

SENATE BILL No. 110

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-44; IC 34-30-2.1-390.2.

Synopsis: Social work licensure compact. Establishes the social work licensure compact.

Effective: July 1, 2024.

Crider

January 8, 2024, read first time and referred to Committee on Health and Provider Services.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

SENATE BILL No. 110

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-44 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2024]:

4 **ARTICLE 44. SOCIAL WORK LICENSURE COMPACT**

5 **Chapter 1. Purpose**

6 **Sec. 1. The purpose of this compact is to facilitate interstate**
7 **practice of regulated social workers by improving public access to**
8 **competent social work services. The compact preserves the**
9 **regulatory authority of states to protect public health and safety**
10 **through the current system of state licensure. This compact is**
11 **designed to achieve the following objectives:**

- 12 (1) **Increase public access to social work services.**
- 13 (2) **Reduce overly burdensome and duplicative requirements**
14 **associated with holding multiple licenses.**
- 15 (3) **Enhance the member states' ability to protect the public's**
16 **health and safety.**
- 17 (4) **Encourage the cooperation of member states in regulating**



- 1 multistate practice.
- 2 **(5) Promote mobility and address workforce shortages by**
- 3 **eliminating the necessity for licenses in multiple states by**
- 4 **providing for the mutual recognition of other member state**
- 5 **licenses.**
- 6 **(6) Support military families.**
- 7 **(7) Facilitate the exchange of licensure and disciplinary**
- 8 **information among member states.**
- 9 **(8) Authorize all member states to hold a regulated social**
- 10 **worker accountable for abiding by a member state's laws,**
- 11 **regulations, and applicable professional standards in the**
- 12 **member state in which the client is located at the time care is**
- 13 **rendered.**
- 14 **(9) Allow for the use of telehealth to facilitate increased access**
- 15 **to regulated social work services.**

Chapter 2. Definitions

Sec. 1. As used in this compact, and except as otherwise provided, the following definitions apply:

- 18 **(1) "Active military member" means any individual with**
- 19 **full-time duty status in the active armed forces of the United**
- 20 **States including members of the national guard and reserve.**
- 21 **(2) "Adverse action" means any administrative, civil,**
- 22 **equitable, or criminal action permitted by a state's laws which**
- 23 **is imposed by a licensing authority or other authority against**
- 24 **a regulated social worker, including:**
- 25 **(A) actions against an individual's license or multistate**
- 26 **authorization to practice such as revocation, suspension,**
- 27 **probation, or monitoring of the licensee;**
- 28 **(B) limitation on the licensee's practice; or**
- 29 **(C) any other encumbrance on licensure affecting a**
- 30 **regulated social worker's authorization to practice,**
- 31 **including issuance of a cease and desist action.**
- 32 **(3) "Alternative program" means a nondisciplinary**
- 33 **monitoring or practice remediation process approved by a**
- 34 **licensing authority to address practitioners with an**
- 35 **impairment.**
- 36 **(4) "Charter member states" means member states that have**
- 37 **enacted legislation to adopt this compact where the legislation**
- 38 **predates the effective date of this compact as described in**
- 39 **IC 25-44-14.**
- 40 **(5) "Compact commission" or "commission" means the**
- 41 **government agency whose membership consists of all states**
- 42



1 that have enacted this compact, which is known as the social
2 work licensure compact commission, as described in
3 IC 25-44-10, and which operates as an instrumentality of the
4 member states.

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

6 (A) investigative information that a licensing authority,
7 after a preliminary inquiry that includes notification and
8 an opportunity for the regulated social worker to respond
9 has reason to believe is not groundless and, if proved true,
10 would indicate more than a minor infraction as may be
11 defined by the commission; or

12 (B) investigative information that indicates that the
13 regulated social worker represents an immediate threat to
14 public health and safety, as may be defined by the
15 commission, regardless of whether the regulated social
16 worker has been notified and has had an opportunity to
17 respond.

18 (7) "Data system" means a repository of information about
19 licensees, including continuing education, examination,
20 licensure, current significant investigative information,
21 disqualifying event, multistate license(s), and adverse action
22 information or other information as required by the
23 commission.

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

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

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

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

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

38 (13) "Impairment" means a condition(s) that may impair a
39 practitioner's ability to engage in full and unrestricted
40 practice as a regulated social worker without some type of
41 intervention and may include alcohol and drug dependence,
42 mental health impairment, and neurological or physical



- 1 **impairments.**
2 **(14) "Licensee(s)" means an individual who currently holds**
3 **a license from a state to practice as a regulated social worker.**
4 **(15) "Licensing authority" means the board or agency of a**
5 **member state, or equivalent, that is responsible for the**
6 **licensing and regulation of regulated social workers.**
7 **(16) "Member state" means a state, commonwealth, district,**
8 **or territory of the United States of America that has enacted**
9 **this compact.**
10 **(17) "Multistate authorization to practice" means a legally**
11 **authorized privilege to practice, which is equivalent to a**
12 **license, associated with a multistate license permitting the**
13 **practice of social work in a remote state.**
14 **(18) "Multistate license" means a license to practice as a**
15 **regulated social worker issued by a home state licensing**
16 **authority that authorizes the regulated social worker to**
17 **practice in all member states under multistate authorization**
18 **to practice.**
19 **(19) "Qualifying national exam" means a national licensing**
20 **examination approved by the commission.**
21 **(20) "Regulated social worker" means any clinical, master's,**
22 **or bachelor's social worker licensed by a member state**
23 **regardless of the title used by that member state.**
24 **(21) "Remote state" means a member state other than the**
25 **licensee's home state.**
26 **(22) "Rule(s)" or "rule(s) of the commission" means a**
27 **regulation or regulations duly promulgated by the**
28 **commission, as authorized by the compact, that has the force**
29 **of law.**
30 **(23) "Single state license" means a social work license issued**
31 **by any state that authorizes practice only within the issuing**
32 **state and does not include multistate authorization to practice**
33 **in any member state.**
34 **(24) "Social work" or "social work services" means the**
35 **application of social work theory, knowledge, methods, ethics,**
36 **and the professional use of self to restore or enhance social,**
37 **psychosocial, or biopsychosocial functioning of individuals,**
38 **couples, families, groups, organizations, and communities**
39 **through the care and services provided by a regulated social**
40 **worker as set forth in the member state's statutes and**
41 **regulations in the state where the services are being provided.**
42 **(25) "State" means any state, commonwealth, district, or**



1 territory of the United States of America that regulates the
2 practice of social work.

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

6 **Chapter 3. State Participation in the Compact**

7 **Sec. 1. To be eligible to participate in the compact, a potential**
8 **member state must currently meet all of the following criteria:**

9 (1) License and regulate the practice of social work at either
10 the clinical, master's, or bachelor's category.

11 (2) Require applicants for licensure to graduate from a
12 program that:

13 (A) is operated by a college or university recognized by the
14 licensing authority;

15 (B) is accredited, or in candidacy by an institution that
16 subsequently becomes accredited, by an accrediting agency
17 recognized by either:

18 (i) the Council for Higher Education Accreditation, or its
19 successor; or

20 (ii) the United States Department of Education; and

21 (C) corresponds to the licensure sought as outlined in
22 IC 25-44-4.

23 (3) Require applicants for clinical licensure to complete a
24 period of supervised practice.

25 (4) Have a mechanism in place for receiving, investigating,
26 and adjudicating complaints about licensees.

27 **Sec. 2. To maintain membership in the compact, a member state**
28 **shall do the following:**

29 (1) Require that applicants for a multistate license pass a
30 qualifying national exam for the corresponding category of
31 multistate license sought as outlined in IC 25-44-4.

32 (2) Participate fully in the commission's data system,
33 including using the commission's unique identifier as defined
34 in the rules.

35 (3) Notify the commission, in compliance with the terms of the
36 compact and rules, of any adverse action or the availability of
37 current significant investigative information regarding a
38 licensee.

39 (4) Implement procedures for considering the criminal history
40 records of applicants for a multistate license. The procedures
41 shall include the submission of fingerprints or other biometric
42 based information by applicants for the purpose of obtaining



1 an applicant's criminal history record information from the
2 Federal Bureau of Investigation and the agency responsible
3 for retaining that state's criminal records.

4 (5) Comply with the rules of the commission.

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

9 (7) Authorize a licensee holding a multistate license in any
10 member state to practice in accordance with the terms of the
11 compact and rules of the commission.

12 (8) Designate a delegate to participate in the commission
13 meetings.

14 **Sec. 3. A member state meeting the requirements of sections 1
15 and 2 of this chapter shall designate the categories of social work
16 licensure that are eligible for issuance of a multistate license for
17 applicants in the member state. To the extent that any member
18 state does not meet the requirements for participation in the
19 compact at any particular category of social work licensure, the
20 member state may choose, but is not obligated, to issue a multistate
21 license to applicants that otherwise meet the requirements of
22 IC 25-44-4 for issuance of a multistate license in the category or
23 categories of licensure.**

24 **Sec. 4. The home state may charge a fee for granting the
25 multistate license.**

26 **Chapter 4. Social Worker Participation in the Compact**

27 **Sec. 1. To be eligible for a multistate license under the terms and
28 provisions of the compact, an applicant, regardless of category,
29 must:**

30 (1) hold or be eligible for an active, unencumbered license in
31 the home state;

32 (2) pay any applicable fees, including any state fee, for the
33 multistate license;

34 (3) submit, in connection with an application for a multistate
35 license, fingerprints or other biometric data for the purpose
36 of obtaining criminal history record information from the
37 Federal Bureau of Investigation and the agency responsible
38 for retaining that state's criminal records;

39 (4) notify the home state of any adverse action, encumbrance,
40 or restriction on any professional license taken by any
41 member state or nonmember state within thirty (30) days
42 from the date the action is taken;



1 (5) meet any continuing competence requirements established
2 by the home state; and

3 (6) abide by the laws, regulations, and applicable standards in
4 the member state where the client is located at the time care
5 is rendered.

6 **Sec. 2. An applicant for a clinical category multistate license
7 must meet all of the following requirements:**

8 (1) Fulfill a competency requirement, which shall be satisfied
9 by:

10 (A) passage of a clinical category qualifying national exam;

11 (B) licensure of the applicant in their home state at the
12 clinical category, beginning before the time a qualifying
13 national exam was required by the home state and
14 accompanied by a period of continuous social work
15 licensure thereafter, all of which may be further governed
16 by the rules of the commission; or

17 (C) substantial equivalency of the foregoing competency
18 requirements which the commission may determine by
19 rule.

20 (2) Attain at least a master's degree in social work from a
21 program that is:

22 (A) operated by a college or university recognized by the
23 licensing authority; and

24 (B) accredited, or in candidacy that subsequently becomes
25 accredited, by an accrediting agency recognized by either:

26 (i) the Council for Higher Education Accreditation or its
27 successor; or

28 (ii) the United States Department of Education.

29 (3) Fulfill a practice requirement, which shall be satisfied by
30 demonstrating completion of:

31 (A) a period of postgraduate supervised clinical practice
32 equal to a minimum of three thousand (3,000) hours;

33 (B) a minimum of two (2) years of full-time postgraduate
34 supervised clinical practice; or

35 (C) the substantial equivalency of the foregoing practice
36 requirements which the commission may determine by
37 rule.

38 **Sec. 3. An applicant for a master's category multistate license
39 must meet all of the following requirements:**

40 (1) Fulfill a competency requirement, which shall be satisfied
41 by:

42 (A) passage of a master's category qualifying national



- 1 exam;
- 2 (B) licensure of the applicant in their home state at the
- 3 master's category, beginning before the time as a
- 4 qualifying national exam was required by the home state
- 5 at the master's category and accompanied by a period of
- 6 continuous social work licensure thereafter, all of which
- 7 may be further governed by the rules of the commission;
- 8 or
- 9 (C) substantial equivalency of the foregoing competency
- 10 requirements which the commission may determine by
- 11 rule.
- 12 (2) Attain at least a master's degree in social work from a
- 13 program that is:
- 14 (A) operated by a college or university recognized by the
- 15 licensing authority; and
- 16 (B) accredited, or in candidacy that subsequently becomes
- 17 accredited, by an accrediting agency recognized by either:
- 18 (i) the Council for Higher Education Accreditation or its
- 19 successor; or
- 20 (ii) the United States Department of Education.
- 21 **Sec. 4. An applicant for a bachelor's category multistate license**
- 22 **must meet all of the following requirements:**
- 23 (1) Fulfill a competency requirement, which shall be satisfied
- 24 by:
- 25 (A) passage of a bachelor's category qualifying national
- 26 exam;
- 27 (B) licensure of the applicant in their home state at the
- 28 bachelor's category, beginning before the time as a
- 29 qualifying national exam was required by the home state
- 30 and accompanied by a period of continuous social work
- 31 licensure thereafter, all of which may be further governed
- 32 by the rules of the commission; or
- 33 (C) substantial equivalency of the foregoing competency
- 34 requirements which the commission may determine by
- 35 rule.
- 36 (2) Attain at least a bachelor's degree in social work from a
- 37 program that is:
- 38 (A) operated by a college or university recognized by the
- 39 licensing authority; and
- 40 (B) accredited, or in candidacy that subsequently becomes
- 41 accredited, by an accrediting agency recognized by either:
- 42 (i) the Council for Higher Education Accreditation or its



1 successor; or

2 (ii) the United States Department of Education.

3 Sec. 5. The multistate license for a regulated social worker is
4 subject to the renewal requirements of the home state. The
5 regulated social worker must maintain compliance with the
6 requirements of this chapter to be eligible to renew a multistate
7 license.

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

15 Sec. 7. If a multistate license is encumbered, the regulated social
16 worker's multistate authorization to practice shall be deactivated
17 in all remote states until the multistate license is no longer
18 encumbered.

19 Sec. 8. If a multistate authorization to practice is encumbered in
20 a remote state, the regulated social worker's multistate
21 authorization to practice may be deactivated in that state until the
22 multistate authorization to practice is no longer encumbered.

23 **Chapter 5. Issuance of a Multistate License**

24 Sec. 1. Upon receipt of an application for a multistate license,
25 the home state licensing authority shall determine the applicant's
26 eligibility for a multistate license under IC 25-44-4.

27 Sec. 2. If the applicant is eligible under IC 25-44-4, the home
28 state licensing authority shall issue a multistate license that
29 authorizes the applicant or regulated social worker to practice in
30 all member states under a multistate authorization to practice.

31 Sec. 3. Upon issuance of a multistate license, the home state
32 licensing authority shall designate whether the regulated social
33 worker holds a multistate license in the bachelor's, master's, or
34 clinical category of social work.

35 Sec. 4. A multistate license issued by a home state to a resident
36 in that state shall be recognized by all compact member states as
37 authorizing social work practice under a multistate authorization
38 to practice corresponding to each category of licensure regulated
39 in each member state.

40 **Chapter 6. Authority of Interstate Compact Commission and**
41 **Member State Licensing Authorities**

42 Sec. 1. Nothing in this compact, nor any rule of the commission,



1 limits, restricts, or in any way reduces the ability of a:

2 (1) member state to:

3 (A) enact and enforce laws, regulations, or other rules
4 related to the practice of social work in that state, where
5 those laws, regulations, or other rules are not inconsistent
6 with the provisions of this compact; or

7 (B) take adverse action against a licensee's single state
8 license to practice social work in that state;

9 (2) remote state to take adverse action against a licensee's
10 multistate authorization to practice in that state; or

11 (3) licensee's home state to take adverse action against a
12 licensee's multistate license based upon information provided
13 by a remote state.

14 Sec. 2. This compact does not affect the requirements
15 established by a member state for the issuance of a single state
16 license.

17 Chapter 7. Reissuance of a Multistate License by a New Home
18 State

19 Sec. 1. A licensee can hold a multistate license, issued by their
20 home state, in only one (1) member state at any given time.

21 Sec. 2. If a licensee changes their home state by moving between
22 two (2) member states the following apply:

23 (1) The licensee shall immediately apply for the reissuance of
24 their multistate license in their new home state. The licensee
25 shall pay all applicable fees and notify the prior home state in
26 accordance with the rules of the commission.

27 (2) Upon receipt of an application to reissue a multistate
28 license, the new home state shall verify that the multistate
29 license is active, unencumbered, and eligible for reissuance
30 under the terms of the compact and the rules of the
31 commission. The multistate license issued by the prior home
32 state will be deactivated and all member states notified in
33 accordance with the applicable rules adopted by the
34 commission.

35 (3) Before the reissuance of the multistate license, the new
36 home state shall conduct procedures for considering the
37 criminal history records of the licensee. The procedures shall
38 include the submission of fingerprints or other biometric
39 based information by applicants for the purpose of obtaining
40 an applicant's criminal history record information from the
41 Federal Bureau of Investigation and the agency responsible
42 for retaining that state's criminal records.



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

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

Sec. 3. If a licensee changes their primary state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, then the licensee is subject to the state requirements for the issuance of a single state license in the new home state.

Sec. 4. Nothing in this compact interferes with a licensee's ability to hold a single state license in multiple states. However, for the purposes of this compact, a licensee shall have only one (1) home state and only one (1) multistate license.

Sec. 5. Nothing in this compact interferes with the requirements established by a member state for the issuance of a single state license.

Chapter 8. Military Families

Sec. 1. An active military member or their spouse shall designate a home state where the individual has a multistate license. The individual may retain their home state designation during the period the service member is on active duty.

Chapter 9. Adverse Actions

Sec. 1. (a) In addition to the other powers conferred by state law, a remote state has the authority, according to existing state due process law, to:

- (1) take adverse action against a regulated social worker's multistate authorization to practice only within that remote state; and
- (2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence.

(b) The member state that receives a subpoena issued by a licensing authority in another member state shall enforce the subpoena in a court of competent jurisdiction according to the court's subpoena practice and procedure.

(c) The issuing licensing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service



1 statutes of the state in which the witnesses or evidence are located.

2 **Sec. 2. (a) Only the home state has the power to take adverse**
3 **action against a regulated social worker's multistate license.**

4 **(b) For purposes of taking adverse action, the home state shall**
5 **do the following:**

6 **(1) Give the same priority and effect to reported conduct**
7 **received from a member state as it would if the conduct had**
8 **occurred within the home state.**

9 **(2) Apply its own state laws to determine appropriate action.**

10 **(c) If a regulated social worker changes their home state during**
11 **the course of an investigation:**

12 **(1) the home state shall:**

13 **(A) complete any pending investigations of a regulated**
14 **social worker who changes their home state during the**
15 **course of the investigations;**

16 **(B) have the authority to take appropriate action(s); and**

17 **(C) promptly report the conclusions of the investigations**
18 **to the administrator of the data system; and**

19 **(2) the administrator of the data system shall promptly notify**
20 **the new home state of any adverse actions.**

21 **Sec. 3. A member state, if otherwise permitted by state law, may**
22 **recover from the affected regulated social worker the costs of**
23 **investigations and dispositions of cases resulting from any adverse**
24 **action taken against that regulated social worker.**

25 **Sec. 4. A member state may take adverse action based on the**
26 **factual findings of another member state if the member state**
27 **follows its own procedures for taking the adverse action.**

28 **Sec. 5. (a) In addition to the authority granted to a member state**
29 **by its respective social work practice act or other applicable state**
30 **law, any member state may participate with other member states**
31 **in joint investigations of licensees.**

32 **(b) Member states shall share any investigative, litigation, or**
33 **compliance materials in furtherance of any joint or individual**
34 **investigation initiated under the compact.**

35 **Sec. 6. If adverse action is taken by the home state against the**
36 **multistate license of a regulated social worker, the regulated social**
37 **worker's multistate authorization to practice in all other member**
38 **states shall be deactivated until all encumbrances have been**
39 **removed from the multistate license. All home state disciplinary**
40 **orders that impose adverse action against the license of a regulated**
41 **social worker shall include a statement that the regulated social**
42 **worker's multistate authorization to practice is deactivated in all**



1 member states until all conditions of the decision, order, or
2 agreement are satisfied.

3 **Sec. 7. (a) If a member state takes adverse action, it shall**
4 **promptly notify the administrator of the data system.**

5 **(b) The administrator of the data system shall promptly notify**
6 **the home state and all other member states of any adverse actions**
7 **by a remote state.**

8 **Sec. 8. Nothing in this compact overrides a member state's**
9 **decision that participation in an alternative program may be used**
10 **in lieu of adverse action.**

11 **Sec. 9. Nothing in this compact authorizes a member state to**
12 **demand the issuance of subpoenas for attendance and testimony of**
13 **witnesses or the production of evidence from another member state**
14 **for lawful actions within that member state.**

15 **Sec. 10. Nothing in this compact authorizes a member state to**
16 **impose discipline against a regulated social worker who holds a**
17 **multistate authorization to practice for lawful actions within**
18 **another member state.**

19 **Chapter 10. Establishment of Social Work Licensure Compact**
20 **Commission**

21 **Sec. 1. (a) The compact member states create and establish a**
22 **joint government agency whose membership consists of all member**
23 **states that have enacted the compact known as the social work**
24 **licensure compact commission.**

25 **(b) The commission is an instrumentality of the compact states**
26 **acting jointly and not an instrumentality of any one (1) state.**

27 **(c) The commission shall come into existence on or after the**
28 **effective date of the compact as set forth in IC 25-44-14.**

29 **Sec. 2. (a) Each member state shall have and be limited to one**
30 **(1) delegate selected by that member state's licensing authority.**

31 **(b) The delegate shall be either:**

32 **(1) a current member of the licensing authority at the time of**
33 **appointment, who is a regulated social worker or public**
34 **member of the state licensing authority; or**

35 **(2) an administrator of the licensing authority or their**
36 **designee.**

37 **(c) The commission, by a rule or bylaw:**

38 **(1) shall establish a term of office for delegates; and**

39 **(2) may establish term limits.**

40 **(d) The commission may recommend removal or suspension of**
41 **any delegate from office.**

42 **(e) A member state's licensing authority shall fill any vacancy**



1 of its delegate occurring on the commission within sixty (60) days
2 of the vacancy.

3 (f) Each delegate is entitled to one (1) vote on all matters before
4 the commission requiring a vote by commission delegates.

5 (g) A delegate shall vote in person or by other means provided
6 in the bylaws.

7 (h) The bylaws may provide for delegates to meet by
8 telecommunication, video conference, or other means of
9 communication.

10 (i) The commission shall meet at least once during each calendar
11 year. Additional meetings may be held as set forth in the bylaws.
12 The commission may meet by telecommunication, video
13 conference, or other similar electronic means.

14 **Sec. 3. The commission has the following powers:**

15 (1) Establish the fiscal year of the commission.

16 (2) Establish code of conduct and conflict of interest policies.

17 (3) Establish and amend rules and bylaws.

18 (4) Maintain its financial records in accordance with the
19 bylaws.

20 (5) Meet and take action consistent with the provisions of this
21 compact, the commission's rules, and the bylaws.

22 (6) Initiate and conclude legal proceedings or actions in the
23 name of the commission if the standing of any licensing
24 authority to sue or be sued under applicable law is not
25 affected.

26 (7) Maintain and certify records and information provided to
27 a member state as the authenticated business records of the
28 commission, and designate an agent to do so on the
29 commission's behalf.

30 (8) Purchase and maintain insurance and bonds.

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

33 (10) Conduct an annual financial review.

34 (11) Hire employees, elect or appoint officers, fix
35 compensation, define duties, grant individuals appropriate
36 authority to carry out the purposes of the compact, and
37 establish the commission's personnel policies and programs
38 relating to conflicts of interest, qualifications of personnel,
39 and other related personnel matters.

40 (12) Assess and collect fees.

41 (13) Accept appropriate gifts, donations, grants of money,
42 other sources of revenue, equipment, supplies, materials, and



1 services, and receive, utilize, and dispose of the same.
 2 However, at all times the commission shall avoid any
 3 appearance of impropriety or conflict of interest.

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

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

9 (16) Establish a budget and make expenditures.

10 (17) Borrow money.

11 (18) Appoint committees, including standing committees,
 12 composed of members, state regulators, state legislators or
 13 their representatives, consumer representatives, and other
 14 interested persons designated in this compact and the bylaws.

15 (19) Provide and receive information from, and cooperate
 16 with, law enforcement agencies.

17 (20) Establish and elect an executive committee, including a
 18 chair and a vice chair.

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

23 (22) Perform other functions as necessary or appropriate to
 24 achieve the purposes of this compact.

25 **Sec. 4. (a) The executive committee has the power to act on**
 26 **behalf of the commission according to the terms of this compact.**

27 **(b) The powers, duties, and responsibilities of the executive**
 28 **committee include:**

29 **(1) overseeing the day to day activities of the administration**
 30 **of the compact, including enforcement and compliance with**
 31 **the provisions of the compact, its rules and bylaws, and other**
 32 **duties as deemed necessary;**

33 **(2) recommending to the commission changes to the:**

34 **(A) rules or bylaws;**

35 **(B) compact legislation;**

36 **(C) fees charged to compact member states;**

37 **(D) fees charged to licensees; and**

38 **(E) other fees;**

39 **(3) ensuring compact administration services are**
 40 **appropriately provided, including by contract;**

41 **(4) preparing and recommending the budget;**

42 **(5) maintaining financial records on behalf of the commission;**



1 (6) monitoring compact compliance of member states and
2 providing compliance reports to the commission;

3 (7) establishing additional committees as necessary;

4 (8) exercising the powers and duties of the commission during
5 the interim between commission meetings, except for:

6 (A) adopting or amending rules;

7 (B) adopting or amending bylaws; and

8 (C) exercising any other powers and duties expressly
9 reserved to the commission by rule or bylaw; and

10 (9) performing other duties as provided in the rules or bylaws
11 of the commission.

12 Sec. 5. (a) The executive committee is composed of up to eleven
13 (11) members, including:

14 (1) the chair and vice chair of the commission, who are voting
15 members of the executive committee;

16 (2) five (5) voting members from the current membership of
17 the commission who are elected by the commission; and

18 (3) up to four (4) ex officio, nonvoting members from four (4)
19 recognized national social work organizations. The ex officio
20 members will be selected by their respective organizations.

21 (b) The commission may remove any member of the executive
22 committee as provided in the commission's bylaws.

23 Sec. 6. (a) The executive committee shall meet at least once
24 annually.

25 (b) Executive committee meetings shall be open to the public,
26 except that the executive committee may meet in a closed,
27 nonpublic meeting as provided in section 8(d) of this chapter.

28 (c) The executive committee shall give seven (7) days notice of
29 its meetings, posted on its website and as determined to provide
30 notice to persons with an interest in the business of the commission.

31 (d) The executive committee may hold a special meeting in
32 accordance with section 8(c) of this chapter.

33 Sec. 7. The commission shall adopt and provide to the member
34 states an annual report.

35 Sec. 8. (a) Except as provided in subsection (d), all meetings are
36 open to the public.

37 (b) Except as provided in subsection (c), public notice for all
38 meetings of the full commission shall be given in the same manner
39 as required under IC 25-44-12.

40 (c) The commission may hold a special meeting when it must
41 meet to conduct emergency business by giving forty-eight (48)
42 hours notice to all commissioners, on the commission's website, and



1 other means as provided in the commission's rules. The
 2 commission's legal counsel shall certify that the commission's need
 3 to meet qualifies as an emergency.

4 (d) The commission or the executive committee or other
 5 committees of the commission may convene in a closed, nonpublic
 6 meeting for the commission or executive committee or other
 7 committees of the commission to receive legal advice or to discuss:

8 (1) noncompliance of a member state with its obligations
 9 under the compact;

10 (2) the employment, compensation, discipline or other
 11 matters, practices, or procedures related to specific
 12 employees;

13 (3) current or threatened discipline of a licensee by the
 14 commission or by a member state's licensing authority;

15 (4) current, threatened, or reasonably anticipated litigation;

16 (5) negotiation of contracts for the purchase, lease, or sale of
 17 goods, services, or real estate;

18 (6) accusing any person of a crime or formally censuring any
 19 person;

20 (7) trade secrets or commercial or financial information that
 21 is privileged or confidential;

22 (8) information of a personal nature where disclosure would
 23 constitute a clearly unwarranted invasion of personal privacy;

24 (9) investigative records compiled for law enforcement
 25 purposes;

26 (10) information related to any investigative reports prepared
 27 by or on behalf of or for use of the commission or other
 28 committee charged with responsibility of investigation or
 29 determination of compliance issues under the compact;

30 (11) matters specifically exempted from disclosure by federal
 31 or member state law; or

32 (12) other matters as promulgated by the commission by rule.

33 (e) If a meeting, or portion of a meeting, is closed:

34 (1) the presiding officer shall:

35 (A) state that the meeting will be closed; and

36 (B) reference each relevant exempting provision; and

37 (2) the reference shall be recorded in the minutes.

38 (f) The commission shall:

39 (1) keep minutes that fully and clearly describe all matters
 40 discussed in a meeting; and

41 (2) provide a full and accurate summary of actions taken and
 42 the reasons therefore, including a description of the views



1 expressed.

2 (g) All documents considered in connection with an action shall
3 be identified in the minutes. However, all minutes and documents
4 of a closed meeting shall remain under seal, subject to release only
5 by a majority vote of the commission or order of a court of
6 competent jurisdiction.

7 Sec. 9. (a) The commission shall pay, or provide for the payment
8 of, the reasonable expenses of its establishment, organization, and
9 ongoing activities.

10 (b) The commission may accept all appropriate revenue sources
11 as provided in section 3(13) of this chapter.

12 (c) The commission may:

13 (1) levy on and collect an annual assessment from each
14 member state; and

15 (2) impose fees on licensees of member states to whom it
16 grants a multistate license;

17 to cover the cost of the operations and activities of the commission
18 and its staff, which must be in a total amount sufficient to cover its
19 annual budget as approved each year for which revenue is not
20 provided by other sources. The aggregate annual assessment
21 amount for member states shall be allocated based on a formula
22 that the commission promulgates by rule.

23 (d) The commission shall not:

24 (1) incur obligations of any kind before securing the funds
25 adequate to meet the same; or

26 (2) pledge the credit of any of the member states, except by
27 and with the authority of the member state.

28 (e) The commission shall keep accurate accounts of all receipts
29 and disbursements. The receipts and disbursements of the
30 commission are subject to the financial review and accounting
31 procedures established under its bylaws. However, all receipts and
32 disbursements of funds handled by the commission are subject to
33 an annual financial review by a certified or licensed public
34 accountant, and the report of the financial review shall be included
35 in and become part of the annual report of the commission.

36 Sec. 10. (a) Except as provided in subsection (b), the members,
37 officers, executive director, employees, and representatives of the
38 commission are immune from suit and liability, both personally
39 and in their official capacity, for a claim for damage to or loss of
40 property, personal injury, or other civil liability caused by or
41 arising out of:

42 (1) an actual or alleged act, error, or omission that occurred;



1 or

2 (2) as determined by the commission, that the person against
3 whom the claim is made had a reasonable basis for believing
4 occurred within the scope of commission employment, duties,
5 or responsibilities.

6 (b) An individual is not immune under subsection (a) for the
7 individual's:

8 (1) intentional misconduct; or

9 (2) willful or wanton misconduct.

10 (c) The commission's procurement of insurance of any type shall
11 not in any way compromise or limit the immunity granted in this
12 section.

13 (d) Except as provided in subsection (e), the commission shall
14 defend any member, officer, executive director, employee, and
15 representative of the commission in any civil action seeking to
16 impose liability arising out of any actual or alleged act, error, or
17 omission:

18 (1) that occurred within the scope of commission employment,
19 duties, or responsibilities; or

20 (2) as determined by the commission, that the person against
21 whom the claim is made had a reasonable basis for believing
22 occurred within the scope of commission employment, duties,
23 or responsibilities.

24 However, this subsection does not prohibit that person from
25 retaining their own counsel at their own expense.

26 (e) The commission is not required to defend an individual
27 described in subsection (d) if the individual's actual or alleged act,
28 error, or omission was:

29 (1) intentional misconduct; or

30 (2) willful or wanton misconduct.

31 (f) Subject to subsection (g), the commission shall indemnify and
32 hold harmless any member, officer, executive director, employee,
33 and representative of the commission for the amount of any
34 settlement or judgment obtained against that person arising out of
35 any actual or alleged act, error, or omission:

36 (1) that occurred within the scope of commission employment,
37 duties, or responsibilities; or

38 (2) that the person had a reasonable basis for believing
39 occurred within the scope of commission employment, duties,
40 or responsibilities.

41 (g) The commission is not required to indemnify and hold
42 harmless a person described in subsection (f) if the actual or



1 alleged act, error, or omission was:

- 2 (1) intentional misconduct; or
 3 (2) willful or wanton misconduct.

4 (h) This compact does not limit the liability of any licensee for
 5 professional malpractice or misconduct, which is governed solely
 6 by any other applicable state laws.

7 (i) This compact does not waive or otherwise abrogate a
 8 member state's state action immunity or state action affirmative
 9 defense with respect to antitrust claims under the Sherman Act,
 10 Clayton Act, or any other state or federal antitrust or
 11 anticompetitive law or regulation.

12 (j) This compact is not a waiver of sovereign immunity by the
 13 member states or by the commission.

14 **Chapter 11. Data System**

15 **Sec. 1.** The commission shall provide for the development,
 16 maintenance, operation, and utilization of a coordinated data
 17 system.

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

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

- 25 (1) identifying information;
 26 (2) licensure data;
 27 (3) adverse actions against a license and information related
 28 thereto;
 29 (4) nonconfidential information related to alternative
 30 program participation, the beginning and ending dates of the
 31 participation, and other information related to the
 32 participation not made confidential under member state law;
 33 (5) any denial of application for licensure and the reason(s)
 34 for the denial;
 35 (6) the presence of current significant investigative
 36 information; and
 37 (7) other information that may facilitate the administration of
 38 this compact or the protection of the public, as determined by
 39 the rules of the commission.

40 **Sec. 3.** The records and information provided to a member state
 41 under this compact or through the data system, when certified by
 42 the commission or an agent thereof, constitute the authenticated



1 business records of the commission, and are entitled to any
 2 associated hearsay exception in any relevant judicial,
 3 quasi-judicial, or administrative proceedings in a member state.

4 **Sec. 4. (a) current significant investigative information**
 5 **pertaining to a licensee in any member state will only be available**
 6 **to other member states.**

7 **(b) It is the responsibility of the member states to:**

8 **(1) report any adverse action against a licensee; and**

9 **(2) monitor the data base to determine whether adverse action**
 10 **has been taken against a licensee.**

11 **Adverse action information pertaining to a licensee in any member**
 12 **state will be available to any other member state.**

13 **Sec. 5. (a) Member states contributing information to the data**
 14 **system may designate information that may not be shared with the**
 15 **public without the express permission of the contributing state.**

16 **(b) The commission shall remove from the data system any**
 17 **information submitted that is subsequently expunged under federal**
 18 **law or the laws of the member state contributing the information.**

19 **Chapter 12. Rulemaking**

20 **Sec. 1. (a) The commission shall promulgate reasonable rules to**
 21 **effectively and efficiently implement and administer the purposes**
 22 **and provisions of the compact. A rule is invalid and has no force or**
 23 **effect only if a court of competent jurisdiction holds that the rule**
 24 **is invalid because the commission exercised its rulemaking**
 25 **authority in a manner that is:**

26 **(1) beyond the scope and purposes of the compact;**

27 **(2) beyond the powers granted by the compact; or**

28 **(3) based on another applicable standard of review.**

29 **(b) The rules of the commission have the force of law in each**
 30 **member state. However, where the rules of the commission conflict**
 31 **with the laws of the member state that establish the member state's**
 32 **laws, regulations, and applicable standards that govern the**
 33 **practice of social work, as held by a court of competent**
 34 **jurisdiction, the rules of the commission are ineffective in that state**
 35 **to the extent of the conflict.**

36 **(c) The commission shall exercise its rulemaking powers**
 37 **according to the criteria set forth in this chapter and the rules**
 38 **adopted thereunder. Rules are binding on:**

39 **(1) the day following adoption; or**

40 **(2) the date specified in the rule or amendment;**

41 **whichever is later.**

42 **(d) If a majority of the legislatures of the member states rejects**



1 a rule or portion of a rule, by enactment of a statute or resolution
 2 in the same manner used to adopt the compact within four (4)
 3 years of the date of adoption of the rule, then the rule has no
 4 further force and effect in any member state.

5 (e) Rules are adopted at a regular or special meeting of the
 6 commission.

7 **Sec. 2. (a) Before adoption of a proposed rule, the commission**
 8 **shall:**

9 (1) hold a public hearing and allow persons to provide oral
 10 and written comments, data, facts, opinions, and arguments;
 11 and

12 (2) provide, at least thirty (30) days in advance of the meeting
 13 at which the commission will hold a public hearing on the
 14 proposed rule, a notice of proposed rulemaking:

15 (A) on the website of the commission or other publicly
 16 accessible platform;

17 (B) to persons who have requested notice of the
 18 commission's notices of proposed rulemaking; and

19 (C) in other way(s) as the commission may by rule specify.

20 (b) The commission shall include in the notice of proposed
 21 rulemaking the following:

22 (1) The time, date, and location of the public hearing at which
 23 the commission will hear public comments on the proposed
 24 rule and, if different, the time, date, and location of the
 25 meeting where the commission will consider and vote on the
 26 proposed rule.

27 (2) If the hearing is held via telecommunication, video
 28 conference, or other electronic means, include the mechanism
 29 for access to the hearing in the notice of proposed rulemaking.

30 (3) The text of the proposed rule and the reason therefor.

31 (4) A request for comments on the proposed rule from any
 32 interested person.

33 (5) The manner in which interested persons may submit
 34 written comments.

35 (c) All hearings are recorded. A copy of the recording and all
 36 written comments and documents received by the commission in
 37 response to the proposed rule are available to the public.

38 (d) This section does not require a separate hearing on each
 39 rule. Rules may be grouped for the convenience of the commission
 40 at hearings required by this section.

41 (e) The commission shall, by majority vote of all members, take
 42 final action on the proposed rule based on the rulemaking record



1 and the full text of the rule.

2 (f) The commission:

3 (1) may adopt changes to the proposed rule if the changes do
4 not enlarge the original purpose of the proposed rule; and

5 (2) shall:

6 (A) provide an explanation of the reasons for:

7 (i) substantive changes made to the proposed rule; and

8 (ii) substantive changes not made that were
9 recommended by commenters; and

10 (B) determine a reasonable effective date for the rule.

11 Except for an emergency as provided in section 3 of this
12 chapter, the effective date of the rule must be no sooner
13 than thirty (30) days after issuing the notice that it adopted
14 or amended the rule.

15 Sec. 3. Upon determination that an emergency exists, the
16 commission may consider and adopt an emergency rule with
17 forty-eight (48) hours notice, with opportunity to comment, if the
18 usual rulemaking procedures provided in the compact and in this
19 chapter are retroactively applied to the rule as soon as reasonably
20 possible, in no event later than ninety (90) days after the effective
21 date of the rule. For the purposes of this section, an emergency rule
22 is a rule that must be adopted immediately to:

23 (1) meet an imminent threat to public health, safety, or
24 welfare;

25 (2) prevent a loss of commission or member state funds;

26 (3) meet a deadline for the promulgation of a rule that is
27 established by federal law or rule; or

28 (4) protect public health and safety.

29 Sec. 4. (a) The commission or an authorized committee of the
30 commission may direct revisions to a previously adopted rule for
31 purposes of correcting typographical errors, errors in format,
32 errors in consistency, or grammatical errors.

33 (b) Public notice of any revisions must be posted on the
34 commission's website.

35 (c) A revision under this section is subject to challenge by any
36 person for a period of thirty (30) days after posting.

37 (d) The revision may be challenged only on grounds that the
38 revision results in a material change to a rule.

39 (e) A challenge must be:

40 (1) made in writing; and

41 (2) delivered to the commission before the end of the notice
42 period.



1 **(f) If no challenge is made, the revision will take effect without**
2 **further action.**
3 **(g) If the revision is challenged, the revision may not take effect**
4 **without the approval of the commission.**
5 **Sec. 5. No member state's rulemaking requirements apply under**
6 **this compact.**
7 **Chapter 13. Oversight, Dispute Resolution, and Enforcement**
8 **Sec. 1. The executive and judicial branches of state government**
9 **in each member state shall enforce this compact and take all**
10 **actions necessary and appropriate to implement the compact.**
11 **Sec. 2. (a) Except as otherwise provided in this compact, venue**
12 **is proper and judicial proceedings by or against the commission**
13 **must be brought solely and exclusively in a court of competent**
14 **jurisdiction where the principal office of the commission is located.**
15 **(b) The commission may waive venue and jurisdictional**
16 **defenses to the extent it adopts or consents to participate in**
17 **alternative dispute resolution proceedings.**
18 **(c) This section does not affect or limit the selection or propriety**
19 **of venue in any action against a licensee for professional**
20 **malpractice, misconduct, or any other similar matter.**
21 **Sec. 3. (a) The commission:**
22 **(1) is entitled to receive service of process in any proceeding**
23 **regarding the enforcement or interpretation of the compact;**
24 **and**
25 **(2) has standing to intervene in the proceeding for all**
26 **purposes.**
27 **(b) Failure to provide the commission service of process renders**
28 **a judgment or order void as to the commission, this compact, or**
29 **promulgated rules.**
30 **Sec. 4. (a) If the commission determines that a member state has**
31 **defaulted in the performance of its obligations or responsibilities**
32 **under this compact or the promulgated rules, the commission shall**
33 **provide written notice to the defaulting state. The notice of default**
34 **must:**
35 **(1) describe the default, the proposed means of curing the**
36 **default, and any other action that the commission may take;**
37 **and**
38 **(2) offer training and specific technical assistance regarding**
39 **the default.**
40 **(b) The commission shall provide a copy of the notice of default**
41 **to the other member states.**
42 **(c) If a state in default fails to cure the default, the defaulting**



1 state may be terminated from the compact upon an affirmative
2 vote of a majority of the delegates of the member states, and all
3 rights, privileges, and benefits conferred on that state by this
4 compact may be terminated on the effective date of termination. A
5 cure of the default does not relieve the offending state of
6 obligations or liabilities incurred during the period of default.

7 (d) Termination of membership in the compact shall be imposed
8 only after all other means of securing compliance have been
9 exhausted. The commission shall give notice of intent to suspend or
10 terminate to:

- 11 (1) the governor of the defaulting state;
- 12 (2) the majority and minority leaders of the defaulting state's
13 legislature;
- 14 (3) the defaulting state's state licensing authority; and
- 15 (4) each of the member states' licensing authorities.

16 (e) A state that has been terminated is responsible for all
17 assessments, obligations, and liabilities incurred through the
18 effective date of termination, including obligations that extend
19 beyond the effective date of termination.

20 (f) If a state's membership from this compact is terminated, that
21 state shall:

- 22 (1) immediately provide notice to all licensees within that state
23 of the termination; and
- 24 (2) continue to recognize all licenses granted under this
25 compact for a minimum of six (6) months after the date of the
26 notice of termination.

27 (g) The commission shall not bear any costs related to a state
28 that is found to be in default or that has been terminated from the
29 compact, unless agreed upon in writing between the commission
30 and the defaulting state.

31 (h) The defaulting state may appeal the action of the commission
32 by petitioning the United States District Court for the District of
33 Columbia or the federal district where the commission has its
34 principal offices. The prevailing party shall be awarded all costs of
35 litigation, including reasonable attorney's fees.

36 Sec. 5. (a) Upon request by a member state, the commission
37 shall attempt to resolve disputes related to the compact that arise
38 among member states and between member and nonmember
39 states.

40 (b) The commission shall promulgate a rule providing for both
41 mediation and binding dispute resolution for disputes as
42 appropriate.



1 **Sec. 6. (a)** By majority vote as provided by rule, the commission
 2 may initiate legal action against a member state in default in the
 3 United States District Court for the District of Columbia or the
 4 federal district where the commission has its principal offices to
 5 enforce compliance with the provisions of the compact and its
 6 promulgated rules. The relief sought may include both injunctive
 7 relief and damages. In the event judicial enforcement is necessary,
 8 the prevailing party shall be awarded all costs of litigation,
 9 including reasonable attorney's fees. The remedies under this
 10 subsection are not the exclusive remedies of the commission. The
 11 commission may pursue any other remedies available under
 12 federal or the defaulting member state's law.

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

21 **(c)** No person other than a member state shall enforce this
 22 compact against the commission.

23 **Chapter 14. Effective Date, Withdrawal, and Amendment**

24 **Sec. 1.** The compact comes into effect on the date on which the
 25 compact statute is enacted into law in the seventh member state.

26 **Sec. 2. (a)** On or after the effective date of the compact, the
 27 commission shall convene and review the enactment of each of the
 28 first seven (7) member states (charter member states) to determine
 29 if the statute enacted by each charter member state is materially
 30 different than the model compact statute.

31 **(b)** A charter member state whose enactment is found to be
 32 materially different from the model compact statute is entitled to
 33 the default process under IC 25-44-13.

34 **(c)** If any member state is later found to be in default, or is
 35 terminated or withdraws from the compact, the commission
 36 remains in existence and remains in effect even if the number of
 37 member states is less than seven (7).

38 **Sec. 3.** Member states enacting the compact after the seven (7)
 39 initial charter member states are subject to review by the
 40 commission under IC 25-44-10-3(21) to determine if their
 41 enactments are materially different from the model compact
 42 statute and whether they qualify for participation in the compact.



1 **Sec. 4. All actions taken for the benefit of the commission or in**
 2 **furtherance of the purposes of the administration of the compact**
 3 **before the effective date of the compact or the commission coming**
 4 **into existence are considered to be actions of the commission unless**
 5 **specifically repudiated by the commission.**

6 **Sec. 5. Any state that joins the compact after the commission's**
 7 **initial adoption of the rules and bylaws is subject to the rules and**
 8 **bylaws as they exist on the date on which the compact becomes law**
 9 **in that state. Any rule that has been previously adopted by the**
 10 **commission has the full force and effect of law on the day the**
 11 **compact becomes law in that state.**

12 **Sec. 6. (a) Any member state may withdraw from this compact**
 13 **by enacting a statute repealing the compact statute.**

14 **(b) A member state's withdrawal does not take effect until one**
 15 **hundred eighty (180) days after enactment of the repealing statute.**

16 **(c) Withdrawal does not affect the continuing requirement of**
 17 **the withdrawing state's licensing authority to comply with the**
 18 **investigative and adverse action reporting requirements of this**
 19 **compact before the effective date of withdrawal.**

20 **(d) Upon the enactment of a statute withdrawing from this**
 21 **compact, a state shall immediately provide notice of the**
 22 **withdrawal to all licensees within that state.**

23 **(e) Notwithstanding any subsequent statutory enactment to the**
 24 **contrary, the withdrawing state shall continue to recognize all**
 25 **licenses granted under this compact for a minimum of one hundred**
 26 **eighty (180) days after the date of the notice of withdrawal.**

27 **Sec. 7. This compact does not invalidate or prevent any**
 28 **licensure agreement or other cooperative arrangement between a**
 29 **member state and a nonmember state that does not conflict with**
 30 **the provisions of this compact.**

31 **Sec. 8. (a) This compact may be amended by the member states.**

32 **(b) An amendment to this compact is not effective and binding**
 33 **on any member state until it is enacted into the laws of all member**
 34 **states.**

35 **Chapter 15. Construction and Severability**

36 **Sec. 1. This compact and the commission's rulemaking authority**
 37 **shall be liberally construed so as to effectuate the purposes, and the**
 38 **implementation and administration of the compact. Provisions of**
 39 **the compact expressly authorizing or requiring the promulgation**
 40 **of rules do not limit the commission's rulemaking authority solely**
 41 **for those purposes.**

42 **Sec. 2. The provisions of this compact are severable, and if:**



1 (1) any phrase, clause, sentence, or provision of this compact
 2 is held to be contrary to the constitution of any member state,
 3 a state seeking participation in the compact, or the United
 4 States; or

5 (2) the applicability thereof to any government, agency,
 6 person, or circumstance is held to be unconstitutional;
 7 by a court of competent jurisdiction, the remainder of this compact
 8 and the applicability to any other government, agency, person, or
 9 circumstance remains valid.

10 **Sec. 3.** Notwithstanding section 2 of this chapter, the commission
 11 may deny a state's participation in the compact or, according to the
 12 requirements of IC 25-44-13-4, terminate a member state's
 13 participation in the compact, if it determines that a constitutional
 14 requirement of a member state is a material departure from the
 15 compact. Otherwise, if this compact is held to be contrary to the
 16 constitution of any member state, the compact remains in full force
 17 and effect as to the remaining member states and in full force and
 18 effect as to the member state affected as to all severable matters.

19 **Chapter 16. Consistent Effect and Conflict with Other State**
 20 **Laws**

21 **Sec. 1.** A licensee providing services in a remote state under a
 22 multistate authorization to practice shall adhere to the laws and
 23 regulations, including applicable standards, of the remote state
 24 where the client is located at the time care is rendered.

25 **Sec. 2. (a)** This compact does not prevent or inhibit the
 26 enforcement of any other law of a member state that is not
 27 inconsistent with the compact.

28 **(b)** Any laws, statutes, regulations, or other legal requirements
 29 in a member state in conflict with the compact are superseded to
 30 the extent of the conflict.

31 **Sec. 3.** All permissible agreements between the commission and
 32 the member states are binding according to their terms.

33 SECTION 2. IC 34-30-2.1-390.2 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2024]: **Sec. 390.2. IC 25-44-10-10**
 36 **(Concerning the members, officers, executive director, employees,**
 37 **and representatives of the social work licensure compact**
 38 **commission).**

