

House Bill 839

By: Representatives Dempsey of the 13th, Hutchinson of the 106th, Cooper of the 45th, Powell of the 33rd, and Ridley of the 6th

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 10A of Title 43 of the Official Code of Georgia Annotated, relating to
2 professional counselors, social workers, and marriage and family therapists, so as to enter
3 into an interstate compact known as the "Social Work Licensure Compact"; to authorize the
4 Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and
5 Family Therapists to administer the compact in this state; to provide for a short title; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 10A of Title 43 of the Official Code of Georgia Annotated, relating to professional
10 counselors, social workers, and marriage and family therapists, is amended in Code
11 Section 43-10A-5, relating to powers and duties of board, quorum, and meetings, by revising
12 subsection (h) as follows:

13 "(h) The board shall administer the Professional Counselors Licensure Compact contained
14 in Article 2 of this chapter and the Social Work Licensure Compact contained in Article 3
15 of this chapter."

16 **SECTION 2.**

17 Said chapter is further amended by adding a new article to read as follows:

18 "ARTICLE 319 43-10A-60.20 This article shall be known and may be cited as the 'Social Work Licensure Compact Act.'21 43-10A-61.22 The Social Work Licensure Compact is enacted into law and entered into by the State of
23 Georgia with any and all other states legally joining therein in the form substantially as
24 follows:25 'SOCIAL WORK LICENSURE COMPACT ACT26 SECTION 1: PURPOSE27 The purpose of this Compact is to facilitate interstate practice of Regulated Social Workers
28 by improving public access to competent Social Work Services. The Compact preserves the
29 regulatory authority of States to protect public health and safety through the current system
30 of State licensure. This Compact is designed to achieve the following objectives:31 A. Increase public access to Social Work Services;32 B. Reduce overly burdensome and duplicative requirements associated with holding
33 multiple licenses;34 C. Enhance the Member States' ability to protect the public's health and safety;35 D. Encourage the cooperation of Member States in regulating multistate practice;

36 E. Promote mobility and address workforce shortages by eliminating the necessity for
37 licenses in multiple States by providing for the mutual recognition of other Member State
38 licenses;

39 F. Support military families;

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

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

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

46 SECTION 2: DEFINITIONS

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

49 A. 'Active Military Member' means any individual in full-time duty status in the active
50 armed forces of the United States including members of the National Guard and Reserve.

51 B. 'Adverse Action' means any administrative, civil, equitable or criminal action permitted
52 by a State's laws which is imposed by a Licensing Authority or other authority against a
53 Regulated Social Worker, including actions against an individual's license or Multistate
54 Authorization to Practice such as revocation, suspension, probation, monitoring of the
55 Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure
56 affecting a Regulated Social Worker's authorization to practice, including issuance of a
57 cease and desist action.

58 C. 'Alternative Program' means a non-disciplinary monitoring or practice remediation
59 process approved by a Licensing Authority to address practitioners with an Impairment.

60 D. 'Charter Member States' - Member States who have enacted legislation to adopt this
61 Compact where such legislation predates the effective date of this Compact as defined in
62 Section 14.

63 E. 'Compact Commission' or 'Commission' means the government agency whose
64 membership consists of all States that have enacted this Compact, which is known as the
65 Social Work Licensure Compact Commission, as defined in Section 10, and which shall
66 operate as an instrumentality of the Member States.

67 F. 'Current Significant Investigative Information' means:

68 1. Investigative information that a Licensing Authority, after a preliminary inquiry that
69 includes notification and an opportunity for the Regulated Social Worker to respond has
70 reason to believe is not groundless and, if proved true, would indicate more than a minor
71 infraction as may be defined by the Commission; or

72 2. Investigative information that indicates that the Regulated Social Worker represents
73 an immediate threat to public health and safety, as may be defined by the Commission,
74 regardless of whether the Regulated Social Worker has been notified and has had an
75 opportunity to respond.

76 G. 'Data System' means a repository of information about Licensees, including, but not
77 limited to, continuing education, examination, licensure, Current Significant Investigative
78 Information, Disqualifying Event, Multistate License(s) and Adverse Action information
79 or other information as required by the Commission.

80 H. 'Domicile' means the jurisdiction in which the Licensee resides and intends to remain
81 indefinitely.

82 I. 'Disqualifying Event' means any Adverse Action or incident which results in an
83 Encumbrance that disqualifies or makes the Licensee ineligible to either obtain, retain or
84 renew a Multistate License.

85 J. 'Encumbrance' means a revocation or suspension of, or any limitation on, the full and
86 unrestricted practice of Social Work licensed and regulated by a Licensing Authority.

- 87 K. 'Executive Committee' means a group of delegates elected or appointed to act on behalf
88 of, and within the powers granted to them by, the compact and Commission.
- 89 L. 'Home State' means the Member State that is the Licensee's primary Domicile.
- 90 M. 'Impairment' means a condition(s) that may impair a practitioner's ability to engage in
91 full and unrestricted practice as a Regulated Social Worker without some type of
92 intervention and may include, but are not limited to, alcohol and drug dependence, mental
93 health impairment, and neurological or physical impairments.
- 94 N. 'Licensee(s)' means an individual who currently holds a license from a State to practice
95 as a Regulated Social Worker.
- 96 O. 'Licensing Authority' means the board or agency of a Member State, or equivalent, that
97 is responsible for the licensing and regulation of Regulated Social Workers.
- 98 P. 'Member State' means a state, commonwealth, district, or territory of the United States
99 of America that has enacted this Compact.
- 100 Q. 'Multistate Authorization to Practice' means a legally authorized privilege to practice,
101 which is equivalent to a license, associated with a Multistate License permitting the
102 practice of Social Work in a Remote State.
- 103 R. 'Multistate License' means a license to practice as a Regulated Social Worker issued by
104 a Home State Licensing Authority that authorizes the Regulated Social Worker to practice
105 in all Member States under Multistate Authorization to Practice.
- 106 S. 'Qualifying National Exam' means a national licensing examination approved by the
107 Commission.
- 108 T. 'Regulated Social Worker' means any clinical, master's or bachelor's Social Worker
109 licensed by a Member State regardless of the title used by that Member State.
- 110 U. 'Remote State' means a Member State other than the Licensee's Home State.
- 111 V. 'Rule(s)' or 'Rule(s) of the Commission' means a regulation or regulations duly
112 promulgated by the Commission, as authorized by the Compact, that has the force of law.

113 W. 'Single State License' means a Social Work license issued by any State that authorizes
114 practice only within the issuing State and does not include Multistate Authorization to
115 Practice in any Member State.

116 X. 'Social Work' or 'Social Work Services' means the application of social work theory,
117 knowledge, methods, ethics, and the professional use of self to restore or enhance social,
118 psychosocial, or biopsychosocial functioning of individuals, couples, families, groups,
119 organizations, and communities through the care and services provided by a Regulated
120 Social Worker as set forth in the Member State's statutes and regulations in the State where
121 the services are being provided.

122 Y. 'State' means any state, commonwealth, district, or territory of the United States of
123 America that regulates the practice of Social Work.

124 Z. 'Unencumbered License' means a license that authorizes a Regulated Social Worker to
125 engage in the full and unrestricted practice of Social Work.

126 SECTION 3: STATE PARTICIPATION IN THE COMPACT

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

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

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

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

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

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

136 ii. the United States Department of Education; and

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

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

139 4. Have a mechanism in place for receiving, investigating, and adjudicating complaints
140 about Licensees.

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

142 1. Require applicants for a Multistate License pass a Qualifying National Exam for the
143 corresponding category of Multistate License sought as outlined in Section 4;

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

146 3. Notify the Commission, in compliance with the terms of the Compact and Rules, of
147 any Adverse Action or the availability of Current Significant Investigative Information
148 regarding a Licensee;

149 4. Implement procedures for considering the criminal history records of applicants for a
150 Multistate License. Such procedures shall include the submission of fingerprints or other
151 biometric-based information by applicants for the purpose of obtaining an applicant's
152 criminal history record information from the Federal Bureau of Investigation and the
153 agency responsible for retaining that State's criminal records;

154 5. Comply with the Rules of the Commission;

155 6. Require an applicant to obtain or retain a license in the Home State and meet the Home
156 State's qualifications for licensure or renewal of licensure, as well as all other applicable
157 Home State laws;

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

160 8. Designate a delegate to participate in the Commission meetings.

161 C. A Member State meeting the requirements of Section 3.A. and 3.B of this Compact shall
162 designate the categories of Social Work licensure that are eligible for issuance of a
163 Multistate License for applicants in such Member State. To the extent that any Member
164 State does not meet the requirements for participation in the Compact at any particular
165 category of Social Work licensure, such Member State may choose, but is not obligated to,

166 issue a Multistate License to applicants that otherwise meet the requirements of Section 4
167 for issuance of a Multistate License in such category or categories of licensure.
168 D. The Home State may charge a fee for granting the Multistate License.

169 SECTION 4: SOCIAL WORKER PARTICIPATION IN THE COMPACT

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

- 172 1. Hold or be eligible for an active, Unencumbered License in the Home State;
- 173 2. Pay any applicable fees, including any State fee, for the Multistate License;
- 174 3. Submit, in connection with an application for a Multistate License, fingerprints or other
175 biometric data for the purpose of obtaining criminal history record information from the
176 Federal Bureau of Investigation and the agency responsible for retaining that State's
177 criminal records;
- 178 4. Notify the Home State of any Adverse Action, Encumbrance, or restriction on any
179 professional license taken by any Member State or non-Member State within 30 days
180 from the date the action is taken;
- 181 5. Meet any continuing competence requirements established by the Home State;
- 182 6. Abide by the laws, regulations, and applicable standards in the Member State where
183 the client is located at the time care is rendered.

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

- 186 1. Fulfill a competency requirement, which shall be satisfied by either:
 - 187 a. Passage of a clinical-category Qualifying National Exam; or
 - 188 b. Licensure of the applicant in their Home State at the clinical category, beginning
189 prior to such time as a Qualifying National Exam was required by the Home State and
190 accompanied by a period of continuous Social Work licensure thereafter, all of which
191 may be further governed by the Rules of the Commission; or

- 192 c. The substantial equivalency of the foregoing competency requirements which the
193 Commission may determine by Rule.
- 194 2. Attain at least a master's degree in Social Work from a program that is:
195 a. Operated by a college or university recognized by the Licensing Authority; and
196 b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting
197 agency recognized by either:
198 i. the Council for Higher Education Accreditation or its successor; or
199 ii. the United States Department of Education.
- 200 3. Fulfill a practice requirement, which shall be satisfied by demonstrating completion
201 of either:
202 a. A period of postgraduate supervised clinical practice equal to a minimum of three
203 thousand hours; or
204 b. A minimum of two years of full-time postgraduate supervised clinical practice; or
205 c. The substantial equivalency of the foregoing practice requirements which the
206 Commission may determine by Rule.
- 207 C. An applicant for a master's-category Multistate License must meet all of the following
208 requirements:
- 209 1. Fulfill a competency requirement, which shall be satisfied by either:
210 a. Passage of a masters-category Qualifying National Exam;
211 b. Licensure of the applicant in their Home State at the master's category, beginning
212 prior to such time as a Qualifying National Exam was required by the Home State at the
213 master's category and accompanied by a continuous period of Social Work licensure
214 thereafter, all of which may be further governed by the Rules of the Commission; or
215 c. The substantial equivalency of the foregoing competency requirements which the
216 Commission may determine by Rule.
- 217 2. Attain at least a master's degree in Social Work from a program that is:
218 a. Operated by a college or university recognized by the Licensing Authority; and

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

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

222 ii. the United States Department of Education.

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

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

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

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

231 c. The substantial equivalency of the foregoing competency requirements which the
232 Commission may determine by Rule.

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

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

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

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

238 ii. the United States Department of Education.

239 E. The Multistate License for a Regulated Social Worker is subject to the renewal
240 requirements of the Home State. The Regulated Social Worker must maintain compliance
241 with the requirements of Section 4(A).

242 F. The Regulated Social Worker's services in a Remote State are subject to that Member
243 State's regulatory authority. A Remote State may, in accordance with due process and that
244 Member State's laws, remove a Regulated Social Worker's Multistate Authorization to

245 Practice in the Remote State for a specific period of time, impose fines, and take any other
246 necessary actions to protect the health and safety of its citizens.

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

250 H. If a Multistate Authorization to Practice is encumbered in a Remote State, the regulated
251 Social Worker's Multistate Authorization to Practice may be deactivated in that State until
252 the Multistate Authorization to Practice is no longer encumbered.

253 SECTION 5: ISSUANCE OF A MULTISTATE LICENSE

254 A. Upon receipt of an application for Multistate License, the Home State Licensing
255 Authority shall determine the applicant's eligibility for a Multistate License in accordance
256 with Section 4 of this Compact.

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

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

264 D. A Multistate License issued by a Home State to a resident in that State shall be
265 recognized by all Compact Member States as authorizing Social Work Practice under a
266 Multistate Authorization to Practice corresponding to each category of licensure regulated
267 in the Member State.

268 SECTION 6: AUTHORITY OF INTERSTATE COMPACT COMMISSION AND
269 MEMBER STATE LICENSING AUTHORITIES

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

274 B. Nothing in this Compact shall affect the requirements established by a Member State
275 for the issuance of a Single State License.

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

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

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

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

287 A. A Licensee may hold a Multistate License, issued by their Home State, in only one
288 Member State at any given time.

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

290 1. The Licensee shall immediately apply for the reissuance of their Multistate License in
291 their new Home State. The Licensee shall pay all applicable fees and notify the prior
292 Home State in accordance with the Rules of the Commission.

293 2. Upon receipt of an application to reissue a Multistate License, the new Home State
294 shall verify that the Multistate License is active, unencumbered and eligible for
295 reissuance under the terms of the Compact and the Rules of the Commission. The
296 Multistate License issued by the prior Home State will be deactivated and all Member
297 States notified in accordance with the applicable Rules adopted by the Commission.

298 3. Prior to the reissuance of the Multistate License, the new Home State shall conduct
299 procedures for considering the criminal history records of the Licensee. Such procedures
300 shall include the submission of fingerprints or other biometric-based information by
301 applicants for the purpose of obtaining an applicant's criminal history record information
302 from the Federal Bureau of Investigation and the agency responsible for retaining that
303 State's criminal records.

304 4. If required for initial licensure, the new Home State may require completion of
305 jurisprudence requirements in the new Home State.

306 5. Notwithstanding any other provision of this Compact, if a Licensee does not meet the
307 requirements set forth in this Compact for the reissuance of a Multistate License by the
308 new Home State, then the Licensee shall be subject to the new Home State requirements
309 for the issuance of a Single State License in that State.

310 C. If a Licensee changes their primary State of residence by moving from a Member State
311 to a non-Member State, or from a non-Member State to a Member State, then the Licensee
312 shall be subject to the State requirements for the issuance of a Single State License in the
313 new Home State.

314 D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State
315 License in multiple States; however, for the purposes of this Compact, a Licensee shall
316 have only one Home State, and only one Multistate License.

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

319 SECTION 8: MILITARY FAMILIES

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

323 SECTION 9: ADVERSE ACTIONS

324 A. In addition to the other powers conferred by State law, a Remote State shall have the
325 authority, in accordance with existing State due process law, to:

326 1. Take Adverse Action against a Regulated Social Worker's Multistate Authorization to
327 Practice only within that Member State, and issue subpoenas for both hearings and
328 investigations that require the attendance and testimony of witnesses as well as the
329 production of evidence. Subpoenas issued by a Licensing Authority in a Member State
330 for the attendance and testimony of witnesses or the production of evidence from another
331 Member State shall be enforced in the latter State by any court of competent jurisdiction,
332 according to the practice and procedure of that court applicable to subpoenas issued in
333 proceedings pending before it. The issuing authority shall pay any witness fees, travel
334 expenses, mileage, and other fees required by the service statutes of the State in which
335 the witnesses or evidence are located.

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

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

342 C. The Home State shall complete any pending investigations of a Regulated Social
343 Worker who changes their Home State during the course of the investigations. The Home
344 State shall also have the authority to take appropriate action(s) and shall promptly report

345 the conclusions of the investigations to the administrator of the Data System. The
346 administrator of the Data System shall promptly notify the new Home State of any Adverse
347 Actions.

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

351 E. A Member State may take Adverse Action based on the factual findings of another
352 Member State, provided that the Member State follows its own procedures for taking the
353 Adverse Action.

354 F. Joint Investigations:

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

358 2. Member States shall share any investigative, litigation, or compliance materials in
359 furtherance of any joint or individual investigation initiated under the Compact.

360 G. If Adverse Action is taken by the Home State against the Multistate License of a
361 Regulated Social Worker, the Regulated Social Worker's Multistate Authorization to
362 Practice in all other Member States shall be deactivated until all Encumbrances have been
363 removed from the Multistate License. All Home State disciplinary orders that impose
364 Adverse Action against the license of a Regulated Social Worker shall include a statement
365 that the Regulated Social Worker's Multistate Authorization to Practice is deactivated in
366 all Member States until all conditions of the decision, order or agreement are satisfied.

367 H. If a Member State takes Adverse Action, it shall promptly notify the administrator of
368 the Data System. The administrator of the Data System shall promptly notify the Home
369 State and all other Member State's of any Adverse Actions by Remote States.

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

372 shall authorize a Member State to demand the issuance of subpoenas for attendance and
373 testimony of witnesses or the production of evidence from another Member State for lawful
374 actions within that Member State.

375 J. Nothing in this Compact shall authorize a Member State to impose discipline against a
376 Regulated Social Worker who holds a Multistate Authorization to Practice for lawful
377 actions within another Member State.

378 SECTION 10: ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT
379 COMMISSION

380 A. The Compact Member States hereby create and establish a joint government agency
381 whose membership consists of all Member States that have enacted the compact known as
382 the Social Work Licensure Compact Commission. The Commission is an instrumentality
383 of the Compact States acting jointly and not an instrumentality of any one State. The
384 Commission shall come into existence on or after the effective date of the Compact as set
385 forth in Section 14.

386 B. Membership, Voting, and Meetings

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

389 2. The delegate shall be either:

390 a. A current member of the State Licensing Authority at the time of appointment, who
391 is a Regulated Social Worker or public member of the State Licensing Authority; or

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

393 3. The Commission shall by Rule or bylaw establish a term of office for delegates and
394 may by Rule or bylaw establish term limits.

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

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

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

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

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

406 C. The Commission shall have the following powers:

407 1. Establish the fiscal year of the Commission;

408 2. Establish code of conduct and conflict of interest policies;

409 3. Establish and amend Rules and bylaws;

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

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

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

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

419 8. Purchase and maintain insurance and bonds;

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

422 10. Conduct an annual financial review;

423 11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such
424 individuals appropriate authority to carry out the purposes of the Compact, and establish

425 the Commission's personnel policies and programs relating to conflicts of interest,
426 qualifications of personnel, and other related personnel matters;

427 12. Assess and collect fees;

428 13. Accept any and all appropriate gifts, donations, grants of money, other sources of
429 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose
430 of the same; provided that at all times the Commission shall avoid any appearance of
431 impropriety or conflict of interest;

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

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

436 16. Establish a budget and make expenditures;

437 17. Borrow money;

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

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

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

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

446 22. Perform such other functions as may be necessary or appropriate to achieve the
447 purposes of this Compact.

448 D. The Executive Committee

449 1. The Executive Committee shall have the power to act on behalf of the Commission
450 according to the terms of this Compact. The powers, duties, and responsibilities of the
451 Executive Committee shall include:

- 452 a. Oversee the day-to-day activities of the administration of the compact including
453 enforcement and compliance with the provisions of the compact, its Rules and bylaws,
454 and other such duties as deemed necessary;
- 455 b. Recommend to the Commission changes to the Rules or bylaws, changes to this
456 Compact legislation, fees charged to Compact Member States, fees charged to
457 Licensees, and other fees;
- 458 c. Ensure Compact administration services are appropriately provided, including by
459 contract;
- 460 d. Prepare and recommend the budget;
- 461 e. Maintain financial records on behalf of the Commission;
- 462 f. Monitor Compact compliance of Member States and provide compliance reports to
463 the Commission;
- 464 g. Establish additional committees as necessary;
- 465 h. Exercise the powers and duties of the Commission during the interim between
466 Commission meetings, except for adopting or amending Rules, adopting or amending
467 bylaws, and exercising any other powers and duties expressly reserved to the
468 Commission by Rule or bylaw; and
- 469 i. Other duties as provided in the Rules or bylaws of the Commission.
- 470 2. The Executive Committee shall be composed of up to eleven (11) members:
- 471 a. The chair and vice chair of the Commission shall be voting members of the
472 Executive Committee.
- 473 b. The Commission shall elect five voting members from the current membership of the
474 Commission.
- 475 c. Up to four (4) ex-officio, nonvoting members from four (4) recognized national
476 Social Work organizations.
- 477 d. The ex-officio members will be selected by their respective organizations.

478 3. The Commission may remove any member of the Executive Committee as provided
479 in the Commission's bylaws.

480 4. The Executive Committee shall meet at least annually.

481 a. Executive Committee meetings shall be open to the public, except that the Executive
482 Committee may meet in a closed, non-public meeting as provided in subsection F.2
483 below.

484 b. The Executive Committee shall give seven (7) days' notice of its meetings, posted
485 on its website and as determined to provide notice to persons with an interest in the
486 business of the Commission.

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

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

490 F. Meetings of the Commission

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

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

496 b. The Commission may hold a special meeting when it must meet to conduct
497 emergency business by giving 48 hours' notice to all commissioners, on the
498 Commission's website, and other means as provided in the Commission's Rules. The
499 Commission's legal counsel shall certify that the Commission's need to meet qualifies
500 as an emergency.

501 2. The Commission or the Executive Committee or other committees of the Commission
502 may convene in a closed, non-public meeting for the Commission or Executive
503 Committee or other committees of the Commission to receive legal advice or to discuss:

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

- 505 b. The employment, compensation, discipline or other matters, practices or procedures
506 related to specific employees;
- 507 c. Current or threatened discipline of a Licensee by the Commission or by a Member
508 State's Licensing Authority;
- 509 d. Current, threatened, or reasonably anticipated litigation;
- 510 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
511 estate;
- 512 f. Accusing any person of a crime or formally censuring any person;
- 513 g. Trade secrets or commercial or financial information that is privileged or
514 confidential;
- 515 h. Information of a personal nature where disclosure would constitute a clearly
516 unwarranted invasion of personal privacy;
- 517 i. Investigative records compiled for law enforcement purposes;
- 518 j. Information related to any investigative reports prepared by or on behalf of or for use
519 of the Commission or other committee charged with responsibility of investigation or
520 determination of compliance issues pursuant to the Compact;
- 521 k. Matters specifically exempted from disclosure by federal or Member State law; or
522 l. Other matters as promulgated by the Commission by Rule.
- 523 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the
524 meeting will be closed and reference each relevant exempting provision, and such
525 reference shall be recorded in the minutes.
- 526 4. The Commission shall keep minutes that fully and clearly describe all matters
527 discussed in a meeting and shall provide a full and accurate summary of actions taken,
528 and the reasons therefore, including a description of the views expressed. All documents
529 considered in connection with an action shall be identified in such minutes. All minutes
530 and documents of a closed meeting shall remain under seal, subject to release only by a
531 majority vote of the Commission or order of a court of competent jurisdiction.

532 G. Financing of the Commission

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

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

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

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

547 5. The Commission shall keep accurate accounts of all receipts and disbursements. The
548 receipts and disbursements of the Commission shall be subject to the financial review and
549 accounting procedures established under its bylaws. However, all receipts and
550 disbursements of funds handled by the Commission shall be subject to an annual financial
551 review by a certified or licensed public accountant, and the report of the financial review
552 shall be included in and become part of the annual report of the Commission.

553 H. Qualified Immunity, Defense, and Indemnification

554 1. The members, officers, executive director, employees and representatives of the
555 Commission shall be immune from suit and liability, both personally and in their official
556 capacity, for any claim for damage to or loss of property or personal injury or other civil
557 liability caused by or arising out of any actual or alleged act, error, or omission that
558 occurred, or that the person against whom the claim is made had a reasonable basis for

559 believing occurred within the scope of Commission employment, duties or
560 responsibilities; provided that nothing in this paragraph shall be construed to protect any
561 such person from suit or liability for any damage, loss, injury, or liability caused by the
562 intentional or willful or wanton misconduct of that person. The procurement of insurance
563 of any type by the Commission shall not in any way compromise or limit the immunity
564 granted hereunder.

565 2. The Commission shall defend any member, officer, executive director, employee, and
566 representative of the Commission in any civil action seeking to impose liability arising
567 out of any actual or alleged act, error, or omission that occurred within the scope of
568 Commission employment, duties, or responsibilities, or as determined by the Commission
569 that the person against whom the claim is made had a reasonable basis for believing
570 occurred within the scope of Commission employment, duties, or responsibilities;
571 provided that nothing herein shall be construed to prohibit that person from retaining their
572 own counsel at their own expense; and provided further, that the actual or alleged act,
573 error, or omission did not result from that person's intentional or willful or wanton
574 misconduct.

575 3. The Commission shall indemnify and hold harmless any member, officer, executive
576 director, employee, and representative of the Commission for the amount of any
577 settlement or judgment obtained against that person arising out of any actual or alleged
578 act, error, or omission that occurred within the scope of Commission employment, duties,
579 or responsibilities, or that such person had a reasonable basis for believing occurred
580 within the scope of Commission employment, duties, or responsibilities, provided that
581 the actual or alleged act, error, or omission did not result from the intentional or willful
582 or wanton misconduct of that person.

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

586 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member
587 State's state action immunity or state action affirmative defense with respect to antitrust
588 claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or
589 anticompetitive law or regulation.

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

592 SECTION 11: DATA SYSTEM

593 A. The Commission shall provide for the development, maintenance, operation, and
594 utilization of a coordinated database and reporting system containing licensure, Adverse
595 Action, and the presence of Current Significant Investigative Information on all licensed
596 individuals in Member States.

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

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

602 1. Identifying information;

603 2. Licensure data;

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

605 4. Non-confidential information related to Alternative Program participation, the
606 beginning and ending dates of such participation, and other information related to such
607 participation not made confidential under Member State law;

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

609 6. The presence of Current Significant Investigative Information; and

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

612 D. The records and information provided to a Member State pursuant to this Compact or
613 through the Data System, when certified by the Commission or an agent thereof, shall
614 constitute the authenticated business records of the Commission, and shall be entitled to
615 any associated hearsay exception in any relevant judicial, quasi-judicial or administrative
616 proceedings in a Member State.

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

619 1. It is the responsibility of the Member States to report any Adverse Action against a
620 Licensee and to monitor the database to determine whether Adverse Action has been
621 taken against a Licensee. Adverse Action information pertaining to a Licensee in any
622 Member State will be available to any other Member State.

623 F. Member States contributing information to the Data System may designate information
624 that may not be shared with the public without the express permission of the contributing
625 State.

626 G. Any information submitted to the Data System that is subsequently expunged pursuant
627 to federal law or the laws of the Member State contributing the information shall be
628 removed from the Data System.

629 SECTION 12: RULEMAKING

630 A. The Commission shall promulgate reasonable Rules in order to effectively and
631 efficiently implement and administer the purposes and provisions of the Compact. A Rule
632 shall be invalid and have no force or effect only if a court of competent jurisdiction holds
633 that the Rule is invalid because the Commission exercised its rulemaking authority in a
634 manner that is beyond the scope and purposes of the Compact, or the powers granted
635 hereunder, or based upon another applicable standard of review.

636 B. The Rules of the Commission shall have the force of law in each Member State,
637 provided however that where the Rules of the Commission conflict with the laws of the

638 Member State that establish the Member State's laws, regulations, and applicable standards
639 as held by a court of competent jurisdiction, the Rules of the Commission shall be
640 ineffective in that State to the extent of the conflict.

641 C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth
642 in this Section and the Rules adopted thereunder. Rules shall become binding on the day
643 following adoption or the date specified in the rule or amendment, whichever is later.

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

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

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

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

- 654 1. On the website of the Commission or other publicly accessible platform;
655 2. To persons who have requested notice of the Commission's notices of proposed
656 rulemaking, and
657 3. In such other way(s) as the Commission may by Rule specify.

658 H. The Notice of Proposed Rulemaking shall include:

- 659 1. The time, date, and location of the public hearing at which the Commission will hear
660 public comments on the proposed Rule and, if different, the time, date, and location of
661 the meeting where the Commission will consider and vote on the proposed Rule;
662 2. If the hearing is held via telecommunication, video conference, or other electronic
663 means, the Commission shall include the mechanism for access to the hearing in the
664 Notice of Proposed Rulemaking;

- 665 3. The text of the proposed Rule and the reason therefor;
666 4. A request for comments on the proposed Rule from any interested person; and
667 5. The manner in which interested persons may submit written comments.
- 668 I. All hearings will be recorded. A copy of the recording and all written comments and
669 documents received by the Commission in response to the proposed Rule shall be available
670 to the public.
- 671 J. Nothing in this section shall be construed as requiring a separate hearing on each Rule.
672 Rules may be grouped for the convenience of the Commission at hearings required by this
673 section.
- 674 K. The Commission shall, by majority vote of all members, take final action on the
675 proposed Rule based on the Rulemaking record and the full text of the Rule.
- 676 1. The Commission may adopt changes to the proposed Rule provided the changes do not
677 enlarge the original purpose of the proposed Rule.
- 678 2. The Commission shall provide an explanation of the reasons for substantive changes
679 made to the proposed Rule as well as reasons for substantive changes not made that were
680 recommended by commenters.
- 681 3. The Commission shall determine a reasonable effective date for the Rule. Except for
682 an emergency as provided in Section 12.L, the effective date of the rule shall be no
683 sooner than 30 days after issuing the notice that it adopted or amended the Rule.
- 684 L. Upon determination that an emergency exists, the Commission may consider and adopt
685 an emergency Rule with 48 hours' notice, with opportunity to comment, provided that the
686 usual Rulemaking procedures provided in the Compact and in this section shall be
687 retroactively applied to the Rule as soon as reasonably possible, in no event later than
688 ninety (90) days after the effective date of the Rule. For the purposes of this provision, an
689 emergency Rule is one that must be adopted immediately in order to:
- 690 1. Meet an imminent threat to public health, safety, or welfare;
691 2. Prevent a loss of Commission or Member State funds;

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

694 4. Protect public health and safety.

695 M. The Commission or an authorized committee of the Commission may direct revisions
696 to a previously adopted Rule for purposes of correcting typographical errors, errors in
697 format, errors in consistency, or grammatical errors. Public notice of any revisions shall be
698 posted on the website of the Commission. The revision shall be subject to challenge by any
699 person for a period of thirty (30) days after posting. The revision may be challenged only
700 on grounds that the revision results in a material change to a Rule. A challenge shall be
701 made in writing and delivered to the Commission prior to the end of the notice period. If
702 no challenge is made, the revision will take effect without further action. If the revision is
703 challenged, the revision may not take effect without the approval of the Commission.

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

705 SECTION 13: OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

706 A. Oversight

707 1. The executive and judicial branches of State government in each Member State shall
708 enforce this Compact and take all actions necessary and appropriate to implement the
709 Compact.

710 2. Except as otherwise provided in this Compact, venue is proper and judicial
711 proceedings by or against the Commission shall be brought solely and exclusively in a
712 court of competent jurisdiction where the principal office of the Commission is located.
713 The Commission may waive venue and jurisdictional defenses to the extent it adopts or
714 consents to participate in alternative dispute resolution proceedings. Nothing herein shall
715 affect or limit the selection or propriety of venue in any action against a Licensee for
716 professional malpractice, misconduct or any such similar matter.

717 3. The Commission shall be entitled to receive service of process in any proceeding
718 regarding the enforcement or interpretation of the Compact and shall have standing to
719 intervene in such a proceeding for all purposes. Failure to provide the Commission
720 service of process shall render a judgment or order void as to the Commission, this
721 Compact, or promulgated Rules.

722 B. Default, Technical Assistance, and Termination

723 1. If the Commission determines that a Member State has defaulted in the performance
724 of its obligations or responsibilities under this Compact or the promulgated Rules, the
725 Commission shall provide written notice to the defaulting State. The notice of default
726 shall describe the default, the proposed means of curing the default, and any other action
727 that the Commission may take, and shall offer training and specific technical assistance
728 regarding the default.

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

731 C. If a State in default fails to cure the default, the defaulting State may be terminated from
732 the Compact upon an affirmative vote of a majority of the delegates of the Member States,
733 and all rights, privileges and benefits conferred on that State by this Compact may be
734 terminated on the effective date of termination. A cure of the default does not relieve the
735 offending State of obligations or liabilities incurred during the period of default.

736 D. Termination of membership in the Compact shall be imposed only after all other means
737 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall
738 be given by the Commission to the governor, the majority and minority leaders of the
739 defaulting State's legislature, the defaulting State's State Licensing Authority and each of
740 the Member States' State Licensing Authority.

741 E. A State that has been terminated is responsible for all assessments, obligations, and
742 liabilities incurred through the effective date of termination, including obligations that
743 extend beyond the effective date of termination.

744 F. Upon the termination of a State's membership from this Compact, that State shall
745 immediately provide notice to all Licensees within that State of such termination. The
746 terminated State shall continue to recognize all licenses granted pursuant to this Compact
747 for a minimum of six (6) months after the date of said notice of termination.

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

751 H. The defaulting State may appeal the action of the Commission by petitioning the U.S.
752 District Court for the District of Columbia or the federal district where the Commission has
753 its principal offices. The prevailing party shall be awarded all costs of such litigation,
754 including reasonable attorney's fees.

755 I. Dispute Resolution

756 1. Upon request by a Member State, the Commission shall attempt to resolve disputes
757 related to the Compact that arise among Member States and between Member and
758 non-Member States.

759 2. The Commission shall promulgate a Rule providing for both mediation and binding
760 dispute resolution for disputes as appropriate.

761 J. Enforcement

762 1. By majority vote as provided by Rule, the Commission may initiate legal action against
763 a Member State in default in the United States District Court for the District of Columbia
764 or the federal district where the Commission has its principal offices to enforce
765 compliance with the provisions of the Compact and its promulgated Rules. The relief
766 sought may include both injunctive relief and damages. In the event judicial enforcement
767 is necessary, the prevailing party shall be awarded all costs of such litigation, including
768 reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the
769 Commission. The Commission may pursue any other remedies available under federal
770 or the defaulting Member State's law.

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

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

779 SECTION 14: EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

782 1. On or after the effective date of the Compact, the Commission shall convene and
783 review the enactment of each of the first seven Member States ('Charter Member States')
784 to determine if the statute enacted by each such Charter Member State is materially
785 different than the model Compact statute.

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

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

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

796 3. All actions taken for the benefit of the Commission or in furtherance of the purposes
797 of the administration of the Compact prior to the effective date of the Compact or the
798 Commission coming into existence shall be considered to be actions of the Commission
799 unless specifically repudiated by the Commission.

800 4. Any State that joins the Compact subsequent to the Commission's initial adoption of
801 the Rules and bylaws shall be subject to the Rules and bylaws as they exist on the date
802 on which the Compact becomes law in that State. Any Rule that has been previously
803 adopted by the Commission shall have the full force and effect of law on the day the
804 Compact becomes law in that State.

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

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

809 2. Withdrawal shall not affect the continuing requirement of the withdrawing State's
810 Licensing Authority to comply with the investigative and Adverse Action reporting
811 requirements of this Compact prior to the effective date of withdrawal.

812 3. Upon the enactment of a statute withdrawing from this compact, a State shall
813 immediately provide notice of such withdrawal to all Licensees within that State.
814 Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing
815 State shall continue to recognize all licenses granted pursuant to this compact for a
816 minimum of six (6) months after the date of such notice of withdrawal.

817 C. Nothing contained in this Compact shall be construed to invalidate or prevent any
818 licensure agreement or other cooperative arrangement between a Member State and a
819 non-Member State that does not conflict with the provisions of this Compact.

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

823 SECTION 15: CONSTRUCTION AND SEVERABILITY

824 A. This Compact and the Commission's rulemaking authority shall be liberally construed
825 so as to effectuate the purposes, and the implementation and administration of the
826 Compact. Provisions of the Compact expressly authorizing or requiring the promulgation
827 of Rules shall not be construed to limit the Commission's rulemaking authority solely for
828 those purposes.

829 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence
830 or provision of this Compact is held by a court of competent jurisdiction to be contrary to
831 the constitution of any Member State, a State seeking participation in the Compact, or of
832 the United States, or the applicability thereof to any government, agency, person or
833 circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity
834 of the remainder of this Compact and the applicability thereof to any other government,
835 agency, person or circumstance shall not be affected thereby.

836 C. Notwithstanding subsection B of this section, the Commission may deny a State's
837 participation in the Compact or, in accordance with the requirements of Section 13.B,
838 terminate a Member State's participation in the Compact, if it determines that a
839 constitutional requirement of a Member State is a material departure from the Compact.
840 Otherwise, if this Compact shall be held to be contrary to the constitution of any Member
841 State, the Compact shall remain in full force and effect as to the remaining Member States
842 and in full force and effect as to the Member State affected as to all severable matters.

843 SECTION 16: CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

844 A. A Licensee providing services in a Remote State under a Multistate Authorization to
845 Practice shall adhere to the laws and regulations, including laws, regulations, and
846 applicable standards, of the Remote State where the client is located at the time care is
847 rendered.

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

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

852 D. All permissible agreements between the Commission and the Member States are binding
853 in accordance with their terms."

854

SECTION 3.

855 All laws and parts of laws in conflict with this Act are repealed.