



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5375

Introduced 2/9/2024, by Rep. Lindsey LaPointe

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Social Work Licensure Compact Act. Provides that the State of Illinois ratifies and approves the Compact. Provides that the purpose of the Compact is to facilitate interstate practice of regulated social workers by improving public access to competent social work services and that the Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure. Includes provisions about state participation in the compact, social worker participation in the compact, issuance of a multistate license, creation of the Social Work Licensure Compact Commission, the authority of the Commission and state licensing authorities, reissuance of a multistate license by a new home state, licensing of active military members, adverse actions against a multistate licensee, development of a multistate data system, rulemaking authority of the Commission, effect and conflict with state laws, oversight, dispute resolution, enforcement, the effective date of the Compact, withdrawal from the Compact, amendments to the Compact, and construction and severability of provisions of the Compact.

LRB103 38821 AWJ 68958 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Social  
5 Work Licensure Compact Act.

6 Section 5. Social Work Licensure Compact. The State of  
7 Illinois ratifies and approves the following Compact:

8 SOCIAL WORK LICENSURE COMPACT

9 SECTION 1: PURPOSE

10 The purpose of this Compact is to facilitate interstate  
11 practice of Regulated Social Workers by improving public  
12 access to competent Social Work Services. The Compact  
13 preserves the regulatory authority of States to protect public  
14 health and safety through the current system of State  
15 licensure.

16 This Compact is designed to achieve the following  
17 objectives:

18 A. Increase public access to Social Work Services;

19 B. Reduce overly burdensome and duplicative requirements  
20 associated with holding multiple licenses;

21 C. Enhance the Member States' ability to protect the  
22 public's health and safety;

1 D. Encourage the cooperation of Member States in  
2 regulating multistate practice;

3 E. Promote mobility and address workforce shortages by  
4 eliminating the necessity for licenses in multiple States by  
5 providing for the mutual recognition of other Member State  
6 licenses;

7 F. Support military families;

8 G. Facilitate the exchange of licensure and disciplinary  
9 information among Member States;

10 H. Authorize all Member States to hold a Regulated Social  
11 Worker accountable for abiding by a Member State's laws,  
12 regulations, and applicable professional standards in the  
13 Member State in which the client is located at the time care is  
14 rendered; and

15 I. Allow for the use of telehealth to facilitate increased  
16 access to regulated Social Work Services.

17 SECTION 2. DEFINITIONS

18 As used in this Compact, and except as otherwise provided,  
19 the following definitions shall apply:

20 A. "Active Military Member" means any individual with  
21 full-time duty status in the active armed forces of the United  
22 States including members of the National Guard and Reserve.

23 B. "Adverse Action" means any administrative, civil,  
24 equitable or criminal action permitted by a State's laws which  
25 is imposed by a Licensing Authority or other authority against

1 a Regulated Social Worker, including actions against an  
2 individual's license or Multistate Authorization to Practice  
3 such as revocation, suspension, probation, monitoring of the  
4 Licensee, limitation on the Licensee's practice, or any other  
5 Encumbrance on licensure affecting a Regulated Social Worker's  
6 authorization to practice, including issuance of a cease and  
7 desist action.

8 C. "Alternative Program" means a non-disciplinary  
9 monitoring or practice remediation process approved by a  
10 Licensing Authority to address practitioners with an  
11 Impairment.

12 D. "Charter Member States" - Member States who have  
13 enacted legislation to adopt this Compact where such  
14 legislation predates the effective date of this Compact as  
15 described in Section 14.

16 E. "Compact Commission" or "Commission" means the  
17 government agency whose membership consists of all States that  
18 have enacted this Compact, which is known as the Social Work  
19 Licensure Compact Commission, as described in Section 10, and  
20 which shall operate as an instrumentality of the Member  
21 States.

22 F. "Current Significant Investigative Information" means:

23 1. Investigative information that a Licensing  
24 Authority, after a preliminary inquiry that includes  
25 notification and an opportunity for the Regulated Social  
26 Worker to respond has reason to believe is not groundless

1 and, if proved true, would indicate more than a minor  
2 infraction as may be defined by the Commission; or

3 2. Investigative information that indicates that the  
4 Regulated Social Worker represents an immediate threat to  
5 public health and safety, as may be defined by the  
6 Commission, regardless of whether the Regulated Social  
7 Worker has been notified and has had an opportunity to  
8 respond.

9 G. "Data System" means a repository of information about  
10 Licensees, including, continuing education, examination,  
11 licensure, Current Significant Investigative Information,  
12 Disqualifying Event, Multistate License(s) and Adverse Action  
13 information or other information as required by the  
14 Commission.

15 H. "Disqualifying Event" means any Adverse Action or  
16 incident which results in an Encumbrance that disqualifies or  
17 makes the Licensee ineligible to either obtain, retain or  
18 renew a Multistate License.

19 I. "Domicile" means the jurisdiction in which the Licensee  
20 resides and intends to remain indefinitely.

21 J. "Encumbrance" means a revocation or suspension of, or  
22 any limitation on, the full and unrestricted practice of  
23 Social Work licensed and regulated by a Licensing Authority.

24 K. "Executive Committee" means a group of delegates  
25 elected or appointed to act on behalf of, and within the powers  
26 granted to them by, the compact and Commission.

1 L. "Home State" means the Member State that is the  
2 Licensee's primary Domicile.

3 M. "Impairment" means a condition(s) that may impair a  
4 practitioner's ability to engage in full and unrestricted  
5 practice as a Regulated Social Worker without some type of  
6 intervention and may include alcohol and drug dependence,  
7 mental health impairment, and neurological or physical  
8 impairments.

9 N. "Licensee(s)" means an individual who currently holds a  
10 license from a State to practice as a Regulated Social Worker.

11 O. "Licensing Authority" means the board or agency of a  
12 Member State, or equivalent, that is responsible for the  
13 licensing and regulation of Regulated Social Workers.

14 P. "Member State" means a state, commonwealth, district,  
15 or territory of the United States of America that has enacted  
16 this Compact.

17 Q. "Multistate Authorization to Practice" means a legally  
18 authorized privilege to practice, which is equivalent to a  
19 license, associated with a Multistate License permitting the  
20 practice of Social Work in a Remote State.

21 R. "Multistate License" means a license to practice as a  
22 Regulated Social Worker issued by a Home State Licensing  
23 Authority that authorizes the Regulated Social Worker to  
24 practice in all Member States under Multistate Authorization  
25 to Practice.

26 S. "Qualifying National Exam" means a national licensing

1 examination approved by the Commission.

2 T. "Regulated Social Worker" means any clinical, master's  
3 or bachelor's Social Worker licensed by a Member State  
4 regardless of the title used by that Member State.

5 U. "Remote State" means a Member State other than the  
6 Licensee's Home State.

7 V. "Rule(s)" or "Rule(s) of the Commission" means a  
8 regulation or regulations duly promulgated by the Commission,  
9 as authorized by the Compact, that has the force of law.

10 W. "Single State License" means a Social Work license  
11 issued by any State that authorizes practice only within the  
12 issuing State and does not include Multistate Authorization to  
13 Practice in any Member State.

14 X. "Social Work" or "Social Work Services" means the  
15 application of social work theory, knowledge, methods, ethics,  
16 and the professional use of self to restore or enhance social,  
17 psychosocial, or biopsychosocial functioning of individuals,  
18 couples, families, groups, organizations, and communities  
19 through the care and services provided by a Regulated Social  
20 Worker as set forth in the Member State's statutes and  
21 regulations in the State where the services are being  
22 provided.

23 Y. "State" means any state, commonwealth, district, or  
24 territory of the United States of America that regulates the  
25 practice of Social Work.

26 Z. "Unencumbered License" means a license that authorizes

1 a Regulated Social Worker to engage in the full and  
2 unrestricted practice of Social Work.

3 SECTION 3. STATE PARTICIPATION IN THE COMPACT

4 A. To be eligible to participate in the compact, a  
5 potential Member State must currently meet all of the  
6 following criteria:

7 1. License and regulate the practice of Social Work at  
8 either the clinical, master's, or bachelor's category.

9 2. Require applicants for licensure to graduate from a  
10 program that is:

11 a. Operated by a college or university recognized  
12 by the Licensing Authority;

13 b. Accredited, or in candidacy by an institution  
14 that subsequently becomes accredited, by an  
15 accrediting agency recognized by either:

16 i. the Council for Higher Education  
17 Accreditation, or its successor; or

18 ii. the United States Department of Education;  
19 and

20 c. Corresponds to the licensure sought as outlined  
21 in Section 4.

22 3. Require applicants for clinical licensure to  
23 complete a period of supervised practice.

24 4. Have a mechanism in place for receiving,  
25 investigating, and adjudicating complaints about



1 Licensees.

2 B. To maintain membership in the Compact a Member State  
3 shall:

4 1. Require that applicants for a Multistate License  
5 pass a Qualifying National Exam for the corresponding  
6 category of Multistate License sought as outlined in  
7 Section 4.

8 2. Participate fully in the Commission's Data System,  
9 including using the Commission's unique identifier as  
10 defined in Rules;

11 3. Notify the Commission, in compliance with the terms  
12 of the Compact and Rules, of any Adverse Action or the  
13 availability of Current Significant Investigative  
14 Information regarding a Licensee;

15 4. Implement procedures for considering the criminal  
16 history records of applicants for a Multistate License.  
17 Such procedures shall include the submission of  
18 fingerprints or other biometric-based information by  
19 applicants for the purpose of obtaining an applicant's  
20 criminal history record information from the Federal  
21 Bureau of Investigation and the agency responsible for  
22 retaining that State's criminal records.

23 5. Comply with the Rules of the Commission;

24 6. Require an applicant to obtain or retain a license  
25 in the Home State and meet the Home State's qualifications  
26 for licensure or renewal of licensure, as well as all

1 other applicable Home State laws;

2 7. Authorize a Licensee holding a Multistate License  
3 in any Member State to practice in accordance with the  
4 terms of the Compact and Rules of the Commission; and

5 8. Designate a delegate to participate in the  
6 Commission meetings.

7 C. A Member State meeting the requirements of Section 3.A.  
8 and 3.B of this Compact shall designate the categories of  
9 Social Work licensure that are eligible for issuance of a  
10 Multistate License for applicants in such Member State. To the  
11 extent that any Member State does not meet the requirements  
12 for participation in the Compact at any particular category of  
13 Social Work licensure, such Member State may choose, but is  
14 not obligated to, issue a Multistate License to applicants  
15 that otherwise meet the requirements of Section 4 for issuance  
16 of a Multistate License in such category or categories of  
17 licensure.

18 D. The Home State may charge a fee for granting the  
19 Multistate License.

20 SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT

21 A. To be eligible for a Multistate License under the terms  
22 and provisions of the Compact, an applicant, regardless of  
23 category must:

24 1. Hold or be eligible for an active, Unencumbered  
25 License in the Home State;

1           2. Pay any applicable fees, including any State fee,  
2           for the Multistate License;

3           3. Submit, in connection with an application for a  
4           Multistate License, fingerprints or other biometric data  
5           for the purpose of obtaining criminal history record  
6           information from the Federal Bureau of Investigation and  
7           the agency responsible for retaining that State's criminal  
8           records.

9           4. Notify the Home State of any Adverse Action,  
10          Encumbrance, or restriction on any professional license  
11          taken by any Member State or non-Member State within 30  
12          days from the date the action is taken.

13          5. Meet any continuing competence requirements  
14          established by the Home State;

15          6. Abide by the laws, regulations, and applicable  
16          standards in the Member State where the client is located  
17          at the time care is rendered.

18          B. An applicant for a clinical-category Multistate License  
19          must meet all of the following requirements:

20               1. Fulfill a competency requirement, which shall be  
21               satisfied by either:

22                   a. Passage of a clinical-category Qualifying  
23                   National Exam; or

24                   b. Licensure of the applicant in their Home State  
25                   at the clinical category, beginning prior to such time  
26                   as a Qualifying National Exam was required by the Home

1 State and accompanied by a period of continuous Social  
2 Work licensure thereafter, all of which may be further  
3 governed by the Rules of the Commission; or

4 c. The substantial equivalency of the foregoing  
5 competency requirements which the Commission may  
6 determine by Rule.

7 2. Attain at least a master's degree in Social Work  
8 from a program that is:

9 a. Operated by a college or university recognized  
10 by the Licensing Authority; and

11 b. Accredited, or in candidacy that subsequently  
12 becomes accredited, by an accrediting agency  
13 recognized by either:

14 i. the Council for Higher Education  
15 Accreditation or its successor; or

16 ii. the United States Department of Education.

17 3. Fulfill a practice requirement, which shall be  
18 satisfied by demonstrating completion of either:

19 a. A period of postgraduate supervised clinical  
20 practice equal to a minimum of three thousand hours;  
21 or

22 b. A minimum of two years of full-time  
23 postgraduate supervised clinical practice; or

24 c. The substantial equivalency of the foregoing  
25 practice requirements which the Commission may  
26 determine by Rule.

1 C. An applicant for a master's-category Multistate License  
2 must meet all of the following requirements:

3 1. Fulfill a competency requirement, which shall be  
4 satisfied by either:

5 a. Passage of a masters-category Qualifying  
6 National Exam;

7 b. Licensure of the applicant in their Home State  
8 at the master's category, beginning prior to such time  
9 as a Qualifying National Exam was required by the Home  
10 State at the master's category and accompanied by a  
11 continuous period of Social Work licensure thereafter,  
12 all of which may be further governed by the Rules of  
13 the Commission; or

14 c. The substantial equivalency of the foregoing  
15 competency requirements which the Commission may  
16 determine by Rule.

17 2. Attain at least a master's degree in Social Work  
18 from a program that is:

19 a. Operated by a college or university recognized  
20 by the Licensing Authority; and

21 b. Accredited, or in candidacy that subsequently  
22 becomes accredited, by an accrediting agency  
23 recognized by either:

24 i. the Council for Higher Education  
25 Accreditation or its successor; or

26 ii. the United States Department of Education.

1 D. An applicant for a bachelor's-category Multistate  
2 License must meet all of the following requirements:

3 1. Fulfill a competency requirement, which shall be  
4 satisfied by either:

5 a. Passage of a bachelor's-category Qualifying  
6 National Exam;

7 b. Licensure of the applicant in their Home State  
8 at the bachelor's category, beginning prior to such  
9 time as a Qualifying National Exam was required by the  
10 Home State and accompanied by a period of continuous  
11 Social Work licensure thereafter, all of which may be  
12 further governed by the Rules of the Commission; or

13 c. The substantial equivalency of the foregoing  
14 competency requirements which the Commission may  
15 determine by Rule.

16 2. Attain at least a bachelor's degree in Social Work  
17 from a program that is:

18 a. Operated by a college or university recognized  
19 by the Licensing Authority; and

20 b. Accredited, or in candidacy that subsequently  
21 becomes accredited, by an accrediting agency  
22 recognized by either:

23 i. the Council for Higher Education  
24 Accreditation or its successor; or

25 ii. the United States Department of Education.

26 E. The Multistate License for a Regulated Social Worker is

1 subject to the renewal requirements of the Home State. The  
2 Regulated Social Worker must maintain compliance with the  
3 requirements of Section 4(A) to be eligible to renew a  
4 Multistate License.

5 F. The Regulated Social Worker's services in a Remote  
6 State are subject to that Member State's regulatory authority.  
7 A Remote State may, in accordance with due process and that  
8 Member State's laws, remove a Regulated Social Worker's  
9 Multistate Authorization to Practice in the Remote State for a  
10 specific period of time, impose fines, and take any other  
11 necessary actions to protect the health and safety of its  
12 citizens.

13 G. If a Multistate License is encumbered, the Regulated  
14 Social Worker's Multistate Authorization to Practice shall be  
15 deactivated in all Remote States until the Multistate License  
16 is no longer encumbered.

17 H. If a Multistate Authorization to Practice is encumbered  
18 in a Remote State, the regulated Social Worker's Multistate  
19 Authorization to Practice may be deactivated in that State  
20 until the Multistate Authorization to Practice is no longer  
21 encumbered.

## 22 SECTION 5: ISSUANCE OF A MULTISTATE LICENSE

23 A. Upon receipt of an application for Multistate License,  
24 the Home State Licensing Authority shall determine the  
25 applicant's eligibility for a Multistate License in accordance

1 with Section 4 of this Compact.

2 B. If such applicant is eligible pursuant to Section 4 of  
3 this Compact, the Home State Licensing Authority shall issue a  
4 Multistate License that authorizes the applicant or Regulated  
5 Social Worker to practice in all Member States under a  
6 Multistate Authorization to Practice.

7 C. Upon issuance of a Multistate License, the Home State  
8 Licensing Authority shall designate whether the Regulated  
9 Social Worker holds a Multistate License in the Bachelors,  
10 Masters, or Clinical category of Social Work.

11 D. A Multistate License issued by a Home State to a  
12 resident in that State shall be recognized by all Compact  
13 Member States as authorizing Social Work Practice under a  
14 Multistate Authorization to Practice corresponding to each  
15 category of licensure regulated in each Member State.

16 SECTION 6: AUTHORITY OF INTERSTATE COMPACT COMMISSION AND  
17 MEMBER STATE LICENSING AUTHORITIES

18 A. Nothing in this Compact, nor any Rule of the  
19 Commission, shall be construed to limit, restrict, or in any  
20 way reduce the ability of a Member State to enact and enforce  
21 laws, regulations, or other rules related to the practice of  
22 Social Work in that State, where those laws, regulations, or  
23 other rules are not inconsistent with the provisions of this  
24 Compact.

25 B. Nothing in this Compact shall affect the requirements



1 established by a Member State for the issuance of a Single  
2 State License.

3 C. Nothing in this Compact, nor any Rule of the  
4 Commission, shall be construed to limit, restrict, or in any  
5 way reduce the ability of a Member State to take Adverse Action  
6 against a Licensee's Single State License to practice Social  
7 Work in that State.

8 D. Nothing in this Compact, nor any Rule of the  
9 Commission, shall be construed to limit, restrict, or in any  
10 way reduce the ability of a Remote State to take Adverse Action  
11 against a Licensee's Multistate Authorization to Practice in  
12 that State.

13 E. Nothing in this Compact, nor any Rule of the  
14 Commission, shall be construed to limit, restrict, or in any  
15 way reduce the ability of a Licensee's Home State to take  
16 Adverse Action against a Licensee's Multistate License based  
17 upon information provided by a Remote State.

18 SECTION 7: REISSUANCE OF A MULTISTATE LICENSE BY A NEW  
19 HOME STATE

20 A. A Licensee can hold a Multistate License, issued by  
21 their Home State, in only one Member State at any given time.

22 B. If a Licensee changes their Home State by moving  
23 between two Member States:

24 1. The Licensee shall immediately apply for the  
25 reissuance of their Multistate License in their new Home

1 State. The Licensee shall pay all applicable fees and  
2 notify the prior Home State in accordance with the Rules  
3 of the Commission.

4 2. Upon receipt of an application to reissue a  
5 Multistate License, the new Home State shall verify that  
6 the Multistate License is active, unencumbered and  
7 eligible for reissuance under the terms of the Compact and  
8 the Rules of the Commission. The Multistate License issued  
9 by the prior Home State will be deactivated and all Member  
10 States notified in accordance with the applicable Rules  
11 adopted by the Commission.

12 3. Prior to the reissuance of the Multistate License,  
13 the new Home State shall conduct procedures for  
14 considering the criminal history records of the Licensee.  
15 Such procedures shall include the submission of  
16 fingerprints or other biometric-based information by  
17 applicants for the purpose of obtaining an applicant's  
18 criminal history record information from the Federal  
19 Bureau of Investigation and the agency responsible for  
20 retaining that State's criminal records.

21 4. If required for initial licensure, the new Home  
22 State may require completion of jurisprudence requirements  
23 in the new Home State.

24 5. Notwithstanding any other provision of this  
25 Compact, if a Licensee does not meet the requirements set  
26 forth in this Compact for the reissuance of a Multistate

1 License by the new Home State, then the Licensee shall be  
2 subject to the new Home State requirements for the  
3 issuance of a Single State License in that State.

4 C. If a Licensee changes their primary State of residence  
5 by moving from a Member State to a non-Member State, or from a  
6 non-Member State to a Member State, then the Licensee shall be  
7 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  
10 Licensee's ability to hold a Single State License in multiple  
11 States; however, for the purposes of this Compact, a Licensee  
12 shall have only one Home State, and only one Multistate  
13 License.

14 E. Nothing in this Compact shall interfere with the  
15 requirements established by a Member State for the issuance of  
16 a Single State License.

#### 17 SECTION 8. MILITARY FAMILIES

18 An Active Military Member or their spouse shall designate  
19 a Home State where the individual has a Multistate License.  
20 The individual may retain their Home State designation during  
21 the period the service member is on active duty.

#### 22 SECTION 9. ADVERSE ACTIONS

23 A. In addition to the other powers conferred by State law,  
24 a Remote State shall have the authority, in accordance with

1 existing State due process law, to:

2           1. Take Adverse Action against a Regulated Social  
3 Worker's Multistate Authorization to Practice only within  
4 that Member State, and issue subpoenas for both hearings  
5 and investigations that require the attendance and  
6 testimony of witnesses as well as the production of  
7 evidence. Subpoenas issued by a Licensing Authority in a  
8 Member State for the attendance and testimony of witnesses  
9 or the production of evidence from another Member State  
10 shall be enforced in the latter State by any court of  
11 competent jurisdiction, according to the practice and  
12 procedure of that court applicable to subpoenas issued in  
13 proceedings pending before it. The issuing Licensing  
14 Authority shall pay any witness fees, travel expenses,  
15 mileage, and other fees required by the service statutes  
16 of the State in which the witnesses or evidence are  
17 located.

18           2. Only the Home State shall have the power to take  
19 Adverse Action against a Regulated Social Worker's  
20 Multistate License.

21           B. For purposes of taking Adverse Action, the Home State  
22 shall give the same priority and effect to reported conduct  
23 received from a Member State as it would if the conduct had  
24 occurred within the Home State. In so doing, the Home State  
25 shall apply its own State laws to determine appropriate  
26 action.

1 C. The Home State shall complete any pending  
2 investigations of a Regulated Social Worker who changes their  
3 Home State during the course of the investigations. The Home  
4 State shall also have the authority to take appropriate  
5 action(s) and shall promptly report the conclusions of the  
6 investigations to the administrator of the Data System. The  
7 administrator of the Data System shall promptly notify the new  
8 Home State of any Adverse Actions.

9 D. A Member State, if otherwise permitted by State law,  
10 may recover from the affected Regulated Social Worker the  
11 costs of investigations and dispositions of cases resulting  
12 from any Adverse Action taken against that Regulated Social  
13 Worker.

14 E. A Member State may take Adverse Action based on the  
15 factual findings of another Member State, provided that the  
16 Member State follows its own procedures for taking the Adverse  
17 Action.

18 F. Joint Investigations:

19 1. In addition to the authority granted to a Member  
20 State by its respective Social Work practice act or other  
21 applicable State law, any Member State may participate  
22 with other Member States in joint investigations of  
23 Licensees.

24 2. Member States shall share any investigative,  
25 litigation, or compliance materials in furtherance of any  
26 joint or individual investigation initiated under the

1 Compact.

2 G. If Adverse Action is taken by the Home State against the  
3 Multistate License of a Regulated Social Worker, the Regulated  
4 Social Worker's Multistate Authorization to Practice in all  
5 other Member States shall be deactivated until all  
6 Encumbrances have been removed from the Multistate License.  
7 All Home State disciplinary orders that impose Adverse Action  
8 against the license of a Regulated Social Worker shall include  
9 a statement that the Regulated Social Worker's Multistate  
10 Authorization to Practice is deactivated in all Member States  
11 until all conditions of the decision, order or agreement are  
12 satisfied.

13 H. If a Member State takes Adverse Action, it shall  
14 promptly notify the administrator of the Data System. The  
15 administrator of the Data System shall promptly notify the  
16 Home State and all other Member State's of any Adverse Actions  
17 by Remote States.

18 I. Nothing in this Compact shall override a Member State's  
19 decision that participation in an Alternative Program may be  
20 used in lieu of Adverse Action.

21 J. Nothing in this Compact shall authorize a Member State  
22 to demand the issuance of subpoenas for attendance and  
23 testimony of witnesses or the production of evidence from  
24 another Member State for lawful actions within that Member  
25 State.

26 K. Nothing in this Compact shall authorize a Member State

1 to impose discipline against a Regulated Social Worker who  
2 holds a Multistate Authorization to Practice for lawful  
3 actions within another Member State.

4 SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT  
5 COMMISSION

6 A. The Compact Member States hereby create and establish a  
7 joint government agency whose membership consists of all  
8 Member States that have enacted the compact known as the  
9 Social Work Licensure Compact Commission. The Commission is an  
10 instrumentality of the Compact States acting jointly and not  
11 an instrumentality of any one State. The Commission shall come  
12 into existence on or after the effective date of the Compact as  
13 set forth in Section 14.

14 B. Membership, Voting, and Meetings

15 1. Each Member State shall have and be limited to one  
16 (1) delegate selected by that Member State's State  
17 Licensing Authority.

18 2. The delegate shall be either:

19 a. A current member of the State Licensing  
20 Authority at the time of appointment, who is a  
21 Regulated Social Worker or public member of the State  
22 Licensing Authority; or

23 b. An administrator of the State Licensing  
24 Authority or their designee.

25 3. The Commission shall by Rule or bylaw establish a

1 term of office for delegates and may by Rule or bylaw  
2 establish term limits.

3 4. The Commission may recommend removal or suspension  
4 any delegate from office.

5 5. A Member State's State Licensing Authority shall  
6 fill any vacancy of its delegate occurring on the  
7 Commission within 60 days of the vacancy.

8 6. Each delegate shall be entitled to one vote on all  
9 matters before the Commission requiring a vote by  
10 Commission delegates.

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

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

20 C. The Commission shall have the following powers:

21 1. Establish the fiscal year of the Commission;

22 2. Establish code of conduct and conflict of interest  
23 policies;

24 3. Establish and amend Rules and bylaws;

25 4. Maintain its financial records in accordance with  
26 the bylaws;



1           5. Meet and take such actions as are consistent with  
2           the provisions of this Compact, the Commission's Rules,  
3           and the bylaws;

4           6. Initiate and conclude legal proceedings or actions  
5           in the name of the Commission, provided that the standing  
6           of any State Licensing Board to sue or be sued under  
7           applicable law shall not be affected;

8           7. Maintain and certify records and information  
9           provided to a Member State as the authenticated business  
10          records of the Commission, and designate an agent to do so  
11          on the Commission's behalf;

12          8. Purchase and maintain insurance and bonds;

13          9. Borrow, accept, or contract for services of  
14          personnel, including, but not limited to, employees of a  
15          Member State;

16          10. Conduct an annual financial review;

17          11. Hire employees, elect or appoint officers, fix  
18          compensation, define duties, grant such individuals  
19          appropriate authority to carry out the purposes of the  
20          Compact, and establish the Commission's personnel policies  
21          and programs relating to conflicts of interest,  
22          qualifications of personnel, and other related personnel  
23          matters;

24          12. Assess and collect fees;

25          13. Accept any and all appropriate gifts, donations,  
26          grants of money, other sources of revenue, equipment,

1 supplies, materials, and services, and receive, utilize,  
2 and dispose of the same; provided that at all times the  
3 Commission shall avoid any appearance of impropriety or  
4 conflict of interest;

5 14. Lease, purchase, retain, own, hold, improve, or  
6 use any property, real, personal, or mixed, or any  
7 undivided interest therein;

8 15. Sell, convey, mortgage, pledge, lease, exchange,  
9 abandon, or otherwise dispose of any property real,  
10 personal, or mixed;

11 16. Establish a budget and make expenditures;

12 17. Borrow money;

13 18. Appoint committees, including standing committees,  
14 composed of members, State regulators, State legislators  
15 or their representatives, and consumer representatives,  
16 and such other interested persons as may be designated in  
17 this Compact and the bylaws;

18 19. Provide and receive information from, and  
19 cooperate with, law enforcement agencies;

20 20. Establish and elect an Executive Committee,  
21 including a chair and a vice chair;

22 21. Determine whether a State's adopted language is  
23 materially different from the model compact language such  
24 that the State would not qualify for participation in the  
25 Compact; and

26 22. Perform such other functions as may be necessary

1 or appropriate to achieve the purposes of this Compact.

2 D. The Executive Committee

3 1. The Executive Committee shall have the power to act  
4 on behalf of the Commission according to the terms of this  
5 Compact. The powers, duties, and responsibilities of the  
6 Executive Committee shall include:

7 a. Oversee the day-to-day activities of the  
8 administration of the compact including enforcement  
9 and compliance with the provisions of the compact, its  
10 Rules and bylaws, and other such duties as deemed  
11 necessary;

12 b. Recommend to the Commission changes to the  
13 Rules or bylaws, changes to this Compact legislation,  
14 fees charged to Compact Member States, fees charged to  
15 Licensees, and other fees;

16 c. Ensure Compact administration services are  
17 appropriately provided, including by contract;

18 d. Prepare and recommend the budget;

19 e. Maintain financial records on behalf of the  
20 Commission;

21 f. Monitor Compact compliance of Member States and  
22 provide compliance reports to the Commission;

23 g. Establish additional committees as necessary;

24 h. Exercise the powers and duties of the  
25 Commission during the interim between Commission  
26 meetings, except for adopting or amending Rules,

1           adopting or amending bylaws, and exercising any other  
2           powers and duties expressly reserved to the Commission  
3           by Rule or bylaw; and

4                 i. Other duties as provided in the Rules or bylaws  
5                 of the Commission.

6           2. The Executive Committee shall be composed of up to  
7           eleven (11) members:

8                 a. The chair and vice chair of the Commission  
9                 shall be voting members of the Executive Committee.

10                b. The Commission shall elect five voting members  
11                from the current membership of the Commission.

12                c. Up to four (4) ex-officio, nonvoting members  
13                from four (4) recognized national Social Work  
14                organizations.

15                d. The ex-officio members will be selected by  
16                their respective organizations.

17           3. The Commission may remove any member of the  
18           Executive Committee as provided in the Commission's  
19           bylaws.

20           4. The Executive Committee shall meet at least  
21           annually.

22                a. Executive Committee meetings shall be open to  
23                the public, except that the Executive Committee may  
24                meet in a closed, non-public meeting as provided in  
25                subsection F.2 below.

26                b. The Executive Committee shall give seven (7)

1 days' notice of its meetings, posted on its website  
2 and as determined to provide notice to persons with an  
3 interest in the business of the Commission.

4 c. The Executive Committee may hold a special  
5 meeting in accordance with subsection F.1.b. below.

6 E. The Commission shall adopt and provide to the Member  
7 States an annual report.

8 F. Meetings of the Commission

9 1. All meetings shall be open to the public, except  
10 that the Commission may meet in a closed, non-public  
11 meeting as provided in subsection F.2 below.

12 a. Public notice for all meetings of the full  
13 Commission of meetings shall be given in the same  
14 manner as required under the Rulemaking provisions in  
15 Section 12, except that the Commission may hold a  
16 special meeting as provided in subsection F.1.b below.

17 b. The Commission may hold a special meeting when  
18 it must meet to conduct emergency business by giving  
19 48 hours' notice to all commissioners, on the  
20 Commission's website, and other means as provided in  
21 the Commission's Rules. The Commission's legal counsel  
22 shall certify that the Commission's need to meet  
23 qualifies as an emergency.

24 2. The Commission or the Executive Committee or other  
25 committees of the Commission may convene in a closed,  
26 non-public meeting for the Commission or Executive

1 Committee or other committees of the Commission to receive  
2 legal advice or to discuss:

3 a. Non-compliance of a Member State with its  
4 obligations under the Compact;

5 b. The employment, compensation, discipline or  
6 other matters, practices or procedures related to  
7 specific employees;

8 c. Current or threatened discipline of a Licensee  
9 by the Commission or by a Member State's Licensing  
10 Authority;

11 d. Current, threatened, or reasonably anticipated  
12 litigation;

13 e. Negotiation of contracts for the purchase,  
14 lease, or sale of goods, services, or real estate;

15 f. Accusing any person of a crime or formally  
16 censuring any person;

17 g. Trade secrets or commercial or financial  
18 information that is privileged or confidential;

19 h. Information of a personal nature where  
20 disclosure would constitute a clearly unwarranted  
21 invasion of personal privacy;

22 i. Investigative records compiled for law  
23 enforcement purposes;

24 j. Information related to any investigative  
25 reports prepared by or on behalf of or for use of the  
26 Commission or other committee charged with

1 responsibility of investigation or determination of  
2 compliance issues pursuant to the Compact;

3 k. Matters specifically exempted from disclosure  
4 by federal or Member State law; or

5 1. Other matters as promulgated by the Commission  
6 by Rule.

7 3. If a meeting, or portion of a meeting, is closed,  
8 the presiding officer shall state that the meeting will be  
9 closed and reference each relevant exempting provision,  
10 and such reference shall be recorded in the minutes.

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

21 G. Financing of the Commission

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

25 2. The Commission may accept any and all appropriate  
26 revenue sources as provided in subsection C(13).

1           3. The Commission may levy on and collect an annual  
2           assessment from each Member State and impose fees on  
3           Licensees of Member States to whom it grants a Multistate  
4           License to cover the cost of the operations and activities  
5           of the Commission and its staff, which must be in a total  
6           amount sufficient to cover its annual budget as approved  
7           each year for which revenue is not provided by other  
8           sources. The aggregate annual assessment amount for Member  
9           States shall be allocated based upon a formula that the  
10          Commission shall promulgate by Rule.

11          4. The Commission shall not incur obligations of any  
12          kind prior to securing the funds adequate to meet the  
13          same; nor shall the Commission pledge the credit of any of  
14          the Member States, except by and with the authority of the  
15          Member State.

16          5. The Commission shall keep accurate accounts of all  
17          receipts and disbursements. The receipts and disbursements  
18          of the Commission shall be subject to the financial review  
19          and accounting procedures established under its bylaws.  
20          However, all receipts and disbursements of funds handled  
21          by the Commission shall be subject to an annual financial  
22          review by a certified or licensed public accountant, and  
23          the report of the financial review shall be included in  
24          and become part of the annual report of the Commission.

25          H. Qualified Immunity, Defense, and Indemnification

26          1. The members, officers, executive director,



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

17 2. The Commission shall defend any member, officer,  
18 executive director, employee, and representative of the  
19 Commission in any civil action seeking to impose liability  
20 arising out of any actual or alleged act, error, or  
21 omission that occurred within the scope of Commission  
22 employment, duties, or responsibilities, or as determined  
23 by the Commission that the person against whom the claim  
24 is made had a reasonable basis for believing occurred  
25 within the scope of Commission employment, duties, or  
26 responsibilities; provided that nothing herein shall be

1 construed to prohibit that person from retaining their own  
2 counsel at their own expense; and provided further, that  
3 the actual or alleged act, error, or omission did not  
4 result from that person's intentional or willful or wanton  
5 misconduct.

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

18 4. Nothing herein shall be construed as a limitation  
19 on the liability of any Licensee for professional  
20 malpractice or misconduct, which shall be governed solely  
21 by any other applicable State laws.

22 5. Nothing in this Compact shall be interpreted to  
23 waive or otherwise abrogate a Member State's state action  
24 immunity or state action affirmative defense with respect  
25 to antitrust claims under the Sherman Act, Clayton Act, or  
26 any other State or federal antitrust or anticompetitive

1 law or regulation.

2 6. Nothing in this Compact shall be construed to be a  
3 waiver of sovereign immunity by the Member States or by  
4 the Commission.

5 SECTION 11. DATA SYSTEM

6 A. The Commission shall provide for the development,  
7 maintenance, operation, and utilization of a coordinated Data  
8 System.

9 B. The Commission shall assign each applicant for a  
10 Multistate License a unique identifier, as determined by the  
11 Rules of the Commission.

12 C. Notwithstanding any other provision of State law to the  
13 contrary, a Member State shall submit a uniform data set to the  
14 Data System on all individuals to whom this Compact is  
15 applicable as required by the Rules of the Commission,  
16 including:

17 1. Identifying information;

18 2. Licensure data;

19 3. Adverse Actions against a license and information  
20 related thereto;

21 4. Non-confidential information related to Alternative  
22 Program participation, the beginning and ending dates of  
23 such participation, and other information related to such  
24 participation not made confidential under Member State  
25 law;

1           5. Any denial of application for licensure, and the  
2           reason(s) for such denial;

3           6. The presence of Current Significant Investigative  
4           Information; and

5           7. Other information that may facilitate the  
6           administration of this Compact or the protection of the  
7           public, as determined by the Rules of the Commission.

8           D. The records and information provided to a Member State  
9           pursuant to this Compact or through the Data System, when  
10          certified by the Commission or an agent thereof, shall  
11          constitute the authenticated business records of the  
12          Commission, and shall be entitled to any associated hearsay  
13          exception in any relevant judicial, quasi-judicial or  
14          administrative proceedings in a Member State.

15          E. Current Significant Investigative Information  
16          pertaining to a Licensee in any Member State will only be  
17          available to other Member States.

18                 1. It is the responsibility of the Member States to  
19                 report any Adverse Action against a Licensee and to  
20                 monitor the database to determine whether Adverse Action  
21                 has been taken against a Licensee. Adverse Action  
22                 information pertaining to a Licensee in any Member State  
23                 will be available to any other Member State.

24          F. Member States contributing information to the Data  
25          System may designate information that may not be shared with  
26          the public without the express permission of the contributing

1 State.

2 G. Any information submitted to the Data System that is  
3 subsequently expunged pursuant to federal law or the laws of  
4 the Member State contributing the information shall be removed  
5 from the Data System.

6 SECTION 12. RULEMAKING

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

16 B. The Rules of the Commission shall have the force of law  
17 in each Member State, provided however that where the Rules of  
18 the Commission conflict with the laws of the Member State that  
19 establish the Member State's laws, regulations, and applicable  
20 standards that govern the practice of Social Work as held by a  
21 court of competent jurisdiction, the Rules of the Commission  
22 shall be ineffective in that State to the extent of the  
23 conflict.

24 C. The Commission shall exercise its Rulemaking powers  
25 pursuant to the criteria set forth in this Section and the

1 Rules adopted thereunder. Rules shall become binding on the  
2 day following adoption or the date specified in the rule or  
3 amendment, whichever is later.

4 D. If a majority of the legislatures of the Member States  
5 rejects a Rule or portion of a Rule, by enactment of a statute  
6 or resolution in the same manner used to adopt the Compact  
7 within four (4) years of the date of adoption of the Rule, then  
8 such Rule shall have no further force and effect in any Member  
9 State.

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

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

15 G. Prior to adoption of a proposed Rule by the Commission,  
16 and at least thirty (30) days in advance of the meeting at  
17 which the Commission will hold a public hearing on the  
18 proposed Rule, the Commission shall provide a Notice of  
19 Proposed Rulemaking:

20 1. On the website of the Commission or other  
21 publicly accessible platform;

22 2. To persons who have requested notice of the  
23 Commission's notices of proposed rulemaking, and

24 3. In such other way(s) as the Commission may by  
25 Rule specify.

26 H. The Notice of Proposed Rulemaking shall include:

1           1. The time, date, and location of the public hearing  
2           at which the Commission will hear public comments on the  
3           proposed Rule and, if different, the time, date, and  
4           location of the meeting where the Commission will consider  
5           and vote on the proposed Rule;

6           2. If the hearing is held via telecommunication, video  
7           conference, or other electronic means, the Commission  
8           shall include the mechanism for access to the hearing in  
9           the Notice of Proposed Rulemaking;

10          3. The text of the proposed Rule and the reason  
11          therefor;

12          4. A request for comments on the proposed Rule from  
13          any interested person; and

14          5. The manner in which interested persons may submit  
15          written comments.

16          I. All hearings will be recorded. A copy of the recording  
17          and all written comments and documents received by the  
18          Commission in response to the proposed Rule shall be available  
19          to the public.

20          J. Nothing in this section shall be construed as requiring  
21          a separate hearing on each Rule. Rules may be grouped for the  
22          convenience of the Commission at hearings required by this  
23          section.

24          K. The Commission shall, by majority vote of all members,  
25          take final action on the proposed Rule based on the Rulemaking  
26          record and the full text of the Rule.

1           1. The Commission may adopt changes to the proposed  
2 Rule provided the changes do not enlarge the original  
3 purpose of the proposed Rule.

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

8           3. The Commission shall determine a reasonable  
9 effective date for the Rule. Except for an emergency as  
10 provided in Section 12.L, the effective date of the rule  
11 shall be no sooner than 30 days after issuing the notice  
12 that it adopted or amended the Rule.

13           L. Upon determination that an emergency exists, the  
14 Commission may consider and adopt an emergency Rule with 48  
15 hours' notice, with opportunity to comment, provided that the  
16 usual Rulemaking procedures provided in the Compact and in  
17 this section shall be retroactively applied to the Rule as  
18 soon as reasonably possible, in no event later than ninety  
19 (90) days after the effective date of the Rule. For the  
20 purposes of this provision, an emergency Rule is one that must  
21 be adopted immediately in order to:

22           1. Meet an imminent threat to public health, safety,  
23 or welfare;

24           2. Prevent a loss of Commission or Member State funds;

25           3. Meet a deadline for the promulgation of a Rule that  
26 is established by federal law or rule; or



1           4. Protect public health and safety.

2           M. The Commission or an authorized committee of the  
3 Commission may direct revisions to a previously adopted Rule  
4 for purposes of correcting typographical errors, errors in  
5 format, errors in consistency, or grammatical errors. Public  
6 notice of any revisions shall be posted on the website of the  
7 Commission. The revision shall be subject to challenge by any  
8 person for a period of thirty (30) days after posting. The  
9 revision may be challenged only on grounds that the revision  
10 results in a material change to a Rule. A challenge shall be  
11 made in writing and delivered to the Commission prior to the  
12 end of the notice period. If no challenge is made, the revision  
13 will take effect without further action. If the revision is  
14 challenged, the revision may not take effect without the  
15 approval of the Commission.

16           N. No Member State's rulemaking requirements shall apply  
17 under this compact.

18           SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

19           A. Oversight

20           1. The executive and judicial branches of State  
21 government in each Member State shall enforce this Compact  
22 and take all actions necessary and appropriate to  
23 implement the Compact.

24           2. Except as otherwise provided in this Compact, venue  
25 is proper and judicial proceedings by or against the

1 Commission shall be brought solely and exclusively in a  
2 court of competent jurisdiction where the principal office  
3 of the Commission is located. The Commission may waive  
4 venue and jurisdictional defenses to the extent it adopts  
5 or consents to participate in alternative dispute  
6 resolution proceedings. Nothing herein shall affect or  
7 limit the selection or propriety of venue in any action  
8 against a Licensee for professional malpractice,  
9 misconduct or any such similar matter.

10 3. The Commission shall be entitled to receive service  
11 of process in any proceeding regarding the enforcement or  
12 interpretation of the Compact and shall have standing to  
13 intervene in such a proceeding for all purposes. Failure  
14 to provide the Commission service of process shall render  
15 a judgment or order void as to the Commission, this  
16 Compact, or promulgated Rules.

17 B. Default, Technical Assistance, and Termination

18 1. If the Commission determines that a Member State  
19 has defaulted in the performance of its obligations or  
20 responsibilities under this Compact or the promulgated  
21 Rules, the Commission shall provide written notice to the  
22 defaulting State. The notice of default shall describe the  
23 default, the proposed means of curing the default, and any  
24 other action that the Commission may take, and shall offer  
25 training and specific technical assistance regarding the  
26 default.

1           2. The Commission shall provide a copy of the notice  
2           of default to the other Member States.

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

11          D. Termination of membership in the Compact shall be  
12          imposed only after all other means of securing compliance have  
13          been exhausted. Notice of intent to suspend or terminate shall  
14          be given by the Commission to the governor, the majority and  
15          minority leaders of the defaulting State's legislature, the  
16          defaulting State's State Licensing Authority and each of the  
17          Member States' State Licensing Authority.

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

22          F. Upon the termination of a State's membership from this  
23          Compact, that State shall immediately provide notice to all  
24          Licensees within that State of such termination. The  
25          terminated State shall continue to recognize all licenses  
26          granted pursuant to this Compact for a minimum of six (6)

1 months after the date of said notice of termination.

2 G. The Commission shall not bear any costs related to a  
3 State that is found to be in default or that has been  
4 terminated from the Compact, unless agreed upon in writing  
5 between the Commission and the defaulting State.

6 H. The defaulting State may appeal the action of the  
7 Commission by petitioning the

8 U.S. District Court for the District of Columbia or the  
9 federal district where the Commission has its principal  
10 offices. The prevailing party shall be awarded all costs of  
11 such litigation, including reasonable attorney's fees.

12 I. Dispute Resolution

13 1. Upon request by a Member State, the Commission  
14 shall attempt to resolve disputes related to the Compact  
15 that arise among Member States and between Member and  
16 non-Member States.

17 2. The Commission shall promulgate a Rule providing  
18 for both mediation and binding dispute resolution for  
19 disputes as appropriate.

20 J. Enforcement

21 1. By majority vote as provided by Rule, the  
22 Commission may initiate legal action against a Member  
23 State in default in the United States District Court for  
24 the District of Columbia or the federal district where the  
25 Commission has its principal offices to enforce compliance  
26 with the provisions of the Compact and its promulgated

1 Rules. The relief sought may include both injunctive  
2 relief and damages. In the event judicial enforcement is  
3 necessary, the prevailing party shall be awarded all costs  
4 of such litigation, including reasonable attorney's fees.  
5 The remedies herein shall not be the exclusive remedies of  
6 the Commission. The Commission may pursue any other  
7 remedies available under federal or the defaulting Member  
8 State's law.

9 2. A Member State may initiate legal action against  
10 the Commission in the U.S. District Court for the District  
11 of Columbia or the federal district where the Commission  
12 has its principal offices to enforce compliance with the  
13 provisions of the Compact and its promulgated Rules. The  
14 relief sought may include both injunctive relief and  
15 damages. In the event judicial enforcement is necessary,  
16 the prevailing party shall be awarded all costs of such  
17 litigation, including reasonable attorney's fees.

18 3. No person other than a Member State shall enforce  
19 this compact against the Commission.

#### 20 SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

21 A. The Compact shall come into effect on the date on which  
22 the Compact statute is enacted into law in the seventh Member  
23 State.

24 1. On or after the effective date of the Compact, the  
25 Commission shall convene and review the enactment of each

1 of the first seven Member States ("Charter Member States")  
2 to determine if the statute enacted by each such Charter  
3 Member State is materially different than the model  
4 Compact statute.

5 a. A Charter Member State whose enactment is found  
6 to be materially different from the model Compact  
7 statute shall be entitled to the default process set  
8 forth in Section 13.

9 b. If any Member State is later found to be in  
10 default, or is terminated or withdraws from the  
11 Compact, the Commission shall remain in existence and  
12 the Compact shall remain in effect even if the number  
13 of Member States should be less than seven.

14 2. Member States enacting the Compact subsequent to  
15 the seven initial Charter Member States shall be subject  
16 to the process set forth in Section 10(C)(21) to determine  
17 if their enactments are materially different from the  
18 model Compact statute and whether they qualify for  
19 participation in the Compact.

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

26 4. Any State that joins the Compact subsequent to the

1 Commission's initial adoption of the Rules and bylaws  
2 shall be subject to the Rules and bylaws as they exist on  
3 the date on which the Compact becomes law in that State.  
4 Any Rule that has been previously adopted by the  
5 Commission shall have the full force and effect of law on  
6 the day the Compact becomes law in that State.

7 B. Any Member State may withdraw from this Compact by  
8 enacting a statute repealing the same.

9 1. A Member State's withdrawal shall not take effect  
10 until 180 days after enactment of the repealing statute.

11 2. Withdrawal shall not affect the continuing  
12 requirement of the withdrawing State's Licensing Authority  
13 to comply with the investigative and Adverse Action  
14 reporting requirements of this Compact prior to the  
15 effective date of withdrawal.

16 3. Upon the enactment of a statute withdrawing from  
17 this compact, a State shall immediately provide notice of  
18 such withdrawal to all Licensees within that State.  
19 Notwithstanding any subsequent statutory enactment to the  
20 contrary, such withdrawing State shall continue to  
21 recognize all licenses granted pursuant to this compact  
22 for a minimum of 180 days after the date of such notice of  
23 withdrawal.

24 C. Nothing contained in this Compact shall be construed to  
25 invalidate or prevent any licensure agreement or other  
26 cooperative arrangement between a Member State and a

1 non-Member State that does not conflict with the provisions of  
2 this Compact.

3 D. This Compact may be amended by the Member States. No  
4 amendment to this Compact shall become effective and binding  
5 upon any Member State until it is enacted into the laws of all  
6 Member States.

7 SECTION 15. CONSTRUCTION AND SEVERABILITY

8 A. This Compact and the Commission's rulemaking authority  
9 shall be liberally construed so as to effectuate the purposes,  
10 and the implementation and administration of the Compact.  
11 Provisions of the Compact expressly authorizing or requiring  
12 the promulgation of Rules shall not be construed to limit the  
13 Commission's rulemaking authority solely for those purposes.

14 B. The provisions of this Compact shall be severable and  
15 if any phrase, clause, sentence or provision of this Compact  
16 is held by a court of competent jurisdiction to be contrary to  
17 the constitution of any Member State, a State seeking  
18 participation in the Compact, or of the United States, or the  
19 applicability thereof to any government, agency, person or  
20 circumstance is held to be unconstitutional by a court of  
21 competent jurisdiction, the validity of the remainder of this  
22 Compact and the applicability thereof to any other government,  
23 agency, person or circumstance shall not be affected thereby.

24 C. Notwithstanding subsection B of this section, the  
25 Commission may deny a State's participation in the Compact or,



1 in accordance with the requirements of Section 13.B, terminate  
2 a Member State's participation in the Compact, if it  
3 determines that a constitutional requirement of a Member State  
4 is a material departure from the Compact. Otherwise, if this  
5 Compact shall be held to be contrary to the constitution of any  
6 Member State, the Compact shall remain in full force and  
7 effect as to the remaining Member States and in full force and  
8 effect as to the Member State affected as to all severable  
9 matters.

10 SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER  
11 STATE LAWS

12 A. A Licensee providing services in a Remote State under a  
13 Multistate Authorization to Practice shall adhere to the laws  
14 and regulations, including laws, regulations, and applicable  
15 standards, of the Remote State where the client is located at  
16 the time care is rendered.

17 B. Nothing herein shall prevent or inhibit the enforcement  
18 of any other law of a Member State that is not inconsistent  
19 with the Compact.

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

23 D. All permissible agreements between the Commission and  
24 the Member States are binding in accordance with their terms.