

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to the Social Work Licensure Compact;
3 creating s. 491.019, F.S.; creating the Social Work
4 Licensure Compact; providing a purpose and objectives
5 of the compact; defining terms; specifying
6 requirements for state participation in the compact;
7 specifying requirements for member states to maintain
8 membership in the compact; requiring member states to
9 designate the categories of social work licensure
10 which are eligible for issuance of a multistate
11 license in such states; specifying criteria licensed
12 social workers must meet to be issued a multistate
13 license under the compact; providing additional
14 requirements based on the licensure category of such
15 social workers; providing for the renewal of
16 multistate licenses; specifying that a licensed social
17 worker's services provided in a remote state are
18 subject to that member state's regulatory authority;
19 authorizing remote states to act on a licensee's
20 multistate authorization to practice; specifying the
21 consequences and parameters of practice for a licensee
22 whose multistate license or multistate authorization
23 to practice is encumbered; specifying procedures for
24 issuing multistate licenses; providing for the
25 recognition of multistate licenses in all member
26 states; providing construction; specifying that a
27 licensed social worker may hold a home state license
28 in only one member state at a time; specifying
29 requirements and procedures for reissuing a multistate

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30 license by a new home state; providing construction;
31 authorizing active duty military personnel or their
32 spouses to keep their home state designation during
33 active duty; authorizing member states to take adverse
34 action against a licensee's multistate authorization
35 to practice and to issue subpoenas for hearings and
36 investigations under certain circumstances; providing
37 requirements and procedures for such adverse action
38 and subpoenas; authorizing member states to recover
39 costs of investigations and depositions from the
40 affected licensed social workers in adverse actions;
41 authorizing member states to engage in joint
42 investigations under certain circumstances; providing
43 that a licensee's multistate authorization to practice
44 must be deactivated in all member states for the
45 duration of an encumbrance imposed by the licensee's
46 home state; providing for notice to the data system
47 and the licensee's home state of any adverse action
48 taken against a licensee; providing construction;
49 establishing the Social Work Licensure Compact
50 Commission; providing for membership, meetings, and
51 powers of the commission; providing for powers,
52 duties, membership, and meetings of the commission's
53 executive committee; requiring the commission to adopt
54 and provide annual reports to member states; providing
55 public notice and records requirements for meetings of
56 the commission; authorizing the commission to hold
57 closed, nonpublic meetings under certain
58 circumstances; providing for the financing of the

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59 commission; providing commission members, officers,
60 executive directors, employees, and representatives
61 immunity from civil liability under certain
62 circumstances; providing construction; requiring the
63 commission to defend the commission's members,
64 officers, executive directors, employees, and
65 representatives in civil actions under certain
66 circumstances; providing construction; requiring the
67 commission to indemnify and hold harmless such
68 individuals for any settlement or judgment obtained in
69 such actions under certain circumstances; providing
70 construction; providing for the development of the
71 data system, reporting procedures, and the exchange of
72 specified information between member states; requiring
73 member states to report any adverse action taken
74 against a licensee and monitor the data system for
75 adverse action taken against a licensee in other
76 member states; authorizing member states to designate
77 as confidential information provided to the data
78 system; requiring the commission to remove information
79 from the data system under certain circumstances;
80 providing rulemaking procedures for the commission,
81 including public notice and meeting requirements;
82 providing for member state enforcement of the compact;
83 providing for the jurisdiction and venue for court
84 proceedings brought against the commission; specifying
85 that the commission is entitled to receive service of
86 process, and has standing to intervene, in certain
87 judicial and administrative proceedings; rendering

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88 certain judgments and orders void as to the
89 commission, the compact, or commission rules under
90 certain circumstances; providing for defaults,
91 technical assistance, and termination of compact
92 membership; providing procedures for the resolution of
93 certain disputes; providing for commission enforcement
94 of the compact; providing for remedies; providing that
95 only a member state may seek enforcement of the
96 compact against the commission; providing for
97 implementation of, withdrawal from, and amendment to
98 the compact; providing construction and severability;
99 specifying that licensees providing services in a
100 remote state under the compact must adhere to the laws
101 and rules of the remote state; providing construction;
102 amending s. 456.073, F.S.; requiring the Department of
103 Health to report certain investigative information to
104 the data system; amending s. 456.076, F.S.; requiring
105 monitoring contracts for impaired practitioners
106 participating in treatment programs to contain certain
107 terms; amending s. 491.004, F.S.; requiring the Board
108 of Clinical Social Work, Marriage and Family Therapy,
109 and Mental Health Counseling to appoint an individual
110 to serve as the state's delegate on the commission;
111 amending ss. 491.005 and 491.006, F.S.; exempting
112 social workers practicing under the compact from
113 certain licensure requirements; amending s. 491.009,
114 F.S.; authorizing certain disciplinary action under
115 the compact for specified prohibited acts; amending s.
116 768.28, F.S.; designating the state delegate and other

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117 members or employees of the commission as state agents
118 for the purpose of applying waivers of sovereign
119 immunity; requiring the commission to pay certain
120 claims or judgments; authorizing the commission to
121 maintain insurance coverage to pay such claims or
122 judgments; requiring the department to notify the
123 Division of Law Revision upon enactment of the compact
124 into law by seven states; providing a contingent
125 effective date.

126
127 Be It Enacted by the Legislature of the state of Florida:

128
129 Section 1. Section 491.019, Florida Statutes, is created to
130 read:

131 491.019 Social Work Licensure Compact.—The Social Work
132 Licensure Compact is hereby enacted and entered into by this
133 state with all other jurisdictions legally joining therein in
134 the form substantially as follows:

135 (1) PURPOSE.—The purpose of the compact is to facilitate
136 interstate practice of licensed social workers and improve
137 public access to competent social work services. The compact
138 preserves the regulatory authority of states to protect public
139 health and safety through the current system of state licensure.

140 The compact is designed to achieve the following objectives:

141 (a) Increase public access to social work services.

142 (b) Reduce overly burdensome and duplicative requirements
143 associated with holding multiple licenses.

144 (c) Enhance the member states' ability to protect the
145 public's health and safety.

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146 (d) Encourage the cooperation of member states in
147 regulating multistate practice of licensed social workers.

148 (e) Promote mobility and address workforce shortages by
149 eliminating the necessity for licenses in multiple states
150 through the mutual recognition of other member state licenses.

151 (f) Support military families.

152 (g) Facilitate the exchange of licensure and disciplinary
153 information among member states.

154 (h) Authorize all member states to hold a licensed social
155 worker accountable for abiding by the laws, regulations, and
156 applicable professional standards in the member state in which
157 the client is located at the time care is rendered.

158 (i) Allow for the use of telehealth to facilitate increased
159 access to regulated social work services.

160 (2) DEFINITIONS.—As used in the compact, and except as
161 otherwise provided, the term:

162 (a) "Active military member" means any individual on full-
163 time duty status in the active armed forces of the United
164 States, including members of the National Guard and Reserve.

165 (b) "Adverse action" means any administrative, civil,
166 equitable, or criminal action authorized by a state's laws which
167 is imposed by a licensing authority or other authority against a
168 licensed social worker, including actions against an
169 individual's license or multistate authorization to practice,
170 such as revocation, suspension, probation, monitoring of the
171 licensee, limitation on the licensee's practice, or any other
172 encumbrance on licensure affecting a licensed social worker's
173 authorization to practice, including issuance of a cease and
174 desist action.

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175 (c) "Alternative program" means a nondisciplinary
176 monitoring or practice remediation process approved by a
177 licensing authority to address practitioners with an impairment.

178 (d) "Charter member state" means a member state that
179 enacted legislation to adopt the compact before the effective
180 date of the compact as provided in subsection (14).

181 (e) "Compact commission" or "commission" means the
182 administrative body whose membership consists of all states that
183 have enacted the compact, which is known as the Social Work
184 Licensure Compact Commission, and which operates as an
185 instrumentality of the member states.

186 (f) "Current significant investigative information" means:

187 1. Investigative information that a licensing authority,
188 after a preliminary inquiry that includes notification and an
189 opportunity for the licensed social worker to respond, has
190 reason to believe is not groundless and, if proved true, would
191 indicate more than a minor infraction as may be defined by the
192 commission; or

193 2. Investigative information that indicates that the
194 licensed social worker represents an immediate threat to public
195 health and safety, as defined by the commission, regardless of
196 whether the licensed social worker has been notified and has had
197 an opportunity to respond.

198 (g) "Data system" means a repository of information about
199 licensees, including, but not limited to, continuing education,
200 examination, licensure status, current significant investigative
201 information, disqualifying events, multistate licenses, adverse
202 action information, and other information required by the
203 commission.

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204 (h) "Disqualifying event" means any adverse action or
205 incident that results in an encumbrance that disqualifies or
206 makes the licensee ineligible to obtain, retain, or renew a
207 multistate license.

208 (i) "Domicile" means the jurisdiction in which the licensee
209 resides and intends to remain indefinitely.

210 (j) "Encumbrance" means a revocation or suspension of, or
211 any limitation on, the full and unrestricted practice of social
212 work as licensed and regulated by a licensing authority.

213 (k) "Executive committee" means a group of delegates
214 elected or appointed to act on behalf of, and within the powers
215 granted to them by, the compact and commission.

216 (l) "Home state" means the member state that is the
217 licensee's primary domicile.

218 (m) "Impairment" means a condition that may impair a
219 practitioner's ability to engage in full and unrestricted
220 practice as a licensed social worker without some type of
221 intervention and may include, but is not limited to, alcohol and
222 drug dependence, a mental health impairment, or neurological or
223 physical impairments.

224 (n) "Licensed social worker" means any clinical, master's,
225 or bachelor's category social worker licensed by a member state
226 regardless of the title used by that member state.

227 (o) "Licensee" means an individual who currently holds a
228 license from a state to practice as a licensed social worker.

229 (p) "Licensing authority" means the board or agency of a
230 member state, or equivalent, which is responsible for the
231 licensing and regulation of licensed social workers.

232 (q) "Member state" means a state, commonwealth, district,

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233 or territory of the United States of America which has enacted
234 the compact.

235 (r) "Multistate authorization to practice" means a legally
236 authorized privilege to practice which is equivalent to a
237 license associated with a multistate license authorizing the
238 practice of social work in a remote state.

239 (s) "Multistate license" means a license to practice as a
240 licensed social worker issued by a home state's licensing
241 authority which authorizes the licensed social worker to
242 practice in all member states under the multistate authorization
243 to practice.

244 (t) "Qualifying national exam" means a national licensing
245 examination approved by the commission.

246 (u) "Remote state" means a member state other than the
247 licensee's home state.

248 (v) "Rule" means a regulation adopted by the commission, as
249 authorized by the compact, which regulation has the force of
250 law.

251 (w) "Single-state license" means a license to practice
252 social work issued by any state which authorizes practice only
253 within the issuing state. The term does not include a multistate
254 authorization to practice in any member state.

255 (x) "Social work" or "social work services" means the
256 application of social work theory, knowledge, methods, and
257 ethics, and the professional use of self to restore or enhance
258 social, psychosocial, or biopsychosocial functioning of
259 individuals, couples, families, groups, organizations, and
260 communities through the care and services provided by a licensed
261 social worker as set forth in the member state's statutes and

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262 regulations in the state where the services are being provided.

263 (y) "State" means any state, commonwealth, district, or
264 territory of the United States of America which regulates the
265 practice of social work.

266 (z) "Unencumbered license" means a license that authorizes
267 a licensed social worker to engage in the full and unrestricted
268 practice of social work.

269 (3) STATE PARTICIPATION IN THE COMPACT.—

270 (a) To be eligible to participate in the compact, a
271 potential member state must meet all of the following criteria
272 at the time of joining the compact:

273 1. License and regulate the practice of social work in the
274 clinical, master's, or bachelor's categories.

275 2. Require applicants for licensure to graduate from a
276 program that:

277 a. Is operated by a college or university recognized by the
278 state's licensing authority;

279 b. Is accredited, or in candidacy by an institution that
280 subsequently becomes accredited, by an accrediting agency
281 recognized by either:

282 (I) The Council for Higher Education Accreditation, or its
283 successor; or

284 (II) The United States Department of Education; and

285 c. Corresponds to the multistate license sought as outlined
286 in subsection (4).

287 3. Require applicants for clinical licensure to complete a
288 period of supervised practice.

289 4. Have a mechanism in place for receiving, investigating,
290 and adjudicating complaints about licensees.

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291 (b) To maintain membership in the compact, a member state
292 must:

293 1. Require applicants for a multistate license to pass a
294 qualifying national exam for the corresponding category of
295 multistate license sought as outlined in subsection (4);

296 2. Participate fully in the commission's data system,
297 including using the commission's unique identifier as defined by
298 commission rule;

299 3. Notify the commission, in compliance with the terms of
300 the compact and rules, of any adverse action or the availability
301 of current significant investigative information regarding a
302 licensee;

303 4. Implement procedures for considering the criminal
304 history records of applicants for a multistate license. Such
305 procedures must include the submission of fingerprints or other
306 biometric-based information by applicants for the purpose of
307 obtaining an applicant's criminal history record information
308 from the Federal Bureau of Investigation and the agency
309 responsible for retaining that state's criminal records;

310 5. Comply with the rules of the commission;

311 6. Require an applicant to obtain or retain a license in
312 the home state and meet the home state's qualifications for
313 licensure or renewal of licensure, as well as all other
314 applicable home state laws;

315 7. Authorize a licensee holding a multistate license in any
316 member state to practice in accordance with the terms of the
317 compact and rules of the commission; and

318 8. Designate a delegate to participate in commission
319 meetings.

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320 (c) A member state meeting the requirements of paragraphs
321 (a) and (b) shall designate the categories of social work
322 licensure which are eligible for issuance of a multistate
323 license for applicants in such member state. To the extent that
324 any member state does not meet the requirements for
325 participation in the compact for any particular category of
326 social work licensure, such member state may, but is not
327 obligated to, issue a multistate license to applicants who
328 otherwise meet the requirements of subsection (4) for issuance
329 of a multistate license in such category or categories of
330 licensure.

331 (4) SOCIAL WORKER PARTICIPATION IN THE COMPACT.—

332 (a) To be eligible for a multistate license under the
333 compact, an applicant, regardless of license category, must meet
334 all of the following criteria:

335 1. Hold or be eligible for an active, unencumbered license
336 in the home state.

337 2. Submit, in connection with an application for a
338 multistate license, fingerprints or other biometric data for the
339 purpose of obtaining criminal history record information from
340 the Federal Bureau of Investigation and the agency responsible
341 for retaining that state's criminal records.

342 3. Notify the home state of any adverse action,
343 encumbrance, or restriction on any professional license imposed
344 by any member state or nonmember state within 30 days after the
345 date the action is taken.

346 4. Meet any continuing competency requirements established
347 by the home state.

348 5. Abide by the laws, regulations, and applicable standards

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349 in the member state where the client is located at the time care
350 is rendered.

351 (b) An applicant for a clinical-category multistate license
352 must meet all of the following requirements:

353 1. Fulfill a competency requirement, which may be satisfied
354 by any of the following:

355 a. Passage of a clinical-category qualifying national exam;

356 b. For applicants licensed before a qualifying national
357 exam was required by the home state in the clinical category,
358 licensure of the applicant in his or her home state in the
359 clinical category, accompanied by a period of continuous social
360 work licensure thereafter, all of which may be further governed
361 by the rules of the commission; or

362 c. The substantial equivalency of the foregoing competency
363 requirements which the commission may determine by rule.

364 2. Attain at least a master's degree in social work from a
365 program that is:

366 a. Operated by a college or university recognized by the
367 state's licensing authority; and

368 b. Accredited, or in candidacy that subsequently receives
369 accreditation, by an accrediting agency recognized by either:

370 (I) The Council for Higher Education Accreditation or its
371 successor; or

372 (II) The United States Department of Education.

373 3. Fulfill a practice requirement, which may be satisfied
374 by demonstrating completion of any of the following:

375 a. A period of postgraduate supervised clinical practice
376 equal to a minimum of 3,000 hours;

377 b. A minimum of 2 years of full-time postgraduate

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378 supervised clinical practice; or

379 c. The substantial equivalency of the foregoing practice
380 requirements which the commission may determine by rule.

381 (c) An applicant for a master's-category multistate license
382 must meet all of the following requirements:

383 1. Fulfill a competency requirement, which may be satisfied
384 by any of the following:

385 a. Passage of a master's-category qualifying national exam;

386 b. For applicants licensed before a qualifying national
387 exam was required by the home state in the master's category,
388 licensure of the applicant in his or her home state in the
389 master's category, accompanied by a continuous period of social
390 work licensure thereafter, all of which may be further governed
391 by the rules of the commission; or

392 c. The substantial equivalency of the foregoing competency
393 requirements which the commission may determine by rule.

394 2. Attain at least a master's degree in social work from a
395 program that is:

396 a. Operated by a college or university recognized by the
397 state's licensing authority; and

398 b. Accredited, or in candidacy that subsequently becomes
399 accredited, by an accrediting agency recognized by either:

400 (I) The Council for Higher Education Accreditation or its
401 successor; or

402 (II) The United States Department of Education.

403 (d) An applicant for a bachelor's-category multistate
404 license must meet all of the following requirements:

405 1. Fulfill a competency requirement, which may be satisfied
406 by any of the following:

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- 407 a. Passage of a bachelor's-category qualifying national
408 exam;
- 409 b. For applicants licensed before a qualifying national
410 exam was required by the home state in the bachelor's category,
411 licensure of the applicant in his or her home state at the
412 bachelor's category, accompanied by a period of continuous
413 social work licensure thereafter, all of which may be further
414 governed by the rules of the commission; or
- 415 c. The substantial equivalency of the foregoing competency
416 requirements which the commission may determine by rule.
- 417 2. Attain at least a bachelor's degree in social work from
418 a program that is:
- 419 a. Operated by a college or university recognized by the
420 state's licensing authority; and
- 421 b. Accredited, or in candidacy that subsequently becomes
422 accredited, by an accrediting agency recognized by either:
- 423 (I) The Council for Higher Education Accreditation or its
424 successor; or
- 425 (II) The United States Department of Education.
- 426 (e) The multistate license for a licensed social worker is
427 subject to the renewal requirements of the home state. The
428 licensed social worker must maintain compliance with the
429 requirements of paragraph (a).
- 430 (f) The licensed social worker's services in a remote state
431 are subject to that remote state's regulatory authority. A
432 remote state may, in accordance with due process and that remote
433 state's laws, remove a licensed social worker's multistate
434 authorization to practice in the remote state for a specific
435 period of time, impose fines, and take any other necessary

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436 actions to protect the health and safety of its citizens.

437 (g) If a multistate license is encumbered, the licensed
438 social worker's multistate authorization to practice must be
439 deactivated in all remote states until the multistate license is
440 no longer encumbered.

441 (h) If a multistate authorization to practice is encumbered
442 in a remote state, the licensed social worker's multistate
443 authorization to practice may be deactivated in that state until
444 the multistate license is no longer encumbered.

445 (5) ISSUANCE OF A MULTISTATE LICENSE.—

446 (a) Upon receipt of an application for a multistate
447 license, the home state's licensing authority shall determine
448 the applicant's eligibility for a multistate license in
449 accordance with subsection (4).

450 (b) If such applicant is eligible under subsection (4), the
451 home state's licensing authority must issue a multistate license
452 that authorizes the applicant or licensed social worker to
453 practice in all member states under a multistate authorization
454 to practice.

455 (c) Upon issuance of a multistate license, the home state's
456 licensing authority shall designate whether the licensed social
457 worker holds a multistate license at the bachelor's, master's,
458 or clinical categories of social work.

459 (d) A multistate license issued by a home state to a
460 resident in that state must be recognized by all compact member
461 states as authorizing social work practice under a multistate
462 authorization to practice corresponding to each category of
463 licensure regulated in the member state.

464 (6) AUTHORITY OF THE COMPACT, COMMISSION, AND MEMBER STATE

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465 LICENSING AUTHORITIES.-

466 (a) The compact and rules of the commission may not be
467 construed to limit, restrict, or in any way reduce the ability
468 of a member state to:

469 1. Enact and enforce laws, regulations, or other rules
470 related to the practice of social work in that state, provided
471 those laws, regulations, or other rules do not conflict with the
472 provisions of the compact.

473 2. Take adverse action against a licensee's single-state
474 license to practice social work in that state.

475 3. Take adverse action against a licensee's multistate
476 authorization to practice in that state.

477 (b) The compact does not affect the requirements
478 established by a member state for the issuance of a single-state
479 license.

480 (c) The compact and rules of the commission may not be
481 construed to limit, restrict, or in any way reduce the ability
482 of a licensee's home state to take adverse action against a
483 licensee's multistate license based upon information provided by
484 a remote state.

485 (7) REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME
486 STATE.-

487 (a) A licensee may hold a multistate license, issued by his
488 or her home state, in only one member state at any given time.

489 (b) If a licensee changes his or her home state by moving
490 between two member states, the following requirements apply:

491 1. The licensee must immediately apply for the reissuance
492 of the multistate license in the new home state. The licensee
493 shall notify the former home state in accordance with the rules

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494 of the commission.

495 2. Upon receipt of an application to reissue a multistate
496 license, the new home state must verify that the multistate
497 license is active, unencumbered, and eligible for reissuance
498 under the terms of the compact and the rules of the commission.
499 The multistate license issued by the former home state must be
500 deactivated and all member states notified in accordance with
501 the applicable rules adopted by the commission.

502 3. Before reissuing the multistate license, the new home
503 state must follow the procedures established by the compact and
504 commission rule for reviewing the criminal history records of
505 the licensee. Such procedures must include the submission of
506 fingerprints or other biometric-based information by applicants
507 for the purpose of obtaining an applicant's criminal history
508 record information from the Federal Bureau of Investigation and
509 the agency responsible for retaining that state's criminal
510 records.

511 4. If required for initial licensure, the new home state
512 may require completion of jurisprudence requirements in the new
513 home state.

514 5. Notwithstanding any other provision of the compact, if a
515 licensee does not meet the requirements set forth in the compact
516 for the reissuance of a multistate license by the new home
517 state, the licensee is subject to the new home state
518 requirements for the issuance of a single-state license in that
519 state.

520 (c) If a licensee changes his or her domicile by moving
521 from a member state to a nonmember state, or from a nonmember
522 state to a member state, the licensee is subject to the state's

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523 requirements for the issuance of a single-state license in the
524 new home state.

525 (d) The compact does not interfere with a licensee's
526 ability to hold a single-state license in multiple states;
527 however, for the purposes of the compact, a licensee may have
528 only one home state and only one multistate license.

529 (e) The compact does not interfere with the requirements
530 established by a member state for the issuance of a single-state
531 license.

532 (8) MILITARY FAMILIES.—An active military member or his or
533 her spouse shall designate a home state as the state in which
534 the individual holds a multistate license. The individual may
535 retain the home state designation during the period the
536 servicemember is on active duty.

537 (9) ADVERSE ACTION.—

538 (a) In addition to the other powers conferred by state law,
539 a remote state has the authority, in accordance with existing
540 state due process law, to take adverse action against a licensed
541 social worker's multistate authorization to practice, but only
542 within that member state, and to issue subpoenas for hearings
543 and investigations that require the attendance and testimony of
544 witnesses as well as the production of evidence. Subpoenas
545 issued by a licensing authority in a member state for the
546 attendance and testimony of witnesses or the production of
547 evidence from another member state must be enforced in the
548 latter state by any court of competent jurisdiction, according
549 to the practice and procedure of that court applicable to
550 subpoenas issued in proceedings pending before it. The issuing
551 authority shall pay any witness fees, travel expenses, mileage,

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552 and other fees required by the service statutes of the state in
553 which the witnesses or evidence are located.

554 (b) Only the home state may take adverse action against a
555 licensed social worker's multistate license.

556 (c) For purposes of taking adverse action, the home state
557 must give the same priority and effect to reported conduct
558 received from a member state as it would if the conduct had
559 occurred within the home state. In so doing, the home state
560 shall apply its own state laws to determine appropriate action.

561 (d) The home state shall complete any pending
562 investigations of a licensed social worker who changes his or
563 her home state during the course of the investigation. The home
564 state also may take appropriate action and shall promptly report
565 the conclusions of the investigations to the administrator of
566 the data system. The administrator of the data system shall
567 promptly notify the new home state of any adverse action.

568 (e) A member state, if otherwise authorized by state law,
569 may recover from the affected licensed social worker the costs
570 of investigations and dispositions of cases resulting from any
571 adverse action taken against that licensed social worker.

572 (f) A member state may take adverse action based on the
573 factual findings of another member state, provided that the
574 member state follows its own procedures for taking the adverse
575 action.

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

580 2. Member states shall share any investigative, litigation,

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581 or compliance materials in furtherance of any joint or
582 individual investigation initiated under the compact.

583 (h) If adverse action is taken by the home state against
584 the multistate license of a licensed social worker, the licensed
585 social worker's multistate authorization to practice in all
586 other member states must be deactivated until all encumbrances
587 have been removed from the multistate license. All home state
588 disciplinary orders that impose adverse action against the
589 license of a licensed social worker must include a statement
590 that the licensed social worker's multistate authorization to
591 practice is deactivated in all member states until all
592 conditions of the decision, order, or agreement are satisfied.

593 (i) If a member state takes adverse action, it must
594 promptly notify the administrator of the data system. The
595 administrator of the data system shall promptly notify the home
596 state and all other member states of any adverse actions taken
597 by remote states.

598 (j) The compact does not override a member state's decision
599 that participation in an alternative program may be used in lieu
600 of adverse action. The compact does not authorize a member state
601 to demand the issuance of subpoenas for attendance and testimony
602 of witnesses or the production of evidence from another member
603 state for lawful actions within that member state.

604 (k) The compact does not authorize a member state to impose
605 discipline against a licensed social worker who holds a
606 multistate authorization to practice for actions committed in
607 another member state which were lawful in that state.

608 (10) SOCIAL WORK LICENSURE COMPACT COMMISSION.—

609 (a) Commission established.—The compact member states

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610 hereby create and establish a joint administrative body whose
611 membership consists of all member states that have enacted the
612 compact, to be known as the Social Work Licensure Compact
613 Commission. The commission is an instrumentality of the compact
614 states acting jointly and not an instrumentality of any one
615 state. The commission shall come into existence on or after the
616 effective date of the compact as set forth in subsection (14).

617 (b) Membership, voting, and meetings.-

618 1. Each member state is entitled to one delegate selected
619 by that member state's licensing authority.

620 2. The delegate may be one of the following:

621 a. A current member of the state's licensing authority who
622 is a licensed social worker or public member of the state's
623 licensing authority; or

624 b. An administrator of the state's licensing authority or
625 his or her designee.

626 3. The commission shall by rule or bylaw establish a term
627 of office for delegates and may by rule or bylaw establish term
628 limits.

629 4. The commission may recommend removal or suspension of
630 any delegate from office.

631 5. A member state's licensing authority shall fill any
632 vacancy of its delegate on the commission within 60 days after
633 the vacancy occurs.

634 6. Each delegate is entitled to one vote on all matters
635 before the commission requiring a vote by commission delegates.

636 7. A delegate must vote in person or by such other means as
637 provided in the bylaws. The bylaws may provide for delegates to
638 meet by telecommunication, videoconference, or other similar

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639 electronic means of communication.

640 8. The commission shall meet at least once during each
641 calendar year. Additional meetings may be held as set forth in
642 the bylaws. The commission may meet by telecommunication, video
643 conference, or other similar electronic means of communication.

644 (c) Powers.—The commission may do all of the following:

645 1. Establish the fiscal year of the commission.

646 2. Establish code of conduct and conflict of interest
647 policies.

648 3. Establish and amend rules and bylaws.

649 4. Maintain its financial records in accordance with the
650 bylaws.

651 5. Meet and take such actions as are consistent with the
652 provisions of the compact, the commission's rules, and the
653 bylaws.

654 6. Initiate and conclude legal proceedings or actions in
655 the name of the commission, provided that the standing of any
656 state's licensing authority to sue or be sued under applicable
657 law is not affected.

658 7. Maintain and certify records and information provided to
659 a member state as the authenticated business records of the
660 commission, and designate an agent to do so on the commission's
661 behalf.

662 8. Purchase and maintain insurance and bonds.

663 9. Borrow, accept, or contract for services of personnel,
664 including, but not limited to, employees of a member state.

665 10. Conduct an annual financial review.

666 11. Hire employees and elect or appoint officers; fix
667 compensation for, define duties of, and grant such individuals

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668 appropriate authority to carry out the purposes of the compact;
669 and establish the commission's personnel policies and programs
670 relating to conflicts of interest, qualifications of personnel,
671 and other related personnel matters.

672 12. Assess and collect fees.

673 13. Accept, receive, use, and dispose of any appropriate
674 gifts, donations, grants of money, other revenue sources,
675 equipment, supplies, materials, and services, provided that at
676 all times the commission avoids any appearance of impropriety or
677 conflict of interest.

678 14. Lease, purchase, retain, own, hold, improve, or use any
679 property, real, personal, or mixed, or any undivided interest
680 therein.

681 15. Sell, convey, mortgage, pledge, lease, exchange,
682 abandon, or otherwise dispose of any property, real, personal,
683 or mixed.

684 16. Establish a budget and make expenditures.

685 17. Borrow money.

686 18. Appoint committees, including standing committees,
687 composed of members, state regulators, state legislators or
688 their representatives, consumer representatives, and such other
689 interested persons as may be designated in the compact and the
690 bylaws.

691 19. Provide and receive information from, and cooperate
692 with, law enforcement agencies.

693 20. Establish and elect an executive committee, including a
694 chair and a vice chair.

695 21. Determine whether a state's statutorily adopted compact
696 language is materially different from the model compact language

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697 such that the state would not qualify for participation in the
698 compact.

699 22. Perform any other functions necessary to achieve the
700 purposes of the compact.

701 (d) The executive committee.-

702 1. The executive committee may act on behalf of the
703 commission according to the terms of the compact. The powers,
704 duties, and responsibilities of the executive committee include
705 all of the following:

706 a. Overseeing the day-to-day activities of administration
707 of the compact, including enforcement and compliance with the
708 compact and its rules and bylaws and other such duties as deemed
709 necessary by the commission.

710 b. Recommending to the commission changes to the rules or
711 bylaws, changes to the compact legislation, and fees charged to
712 compact member states, fees charged to licensees, and other
713 fees.

714 c. Ensuring compact administration services are
715 appropriately provided, including by contract.

716 d. Preparing and recommending the budget.

717 e. Maintaining financial records on behalf of the
718 commission.

719 f. Monitoring compact compliance of member states and
720 providing compliance reports to the commission.

721 g. Establishing additional committees as necessary.

722 h. Exercising the powers and duties of the commission in
723 the interim between commission meetings, except for adopting or
724 amending rules, adopting or amending bylaws, and exercising any
725 other powers and duties expressly reserved to the commission by

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726 rule or bylaw.

727 i. Performing other duties as provided in the rules or
728 bylaws of the commission.

729 2. The executive committee may be composed of up to 11
730 members, as follows:

731 a. A chair and vice chair, who must be voting members of
732 the executive committee.

733 b. Five voting members, selected by the commission from the
734 current membership of the commission.

735 c. Up to four ex-officio, nonvoting members from four
736 recognized national social work organizations specified by the
737 commission, selected by their respective organizations.

738 3. The commission may remove any member of the executive
739 committee as provided in the commission's bylaws.

740 4. The executive committee shall meet at least annually.

741 a. Executive committee meetings must be open to the public,
742 except that the executive committee may meet in a closed,
743 nonpublic meeting as provided in subparagraph (f)2.

744 b. The executive committee shall give 7 days' notice of its
745 meetings, posted on its website and as determined by the
746 commission, to provide notice to persons with an interest in the
747 business of the commission.

748 c. The executive committee may hold a special meeting in
749 accordance with sub-subparagraph (f)1.b.

750 (e) Annual report.—The commission shall adopt and provide
751 to the member states an annual report.

752 (f) Meetings of the commission.—

753 1. All meetings of the commission are open to the public,
754 except that the commission may meet in a closed, nonpublic

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755 meeting as provided in subparagraph 2.

756 a. Public notice for all meetings of the full commission
757 must be given in the same manner as required under the
758 rulemaking provisions in subsection (12), except that the
759 commission may hold a special meeting as provided in sub-
760 subparagraph b.

761 b. The commission may hold a special meeting when it must
762 meet to conduct emergency business by giving 48 hours' notice to
763 all commissioners, on the commission's website, and other means
764 as provided in the commission's rules. The commission's legal
765 counsel shall certify that the commission's need to meet
766 qualifies as an emergency.

767 2. The commission or the executive committee or other
768 committees of the commission may convene in a closed, nonpublic
769 meeting to receive legal advice or to discuss any of the
770 following:

771 a. Noncompliance of a member state with its obligations
772 under the compact.

773 b. The employment, compensation, discipline of, or other
774 matters, practices, or procedures related to specific employees.

775 c. Current or threatened discipline of a licensee by the
776 commission or by a member state's licensing authority.

777 d. Current, threatened, or reasonably anticipated
778 litigation.

779 e. Negotiation of contracts for the purchase, lease, or
780 sale of goods, services, or real estate.

781 f. Accusing any person of a crime or formally censuring any
782 person.

783 g. Trade secrets or commercial or financial information

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784 that is privileged or confidential.

785 h. Information of a personal nature where disclosure would
786 constitute a clearly unwarranted invasion of personal privacy.

787 i. Investigative records compiled for law enforcement
788 purposes.

789 j. Information related to any investigative reports
790 prepared by or on behalf of or for use of the commission or
791 other committee charged with responsibility of investigation or
792 determination of compliance issues pursuant to the compact.

793 k. Matters specifically exempted from disclosure by federal
794 or member state law.

795 1. Other matters as adopted by commission rule.

796 3. If a meeting, or portion of a meeting, is closed, the
797 presiding officer must state that the meeting will be closed and
798 reference each relevant exempting provision, and such reference
799 must be recorded in the minutes.

800 4. The commission shall keep minutes that fully and clearly
801 describe all matters discussed in a meeting and shall provide a
802 full and accurate summary of actions taken, and the reasons
803 therefore, including a description of the views expressed. All
804 documents considered in connection with an action must be
805 identified in the minutes. All minutes and documents of a closed
806 meeting must remain under seal, subject to release only by a
807 majority vote of the commission or order of a court of competent
808 jurisdiction.

809 (g) *Financing of the commission.*

810 1. The commission shall pay, or provide for the payment of,
811 the reasonable expenses of its establishment, organization, and
812 ongoing activities.

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813 2. The commission may accept any appropriate revenue
814 sources as provided in subparagraph (c)13.

815 3. The commission may levy on and collect an annual
816 assessment from each member state to cover the cost of the
817 operations and activities of the commission and its staff, which
818 must be in a total amount sufficient to cover its annual budget
819 as approved each year for which revenue is not provided by other
820 sources. The aggregate annual assessment amount for member
821 states shall be allocated based upon a formula that the
822 commission shall adopt by rule.

823 4. The commission may not incur obligations of any kind
824 before securing the funds adequate to meet such obligations; nor
825 may the commission pledge the credit of any of the member
826 states, except by and with the authority of the member state.

827 5. The commission shall keep accurate accounts of all
828 receipts and disbursements. The receipts and disbursements of
829 the commission are subject to the financial review and
830 accounting procedures established under its bylaws. However, all
831 receipts and disbursements of funds handled by the commission
832 are subject to an annual financial review by a certified or
833 licensed public accountant, and the report of the financial
834 review must be included in and become part of the annual report
835 of the commission.

836 (h) *Qualified immunity, defense, and indemnification.*—

837 1. The members, officers, executive director, employees,
838 and representatives of the commission are immune from suit and
839 liability, both personally and in their official capacity, for
840 any claim for damage to or loss of property or personal injury
841 or other civil liability caused by or arising out of any actual

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842 or alleged act, error, or omission that occurred, or that the
843 person against whom the claim is made had a reasonable basis for
844 believing occurred, within the scope of commission employment,
845 duties, or responsibilities. This subparagraph may not be
846 construed to protect any such person from suit or liability for
847 any damage, loss, injury, or liability caused by the intentional
848 or willful or wanton misconduct of that person. The procurement
849 of insurance of any type by the commission does not compromise
850 or limit the immunity granted hereunder.

851 2. The commission shall defend any member, officer,
852 executive director, employee, or representative of the
853 commission in any civil action seeking to impose liability
854 arising out of any actual or alleged act, error, or omission
855 that occurred within the scope of commission employment, duties,
856 or responsibilities, or that the commission determines the
857 person against whom the claim is made had a reasonable basis for
858 believing occurred within the scope of commission employment,
859 duties, or responsibilities, provided that the actual or alleged
860 act, error, or omission did not result from that person's
861 intentional or willful or wanton misconduct. This subparagraph
862 may not be construed to prohibit such person from retaining his
863 or her own counsel at his or her own expense.

864 3. The commission shall indemnify and hold harmless any
865 member, officer, executive director, employee, or representative
866 of the commission for the amount of any settlement or judgment
867 obtained against that person arising out of any actual or
868 alleged act, error, or omission that occurred within the scope
869 of commission employment, duties, or responsibilities, or that
870 such person had a reasonable basis for believing occurred within

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871 the scope of commission employment, duties, or responsibilities,
872 provided that the actual or alleged act, error, or omission did
873 not result from the intentional or willful or wanton misconduct
874 of that person.

875 4. This paragraph may not be construed as a limitation on
876 the liability of any licensee for professional malpractice or
877 misconduct, which is governed solely by any other applicable
878 state laws.

879 5. The compact may not be interpreted to waive or otherwise
880 abrogate a member state's state action immunity or state action
881 affirmative defense with respect to antitrust claims under the
882 Sherman Act, Clayton Act, or any other state or federal
883 antitrust or anticompetitive law or regulation.

884 6. The compact may not be construed as a waiver of
885 sovereign immunity by the member states or by the commission.

886 (11) DATA SYSTEM.—

887 (a) The commission shall provide for the development,
888 maintenance, operation, and use of a coordinated database and
889 reporting system containing licensure, adverse action, and any
890 current significant investigative information on all licensees
891 in member states.

892 (b) The commission shall assign each applicant for a
893 multistate license a unique identifier, as determined by the
894 rules of the commission.

895 (c) Notwithstanding any other state law to the contrary, a
896 member state shall submit a uniform data set to the data system
897 on all individuals to whom the compact is applicable as required
898 by the rules of the commission, including all of the following
899 information:

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900 1. Identifying information.

901 2. Licensure data.

902 3. Adverse actions against a license and related
903 information.

904 4. Nonconfidential information related to alternative
905 program participation, the beginning and ending dates of such
906 participation, and other information related to such
907 participation not made confidential under member state law.

908 5. Any denial of application for licensure and the reason
909 for such denial.

910 6. Any current significant investigative information.

911 7. Other information that may facilitate the administration
912 of the compact or the protection of the public, as determined by
913 the rules of the commission.

914 (d) The records and information provided to a member state
915 under the compact or through the data system, when certified by
916 the commission or an agent thereof, constitute the authenticated
917 business records of the commission and are entitled to any
918 associated hearsay exception in any relevant judicial, quasi-
919 judicial or administrative proceedings in a member state.

920 (e) Current significant investigative information
921 pertaining to a licensee in any member state may be made
922 available only to other member states.

923 (f) It is the responsibility of the member states to report
924 any adverse action against a licensee and to monitor the
925 database to determine whether adverse action has been taken
926 against a licensee in another member state. Adverse action
927 information pertaining to a licensee in any member state must be
928 made available to other member states.

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929 (g) Member states contributing information to the data
930 system may designate information that may not be shared with the
931 public without the express permission of the contributing state.

932 (h) Any information submitted to the data system which is
933 subsequently expunged pursuant to federal law or the laws of the
934 member state contributing the information must be removed from
935 the data system.

936 (12) RULEMAKING.—

937 (a) The commission shall adopt rules to implement and
938 administer the compact. A rule is invalid and has no force or
939 effect if a court of competent jurisdiction holds that the rule
940 is invalid because the commission exercised its rulemaking
941 authority in a manner that is beyond the scope and purposes of
942 the compact, or the powers granted hereunder, or based upon
943 another applicable standard of review.

944 (b) The rules of the commission have the force of law in
945 each member state; however, if the rules of the commission
946 conflict with the laws of the member state, as held by a court
947 of competent jurisdiction, the rules of the commission are
948 ineffective in that state to the extent of the conflict.

949 (c) The commission shall exercise its rulemaking powers
950 pursuant to the criteria set forth in this subsection and the
951 rules adopted hereunder. Rules become binding the day after they
952 are adopted or the date specified in the rule or amendment,
953 whichever is later.

954 (d) If a majority of the legislatures of the member states
955 rejects a rule or portion of a rule, by enactment of a statute
956 or resolution in the same manner used to adopt the compact
957 within 4 years after the date of adoption of the rule, such rule

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958 has no further force and effect in any member state.

959 (e) Rules must be adopted at a regular or special meeting
960 of the commission.

961 (f) Before adoption of a proposed rule, the commission
962 shall hold a public hearing and allow persons to provide oral
963 and written comments, data, facts, opinions, and arguments.

964 (g) Before adoption of a proposed rule, and at least 30
965 days before the meeting at which the commission will hold a
966 public hearing on the proposed rule, the commission shall
967 provide a notice of proposed rulemaking:

968 1. On the website of the commission or other publicly
969 accessible platform;

970 2. To persons who have requested notice of the commission's
971 notices of proposed rulemaking; and

972 3. In any other manner as specified by commission rule.

973 (h) The notice of proposed rulemaking must include all of
974 the following:

975 1. The time, date, and location of the public hearing at
976 which the commission will hear public comments on the proposed
977 rule and, if different, the time, date, and location of the
978 meeting where the commission will consider and vote on the
979 proposed rule.

980 2. If the hearing is held through telecommunication, video
981 conference, or other electronic means, the mechanism for
982 accessing the hearing in the notice of proposed rulemaking.

983 3. The text of the proposed rule and the reasons
984 necessitating the rule.

985 4. A request for comments on the proposed rule from any
986 interested person.

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987 5. The manner in which interested persons may submit
988 written comments.

989 (i) All hearings must be recorded. A copy of the recording
990 and all written comments and documents received by the
991 commission in response to the proposed rule must be made
992 available to the public.

993 (j) This subsection may not be construed as requiring a
994 separate hearing on each rule. Rules may be grouped for the
995 convenience of the commission at hearings required by this
996 subsection.

997 (k) The commission shall, by majority vote of all members,
998 take final action on the proposed rule based on the rulemaking
999 record and the full text of the rule.

1000 1. The commission may adopt changes to the proposed rule if
1001 the changes do not expand the original purpose of the proposed
1002 rule.

1003 2. The commission shall provide an explanation of the
1004 reasons for substantive changes made to the proposed rule as
1005 well as the reasons why substantive changes recommended by
1006 commenters were not made.

1007 3. The commission shall set a reasonable effective date for
1008 each rule. Except for an emergency as provided in paragraph (1),
1009 the effective date of the rule must be at least 30 days after
1010 the commission issues the notice of rule adoption or amendment.

1011 (l) Upon determination that an emergency exists, the
1012 commission may consider and adopt an emergency rule with 48
1013 hours' notice, with opportunity to comment, provided that the
1014 usual rulemaking procedures provided in the compact and in this
1015 subsection are retroactively applied to the rule as soon as

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1016 reasonably possible, but in no event later than 90 days after
1017 the effective date of the rule. For purposes of this paragraph,
1018 an emergency rule is one that must be adopted immediately in
1019 order to:

1020 1. Meet an imminent threat to public health, safety, or
1021 welfare;

1022 2. Prevent a loss of commission or member state funds;

1023 3. Meet a deadline for the adoption of a rule which is
1024 established by federal law or rule; or

1025 4. Protect public health and safety.

1026 (m) The commission or an authorized committee of the
1027 commission may direct revisions to a previously adopted rule for
1028 purposes of correcting typographical errors, errors in format,
1029 errors in consistency, or grammatical errors. Public notice of
1030 any revisions must be posted on the commission's website. The
1031 revision is subject to challenge by any person for a period of
1032 30 days after posting. The revision may be challenged only on
1033 the grounds that the revision results in a material change to a
1034 rule. A challenge must be made in writing and delivered to the
1035 commission before the end of the notice period. If a challenge
1036 is not made, the revision will take effect without further
1037 action. If the revision is challenged, the revision may not take
1038 effect without the approval of the commission.

1039 (n) A member state's rulemaking requirements apply under
1040 this compact.

1041 (13) OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.-

1042 (a) Oversight.-

1043 1. The executive and judicial branches of state government
1044 in each member state shall enforce the compact and take all

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1045 actions necessary to implement the compact.

1046 2. Except as otherwise provided in the compact, venue is
1047 proper and judicial proceedings by or against the commission
1048 shall be brought solely and exclusively in a court of competent
1049 jurisdiction where the principal office of the commission is
1050 located. The commission may waive venue and jurisdictional
1051 defenses to the extent it adopts or consents to participate in
1052 alternative dispute resolution proceedings. This paragraph does
1053 not affect or limit the selection or propriety of venue in any
1054 action against a licensee for professional malpractice,
1055 misconduct, or any such similar matter.

1056 3. The commission is entitled to receive service of process
1057 in any proceeding regarding the enforcement or interpretation of
1058 the compact and has standing to intervene in such a proceeding
1059 for all purposes. Failure to provide the commission service of
1060 process renders a judgment or order void as to the commission,
1061 the compact, or adopted rules.

1062 (b) Default, technical assistance, and termination.—

1063 1. If the commission determines that a member state has
1064 defaulted in the performance of its obligations or
1065 responsibilities under the compact or the adopted rules, the
1066 commission must provide written notice to the defaulting state.
1067 The notice of default must describe the default, the proposed
1068 means of curing the default, and any other action that the
1069 commission may take, and must offer training and specific
1070 technical assistance regarding the default.

1071 2. The commission shall provide a copy of the notice of
1072 default to the other member states.

1073 3. If a state in default fails to cure the default, the

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1074 defaulting state may be terminated from the compact upon an
1075 affirmative vote of a majority of the delegates of the member
1076 states, and all rights, privileges, and benefits conferred on
1077 that state by the compact may be terminated on the effective
1078 date of termination. A cure of the default does not relieve the
1079 offending state of obligations or liabilities incurred during
1080 the period of default.

1081 4. Termination of membership in the compact may be imposed
1082 only after all other means of securing compliance have been
1083 exhausted. The commission shall give notice of intent to suspend
1084 or terminate to the governor, the majority and minority leaders
1085 of the defaulting state's legislature, the defaulting state's
1086 licensing authority, and the licensing authority of each member
1087 state.

1088 5. A state that has its membership terminated from the
1089 compact is responsible for all assessments, obligations, and
1090 liabilities incurred through the effective date of termination,
1091 including obligations that extend beyond the effective date of
1092 termination.

1093 6. Upon the termination of a state's membership from the
1094 compact, that state shall immediately provide notice to all
1095 licensees within that state of such termination. The terminated
1096 state shall continue to recognize all licenses granted under the
1097 compact for at least 6 months after the date of the notice of
1098 termination.

1099 7. The commission does not bear any costs related to a
1100 state that is found to be in default or that has been terminated
1101 from the compact, unless agreed upon in writing between the
1102 commission and the defaulting state.

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1103 8. The defaulting state may appeal the action of the
1104 commission by petitioning the United States District Court for
1105 the District of Columbia or the federal district where the
1106 commission has its principal offices. The prevailing party shall
1107 be awarded all costs of such litigation, including reasonable
1108 attorney fees.

1109 (c) Dispute resolution.—

1110 1. Upon request by a member state, the commission shall
1111 attempt to resolve disputes related to the compact which arise
1112 among member states and between member and nonmember states.

1113 2. The commission shall adopt a rule providing for both
1114 mediation and binding dispute resolution for disputes, as
1115 appropriate.

1116 (d) Enforcement.—

1117 1. By majority vote as provided by rule, the commission may
1118 initiate legal action against a member state in default in the
1119 United States District Court for the District of Columbia or the
1120 federal district where the commission has its principal offices
1121 to enforce compliance with the compact and its adopted rules.

1122 The relief sought may include both injunctive relief and
1123 damages. In the event judicial enforcement is necessary, the
1124 prevailing party shall be awarded all costs of such litigation,
1125 including reasonable attorney fees. The remedies herein are not
1126 the exclusive remedies of the commission. The commission may
1127 pursue any other remedies available under federal law or the
1128 defaulting member state's law.

1129 2. A member state may initiate legal action against the
1130 commission in the United States District Court for the District
1131 of Columbia or the federal district where the commission has its

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1132 principal offices to enforce compliance with the compact and its
1133 adopted rules. The relief sought may include both injunctive
1134 relief and damages. In the event judicial enforcement is
1135 necessary, the prevailing party shall be awarded all costs of
1136 such litigation, including reasonable attorney fees.

1137 3. Only a member state may seek enforcement of the compact
1138 against the commission.

1139 (14) EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.-

1140 (a) The compact becomes effective on the date the compact
1141 statute is enacted into law in the seventh member state.

1142 1. On or after the effective date of the compact, the
1143 commission shall convene and review the enactment of each of the
1144 first seven member states, to be known as the "charter member
1145 states," to determine if the statute enacted by each such
1146 charter member state is materially different from the model
1147 compact language.

1148 a. A charter member state whose enactment is found to be
1149 materially different from the model compact language is entitled
1150 to the default process set forth in subsection (13).

1151 b. If any member state is later found to be in default or
1152 is terminated or withdraws from the compact, the commission
1153 remains in existence and the compact remains in effect even if
1154 the number of member states is less than seven.

1155 2. Member states enacting the compact after the seven
1156 initial charter member states are subject to the process set
1157 forth in subparagraph (10)(c)21. to determine whether their
1158 enactments are materially different from the model compact
1159 language and whether they qualify for participation in the
1160 compact.

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1161 3. All actions taken for the benefit of the commission or
1162 in furtherance of administration of the compact before the
1163 effective date of the compact or the commission coming into
1164 existence are considered to be actions of the commission unless
1165 specifically repudiated by the commission.

1166 4. Any state that joins the compact subsequent to the
1167 commission's initial adoption of the rules and bylaws is subject
1168 to the rules and bylaws as they exist on the date on which the
1169 compact becomes law in that state. Any rule that has been
1170 previously adopted by the commission has the full force and
1171 effect of law on the day the compact becomes law in that state.

1172 (b) Any member state may withdraw from the compact by
1173 enacting a statute repealing the compact.

1174 1. A member state's withdrawal does not take effect until
1175 180 days after enactment of the repealing statute.

1176 2. Withdrawal does not affect the continuing requirement of
1177 the withdrawing state's licensing authority to comply with the
1178 investigative and adverse action reporting requirements of the
1179 compact before the effective date of withdrawal.

1180 3. Upon enactment of a statute repealing the compact, a
1181 state shall immediately provide notice of such withdrawal to all
1182 licensees within that state. Notwithstanding any subsequent
1183 statutory enactment to the contrary, such withdrawing state must
1184 continue to recognize all licenses granted under the compact for
1185 at least 6 months after the date of such notice of withdrawal.

1186 (c) The compact may not be construed to invalidate or
1187 prevent any licensure agreement or other cooperative arrangement
1188 between a member state and a nonmember state which does not
1189 conflict with the compact.

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1190 (d) The compact may be amended by the member states. An
1191 amendment to the compact does not become effective and binding
1192 on any member state until it is enacted into the laws of all
1193 member states.

1194 (15) CONSTRUCTION AND SEVERABILITY.—

1195 (a) The compact and the commission's rulemaking authority
1196 shall be liberally construed so as to effectuate the purposes,
1197 implementation, and administration of the compact. Provisions of
1198 the compact expressly authorizing or requiring the adoption of
1199 rules may not be construed to limit the commission's rulemaking
1200 authority solely for those purposes.

1201 (b) The provisions of the compact are severable, and if any
1202 phrase, clause, sentence, or provision of the compact is held by
1203 a court of competent jurisdiction to be contrary to the
1204 constitution of any member state, of a state seeking
1205 participation in the compact, or of the United States, or the
1206 applicability thereof to any government, agency, person, or
1207 circumstance is held to be unconstitutional by a court of
1208 competent jurisdiction, the validity of the remainder of the
1209 compact and the applicability thereof to any other government,
1210 agency, person, or circumstance is not affected.

1211 (c) Notwithstanding paragraph (b), the commission may deny
1212 a state's participation in the compact, or may terminate a
1213 member state's participation in the compact in accordance with
1214 the requirements of paragraph (13) (b), if it determines that a
1215 constitutional requirement of a member state is a material
1216 departure from the compact. Otherwise, if the compact is held to
1217 be contrary to the constitution of any member state, the compact
1218 remains in full force and effect as to the remaining member

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1219 states and in full force and effect as to the member state
1220 affected as to all severable matters.

1221 (16) CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS.—

1222 (a) A licensee providing services in a remote state under a
1223 multistate authorization to practice shall adhere to the laws
1224 and regulations, including applicable standards, of the remote
1225 state where the client is located at the time care is rendered.

1226 (b) The compact does not prevent or inhibit the enforcement
1227 of any other law of a member state which is not inconsistent
1228 with the compact.

1229 (c) Any laws, statutes, regulations, or other legal
1230 requirements in a member state in conflict with the compact are
1231 superseded to the extent of the conflict.

1232 (d) All permissible agreements between the commission and
1233 the member states are binding in accordance with their terms.

1234 Section 2. Subsection (10) of section 456.073, Florida
1235 Statutes, is amended to read:

1236 456.073 Disciplinary proceedings.—Disciplinary proceedings
1237 for each board shall be within the jurisdiction of the
1238 department.

1239 (10) The complaint and all information obtained pursuant to
1240 the investigation by the department are confidential and exempt
1241 from s. 119.07(1) until 10 days after probable cause has been
1242 found to exist by the probable cause panel or by the department,
1243 or until the regulated professional or subject of the
1244 investigation waives his or her privilege of confidentiality,
1245 whichever occurs first. The department shall report any
1246 significant investigation information relating to a nurse
1247 holding a multistate license to the coordinated licensure

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1248 information system pursuant to s. 464.0095; ~~and any significant~~
1249 ~~investigatory information relating to a health care practitioner~~
1250 ~~practicing under the Professional Counselors Licensure Compact~~
1251 ~~to the data system pursuant to s. 491.017, and any significant~~
1252 investigatory information relating to a psychologist practicing
1253 under the Psychology Interjurisdictional Compact to the
1254 coordinated licensure information system pursuant to s.
1255 490.0075; any significant investigatory information relating to
1256 a health care practitioner practicing under the Professional
1257 Counselors Licensure Compact to the data system pursuant to s.
1258 491.017; and any significant investigatory information relating
1259 to a clinical social worker practicing under the Social Work
1260 Licensure Compact to the data system pursuant to s. 491.019.
1261 Upon completion of the investigation and a recommendation by the
1262 department to find probable cause, and pursuant to a written
1263 request by the subject or the subject's attorney, the department
1264 shall provide the subject an opportunity to inspect the
1265 investigative file or, at the subject's expense, forward to the
1266 subject a copy of the investigative file. Notwithstanding s.
1267 456.057, the subject may inspect or receive a copy of any expert
1268 witness report or patient record connected with the
1269 investigation if the subject agrees in writing to maintain the
1270 confidentiality of any information received under this
1271 subsection until 10 days after probable cause is found and to
1272 maintain the confidentiality of patient records pursuant to s.
1273 456.057. The subject may file a written response to the
1274 information contained in the investigative file. Such response
1275 must be filed within 20 days of mailing by the department,
1276 unless an extension of time has been granted by the department.

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1277 This subsection does not prohibit the department from providing
1278 such information to any law enforcement agency or to any other
1279 regulatory agency.

1280 Section 3. Subsection (5) of section 456.076, Florida
1281 Statutes, is amended to read:

1282 456.076 Impaired practitioner programs.—

1283 (5) A consultant shall enter into a participant contract
1284 with an impaired practitioner and shall establish the terms of
1285 monitoring and shall include the terms in a participant
1286 contract. In establishing the terms of monitoring, the
1287 consultant may consider the recommendations of one or more
1288 approved evaluators, treatment programs, or treatment providers.
1289 A consultant may modify the terms of monitoring if the
1290 consultant concludes, through the course of monitoring, that
1291 extended, additional, or amended terms of monitoring are
1292 required for the protection of the health, safety, and welfare
1293 of the public. If the impaired practitioner is a psychologist
1294 practicing under the Psychology Interjurisdictional Compact
1295 pursuant to s. 490.0075, a health care practitioner practicing
1296 under the Professional Counselors Licensure Compact pursuant to
1297 s. 491.017, or a clinical social worker practicing under the
1298 Social Work Licensure Compact pursuant to s. 491.019, the terms
1299 of the monitoring contract must include the impaired
1300 practitioner's withdrawal from all practice under the compact.
1301 ~~If the impaired practitioner is a psychologist practicing under~~
1302 ~~the Psychology Interjurisdictional Compact pursuant to s.~~
1303 ~~490.0075, the terms of the monitoring contract must include the~~
1304 ~~impaired practitioner's withdrawal from all practice under the~~
1305 ~~compact.~~

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1306 Section 4. Subsection (9) is added to section 491.004,
1307 Florida Statutes, to read:

1308 491.004 Board of Clinical Social Work, Marriage and Family
1309 Therapy, and Mental Health Counseling.—

1310 (9) The board shall appoint an individual to serve as the
1311 state's delegate on the Social Work Licensure Compact
1312 Commission, as required under s. 491.019.

1313 Section 5. Subsection (6) of section 491.005, Florida
1314 Statutes, is amended to read:

1315 491.005 Licensure by examination.—

1316 (6) EXEMPTIONS ~~EXEMPTION.~~—The following persons are exempt
1317 from the licensure requirements of this section, as applicable:

1318 (a) A person licensed as a clinical social worker, marriage
1319 and family therapist, or mental health counselor in another
1320 state who is practicing under the Professional Counselors
1321 Licensure Compact pursuant to s. 491.017, and only within the
1322 scope provided therein.

1323 (b) A person licensed as a social worker in another state
1324 who is practicing under the Social Work Licensure Compact
1325 pursuant to s. 491.019, and only within the scope provided
1326 therein, is exempt from the licensure requirements of this
1327 section, as applicable.

1328 Section 6. Subsection (3) of section 491.006, Florida
1329 Statutes, is amended to read:

1330 491.006 Licensure or certification by endorsement.—

1331 (3) The following persons are exempt from the licensure
1332 requirements of this section, as applicable:

1333 (a) A person licensed as a clinical social worker, marriage
1334 and family therapist, or mental health counselor in another

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1335 state who is practicing under the Professional Counselors
1336 Licensure Compact pursuant to s. 491.017, and only within the
1337 scope provided therein.

1338 (b) A person licensed as a social worker in another state
1339 who is practicing under the Social Work Licensure Compact
1340 pursuant to s. 491.019, and only within the scope provided
1341 therein, is exempt from the licensure requirements of this
1342 section, as applicable.

1343 Section 7. Section 491.009, Florida Statutes, is amended to
1344 read:

1345 491.009 Discipline.—

1346 (1) The following acts constitute grounds for denial of a
1347 license or disciplinary action, as specified in s. 456.072(2),
1348 ~~or~~ s. 491.017, or s. 491.019:

1349 (a) Attempting to obtain, obtaining, or renewing a license,
1350 registration, or certificate under this chapter by bribery or
1351 fraudulent misrepresentation or through an error of the board or
1352 the department.

1353 (b) Having a license, registration, or certificate to
1354 practice a comparable profession revoked, suspended, or
1355 otherwise acted against, including the denial of certification
1356 or licensure by another state, territory, or country.

1357 (c) Being convicted or found guilty of, regardless of
1358 adjudication, or having entered a plea of nolo contendere to, a
1359 crime in any jurisdiction which directly relates to the practice
1360 of his or her profession or the ability to practice his or her
1361 profession. However, in the case of a plea of nolo contendere,
1362 the board shall allow the person who is the subject of the
1363 disciplinary proceeding to present evidence in mitigation

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1364 relevant to the underlying charges and circumstances surrounding
1365 the plea.

1366 (d) False, deceptive, or misleading advertising or
1367 obtaining a fee or other thing of value on the representation
1368 that beneficial results from any treatment will be guaranteed.

1369 (e) Advertising, practicing, or attempting to practice
1370 under a name other than one's own.

1371 (f) Maintaining a professional association with any person
1372 who the applicant, licensee, registered intern, or
1373 certificateholder knows, or has reason to believe, is in
1374 violation of this chapter or of a rule of the department or the
1375 board.

1376 (g) Knowingly aiding, assisting, procuring, or advising any
1377 nonlicensed, nonregistered, or noncertified person to hold
1378 himself or herself out as licensed, registered, or certified
1379 under this chapter.

1380 (h) Failing to perform any statutory or legal obligation
1381 placed upon a person licensed, registered, or certified under
1382 this chapter.

1383 (i) Willfully making or filing a false report or record;
1384 failing to file a report or record required by state or federal
1385 law; willfully impeding or obstructing the filing of a report or
1386 record; or inducing another person to make or file a false
1387 report or record or to impede or obstruct the filing of a report
1388 or record. Such report or record includes only a report or
1389 record which requires the signature of a person licensed,
1390 registered, or certified under this chapter.

1391 (j) Paying a kickback, rebate, bonus, or other remuneration
1392 for receiving a patient or client, or receiving a kickback,

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1393 rebate, bonus, or other remuneration for referring a patient or
1394 client to another provider of mental health care services or to
1395 a provider of health care services or goods; referring a patient
1396 or client to oneself for services on a fee-paid basis when those
1397 services are already being paid for by some other public or
1398 private entity; or entering into a reciprocal referral
1399 agreement.

1400 (k) Committing any act upon a patient or client which would
1401 constitute sexual battery or which would constitute sexual
1402 misconduct as defined pursuant to s. 491.0111.

1403 (l) Making misleading, deceptive, untrue, or fraudulent
1404 representations in the practice of any profession licensed,
1405 registered, or certified under this chapter.

1406 (m) Soliciting patients or clients personally, or through
1407 an agent, through the use of fraud, intimidation, undue
1408 influence, or a form of overreaching or vexatious conduct.

1409 (n) Failing to make available to a patient or client, upon
1410 written request, copies of tests, reports, or documents in the
1411 possession or under the control of the licensee, registered
1412 intern, or certificateholder which have been prepared for and
1413 paid for by the patient or client.

1414 (o) Failing to respond within 30 days to a written
1415 communication from the department or the board concerning any
1416 investigation by the department or the board, or failing to make
1417 available any relevant records with respect to any investigation
1418 about the licensee's, registered intern's, or
1419 certificateholder's conduct or background.

1420 (p) Being unable to practice the profession for which he or
1421 she is licensed, registered, or certified under this chapter

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1422 with reasonable skill or competence as a result of any mental or
1423 physical condition or by reason of illness; drunkenness; or
1424 excessive use of drugs, narcotics, chemicals, or any other
1425 substance. In enforcing this paragraph, upon a finding by the
1426 State Surgeon General, the State Surgeon General's designee, or
1427 the board that probable cause exists to believe that the
1428 licensee, registered intern, or certificateholder is unable to
1429 practice the profession because of the reasons stated in this
1430 paragraph, the department shall have the authority to compel a
1431 licensee, registered intern, or certificateholder to submit to a
1432 mental or physical examination by psychologists, physicians, or
1433 other licensees under this chapter, designated by the department
1434 or board. If the licensee, registered intern, or
1435 certificateholder refuses to comply with such order, the
1436 department's order directing the examination may be enforced by
1437 filing a petition for enforcement in the circuit court in the
1438 circuit in which the licensee, registered intern, or
1439 certificateholder resides or does business. The licensee,
1440 registered intern, or certificateholder against whom the
1441 petition is filed may not be named or identified by initials in
1442 any public court records or documents, and the proceedings shall
1443 be closed to the public. The department shall be entitled to the
1444 summary procedure provided in s. 51.011. A licensee, registered
1445 intern, or certificateholder affected under this paragraph shall
1446 at reasonable intervals be afforded an opportunity to
1447 demonstrate that he or she can resume the competent practice for
1448 which he or she is licensed, registered, or certified with
1449 reasonable skill and safety to patients.

1450 (q) Performing any treatment or prescribing any therapy

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1451 which, by the prevailing standards of the mental health
1452 professions in the community, would constitute experimentation
1453 on human subjects, without first obtaining full, informed, and
1454 written consent.

1455 (r) Failing to meet the minimum standards of performance in
1456 professional activities when measured against generally
1457 prevailing peer performance, including the undertaking of
1458 activities for which the licensee, registered intern, or
1459 certificateholder is not qualified by training or experience.

1460 (s) Delegating professional responsibilities to a person
1461 who the licensee, registered intern, or certificateholder knows
1462 or has reason to know is not qualified by training or experience
1463 to perform such responsibilities.

1464 (t) Violating a rule relating to the regulation of the
1465 profession or a lawful order of the department or the board
1466 previously entered in a disciplinary hearing.

1467 (u) Failure of the licensee, registered intern, or
1468 certificateholder to maintain in confidence a communication made
1469 by a patient or client in the context of such services, except
1470 as provided in s. 491.0147.

1471 (v) Making public statements which are derived from test
1472 data, client contacts, or behavioral research and which identify
1473 or damage research subjects or clients.

1474 (w) Violating any provision of this chapter or chapter 456,
1475 or any rules adopted pursuant thereto.

1476 (2) (a) The board or, in the case of certified master social
1477 workers, the department may enter an order denying licensure or
1478 imposing any of the penalties authorized in s. 456.072(2)
1479 against any applicant for licensure or any licensee who violates

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1480 subsection (1) or s. 456.072(1).

1481 (b) The board may take adverse action against a clinical
1482 social worker's, a marriage and family therapist's, or a mental
1483 health counselor's privilege to practice under the Professional
1484 Counselors Licensure Compact pursuant to s. 491.017 and may
1485 impose any of the penalties in s. 456.072(2) if the clinical
1486 social worker, marriage and family therapist, or mental health
1487 counselor commits an act specified in subsection (1) or s.
1488 456.072(1).

1489 (c) The board may take adverse action against a social
1490 worker's multistate authorization to practice under the Social
1491 Work Licensure Compact pursuant to s. 491.019 and may impose any
1492 of the penalties in s. 456.072(2) if the social worker commits
1493 an act specified in subsection (1) or s. 456.072(1).

1494 Section 8. Paragraph (j) is added to subsection (10) of
1495 section 768.28, Florida Statutes, to read:

1496 768.28 Waiver of sovereign immunity in tort actions;
1497 recovery limits; civil liability for damages caused during a
1498 riot; limitation on attorney fees; statute of limitations;
1499 exclusions; indemnification; risk management programs.—

1500 (10)

1501 (j) For purposes of this section, the individual appointed
1502 under s. 491.004(9) as the state's delegate on the Social Work
1503 Licensure Compact Commission, when serving in that capacity
1504 pursuant to s. 491.019, and any administrator, officer,
1505 executive director, employee, or representative of the
1506 commission, when acting within the scope of his or her
1507 employment, duties, or responsibilities in this state, is
1508 considered an agent of the state. The commission shall pay any

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1509 claims or judgments pursuant to this section and may maintain
1510 insurance coverage to pay any such claims or judgments.

1511 Section 9. The Department of Health shall notify the
1512 Division of Law Revision upon enactment of the Social Work
1513 Licensure Compact into law by seven states.

1514 Section 10. This act shall take effect upon enactment of
1515 the Social Work Licensure Compact into law by seven states.