

Senate Engrossed
social work compact

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1036

AN ACT

AMENDING TITLE 32, CHAPTER 33, ARIZONA REVISED STATUTES, BY ADDING ARTICLE
5.1; RELATING TO SOCIAL WORKERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 33, Arizona Revised Statutes, is
3 amended by adding article 5.1, to read:

4 ARTICLE 5.1. SOCIAL WORK LICENSURE COMPACT

5 32-3295. Social work licensure compact

6 SECTION 1. PURPOSE

7 A. THE PURPOSE OF THIS COMPACT IS TO FACILITATE INTERSTATE PRACTICE
8 OF REGULATED SOCIAL WORKERS BY IMPROVING PUBLIC ACCESS TO COMPETENT SOCIAL
9 WORK SERVICES. THE COMPACT PRESERVES THE REGULATORY AUTHORITY OF STATES
10 TO PROTECT PUBLIC HEALTH AND SAFETY THROUGH THE CURRENT SYSTEM OF STATE
11 LICENSURE.

12 B. THIS COMPACT IS DESIGNED TO ACHIEVE THE FOLLOWING OBJECTIVES:

13 1. INCREASE PUBLIC ACCESS TO SOCIAL WORK SERVICES.

14 2. REDUCE OVERLY BURDENSOME AND DUPLICATIVE REQUIREMENTS ASSOCIATED
15 WITH HOLDING MULTIPLE LICENSES.

16 3. ENHANCE THE MEMBER STATES' ABILITY TO PROTECT THE PUBLIC'S
17 HEALTH AND SAFETY.

18 4. ENCOURAGE THE COOPERATION OF MEMBER STATES IN REGULATING
19 MULTISTATE PRACTICE.

20 5. PROMOTE MOBILITY AND ADDRESS WORKFORCE SHORTAGES BY ELIMINATING
21 THE NECESSITY FOR LICENSES IN MULTIPLE STATES BY PROVIDING FOR THE MUTUAL
22 RECOGNITION OF OTHER MEMBER STATE LICENSES.

23 6. SUPPORT MILITARY FAMILIES.

24 7. FACILITATE THE EXCHANGE OF LICENSURE AND DISCIPLINARY
25 INFORMATION AMONG MEMBER STATES.

26 8. AUTHORIZE ALL MEMBER STATES TO HOLD A REGULATED SOCIAL WORKER
27 ACCOUNTABLE FOR ABIDING BY A MEMBER STATE'S LAWS, REGULATIONS AND
28 APPLICABLE PROFESSIONAL STANDARDS IN THE MEMBER STATE IN WHICH THE CLIENT
29 IS LOCATED AT THE TIME CARE IS RENDERED.

30 9. ALLOW FOR THE USE OF TELEHEALTH TO FACILITATE INCREASED ACCESS
31 TO REGULATED SOCIAL WORK SERVICES.

32 SECTION 2. DEFINITIONS

33 IN THIS COMPACT, UNLESS THE CONTEXT OTHERWISE REQUIRES:

34 1. "ACTIVE MILITARY MEMBER" MEANS ANY INDIVIDUAL WITH FULL-TIME
35 DUTY STATUS IN THE ACTIVE ARMED FORCES OF THE UNITED STATES, INCLUDING
36 MEMBERS OF THE NATIONAL GUARD AND RESERVE.

37 2. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL, EQUITABLE OR
38 CRIMINAL ACTION ALLOWED BY A STATE'S LAWS THAT IS IMPOSED BY A LICENSING
39 AUTHORITY OR OTHER AUTHORITY AGAINST A REGULATED SOCIAL WORKER, INCLUDING
40 ACTIONS AGAINST AN INDIVIDUAL'S LICENSE OR MULTISTATE AUTHORIZATION TO
41 PRACTICE, SUCH AS REVOCATION, SUSPENSION, PROBATION, MONITORING OF THE
42 LICENSEE, LIMITATION ON THE LICENSEE'S PRACTICE OR ANY OTHER ENCUMBRANCE
43 ON LICENSURE AFFECTING A REGULATED SOCIAL WORKER'S AUTHORIZATION TO
44 PRACTICE, INCLUDING ISSUANCE OF A CEASE AND DESIST ACTION.

1 3. "ALTERNATIVE PROGRAM" MEANS A NONDISCIPLINARY MONITORING OR
2 PRACTICE REMEDIATION PROCESS APPROVED BY A LICENSING AUTHORITY TO ADDRESS
3 PRACTITIONERS WITH AN IMPAIRMENT.

4 4. "CHARTER MEMBER STATES" MEANS MEMBER STATES THAT HAVE ENACTED
5 LEGISLATION TO ADOPT THIS COMPACT IF THE LEGISLATION PREDATES THE
6 EFFECTIVE DATE OF THIS COMPACT AS DESCRIBED IN SECTION 14 OF THIS COMPACT.

7 5. "COMPACT COMMISSION" OR "COMMISSION" MEANS THE GOVERNMENT AGENCY
8 WHOSE MEMBERSHIP CONSISTS OF ALL STATES THAT HAVE ENACTED THIS COMPACT,
9 THAT IS KNOWN AS THE SOCIAL WORK LICENSURE COMPACT COMMISSION AS DESCRIBED
10 IN SECTION 10 OF THIS COMPACT AND THAT OPERATES AS AN INSTRUMENTALITY OF
11 THE MEMBER STATES.

12 6. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS EITHER:

13 (a) INVESTIGATIVE INFORMATION THAT A LICENSING AUTHORITY, AFTER A
14 PRELIMINARY INQUIRY THAT INCLUDES NOTIFICATION AND AN OPPORTUNITY FOR THE
15 REGULATED SOCIAL WORKER TO RESPOND, HAS REASON TO BELIEVE IS NOT
16 GROUNDLESS AND, IF PROVED TRUE, WOULD INDICATE MORE THAN A MINOR
17 INFRACTION AS MAY BE DEFINED BY THE COMMISSION.

18 (b) INVESTIGATIVE INFORMATION THAT INDICATES THAT THE REGULATED
19 SOCIAL WORKER REPRESENTS AN IMMEDIATE THREAT TO PUBLIC HEALTH AND SAFETY,
20 AS DEFINED BY THE COMMISSION, REGARDLESS OF WHETHER THE REGULATED SOCIAL
21 WORKER HAS BEEN NOTIFIED AND HAS HAD AN OPPORTUNITY TO RESPOND.

22 7. "DATA SYSTEM" MEANS A REPOSITORY OF INFORMATION ABOUT LICENSEES,
23 INCLUDING CONTINUING EDUCATION, EXAMINATION, LICENSURE, CURRENT
24 SIGNIFICANT INVESTIGATIVE INFORMATION, DISQUALIFYING EVENTS, MULTISTATE
25 LICENSES AND ADVERSE ACTION INFORMATION OR OTHER INFORMATION AS REQUIRED
26 BY THE COMMISSION.

27 8. "DOMICILE" MEANS THE JURISDICTION IN WHICH THE LICENSEE RESIDES
28 AND INTENDS TO REMAIN INDEFINITELY.

29 9. "DISQUALIFYING EVENT" MEANS ANY ADVERSE ACTION OR INCIDENT THAT
30 RESULTS IN AN ENCUMBRANCE THAT DISQUALIFIES OR MAKES THE LICENSEE
31 INELIGIBLE TO EITHER OBTAIN, RETAIN OR RENEW A MULTISTATE LICENSE.

32 10. "ENCUMBRANCE" MEANS A REVOCATION OR SUSPENSION OF, OR ANY
33 LIMITATION ON, THE FULL AND UNRESTRICTED PRACTICE OF SOCIAL WORK LICENSED
34 AND REGULATED BY A LICENSING AUTHORITY.

35 11. "EXECUTIVE COMMITTEE" MEANS A GROUP OF DELEGATES ELECTED OR
36 APPOINTED TO ACT ON BEHALF OF, AND WITHIN THE POWERS GRANTED TO THEM BY,
37 THE COMPACT AND COMMISSION.

38 12. "HOME STATE" MEANS THE MEMBER STATE THAT IS THE LICENSEE'S
39 PRIMARY DOMICILE.

40 13. "IMPAIRMENT":

41 (a) MEANS A CONDITIONS OR CONDITIONS THAT MAY IMPAIR A
42 PRACTITIONER'S ABILITY TO ENGAGE IN FULL AND UNRESTRICTED PRACTICE AS A
43 REGULATED SOCIAL WORKER WITHOUT SOME TYPE OF INTERVENTION.

44 (b) MAY INCLUDE ALCOHOL AND DRUG DEPENDENCE, MENTAL HEALTH
45 IMPAIRMENT AND NEUROLOGICAL OR PHYSICAL IMPAIRMENTS.

- 1 14. "LICENSEES" MEANS AN INDIVIDUAL WHO CURRENTLY HOLDS A LICENSE
2 FROM A STATE TO PRACTICE AS A REGULATED SOCIAL WORKER.
- 3 15. "LICENSING AUTHORITY" MEANS THE BOARD OR AGENCY OF A MEMBER
4 STATE, OR EQUIVALENT, THAT IS RESPONSIBLE FOR LICENSING AND REGULATING
5 REGULATED SOCIAL WORKERS.
- 6 16. "MEMBER STATE" MEANS A STATE, COMMONWEALTH, DISTRICT OR
7 TERRITORY OF THE UNITED STATES OF AMERICA THAT HAS ENACTED THIS COMPACT.
- 8 17. "MULTISTATE AUTHORIZATION TO PRACTICE" MEANS A LEGALLY
9 AUTHORIZED PRIVILEGE TO PRACTICE THAT IS EQUIVALENT TO A LICENSE AND THAT
10 IS ASSOCIATED WITH A MULTISTATE LICENSE PERMITTING THE PRACTICE OF SOCIAL
11 WORK IN A REMOTE STATE.
- 12 18. "MULTISTATE LICENSE" MEANS A LICENSE TO PRACTICE AS A REGULATED
13 SOCIAL WORKER ISSUED BY A HOME STATE LICENSING AUTHORITY THAT AUTHORIZES
14 THE REGULATED SOCIAL WORKER TO PRACTICE IN ALL MEMBER STATES UNDER
15 MULTISTATE AUTHORIZATION TO PRACTICE.
- 16 19. "QUALIFYING NATIONAL EXAM" MEANS A NATIONAL LICENSING
17 EXAMINATION APPROVED BY THE COMMISSION.
- 18 20. "REGULATED SOCIAL WORKER" MEANS ANY CLINICAL, MASTER'S OR
19 BACHELOR'S SOCIAL WORKER WHO IS LICENSED BY A MEMBER STATE REGARDLESS OF
20 THE TITLE USED BY THAT MEMBER STATE.
- 21 21. "REMOTE STATE" MEANS A MEMBER STATE OTHER THAN THE LICENSEE'S
22 HOME STATE.
- 23 22. "RULE" OR "RULE OF THE COMMISSION" MEANS A REGULATION DULY
24 PROMULGATED BY THE COMMISSION, AS AUTHORIZED BY THE COMPACT, THAT HAS THE
25 FORCE OF LAW.
- 26 23. "SINGLE STATE LICENSE":
- 27 (a) MEANS A SOCIAL WORK LICENSE ISSUED BY ANY STATE THAT AUTHORIZES
28 PRACTICE ONLY WITHIN THE ISSUING STATE.
- 29 (b) DOES NOT INCLUDE MULTISTATE AUTHORIZATION TO PRACTICE IN ANY
30 MEMBER STATE.
- 31 24. "SOCIAL WORK" OR "SOCIAL WORK SERVICES" MEANS THE APPLICATION
32 OF SOCIAL WORK THEORY, KNOWLEDGE, METHODS, ETHICS AND THE PROFESSIONAL USE
33 OF SELF TO RESTORE OR ENHANCE SOCIAL, PSYCHOSOCIAL OR BIOPSYCHOSOCIAL
34 FUNCTIONING OF INDIVIDUALS, COUPLES, FAMILIES, GROUPS, ORGANIZATIONS AND
35 COMMUNITIES THROUGH THE CARE AND SERVICES PROVIDED BY A REGULATED SOCIAL
36 WORKER AS SET FORTH IN THE MEMBER STATE'S STATUTES AND REGULATIONS IN THE
37 STATE WHERE THE SERVICES ARE BEING PROVIDED.
- 38 25. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT OR TERRITORY OF
39 THE UNITED STATES OF AMERICA THAT REGULATES THE PRACTICE OF SOCIAL WORK.
- 40 26. "UNENCUMBERED LICENSE" MEANS A LICENSE THAT AUTHORIZES A
41 REGULATED SOCIAL WORKER TO ENGAGE IN THE FULL AND UNRESTRICTED PRACTICE OF
42 SOCIAL WORK.

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SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

1. LICENSE AND REGULATE THE PRACTICE OF SOCIAL WORK AT EITHER THE CLINICAL, MASTER'S OR BACHELOR'S CATEGORY.

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

(a) IS OPERATED BY A COLLEGE OR UNIVERSITY RECOGNIZED BY THE LICENSING AUTHORITY.

(b) IS ACCREDITED, OR IN CANDIDACY BY AN INSTITUTION THAT SUBSEQUENTLY BECOMES ACCREDITED, BY AN ACCREDITING AGENCY RECOGNIZED BY EITHER:

(i) THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION, OR ITS SUCCESSOR.

(ii) THE UNITED STATES DEPARTMENT OF EDUCATION; AND

(c) CORRESPONDS TO THE LICENSURE SOUGHT AS OUTLINED IN SECTION 4 OF THIS COMPACT.

3. REQUIRE APPLICANTS FOR CLINICAL LICENSURE TO COMPLETE A PERIOD OF SUPERVISED PRACTICE.

4. HAVE A MECHANISM IN PLACE FOR RECEIVING, INVESTIGATING AND ADJUDICATING COMPLAINTS ABOUT LICENSEES.

B. TO MAINTAIN MEMBERSHIP IN THE COMPACT, A MEMBER STATE SHALL DO ALL OF THE FOLLOWING:

1. REQUIRE THAT APPLICANTS FOR A MULTISTATE LICENSE PASS A QUALIFYING NATIONAL EXAM FOR THE CORRESPONDING CATEGORY OF MULTISTATE LICENSE SOUGHT AS OUTLINED IN SECTION 4 OF THIS COMPACT.

2. PARTICIPATE FULLY IN THE COMMISSION'S DATA SYSTEM, INCLUDING USING THE COMMISSION'S UNIQUE IDENTIFIER AS DEFINED IN RULES.

3. NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS OF THE COMPACT AND RULES, OF ANY ADVERSE ACTION OR THE AVAILABILITY OF CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION REGARDING A LICENSEE.

4. IMPLEMENT PROCEDURES FOR CONSIDERING THE CRIMINAL HISTORY RECORDS OF APPLICANTS FOR A MULTISTATE LICENSE. SUCH PROCEDURES SHALL INCLUDE THE SUBMISSION OF FINGERPRINTS OR OTHER BIOMETRIC-BASED INFORMATION BY APPLICANTS FOR THE PURPOSE OF OBTAINING AN APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU OF INVESTIGATION AND THE AGENCY RESPONSIBLE FOR RETAINING THAT STATE'S CRIMINAL RECORDS.

5. COMPLY WITH THE RULES OF THE COMMISSION.

6. REQUIRE AN APPLICANT TO OBTAIN OR RETAIN A LICENSE IN THE HOME STATE AND MEET THE HOME STATE'S QUALIFICATIONS FOR LICENSURE OR RENEWAL OF LICENSURE, AS WELL AS ALL OTHER APPLICABLE HOME STATE LAWS.

7. AUTHORIZE A LICENSEE HOLDING A MULTISTATE LICENSE IN ANY MEMBER STATE TO PRACTICE IN ACCORDANCE WITH THE TERMS OF THE COMPACT AND RULES OF THE COMMISSION.

1 8. DESIGNATE A DELEGATE TO PARTICIPATE IN THE COMMISSION MEETINGS.
2 C. A MEMBER STATE THAT MEETS THE REQUIREMENTS OF SUBSECTIONS A AND
3 B OF THIS SECTION SHALL DESIGNATE THE CATEGORIES OF SOCIAL WORK LICENSURE
4 THAT ARE ELIGIBLE FOR ISSUANCE OF A MULTISTATE LICENSE FOR APPLICANTS IN
5 SUCH MEMBER STATE. TO THE EXTENT THAT ANY MEMBER STATE DOES NOT MEET THE
6 REQUIREMENTS FOR PARTICIPATION IN THE COMPACT AT ANY PARTICULAR CATEGORY
7 OF SOCIAL WORK LICENSURE, SUCH MEMBER STATE MAY CHOOSE, BUT IS NOT
8 OBLIGATED, TO ISSUE A MULTISTATE LICENSE TO APPLICANTS WHO OTHERWISE MEET
9 THE REQUIREMENTS OF SECTION 4 OF THIS COMPACT FOR ISSUANCE OF A MULTISTATE
10 LICENSE IN SUCH CATEGORY OR CATEGORIES OF LICENSURE.
11 D. THE HOME STATE MAY CHARGE A FEE FOR GRANTING THE MULTISTATE
12 LICENSE.

13 SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT
14 A. TO BE ELIGIBLE FOR A MULTISTATE LICENSE UNDER THE TERMS AND
15 PROVISIONS OF THIS COMPACT, AN APPLICANT, REGARDLESS OF CATEGORY MUST:
16 1. HOLD OR BE ELIGIBLE FOR AN ACTIVE, UNENCUMBERED LICENSE IN THE
17 HOME STATE.
18 2. PAY ANY APPLICABLE FEES, INCLUDING ANY STATE FEE, FOR THE
19 MULTISTATE LICENSE.
20 3. SUBMIT, IN CONNECTION WITH AN APPLICATION FOR A MULTISTATE
21 LICENSE, FINGERPRINTS OR OTHER BIOMETRIC DATA FOR THE PURPOSE OF OBTAINING
22 CRIMINAL HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU OF
23 INVESTIGATION AND THE AGENCY RESPONSIBLE FOR RETAINING THAT STATE'S
24 CRIMINAL RECORDS.
25 4. NOTIFY THE HOME STATE OF ANY ADVERSE ACTION, ENCUMBRANCE OR
26 RESTRICTION ON ANY PROFESSIONAL LICENSE TAKEN BY ANY MEMBER STATE OR
27 NONMEMBER STATE WITHIN THIRTY DAYS AFTER THE DATE THE ACTION IS TAKEN.
28 5. MEET ANY CONTINUING COMPETENCE REQUIREMENTS ESTABLISHED BY THE
29 HOME STATE.
30 6. ABIDE BY THE LAWS, REGULATIONS AND APPLICABLE STANDARDS IN THE
31 MEMBER STATE WHERE THE CLIENT IS LOCATED AT THE TIME CARE IS RENDERED.
32 B. AN APPLICANT FOR A CLINICAL-CATEGORY MULTISTATE LICENSE MUST
33 MEET ALL OF THE FOLLOWING REQUIREMENTS:
34 1. FULFILL A COMPETENCY REQUIREMENT, WHICH SHALL BE SATISFIED BY
35 EITHER:
36 (a) PASSAGE OF A CLINICAL-CATEGORY QUALIFYING NATIONAL EXAM.
37 (b) LICENSURE OF THE APPLICANT IN THE APPLICANT'S HOME STATE AT THE
38 CLINICAL CATEGORY, BEGINNING PRIOR TO SUCH TIME AS A QUALIFYING NATIONAL
39 EXAM WAS REQUIRED BY THE HOME STATE AND ACCOMPANIED BY A PERIOD OF
40 CONTINUOUS SOCIAL WORK LICENSURE THEREAFTER, ALL OF WHICH MAY BE FURTHER
41 GOVERNED BY THE RULES OF THE COMMISSION.
42 (c) THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING COMPETENCY
43 REQUIREMENTS, WHICH THE COMMISSION MAY DETERMINE BY RULE.

1 2. ATTAIN AT LEAST A MASTER'S DEGREE IN SOCIAL WORK FROM A PROGRAM
2 THAT IS BOTH:

3 (a) OPERATED BY A COLLEGE OR UNIVERSITY RECOGNIZED BY THE LICENSING
4 AUTHORITY.

5 (b) ACCREDITED, OR IN CANDIDACY THAT SUBSEQUENTLY BECOMES
6 ACCREDITED, BY AN ACCREDITING AGENCY RECOGNIZED BY EITHER:

7 (i) THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION, OR ITS
8 SUCCESSOR.

9 (ii) THE UNITED STATES DEPARTMENT OF EDUCATION.

10 3. FULFILL A PRACTICE REQUIREMENT, WHICH SHALL BE SATISFIED BY
11 DEMONSTRATING COMPLETION OF EITHER:

12 (a) A PERIOD OF POSTGRADUATE SUPERVISED CLINICAL PRACTICE EQUAL TO
13 A MINIMUM OF THREE THOUSAND HOURS.

14 (b) A MINIMUM OF TWO YEARS OF FULL-TIME POSTGRADUATE SUPERVISED
15 CLINICAL PRACTICE.

16 (c) THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING PRACTICE
17 REQUIREMENTS, WHICH THE COMMISSION MAY DETERMINE BY RULE.

18 C. AN APPLICANT FOR A MASTER'S-CATEGORY MULTISTATE LICENSE MUST
19 MEET ALL OF THE FOLLOWING REQUIREMENTS:

20 1. FULFILL A COMPETENCY REQUIREMENT, WHICH SHALL BE SATISFIED BY
21 EITHER:

22 (a) PASSAGE OF A MASTERS-CATEGORY QUALIFYING NATIONAL EXAM.

23 (b) LICENSURE OF THE APPLICANT IN THE APPLICANT'S HOME STATE AT THE
24 MASTER'S CATEGORY, BEGINNING PRIOR TO SUCH TIME AS A QUALIFYING NATIONAL
25 EXAM WAS REQUIRED BY THE HOME STATE AT THE MASTER'S CATEGORY AND
26 ACCOMPANIED BY A CONTINUOUS PERIOD OF SOCIAL WORK LICENSURE THEREAFTER,
27 ALL OF WHICH MAY BE FURTHER GOVERNED BY THE RULES OF THE COMMISSION.

28 (c) THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING COMPETENCY
29 REQUIREMENTS, WHICH THE COMMISSION MAY DETERMINE BY RULE.

30 2. ATTAIN AT LEAST A MASTER'S DEGREE IN SOCIAL WORK FROM A PROGRAM
31 THAT IS BOTH:

32 (a) OPERATED BY A COLLEGE OR UNIVERSITY RECOGNIZED BY THE LICENSING
33 AUTHORITY.

34 (b) ACCREDITED, OR IN CANDIDACY THAT SUBSEQUENTLY BECOMES
35 ACCREDITED, BY AN ACCREDITING AGENCY RECOGNIZED BY EITHER:

36 (i) THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION, OR ITS
37 SUCCESSOR.

38 (ii) THE UNITED STATES DEPARTMENT OF EDUCATION.

39 D. AN APPLICANT FOR A BACHELOR'S-CATEGORY MULTISTATE LICENSE MUST
40 MEET ALL OF THE FOLLOWING REQUIREMENTS:

41 1. FULFILL A COMPETENCY REQUIREMENT, WHICH SHALL BE SATISFIED BY
42 EITHER:

43 (a) PASSAGE OF A BACHELOR'S-CATEGORY QUALIFYING NATIONAL EXAM.

44 (b) LICENSURE OF THE APPLICANT IN THE APPLICANT'S HOME STATE AT THE
45 BACHELOR'S CATEGORY, BEGINNING PRIOR TO SUCH TIME AS A QUALIFYING NATIONAL

1 EXAM WAS REQUIRED BY THE HOME STATE AND ACCOMPANIED BY A PERIOD OF
2 CONTINUOUS SOCIAL WORK LICENSURE THEREAFTER, ALL OF WHICH MAY BE FURTHER
3 GOVERNED BY THE RULES OF THE COMMISSION.

4 (c) THE SUBSTANTIAL EQUIVALENCY OF THE FOREGOING COMPETENCY
5 REQUIREMENTS, WHICH THE COMMISSION MAY DETERMINE BY RULE.

6 2. ATTAIN AT LEAST A BACHELOR'S DEGREE IN SOCIAL WORK FROM A
7 PROGRAM THAT IS BOTH:

8 (a) OPERATED BY A COLLEGE OR UNIVERSITY RECOGNIZED BY THE LICENSING
9 AUTHORITY.

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

12 (i) THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION, OR ITS
13 SUCCESSOR.

14 (ii) THE UNITED STATES DEPARTMENT OF EDUCATION.

15 E. THE MULTISTATE LICENSE FOR A REGULATED SOCIAL WORKER IS SUBJECT
16 TO THE RENEWAL REQUIREMENTS OF THE HOME STATE. THE REGULATED SOCIAL
17 WORKER MUST MAINTAIN COMPLIANCE WITH THE REQUIREMENTS OF SUBSECTION A OF
18 THIS SECTION TO BE ELIGIBLE TO RENEW A MULTISTATE LICENSE.

19 F. THE REGULATED SOCIAL WORKER'S SERVICES IN A REMOTE STATE ARE
20 SUBJECT TO THAT MEMBER STATE'S REGULATORY AUTHORITY. A REMOTE STATE MAY,
21 IN ACCORDANCE WITH DUE PROCESS AND THAT MEMBER STATE'S LAWS, REMOVE A
22 REGULATED SOCIAL WORKER'S MULTISTATE AUTHORIZATION TO PRACTICE IN THE
23 REMOTE STATE FOR A SPECIFIC PERIOD OF TIME, IMPOSE FINES AND TAKE ANY
24 OTHER NECESSARY ACTIONS TO PROTECT THE HEALTH AND SAFETY OF ITS CITIZENS.

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

28 H. IF A MULTISTATE AUTHORIZATION TO PRACTICE IS ENCUMBERED IN A
29 REMOTE STATE, THE REGULATED SOCIAL WORKER'S MULTISTATE AUTHORIZATION TO
30 PRACTICE MAY BE DEACTIVATED IN THAT STATE UNTIL THE MULTISTATE
31 AUTHORIZATION TO PRACTICE IS NO LONGER ENCUMBERED.

32 SECTION 5. ISSUANCE OF A MULTISTATE LICENSE

33 A. ON RECEIPT OF AN APPLICATION FOR MULTISTATE LICENSE, THE HOME
34 STATE LICENSING AUTHORITY SHALL DETERMINE THE APPLICANT'S ELIGIBILITY FOR
35 A MULTISTATE LICENSE IN ACCORDANCE WITH SECTION 4 OF THIS COMPACT.

36 B. IF SUCH APPLICANT IS ELIGIBLE PURSUANT TO SECTION 4 OF THIS
37 COMPACT, THE HOME STATE LICENSING AUTHORITY SHALL ISSUE A MULTISTATE
38 LICENSE THAT AUTHORIZES THE APPLICANT OR REGULATED SOCIAL WORKER TO
39 PRACTICE IN ALL MEMBER STATES UNDER A MULTISTATE AUTHORIZATION TO
40 PRACTICE.

41 C. ON ISSUANCE OF A MULTISTATE LICENSE, THE HOME STATE LICENSING
42 AUTHORITY SHALL DESIGNATE WHETHER THE REGULATED SOCIAL WORKER HOLDS A
43 MULTISTATE LICENSE IN THE BACHELOR'S, MASTER'S OR CLINICAL CATEGORY OF
44 SOCIAL WORK.

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

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

8 A. THIS COMPACT AND ANY RULE OF THE COMMISSION DOES NOT LIMIT,
9 RESTRICT OR IN ANY WAY REDUCE THE ABILITY OF A MEMBER STATE TO ENACT AND
10 ENFORCE LAWS, REGULATIONS OR OTHER RULES RELATED TO THE PRACTICE OF SOCIAL
11 WORK IN THAT STATE IF THOSE LAWS, REGULATIONS OR OTHER RULES ARE NOT
12 INCONSISTENT WITH THE PROVISIONS OF THIS COMPACT.

13 B. THIS COMPACT DOES NOT AFFECT THE REQUIREMENTS ESTABLISHED BY A
14 MEMBER STATE FOR THE ISSUANCE OF A SINGLE STATE LICENSE.

15 C. THIS COMPACT AND ANY RULE OF THE COMMISSION DOES NOT LIMIT,
16 RESTRICT OR IN ANY WAY REDUCE THE ABILITY OF A MEMBER STATE TO TAKE
17 ADVERSE ACTION AGAINST A LICENSEE'S SINGLE STATE LICENSE TO PRACTICE
18 SOCIAL WORK IN THAT STATE.

19 D. THIS COMPACT AND ANY RULE OF THE COMMISSION DOES NOT LIMIT,
20 RESTRICT OR IN ANY WAY REDUCE THE ABILITY OF A REMOTE STATE TO TAKE
21 ADVERSE ACTION AGAINST A LICENSEE'S MULTISTATE AUTHORIZATION TO PRACTICE
22 IN THAT STATE.

23 E. THIS COMPACT AND ANY RULE OF THE COMMISSION DOES NOT LIMIT,
24 RESTRICT OR IN ANY WAY REDUCE THE ABILITY OF A LICENSEE'S HOME STATE TO
25 TAKE ADVERSE ACTION AGAINST A LICENSEE'S MULTISTATE LICENSE BASED ON
26 INFORMATION PROVIDED BY A REMOTE STATE.

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

28 A. A LICENSEE CAN HOLD A MULTISTATE LICENSE ISSUED BY THE
29 LICENSEE'S HOME STATE IN ONLY ONE MEMBER STATE AT ANY GIVEN TIME.

30 B. IF A LICENSEE CHANGES THE LICENSEE'S HOME STATE BY MOVING
31 BETWEEN TWO MEMBER STATES:

32 1. THE LICENSEE SHALL IMMEDIATELY APPLY FOR THE REISSUANCE OF THE
33 LICENSEE'S MULTISTATE LICENSE IN THE NEW HOME STATE. THE LICENSEE SHALL
34 PAY ALL APPLICABLE FEES AND NOTIFY THE PRIOR HOME STATE IN ACCORDANCE WITH
35 THE RULES OF THE COMMISSION.

36 2. ON RECEIPT OF AN APPLICATION TO REISSUE A MULTISTATE LICENSE,
37 THE NEW HOME STATE SHALL VERIFY THAT THE MULTISTATE LICENSE IS ACTIVE,
38 UNENCUMBERED AND ELIGIBLE FOR REISSUANCE UNDER THE TERMS OF THE COMPACT
39 AND THE RULES OF THE COMMISSION. THE MULTISTATE LICENSE ISSUED BY THE
40 PRIOR HOME STATE WILL BE DEACTIVATED AND ALL MEMBER STATES NOTIFIED IN
41 ACCORDANCE WITH THE APPLICABLE RULES ADOPTED BY THE COMMISSION.

42 3. PRIOR TO THE REISSUANCE OF THE MULTISTATE LICENSE, THE NEW HOME
43 STATE SHALL CONDUCT PROCEDURES FOR CONSIDERING THE CRIMINAL HISTORY
44 RECORDS OF THE LICENSEE. SUCH PROCEDURES SHALL INCLUDE THE SUBMISSION OF
45 FINGERPRINTS OR OTHER BIOMETRIC-BASED INFORMATION BY APPLICANTS FOR THE

1 PURPOSE OF OBTAINING AN APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION
2 FROM THE FEDERAL BUREAU OF INVESTIGATION AND THE AGENCY RESPONSIBLE FOR
3 RETAINING THAT STATE'S CRIMINAL RECORDS.

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

6 5. NOTWITHSTANDING ANY OTHER PROVISION OF THIS COMPACT, IF A
7 LICENSEE DOES NOT MEET THE REQUIREMENTS SET FORTH IN THIS COMPACT FOR THE
8 REISSUANCE OF A MULTISTATE LICENSE BY THE NEW HOME STATE, THE LICENSEE
9 SHALL BE SUBJECT TO THE NEW HOME STATE REQUIREMENTS FOR THE ISSUANCE OF A
10 SINGLE STATE LICENSE IN THAT STATE.

11 C. IF A LICENSEE CHANGES THE LICENSEE'S PRIMARY STATE OF RESIDENCE
12 BY MOVING FROM A MEMBER STATE TO A NONMEMBER STATE, OR FROM A NONMEMBER
13 STATE TO A MEMBER STATE, THE LICENSEE SHALL BE SUBJECT TO THE STATE
14 REQUIREMENTS FOR THE ISSUANCE OF A SINGLE STATE LICENSE IN THE NEW HOME
15 STATE.

16 D. THIS COMPACT DOES NOT INTERFERE WITH A LICENSEE'S ABILITY TO
17 HOLD A SINGLE STATE LICENSE IN MULTIPLE STATES; HOWEVER, FOR THE PURPOSES
18 OF THIS COMPACT, A LICENSEE SHALL HAVE ONLY ONE HOME STATE AND ONLY ONE
19 MULTISTATE LICENSE.

20 E. THIS COMPACT DOES NOT INTERFERE WITH THE REQUIREMENTS
21 ESTABLISHED BY A MEMBER STATE FOR THE ISSUANCE OF A SINGLE STATE LICENSE.

22 SECTION 8. MILITARY FAMILIES

23 AN ACTIVE MILITARY MEMBER OR THE ACTIVE MILITARY MEMBER'S SPOUSE
24 SHALL DESIGNATE A HOME STATE WHERE THE INDIVIDUAL HAS A MULTISTATE
25 LICENSE. THE INDIVIDUAL MAY RETAIN THE INDIVIDUAL'S HOME STATE
26 DESIGNATION DURING THE PERIOD THE ACTIVE MILITARY MEMBER IS ON ACTIVE
27 DUTY.

28 SECTION 9. ADVERSE ACTIONS

29 A. IN ADDITION TO THE OTHER POWERS CONFERRED BY STATE LAW, A REMOTE
30 STATE SHALL HAVE THE AUTHORITY, IN ACCORDANCE WITH EXISTING STATE DUE
31 PROCESS LAW, TO TAKE ADVERSE ACTION AGAINST A REGULATED SOCIAL WORKER'S
32 MULTISTATE AUTHORIZATION TO PRACTICE ONLY WITHIN THAT MEMBER STATE AND
33 ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT REQUIRE THE
34 ATTENDANCE AND TESTIMONY OF WITNESSES AS WELL AS THE PRODUCTION OF
35 EVIDENCE. SUBPOENAS ISSUED BY A LICENSING AUTHORITY IN A MEMBER STATE FOR
36 THE ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE
37 FROM ANOTHER MEMBER STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY
38 COURT OF COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND PROCEDURE
39 OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE
40 IT. THE ISSUING LICENSING AUTHORITY SHALL PAY ANY WITNESS FEES, TRAVEL
41 EXPENSES, MILEAGE AND OTHER FEES REQUIRED BY THE SERVICE STATUTES OF THE
42 STATE IN WHICH THE WITNESSES OR EVIDENCE IS LOCATED.

43 B. ONLY THE HOME STATE SHALL HAVE THE POWER TO TAKE ADVERSE ACTION
44 AGAINST A REGULATED SOCIAL WORKER'S MULTISTATE LICENSE.

1 C. FOR THE PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE SHALL
2 GIVE THE SAME PRIORITY AND EFFECT TO REPORTED CONDUCT RECEIVED FROM A
3 MEMBER STATE AS IT WOULD IF THE CONDUCT HAD OCCURRED WITHIN THE HOME
4 STATE. IN SO DOING, THE HOME STATE SHALL APPLY ITS OWN STATE LAWS TO
5 DETERMINE APPROPRIATE ACTION.

6 D. THE HOME STATE SHALL COMPLETE ANY PENDING INVESTIGATIONS OF A
7 REGULATED SOCIAL WORKER WHO CHANGES THE REGULATED SOCIAL WORKER'S HOME
8 STATE DURING THE COURSE OF THE INVESTIGATIONS. THE HOME STATE SHALL ALSO
9 HAVE THE AUTHORITY TO TAKE APPROPRIATE ACTION AND SHALL PROMPTLY REPORT
10 THE CONCLUSIONS OF THE INVESTIGATIONS TO THE ADMINISTRATOR OF THE DATA
11 SYSTEM. THE ADMINISTRATOR OF THE DATA SYSTEM SHALL PROMPTLY NOTIFY THE
12 NEW HOME STATE OF ANY ADVERSE ACTION.

13 E. A MEMBER STATE, IF OTHERWISE ALLOWED BY STATE LAW, MAY RECOVER
14 FROM THE AFFECTED REGULATED SOCIAL WORKER THE COSTS OF INVESTIGATIONS AND
15 DISPOSITIONS OF CASES RESULTING FROM ANY ADVERSE ACTION TAKEN AGAINST THAT
16 REGULATED SOCIAL WORKER.

17 F. A MEMBER STATE MAY TAKE ADVERSE ACTION BASED ON THE FACTUAL
18 FINDINGS OF ANOTHER MEMBER STATE IF THE MEMBER STATE FOLLOWS ITS OWN
19 PROCEDURES FOR TAKING THE ADVERSE ACTION.

20 G. THE FOLLOWING APPLY TO JOINT INVESTIGATIONS:

21 1. IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER STATE BY ITS
22 RESPECTIVE SOCIAL WORK PRACTICE ACT OR OTHER APPLICABLE STATE LAW, ANY
23 MEMBER STATE MAY PARTICIPATE WITH OTHER MEMBER STATES IN JOINT
24 INVESTIGATIONS OF LICENSEES.

25 2. MEMBER STATES SHALL SHARE ANY INVESTIGATIVE, LITIGATION OR
26 COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL
27 INVESTIGATION INITIATED UNDER THE COMPACT.

28 H. IF ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST THE
29 MULTISTATE LICENSE OF A REGULATED SOCIAL WORKER, THE REGULATED SOCIAL
30 WORKER'S MULTISTATE AUTHORIZATION TO PRACTICE IN ALL OTHER MEMBER STATES
31 SHALL BE DEACTIVATED UNTIL ALL ENCUMBRANCES HAVE BEEN REMOVED FROM THE
32 MULTISTATE LICENSE. ALL HOME STATE DISCIPLINARY ORDERS THAT IMPOSE
33 ADVERSE ACTION AGAINST THE LICENSE OF A REGULATED SOCIAL WORKER SHALL
34 INCLUDE A STATEMENT THAT THE REGULATED SOCIAL WORKER'S MULTISTATE
35 AUTHORIZATION TO PRACTICE IS DEACTIVATED IN ALL MEMBER STATES UNTIL ALL
36 CONDITIONS OF THE DECISION, ORDER OR AGREEMENT ARE SATISFIED.

37 I. IF A MEMBER STATE TAKES ADVERSE ACTION, IT SHALL PROMPTLY NOTIFY
38 THE ADMINISTRATOR OF THE DATA SYSTEM. THE ADMINISTRATOR OF THE DATA
39 SYSTEM SHALL PROMPTLY NOTIFY THE HOME STATE AND ALL OTHER MEMBER STATES OF
40 ANY ADVERSE ACTIONS BY REMOTE STATES.

41 J. THIS COMPACT DOES NOT OVERRIDE A MEMBER STATE'S DECISION THAT
42 PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN LIEU OF ADVERSE
43 ACTION.

44 K. THIS COMPACT DOES NOT AUTHORIZE A MEMBER STATE TO DEMAND THE
45 ISSUANCE OF SUBPOENAS FOR ATTENDANCE AND TESTIMONY OF WITNESSES OR THE

1 PRODUCTION OF EVIDENCE FROM ANOTHER MEMBER STATE FOR LAWFUL ACTIONS WITHIN
2 THAT MEMBER STATE.

3 L. THIS COMPACT DOES NOT AUTHORIZE A MEMBER STATE TO IMPOSE
4 DISCIPLINE AGAINST A REGULATED SOCIAL WORKER WHO HOLDS A MULTISTATE
5 AUTHORIZATION TO PRACTICE FOR LAWFUL ACTIONS WITHIN ANOTHER MEMBER STATE.

6 SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE
7 COMPACT COMMISSION

8 A. THE COMPACT MEMBER STATES HEREBY CREATE AND ESTABLISH A JOINT
9 GOVERNMENT AGENCY WHOSE MEMBERSHIP CONSISTS OF ALL MEMBER STATES THAT HAVE
10 ENACTED THE COMPACT KNOWN AS THE SOCIAL WORK LICENSURE COMPACT COMMISSION.
11 THE COMMISSION IS AN INSTRUMENTALITY OF THE COMPACT STATES ACTING JOINTLY
12 AND NOT AN INSTRUMENTALITY OF ANY ONE STATE. THE COMMISSION SHALL COME
13 INTO EXISTENCE ON OR AFTER THE EFFECTIVE DATE OF THE COMPACT AS SET FORTH
14 IN SECTION 14 OF THIS COMPACT.

15 B. THE MEMBERSHIP, VOTING AND MEETINGS OF THE COMMISSION ARE AS
16 FOLLOWS:

17 1. EACH MEMBER STATE SHALL HAVE AND BE LIMITED TO ONE DELEGATE
18 SELECTED BY THAT MEMBER STATE'S LICENSING AUTHORITY.

19 2. THE DELEGATE SHALL BE EITHER:

20 (a) A CURRENT MEMBER OF THE LICENSING AUTHORITY AT THE TIME OF
21 APPOINTMENT WHO IS A REGULATED SOCIAL WORKER OR PUBLIC MEMBER OF THE STATE
22 LICENSING AUTHORITY.

23 (b) AN ADMINISTRATOR OF THE LICENSING AUTHORITY OR THE
24 ADMINISTRATOR'S DESIGNEE.

25 3. THE COMMISSION SHALL BY RULE OR BYLAW ESTABLISH A TERM OF OFFICE
26 FOR DELEGATES AND MAY BY RULE OR BYLAW ESTABLISH TERM LIMITS.

27 4. THE COMMISSION MAY RECOMMEND THE REMOVAL OR SUSPENSION OF ANY
28 DELEGATE FROM OFFICE.

29 5. A MEMBER STATE'S LICENSING AUTHORITY SHALL FILL ANY VACANCY OF
30 ITS DELEGATE OCCURRING ON THE COMMISSION WITHIN SIXTY DAYS AFTER THE
31 VACANCY.

32 6. EACH DELEGATE SHALL BE ENTITLED TO ONE VOTE ON ALL MATTERS
33 BEFORE THE COMMISSION REQUIRING A VOTE BY COMMISSION DELEGATES.

34 7. A DELEGATE SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS AS
35 PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE FOR DELEGATES TO MEET BY
36 TELECOMMUNICATION, VIDEOCONFERENCE OR OTHER MEANS OF COMMUNICATION.

37 8. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH CALENDAR
38 YEAR. ADDITIONAL MEETINGS MAY BE HELD AS SET FORTH IN THE BYLAWS. THE
39 COMMISSION MAY MEET BY TELECOMMUNICATION, VIDEO CONFERENCE OR OTHER
40 SIMILAR ELECTRONIC MEANS.

41 C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

42 1. ESTABLISH THE FISCAL YEAR OF THE COMMISSION.

43 2. ESTABLISH CODE OF CONDUCT AND CONFLICT OF INTEREST POLICIES.

44 3. ESTABLISH AND AMEND RULES AND BYLAWS.

45 4. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH THE BYLAWS.

- 1 5. MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT WITH THIS COMPACT,
2 THE COMMISSION'S RULES AND THE BYLAWS.
- 3 6. INITIATE AND CONCLUDE LEGAL PROCEEDINGS OR ACTIONS IN THE NAME
4 OF THE COMMISSION IF THE STANDING OF ANY LICENSING AUTHORITY TO SUE OR BE
5 SUED UNDER APPLICABLE LAW IS NOT AFFECTED.
- 6 7. MAINTAIN AND CERTIFY RECORDS AND INFORMATION PROVIDED TO A
7 MEMBER STATE AS THE AUTHENTICATED BUSINESS RECORDS OF THE COMMISSION, AND
8 DESIGNATE AN AGENT TO DO SO ON THE COMMISSION'S BEHALF.
- 9 8. PURCHASE AND MAINTAIN INSURANCE AND BONDS.
- 10 9. BORROW, ACCEPT OR CONTRACT FOR SERVICES OF PERSONNEL, INCLUDING
11 EMPLOYEES OF A MEMBER STATE.
- 12 10. CONDUCT AN ANNUAL FINANCIAL REVIEW.
- 13 11. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX COMPENSATION,
14 DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE AUTHORITY TO CARRY OUT
15 THE PURPOSES OF THE COMPACT AND ESTABLISH THE COMMISSION'S PERSONNEL
16 POLICIES AND PROGRAMS RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF
17 PERSONNEL AND OTHER RELATED PERSONNEL MATTERS.
- 18 12. ASSESS AND COLLECT FEES.
- 19 13. ACCEPT ANY APPROPRIATE GIFTS, DONATIONS, GRANTS OF MONIES,
20 OTHER SOURCES OF REVENUE, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES AND
21 RECEIVE, USE AND DISPOSE OF THE SAME. AT ALL TIMES THE COMMISSION SHALL
22 AVOID ANY APPEARANCE OF IMPROPRIETY OR CONFLICT OF INTEREST.
- 23 14. LEASE, PURCHASE, RETAIN, OWN, HOLD, IMPROVE OR USE ANY
24 PROPERTY, REAL, PERSONAL, OR MIXED, OR ANY UNDIVIDED INTEREST IN THE
25 PROPERTY.
- 26 15. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR
27 OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL, OR MIXED.
- 28 16. ESTABLISH A BUDGET AND MAKE EXPENDITURES.
- 29 17. BORROW MONIES.
- 30 18. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES, COMPOSED OF
31 MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR THEIR REPRESENTATIVES,
32 CONSUMER REPRESENTATIVES AND SUCH OTHER INTERESTED PERSONS AS MAY BE
33 DESIGNATED IN THIS COMPACT AND THE BYLAWS.
- 34 19. PROVIDE AND RECEIVE INFORMATION FROM, AND COOPERATE WITH, LAW
35 ENFORCEMENT AGENCIES.
- 36 20. ESTABLISH AND ELECT AN EXECUTIVE COMMITTEE, INCLUDING A
37 CHAIRPERSON AND A VICE CHAIRPERSON.
- 38 21. DETERMINE WHETHER A STATE'S ADOPTED LANGUAGE IS MATERIALLY
39 DIFFERENT FROM THE MODEL COMPACT LANGUAGE SUCH THAT THE STATE WOULD NOT
40 QUALIFY FOR PARTICIPATION IN THE COMPACT.
- 41 22. PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE
42 TO ACHIEVE THE PURPOSES OF THIS COMPACT.

1 D. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON BEHALF OF
2 THE COMMISSION ACCORDING TO THE TERMS OF THIS COMPACT. THE POWERS, DUTIES
3 AND RESPONSIBILITIES OF THE EXECUTIVE COMMITTEE INCLUDE:

4 1. OVERSEEING THE DAY-TO-DAY ACTIVITIES OF THE ADMINISTRATION OF
5 THE COMPACT, INCLUDING ENFORCEMENT AND COMPLIANCE WITH THE COMPACT, ITS
6 RULES AND BYLAWS, AND OTHER SUCH DUTIES AS DEEMED NECESSARY.

7 2. RECOMMENDING TO THE COMMISSION CHANGES TO THE RULES OR BYLAWS,
8 CHANGES TO THIS COMPACT LEGISLATION, FEES CHARGED TO MEMBER STATES, FEES
9 CHARGED TO LICENSEES AND OTHER FEES.

10 3. ENSURING THE COMPACT ADMINISTRATION SERVICES ARE APPROPRIATELY
11 PROVIDED, INCLUDING BY CONTRACT.

12 4. PREPARING AND RECOMMENDING THE BUDGET.

13 5. MAINTAINING FINANCIAL RECORDS ON BEHALF OF THE COMMISSION.

14 6. MONITORING COMPACT COMPLIANCE OF MEMBER STATES AND PROVIDING
15 COMPLIANCE REPORTS TO THE COMMISSION.

16 7. ESTABLISHING ADDITIONAL COMMITTEES AS NECESSARY.

17 8. EXERCISING THE POWERS AND DUTIES OF THE COMMISSION DURING THE
18 INTERIM BETWEEN COMMISSION MEETINGS, EXCEPT FOR ADOPTING OR AMENDING
19 RULES, ADOPTING OR AMENDING BYLAWS, AND EXERCISING ANY OTHER POWERS AND
20 DUTIES EXPRESSLY RESERVED TO THE COMMISSION BY RULE OR BYLAW.

21 9. PERFORMING OTHER DUTIES AS PROVIDED IN THE RULES OR BYLAWS OF
22 THE COMMISSION.

23 E. THE EXECUTIVE COMMITTEE SHALL BE COMPOSED OF UP TO ELEVEN
24 MEMBERS AS FOLLOWS:

25 1. THE CHAIRPERSON AND VICE CHAIRPERSON OF THE COMMISSION SHALL BE
26 VOTING MEMBERS OF THE EXECUTIVE COMMITTEE.

27 2. THE COMMISSION SHALL ELECT FIVE VOTING MEMBERS FROM THE CURRENT
28 MEMBERSHIP OF THE COMMISSION.

29 3. UP TO FOUR EX OFFICIO, NONVOTING MEMBERS FROM FOUR RECOGNIZED
30 NATIONAL SOCIAL WORK ORGANIZATIONS SHALL BE SELECTED BY THEIR RESPECTIVE
31 ORGANIZATIONS.

32 F. THE COMMISSION MAY REMOVE ANY MEMBER OF THE EXECUTIVE COMMITTEE
33 AS PROVIDED IN THE COMMISSION'S BYLAWS.

34 G. THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST ANNUALLY. EXECUTIVE
35 COMMITTEE MEETINGS SHALL BE OPEN TO THE PUBLIC, EXCEPT THAT THE EXECUTIVE
36 COMMITTEE MAY MEET IN A CLOSED, NONPUBLIC MEETING AS PROVIDED IN
37 SUBSECTION I, PARAGRAPH 2 OF THIS SECTION. THE EXECUTIVE COMMITTEE SHALL
38 GIVE SEVEN DAYS' NOTICE OF ITS MEETINGS, POSTED ON ITS WEBSITE AND AS
39 DETERMINED TO PROVIDE NOTICE TO PERSONS WITH AN INTEREST IN THE BUSINESS
40 OF THE COMMISSION. THE EXECUTIVE COMMITTEE MAY HOLD A SPECIAL MEETING IN
41 ACCORDANCE WITH SUBSECTION I, PARAGRAPH 1 OF THIS SECTION.

42 H. THE COMMISSION SHALL ADOPT AND PROVIDE TO THE MEMBER STATES AN
43 ANNUAL REPORT.

1 I. MEETINGS OF THE COMMISSION ARE AS FOLLOWS:
2 1. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, EXCEPT THAT THE
3 COMMISSION MAY MEET IN A CLOSED, NONPUBLIC MEETING AS PROVIDED IN
4 PARAGRAPH 2 OF THIS SUBSECTION. PUBLIC NOTICE FOR ALL MEETINGS OF THE
5 FULL COMMISSION SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER THE
6 RULEMAKING PROVISIONS IN SECTION 12 OF THIS COMPACT, EXCEPT THAT THE
7 COMMISSION MAY HOLD A SPECIAL MEETING WHEN IT MUST MEET TO CONDUCT
8 EMERGENCY BUSINESS BY GIVING FORTY-EIGHT HOURS' NOTICE TO ALL
9 COMMISSIONERS, ON THE COMMISSION'S WEBSITE, AND BY OTHER MEANS AS PROVIDED
10 IN THE COMMISSION'S RULES. THE COMMISSION'S LEGAL COUNSEL SHALL CERTIFY
11 THAT THE COMMISSION'S NEED TO MEET QUALIFIES AS AN EMERGENCY.
12 2. THE COMMISSION OR THE EXECUTIVE COMMITTEE OR OTHER COMMITTEES OF
13 THE COMMISSION MAY CONVENE IN A CLOSED, NONPUBLIC MEETING FOR THE
14 COMMISSION OR EXECUTIVE COMMITTEE OR OTHER COMMITTEES OF THE COMMISSION TO
15 RECEIVE LEGAL ADVICE OR TO DISCUSS:
16 (a) NONCOMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS UNDER THE
17 COMPACT.
18 (b) THE EMPLOYMENT, COMPENSATION OR DISCIPLINE OR OTHER MATTERS,
19 PRACTICES OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES.
20 (c) CURRENT OR THREATENED DISCIPLINE OF A LICENSEE BY THE
21 COMMISSION OR BY A MEMBER STATE'S LICENSING AUTHORITY.
22 (d) CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION.
23 (e) NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE OR SALE OF
24 GOODS, SERVICES OR REAL ESTATE.
25 (f) ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING ANY
26 PERSON.
27 (g) TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION THAT IS
28 PRIVILEGED OR CONFIDENTIAL.
29 (h) INFORMATION OF A PERSONAL NATURE IF DISCLOSURE WOULD CONSTITUTE
30 A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY.
31 (i) INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT PURPOSES.
32 (j) INFORMATION RELATED TO ANY INVESTIGATIVE REPORTS PREPARED BY OR
33 ON BEHALF OF OR FOR USE OF THE COMMISSION OR OTHER COMMITTEE CHARGED WITH
34 RESPONSIBILITY OF INVESTIGATION OR DETERMINATION OF COMPLIANCE ISSUES
35 PURSUANT TO THE COMPACT.
36 (k) MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL OR
37 MEMBER STATE LAW.
38 (l) OTHER MATTERS AS PROMULGATED BY THE COMMISSION BY RULE.
39 3. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED, THE PRESIDING
40 OFFICER SHALL STATE THAT THE MEETING WILL BE CLOSED AND REFERENCE EACH
41 RELEVANT EXEMPTING PROVISION, AND SUCH REFERENCE SHALL BE RECORDED IN THE
42 MINUTES.
43 4. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY
44 DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND
45 ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE REASONS THEREFORE, INCLUDING A

1 DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED IN
2 CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN SUCH MINUTES. ALL
3 MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT
4 TO RELEASE ONLY BY A MAJORITY VOTE OF THE COMMISSION OR ORDER OF A COURT
5 OF COMPETENT JURISDICTION.

6 J. FINANCING OF THE COMMISSION IS AS FOLLOWS:

7 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE
8 REASONABLE EXPENSES OF THE COMMISSION'S ESTABLISHMENT, ORGANIZATION, AND
9 ONGOING ACTIVITIES.

10 2. THE COMMISSION MAY ACCEPT ANY APPROPRIATE REVENUE SOURCES AS
11 PROVIDED IN SUBSECTION C, PARAGRAPH 13 OF THIS SECTION.

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

20 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND PRIOR TO
21 SECURING THE FUNDS ADEQUATE TO MEET THE SAME, AND THE COMMISSION SHALL NOT
22 PLEDGE THE CREDIT OF ANY OF THE MEMBER STATES, EXCEPT BY AND WITH THE
23 AUTHORITY OF THE MEMBER STATE.

24 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND
25 DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE COMMISSION ARE
26 SUBJECT TO THE FINANCIAL REVIEW AND ACCOUNTING PROCEDURES ESTABLISHED
27 UNDER THE COMMISSION'S BYLAWS. HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF
28 FUNDS HANDLED BY THE COMMISSION ARE SUBJECT TO AN ANNUAL FINANCIAL REVIEW
29 BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE REPORT OF THE
30 FINANCIAL REVIEW SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT
31 OF THE COMMISSION.

32 K. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION ARE AS FOLLOWS:

33 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND
34 REPRESENTATIVES OF THE COMMISSION SHALL BE IMMUNE FROM SUIT AND LIABILITY,
35 BOTH PERSONALLY AND IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE
36 TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED
37 BY OR ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT
38 OCCURRED, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A
39 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION
40 EMPLOYMENT, DUTIES OR RESPONSIBILITIES. THIS PARAGRAPH DOES NOT PROTECT
41 ANY SUCH PERSON FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY OR
42 LIABILITY CAUSED BY THE INTENTIONAL OR WILFUL OR WANTON MISCONDUCT OF THAT
43 PERSON. THE PROCUREMENT OF INSURANCE OF ANY TYPE BY THE COMMISSION SHALL
44 NOT IN ANY WAY COMPROMISE OR LIMIT THE IMMUNITY GRANTED HEREUNDER.

1 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER, EXECUTIVE
2 DIRECTOR, EMPLOYEE AND REPRESENTATIVE OF THE COMMISSION IN ANY CIVIL
3 ACTION SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED
4 ACT, ERROR OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION
5 EMPLOYMENT, DUTIES OR RESPONSIBILITIES, OR AS DETERMINED BY THE COMMISSION
6 THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR
7 BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR
8 RESPONSIBILITIES. THIS PARAGRAPH DOES NOT PROHIBIT THAT PERSON FROM
9 RETAINING THE PERSON'S OWN COUNSEL AT THE PERSON'S OWN EXPENSE, AND IF THE
10 ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM THAT
11 PERSON'S INTENTIONAL OR WILFUL OR WANTON MISCONDUCT.

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

21 4. THIS COMPACT DOES NOT LIMIT THE LIABILITY OF ANY LICENSEE FOR
22 PROFESSIONAL MALPRACTICE OR MISCONDUCT, WHICH SHALL BE GOVERNED SOLELY BY
23 ANY OTHER APPLICABLE STATE LAWS.

24 5. THIS COMPACT DOES NOT WAIVE OR OTHERWISE ABROGATE A MEMBER
25 STATE'S STATE ACTION IMMUNITY OR STATE ACTION AFFIRMATIVE DEFENSE WITH
26 RESPECT TO ANTITRUST CLAIMS UNDER THE SHERMAN ACT, THE CLAYTON ACT OR ANY
27 OTHER STATE OR FEDERAL ANTITRUST OR ANTICOMPETITIVE LAW OR REGULATION.

28 6. THIS COMPACT IS NOT A WAIVER OF SOVEREIGN IMMUNITY BY THE MEMBER
29 STATES OR BY THE COMMISSION.

30 SECTION 11. DATA SYSTEM

31 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT, MAINTENANCE,
32 OPERATION AND UTILIZATION OF A COORDINATED DATA SYSTEM.

33 B. THE COMMISSION SHALL ASSIGN EACH APPLICANT FOR A MULTISTATE
34 LICENSE A UNIQUE IDENTIFIER AS DETERMINED BY THE RULES OF THE COMMISSION.

35 C. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE
36 CONTRARY, A MEMBER STATE SHALL SUBMIT A UNIFORM DATA SET TO THE DATA
37 SYSTEM ON ALL INDIVIDUALS TO WHOM THIS COMPACT APPLIES AS REQUIRED BY THE
38 RULES OF THE COMMISSION, INCLUDING:

39 1. IDENTIFYING INFORMATION.

40 2. LICENSURE DATA.

41 3. ADVERSE ACTIONS AGAINST A LICENSE AND INFORMATION RELATED TO THE
42 ADVERSE ACTION.

43 4. NONCONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE PROGRAM
44 PARTICIPATION, THE BEGINNING AND ENDING DATES OF SUCH PARTICIPATION, AND

1 OTHER INFORMATION RELATED TO SUCH PARTICIPATION THAT IS NOT MADE
2 CONFIDENTIAL UNDER MEMBER STATE LAW.

3 5. ANY DENIAL OF APPLICATION FOR LICENSURE, AND THE REASON OR
4 REASONS FOR SUCH DENIAL.

5 6. THE PRESENCE OF CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.

6 7. OTHER INFORMATION THAT MAY FACILITATE THE ADMINISTRATION OF THIS
7 COMPACT OR THE PROTECTION OF THE PUBLIC AS DETERMINED BY THE RULES OF THE
8 COMMISSION.

9 D. THE RECORDS AND INFORMATION PROVIDED TO A MEMBER STATE PURSUANT
10 TO THIS COMPACT OR THROUGH THE DATA SYSTEM, WHEN CERTIFIED BY THE
11 COMMISSION OR AN AGENT OF THE COMMISSION, SHALL CONSTITUTE THE
12 AUTHENTICATED BUSINESS RECORDS OF THE COMMISSION AND SHALL BE ENTITLED TO
13 ANY ASSOCIATED HEARSAY EXCEPTION IN ANY RELEVANT JUDICIAL, QUASI-JUDICIAL
14 OR ADMINISTRATIVE PROCEEDINGS IN A MEMBER STATE.

15 E. CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION PERTAINING TO A
16 LICENSEE IN ANY MEMBER STATE WILL ONLY BE AVAILABLE TO OTHER MEMBER
17 STATES.

18 F. IT IS THE RESPONSIBILITY OF THE MEMBER STATES TO REPORT ANY
19 ADVERSE ACTION AGAINST A LICENSEE AND TO MONITOR THE DATABASE TO DETERMINE
20 WHETHER ADVERSE ACTION HAS BEEN TAKEN AGAINST A LICENSEE. ADVERSE ACTION
21 INFORMATION PERTAINING TO A LICENSEE IN ANY MEMBER STATE WILL BE AVAILABLE
22 TO ANY OTHER MEMBER STATE.

23 G. MEMBER STATES CONTRIBUTING INFORMATION TO THE DATA SYSTEM MAY
24 DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH THE PUBLIC WITHOUT THE
25 EXPRESS PERMISSION OF THE CONTRIBUTING STATE.

26 H. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS
27 SUBSEQUENTLY EXPUNGED PURSUANT TO FEDERAL LAW OR THE LAWS OF THE MEMBER
28 STATE CONTRIBUTING THE INFORMATION SHALL BE REMOVED FROM THE DATA SYSTEM.

29 SECTION 12. RULEMAKING

30 A. THE COMMISSION SHALL PROMULGATE REASONABLE RULES IN ORDER TO
31 EFFECTIVELY AND EFFICIENTLY IMPLEMENT AND ADMINISTER THE PURPOSES AND
32 PROVISIONS OF THE COMPACT. A RULE IS INVALID AND HAS NO FORCE OR EFFECT
33 ONLY IF A COURT OF COMPETENT JURISDICTION HOLDS THAT THE RULE IS INVALID
34 BECAUSE THE COMMISSION EXERCISED ITS RULEMAKING AUTHORITY IN A MANNER THAT
35 IS BEYOND THE SCOPE AND PURPOSES OF THE COMPACT, OR THE POWERS GRANTED
36 HEREUNDER, OR BASED ON ANOTHER APPLICABLE STANDARD OF REVIEW.

37 B. THE RULES OF THE COMMISSION SHALL HAVE THE FORCE OF LAW IN EACH
38 MEMBER STATE, PROVIDED THAT IF THE RULES OF THE COMMISSION CONFLICT WITH
39 THE LAWS OF THE MEMBER STATE THAT ESTABLISH THE MEMBER STATE'S LAWS,
40 REGULATIONS AND APPLICABLE STANDARDS THAT GOVERN THE PRACTICE OF SOCIAL
41 WORK AS HELD BY A COURT OF COMPETENT JURISDICTION, THE RULES OF THE
42 COMMISSION SHALL BE INEFFECTIVE IN THAT STATE TO THE EXTENT OF THE
43 CONFLICT.

44 C. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS PURSUANT TO
45 THE CRITERIA SET FORTH IN THIS SECTION AND THE RULES ADOPTED THEREUNDER.

1 RULES SHALL BECOME BINDING ON THE DAY FOLLOWING ADOPTION OR THE DATE
2 SPECIFIED IN THE RULE OR AMENDMENT, WHICHEVER IS LATER.

3 D. IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES REJECTS A
4 RULE OR PORTION OF A RULE BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE
5 SAME MANNER USED TO ADOPT THE COMPACT WITHIN FOUR YEARS AFTER THE DATE OF
6 ADOPTION OF THE RULE, SUCH RULE SHALL HAVE NO FURTHER FORCE AND EFFECT IN
7 ANY MEMBER STATE.

8 E. RULES SHALL BE ADOPTED AT A REGULAR OR SPECIAL MEETING OF THE
9 COMMISSION.

10 F. PRIOR TO ADOPTION OF A PROPOSED RULE, THE COMMISSION SHALL HOLD
11 A PUBLIC HEARING AND ALLOW PERSONS TO PROVIDE ORAL AND WRITTEN COMMENTS,
12 DATA, FACTS, OPINIONS AND ARGUMENTS.

13 G. PRIOR TO ADOPTION OF A PROPOSED RULE BY THE COMMISSION, AND AT
14 LEAST THIRTY DAYS BEFORE THE MEETING AT WHICH THE COMMISSION WILL HOLD A
15 PUBLIC HEARING ON THE PROPOSED RULE, THE COMMISSION SHALL PROVIDE A NOTICE
16 OF PROPOSED RULEMAKING:

17 1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY ACCESSIBLE
18 PLATFORM.

19 2. TO PERSONS WHO HAVE REQUESTED NOTICE OF THE COMMISSION'S NOTICES
20 OF PROPOSED RULEMAKING.

21 3. IN SUCH OTHER WAY AS THE COMMISSION MAY BY RULE SPECIFY.

22 H. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:

23 1. THE TIME, DATE AND LOCATION OF THE PUBLIC HEARING AT WHICH THE
24 COMMISSION WILL HEAR PUBLIC COMMENTS ON THE PROPOSED RULE AND, IF
25 DIFFERENT, THE TIME, DATE AND LOCATION OF THE MEETING WHERE THE COMMISSION
26 WILL CONSIDER AND VOTE ON THE PROPOSED RULE.

27 2. IF THE HEARING IS HELD VIA TELECOMMUNICATION, VIDEO CONFERENCE
28 OR OTHER ELECTRONIC MEANS, THE COMMISSION SHALL INCLUDE THE MECHANISM FOR
29 ACCESS TO THE HEARING IN THE NOTICE OF PROPOSED RULEMAKING.

30 3. THE TEXT OF THE PROPOSED RULE AND THE REASON FOR THE PROPOSED
31 RULE.

32 4. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY INTERESTED
33 PERSON.

34 5. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT WRITTEN
35 COMMENTS.

36 I. ALL HEARINGS SHALL BE RECORDED. A COPY OF THE RECORDING AND ALL
37 WRITTEN COMMENTS AND DOCUMENTS RECEIVED BY THE COMMISSION IN RESPONSE TO
38 THE PROPOSED RULE SHALL BE AVAILABLE TO THE PUBLIC.

39 J. THIS SECTION DOES NOT REQUIRE A SEPARATE HEARING ON EACH RULE.
40 RULES MAY BE GROUPED FOR THE CONVENIENCE OF THE COMMISSION AT HEARINGS
41 REQUIRED BY THIS SECTION.

42 K. THE COMMISSION, BY MAJORITY VOTE OF ALL MEMBERS, SHALL TAKE
43 FINAL ACTION ON THE PROPOSED RULE BASED ON THE RULEMAKING RECORD AND THE
44 FULL TEXT OF THE RULE. THE COMMISSION MAY ADOPT CHANGES TO THE PROPOSED
45 RULE IF THE CHANGES DO NOT ENLARGE THE ORIGINAL PURPOSE OF THE PROPOSED

1 RULE. THE COMMISSION SHALL PROVIDE AN EXPLANATION OF THE REASONS FOR
2 SUBSTANTIVE CHANGES MADE TO THE PROPOSED RULE AS WELL AS REASONS FOR
3 SUBSTANTIVE CHANGES NOT MADE THAT WERE RECOMMENDED BY COMMENTERS. THE
4 COMMISSION SHALL DETERMINE A REASONABLE EFFECTIVE DATE FOR THE
5 RULE. EXCEPT FOR AN EMERGENCY AS PROVIDED IN SUBSECTION L OF THIS
6 SECTION, THE EFFECTIVE DATE OF THE RULE SHALL BE NOT SOONER THAN THIRTY
7 DAYS AFTER ISSUING THE NOTICE THAT IT ADOPTED OR AMENDED THE RULE.

8 L. ON A DETERMINATION THAT AN EMERGENCY EXISTS, THE COMMISSION MAY
9 CONSIDER AND ADOPT AN EMERGENCY RULE WITH FORTY-EIGHT HOURS' NOTICE, WITH
10 OPPORTUNITY TO COMMENT, PROVIDED THAT THE USUAL RULEMAKING PROCEDURES
11 PROVIDED IN THE COMPACT AND IN THIS SECTION SHALL BE RETROACTIVELY APPLIED
12 TO THE RULE AS SOON AS REASONABLY POSSIBLE BUT NOT LATER THAN NINETY DAYS
13 AFTER THE EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS
14 SUBSECTION, AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED IMMEDIATELY IN
15 ORDER TO:

- 16 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE.
- 17 2. PREVENT A LOSS OF COMMISSION OR MEMBER STATE MONIES.
- 18 3. MEET A DEADLINE FOR THE PROMULGATION OF A RULE THAT IS
19 ESTABLISHED BY FEDERAL LAW OR RULE.
- 20 4. PROTECT THE PUBLIC HEALTH AND SAFETY.

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

33 N. A MEMBER STATE'S RULEMAKING REQUIREMENTS SHALL NOT APPLY UNDER
34 THIS COMPACT.

35 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

36 A. OVERSIGHT IS AS FOLLOWS:

37 1. THE EXECUTIVE AND JUDICIAL BRANCHES OF STATE GOVERNMENT IN EACH
38 MEMBER STATE SHALL ENFORCE THIS COMPACT AND TAKE ALL ACTIONS NECESSARY AND
39 APPROPRIATE TO IMPLEMENT THE COMPACT.

40 2. EXCEPT AS OTHERWISE PROVIDED IN THIS COMPACT, VENUE IS PROPER
41 AND JUDICIAL PROCEEDINGS BY OR AGAINST THE COMMISSION SHALL BE BROUGHT
42 SOLELY AND EXCLUSIVELY IN A COURT OF COMPETENT JURISDICTION WHERE THE
43 PRINCIPAL OFFICE OF THE COMMISSION IS LOCATED. THE COMMISSION MAY WAIVE
44 VENUE AND JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR CONSENTS TO
45 PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS. THIS SECTION

1 DOES NOT AFFECT OR LIMIT THE SELECTION OR PROPRIETY OF VENUE IN ANY ACTION
2 AGAINST A LICENSEE FOR PROFESSIONAL MALPRACTICE, MISCONDUCT OR ANY SUCH
3 SIMILAR MATTER.

4 3. THE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE OF PROCESS
5 IN ANY PROCEEDING REGARDING THE ENFORCEMENT OR INTERPRETATION OF THE
6 COMPACT AND SHALL HAVE STANDING TO INTERVENE IN SUCH A PROCEEDING FOR ALL
7 PURPOSES. FAILURE TO PROVIDE THE COMMISSION SERVICE OF PROCESS SHALL
8 RENDER A JUDGMENT OR ORDER VOID AS TO THE COMMISSION, THIS COMPACT OR
9 PROMULGATED RULES.

10 B. DEFAULT, TECHNICAL ASSISTANCE AND TERMINATION ARE AS FOLLOWS:

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

18 2. THE COMMISSION SHALL PROVIDE A COPY OF THE NOTICE OF DEFAULT TO
19 THE OTHER MEMBER STATES.

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

27 D. TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE IMPOSED ONLY
28 AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN EXHAUSTED. NOTICE
29 OF INTENT TO SUSPEND OR TERMINATE SHALL BE GIVEN BY THE COMMISSION TO THE
30 GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF THE DEFAULTING STATE'S
31 LEGISLATURE, THE DEFAULTING STATE'S STATE LICENSING AUTHORITY AND EACH OF
32 THE MEMBER STATES' LICENSING AUTHORITY.

33 E. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL
34 ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE EFFECTIVE
35 DATE OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE
36 EFFECTIVE DATE OF TERMINATION.

37 F. ON THE TERMINATION OF A STATE'S MEMBERSHIP FROM THIS COMPACT,
38 THAT STATE SHALL IMMEDIATELY PROVIDE NOTICE TO ALL LICENSEES WITHIN THAT
39 STATE OF SUCH TERMINATION. THE TERMINATED STATE SHALL CONTINUE TO
40 RECOGNIZE ALL LICENSES GRANTED PURSUANT TO THIS COMPACT FOR AT LEAST SIX
41 MONTHS AFTER THE DATE OF THE NOTICE OF TERMINATION.

42 G. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A STATE THAT
43 IS FOUND TO BE IN DEFAULT OR THAT HAS BEEN TERMINATED FROM THE COMPACT,
44 UNLESS AGREED ON IN WRITING BETWEEN THE COMMISSION AND THE DEFAULTING
45 STATE.

1 H. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE COMMISSION BY
2 PETITIONING THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
3 OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES.
4 THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION,
5 INCLUDING REASONABLE ATTORNEY FEES.

6 I. DISPUTE RESOLUTION IS AS FOLLOWS:

7 1. ON REQUEST BY A MEMBER STATE, THE COMMISSION SHALL ATTEMPT TO
8 RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE AMONG MEMBER STATES AND
9 BETWEEN MEMBER AND NONMEMBER STATES.

10 2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR BOTH
11 MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS APPROPRIATE.

12 J. ENFORCEMENT IS AS FOLLOWS:

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

24 2. A MEMBER STATE MAY INITIATE LEGAL ACTION AGAINST THE COMMISSION
25 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE
26 FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES TO ENFORCE
27 COMPLIANCE WITH THE COMPACT AND ITS PROMULGATED RULES. THE RELIEF SOUGHT
28 MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IF JUDICIAL ENFORCEMENT
29 IS NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH
30 LITIGATION, INCLUDING REASONABLE ATTORNEY FEES.

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

33 SECTION 14. EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

34 A. THIS COMPACT SHALL COME INTO EFFECT ON THE DATE ON WHICH THE
35 COMPACT STATUTE IS ENACTED INTO LAW IN THE SEVENTH MEMBER STATE. ON OR
36 AFTER THE EFFECTIVE DATE OF THE COMPACT, THE COMMISSION SHALL CONVENE AND
37 REVIEW THE ENACTMENT OF EACH OF THE FIRST SEVEN MEMBER STATES, KNOWN AS
38 THE CHARTER MEMBER STATES, TO DETERMINE IF THE STATUTE ENACTED BY EACH
39 SUCH CHARTER MEMBER STATE IS MATERIALLY DIFFERENT THAN THE MODEL COMPACT
40 STATUTE. A CHARTER MEMBER STATE WHOSE ENACTMENT IS FOUND TO BE MATERIALLY
41 DIFFERENT FROM THE MODEL COMPACT STATUTE SHALL BE ENTITLED TO THE DEFAULT
42 PROCESS SET FORTH IN SECTION 13 OF THIS COMPACT. IF ANY MEMBER STATE IS
43 LATER FOUND TO BE IN DEFAULT, OR IS TERMINATED OR WITHDRAWS FROM THE
44 COMPACT, THE COMMISSION SHALL REMAIN IN EXISTENCE AND THE COMPACT SHALL
45 REMAIN IN EFFECT EVEN IF THE NUMBER OF MEMBER STATES SHOULD BE LESS THAN

1 SEVEN. MEMBER STATES ENACTING THE COMPACT AFTER THE SEVEN INITIAL CHARTER
2 MEMBER STATES SHALL BE SUBJECT TO THE PROCESS SET FORTH IN SECTION 10,
3 SUBSECTION C, PARAGRAPH 21 OF THIS COMPACT TO DETERMINE IF THEIR
4 ENACTMENTS ARE MATERIALLY DIFFERENT FROM THE MODEL COMPACT STATUTE AND
5 WHETHER THEY QUALIFY FOR PARTICIPATION IN THE COMPACT.

6 B. ALL ACTIONS TAKEN FOR THE BENEFIT OF THE COMMISSION OR IN
7 FURTHERANCE OF THE PURPOSES OF THE ADMINISTRATION OF THE COMPACT PRIOR TO
8 THE EFFECTIVE DATE OF THE COMPACT OR THE COMMISSION COMING INTO EXISTENCE
9 SHALL BE CONSIDERED TO BE ACTIONS OF THE COMMISSION UNLESS SPECIFICALLY
10 REPUDIATED BY THE COMMISSION.

11 C. ANY STATE THAT JOINS THE COMPACT AFTER THE COMMISSION'S INITIAL
12 ADOPTION OF THE RULES AND BYLAWS SHALL BE SUBJECT TO THE RULES AND BYLAWS
13 AS THEY EXIST ON THE DATE ON WHICH THE COMPACT BECOMES LAW IN THAT STATE.
14 ANY RULE THAT HAS BEEN PREVIOUSLY ADOPTED BY THE COMMISSION HAS THE FULL
15 FORCE AND EFFECT OF LAW ON THE DAY THE COMPACT BECOMES LAW IN THAT STATE.

16 D. ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING A
17 STATUTE REPEALING THE SAME. A MEMBER STATE'S WITHDRAWAL SHALL NOT TAKE
18 EFFECT UNTIL ONE HUNDRED EIGHTY DAYS AFTER ENACTMENT OF THE REPEALING
19 STATUTE. WITHDRAWAL SHALL NOT AFFECT THE CONTINUING REQUIREMENT OF THE
20 WITHDRAWING STATE'S LICENSING AUTHORITY TO COMPLY WITH THE INVESTIGATIVE
21 AND ADVERSE ACTION REPORTING REQUIREMENTS OF THIS COMPACT PRIOR TO THE
22 EFFECTIVE DATE OF WITHDRAWAL. ON THE ENACTMENT OF A STATUTE WITHDRAWING
23 FROM THIS COMPACT, A STATE SHALL IMMEDIATELY PROVIDE NOTICE OF SUCH
24 WITHDRAWAL TO ALL LICENSEES WITHIN THAT STATE. NOTWITHSTANDING ANY
25 SUBSEQUENT STATUTORY ENACTMENT TO THE CONTRARY, SUCH WITHDRAWING STATE
26 SHALL CONTINUE TO RECOGNIZE ALL LICENSES GRANTED PURSUANT TO THIS COMPACT
27 FOR AT LEAST ONE HUNDRED EIGHTY DAYS AFTER THE DATE OF SUCH NOTICE OF
28 WITHDRAWAL.

29 E. THIS COMPACT DOES NOT INVALIDATE OR PREVENT ANY LICENSURE
30 AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A MEMBER STATE AND A
31 NONMEMBER STATE THAT DOES NOT CONFLICT WITH THIS COMPACT.

32 F. THIS COMPACT MAY BE AMENDED BY THE MEMBER STATES. AN AMENDMENT
33 TO THIS COMPACT DOES NOT BECOME EFFECTIVE AND BINDING ON ANY MEMBER STATE
34 UNTIL IT IS ENACTED INTO THE LAWS OF ALL MEMBER STATES.

35 SECTION 15. CONSTRUCTION AND SEVERABILITY

36 A. THIS COMPACT AND THE COMMISSION'S RULEMAKING AUTHORITY SHALL BE
37 LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE PURPOSES, IMPLEMENTATION AND
38 ADMINISTRATION OF THE COMPACT. PROVISIONS OF THE COMPACT EXPRESSLY
39 AUTHORIZING OR REQUIRING THE PROMULGATION OF RULES SHALL NOT BE CONSTRUED
40 TO LIMIT THE COMMISSION'S RULEMAKING AUTHORITY SOLELY FOR THOSE PURPOSES.

41 B. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE AND IF ANY
42 PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT IS HELD BY A COURT
43 OF COMPETENT JURISDICTION TO BE CONTRARY TO THE CONSTITUTION OF ANY MEMBER
44 STATE, OF A STATE SEEKING PARTICIPATION IN THE COMPACT OR OF THE UNITED
45 STATES, OR THE APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON OR

1 CIRCUMSTANCE IS HELD TO BE UNCONSTITUTIONAL BY A COURT OF COMPETENT
2 JURISDICTION, THE VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE
3 APPLICABILITY THEREOF TO ANY OTHER GOVERNMENT, AGENCY, PERSON OR
4 CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.

5 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, THE COMMISSION MAY
6 DENY A STATE'S PARTICIPATION IN THE COMPACT OR, IN ACCORDANCE WITH THE
7 REQUIREMENTS OF SECTION 13, SUBSECTION B OF THIS COMPACT, TERMINATE A
8 MEMBER STATE'S PARTICIPATION IN THE COMPACT, IF THE COMMISSION DETERMINES
9 THAT A CONSTITUTIONAL REQUIREMENT OF A MEMBER STATE IS A MATERIAL
10 DEPARTURE FROM THE COMPACT. OTHERWISE, IF THIS COMPACT IS HELD TO BE
11 CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE, THE COMPACT SHALL REMAIN
12 IN FULL FORCE AND EFFECT AS TO THE REMAINING MEMBER STATES AND IN FULL
13 FORCE AND EFFECT AS TO THE MEMBER STATE AFFECTED AS TO ALL SEVERABLE
14 MATTERS.

15 SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

16 A. A LICENSEE WHO PROVIDES SERVICES IN A REMOTE STATE UNDER A
17 MULTISTATE AUTHORIZATION TO PRACTICE SHALL ADHERE TO THE LAWS AND
18 REGULATIONS, INCLUDING LAWS, REGULATIONS AND APPLICABLE STANDARDS, OF THE
19 REMOTE STATE WHERE THE CLIENT IS LOCATED AT THE TIME CARE IS RENDERED.

20 B. THIS SECTION DOES NOT PREVENT OR INHIBIT THE ENFORCEMENT OF ANY
21 OTHER LAW OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THE COMPACT.

22 C. ANY LAWS, STATUTES, REGULATIONS OR OTHER LEGAL REQUIREMENTS IN A
23 MEMBER STATE THAT ARE IN CONFLICT WITH THE COMPACT ARE SUPERSEDED TO THE
24 EXTENT OF THE CONFLICT.

25 D. ALL PERMISSIBLE AGREEMENTS BETWEEN THE COMMISSION AND THE MEMBER
26 STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.