FEES;
- 11 13. ACCEPT ANY AND ALL APPROPRIATE GIFTS, DONATIONS,  
12 GRANTS OF MONEY, OTHER SOURCES OF REVENUE,  
13 EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES, AND  
14 RECEIVE, UTILIZE, AND DISPOSE OF THE SAME; PROVIDED  
15 THAT AT ALL TIMES THE COMMISSION SHALL AVOID ANY  
16 APPEARANCE OF IMPROPRIETY OR CONFLICT OF INTEREST;
- 17 14. LEASE, PURCHASE, RETAIN, OWN, HOLD, IMPROVE, OR USE  
18 ANY PROPERTY, REAL, PERSONAL, OR MIXED, OR ANY  
19 UNDIVIDED INTEREST THEREIN;
- 20 15. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,  
21 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL,  
22 PERSONAL, OR MIXED;
- 23 16. ESTABLISH A BUDGET AND MAKE EXPENDITURES;
- 24 17. BORROW MONEY;
- 25 18. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES,  
26 COMPOSED OF MEMBERS, STATE REGULATORS, STATE  
27 LEGISLATORS OR THEIR REPRESENTATIVES, AND CONSUMER

1 REPRESENTATIVES, AND SUCH OTHER INTERESTED PERSONS  
2 AS MAY BE DESIGNATED IN THIS COMPACT AND THE  
3 BYLAWS;

4 19. PROVIDE AND RECEIVE INFORMATION FROM, AND  
5 COOPERATE WITH, LAW ENFORCEMENT AGENCIES;

6 20. ESTABLISH AND ELECT AN EXECUTIVE COMMITTEE,  
7 INCLUDING A CHAIR AND A VICE CHAIR;

8 21. DETERMINE WHETHER A STATE'S ADOPTED LANGUAGE IS  
9 MATERIALLY DIFFERENT FROM THE MODEL COMPACT  
10 LANGUAGE SUCH THAT THE STATE WOULD NOT QUALIFY  
11 FOR PARTICIPATION IN THIS COMPACT; AND

12 22. PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY  
13 OR APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS  
14 COMPACT.

15 D. THE EXECUTIVE COMMITTEE

16 1. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO  
17 ACT ON BEHALF OF THE COMMISSION ACCORDING TO THE  
18 TERMS OF THIS COMPACT. THE POWERS, DUTIES, AND  
19 RESPONSIBILITIES OF THE EXECUTIVE COMMITTEE SHALL  
20 INCLUDE:

21 a. OVERSEE THE DAY-TO-DAY ACTIVITIES OF THE  
22 ADMINISTRATION OF THE COMPACT INCLUDING  
23 ENFORCEMENT AND COMPLIANCE WITH THE  
24 PROVISIONS OF THIS COMPACT, ITS RULES AND  
25 BYLAWS, AND OTHER SUCH DUTIES AS DEEMED  
26 NECESSARY;

27 b. RECOMMEND TO THE COMMISSION CHANGES TO THE

- 1 RULES OR BYLAWS, CHANGES TO THIS COMPACT  
2 LEGISLATION, FEES CHARGED TO COMPACT MEMBER  
3 STATES, FEES CHARGED TO LICENSEES, AND OTHER  
4 FEES;
- 5 c. ENSURE COMPACT ADMINISTRATION SERVICES ARE  
6 APPROPRIATELY PROVIDED, INCLUDING BY  
7 CONTRACT;
- 8 d. PREPARE AND RECOMMEND THE BUDGET;
- 9 e. MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE  
10 COMMISSION;
- 11 f. MONITOR COMPACT COMPLIANCE OF MEMBER  
12 STATES AND PROVIDE COMPLIANCE REPORTS TO THE  
13 COMMISSION;
- 14 g. ESTABLISH ADDITIONAL COMMITTEES AS  
15 NECESSARY;
- 16 h. EXERCISE THE POWERS AND DUTIES OF THE  
17 COMMISSION DURING THE INTERIM BETWEEN  
18 COMMISSION MEETINGS, EXCEPT FOR ADOPTING OR  
19 AMENDING RULES, ADOPTING OR AMENDING  
20 BYLAWS, AND EXERCISING ANY OTHER POWERS AND  
21 DUTIES EXPRESSLY RESERVED TO THE COMMISSION  
22 BY RULE OR BYLAW; AND
- 23 i. OTHER DUTIES AS PROVIDED IN THE RULES OR  
24 BYLAWS OF THE COMMISSION.
- 25 2. THE EXECUTIVE COMMITTEE SHALL BE COMPOSED OF UP TO  
26 ELEVEN (11) MEMBERS:
- 27 a. THE CHAIR AND VICE CHAIR OF THE COMMISSION



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OF THIS SECTION 10.

E. THE COMMISSION SHALL ADOPT AND PROVIDE TO THE MEMBER STATES AN ANNUAL REPORT.

F. MEETINGS OF THE COMMISSION

1. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, EXCEPT THAT THE COMMISSION MAY MEET IN A CLOSED, NON-PUBLIC MEETING AS PROVIDED IN SUBSECTION F.2. OF THIS SECTION 10.

a. PUBLIC NOTICE FOR ALL MEETINGS OF THE FULL COMMISSION SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER THE RULEMAKING PROVISIONS IN SECTION 12 OF THIS COMPACT, EXCEPT THAT THE COMMISSION MAY HOLD A SPECIAL MEETING AS PROVIDED IN SUBSECTION F.1.b. OF THIS SECTION 10.

b. THE COMMISSION MAY HOLD A SPECIAL MEETING WHEN IT MUST MEET TO CONDUCT EMERGENCY BUSINESS BY GIVING FORTY-EIGHT (48) HOURS' NOTICE TO ALL COMMISSIONERS, ON THE COMMISSION'S WEBSITE, AND BY OTHER MEANS AS PROVIDED IN THE COMMISSION'S RULES. THE COMMISSION'S LEGAL COUNSEL SHALL CERTIFY THAT THE COMMISSION'S NEED TO MEET QUALIFIES AS AN EMERGENCY.

2. THE COMMISSION OR THE EXECUTIVE COMMITTEE OR OTHER COMMITTEES OF THE COMMISSION MAY CONVENE IN A CLOSED, NON-PUBLIC MEETING FOR THE COMMISSION OR

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EXECUTIVE COMMITTEE OR OTHER COMMITTEES OF THE  
COMMISSION TO RECEIVE LEGAL ADVICE OR TO DISCUSS:

- a. NON-COMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS UNDER THIS COMPACT;
- b. THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER MATTERS, PRACTICES, OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES;
- c. CURRENT OR THREATENED DISCIPLINE OF A LICENSEE BY THE COMMISSION OR BY A MEMBER STATE'S LICENSING AUTHORITY;
- d. CURRENT, THREATENED, OR REASONABLY ANTICIPATED LITIGATION;
- e. NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE, OR SALE OF GOODS, SERVICES, OR REAL ESTATE;
- f. ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING ANY PERSON;
- g. TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;
- h. INFORMATION OF A PERSONAL NATURE WHERE DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY;
- i. INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT PURPOSES;
- j. INFORMATION RELATED TO ANY INVESTIGATIVE REPORTS PREPARED BY OR ON BEHALF OF OR FOR USE

1 OF THE COMMISSION OR OTHER COMMITTEE  
2 CHARGED WITH RESPONSIBILITY OF INVESTIGATION  
3 OR DETERMINATION OF COMPLIANCE ISSUES  
4 PURSUANT TO THIS COMPACT;

5 k. MATTERS SPECIFICALLY EXEMPTED FROM  
6 DISCLOSURE BY FEDERAL OR MEMBER STATE LAW;

7 OR

8 l. OTHER MATTERS AS PROMULGATED BY THE  
9 COMMISSION BY RULE.

10 3. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED, THE  
11 PRESIDING OFFICER SHALL STATE THAT THE MEETING WILL  
12 BE CLOSED AND REFERENCE EACH RELEVANT EXEMPTING  
13 PROVISION, AND SUCH REFERENCE SHALL BE RECORDED IN  
14 THE MINUTES.

15 4. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND  
16 CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING  
17 AND SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF  
18 ACTIONS TAKEN, AND THE REASONS THEREFORE, INCLUDING  
19 A DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS  
20 CONSIDERED IN CONNECTION WITH AN ACTION SHALL BE  
21 IDENTIFIED IN SUCH MINUTES. ALL MINUTES AND  
22 DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER  
23 SEAL, SUBJECT TO RELEASE ONLY BY A MAJORITY VOTE OF  
24 THE COMMISSION OR ORDER OF A COURT OF COMPETENT  
25 JURISDICTION.

26 G. FINANCING OF THE COMMISSION

27 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE



1 PAYMENT OF, THE REASONABLE EXPENSES OF ITS  
2 ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES.

3 2. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE  
4 REVENUE SOURCES AS PROVIDED IN SUBSECTION C.13. OF  
5 THIS SECTION 10.

6 3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL  
7 ASSESSMENT FROM EACH MEMBER STATE AND IMPOSE FEES  
8 ON LICENSEES OF MEMBER STATES TO WHOM IT GRANTS A  
9 MULTISTATE LICENSE TO COVER THE COST OF THE  
10 OPERATIONS AND ACTIVITIES OF THE COMMISSION AND ITS  
11 STAFF, WHICH MUST BE IN A TOTAL AMOUNT SUFFICIENT TO  
12 COVER ITS ANNUAL BUDGET AS APPROVED EACH YEAR FOR  
13 WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE  
14 AGGREGATE ANNUAL ASSESSMENT AMOUNT FOR MEMBER  
15 STATES SHALL BE ALLOCATED BASED UPON A FORMULA  
16 THAT THE COMMISSION SHALL PROMULGATE BY RULE.

17 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY  
18 KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET  
19 THE SAME; NOR SHALL THE COMMISSION PLEDGE THE  
20 CREDIT OF ANY OF THE MEMBER STATES, EXCEPT BY AND  
21 WITH THE AUTHORITY OF THE MEMBER STATE.

22 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL  
23 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND  
24 DISBURSEMENTS OF THE COMMISSION SHALL BE SUBJECT TO  
25 THE FINANCIAL REVIEW AND ACCOUNTING PROCEDURES  
26 ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS  
27 AND DISBURSEMENTS OF FUNDS HANDLED BY THE

1 COMMISSION SHALL BE SUBJECT TO AN ANNUAL FINANCIAL  
2 REVIEW BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT,  
3 AND THE REPORT OF THE FINANCIAL REVIEW SHALL BE  
4 INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT OF  
5 THE COMMISSION.

6 H. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

7 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR,  
8 EMPLOYEES AND REPRESENTATIVES OF THE COMMISSION  
9 SHALL BE IMMUNE FROM SUIT AND LIABILITY, BOTH  
10 PERSONALLY AND IN THEIR OFFICIAL CAPACITY, FOR ANY  
11 CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL  
12 INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR ARISING  
13 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION  
14 THAT OCCURRED, OR THAT THE PERSON AGAINST WHOM THE  
15 CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING  
16 OCCURRED WITHIN THE SCOPE OF COMMISSION  
17 EMPLOYMENT, DUTIES, OR RESPONSIBILITIES; PROVIDED  
18 THAT NOTHING IN THIS SUBSECTION H.1. SHALL BE  
19 CONSTRUED TO PROTECT ANY SUCH PERSON FROM SUIT OR  
20 LIABILITY FOR ANY DAMAGE, LOSS, INJURY, OR LIABILITY  
21 CAUSED BY THE INTENTIONAL OR WILLFUL OR WANTON  
22 MISCONDUCT OF THAT PERSON. THE PROCUREMENT OF  
23 INSURANCE OF ANY TYPE BY THE COMMISSION SHALL NOT  
24 IN ANY WAY COMPROMISE OR LIMIT THE IMMUNITY  
25 GRANTED HEREUNDER.

26 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER,  
27 EXECUTIVE DIRECTOR, EMPLOYEE, AND REPRESENTATIVE OF

1 THE COMMISSION IN ANY CIVIL ACTION SEEKING TO IMPOSE  
2 LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,  
3 ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF  
4 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,  
5 OR AS DETERMINED BY THE COMMISSION THAT THE PERSON  
6 AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE  
7 BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF  
8 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES;  
9 PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO  
10 PROHIBIT THAT PERSON FROM RETAINING THEIR OWN  
11 COUNSEL AT THEIR OWN EXPENSE; AND PROVIDED FURTHER,  
12 THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION  
13 DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR  
14 WILLFUL OR WANTON MISCONDUCT.

15 3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS  
16 ANY MEMBER, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE,  
17 AND REPRESENTATIVE OF THE COMMISSION FOR THE  
18 AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED  
19 AGAINST THAT PERSON ARISING OUT OF ANY ACTUAL OR  
20 ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED  
21 WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES,  
22 OR RESPONSIBILITIES, OR THAT SUCH PERSON HAD A  
23 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE  
24 SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR  
25 RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR  
26 ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM  
27 THE INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT OF

- 1 THAT PERSON.
- 2 4. NOTHING HEREIN SHALL BE CONSTRUED AS A LIMITATION
- 3 ON THE LIABILITY OF ANY LICENSEE FOR PROFESSIONAL
- 4 MALPRACTICE OR MISCONDUCT, WHICH SHALL BE
- 5 GOVERNED SOLELY BY ANY OTHER APPLICABLE STATE
- 6 LAWS.
- 7 5. NOTHING IN THIS COMPACT SHALL BE INTERPRETED TO
- 8 WAIVE OR OTHERWISE ABROGATE A MEMBER STATE'S
- 9 STATE ACTION IMMUNITY OR STATE ACTION AFFIRMATIVE
- 10 DEFENSE WITH RESPECT TO ANTITRUST CLAIMS UNDER THE
- 11 SHERMAN ACT, CLAYTON ACT, OR ANY OTHER STATE OR
- 12 FEDERAL ANTITRUST OR ANTICOMPETITIVE LAW OR
- 13 REGULATION.
- 14 6. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A
- 15 WAIVER OF SOVEREIGN IMMUNITY BY THE MEMBER STATES
- 16 OR BY THE COMMISSION.

17 **SECTION 11. DATA SYSTEM**

- 18 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT,
- 19 MAINTENANCE, OPERATION, AND UTILIZATION OF A COORDINATED
- 20 DATA SYSTEM.
- 21 B. THE COMMISSION SHALL ASSIGN EACH APPLICANT FOR A
- 22 MULTISTATE LICENSE A UNIQUE IDENTIFIER, AS DETERMINED BY
- 23 THE RULES OF THE COMMISSION.
- 24 C. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE
- 25 CONTRARY, A MEMBER STATE SHALL SUBMIT A UNIFORM DATA SET
- 26 TO THE DATA SYSTEM ON ALL INDIVIDUALS TO WHOM THIS
- 27 COMPACT IS APPLICABLE AS REQUIRED BY THE RULES OF THE

- 1 COMMISSION, INCLUDING:
- 2 1. IDENTIFYING INFORMATION;
- 3 2. LICENSURE DATA;
- 4 3. ADVERSE ACTIONS AGAINST A LICENSE AND INFORMATION
- 5 RELATED THERETO;
- 6 4. NON-CONFIDENTIAL INFORMATION RELATED TO
- 7 ALTERNATIVE PROGRAM PARTICIPATION, THE BEGINNING
- 8 AND ENDING DATES OF SUCH PARTICIPATION, AND OTHER
- 9 INFORMATION RELATED TO SUCH PARTICIPATION NOT MADE
- 10 CONFIDENTIAL UNDER MEMBER STATE LAW;
- 11 5. ANY DENIAL OF APPLICATION FOR LICENSURE AND THE
- 12 REASON(S) FOR SUCH DENIAL;
- 13 6. THE PRESENCE OF CURRENT SIGNIFICANT INVESTIGATIVE
- 14 INFORMATION; AND
- 15 7. OTHER INFORMATION THAT MAY FACILITATE THE
- 16 ADMINISTRATION OF THIS COMPACT OR THE PROTECTION OF
- 17 THE PUBLIC, AS DETERMINED BY THE RULES OF THE
- 18 COMMISSION.
- 19 D. THE RECORDS AND INFORMATION PROVIDED TO A MEMBER STATE
- 20 PURSUANT TO THIS COMPACT OR THROUGH THE DATA SYSTEM,
- 21 WHEN CERTIFIED BY THE COMMISSION OR AN AGENT THEREOF,
- 22 SHALL CONSTITUTE THE AUTHENTICATED BUSINESS RECORDS OF
- 23 THE COMMISSION AND SHALL BE ENTITLED TO ANY ASSOCIATED
- 24 HEARSAY EXCEPTION IN ANY RELEVANT JUDICIAL, QUASI-JUDICIAL,
- 25 OR ADMINISTRATIVE PROCEEDINGS IN A MEMBER STATE.
- 26 E. CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION PERTAINING
- 27 TO A LICENSEE IN ANY MEMBER STATE WILL ONLY BE AVAILABLE

1 TO OTHER MEMBER STATES.

2 1. IT IS THE RESPONSIBILITY OF THE MEMBER STATES TO  
3 REPORT ANY ADVERSE ACTION AGAINST A LICENSEE AND  
4 TO MONITOR THE DATABASE TO DETERMINE WHETHER  
5 ADVERSE ACTION HAS BEEN TAKEN AGAINST A LICENSEE.  
6 ADVERSE ACTION INFORMATION PERTAINING TO A  
7 LICENSEE IN ANY MEMBER STATE WILL BE AVAILABLE TO  
8 ANY OTHER MEMBER STATE.

9 F. MEMBER STATES CONTRIBUTING INFORMATION TO THE DATA  
10 SYSTEM MAY DESIGNATE INFORMATION THAT MAY NOT BE SHARED  
11 WITH THE PUBLIC WITHOUT THE EXPRESS PERMISSION OF THE  
12 CONTRIBUTING STATE.

13 G. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS  
14 SUBSEQUENTLY EXPUNGED PURSUANT TO FEDERAL LAW OR THE  
15 LAWS OF THE MEMBER STATE CONTRIBUTING THE INFORMATION  
16 SHALL BE REMOVED FROM THE DATA SYSTEM.

17 **SECTION 12. RULEMAKING**

18 A. THE COMMISSION SHALL PROMULGATE REASONABLE RULES IN  
19 ORDER TO EFFECTIVELY AND EFFICIENTLY IMPLEMENT AND  
20 ADMINISTER THE PURPOSES AND PROVISIONS OF THIS COMPACT. A  
21 RULE SHALL BE INVALID AND HAVE NO FORCE OR EFFECT ONLY IF  
22 A COURT OF COMPETENT JURISDICTION HOLDS THAT THE RULE IS  
23 INVALID BECAUSE THE COMMISSION EXERCISED ITS RULEMAKING  
24 AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE AND  
25 PURPOSES OF THIS COMPACT, OR THE POWERS GRANTED  
26 HEREUNDER, OR BASED UPON ANOTHER APPLICABLE STANDARD OF  
27 REVIEW.

- 1 B. THE RULES OF THE COMMISSION SHALL HAVE THE FORCE OF LAW  
2 IN EACH MEMBER STATE, PROVIDED HOWEVER THAT WHERE THE  
3 RULES OF THE COMMISSION CONFLICT WITH THE LAWS OF THE  
4 MEMBER STATE THAT ESTABLISH THE MEMBER STATE'S LAWS,  
5 REGULATIONS, AND APPLICABLE STANDARDS THAT GOVERN THE  
6 PRACTICE OF SOCIAL WORK AS HELD BY A COURT OF COMPETENT  
7 JURISDICTION, THE RULES OF THE COMMISSION SHALL BE  
8 INEFFECTIVE IN THAT STATE TO THE EXTENT OF THE CONFLICT.
- 9 C. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS  
10 PURSUANT TO THE CRITERIA SET FORTH IN THIS SECTION 12. AND  
11 THE RULES ADOPTED THEREUNDER. RULES SHALL BECOME BINDING  
12 ON THE DAY FOLLOWING ADOPTION OR THE DATE SPECIFIED IN THE  
13 RULE OR AMENDMENT, WHICHEVER IS LATER.
- 14 D. IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES  
15 REJECTS A RULE OR PORTION OF A RULE, BY ENACTMENT OF A  
16 STATUTE OR RESOLUTION IN THE SAME MANNER USED TO ADOPT  
17 THIS COMPACT WITHIN FOUR (4) YEARS OF THE DATE OF ADOPTION  
18 OF THE RULE, THEN SUCH RULE SHALL HAVE NO FURTHER FORCE  
19 AND EFFECT IN ANY MEMBER STATE.
- 20 E. RULES SHALL BE ADOPTED AT A REGULAR OR SPECIAL MEETING OF  
21 THE COMMISSION.
- 22 F. PRIOR TO ADOPTION OF A PROPOSED RULE, THE COMMISSION SHALL  
23 HOLD A PUBLIC HEARING AND ALLOW PERSONS TO PROVIDE ORAL  
24 AND WRITTEN COMMENTS, DATA, FACTS, OPINIONS, AND  
25 ARGUMENTS.
- 26 G. PRIOR TO ADOPTION OF A PROPOSED RULE BY THE COMMISSION,  
27 AND AT LEAST THIRTY (30) DAYS IN ADVANCE OF THE MEETING AT

1 WHICH THE COMMISSION WILL HOLD A PUBLIC HEARING ON THE  
2 PROPOSED RULE, THE COMMISSION SHALL PROVIDE A NOTICE OF  
3 PROPOSED RULEMAKING:

- 4 1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY  
5 ACCESSIBLE PLATFORM;
- 6 2. TO PERSONS WHO HAVE REQUESTED NOTICE OF THE  
7 COMMISSION'S NOTICES OF PROPOSED RULEMAKING; AND
- 8 3. IN SUCH OTHER WAY(S) AS THE COMMISSION MAY BY RULE  
9 SPECIFY.

10 H. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:

- 11 1. THE TIME, DATE, AND LOCATION OF THE PUBLIC HEARING AT  
12 WHICH THE COMMISSION WILL HEAR PUBLIC COMMENTS ON  
13 THE PROPOSED RULE AND, IF DIFFERENT, THE TIME, DATE,  
14 AND LOCATION OF THE MEETING WHERE THE COMMISSION  
15 WILL CONSIDER AND VOTE ON THE PROPOSED RULE;
- 16 2. IF THE HEARING IS HELD VIA TELECOMMUNICATION, VIDEO  
17 CONFERENCE, OR OTHER ELECTRONIC MEANS, THE  
18 MECHANISM FOR ACCESS TO THE HEARING;
- 19 3. THE TEXT OF THE PROPOSED RULE AND THE REASON  
20 THEREFOR;
- 21 4. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM  
22 ANY INTERESTED PERSON; AND
- 23 5. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT  
24 WRITTEN COMMENTS.

25 I. ALL HEARINGS WILL BE RECORDED. A COPY OF THE RECORDING  
26 AND ALL WRITTEN COMMENTS AND DOCUMENTS RECEIVED BY THE  
27 COMMISSION IN RESPONSE TO THE PROPOSED RULE SHALL BE



1 AVAILABLE TO THE PUBLIC.

2 J. NOTHING IN THIS SECTION 12. SHALL BE CONSTRUED AS REQUIRING  
3 A SEPARATE HEARING ON EACH RULE. RULES MAY BE GROUPED FOR  
4 THE CONVENIENCE OF THE COMMISSION AT HEARINGS REQUIRED BY  
5 THIS SECTION.

6 K. THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL MEMBERS,  
7 TAKE FINAL ACTION ON THE PROPOSED RULE BASED ON THE  
8 RULEMAKING RECORD AND THE FULL TEXT OF THE RULE.

9 1. THE COMMISSION MAY ADOPT CHANGES TO THE PROPOSED  
10 RULE PROVIDED THE CHANGES DO NOT ENLARGE THE  
11 ORIGINAL PURPOSE OF THE PROPOSED RULE.

12 2. THE COMMISSION SHALL PROVIDE AN EXPLANATION OF THE  
13 REASONS FOR SUBSTANTIVE CHANGES MADE TO THE  
14 PROPOSED RULE AS WELL AS REASONS FOR SUBSTANTIVE  
15 CHANGES NOT MADE THAT WERE RECOMMENDED BY  
16 COMMENTERS.

17 3. THE COMMISSION SHALL DETERMINE A REASONABLE  
18 EFFECTIVE DATE FOR THE RULE. EXCEPT FOR AN  
19 EMERGENCY AS PROVIDED IN SECTION 12.L. OF THIS  
20 COMPACT, THE EFFECTIVE DATE OF THE RULE SHALL BE NO  
21 SOONER THAN THIRTY (30) DAYS AFTER ISSUING THE NOTICE  
22 THAT IT ADOPTED OR AMENDED THE RULE.

23 L. UPON DETERMINATION THAT AN EMERGENCY EXISTS, THE  
24 COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE  
25 WITH FORTY-EIGHT (48) HOURS' NOTICE, WITH OPPORTUNITY TO  
26 COMMENT, PROVIDED THAT THE USUAL RULEMAKING PROCEDURES  
27 PROVIDED IN THIS COMPACT AND IN THIS SECTION 12 SHALL BE

1           RETROACTIVELY APPLIED TO THE RULE AS SOON AS REASONABLY  
2           POSSIBLE, IN NO EVENT LATER THAN NINETY (90) DAYS AFTER THE  
3           EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS  
4           PROVISION, AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED  
5           IMMEDIATELY IN ORDER TO:

- 6           1.     MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY,  
7                    OR WELFARE;
- 8           2.     PREVENT A LOSS OF COMMISSION OR MEMBER STATE  
9                    FUNDS;
- 10          3.     MEET A DEADLINE FOR THE PROMULGATION OF A RULE  
11                    THAT IS ESTABLISHED BY FEDERAL LAW OR RULE; OR
- 12          4.     PROTECT PUBLIC HEALTH AND SAFETY.

13    M.    THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE  
14           COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED  
15           RULE FOR PURPOSES OF CORRECTING TYPOGRAPHICAL ERRORS,  
16           ERRORS IN FORMAT, ERRORS IN CONSISTENCY, OR GRAMMATICAL  
17           ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON  
18           THE WEBSITE OF THE COMMISSION. THE REVISION SHALL BE  
19           SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD OF THIRTY  
20           (30) DAYS AFTER POSTING. THE REVISION MAY BE CHALLENGED  
21           ONLY ON GROUNDS THAT THE REVISION RESULTS IN A MATERIAL  
22           CHANGE TO A RULE. A CHALLENGE SHALL BE MADE IN WRITING  
23           AND DELIVERED TO THE COMMISSION PRIOR TO THE END OF THE  
24           NOTICE PERIOD. IF NO CHALLENGE IS MADE, THE REVISION WILL  
25           TAKE EFFECT WITHOUT FURTHER ACTION. IF THE REVISION IS  
26           CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE  
27           APPROVAL OF THE COMMISSION.

1 N. NO MEMBER STATE'S RULEMAKING REQUIREMENTS SHALL APPLY  
2 UNDER THIS COMPACT.

3 **SECTION 13. OVERSIGHT, DISPUTE**  
4 **RESOLUTION, AND ENFORCEMENT**

5 A. OVERSIGHT

6 1. THE EXECUTIVE AND JUDICIAL BRANCHES OF STATE  
7 GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE  
8 THIS COMPACT AND TAKE ALL ACTIONS NECESSARY AND  
9 APPROPRIATE TO IMPLEMENT THIS COMPACT.

10 2. EXCEPT AS OTHERWISE PROVIDED IN THIS COMPACT, VENUE  
11 IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST THE  
12 COMMISSION SHALL BE BROUGHT SOLELY AND  
13 EXCLUSIVELY IN A COURT OF COMPETENT JURISDICTION  
14 WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS  
15 LOCATED. THE COMMISSION MAY WAIVE VENUE AND  
16 JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR  
17 CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE  
18 RESOLUTION PROCEEDINGS. NOTHING HEREIN SHALL AFFECT  
19 OR LIMIT THE SELECTION OR PROPRIETY OF VENUE IN ANY  
20 ACTION AGAINST A LICENSEE FOR PROFESSIONAL  
21 MALPRACTICE, MISCONDUCT OR ANY SUCH SIMILAR  
22 MATTER.

23 3. THE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE  
24 OF PROCESS IN ANY PROCEEDING REGARDING THE  
25 ENFORCEMENT OR INTERPRETATION OF THIS COMPACT AND  
26 SHALL HAVE STANDING TO INTERVENE IN SUCH A  
27 PROCEEDING FOR ALL PURPOSES. FAILURE TO PROVIDE THE

1 COMMISSION SERVICE OF PROCESS SHALL RENDER A  
2 JUDGMENT OR ORDER VOID AS TO THE COMMISSION, THIS  
3 COMPACT, OR PROMULGATED RULES.

4 B. DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION

5 1. IF THE COMMISSION DETERMINES THAT A MEMBER STATE  
6 HAS DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS  
7 OR RESPONSIBILITIES UNDER THIS COMPACT OR THE  
8 PROMULGATED RULES, THE COMMISSION SHALL PROVIDE  
9 WRITTEN NOTICE TO THE DEFAULTING STATE. THE NOTICE  
10 OF DEFAULT SHALL DESCRIBE THE DEFAULT, THE PROPOSED  
11 MEANS OF CURING THE DEFAULT, AND ANY OTHER ACTION  
12 THAT THE COMMISSION MAY TAKE, AND SHALL OFFER  
13 TRAINING AND SPECIFIC TECHNICAL ASSISTANCE REGARDING  
14 THE DEFAULT.

15 2. THE COMMISSION SHALL PROVIDE A COPY OF THE NOTICE OF  
16 DEFAULT TO THE OTHER MEMBER STATES.

17 C. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE  
18 DEFAULTING STATE MAY BE TERMINATED FROM THE COMPACT  
19 UPON AN AFFIRMATIVE VOTE OF A MAJORITY OF THE DELEGATES OF  
20 THE MEMBER STATES, AND ALL RIGHTS, PRIVILEGES, AND BENEFITS  
21 CONFERRED ON THAT STATE BY THIS COMPACT MAY BE  
22 TERMINATED ON THE EFFECTIVE DATE OF TERMINATION. A CURE OF  
23 THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF  
24 OBLIGATIONS OR LIABILITIES INCURRED DURING THE PERIOD OF  
25 DEFAULT.

26 D. TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE  
27 IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING

1 COMPLIANCE HAVE BEEN EXHAUSTED. NOTICE OF INTENT TO  
2 SUSPEND OR TERMINATE SHALL BE GIVEN BY THE COMMISSION TO  
3 THE GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF THE  
4 DEFAULTING STATE'S LEGISLATURE, THE DEFAULTING STATE'S  
5 LICENSING AUTHORITY, AND EACH OF THE MEMBER STATES'  
6 LICENSING AUTHORITY.

7 E. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL  
8 ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH  
9 THE EFFECTIVE DATE OF TERMINATION, INCLUDING OBLIGATIONS  
10 THAT EXTEND BEYOND THE EFFECTIVE DATE OF TERMINATION.

11 F. UPON THE TERMINATION OF A STATE'S MEMBERSHIP FROM THIS  
12 COMPACT, THAT STATE SHALL IMMEDIATELY PROVIDE NOTICE TO  
13 ALL LICENSEES WITHIN THAT STATE OF SUCH TERMINATION. THE  
14 TERMINATED STATE SHALL CONTINUE TO RECOGNIZE ALL LICENSES  
15 GRANTED PURSUANT TO THIS COMPACT FOR A MINIMUM OF SIX (6)  
16 MONTHS AFTER THE DATE OF SAID NOTICE OF TERMINATION.

17 G. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A  
18 STATE THAT IS FOUND TO BE IN DEFAULT OR THAT HAS BEEN  
19 TERMINATED FROM THE COMPACT, UNLESS AGREED UPON IN  
20 WRITING BETWEEN THE COMMISSION AND THE DEFAULTING STATE.

21 H. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE  
22 COMMISSION BY PETITIONING THE U.S. DISTRICT COURT FOR THE  
23 DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE  
24 COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING PARTY  
25 SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING  
26 REASONABLE ATTORNEY'S FEES.

27 I. DISPUTE RESOLUTION

- 1           1.     UPON REQUEST BY A MEMBER STATE, THE COMMISSION  
2                     SHALL ATTEMPT TO RESOLVE DISPUTES RELATED TO THIS  
3                     COMPACT THAT ARISE AMONG MEMBER STATES AND  
4                     BETWEEN MEMBER AND NON-MEMBER STATES.
- 5           2.     THE COMMISSION SHALL PROMULGATE A RULE PROVIDING  
6                     FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION  
7                     FOR DISPUTES AS APPROPRIATE.

8     J.     ENFORCEMENT

- 9           1.     BY MAJORITY VOTE AS PROVIDED BY RULE, THE  
10                    COMMISSION MAY INITIATE LEGAL ACTION AGAINST A  
11                    MEMBER STATE IN DEFAULT IN THE UNITED STATES  
12                    DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE  
13                    FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS  
14                    PRINCIPAL OFFICES TO ENFORCE COMPLIANCE WITH THE  
15                    PROVISIONS OF THIS COMPACT AND ITS PROMULGATED  
16                    RULES. THE RELIEF SOUGHT MAY INCLUDE BOTH  
17                    INJUNCTIVE RELIEF AND DAMAGES. IN THE EVENT JUDICIAL  
18                    ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY  
19                    SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION,  
20                    INCLUDING REASONABLE ATTORNEY'S FEES. THE REMEDIES  
21                    HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES OF THE  
22                    COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER  
23                    REMEDIES AVAILABLE UNDER FEDERAL OR THE DEFAULTING  
24                    MEMBER STATE'S LAW.
- 25           2.     A MEMBER STATE MAY INITIATE LEGAL ACTION AGAINST  
26                    THE COMMISSION IN THE U.S. DISTRICT COURT FOR THE  
27                    DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE

1 THE COMMISSION HAS ITS PRINCIPAL OFFICES TO ENFORCE  
2 COMPLIANCE WITH THE PROVISIONS OF THE COMPACT AND  
3 ITS PROMULGATED RULES. THE RELIEF SOUGHT MAY  
4 INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE  
5 EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE  
6 PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH  
7 LITIGATION, INCLUDING REASONABLE ATTORNEY'S FEES.

8 3. NO PERSON OTHER THAN A MEMBER STATE SHALL ENFORCE  
9 THIS COMPACT AGAINST THE COMMISSION.

10 **SECTION 14. EFFECTIVE DATE, WITHDRAWAL,**  
11 **AND AMENDMENT**

12 A. THIS COMPACT SHALL COME INTO EFFECT ON THE DATE ON WHICH  
13 THIS COMPACT STATUTE IS ENACTED INTO LAW IN THE SEVENTH  
14 MEMBER STATE.

15 1. ON OR AFTER THE EFFECTIVE DATE OF THIS COMPACT, THE  
16 COMMISSION SHALL CONVENE AND REVIEW THE  
17 ENACTMENT OF EACH OF THE FIRST SEVEN MEMBER STATES  
18 ("CHARTER MEMBER STATES") TO DETERMINE IF THE  
19 STATUTE ENACTED BY EACH SUCH CHARTER MEMBER  
20 STATE IS MATERIALLY DIFFERENT THAN THE MODEL  
21 COMPACT STATUTE.

22 a. A CHARTER MEMBER STATE WHOSE ENACTMENT IS  
23 FOUND TO BE MATERIALLY DIFFERENT FROM THE  
24 MODEL COMPACT STATUTE SHALL BE ENTITLED TO  
25 THE DEFAULT PROCESS SET FORTH IN SECTION 13.

26 b. IF ANY MEMBER STATE IS LATER FOUND TO BE IN  
27 DEFAULT, OR IS TERMINATED OR WITHDRAWS FROM

1                   THIS COMPACT, THE COMMISSION SHALL REMAIN IN  
2                   EXISTENCE AND THIS COMPACT SHALL REMAIN IN  
3                   EFFECT EVEN IF THE NUMBER OF MEMBER STATES  
4                   SHOULD BE LESS THAN SEVEN.

5           2.     MEMBER STATES ENACTING THIS COMPACT SUBSEQUENT  
6                   TO THE SEVEN INITIAL CHARTER MEMBER STATES SHALL BE  
7                   SUBJECT TO THE PROCESS SET FORTH IN SECTION 10.C.21.  
8                   OF THIS COMPACT TO DETERMINE IF THEIR ENACTMENTS  
9                   ARE MATERIALLY DIFFERENT FROM THE MODEL COMPACT  
10                  STATUTE AND WHETHER THEY QUALIFY FOR PARTICIPATION  
11                  IN THIS COMPACT.

12          3.     ALL ACTIONS TAKEN FOR THE BENEFIT OF THE COMMISSION  
13                  OR IN FURTHERANCE OF THE PURPOSES OF THE  
14                  ADMINISTRATION OF THIS COMPACT PRIOR TO THE  
15                  EFFECTIVE DATE OF THIS COMPACT OR THE COMMISSION  
16                  COMING INTO EXISTENCE SHALL BE CONSIDERED TO BE  
17                  ACTIONS OF THE COMMISSION UNLESS SPECIFICALLY  
18                  REPUDIATED BY THE COMMISSION.

19          4.     ANY STATE THAT JOINS THIS COMPACT SUBSEQUENT TO THE  
20                  COMMISSION'S INITIAL ADOPTION OF THE RULES AND  
21                  BYLAWS SHALL BE SUBJECT TO THE RULES AND BYLAWS AS  
22                  THEY EXIST ON THE DATE ON WHICH THIS COMPACT  
23                  BECOMES LAW IN THAT STATE. ANY RULE THAT HAS BEEN  
24                  PREVIOUSLY ADOPTED BY THE COMMISSION SHALL HAVE  
25                  THE FULL FORCE AND EFFECT OF LAW ON THE DAY THIS  
26                  COMPACT BECOMES LAW IN THAT STATE.

27    B.     ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY



1 ENACTING A STATUTE REPEALING THE SAME.

2 1. A MEMBER STATE'S WITHDRAWAL SHALL NOT TAKE EFFECT  
3 UNTIL ONE HUNDRED EIGHTY (180) DAYS AFTER  
4 ENACTMENT OF THE REPEALING STATUTE.

5 2. WITHDRAWAL SHALL NOT AFFECT THE CONTINUING  
6 REQUIREMENT OF THE WITHDRAWING STATE'S LICENSING  
7 AUTHORITY TO COMPLY WITH THE INVESTIGATIVE AND  
8 ADVERSE ACTION REPORTING REQUIREMENTS OF THIS  
9 COMPACT PRIOR TO THE EFFECTIVE DATE OF WITHDRAWAL.

10 3. UPON THE ENACTMENT OF A STATUTE WITHDRAWING FROM  
11 THIS COMPACT, A STATE SHALL IMMEDIATELY PROVIDE  
12 NOTICE OF SUCH WITHDRAWAL TO ALL LICENSEES WITHIN  
13 THAT STATE. NOTWITHSTANDING ANY SUBSEQUENT  
14 STATUTORY ENACTMENT TO THE CONTRARY, SUCH  
15 WITHDRAWING STATE SHALL CONTINUE TO RECOGNIZE ALL  
16 LICENSES GRANTED PURSUANT TO THIS COMPACT FOR A  
17 MINIMUM OF ONE HUNDRED EIGHTY (180) DAYS AFTER THE  
18 DATE OF SUCH NOTICE OF WITHDRAWAL.

19 C. NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED TO  
20 INVALIDATE OR PREVENT ANY LICENSURE AGREEMENT OR OTHER  
21 COOPERATIVE ARRANGEMENT BETWEEN A MEMBER STATE AND A  
22 NON-MEMBER STATE THAT DOES NOT CONFLICT WITH THE  
23 PROVISIONS OF THIS COMPACT.

24 D. THIS COMPACT MAY BE AMENDED BY THE MEMBER STATES. NO  
25 AMENDMENT TO THIS COMPACT SHALL BECOME EFFECTIVE AND  
26 BINDING UPON ANY MEMBER STATE UNTIL IT IS ENACTED INTO THE  
27 LAWS OF ALL MEMBER STATES.

1           **SECTION 15. CONSTRUCTION AND SEVERABILITY**

2           A.     THIS COMPACT AND THE COMMISSION'S RULEMAKING AUTHORITY  
3                   SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE  
4                   PURPOSES, THE IMPLEMENTATION, AND THE ADMINISTRATION OF  
5                   THIS COMPACT. PROVISIONS OF THIS COMPACT EXPRESSLY  
6                   AUTHORIZING OR REQUIRING THE PROMULGATION OF RULES SHALL  
7                   NOT BE CONSTRUED TO LIMIT THE COMMISSION'S RULEMAKING  
8                   AUTHORITY SOLELY FOR THOSE PURPOSES.

9           B.     THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE AND IF  
10                  ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT  
11                  IS HELD BY A COURT OF COMPETENT JURISDICTION TO BE  
12                  CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE, A  
13                  STATE SEEKING PARTICIPATION IN THIS COMPACT, OR THE UNITED  
14                  STATES, OR THE APPLICABILITY THEREOF TO ANY GOVERNMENT,  
15                  AGENCY, PERSON, OR CIRCUMSTANCE IS HELD TO BE  
16                  UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION, THE  
17                  VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE  
18                  APPLICABILITY THEREOF TO ANY OTHER GOVERNMENT, AGENCY,  
19                  PERSON, OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.

20          C.     NOTWITHSTANDING SUBSECTION B. OF THIS SECTION 15, THE  
21                  COMMISSION MAY DENY A STATE'S PARTICIPATION IN THE  
22                  COMPACT OR, IN ACCORDANCE WITH THE REQUIREMENTS OF  
23                  SECTION 13.B. OF THIS COMPACT, TERMINATE A MEMBER STATE'S  
24                  PARTICIPATION IN THIS COMPACT, IF IT DETERMINES THAT A  
25                  CONSTITUTIONAL REQUIREMENT OF A MEMBER STATE IS A  
26                  MATERIAL DEPARTURE FROM THIS COMPACT. OTHERWISE, IF THIS  
27                  COMPACT SHALL BE HELD TO BE CONTRARY TO THE CONSTITUTION

1 OF ANY MEMBER STATE, THIS COMPACT SHALL REMAIN IN FULL  
2 FORCE AND EFFECT AS TO THE REMAINING MEMBER STATES AND IN  
3 FULL FORCE AND EFFECT AS TO THE MEMBER STATE AFFECTED AS  
4 TO ALL SEVERABLE MATTERS.

5 **SECTION 16. CONSISTENT EFFECT AND CONFLICT**  
6 **WITH OTHER STATE LAWS**

- 7 A. A LICENSEE PROVIDING SERVICES IN A REMOTE STATE UNDER A  
8 MULTISTATE AUTHORIZATION TO PRACTICE SHALL ADHERE TO THE  
9 LAWS AND REGULATIONS, INCLUDING LAWS, REGULATIONS, AND  
10 APPLICABLE STANDARDS, OF THE REMOTE STATE WHERE THE  
11 CLIENT IS LOCATED AT THE TIME CARE IS RENDERED.
- 12 B. NOTHING HEREIN SHALL PREVENT OR INHIBIT THE ENFORCEMENT  
13 OF ANY OTHER LAW OF A MEMBER STATE THAT IS NOT  
14 INCONSISTENT WITH THIS COMPACT.
- 15 C. ANY LAWS, STATUTES, REGULATIONS, OR OTHER LEGAL  
16 REQUIREMENTS IN A MEMBER STATE IN CONFLICT WITH THIS  
17 COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.
- 18 D. ALL PERMISSIBLE AGREEMENTS BETWEEN THE COMMISSION AND  
19 THE MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR  
20 TERMS.

21 **24-60-4503. Notice to revisor of statutes - effective date of**  
22 **compact.** THIS PART 45 TAKES EFFECT ON THE DATE THIS COMPACT IS  
23 ENACTED INTO LAW IN THE SEVENTH COMPACT STATE. THE DIRECTOR OF  
24 THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF  
25 REGULATORY AGENCIES SHALL NOTIFY THE REVISOR OF STATUTES IN  
26 WRITING WHEN THE CONDITION SPECIFIED IN THIS SECTION HAS OCCURRED  
27 BY E-MAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. THIS

1 PART 45 TAKES EFFECT UPON THE DATE IDENTIFIED IN THE NOTICE THAT  
2 THE COMPACT IS ENACTED INTO LAW IN THE SEVENTH COMPACT STATE OR  
3 UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES IF THE  
4 NOTICE DOES NOT SPECIFY A DIFFERENT DATE.

5 SECTION 2. In Colorado Revised Statutes, **add** 12-245-411 as  
6 follows:

7 12-245-411. **Interstate compact - powers and duties of the**  
8 **board - rules - definitions.** (1) AS USED IN THIS SECTION:

9 (a) "ADVERSE ACTION" HAS THE MEANING SET FORTH IN SECTION  
10 24-60-4502.

11 (b) "COMMISSION" MEANS THE SOCIAL WORK LICENSURE COMPACT  
12 COMMISSION CREATED IN SECTION 24-60-4502.

13 (c) "COMPACT" MEANS THE SOCIAL WORK LICENSURE COMPACT  
14 AUTHORIZED IN PART 45 OF ARTICLE 60 OF TITLE 24.

15 (d) "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" HAS  
16 THE MEANING SET FORTH IN SECTION 24-60-4502.

17 (e) "DATA SYSTEM" HAS THE MEANING SET FORTH IN SECTION  
18 24-60-4502.

19 (f) "INVESTIGATIVE INFORMATION" MEANS INFORMATION,  
20 RECORDS, AND DOCUMENTS RECEIVED OR GENERATED BY A LICENSING  
21 AUTHORITY PURSUANT TO AN INVESTIGATION.

22 (g) "LICENSING AUTHORITY" MEANS THE BOARD OR, IN ANOTHER  
23 MEMBER STATE, AN AGENCY OF THE MEMBER STATE, OR EQUIVALENT,  
24 THAT IS RESPONSIBLE FOR THE LICENSING AND REGULATION OF  
25 REGULATED SOCIAL WORKERS.

26 (h) "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THE  
27 COMPACT.

1 (i) "MULTISTATE AUTHORIZATION TO PRACTICE" HAS THE  
2 MEANING SET FORTH IN SECTION 24-60-4502.

3 (j) "TELEHEALTH" MEANS THE APPLICATION OF  
4 TELECOMMUNICATION TECHNOLOGY TO DELIVER SOCIAL WORK SERVICES  
5 REMOTELY TO ASSESS, DIAGNOSE, AND TREAT BEHAVIORAL HEALTH  
6 CONDITIONS.

7 (2) IN ADDITION TO ANY POWERS AND DUTIES SPECIFIED IN THE  
8 COMPACT FOR MEMBER STATES, THE BOARD HAS THE FOLLOWING POWERS  
9 AND DUTIES WITH REGARD TO THE COMPACT:

10 (a) TO FACILITATE COLORADO'S PARTICIPATION IN THE COMPACT;

11 (b) TO COMPLY WITH THE RULES OF THE COMMISSION;

12 (c) TO PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF  
13 TITLE 24 AS NECESSARY FOR THE IMPLEMENTATION, ADMINISTRATION,  
14 AND ENFORCEMENT OF THE COMPACT;

15 (d) TO APPOINT A PERSON TO SERVE AS A DELEGATE ON AND  
16 ATTEND MEETINGS OF THE COMMISSION IN ACCORDANCE WITH THE TERMS  
17 OF THE COMPACT;

18 (e) TO REGULATE TELEHEALTH IN ACCORDANCE WITH THE  
19 COMPACT;

20 (f) TO NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS  
21 OF THE COMPACT AND COMMISSION RULES, OF ANY ADVERSE ACTION OR  
22 THE AVAILABILITY OF CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION  
23 REGARDING A REGULATED SOCIAL WORKER;

24 (g) TO REQUIRE AN APPLICANT FROM A MEMBER STATE APPLYING  
25 FOR A MULTISTATE LICENSE TO PRACTICE UNDER THE COMPACT TO SUBMIT  
26 TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK IN  
27 ACCORDANCE WITH THE FOLLOWING:

1 (I) THE APPLICANT MUST PAY THE COSTS ASSOCIATED WITH THE  
2 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK;

3 (II) AFTER SUBMITTING AN APPLICATION FOR A MULTISTATE  
4 AUTHORIZATION TO PRACTICE UNDER THE COMPACT, THE APPLICANT  
5 SHALL HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL LAW  
6 ENFORCEMENT AGENCY OR ANY THIRD PARTY APPROVED BY THE  
7 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING  
8 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE APPLICANT  
9 SHALL AUTHORIZE THE ENTITY TAKING THE APPLICANT'S FINGERPRINTS TO  
10 SUBMIT, AND THE ENTITY SHALL SUBMIT, THE COMPLETE SET OF THE  
11 APPLICANT'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION  
12 FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL  
13 HISTORY RECORD CHECK.

14 (III) IF AN APPROVED THIRD PARTY TAKES THE PERSON'S  
15 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED  
16 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN  
17 EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT'S  
18 INFORMATION FOR MORE THAN THIRTY DAYS.

19 (IV) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE  
20 APPLICANT'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD  
21 CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF  
22 INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL  
23 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A  
24 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO  
25 BUREAU OF INVESTIGATION, APPLICANT, BOARD, AND ENTITY TAKING  
26 FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU OF  
27 INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL HISTORY

1 RECORD CHECK.

2 (V) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN  
3 THE RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE BOARD,  
4 AND THE BOARD IS AUTHORIZED TO RECEIVE THE RESULTS OF THE FEDERAL  
5 BUREAU OF INVESTIGATION'S CRIMINAL HISTORY RECORD CHECK. THE  
6 BOARD SHALL USE THE INFORMATION RESULTING FROM THE CRIMINAL  
7 HISTORY RECORD CHECKS TO INVESTIGATE AND DETERMINE WHETHER AN  
8 APPLICANT IS QUALIFIED FOR A MULTISTATE AUTHORIZATION TO PRACTICE  
9 UNDER THE COMPACT.

10 (VI) THE RESULTS OF THE RECORD CHECK ARE CONFIDENTIAL. THE  
11 BOARD SHALL NOT RELEASE THE RESULTS OF THE RECORD CHECK TO THE  
12 PUBLIC, THE COMMISSION, A MEMBER STATE, OR OTHER STATE LICENSING  
13 BOARDS.

14 (h) TO GRANT A MULTISTATE AUTHORIZATION TO PRACTICE TO A  
15 LICENSEE OF A MEMBER STATE IN ACCORDANCE WITH THE TERMS OF THE  
16 COMPACT AND TO CHARGE A FEE TO INDIVIDUALS APPLYING FOR THE  
17 MULTISTATE AUTHORIZATION TO PRACTICE;

18 (i) TO PARTICIPATE FULLY IN THE DATA SYSTEM CONSISTENT WITH  
19 THE COMPACT REQUIREMENTS AND THE RULES OF THE COMMISSION; AND

20 (j) TO APPROVE PAYMENT OF ASSESSMENTS LEVIED BY THE  
21 COMMISSION TO COVER THE COST OF OPERATIONS AND ACTIVITIES OF THE  
22 COMMISSION AND ITS STAFF.

23 **SECTION 3. Appropriation.** (1) For the 2024-25 state fiscal  
24 year, \$78,750 is appropriated to the department of regulatory agencies for  
25 use by the division of professions and occupations. This appropriation is  
26 from the division of professions and occupations cash fund created in  
27 section 12-20-105 (3), C.R.S. To implement this act, the division may use

1 this appropriation as follows:

2 (a) \$69,440 for personal services, which amount is based on an  
3 assumption that the division will require an additional 0.5 FTE; and

4 (b) \$9,310 for operating expenses.

5 (2) For the 2024-25 state fiscal year, \$35,000 is appropriated to  
6 the office of the governor for use by the office of information technology.

7 This appropriation is from reappropriated funds received from the  
8 department of regulatory agencies under subsection (1)(a) of this section.

9 To implement this act, the office may use this appropriation to provide  
10 information technology services for the department of regulatory  
11 agencies.

12 **SECTION 4. Act subject to petition - effective date.** This act  
13 takes effect at 12:01 a.m. on the day following the expiration of the  
14 ninety-day period after final adjournment of the general assembly; except  
15 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
16 of the state constitution against this act or an item, section, or part of this  
17 act within such period, then the act, item, section, or part will not take  
18 effect unless approved by the people at the general election to be held in  
19 November 2024 and, in such case, will take effect on the date of the  
20 official declaration of the vote thereon by the governor.