

1 A bill to be entitled
2 An act relating to the Social Work Licensure
3 Interstate Compact; creating s. 491.022, F.S.;
4 creating the Social Work Licensure Interstate Compact;
5 providing purposes, objectives, and definitions;
6 specifying requirements for state participation in the
7 compact and duties of member states; specifying that
8 the compact does not affect an individual's ability to
9 apply for, and a member state's ability to grant, a
10 single state license pursuant to the laws of that
11 state; providing for recognition of compact privilege
12 in member states; specifying criteria a licensee must
13 meet for compact privilege; providing for the
14 expiration and renewal of compact privilege;
15 specifying that a licensee with compact privilege in a
16 remote state must adhere to the laws and rules of that
17 state; authorizing member states to act on a
18 licensee's compact privilege under certain
19 circumstances; specifying the consequences and
20 parameters of practice for a licensee whose compact
21 privilege has been acted on or whose home state
22 license is encumbered; specifying that a licensee may
23 hold a home state license in only one member state at
24 a time; specifying requirements and procedures for
25 changing a home state license designation; authorizing

26 active duty military personnel or their spouses to
27 keep their home state designation during active duty;
28 authorizing member states to take adverse actions
29 against licensees and issue subpoenas for hearings and
30 investigations under certain circumstances; providing
31 requirements and procedures for such adverse action;
32 authorizing member states to engage in joint
33 investigations under certain circumstances; providing
34 that a licensee's compact privilege must be
35 deactivated in all member states for the duration of
36 an encumbrance imposed by the licensee's home state;
37 providing for notice to the data system and the
38 licensee's home state of any adverse action taken
39 against a licensee; establishing the Social Work
40 Licensure Interstate Compact Commission; providing for
41 jurisdiction and venue for court proceedings;
42 providing for membership and powers of the commission;
43 specifying powers and duties of the commission's
44 executive committee; providing for the financing of
45 the commission; providing specified individuals
46 immunity from civil liability under certain
47 circumstances; providing exceptions; requiring the
48 commission to defend the specified individuals in
49 civil actions under certain circumstances; requiring
50 the commission to indemnify and hold harmless

51 | specified individuals for any settlement or judgment
52 | obtained in such actions under certain circumstances;
53 | providing for the development of the data system,
54 | reporting procedures, and the exchange of specified
55 | information between member states; requiring the
56 | commission to notify member states of any adverse
57 | action taken against a licensee or applicant for
58 | licensure; authorizing member states to designate as
59 | confidential information provided to the data system;
60 | requiring the commission to remove information from
61 | the data system under certain circumstances; providing
62 | rulemaking procedures for the commission; providing
63 | for member state enforcement of the compact;
64 | authorizing the commission to receive notice of
65 | process, and have standing to intervene, in certain
66 | proceedings; rendering certain judgments and orders
67 | void as to the commission, the compact, or commission
68 | rules under certain circumstances; providing for
69 | defaults and termination of compact membership;
70 | providing procedures for the resolution of certain
71 | disputes; providing for commission enforcement of the
72 | compact; providing for remedies; providing for
73 | implementation of, withdrawal from, and amendment to
74 | the compact; specifying that licensees practicing in a
75 | remote state under the compact must adhere to the laws

76 | and rules of that state; specifying that the compact,
 77 | commission rules, and commission actions are binding
 78 | on member states; providing construction; providing
 79 | for severability; amending s. 456.073, F.S.; requiring
 80 | the Department of Health to report certain
 81 | investigative information to the data system; amending
 82 | s. 456.076, F.S.; requiring monitoring contracts for
 83 | certain impaired practitioners to contain certain
 84 | terms; amending s. 491.004, F.S.; requiring the Board
 85 | of Clinical Social Work, Marriage and Family Therapy,
 86 | and Mental Health Counseling to appoint an individual
 87 | to serve as the state's delegate on the commission;
 88 | amending ss. 491.005 and 491.006, F.S.; exempting
 89 | certain persons from licensure requirements; amending
 90 | s. 491.009, F.S.; authorizing certain disciplinary
 91 | action under the compact for specified prohibited
 92 | acts; amending s. 768.28, F.S.; designating the
 93 | state's delegate and other members or employees of the
 94 | commission as state agents for the purpose of applying
 95 | waivers of sovereign immunity; requiring the
 96 | commission to pay certain claims or judgments;
 97 | authorizing the commission to maintain insurance
 98 | coverage to pay such claims or judgments; requiring
 99 | the department to notify the Division of Law Revision
 100 | upon enactment of the compact into law by seven

101 states; providing a contingent effective date.

102
103 Be It Enacted by the Legislature of the state of Florida:

104
105 Section 1. Section 491.022, Florida Statutes, is created
106 to read:

107 491.022 Social Work Licensure Interstate Compact.—The
108 Social Work Licensure Interstate Compact is hereby enacted into
109 law and entered into by this state with all other states legally
110 joining therein in the form substantially as follows:

111
112 ARTICLE I

113 PURPOSE

114
115 The purpose of this compact is to facilitate interstate
116 practice of regulated social workers by improving public access
117 to competent social work services. The compact preserves the
118 regulatory authority of member states to protect public health
119 and safety through the current system of licensure. This compact
120 is designed to achieve all of the following objectives:

121 (1) Increase public access to social work services.

122 (2) Reduce overly burdensome and duplicative requirements
123 associated with holding multiple licenses.

124 (3) Enhance member states' ability to protect the public
125 health and safety.

126 (4) Encourage the cooperation of member states in
 127 regulating multistate practice.

128 (5) Promote mobility and address workforce shortages by
 129 eliminating the necessity for licenses in multiple states by
 130 providing for the mutual recognition of other member state
 131 licenses.

132 (6) Support military families.

133 (7) Facilitate the exchange of licensure and disciplinary
 134 information among member states.

135 (8) Authorize all member states to hold a regulated social
 136 worker accountable for abiding by a member state's laws,
 137 regulations, and applicable professional standards in the member
 138 state in which the client is located at the time care is
 139 rendered.

140 (9) Allow for the use of telehealth to facilitate
 141 increased access to social work services.

143 ARTICLE II

144 DEFINITIONS

145
 146 As used in this compact, the term:

147 (1) "Active military member" means any individual with
 148 full-time duty status in the active Armed Forces of the United
 149 states including members of the National Guard and Reserve.

150 (2) "Adverse action" means any administrative, civil,

151 equitable or criminal action permitted by a state's laws which
152 is imposed by a licensing authority or other authority against a
153 regulated social worker, including actions against an
154 individual's license or multistate authorization to practice
155 such as revocation, suspension, probation, monitoring of the
156 licensee, limitation on the licensee's practice, or any other
157 encumbrance on licensure affecting a regulated social worker's
158 authorization to practice, including issuance of a cease and
159 desist action.

160 (3) "Alternative program" means a nondisciplinary
161 monitoring or practice remediation process approved by a
162 licensing authority to address practitioners with an impairment.

163 (4) "Charter member states" means member states that have
164 enacted legislation to adopt this compact where such legislation
165 predates the effective date of this compact as described in
166 Article XIV.

167 (5) "Commission" means the government agency whose
168 membership consists of all states that have enacted this
169 compact, which is known as the Social Work Licensure Interstate
170 Compact commission, as described in Article X, and which shall
171 operate as an instrumentality of the member states.

172 (6) "Current significant investigative information" means:

173 (a) Investigative information that a licensing authority,
174 after a preliminary inquiry that includes notification and an
175 opportunity for the regulated social worker to respond, has

176 reason to believe is not groundless and, if proved true, would
177 indicate more than a minor infraction as may be defined by the
178 commission; or

179 (b) Investigative information that indicates that the
180 regulated social worker represents an immediate threat to public
181 health and safety, as may be defined by the commission,
182 regardless of whether the regulated social worker has been
183 notified and has had an opportunity to respond.

184 (7) "Data system" means a repository of information about
185 licensees, including continuing education, examination,
186 licensure, current significant investigative information,
187 disqualifying events, multistate licenses, and adverse action
188 information or other information as required by the commission.

189 (8) "Disqualifying event" means any adverse action or
190 incident which results in an encumbrance that disqualifies or
191 makes the licensee ineligible to obtain, retain, or renew a
192 multistate license.

193 (9) "Domicile" means the jurisdiction in which the
194 licensee resides and intends to remain indefinitely.

195 (10) "Encumbrance" means a revocation or suspension of, or
196 any limitation on, the full and unrestricted practice of social
197 work licensed and regulated by an authority.

198 (11) "Executive committee" means a group of delegates
199 elected or appointed to act on behalf of, and within the powers
200 granted to them by, the compact and commission.

201 (12) "Home state" means the member state that is the
 202 licensee's primary domicile.

203 (13) "Impairment" means a condition that may impair a
 204 practitioner's ability to engage in full and unrestricted
 205 practice as a regulated social worker without some type of
 206 intervention and may include alcohol and drug dependence, mental
 207 health impairment, and neurological or physical impairments.

208 (14) "Licensee" means an individual who currently holds a
 209 license from a state to practice as a regulated social worker.

210 (15) "Licensing authority" means the board or agency of a
 211 member state, or an equivalent, that is responsible for the
 212 licensing and regulation of regulated social workers.

213 (16) "Member state" means a state, commonwealth, district,
 214 or territory of the United States of America that has enacted
 215 this compact.

216 (17) "Multistate authorization to practice" means a
 217 legally authorized privilege to practice, which is equivalent to
 218 a license, associated with a multistate license permitting the
 219 practice of social work in a remote state.

220 (18) "Multistate license" means a license to practice as a
 221 regulated social worker issued by a home state licensing
 222 authority that authorizes the regulated social worker to
 223 practice in all member states under multistate authorization to
 224 practice.

225 (19) "Qualifying National Exam" means a national licensing

226 examination approved by the commission.

227 (20) "Regulated social worker" means any clinical,
 228 master's, or bachelor's social worker licensed by a member state
 229 regardless of the title used by that member state.

230 (21) "Remote state" means a member state other than the
 231 licensee's home state.

232 (22) "Rules" or "rules of the commission" means a
 233 regulation or regulations duly adopted by the commission, as
 234 authorized by the compact, that has the force of law.

235 (23) "Single state license" means a social work license
 236 issued by any state that authorizes practice only within the
 237 issuing state and does not include multistate authorization to
 238 practice in any member state.

239 (24) "Social work" or "social work services" means the
 240 application of social work theory, knowledge, methods, ethics,
 241 and the professional use of self to restore or enhance social,
 242 psychosocial, or biopsychosocial functioning of individuals,
 243 couples, families, groups, organizations, and communities
 244 through the care and services provided by a regulated social
 245 worker as set forth in the member state's statutes and
 246 regulations in the state where the services are being provided.

247 (25) "State" means any state, commonwealth, district, or
 248 territory of the United States of America that regulates the
 249 practice of social work.

250 (26) "Unencumbered license" means a license that

251 authorizes a regulated social worker to engage in the full and
 252 unrestricted practice of social work.

253

254 ARTICLE III

255 STATE PARTICIPATION IN THE COMPACT

256

257 (1) To be eligible to participate in the compact, a
 258 potential member state must currently meet all of the following
 259 criteria:

260 (a) License and regulate the practice of social work at
 261 the clinical, master's, or bachelor's category.

262 (b) Require applicants for licensure to graduate from a
 263 program that is:

264 1. Operated by a college or university recognized by a
 265 licensing authority;

266 2. Accredited, or in candidacy by an institution that
 267 subsequently becomes accredited, by an accrediting agency
 268 recognized by either:

269 a. The Council for Higher Education Accreditation or its
 270 successor; or

271 b. The United States Department of Education; and

272 3. Corresponds to the licensure sought as outlined in
 273 Article IV.

274 (c) Require applicants for clinical licensure to complete
 275 a period of supervised practice.

276 (d) Have a mechanism in place for receiving,
277 investigating, and adjudicating complaints about licensees.

278 (2) To maintain membership in the compact, a member state
279 shall:

280 (a) Require that applicants for a multistate license pass
281 a Qualifying National Exam for the corresponding category of
282 multistate license sought as outlined in Article IV.

283 (b) Participate fully in the commission's data system,
284 including using the commission's unique identifier as defined in
285 rules.

286 (c) Notify the commission, in compliance with the terms of
287 the compact and rules, of any adverse action or the availability
288 of current significant investigative information regarding a
289 licensee.

290 (d) Implement procedures for considering the criminal
291 history records of applicants for a multistate license. Such
292 procedures shall include the submission of fingerprints or other
293 biometric-based information by applicants for the purpose of
294 obtaining an applicant's criminal history record information
295 from the Federal Bureau of Investigation and the agency
296 responsible for retaining that state's criminal records.

297 (e) Comply with the rules of the commission.

298 (f) Require an applicant to obtain or retain a license in
299 the home state and meet the home state's qualifications for
300 licensure or renewal of licensure, as well as all other

301 applicable home state laws.

302 (g) Authorize a licensee holding a multistate license in
 303 any member state to practice in accordance with the terms of the
 304 compact and rules of the commission.

305 (h) Designate a delegate to participate in the commission
 306 meetings.

307 (3) A member state meeting the requirements under
 308 subsections (1) and (2) shall designate the categories of social
 309 work licensure that are eligible for issuance of a multistate
 310 license for applicants in such member state. To the extent that
 311 any member state does not meet the requirements for
 312 participation in the compact at any particular category of
 313 social work licensure, such member state may choose, but is not
 314 obligated to, issue a multistate license to applicants that
 315 otherwise meet the requirements of Article IV for issuance of a
 316 multistate license in such category or categories of licensure.

317 (4) The home state may charge a fee for granting the
 318 multistate license.

320 ARTICLE IV

321 SOCIAL WORKER PARTICIPATION IN THE COMPACT

322
 323 (1) To be eligible for a multistate license under this
 324 compact, an applicant, regardless of category, must meet all of
 325 the following requirements:

326 (a) Hold or be eligible for an active, unencumbered
 327 license in the home state.

328 (b) Pay any applicable fees, including any member state
 329 fee, for the multistate license.

330 (c) Submit, in connection with an application for a
 331 multistate license, fingerprints or other biometric data for the
 332 purpose of obtaining criminal history record information from
 333 the Federal Bureau of Investigation and the agency responsible
 334 for retaining that state's criminal records.

335 (d) Notify the home state of any adverse action,
 336 encumbrance, or restriction on any professional license taken by
 337 any member state or nonmember state within 30 days after the
 338 date the action is taken.

339 (e) Meet any continuing competence requirements
 340 established by the home state.

341 (f) Abide by the laws, regulations, and applicable
 342 standards in the member state where the client is located at the
 343 time care is rendered.

344 (2) An applicant for a clinical-category multistate
 345 license must meet all of the following requirements:

346 (a) Fulfill a competency requirement, which shall be
 347 satisfied by:

348 1. Passage of a clinical-category Qualifying National
 349 Exam;

350 2. Licensure of the applicant in their home state at the

351 clinical category, beginning before such time as a Qualifying
352 National Exam was required by the home state and accompanied by
353 a period of continuous social work licensure thereafter, all of
354 which may be further governed by the rules of the commission; or
355 3. The substantial equivalency of the foregoing competency
356 requirements which the commission may determine by rule.
357 (b) Attain at least a master's degree in social work from
358 a program that is:
359 1. Operated by a college or university recognized by a
360 licensing authority.
361 2. Accredited, or in candidacy that subsequently becomes
362 accredited, by an accrediting agency recognized by either:
363 a. The Council for Higher Education Accreditation or its
364 successor; or
365 b. The United States Department of Education.
366 (c) Fulfill a practice requirement, which shall be
367 satisfied by demonstrating completion of:
368 1. A period of postgraduate supervised clinical practice
369 equal to a minimum of 3,000 hours;
370 2. A minimum of 2 years of full-time postgraduate
371 supervised clinical practice; or
372 3. The substantial equivalency of the foregoing practice
373 requirements which the commission may determine by rule.
374 (3) An applicant for a master's-category multistate
375 license must meet all of the following requirements:

376 (a) Fulfill a competency requirement, which shall be
 377 satisfied by:
 378 1. Passage of a masters-category Qualifying National Exam;
 379 2. Licensure of the applicant in their home state at the
 380 master's category, beginning before such time as a Qualifying
 381 National Exam was required by the home state at the master's
 382 category and accompanied by a continuous period of social work
 383 licensure thereafter, all of which may be further governed by
 384 the rules of the commission; or
 385 3. The substantial equivalency of the foregoing competency
 386 requirements which the commission may determine by rule.
 387 (b) Attain at least a master's degree in social work from
 388 a program that is:
 389 1. Operated by a college or university recognized by a
 390 licensing authority.
 391 2. Accredited, or in candidacy by an institution that
 392 subsequently becomes accredited, by an accrediting agency
 393 recognized by either:
 394 a. The Council for Higher Education Accreditation or its
 395 successor; or
 396 b. The United States Department of Education.
 397 (4) An applicant for a bachelor's-category multistate
 398 license must meet all of the following requirements:
 399 (a) Fulfill a competency requirement, which shall be
 400 satisfied by:

- 401 1. Passage of a bachelor's-category Qualifying National
402 Exam;
- 403 2. Licensure of the applicant in his or her home state at
404 the bachelor's category, beginning before such time as a
405 Qualifying National Exam was required by the home state and
406 accompanied by a period of continuous social work licensure
407 thereafter, all of which may be further governed by the rules of
408 the commission; or
- 409 3. The substantial equivalency of the foregoing competency
410 requirements which the commission may determine by rule.
- 411 (b) Attain at least a bachelor's degree in social work
412 from a program that is:
- 413 1. Operated by a college or university recognized by the
414 licensing authority.
- 415 2. Accredited, or in candidacy that subsequently becomes
416 accredited, by an accrediting agency recognized by either:
- 417 a. The Council for Higher Education Accreditation or its
418 successor; or
- 419 b. The United States Department of Education.
- 420 (5) The multistate license for a regulated social worker
421 is subject to the renewal requirements of the home state. The
422 regulated social worker must maintain compliance with the
423 requirements of subsection (1) to be eligible to renew a
424 multistate license.
- 425 (6) The regulated social worker's services in a remote

426 state are subject to that member state's regulatory authority. A
 427 remote state may, in accordance with due process and that member
 428 state's laws, remove a regulated social worker's multistate
 429 authorization to practice in the remote state for a specific
 430 period of time, impose fines, and take any other necessary
 431 actions to protect the health and safety of its citizens.

432 (7) If a multistate license is encumbered, the regulated
 433 social worker's multistate authorization to practice shall be
 434 deactivated in all remote states until the multistate license is
 435 no longer encumbered.

436 (8) If a multistate authorization to practice is
 437 encumbered in a remote state, the regulated social worker's
 438 multistate authorization to practice may be deactivated in that
 439 state until the multistate authorization to practice is no
 440 longer encumbered.

441
 442 ARTICLE V

443 ISSUANCE OF A MULTISTATE LICENSE

444
 445 (1) Upon receipt of an application for multistate license,
 446 the home state licensing authority shall determine the
 447 applicant's eligibility for a multistate license in accordance
 448 with Article IV.

449 (2) If such applicant is eligible pursuant to Article IV,
 450 the home state licensing authority shall issue a multistate

451 license that authorizes the applicant or regulated social worker
 452 to practice in all member states under a multistate
 453 authorization to practice.

454 (3) Upon issuance of a multistate license, the home state
 455 licensing authority shall designate whether the regulated social
 456 worker holds a multistate license in the bachelor's, master's,
 457 or clinical category of social work.

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

463
 464 ARTICLE VI

465 AUTHORITY OF INTERSTATE COMPACT COMMISSION

466 AND MEMBER STATE LICENSING AUTHORITIES

467
 468 (1) This compact, or any rule of the commission, does not
 469 limit, restrict, or in any way reduce the ability of a member
 470 state to:

471 (a) Enact and enforce laws, regulations, or other rules
 472 related to the practice of social work in that state when those
 473 laws, regulations, or other rules are not inconsistent with the
 474 provisions of this compact.

475 (b) Take adverse action against a licensee's single state

476 license to practice social work in that state.

477 (c) Take adverse action against a licensee's multistate
478 authorization to practice in that state.

479 (2) This compact, or any rule of the commission, does not
480 limit, restrict, or in any way reduce the ability of a
481 licensee's home state to take adverse action against a
482 licensee's multistate license based upon information provided by
483 a remote state.

484 (3) This compact does not affect the requirements
485 established by a member state for the issuance of a single state
486 license.

487

488 ARTICLE VII

489 REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

490

491 (1) A licensee can hold a multistate license, issued by
492 his or her home state, in only one member state at any given
493 time.

494 (2) If a licensee changes his or her home state by moving
495 between two member states:

496 (a) The licensee shall immediately apply for the
497 reissuance of his or her multistate license in his or her new
498 home state. The licensee shall pay all applicable fees and
499 notify the prior home state in accordance with the rules of the
500 commission.

501 (b) Upon receipt of an application to reissue a multistate
502 license, the new home state shall verify that the multistate
503 license is active, unencumbered, and eligible for reissuance
504 under the terms of the compact and the rules of the commission.
505 The multistate license issued by the prior home state will be
506 deactivated and all member states notified in accordance with
507 the applicable rules adopted by the commission.

508 (c) Before the reissuance of the multistate license, the
509 new home state shall conduct procedures for considering the
510 criminal history records of the licensee. Such procedures shall
511 include the submission of fingerprints or other biometric-based
512 information by applicants for the purpose of obtaining an
513 applicant's criminal history record information from the Federal
514 Bureau of Investigation and the agency responsible for retaining
515 that state's criminal records.

516 (d) If required for initial licensure, the new home state
517 may require completion of jurisprudence requirements in the new
518 home state.

519 (e) Notwithstanding any other provision of this compact,
520 if a licensee does not meet the requirements set forth in this
521 compact for the reissuance of a multistate license by the new
522 home state, then the licensee shall be subject to the new home
523 state requirements for the issuance of a single state license in
524 that state.

525 (3) If a licensee changes his or her primary state of

526 residence by moving from a member state to a nonmember state, or
527 from a nonmember state to a member state, then the licensee
528 shall be subject to the state requirements for the issuance of a
529 single state license in the new home state.

530 (4) This compact does not interfere with a licensee's
531 ability to hold a single state license in multiple states;
532 however, for the purposes of this compact, a licensee shall have
533 only one home state, and only one multistate license.

534 (5) This compact does not interfere with the requirements
535 established by a member state for the issuance of a single state
536 license.

537
538 ARTICLE VIII

539 MILITARY FAMILIES

540
541 An active military member or his or her spouse shall
542 designate a home state where the individual has a multistate
543 license. The individual may retain his or her home state
544 designation during the period the servicemember is on active
545 duty.

546
547 ARTICLE IX

548 ADVERSE ACTIONS

549
550 (1) In addition to the other powers conferred by general

551 law, a remote state shall have the authority, in accordance with
552 existing state due process law, to:

553 (a) Take adverse action against a regulated social
554 worker's multistate authorization to practice only within that
555 member state, and issue subpoenas for both hearings and
556 investigations that require the attendance and testimony of
557 witnesses as well as the production of evidence. Subpoenas
558 issued by a licensing authority in a member state for the
559 attendance and testimony of witnesses or the production of
560 evidence from another member state shall be enforced in the
561 latter state by any court of competent jurisdiction, according
562 to the practice and procedure of that court applicable to
563 subpoenas issued in proceedings pending before it. The issuing
564 licensing authority shall pay any witness fees, travel expenses,
565 mileage, and other fees required by the service statutes of the
566 state in which the witnesses or evidence are located.

567 (b) Only the home state shall have the power to take
568 adverse action against a regulated social worker's multistate
569 license.

570 (2) For purposes of taking adverse action, the home state
571 shall give the same priority and effect to reported conduct
572 received from a member state as it would if the conduct had
573 occurred within the home state. In so doing, the home state
574 shall apply its own state laws to determine appropriate action.

575 (3) The home state shall complete any pending

576 investigations of a regulated social worker who changes his or
577 her home state during the course of the investigations. The home
578 state shall also have the authority to take appropriate actions
579 and shall promptly report the conclusions of the investigations
580 to the administrator of the data system. The administrator of
581 the data system shall promptly notify the new home state of any
582 adverse actions.

583 (4) A member state, if otherwise permitted by state law,
584 may recover from the affected regulated social worker the costs
585 of investigations and dispositions of cases resulting from any
586 adverse action taken against that regulated social worker.

587 (5) A member state may take adverse action based on the
588 factual findings of another member state, provided that the
589 member state follows its own procedures for taking the adverse
590 action.

591 (6) (a) In addition to the authority granted to a member
592 state by its respective social work practice act or other
593 applicable state law, any member state may participate with
594 other member states in joint investigations of licensees.

595 (b) Member states shall share any investigative,
596 litigation, or compliance materials in furtherance of any joint
597 or individual investigation initiated under the compact.

598 (7) If adverse action is taken by the home state against
599 the multistate license of a regulated social worker, the
600 regulated social worker's multistate authorization to practice

601 in all other member states shall be deactivated until all
602 encumbrances have been removed from the multistate license. All
603 home state disciplinary orders that impose adverse action
604 against the license of a regulated social worker shall include a
605 statement that the regulated social worker's multistate
606 authorization to practice is deactivated in all member states
607 until all conditions of the decision, order, or agreement are
608 satisfied.

609 (8) If a member state takes adverse action, it shall
610 promptly notify the administrator of the data system. The
611 administrator of the data system shall promptly notify the home
612 state and all other member states of any adverse actions by
613 remote states.

614 (9) This compact does not override a member state's
615 decision that participation in an alternative program may be
616 used in lieu of adverse action.

617 (10) This compact does not authorize a member state to
618 demand the issuance of subpoenas for attendance and testimony of
619 witnesses or the production of evidence from another member
620 state for lawful actions within that member state.

621 (11) This compact does not authorize a member state to
622 impose discipline against a regulated social worker who holds a
623 multistate authorization to practice for lawful actions within
624 another member state.

625

626 ARTICLE X

627 ESTABLISHMENT OF SOCIAL WORK LICENSURE

628 INTERSTATE COMPACT COMMISSION

629
 630 (1) The compact member states hereby create and establish
 631 a joint government agency whose membership consists of all
 632 member states that have enacted the compact known as the Social
 633 Work Licensure Interstate Compact Commission. The commission is
 634 an instrumentality of the compact states acting jointly and not
 635 an instrumentality of any one state. The commission shall come
 636 into existence on or after the effective date of the compact as
 637 set forth in Article XIV.

638 (2) (a) Each member state shall have and be limited to one
 639 delegate appointed by that member state's licensing authority.
 640 The delegate shall be either:

641 1. A current member of the licensing authority at the time
 642 of appointment who is a regulated social worker or public member
 643 of the state licensing authority; or

644 2. An administrator of the licensing authority or his or
 645 her designee.

646 (b) The commission shall by rule or bylaw establish a term
 647 of office for delegates and may by rule or bylaw establish term
 648 limits.

649 (c) The commission may recommend removal or suspension of
 650 any delegate from office.

651 (d) A member state's licensing authority shall fill any
652 vacancy of its delegate occurring on the commission within 60
653 days after the vacancy.

654 (e) Each delegate shall be entitled to one vote on all
655 matters before the commission requiring a vote by commission
656 delegates.

657 (f) A delegate shall vote in person or by such other means
658 as provided in the bylaws. The bylaws may provide for delegates
659 to meet by telecommunication, videoconference, or other means of
660 communication.

661 (g) The commission shall meet at least once during each
662 calendar year. Additional meetings may be held as set forth in
663 the bylaws. The commission may meet by telecommunication, video
664 conference, or other similar electronic means.

665 (3) The commission shall have the following powers:

666 (a) Establish the fiscal year of the commission.

667 (b) Establish code of conduct and conflict of interest
668 policies.

669 (c) Establish and amend rules and bylaws.

670 (d) Maintain its financial records in accordance with the
671 bylaws.

672 (e) Meet and take such actions as are consistent with the
673 provisions of this compact, the commission's rules, and the
674 bylaws.

675 (f) Initiate and conclude legal proceedings or actions in

676 the name of the commission, provided that the standing of any
677 licensing authority to sue or be sued under applicable law may
678 not be affected.

679 (g) Maintain and certify records and information provided
680 to a member state as the authenticated business records of the
681 commission, and designate an agent to do so on the commission's
682 behalf.

683 (h) Purchase and maintain insurance and bonds.

684 (i) Borrow, accept, or contract for services of personnel,
685 including, but not limited to, employees of a member state.

686 (j) Conduct an annual financial review.

687 (k) Hire employees, elect or appoint officers, fix
688 compensation, define duties, grant such individuals appropriate
689 authority to carry out the purposes of the compact, and
690 establish the commission's personnel policies and programs
691 relating to conflicts of interest, qualifications of personnel,
692 and other related personnel matters.

693 (l) Assess and collect fees.

694 (m) Accept any and all appropriate gifts, donations,
695 grants of money, other sources of revenue, equipment, supplies,
696 materials, and services, and receive, utilize, and dispose of
697 the same; provided that at all times the commission shall avoid
698 any appearance of impropriety or conflict of interest.

699 (n) Lease, purchase, retain, own, hold, improve, or use
700 any property, real, personal, or mixed, or any undivided

701 interest therein.

702 (o) Sell, convey, mortgage, pledge, lease, exchange,
 703 abandon, or otherwise dispose of any property real, personal, or
 704 mixed.

705 (p) Establish a budget and make expenditures.

706 (q) Borrow money.

707 (r) Appoint committees, including standing committees,
 708 composed of members, state regulators, state legislators or
 709 their representatives, and consumer representatives, and such
 710 other interested persons as may be designated in this compact
 711 and the bylaws.

712 (s) Provide and receive information from, and cooperate
 713 with, law enforcement agencies.

714 (t) Establish and elect an executive committee, including
 715 a chair and a vice chair.

716 (u) Determine whether a state's adopted language is
 717 materially different from the model compact language such that
 718 the state would not qualify for participation in the compact.

719 (v) Perform such other functions as may be necessary or
 720 appropriate to achieve the purposes of this compact.

721 (4) (a) The executive committee shall have the power to act
 722 on behalf of the commission according to the terms of this
 723 compact. The powers, duties, and responsibilities of the
 724 executive committee shall include:

725 1. Oversee the day-to-day activities of the administration

726 of the compact, including enforcement and compliance with the
 727 provisions of the compact, its rules and bylaws, and other such
 728 duties as deemed necessary.

729 2. Recommend to the commission changes to the rules or
 730 bylaws, changes to this compact legislation, fees charged to
 731 compact member states, fees charged to licensees, and other
 732 fees.

733 3. Ensure compact administration services are
 734 appropriately provided, including by contract.

735 4. Prepare and recommend the budget.

736 5. Maintain financial records on behalf of the commission.

737 6. Monitor compact compliance of member states and provide
 738 compliance reports to the commission.

739 7. Establish additional committees as necessary.

740 8. Exercise the powers and duties of the commission during
 741 the interim between commission meetings, except for adopting or
 742 amending rules, adopting or amending bylaws, and exercising any
 743 other powers and duties expressly reserved to the commission by
 744 rule or bylaw.

745 9. Other duties as provided in the rules or bylaws of the
 746 commission.

747 (b) The executive committee shall be composed of up to 11
 748 members:

749 1. The chair and vice chair of the commission shall be
 750 voting members of the executive committee.

751 2. The commission shall elect five voting members from the
752 current membership of the commission.

753 3. Up to four ex-officio, nonvoting members from four
754 recognized national social work organizations, selected by their
755 respective organizations.

756 (c) The commission may remove any member of the executive
757 committee as provided in the commission's bylaws.

758 (d) The executive committee shall meet at least annually.

759 1. Executive committee meetings shall be open to the
760 public, except that the executive committee may meet in a
761 closed, nonpublic meeting as provided in subsection (6).

762 2. The executive committee shall give 7 days' notice of
763 its meetings, posted on its website and as determined to provide
764 notice to persons with an interest in the business of the
765 commission.

766 3. The executive committee may hold a special meeting in
767 accordance with subsection (6).

768 (5) The commission shall adopt and provide to the member
769 states an annual report.

770 (6) All meetings shall be open to the public, except that
771 the commission may meet in a closed, nonpublic meeting as
772 provided in s. 491.023.

773 (a) Public notice for all meetings of the full commission
774 of meetings shall be given in the same manner as required under
775 the rulemaking provisions in Article XII, except that the

776 commission may hold a special meeting as provided in paragraph
777 (b).

778 (b) The commission may hold a special meeting when it must
779 meet to conduct emergency business by giving 48 hours' notice to
780 all commissioners, on the commission's website, and by other
781 means as provided in the commission's rules. The commission's
782 legal counsel shall certify that the commission's need to meet
783 qualifies as an emergency.

784 (c) If a meeting, or portion of a meeting, is closed, the
785 presiding officer shall state that the meeting will be closed
786 and reference each relevant exempting provision, and such
787 reference shall be recorded in the minutes.

788 (d) The commission shall keep minutes that fully and
789 clearly describe all matters discussed in a meeting and shall
790 provide a full and accurate summary of actions taken, and the
791 reasons therefore, including a description of the views
792 expressed. All documents considered in connection with an action
793 shall be identified in such minutes. All minutes and documents
794 of a closed meeting shall remain under seal, subject to release
795 only by a majority vote of the commission or order of a court of
796 competent jurisdiction.

797 (7)(a) The commission shall pay, or provide for the
798 payment of, the reasonable expenses of its establishment,
799 organization, and ongoing activities.

800 (b) The commission may accept any and all appropriate

801 revenue sources as provided in paragraph (3) (m) .

802 (c) The commission may levy on and collect an annual
803 assessment from each member state and impose fees on licensees
804 of member states to whom it grants a multistate license to cover
805 the cost of the operations and activities of the commission and
806 its staff, which must be in a total amount sufficient to cover
807 its annual budget as approved each year for which revenue is not
808 provided by other sources. The aggregate annual assessment
809 amount for member states shall be allocated based upon a formula
810 that the commission shall adopt by rule.

811 (d) The commission may not incur obligations of any kind
812 prior to securing the funds adequate to meet the same; nor shall
813 the commission pledge the credit of any of the member states,
814 except by and with the authority of the member state.

815 (e) The commission shall keep accurate accounts of all
816 receipts and disbursements. The receipts and disbursements of
817 the commission shall be subject to the financial review and
818 accounting procedures established under its bylaws. However, all
819 receipts and disbursements of funds handled by the commission
820 shall be subject to an annual financial review by a certified or
821 licensed public accountant, and the report of the financial
822 review shall be included in and become part of the annual report
823 of the commission.

824 (8) (a) The members, officers, executive director,
825 employees, and representatives of the commission shall be immune

826 from suit and liability, both personally and in their official
827 capacity, for any claim for damage to or loss of property or
828 personal injury or other civil liability caused by or arising
829 out of any actual or alleged act, error, or omission that
830 occurred, or that the person against whom the claim is made had
831 a reasonable basis for believing occurred within the scope of
832 commission employment, duties, or responsibilities; provided
833 that this paragraph does not protect any such person from suit
834 or liability for any damage, loss, injury, or liability caused
835 by the intentional or willful or wanton misconduct of that
836 person. The procurement of insurance of any type by the
837 commission may not in any way compromise or limit the immunity
838 granted hereunder.

839 (b) The commission shall defend any member, officer,
840 executive director, employee, and representative of the
841 commission in any civil action seeking to impose liability
842 arising out of any actual or alleged act, error, or omission
843 that occurred within the scope of commission employment, duties,
844 or responsibilities, or as determined by the commission that the
845 person against whom the claim is made had a reasonable basis for
846 believing occurred within the scope of commission employment,
847 duties, or responsibilities; provided that nothing herein shall
848 be construed to prohibit that person from retaining his or her
849 own counsel at his or her own expense; and provided further that
850 the actual or alleged act, error, or omission did not result

851 from that person's intentional or willful or wanton misconduct.

852 (c) The commission shall indemnify and hold harmless any
853 member, officer, executive director, employee, and
854 representative of the commission for the amount of any
855 settlement or judgment obtained against that person arising out
856 of any actual or alleged act, error, or omission that occurred
857 within the scope of commission employment, duties, or
858 responsibilities, or that such person had a reasonable basis for
859 believing occurred within the scope of commission employment,
860 duties, or responsibilities, provided that the actual or alleged
861 act, error, or omission did not result from the intentional or
862 willful or wanton misconduct of that person.

863 (d) Nothing herein shall be construed as a limitation on
864 the liability of any licensee for professional malpractice or
865 misconduct, which shall be governed solely by any other
866 applicable state laws.

867 (e) This compact may not be interpreted to waive or
868 otherwise abrogate a member state's state action immunity or
869 state action affirmative defense with respect to antitrust
870 claims under the Sherman Antitrust Act, Clayton Antitrust Act of
871 1914, or any other state or federal antitrust or anticompetitive
872 law or regulation.

873 (f) This compact may not be construed to be a waiver of
874 sovereign immunity by the member states or by the commission.

875

ARTICLE XI
DATA SYSTEM

(1) The commission shall provide for the development, maintenance, operation, and utilization of a coordinated data system.

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

(3) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

(a) Identifying information.

(b) Licensure data.

(c) Adverse actions against a license and information related thereto.

(d) Nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under member state law.

(e) Any denial of application for licensure, and the reason for such denial.

(f) The presence of current significant investigative

901 information.

902 (g) Other information that may facilitate the
903 administration of this compact or the protection of the public,
904 as determined by the rules of the commission.

905 (4) The records and information provided to a member state
906 pursuant to this compact or through the data system, when
907 certified by the commission or an agent thereof, shall
908 constitute the authenticated business records of the commission,
909 and shall be entitled to any associated hearsay exception in any
910 relevant judicial, quasi-judicial, or administrative proceedings
911 in a member state.

912 (5)(a) Current significant investigative information
913 pertaining to a licensee in any member state will only be
914 available to other member states.

915 (b) It is the responsibility of the member states to
916 report any adverse action against a licensee and to monitor the
917 database to determine whether adverse action has been taken
918 against a licensee. Adverse action information pertaining to a
919 licensee in any member state will be available to any other
920 member state.

921 (6) Member states contributing information to the data
922 system may designate information that may not be shared with the
923 public without the express permission of the contributing state.

924 (7) Any information submitted to the data system that is
925 subsequently expunged pursuant to federal law or the laws of the

926 member state contributing the information shall be removed from
 927 the data system.

929 ARTICLE XII

930 RULEMAKING

932 (1) The commission shall adopt reasonable rules in order
 933 to effectively and efficiently implement and administer the
 934 purposes and provisions of the compact. A rule shall be invalid
 935 and have no force or effect only if a court of competent
 936 jurisdiction holds that the rule is invalid because the
 937 commission exercised its rulemaking authority in a manner that
 938 is beyond the scope and purposes of the compact, or the powers
 939 granted hereunder, or based upon another applicable standard of
 940 review.

941 (2) The rules of the commission shall have the force of
 942 law in each member state, provided, however, that if the rules
 943 of the commission conflict with the laws of the member state
 944 that establish the member state's laws, regulations, and
 945 applicable standards that govern the practice of social work as
 946 held by a court of competent jurisdiction, the rules of the
 947 commission shall be ineffective in that state to the extent of
 948 the conflict.

949 (3) The commission shall exercise its rulemaking powers
 950 pursuant to the criteria set forth in this section and the rules

951 adopted thereunder. Rules shall become binding on the day
952 following adoption or the date specified in the rule or
953 amendment, whichever is later.

954 (4) 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, then such
958 rule shall have no further force and effect in any member state.

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

961 (6) 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 (7) Before adoption of a proposed rule by the commission,
965 and at least 30 days in advance of the meeting at which the
966 commission will hold a public hearing on the proposed rule, the
967 commission shall provide a notice of proposed rulemaking:

968 (a) On the website of the commission or other publicly
969 accessible platform.

970 (b) To persons who have requested notice of the
971 commission's notices of proposed rulemaking.

972 (c) In such other way as the commission may by rule
973 specify.

974 (8) The notice of proposed rulemaking shall include:

975 (a) 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 (b) If the hearing is held via telecommunication, video
981 conference, or other electronic means, the commission shall
982 include the mechanism for access to the hearing in the notice of
983 proposed rulemaking.

984 (c) The text of the proposed rule and the reason therefor.

985 (d) A request for comments on the proposed rule from any
986 interested person.

987 (e) The manner in which interested persons may submit
988 written comments.

989 (9) All hearings will 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 shall be available
992 to the public.

993 (10) This section does not require a separate hearing on
994 each rule. Rules may be grouped for the convenience of the
995 commission at hearings required by this section.

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

999 (a) The commission may adopt changes to the proposed rule
1000 provided the changes do not enlarge the original purpose of the

1001 proposed rule.

1002 (b) The commission shall provide an explanation of the
 1003 reasons for substantive changes made to the proposed rule as
 1004 well as reasons for substantive changes not made that were
 1005 recommended by commenters.

1006 (c) The commission shall determine a reasonable effective
 1007 date for the rule. Except for an emergency as provided in
 1008 subsection (12), the effective date of the rule shall be no
 1009 sooner than 30 days after issuing the notice that it adopted or
 1010 amended the rule.

1011 (12) 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 section shall be retroactively applied to the rule as soon as
 1016 reasonably possible, but in no event later than 90 days after
 1017 the effective date of the rule. For the purposes of this
 1018 subsection, an emergency rule is one that must be adopted
 1019 immediately in order to:

1020 (a) Meet an imminent threat to public health, safety, or
 1021 welfare;

1022 (b) Prevent a loss of commission or member state funds;

1023 (c) Meet a deadline for the adoption of a rule that is
 1024 established by federal law or rule; or

1025 (d) Protect public health and safety.

1026 (13) 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 shall be posted on the website of the commission.
1031 The revision shall be subject to challenge by any person for a
1032 period of 30 days after posting. The revision may be challenged
1033 only on grounds that the revision results in a material change
1034 to a rule. A challenge shall be made in writing and delivered to
1035 the commission prior to the end of the notice period. If no
1036 challenge is 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 (14) No member state's rulemaking requirements shall apply
1040 under this compact.

1041
1042 ARTICLE XIII

1043 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT
1044

1045 (1) (a) The executive and judicial branches of state
1046 government in each member state shall enforce this compact and
1047 take all actions necessary and appropriate to implement the
1048 compact.

1049 (b) Except as otherwise provided in this compact, venue is
1050 proper and judicial proceedings by or against the commission

1051 shall be brought solely and exclusively in a court of competent
1052 jurisdiction where the principal office of the commission is
1053 located. The commission may waive venue and jurisdictional
1054 defenses to the extent it adopts or consents to participate in
1055 alternative dispute resolution proceedings. Nothing herein shall
1056 affect or limit the selection or propriety of venue in any
1057 action against a licensee for professional malpractice,
1058 misconduct, or any such similar matter.

1059 (c) The commission shall be entitled to receive service of
1060 process in any proceeding regarding the enforcement or
1061 interpretation of the compact and shall have standing to
1062 intervene in such a proceeding for all purposes. Failure to
1063 provide the commission service of process shall render a
1064 judgment or order void as to the commission, this compact, or
1065 adopted rules.

1066 (2) (a) If the commission determines that a member state
1067 has defaulted in the performance of its obligations or
1068 responsibilities under this compact or the adopted rules, the
1069 commission shall provide written notice to the defaulting state.
1070 The notice of default shall describe the default, the proposed
1071 means of curing the default, and any other action that the
1072 commission may take, and shall offer training and specific
1073 technical assistance regarding the default.

1074 (b) The commission shall provide a copy of the notice of
1075 default to the other member states.

1076 (3) If a state in default fails to cure the default, the
1077 defaulting state may be terminated from the compact upon an
1078 affirmative vote of a majority of the delegates of the member
1079 states, and all rights, privileges, and benefits conferred on
1080 that state by this compact may be terminated on the effective
1081 date of termination. A cure of the default does not relieve the
1082 offending state of obligations or liabilities incurred during
1083 the period of default.

1084 (4) Termination of membership in the compact shall be
1085 imposed only after all other means of securing compliance have
1086 been exhausted. Notice of intent to suspend or terminate shall
1087 be given by the commission to the Governor, the majority and
1088 minority leaders of the defaulting state's legislature, the
1089 defaulting state's state licensing authority, and each of the
1090 member states' licensing authority.

1091 (5) A state that has been terminated is responsible for
1092 all assessments, obligations, and liabilities incurred through
1093 the effective date of termination, including obligations that
1094 extend beyond the effective date of termination.

1095 (6) Upon the termination of a state's membership from this
1096 compact, that state shall immediately provide notice to all
1097 licensees within that state of such termination. The terminated
1098 state shall continue to recognize all licenses granted pursuant
1099 to this compact for a minimum of 6 months after the date of said
1100 notice of termination.

1101 (7) The commission may not bear any costs related to a
1102 state that is found to be in default or that has been terminated
1103 from the compact, unless agreed upon in writing between the
1104 commission and the defaulting state.

1105 (8) The defaulting state may appeal the action of the
1106 commission by petitioning the United States District Court for
1107 the District of Columbia or the federal district where the
1108 commission has its principal offices. The prevailing party shall
1109 be awarded all costs of such litigation, including reasonable
1110 attorney fees.

1111 (9) (a) Upon request by a member state, the commission
1112 shall attempt to resolve disputes related to the compact that
1113 arise among member states and between member and nonmember
1114 states.

1115 (b) The commission shall adopt a rule providing for both
1116 mediation and binding dispute resolution for disputes as
1117 appropriate.

1118 (10) (a) By majority vote as provided by rule, the
1119 commission may initiate legal action against a member state in
1120 default in the United States District Court for the District of
1121 Columbia or the federal district where the commission has its
1122 principal offices to enforce compliance with the provisions of
1123 the compact and its adopted rules. The relief sought may include
1124 both injunctive relief and damages. In the event judicial
1125 enforcement is necessary, the prevailing party shall be awarded

1126 all costs of such litigation, including reasonable attorney
1127 fees. The remedies herein may not be the exclusive remedies of
1128 the commission. The commission may pursue any other remedies
1129 available under federal or the defaulting member state's law.

1130 (b) A member state may initiate legal action against the
1131 commission in the United States District Court for the District
1132 of Columbia or the federal district where the commission has its
1133 principal offices to enforce compliance with the provisions of
1134 the compact and its adopted rules. The relief sought may include
1135 both injunctive relief and damages. In the event judicial
1136 enforcement is necessary, the prevailing party shall be awarded
1137 all costs of such litigation, including reasonable attorney
1138 fees.

1139 (c) Only a member state may enforce this compact against
1140 the commission.

1141

1142 ARTICLE XIV

1143 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

1144

1145 (1) The compact shall come into effect on the date on
1146 which the compact statute is enacted into law in the seventh
1147 member state.

1148 (2) (a) On or after the effective date of the compact, the
1149 commission shall convene and review the enactment of each of the
1150 first seven charter member states to determine if the statute

1151 enacted by each such charter member state is materially
1152 different than the model compact statute.

1153 1. A charter member state whose enactment is found to be
1154 materially different from the model compact statute shall be
1155 entitled to the default process set forth in Article XIII.

1156 2. If any member state is later found to be in default, or
1157 is terminated or withdraws from the compact, the commission
1158 shall remain in existence and the compact shall remain in effect
1159 even if the number of member states should be less than seven.

1160 (b) Member states enacting the compact subsequent to the
1161 seven initial charter member states shall be subject to the
1162 process provided in paragraph (3)(u) of Article X to determine
1163 if their enactments are materially different from the model
1164 compact statute and whether they qualify for participation in
1165 the compact.

1166 (c) All actions taken for the benefit of the commission or
1167 in furtherance of the purposes of the administration of the
1168 compact prior to the effective date of the compact or the
1169 commission coming into existence shall be considered to be
1170 actions of the commission unless specifically repudiated by the
1171 commission.

1172 (d) Any state that joins the compact subsequent to the
1173 commission's initial adoption of the rules and bylaws shall be
1174 subject to the rules and bylaws as they exist on the date on
1175 which the compact becomes law in that state. Any rule that has

1176 been previously adopted by the commission shall have the full
1177 force and effect of law on the day the compact becomes law in
1178 that state.

1179 (3) Any member state may withdraw from this compact by
1180 enacting a statute repealing the same.

1181 (a) A member state's withdrawal may not take effect until
1182 180 days after enactment of the repealing statute.

1183 (b) Withdrawal may not affect the continuing requirement
1184 of the withdrawing state's licensing authority to comply with
1185 the investigative and adverse action reporting requirements of
1186 this compact before the effective date of withdrawal.

1187 (c) Upon the enactment of a statute withdrawing from this
1188 compact, a state shall immediately provide notice of such
1189 withdrawal to all licensees within that state. Notwithstanding
1190 any subsequent statutory enactment to the contrary, such
1191 withdrawing state shall continue to recognize all licenses
1192 granted pursuant to this compact for a minimum of 180 days after
1193 the date of such notice of withdrawal.

1194 (4) This compact does not invalidate or prevent any
1195 licensure agreement or other cooperative arrangement between a
1196 member state and a nonmember state that does not conflict with
1197 the provisions of this compact.

1198 (5) This compact may be amended by the member states. Any
1199 amendment to this compact is not effective and binding upon any
1200 member state until it is enacted into the laws of all member

1201 states.

1202

1203 ARTICLE XV

1204 CONSTRUCTION AND SEVERABILITY

1205

1206 (1) This compact and the commission's rulemaking authority
 1207 shall be liberally construed so as to effectuate the purposes
 1208 and the implementation and administration of the compact.

1209 Provisions of the compact expressly authorizing or requiring the
 1210 adoption of rules may not be construed to limit the commission's
 1211 rulemaking authority solely for those purposes.

1212 (2) The provisions of this compact shall be severable and
 1213 if any phrase, clause, sentence, or provision of this compact is
 1214 held by a court of competent jurisdiction to be contrary to the
 1215 constitution of any member state, a state seeking participation
 1216 in the compact, or of the United states, or the applicability
 1217 thereof to any government, agency, person, or circumstance is
 1218 held to be unconstitutional by a court of competent
 1219 jurisdiction, the validity of the remainder of this compact and
 1220 the applicability thereof to any other government, agency,
 1221 person, or circumstance may not be affected thereby.

1222 (3) Notwithstanding subsection (2), the commission may
 1223 deny a state's participation in the compact or, in accordance
 1224 with the requirements of subsection (2) of Article XIII,
 1225 terminate a member state's participation in the compact, if it

1226 determines that a constitutional requirement of a member state
 1227 is a material departure from the compact. Otherwise, if this
 1228 compact shall be held to be contrary to the constitution of any
 1229 member state, the compact shall remain in full force and effect
 1230 as to the remaining member states and in full force and effect
 1231 as to the member state affected as to all severable matters.

1232
 1233 ARTICLE XVI

1234 CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

1235
 1236 (1) A licensee providing services in a remote state under
 1237 a multistate authorization to practice shall adhere to the laws
 1238 and regulations, including laws, regulations, and applicable
 1239 standards, of the remote state where the client is located at
 1240 the time care is rendered.

1241 (2) Nothing herein shall prevent or inhibit the
 1242 enforcement of any other law of a member state that is not
 1243 inconsistent with the compact.

1244 (3) Any laws, statutes, regulations, or other legal
 1245 requirements in a member state in conflict with the compact are
 1246 superseded to the extent of the conflict.

1247 (4) All permissible agreements between the commission and
 1248 the member states are binding in accordance with their terms.

1249 Section 2. Subsection (10) of section 456.073, Florida
 1250 Statutes, is amended to read:

1251 456.073 Disciplinary proceedings.—Disciplinary proceedings
 1252 for each board shall be within the jurisdiction of the
 1253 department.

1254 (10) The complaint and all information obtained pursuant
 1255 to the investigation by the department are confidential and
 1256 exempt from s. 119.07(1) until 10 days after probable cause has
 1257 been found to exist by the probable cause panel or by the
 1258 department, or until the regulated professional or subject of
 1259 the investigation waives his or her privilege of
 1260 confidentiality, whichever occurs first. The department shall
 1261 report any significant investigation information relating to a
 1262 nurse holding a multistate license to the coordinated licensure
 1263 information system pursuant to s. 464.0095, ~~and~~ any significant
 1264 investigatory information relating to a health care practitioner
 1265 practicing under the Professional Counselors Licensure Compact
 1266 to the data system pursuant to s. 491.017, ~~and~~ any significant
 1267 investigatory information relating to a psychologist practicing
 1268 under the Psychology Interjurisdictional Compact to the
 1269 coordinated licensure information system pursuant to s.
 1270 490.0075, and any significant investigatory information relating
 1271 a clinical social worker practicing under the Social Work
 1272 Licensure Interstate Compact to the data system pursuant to s.
 1273 491.022. Upon completion of the investigation and a
 1274 recommendation by the department to find probable cause, and
 1275 pursuant to a written request by the subject or the subject's

1276 attorney, the department shall provide the subject an
1277 opportunity to inspect the investigative file or, at the
1278 subject's expense, forward to the subject a copy of the
1279 investigative file. Notwithstanding s. 456.057, the subject may
1280 inspect or receive a copy of any expert witness report or
1281 patient record connected with the investigation if the subject
1282 agrees in writing to maintain the confidentiality of any
1283 information received under this subsection until 10 days after
1284 probable cause is found and to maintain the confidentiality of
1285 patient records pursuant to s. 456.057. The subject may file a
1286 written response to the information contained in the
1287 investigative file. Such response must be filed within 20 days
1288 of mailing by the department, unless an extension of time has
1289 been granted by the department. This subsection does not
1290 prohibit the department from providing such information to any
1291 law enforcement agency or to any other regulatory agency.

1292 Section 3. Subsection (5) of section 456.076, Florida
1293 Statutes, is amended to read:

1294 456.076 Impaired practitioner programs.—

1295 (5) A consultant shall enter into a participant contract
1296 with an impaired practitioner and shall establish the terms of
1297 monitoring and shall include the terms in a participant
1298 contract. In establishing the terms of monitoring, the
1299 consultant may consider the recommendations of one or more
1300 approved evaluators, treatment programs, or treatment providers.

1301 A consultant may modify the terms of monitoring if the
1302 consultant concludes, through the course of monitoring, that
1303 extended, additional, or amended terms of monitoring are
1304 required for the protection of the health, safety, and welfare
1305 of the public. If the impaired practitioner is a health care
1306 practitioner practicing under the Professional Counselors
1307 Licensure Compact pursuant to s. 491.017, the terms of the
1308 monitoring contract must include the impaired practitioner's
1309 withdrawal from all practice under the compact. If the impaired
1310 practitioner is a psychologist practicing under the Psychology
1311 Interjurisdictional Compact pursuant to s. 490.0075, the terms
1312 of the monitoring contract must include the impaired
1313 practitioner's withdrawal from all practice under the compact.
1314 If the impaired practitioner is a clinical social worker
1315 practicing under the Social Work Licensure Interstate Compact,
1316 pursuant to s. 491.022, the terms of the monitoring contract
1317 must include the impaired practitioner's withdrawal from all
1318 practice under the compact.

1319 Section 4. Subsection (9) is added to section 491.004,
1320 Florida Statutes, to read:

1321 491.004 Board of Clinical Social Work, Marriage and Family
1322 Therapy, and Mental Health Counseling.—

1323 (9) The board shall appoint an individual to serve as the
1324 state's delegate on the Social Work Licensure Interstate Compact
1325 Commission as required under s. 491.022.

1326 Section 5. Subsection (6) of section 491.005, Florida
 1327 Statutes, is amended to read:

1328 491.005 Licensure by examination.—

1329 (6) EXEMPTIONS ~~EXEMPTION~~.—

1330 (a) A person licensed as a clinical social worker,
 1331 marriage and family therapist, or mental health counselor in
 1332 another state who is practicing under the Professional
 1333 Counselors Licensure Compact pursuant to s. 491.017, and only
 1334 within the scope provided therein, is exempt from the licensure
 1335 requirements of this section, as applicable.

1336 (b) A person licensed as a clinical social worker in
 1337 another state who is practicing under the Social Worker
 1338 Licensure Interstate Compact pursuant to s. 491.022, and only
 1339 within the scope provided therein, is exempt from the licensure
 1340 requirements of this section, as applicable.

1341 Section 6. Subsection (4) is added to section 491.006,
 1342 Florida Statutes, to read:

1343 491.006 Licensure or certification by endorsement.—

1344 (4) A person licensed as a clinical social worker in
 1345 another state who is practicing under the Social Worker
 1346 Licensure Interstate Compact pursuant to s. 491.022, and only
 1347 within the scope provided therein, is exempt from the licensure
 1348 requirements of this section, as applicable.

1349 Section 7. Subsection (1) of section 491.009, Florida
 1350 Statutes, is amended, and paragraph (c) is added to subsection

1351 (2) of that section, to read:

1352 491.009 Discipline.—

1353 (1) The following acts constitute grounds for denial of a
 1354 license or disciplinary action, as specified in s. 456.072(2), l
 1355 ~~or~~ s. 491.017, or s. 491.022:

1356 (a) Attempting to obtain, obtaining, or renewing a
 1357 license, registration, or certificate under this chapter by
 1358 bribery or fraudulent misrepresentation or through an error of
 1359 the board or the department.

1360 (b) Having a license, registration, or certificate to
 1361 practice a comparable profession revoked, suspended, or
 1362 otherwise acted against, including the denial of certification
 1363 or licensure by another state, territory, or country.

1364 (c) Being convicted or found guilty of, regardless of
 1365 adjudication, or having entered a plea of nolo contendere to, a
 1366 crime in any jurisdiction which directly relates to the practice
 1367 of his or her profession or the ability to practice his or her
 1368 profession. However, in the case of a plea of nolo contendere,
 1369 the board shall allow the person who is the subject of the
 1370 disciplinary proceeding to present evidence in mitigation
 1371 relevant to the underlying charges and circumstances surrounding
 1372 the plea.

1373 (d) False, deceptive, or misleading advertising or
 1374 obtaining a fee or other thing of value on the representation
 1375 that beneficial results from any treatment will be guaranteed.

1376 (e) Advertising, practicing, or attempting to practice
 1377 under a name other than one's own.

1378 (f) Maintaining a professional association with any person
 1379 who the applicant, licensee, registered intern, or
 1380 certificateholder knows, or has reason to believe, is in
 1381 violation of this chapter or of a rule of the department or the
 1382 board.

1383 (g) Knowingly aiding, assisting, procuring, or advising
 1384 any nonlicensed, nonregistered, or noncertified person to hold
 1385 himself or herself out as licensed, registered, or certified
 1386 under this chapter.

1387 (h) Failing to perform any statutory or legal obligation
 1388 placed upon a person licensed, registered, or certified under
 1389 this chapter.

1390 (i) Willfully making or filing a false report or record;
 1391 failing to file a report or record required by state or federal
 1392 law; willfully impeding or obstructing the filing of a report or
 1393 record; or inducing another person to make or file a false
 1394 report or record or to impede or obstruct the filing of a report
 1395 or record. Such report or record includes only a report or
 1396 record which requires the signature of a person licensed,
 1397 registered, or certified under this chapter.

1398 (j) Paying a kickback, rebate, bonus, or other
 1399 remuneration for receiving a patient or client, or receiving a
 1400 kickback, rebate, bonus, or other remuneration for referring a

1401 patient or client to another provider of mental health care
 1402 services or to a provider of health care services or goods;
 1403 referring a patient or client to oneself for services on a fee-
 1404 paid basis when those services are already being paid for by
 1405 some other public or private entity; or entering into a
 1406 reciprocal referral agreement.

1407 (k) Committing any act upon a patient or client which
 1408 would constitute sexual battery or which would constitute sexual
 1409 misconduct as defined pursuant to s. 491.0111.

1410 (l) Making misleading, deceptive, untrue, or fraudulent
 1411 representations in the practice of any profession licensed,
 1412 registered, or certified under this chapter.

1413 (m) Soliciting patients or clients personally, or through
 1414 an agent, through the use of fraud, intimidation, undue
 1415 influence, or a form of overreaching or vexatious conduct.

1416 (n) Failing to make available to a patient or client, upon
 1417 written request, copies of tests, reports, or documents in the
 1418 possession or under the control of the licensee, registered
 1419 intern, or certificateholder which have been prepared for and
 1420 paid for by the patient or client.

1421 (o) Failing to respond within 30 days to a written
 1422 communication from the department or the board concerning any
 1423 investigation by the department or the board, or failing to make
 1424 available any relevant records with respect to any investigation
 1425 about the licensee's, registered intern's, or

1426 certificateholder's conduct or background.

1427 (p) Being unable to practice the profession for which he
1428 or she is licensed, registered, or certified under this chapter
1429 with reasonable skill or competence as a result of any mental or
1430 physical condition or by reason of illness; drunkenness; or
1431 excessive use of drugs, narcotics, chemicals, or any other
1432 substance. In enforcing this paragraph, upon a finding by the
1433 State Surgeon General, the State Surgeon General's designee, or
1434 the board that probable cause exists to believe that the
1435 licensee, registered intern, or certificateholder is unable to
1436 practice the profession because of the reasons stated in this
1437 paragraph, the department shall have the authority to compel a
1438 licensee, registered intern, or certificateholder to submit to a
1439 mental or physical examination by psychologists, physicians, or
1440 other licensees under this chapter, designated by the department
1441 or board. If the licensee, registered intern, or
1442 certificateholder refuses to comply with such order, the
1443 department's order directing the examination may be enforced by
1444 filing a petition for enforcement in the circuit court in the
1445 circuit in which the licensee, registered intern, or
1446 certificateholder resides or does business. The licensee,
1447 registered intern, or certificateholder against whom the
1448 petition is filed may not be named or identified by initials in
1449 any public court records or documents, and the proceedings shall
1450 be closed to the public. The department shall be entitled to the

1451 summary procedure provided in s. 51.011. A licensee, registered
1452 intern, or certificateholder affected under this paragraph shall
1453 at reasonable intervals be afforded an opportunity to
1454 demonstrate that he or she can resume the competent practice for
1455 which he or she is licensed, registered, or certified with
1456 reasonable skill and safety to patients.

1457 (q) Performing any treatment or prescribing any therapy
1458 which, by the prevailing standards of the mental health
1459 professions in the community, would constitute experimentation
1460 on human subjects, without first obtaining full, informed, and
1461 written consent.

1462 (r) Failing to meet the minimum standards of performance
1463 in professional activities when measured against generally
1464 prevailing peer performance, including the undertaking of
1465 activities for which the licensee, registered intern, or
1466 certificateholder is not qualified by training or experience.

1467 (s) Delegating professional responsibilities to a person
1468 who the licensee, registered intern, or certificateholder knows
1469 or has reason to know is not qualified by training or experience
1470 to perform such responsibilities.

1471 (t) Violating a rule relating to the regulation of the
1472 profession or a lawful order of the department or the board
1473 previously entered in a disciplinary hearing.

1474 (u) Failure of the licensee, registered intern, or
1475 certificateholder to maintain in confidence a communication made

1476 by a patient or client in the context of such services, except
 1477 as provided in s. 491.0147.

1478 (v) Making public statements which are derived from test
 1479 data, client contacts, or behavioral research and which identify
 1480 or damage research subjects or clients.

1481 (w) Violating any provision of this chapter or chapter
 1482 456, or any rules adopted pursuant thereto.

1483 (2)

1484 (c) The board may take adverse action against a clinical
 1485 social worker's privilege to practice under the Social Worker
 1486 Licensure Interstate Compact pursuant to s. 491.022, and may
 1487 impose any of the penalties in s. 456.072(2) if the clinical
 1488 social worker commits an act specified in subsection (1) or s.
 1489 456.072(1).

1490 Section 8. Paragraph (j) is added subsection (10) of
 1491 section 768.28, Florida Statutes, to read:

1492 768.28 Waiver of sovereign immunity in tort actions;
 1493 recovery limits; civil liability for damages caused during a
 1494 riot; limitation on attorney fees; statute of limitations;
 1495 exclusions; indemnification; risk management programs.—

1496 (10)

1497 (j) For purposes of this section, the individual appointed
 1498 under s. 491.004(9) as the state's delegate on the Social Work
 1499 Licensure Compact Commission, pursuant to s. 491.022, and any
 1500 administrator, officer, executive director, employee, or

1501 representative of the commission, when acting within the scope
1502 of his or her employment, duties, or responsibilities in this
1503 state, is considered an agent of the state. The commission shall
1504 pay any claims or judgments pursuant to this section and may
1505 maintain insurance coverage to pay any such claims or judgments.

1506 Section 9. The Department of Health shall notify the
1507 Division of Law Revision upon the enactment of the Social Work
1508 Licensure Interstate Compact into law by seven states.

1509 Section 10. This act shall take effect upon enactment of
1510 the Social Work Licensure Interstate Compact into law by seven
1511 states.