

By Senator Harrell

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A bill to be entitled
An act relating to the Social Work Licensure
Interstate Compact; creating s. 491.022, F.S.;
creating the Social Work Licensure Interstate Compact;
providing a purpose and objectives of the compact;
defining terms; specifying requirements for state
participation in the compact; specifying requirements
for member states to maintain membership in the
compact; requiring member states to designate the
categories of social work licensure which are eligible
for issuance of a multistate license in such states;
specifying criteria licensed social workers must meet
to be issued a multistate license under the compact;
providing additional requirements based on the
licensure category of such social workers; providing
for the renewal of multistate licenses; specifying
that a licensed social worker's services provided in a
remote state are subject to that remote member state's
regulatory authority; authorizing remote states to act
on a licensee's multistate authorization to practice;
specifying the consequences and parameters of practice
for a licensee whose multistate license or multistate
authorization to practice is encumbered; specifying
procedures for issuing multistate licenses; providing
for the recognition of multistate licenses in all
member states; providing construction; specifying that
a licensed social worker may hold a home state license
in only one member state at a time; specifying
requirements and procedures for reissuing a multistate

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license by a new home state; providing construction;
authorizing active duty military personnel or their
spouses to keep their home state designation during
active duty; authorizing member states to take adverse
action against a licensee's multistate authorization
to practice and to issue subpoenas for hearings and
investigations under certain circumstances; providing
requirements and procedures for such adverse actions
and subpoenas; authorizing member states to recover
costs of investigations and depositions from the
affected licensed social workers in adverse actions;
authorizing member states to engage in joint
investigations under certain circumstances; providing
that a licensee's multistate authorization to practice
must be deactivated in all member states for the
duration of an encumbrance imposed by the licensee's
home state; providing for notice to the data system
and the licensee's home state of any adverse action
taken against a licensee; providing construction;
establishing the Social Work Licensure Compact
Commission; providing for membership, meetings, and
powers of the commission; providing for powers,
duties, membership, and meetings of the commission's
executive committee; requiring the commission to adopt
annual reports and provide them to member states;
providing public notice and records requirements for
meetings of the commission; authorizing the commission
to hold closed, nonpublic meetings under certain
circumstances; providing for the financing of the

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commission; providing commission members, officers, executive directors, employees, and representatives immunity from civil liability under certain circumstances; providing construction; requiring the commission to defend the commission's members, officers, executive directors, employees, and representatives in civil actions under certain circumstances; providing construction; requiring the commission to indemnify and hold harmless such individuals for any settlement or judgment obtained in such actions under certain circumstances; providing construction; providing for the development of the data system, reporting procedures, and the exchange of specified information between member states; requiring member states to report any adverse action taken against a licensee and monitor the data system for adverse action taken against a licensee in other member states; authorizing member states to designate as confidential information provided to the data system; requiring the commission to remove information from the data system under certain circumstances; providing rulemaking procedures for the commission, including public notice and meeting requirements; providing for member state enforcement of the compact; providing for the jurisdiction and venue for court proceedings brought against the commission; specifying that the commission is entitled to receive service of process, and has standing to intervene, in certain 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 of the Social Work Interstate
105 Licensure Compact; amending s. 456.076, F.S.;
106 requiring that monitoring contracts for impaired
107 practitioners participating in treatment programs
108 contain certain terms; amending s. 491.004, F.S.;
109 requiring the Board of Clinical Social Work, Marriage
110 and Family Therapy, and Mental Health Counseling to
111 appoint an individual to serve as the state's delegate
112 on the Social Work Licensure Compact Commission;
113 amending ss. 491.005 and 491.006, F.S.; exempting
114 social workers practicing under the compact from
115 certain licensure requirements; amending s. 491.009,
116 F.S.; authorizing certain disciplinary action under

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the compact for specified prohibited acts; amending s.
768.28, F.S.; designating the state delegate and other
members or employees of the commission as state agents
for the purpose of applying waivers of sovereign
immunity; requiring the commission to pay certain
claims or judgments; authorizing the commission to
maintain insurance coverage to pay such claims or
judgments; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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

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

ARTICLE I

PURPOSE

(1) The purpose of the compact is to facilitate interstate
practice of regulated social workers by improving public access
to competent social work services.

(2) The compact preserves the regulatory authority of
member states to protect public health and safety through the
current system of state licensure. The compact is designed to
achieve all of the following objectives:

(a) Increase public access to social work services.

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146 (b) Reduce overly burdensome and duplicative requirements
147 associated with holding multiple licenses.

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

150 (d) Encourage the cooperation of member states in
151 regulating multistate practice of regulated social workers.

152 (e) Promote mobility and address workforce shortages by
153 eliminating the necessity for licenses in multiple states by
154 providing for the mutual recognition of other member state
155 licenses.

156 (f) Support military families.

157 (g) Facilitate the exchange of licensure and disciplinary
158 information among member states.

159 (h) Authorize all member states to hold a regulated social
160 worker accountable for abiding by the laws, regulations, and
161 applicable professional standards in the member state in which
162 the client is located at the time care is rendered.

163 (i) Allow for the use of telehealth to facilitate increased
164 access to social work services.

166 ARTICLE II

167 DEFINITIONS

168
169 As used in the compact, the term:

170 (1) "Active military member" means any individual on full-
171 time duty status in the active Armed Forces of the United
172 States, including members of the National Guard and Reserve.

173 (2) "Adverse action" means any administrative, civil,
174 equitable, or criminal action authorized by a state's laws which

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175 is imposed by a licensing authority or other authority against a
176 regulated social worker, including actions against an
177 individual's license or multistate authorization to practice,
178 such as revocation, suspension, probation, monitoring of the
179 licensee, limitation on the licensee's practice, or any other
180 encumbrance on licensure affecting a regulated social worker's
181 authorization to practice, including issuance of a cease and
182 desist action.

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

186 (4) "Charter member state" means a member state that
187 enacted legislation to adopt the compact where such legislation
188 predates the effective date of the compact as described in
189 Article XIV.

190 (5) "Commission" means the government agency whose
191 membership consists of all states that have enacted the compact,
192 which is known as the Social Work Licensure Compact Commission,
193 as described in Article X, and which shall operate as an
194 instrumentality of the member states.

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

196 (a) Investigative information that a licensing authority,
197 after a preliminary inquiry that includes notification and an
198 opportunity for the regulated social worker to respond, has
199 reason to believe is not groundless and, if proved true, would
200 indicate more than a minor infraction as may be defined by the
201 commission; or

202 (b) Investigative information that indicates that the
203 regulated social worker represents an immediate threat to public

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health and safety, as defined by the commission, regardless of whether the regulated social worker has been notified and has had an opportunity to respond.

(7) "Data system" means a repository of information about licensees, including, but not limited to, continuing education, examination records, licensure status, current significant investigative information, disqualifying events, multistate licenses, adverse action information, and any other information required by the commission.

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

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

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

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

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

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

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

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

(16) "Member state" means a state, commonwealth, district, or territory of the United States which has enacted the compact.

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

(18) "Multistate license" means a license to practice as a regulated social worker issued by a home state's licensing authority which authorizes the regulated social worker to practice in all member states under the multistate authorization to practice.

(19) "Qualifying national exam" means a national licensing examination approved by the commission.

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

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

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

(23) "Single-state license" means a license to practice social work issued by any state which authorizes practice only within the issuing state. The term does not include a multistate

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authorization to practice in any member state.

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

(25) "State" means any state, commonwealth, district, or territory of the United States which regulates the practice of social work.

(26) "Unencumbered license" means a license that authorizes a regulated social worker to engage in the full and unrestricted practice of social work.

ARTICLE III

STATE PARTICIPATION IN THE COMPACT

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

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

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

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

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291 2. Is accredited, or in candidacy by an institution that
292 subsequently becomes accredited, by an accrediting agency
293 recognized by either:

294 a. The Council for Higher Education Accreditation, or its
295 successor; or

296 b. The United States Department of Education; and

297 3. Corresponds to the corresponding category of multistate
298 license sought, as outlined in Article IV.

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

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

303 (2) To maintain membership in the compact, a member state
304 must:

305 (a) Require applicants for a multistate license to pass a
306 qualifying national exam for the corresponding category of
307 multistate license sought, as outlined in Article IV;

308 (b) Participate fully in the commission's data system,
309 including using the commission's unique identifier as defined by
310 commission rule;

311 (c) Notify the commission, in compliance with the terms of
312 the compact and rules, of any adverse action or the availability
313 of current significant investigative information regarding a
314 licensee;

315 (d) Implement procedures for considering the criminal
316 history records of applicants for a multistate license. Such
317 procedures must include the submission of fingerprints or other
318 biometric-based information by applicants for the purpose of
319 obtaining an applicant's criminal history record information

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from the Federal Bureau of Investigation and the agency
responsible for retaining that state's criminal records;

(e) Comply with the rules of the commission;

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

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

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

(3) A member state meeting the requirements under
subsections (1) and (2) shall designate the categories of social
work licensure which are eligible for issuance of a multistate
license for applicants in such member state. To the extent that
any member state does not meet the requirements for
participation in the compact for any category of social work
licensure, such member state may, but is not obligated to, issue
a multistate license to applicants who otherwise meet the
requirements of Article IV for issuance of a multistate license
in such category or categories of licensure.

ARTICLE IV

SOCIAL WORKER PARTICIPATION IN THE COMPACT

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

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

351 (b) Submit, in connection with an application for a
352 multistate license, fingerprints or other biometric-based data
353 for the purpose of obtaining criminal history record information
354 from the Federal Bureau of Investigation and the agency
355 responsible for retaining that state's criminal records.

356 (c) Notify the home state of any adverse action,
357 encumbrance, or restriction on any professional license taken by
358 any member state or nonmember state within 30 days after the
359 date the action is taken.

360 (d) Meet any continuing competency requirements established
361 by the home state.

362 (e) Abide by the laws, regulations, and applicable
363 standards in the member state where the client is located at the
364 time care is rendered.

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

367 (a) Fulfill a competency requirement, which may be
368 satisfied by any of the following:

369 1. Passage of a clinical-category qualifying national exam;
370 2. For an applicant licensed before a qualifying national
371 exam was required by the home state in the clinical category,
372 licensure of the applicant in his or her home state in the
373 clinical category, accompanied by a period of continuous social
374 work licensure thereafter, all of which may be further governed
375 by the rules of the commission; or

376 3. The substantial equivalency of the foregoing competency
377 requirements which the commission may determine by rule.

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378 (b) Attain at least a master's degree in social work from a
379 program that is:

380 1. Operated by a college or university recognized by the
381 home state's licensing authority; and

382 2. Accredited, or in candidacy by an institution that
383 subsequently receives accreditation, by an accrediting agency
384 recognized by either:

385 a. The Council for Higher Education Accreditation or its
386 successor; or

387 b. The United States Department of Education.

388 (c) Fulfill a practice requirement, which may be satisfied
389 by demonstrating completion of any of the following:

390 1. A period of postgraduate supervised clinical practice
391 equal to a minimum of 3,000 hours;

392 2. A minimum of 2 years of full-time postgraduate
393 supervised clinical practice; or

394 3. The substantial equivalency of the foregoing practice
395 requirements which the commission may determine by rule.

396 (3) An applicant for a master's-category multistate license
397 must meet all of the following requirements:

398 (a) Fulfill a competency requirement, which may be
399 satisfied by any of the following:

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

401 2. For an applicant licensed before a qualifying national
402 exam was required by the home state in the master's category,
403 licensure of the applicant in his or her home state in the
404 master's category, accompanied by a continuous period of social
405 work licensure thereafter, all of which may be further governed
406 by the rules of the commission; or

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407 3. The substantial equivalency of the foregoing competency
408 requirements which the commission may determine by rule.

409 (b) Attain at least a master's degree in social work from a
410 program that is:

411 1. Operated by a college or university recognized by the
412 home state's licensing authority; and

413 2. Accredited, or in candidacy by an institution that
414 subsequently becomes accredited, by an accrediting agency
415 recognized by either:

416 a. The Council for Higher Education Accreditation or its
417 successor; or

418 b. The United States Department of Education.

419 (4) An applicant for a bachelor's-category multistate
420 license must meet all of the following requirements:

421 (a) Fulfill a competency requirement, which may be
422 satisfied by:

423 1. Passage of a bachelor's-category qualifying national
424 exam;

425 2. For an applicant licensed before a qualifying national
426 exam was required by the home state in the bachelor's category,
427 licensure of the applicant in his or her home state at the
428 bachelor's category, accompanied by a period of continuous
429 social work licensure thereafter, all of which may be further
430 governed by the rules of the commission; or

431 3. The substantial equivalency of the foregoing competency
432 requirements which the commission may determine by rule.

433 (b) Attain at least a bachelor's degree in social work from
434 a program that is:

435 1. Operated by a college or university recognized by the

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home state's licensing authority; and

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

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

b. The United States Department of Education.

(5) The multistate license for a regulated social worker is subject to the renewal requirements of the home state. The regulated social worker must maintain compliance with the requirements of subsection (1) to be eligible to renew a multistate license.

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

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

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

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ARTICLE VISSUANCE OF A MULTISTATE LICENSE

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

(2) If the applicant is eligible under Article IV, the home state's licensing authority must issue a multistate license that authorizes the applicant or regulated social worker to practice in all member states under a multistate authorization to practice.

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

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

ARTICLE VIAUTHORITY OF THE SOCIAL WORK LICENSURE COMPACT COMMISSION AND
MEMBER STATE LICENSING AUTHORITIES

(1) The compact and rules of the commission do not limit, restrict, or in any way reduce the ability of a member state to:

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494 (a) Enact and enforce laws, regulations, or other rules
495 related to the practice of social work in that state, provided
496 those laws, regulations, or other rules do not conflict with the
497 provisions of the compact.

498 (b) Take adverse action against a licensee's single-state
499 license to practice social work in that state.

500 (c) Take adverse action against a licensee's multistate
501 authorization to practice social work in that state.

502 (2) The compact and rules of the commission do not limit,
503 restrict, or in any way reduce the ability of a licensee's home
504 state to take adverse action against a licensee's multistate
505 license based upon information provided by a remote state.

506 (3) The compact does not affect the requirements
507 established by a member state for the issuance of a single-state
508 license.

509 ARTICLE VII

510 REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

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

513 (2) If a licensee changes his or her home state by moving
514 between two member states, the following requirements apply:

515 (a) The licensee must immediately apply for the reissuance
516 of the multistate license in the new home state. The licensee
517 shall notify the former home state in accordance with the rules
518 of the commission.

519 (b) Upon receipt of an application to reissue a multistate
520 license, the new home state must verify that the multistate
521 license, the new home state must verify that the multistate

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license is active, unencumbered, and eligible for reissuance under the terms of the compact and the rules of the commission. The multistate license issued by the former home state must be deactivated and all member states notified in accordance with the applicable rules adopted by the commission.

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

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

(e) Notwithstanding any other provision of the compact, if a licensee does not meet the requirements set forth in the compact for the reissuance of a multistate license by the new home state, the licensee is subject to the new home state requirements for the issuance of a single-state license in that state.

(3) If a licensee changes his or her domicile by moving from a member state to a nonmember state, or from a nonmember state to a member state, the licensee is subject to the state's requirements for the issuance of a single-state license in the new home state.

(4) The compact does not interfere with a licensee's ability to hold a single-state license in multiple states;

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552 however, for the purposes of the compact, a licensee may have
553 only one home state and only one multistate license.

554 (5) The compact does not interfere with the requirements
555 established by a member state for the issuance of a single-state
556 license.

557
558 ARTICLE VIII
559 MILITARY FAMILIES
560

561 An active military member or his or her spouse shall
562 designate a home state as the state in which the individual
563 holds a multistate license. The individual may retain the home
564 state designation during the period the servicemember is on
565 active duty.

566
567 ARTICLE IX
568 ADVERSE ACTIONS
569

570 (1) In addition to the other powers conferred by general
571 law, a remote state has the authority, in accordance with
572 existing state due process law, to:

573 (a) Take adverse action against a regulated social worker's
574 multistate authorization to practice, but only within that
575 member state, and to issue subpoenas for both hearings and
576 investigations that require the attendance and testimony of
577 witnesses as well as the production of evidence. Subpoenas
578 issued by a licensing authority in a member state for the
579 attendance and testimony of witnesses or the production of
580 evidence from another member state must be enforced in the

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latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing licensing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence is located.

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

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

(3) The home state shall complete any pending investigations of a regulated social worker who changes his or her home state during the course of the investigation. The home state also may take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the data system shall promptly notify the new home state of any adverse action.

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

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

(6) (a) In addition to the authority granted to a member

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610 state by its respective social work practice act or other
611 applicable state law, any member state may participate with
612 other member states in joint investigations of licensees.

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

616 (7) If adverse action is taken by the home state against
617 the multistate license of a regulated social worker, the
618 regulated social worker's multistate authorization to practice
619 in all other member states must be deactivated until all
620 encumbrances have been removed from the multistate license. All
621 home state disciplinary orders that impose adverse action
622 against the license of a regulated social worker must include a
623 statement that the regulated social worker's multistate
624 authorization to practice is deactivated in all member states
625 until all conditions of the decision, order, or agreement are
626 satisfied.

627 (8) If a member state takes adverse action, it must
628 promptly notify the administrator of the data system. The
629 administrator of the data system shall promptly notify the home
630 state and all other member states of any adverse actions taken
631 by remote states.

632 (9) The compact does not override a member state's decision
633 that participation in an alternative program may be used in lieu
634 of adverse action.

635 (10) The compact does not authorize a member state to
636 demand the issuance of subpoenas for attendance and testimony of
637 witnesses or the production of evidence from another member
638 state for lawful actions within that member state.

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(11) The compact does not authorize a member state to impose discipline against a regulated social worker who holds a multistate authorization to practice for actions committed in another member state which were lawful in that state.

ARTICLE X

ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT COMMISSION

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

(2) (a) Each member state is entitled to one delegate appointed by that member state's licensing authority. The delegate must be one of the following:

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

2. An administrator of the state's licensing authority or his or her designee.

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

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

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668 (d) A member state's licensing authority shall fill any
669 vacancy of its delegate on the commission within 60 days after
670 the vacancy occurs.

671 (e) Each delegate is entitled to one vote on all matters
672 before the commission requiring a vote by commission delegates.

673 (f) A delegate must vote in person or by such other means
674 as provided in the bylaws. The bylaws may provide for delegates
675 to meet by telecommunication, video conference, or other similar
676 electronic means of communication.

677 (g) The commission shall meet at least once during each
678 calendar year. Additional meetings may be held as set forth in
679 the bylaws. The commission may meet by telecommunication, video
680 conference, or other similar electronic means of communication.

681 (3) The commission may do all of the following:

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

683 (b) Establish code of conduct and conflict of interest
684 policies.

685 (c) Establish and amend rules and bylaws.

686 (d) Maintain its financial records in accordance with the
687 bylaws.

688 (e) Meet and take such actions as are consistent with the
689 provisions of the compact, the commission's rules, and the
690 bylaws.

691 (f) Initiate and conclude legal proceedings or actions in
692 the name of the commission, provided that the standing of any
693 state's licensing authority to sue or be sued under applicable
694 law is not affected.

695 (g) Maintain and certify records and information provided
696 to a member state as the authenticated business records of the

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commission, or designate an agent to do so on the commission's behalf.

(h) Purchase and maintain insurance and bonds.

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

(j) Conduct an annual financial review.

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

(l) Assess and collect fees.

(m) Accept, receive, use, and dispose of any appropriate gifts, donations, grants of money, other revenue sources, equipment, supplies, materials, and services, provided that at all times the commission avoids any appearance of impropriety or conflict of interest.

(n) Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein.

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

(p) Establish a budget and make expenditures.

(q) Borrow money.

(r) Appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives, consumer representatives, and such other

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interested persons as may be designated in the compact and the bylaws.

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

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

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

(v) Perform any other functions necessary to achieve the purposes of the compact.

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

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

2. Recommending to the commission changes to the rules or bylaws, changes to the compact legislation, and fees charged to member states, fees charged to licensees, and other fees.

3. Ensuring compact administration services are appropriately provided, including by contract.

4. Preparing and recommending the budget.

5. Maintaining financial records on behalf of the commission.

6. Monitoring compact compliance of member states and

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755 providing compliance reports to the commission.

756 7. Establishing additional committees as necessary.

757 8. Exercising the powers and duties of the commission in
758 the interim between commission meetings, except for adopting or
759 amending rules, adopting or amending bylaws, and exercising any
760 other powers and duties expressly reserved to the commission by
761 rule or bylaw.

762 9. Performing other duties as provided in the rules or
763 bylaws of the commission.

764 (b) The executive committee may be composed of up to 11
765 members, as follows:

766 1. A chair and a vice chair, who must be voting members of
767 the executive committee.

768 2. Five voting members, selected by the commission from the
769 current membership of the commission.

770 3. Up to four ex officio, nonvoting members from four
771 recognized national social work organizations specified by the
772 commission, selected by their respective organizations.

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

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

776 1. Executive committee meetings must be open to the public,
777 except that the executive committee may meet in a closed,
778 nonpublic meeting as provided in subsection (7).

779 2. The executive committee shall give 7 days' notice of its
780 meetings, posted on its website and as determined by the
781 commission, to provide notice to persons with an interest in the
782 business of the commission.

783 3. The executive committee may hold a special meeting in

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784 accordance with subsection (6).

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

787 (6) All meetings of the commission must be open to the
788 public, except that the commission may meet in a closed,
789 nonpublic meeting as provided in subsection (7).

790 (a) Public notice for all meetings of the full commission
791 must be given in the same manner as required under the
792 rulemaking provisions in Article XII, except that the commission
793 may hold a special meeting as provided in paragraph (b).

794 (b) The commission may hold a special meeting when it must
795 meet to conduct emergency business by giving 48 hours' notice to
796 all commissioners, on the commission's website, and by other
797 means as provided in the commission's rules. The commission's
798 legal counsel shall certify that the commission's need to meet
799 qualifies as an emergency.

800 (7) (a) The commission or the executive committee or other
801 committee of the commission may convene in a closed, nonpublic
802 meeting if the commission or the committee needs to receive
803 legal advice or discuss any of the following:

804 1. Noncompliance of a member state with its obligations
805 under the compact.

806 2. The employment, compensation, or discipline of, or other
807 matters, practices, or procedures related to, specific
808 employees.

809 3. Current or threatened discipline of a licensee by the
810 commission or by a member state's licensing authority.

811 4. Current, threatened, or reasonably anticipated
812 litigation.

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813 5. Negotiation of contracts for the purchase, lease, or
814 sale of goods, services, or real estate.

815 6. Accusing any person of a crime or formally censuring any
816 person.

817 7. Trade secrets or commercial or financial information
818 that is privileged or confidential.

819 8. Information of a personal nature when disclosure would
820 constitute a clearly unwarranted invasion of personal privacy.

821 9. Investigative records compiled for law enforcement
822 purposes.

823 10. Information related to any investigative reports
824 prepared by, or on behalf of or for the use of, the commission
825 or other committee charged with responsibility of investigation
826 or determination of compliance issues pursuant to the compact.

827 11. Matters specifically exempted from disclosure by
828 federal or member state law.

829 12. Other matters as adopted by commission rule.

830 (b) If a meeting, or portion of a meeting, is closed, the
831 presiding officer must state that the meeting will be closed and
832 reference each relevant exempting provision, and such reference
833 must be recorded in the minutes.

834 (c) The commission shall keep minutes that fully and
835 clearly describe all matters discussed in a meeting and shall
836 provide a full and accurate summary of actions taken, and the
837 reasons therefor, including a description of the views
838 expressed. All documents considered in connection with an action
839 must be identified in the minutes. All minutes and documents of
840 a closed meeting must remain under seal, subject to release only
841 by a majority vote of the commission or order of a court of

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842 competent jurisdiction.

843 (8)(a) The commission shall pay, or provide for the payment
844 of, the reasonable expenses of its establishment, organization,
845 and ongoing activities.

846 (b) The commission may accept any appropriate revenue
847 sources as provided in paragraph (3)(m).

848 (c) The commission may levy and collect an annual
849 assessment from each member state to cover the cost of the
850 operations and activities of the commission and its staff, which
851 must be in a total amount sufficient to cover its annual budget
852 as approved each year for which revenue is not provided by other
853 sources. The aggregate annual assessment amount for member
854 states shall be allocated based upon a formula that the
855 commission shall adopt by rule.

856 (d) The commission may not incur obligations of any kind
857 before securing the funds adequate to meet such obligations, and
858 the commission may not pledge the credit of any of the member
859 states, except by and with the authority of the member state.

860 (e) The commission shall keep accurate accounts of all
861 receipts and disbursements. The receipts and disbursements of
862 the commission are subject to the financial review and
863 accounting procedures established under its bylaws. However, all
864 receipts and disbursements of funds handled by the commission
865 are subject to an annual financial review by a certified or
866 licensed public accountant, and the report of the financial
867 review must be included in and become part of the annual report
868 of the commission.

869 (9)(a) The members, officers, executive director,
870 employees, and representatives of the commission are immune from

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suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities. This paragraph does not protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission does not compromise or limit the immunity granted hereunder.

(b) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the commission determines the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct. This paragraph may not be construed to prohibit such person from retaining his or her own counsel at his or her own expense.

(c) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or

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900 alleged act, error, or omission that occurred within the scope
901 of commission employment, duties, or responsibilities, or, as
902 determined by the commission, that the person against whom the
903 claim is made had a reasonable basis for believing occurred
904 within the scope of commission employment, duties, or
905 responsibilities, provided that the actual or alleged act,
906 error, or omission did not result from the intentional or
907 willful or wanton misconduct of that person.

908 (d) This subsection may not be construed as a limitation on
909 the liability of any licensee for professional malpractice or
910 misconduct that is governed solely by any other applicable state
911 laws.

912 (e) The compact may not be interpreted to waive or
913 otherwise abrogate a member state's state action immunity or
914 state action affirmative defense with respect to antitrust
915 claims under the Sherman Antitrust Act, Clayton Antitrust Act of
916 1914, or any other state or federal antitrust or anticompetitive
917 law or regulation.

918 (f) The compact may not be construed as a waiver of
919 sovereign immunity by the member states or by the commission.

921 ARTICLE XI

922 DATA SYSTEM

923
924 (1) The commission shall provide for the development,
925 maintenance, operation, and use of a coordinated data system.

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

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929 (3) Notwithstanding any other state law to the contrary, a
930 member state shall submit a uniform data set to the data system
931 on all individuals to whom the compact is applicable, as
932 required by the rules of the commission, including all of the
933 following information:

934 (a) Identifying information.

935 (b) Licensure data.

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

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

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

944 (f) Any current significant investigative information.

945 (g) Other information that may facilitate the
946 administration of the compact or the protection of the public,
947 as determined by the rules of the commission.

948 (4) The records and information provided to a member state
949 under the compact or through the data system, when certified by
950 the commission or an agent thereof, constitute the authenticated
951 business records of the commission and are entitled to any
952 associated hearsay exception in any relevant judicial, quasi-
953 judicial, or administrative proceedings in a member state.

954 (5) (a) Current significant investigative information
955 pertaining to a licensee in any member state may be made
956 available only to other member states.

957 (b) It is the responsibility of the member states to report

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any adverse action against a licensee and to monitor the database to determine whether adverse action has been taken against a licensee in another member state. Adverse action information pertaining to a licensee in any member state must be made available to other member states.

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

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

ARTICLE XII

RULEMAKING

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

(2) The rules of the commission have the force of law in each member state; however, if the rules of the commission conflict with the laws, regulations, or applicable standards of a member state governing the practice of social work as held by a court of competent jurisdiction, the rules of the commission are ineffective in that state to the extent of the conflict.

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987 (3) The commission shall exercise its rulemaking powers
988 pursuant to the criteria set forth in this article and the rules
989 adopted hereunder. Rules become binding the day after they are
990 adopted or the date specified in the rule or amendment,
991 whichever is later.

992 (4) If a majority of the legislatures of the member states
993 rejects a rule or portion of a rule, by enactment of a statute
994 or resolution in the same manner used to adopt the compact
995 within 4 years after the date of adoption of the rule, such rule
996 has no further force and effect in any member state.

997 (5) Rules must be adopted at a regular or special meeting
998 of the commission.

999 (6) Before adoption of a proposed rule, the commission
1000 shall hold a public hearing and allow persons to provide oral
1001 and written comments, data, facts, opinions, and arguments.

1002 (7) Before adoption of a proposed rule by the commission,
1003 and at least 30 days before the meeting at which the commission
1004 will hold a public hearing on the proposed rule, the commission
1005 shall provide a notice of proposed rulemaking:

1006 (a) On the website of the commission or on another publicly
1007 accessible platform;

1008 (b) To persons who have requested notice of the
1009 commission's notices of proposed rulemaking; and

1010 (c) In any other manner as specified by commission rule.

1011 (8) The notice of proposed rulemaking must include all of
1012 the following:

1013 (a) The time, date, and location of the public hearing at
1014 which the commission will hear public comments on the proposed
1015 rule and, if different, the time, date, and location of the

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1016 meeting where the commission will consider and vote on the
1017 proposed rule.

1018 (b) If the hearing is held through telecommunication, video
1019 conference, or other similar electronic means, the mechanism for
1020 accessing the hearing must be included in the notice of proposed
1021 rulemaking.

1022 (c) The text of the proposed rule and the reasons
1023 necessitating the rule.

1024 (d) A request for comments on the proposed rule from any
1025 interested person.

1026 (e) The manner in which interested persons may submit
1027 written comments.

1028 (9) All hearings must be recorded. A copy of the recording
1029 and all written comments and documents received by the
1030 commission in response to the proposed rule must be made
1031 available to the public.

1032 (10) This article does not require a separate hearing on
1033 each rule. Rules may be grouped for the convenience of the
1034 commission at hearings required by this article.

1035 (11) The commission shall, by majority vote of all members,
1036 take final action on the proposed rule based on the rulemaking
1037 record and the full text of the rule.

1038 (a) The commission may adopt changes to the proposed rule
1039 if the changes do not expand the original purpose of the
1040 proposed rule.

1041 (b) The commission shall provide an explanation of the
1042 reasons for substantive changes made to the proposed rule as
1043 well as the reasons why substantive changes recommended by
1044 commenters were not made.

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1045 (c) The commission shall set a reasonable effective date
1046 for each rule. Except for an emergency as provided in subsection
1047 (12), the effective date of the rule must be at least 30 days
1048 after the commission issues the notice of rule adoption or
1049 amendment.

1050 (12) Upon determination that an emergency exists, the
1051 commission may consider and adopt an emergency rule with 48
1052 hours' notice, with opportunity to comment, provided that the
1053 usual rulemaking procedures provided in the compact and in this
1054 article are retroactively applied to the rule as soon as
1055 reasonably possible, but in no event later than 90 days after
1056 the effective date of the rule. For purposes of this subsection,
1057 an emergency rule is one that must be adopted immediately in
1058 order to:

1059 (a) Meet an imminent threat to public health, safety, or
1060 welfare;

1061 (b) Prevent a loss of commission or member state funds;

1062 (c) Meet a deadline for the adoption of a rule which is
1063 established by federal law or rule; or

1064 (d) Protect public health and safety.

1065 (13) The commission or an authorized committee of the
1066 commission may direct revisions to a previously adopted rule for
1067 purposes of correcting typographical errors, errors in format,
1068 errors in consistency, or grammatical errors. Public notice of
1069 any revision must be posted on the commission's website. The
1070 revision is subject to challenge by any person for a period of
1071 30 days after posting. The revision may be challenged only on
1072 the grounds that the revision results in a material change to a
1073 rule. A challenge must be made in writing and delivered to the

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commission before the end of the notice period. If a challenge is not made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

(14) A member state's rulemaking requirements do not apply under this compact.

ARTICLE XIII

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

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

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

(c) The commission is entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and has standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process renders a judgment or an order void as to the commission, the compact, or adopted rules.

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1103 (2) (a) If the commission determines that a member state has
1104 defaulted in the performance of its obligations or
1105 responsibilities under the compact or the adopted rules, the
1106 commission must provide written notice to the defaulting state.
1107 The notice of default must describe the default, the proposed
1108 means of curing the default, and any other action that the
1109 commission may take, and must offer training and specific
1110 technical assistance regarding the default.

1111 (b) The commission shall provide a copy of the notice of
1112 default to the other member states.

1113 (c) If a state in default fails to cure the default, the
1114 defaulting state may be terminated from the compact upon an
1115 affirmative vote of a majority of the delegates of the member
1116 states, and all rights, privileges, and benefits conferred on
1117 that state by the compact may be terminated on the effective
1118 date of termination. A cure of the default does not relieve the
1119 offending state of obligations or liabilities incurred during
1120 the period of default.

1121 (d) Termination of membership in the compact may be imposed
1122 only after all other means of securing compliance have been
1123 exhausted. The commission shall give notice of intent to suspend
1124 or terminate to the Governor of the defaulting state, the
1125 majority and minority leaders of the defaulting state's
1126 legislature, the defaulting state's licensing authority, and the
1127 licensing authority of each member state.

1128 (e) A state that has its membership terminated from the
1129 compact is responsible for all assessments, obligations, and
1130 liabilities incurred through the effective date of termination,
1131 including obligations that extend beyond the effective date of

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1132 termination.

1133 (f) Upon the termination of a state's membership from the
1134 compact, that state shall immediately provide notice to all
1135 licensees within that state of such termination. The terminated
1136 state shall continue to recognize all licenses granted under the
1137 compact for at least 180 days after the date of the notice of
1138 termination.

1139 (g) The commission does not bear any costs related to a
1140 state that is found to be in default or that has been terminated
1141 from the compact, unless agreed upon in writing between the
1142 commission and the defaulting state.

1143 (h) The defaulting state may appeal the action of the
1144 commission by petitioning the United States District Court for
1145 the District of Columbia or the federal district where the
1146 commission has its principal offices. The prevailing party shall
1147 be awarded all costs of such litigation, including reasonable
1148 attorney fees.

1149 (3) (a) Upon request by a member state, the commission shall
1150 attempt to resolve disputes related to the compact which arise
1151 among member states and between member and nonmember states.

1152 (b) The commission shall adopt a rule providing for both
1153 mediation and binding dispute resolution for disputes, as
1154 appropriate.

1155 (4) (a) By majority vote as provided by rule, the commission
1156 may initiate legal action against a member state in default in
1157 the United States District Court for the District of Columbia or
1158 the federal district where the commission has its principal
1159 offices to enforce compliance with the compact and its adopted
1160 rules. The relief sought may include both injunctive relief and

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damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. The remedies herein are not the exclusive remedies of the commission. The commission may pursue any other remedies available under federal law or the defaulting member state's law.

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

(c) Only a member state may seek enforcement of the compact against the commission.

ARTICLE XIV

EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

(2) (a) On or after the effective date of the compact, the commission shall convene and review the enactment of each of the first seven charter member states to determine whether the statute enacted by each such charter member state is materially different from the model compact language.

1. A charter member state whose enactment is found to be materially different from the model compact language is entitled

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1190 to the default process set forth in Article XIII.

1191 2. If any member state is later found to be in default or
1192 is terminated or withdraws from the compact, the commission
1193 remains in existence and the compact remains in effect even if
1194 the number of member states is less than seven.

1195 (b) Member states enacting the compact after the seven
1196 initial charter member states are subject to the process set
1197 forth in paragraph (3)(u) of Article X to determine whether
1198 their enactments are materially different from the model compact
1199 language and whether they qualify for participation in the
1200 compact.

1201 (c) All actions taken for the benefit of the commission or
1202 in furtherance of administration of the compact before the
1203 effective date of the compact or the commission coming into
1204 existence are considered to be actions of the commission unless
1205 specifically repudiated by the commission.

1206 (d) Any state that joins the compact subsequent to the
1207 commission's initial adoption of the rules and bylaws is subject
1208 to the rules and bylaws as they exist on the date on which the
1209 compact becomes law in that state. Any rule that has been
1210 previously adopted by the commission has the full force and
1211 effect of law on the day the compact becomes law in that state.

1212 (3) Any member state may withdraw from the compact by
1213 enacting a statute repealing the compact.

1214 (a) A member state's withdrawal does not take effect until
1215 180 days after enactment of the repealing statute.

1216 (b) Withdrawal does not affect the continuing requirement
1217 of the withdrawing state's licensing authority to comply with
1218 the investigative and adverse action reporting requirements of

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the compact before the effective date of withdrawal.

(c) Upon enactment of a statute repealing the compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state must continue to recognize all licenses granted under the compact for at least 180 days after the date of such notice of withdrawal.

(4) The compact does not invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a nonmember state which does not conflict with the compact.

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

ARTICLE XV

CONSTRUCTION AND SEVERABILITY

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

(2) The provisions of the compact are severable, and, if any phrase, clause, sentence, or provision of the compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, of a state seeking

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1248 participation in the compact, or of the United States, or the
1249 applicability thereof to any government, agency, person, or
1250 circumstance is held to be unconstitutional by a court of
1251 competent jurisdiction, the validity of the remainder of the
1252 compact and the applicability thereof to any other government,
1253 agency, person, or circumstance is not affected.

1254 (3) Notwithstanding subsection (2), the commission may deny
1255 a state's participation in the compact, or may terminate a
1256 member state's participation in the compact in accordance with
1257 the requirements of subsection (2) of Article XIII, if it
1258 determines that a constitutional requirement of a member state
1259 is a material departure from the compact. Otherwise, if the
1260 compact is held to be contrary to the constitution of any member
1261 state, the compact remains in full force and effect as to the
1262 remaining member states and in full force and effect as to the
1263 member state affected as to all severable matters.

1265 ARTICLE XVI

1266 CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

1268 (1) A licensee providing services in a remote state under a
1269 multistate authorization to practice shall adhere to the laws
1270 and regulations, including applicable standards, of the remote
1271 state where the client is located at the time care is rendered.

1272 (2) The compact does not prevent or inhibit the enforcement
1273 of any other law of a member state which is not inconsistent
1274 with the compact.

1275 (3) Any law, statute, regulation, or other legal
1276 requirement in a member state in conflict with the compact are

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1277 superseded to the extent of the conflict.

1278 (4) All permissible agreements between the commission and
1279 the member states are binding in accordance with their terms.

1280 Section 2. Paragraph (b) of subsection (10) of section
1281 456.073, Florida Statutes, is amended to read:

1282 456.073 Disciplinary proceedings.—Disciplinary proceedings
1283 for each board shall be within the jurisdiction of the
1284 department.

1285 (10)

1286 (b) The department shall report any significant
1287 investigation information relating to a nurse holding a
1288 multistate license to the coordinated licensure information
1289 system pursuant to s. 464.0095; any investigative information
1290 relating to an audiologist or a speech-language pathologist
1291 holding a compact privilege under the Audiology and Speech-
1292 Language Pathology Interstate Compact to the data system
1293 pursuant to s. 468.1335; any investigative information relating
1294 to a physical therapist or physical therapist assistant holding
1295 a compact privilege under the Physical Therapy Licensure Compact
1296 to the data system pursuant to s. 486.112; any significant
1297 investigatory information relating to a psychologist practicing
1298 under the Psychology Interjurisdictional Compact to the
1299 coordinated licensure information system pursuant to s.
1300 490.0075; ~~and~~ any significant investigatory information relating
1301 to a health care practitioner practicing under the Professional
1302 Counselors Licensure Compact to the data system pursuant to s.
1303 491.017; and any significant investigative information relating
1304 to a clinical social worker practicing under the Social Work
1305 Licensure Interstate Compact to the data system pursuant to s.

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1306 491.022.

1307 Section 3. Subsection (5) of section 456.076, Florida
1308 Statutes, is amended to read:

1309 456.076 Impaired practitioner programs.—

1310 (5) A consultant shall enter into a participant contract
1311 with an impaired practitioner and shall establish the terms of
1312 monitoring and shall include the terms in a participant
1313 contract. In establishing the terms of monitoring, the
1314 consultant may consider the recommendations of one or more
1315 approved evaluators, treatment programs, or treatment providers.
1316 A consultant may modify the terms of monitoring if the
1317 consultant concludes, through the course of monitoring, that
1318 extended, additional, or amended terms of monitoring are
1319 required for the protection of the health, safety, and welfare
1320 of the public. If the impaired practitioner is an audiologist or
1321 a speech-language pathologist practicing under the Audiology and
1322 Speech-Language Pathology Interstate Compact pursuant to s.
1323 468.1335, a physical therapist or physical therapist assistant
1324 practicing under the Physical Therapy Licensure Compact pursuant
1325 to s. 486.112, a psychologist practicing under the Psychology
1326 Interjurisdictional Compact pursuant to s. 490.0075, ~~or~~ a health
1327 care practitioner practicing under the Professional Counselors
1328 Licensure Compact pursuant to s. 491.017, or a clinical social
1329 worker practicing under the Social Work Licensure Interstate
1330 Compact pursuant to s. 491.022, the terms of the monitoring
1331 contract must include the impaired practitioner's withdrawal
1332 from all practice under the compact unless authorized by a
1333 member state.

1334 Section 4. Subsection (9) is added to section 491.004,

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Florida Statutes, to read:

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

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

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

491.005 Licensure by examination.—

(6) EXEMPTIONS ~~EXEMPTION~~.—

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

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

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

491.006 Licensure or certification by endorsement.—

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

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

491.009 Discipline.—

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

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

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

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

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

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

(f) Maintaining a professional association with any person

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who the applicant, licensee, registered intern, or certificateholder knows, or has reason to believe, is in violation of this chapter or of a rule of the department or the board.

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

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

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

(j) Paying a kickback, rebate, bonus, or other remuneration for receiving a patient or client, or receiving a kickback, rebate, bonus, or other remuneration for referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.

(k) Committing any act upon a patient or client which would

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constitute sexual battery or which would constitute sexual misconduct as defined pursuant to s. 491.0111.

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

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

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

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

(p) Being unable to practice the profession for which he or she is licensed, registered, or certified under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the State Surgeon General, the State Surgeon General's designee, or the board that probable cause exists to believe that the licensee, registered intern, or certificateholder is unable to practice the profession because of the reasons stated in this

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paragraph, the department shall have the authority to compel a licensee, registered intern, or certificateholder to submit to a mental or physical examination by psychologists, physicians, or other licensees under this chapter, designated by the department or board. If the licensee, registered intern, or certificateholder refuses to comply with such order, the department's order directing the examination may be enforced by filing a petition for enforcement in the circuit court in the circuit in which the licensee, registered intern, or certificateholder resides or does business. The licensee, registered intern, or certificateholder against whom the petition is filed may not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee, registered intern, or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice for which he or she is licensed, registered, or certified with reasonable skill and safety to patients.

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

(r) Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee, registered intern, or

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certificateholder is not qualified by training or experience.

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

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

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

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

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

(2)(a) The board or, in the case of certified master social workers, the department may enter an order denying licensure or imposing any of the penalties authorized in s. 456.072(2) against any applicant for licensure or any licensee who violates subsection (1) or s. 456.072(1).

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

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456.072(1).

(c) The board may take adverse action against a social worker's multistate authorization to practice under the Social Work Licensure Compact pursuant to s. 491.022 and may impose any of the penalties in s. 456.072(2) if the social worker commits an act specified in subsection (1) or s. 456.072(1).

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

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

(10)

(m) For purposes of this section, the individual appointed under s. 491.004(9) as the state's delegate on the Social Work Licensure Compact Commission, when serving in that capacity pursuant to s. 491.022, and any administrator, officer, executive director, employee, or representative of the commission, when acting within the scope of his or her employment, duties, or responsibilities in this state, is considered an agent of the state. The commission shall pay any claim or judgment pursuant to this section and may maintain insurance coverage to pay any such claim or judgment.

Section 9. This act shall take effect July 1, 2026.