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H.543

Introduced by Representatives Cina of Burlington, Hango of Berkshire,
Berbeco of Winooski, Pajala of Londonderry, Rachelson of
Burlington, Andrews of Westford, Andriano of Orwell,
Anthony of Barre City, Arrison of Weathersfield, Arsenault of
Williston, Austin of Colchester, Bartley of Fairfax, Bluemle of
Burlington, Bongartz of Manchester, Bos-Lun of Westminster,
Boyden of Cambridge, Branagan of Georgia, Brumsted of
Shelburne, Burrows of West Windsor, Buss of Woodstock,
Campbell of St. Johnsbury, Carpenter of Hyde Park, Chapin of
East Montpelier, Chase of Chester, Chesnut-Tangerman of
Middletown Springs, Coffey of Guilford, Cole of Hartford,
Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield,
Farlice-Rubio of Barnet, Garofano of Essex, Goldman of
Rockingham, Graning of Jericho, Gregoire of Fairfield,
Headrick of Burlington, Holcombe of Norwich, Houghton of
Essex Junction, Howard of Rutland City, Hyman of South
Burlington, Jerome of Brandon, Krasnow of South Burlington,
Labor of Morgan, LaBounty of Lyndon, Lalley of Shelburne,
Leavitt of Grand Isle, Logan of Burlington, Masland of
Thetford, Mattos of Milton, McGill of Bridport, Mihaly of

1 Calais, Minier of South Burlington, Morgan of Milton,
2 Mulvaney-Stanak of Burlington, Nugent of South Burlington,
3 Ode of Burlington, Page of Newport City, Patt of Worcester,
4 Pouech of Hinesburg, Priestley of Bradford, Rice of Dorset,
5 Roberts of Halifax, Small of Winooski, Squirrell of Underhill,
6 Stone of Burlington, Surprenant of Barnard, Taylor of Milton,
7 Torre of Moretown, Troiano of Stannard, Waters Evans of
8 Charlotte, White of Bethel, Whitman of Bennington, Williams
9 of Barre City, Williams of Granby, and Wood of Waterbury

10 Referred to Committee on

11 Date:

12 Subject: Human services; professions and occupations; social work; Social

13 Work Licensure Compact

14 Statement of purpose of bill as introduced: This bill proposes that the State

15 adopt and enter into the Social Work Licensure Compact.

16 An act relating to Vermont's adoption of the Social Work Licensure
17 Compact

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 26 V.S.A. chapter 61 is amended to read:

3 CHAPTER 61. SOCIAL WORKERS

4 Subchapter 1. General Provisions

5 * * *

6 Subchapter 2. Social Work Licensure Compact

7 § 3214. SOCIAL WORK LICENSURE COMPACT; ADOPTION

8 This subchapter is the Vermont adoption of the Social Work Licensure
9 Compact. The form, format, and text of the Compact have been conformed to
10 the conventions of the Vermont Statutes Annotated. It is the intent of the
11 General Assembly that this subchapter be interpreted as substantively the same
12 as the Social Work Licensure Compact that is enacted by other Compact party
13 states.

14 § 3215. PURPOSE

15 (a) The purpose of this Compact is to facilitate interstate practice of
16 regulated social workers by improving public access to competent social work
17 services. The Compact preserves the regulatory authority of states to protect
18 public health and safety through the current system of state licensure.

19 (b) This Compact is designed to achieve the following objectives:

20 (1) increase public access to social work services;

1 (2) reduce overly burdensome and duplicative requirements associated
2 with holding multiple licenses;

3 (3) enhance the member states' ability to protect the public's health and
4 safety;

5 (4) encourage the cooperation of member states in regulating multistate
6 practice;

7 (5) promote mobility and address workforce shortages by eliminating
8 the necessity for licenses in multiple states by providing for the mutual
9 recognition of other member state licenses;

10 (6) support military families;

11 (7) facilitate the exchange of licensure and disciplinary information
12 among member states;

13 (8) authorize all member states to hold a regulated social worker
14 accountable for abiding by a member state's laws, regulations, and applicable
15 professional standards in the member state in which the client is located at the
16 time care is rendered; and

17 (9) allow for the use of telehealth to facilitate increased access to
18 regulated social work services.

19 § 3216. DEFINITIONS

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

1 (1) “Active military member” means any individual with full-time-duty
2 status in the U.S. Armed Forces, including members of the National Guard and
3 Reserve.

4 (2) “Adverse action” means any administrative, civil, equitable, or
5 criminal action permitted by a state’s laws that is imposed by a licensing
6 authority or other authority against a regulated social worker, including actions
7 against an individual’s license or multistate authorization to practice, such as
8 revocation, suspension, probation, monitoring of the licensee, limitation on the
9 licensee’s practice, or any other encumbrance on licensure affecting a
10 regulated social worker’s authorization to practice, including issuance of a
11 cease and desist action.

12 (3) “Alternative program” means a nondisciplinary monitoring or
13 practice remediation process approved by a licensing authority to address
14 practitioners with an impairment.

15 (4) “Charter member states” means member states who have enacted
16 legislation to adopt this Compact where such legislation predates the effective
17 date of this Compact as described in section 3228 of this title.

18 (5) “Compact Commission” or “Commission” means the government
19 agency whose membership consists of all states that have enacted this
20 Compact, which is known as the Social Work Licensure Compact

1 Commission, as described in section 3224 of this title, and which shall operate
2 as an instrumentality of the member states.

3 (6) “Current significant investigative information” means:

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

9 (B) investigative information that indicates that the regulated social
10 worker represents an immediate threat to public health and safety, as may be
11 defined by the Commission, regardless of whether the regulated social worker
12 has been notified and has had an opportunity to respond.

13 (7) “Data system” means a repository of information about licensees,
14 including continuing education, examination, licensure, current significant
15 investigative information, disqualifying event, multistate license or licenses,
16 and adverse action information or other information as required by the
17 Commission.

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

1 (9) “Domicile” means the jurisdiction in which the licensee resides and
2 intends to remain indefinitely.

3 (10) “Encumbrance” means a revocation or suspension of, or any
4 limitation on, the full and unrestricted practice of social work licensed and
5 regulated by a licensing authority.

6 (11) “Executive committee” means a group of delegates elected or
7 appointed to act on behalf of, and within the powers granted to them by, the
8 Compact and Commission.

9 (12) “Home state” means the member state that is the licensee’s primary
10 domicile.

11 (13) “Impairment” means a condition or conditions that may impair a
12 practitioner’s ability to engage in full and unrestricted practice as a regulated
13 social worker without some type of intervention and may include alcohol and
14 drug dependence, mental health impairment, and neurological or physical
15 impairments.

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

18 (15) “Licensing authority” means the board or agency of a member
19 state, or equivalent, that is responsible for the licensing and regulation of
20 regulated social workers.

1 (16) “Member state” means a state, commonwealth, district, or territory
2 of the United States of America that has enacted this Compact.

3 (17) “Multistate authorization to practice” means a legally authorized
4 privilege to practice, which is equivalent to a license, associated with a
5 multistate license permitting the practice of social work in a remote state.

6 (18) “Multistate license” means a license to practice as a regulated
7 social worker issued by a home state licensing authority that authorizes the
8 regulated social worker to practice in all member states under multistate
9 authorization to practice.

10 (19) “Qualifying national exam” means a national licensing examination
11 approved by the Commission.

12 (20) “Regulated social worker” means any clinical, master’s, or
13 bachelor’s social worker licensed by a member state regardless of the title used
14 by that member state.

15 (21) “Remote state” means a member state other than the licensee’s
16 home state.

17 (22) “Rule” or “rule of the Commission” means a regulation duly
18 promulgated by the Commission, as authorized by the Compact, that has the
19 force of law.

1 (23) “Single state license” means a social work license issued by any
2 state that authorizes practice only within the issuing state and does not include
3 multistate authorization to practice in any member state.

4 (24) “Social work” or “social work services” means the application of
5 social work theory, knowledge, methods, ethics, and the professional use of
6 self to restore or enhance social, psychosocial, or biopsychosocial functioning
7 of individuals, couples, families, groups, organizations, and communities
8 through the care and services provided by a regulated social worker as set forth
9 in the member state’s statutes and regulations in the state where the services
10 are being provided.

11 (25) “State” means any state, commonwealth, district, or territory of the
12 United States of America that regulates the practice of social work.

13 (26) “Unencumbered license” means a license that authorizes a
14 regulated social worker to engage in the full and unrestricted practice of social
15 work.

16 § 3217. STATE PARTICIPATION IN THE COMPACT

17 (a) To be eligible to participate in the Compact, a potential member state
18 must currently meet all of the following criteria:

19 (1) license and regulate the practice of social work at either the clinical,
20 master’s, or bachelor’s category;

21 (2) require applicants for licensure to graduate from a program that is:

1 (A) operated by a college or university recognized by the licensing
2 authority;

3 (B) accredited, or in candidacy by an institution that subsequently
4 becomes accredited, by an accrediting agency recognized by either:

5 (i) the Council for Higher Education Accreditation, or its
6 successor; or

7 (ii) the U.S. Department of Education; and

8 (C) corresponds to the licensure sought as outlined in section 3218 of
9 this title;

10 (3) require applicants for clinical licensure to complete a period of
11 supervised practice;

12 (4) have a mechanism in place for receiving, investigating, and
13 adjudicating complaints about licensees.

14 (b) To maintain membership in the Compact, a member state shall:

15 (1) Require that applicants for a multistate license pass a qualifying
16 national exam for the corresponding category of multistate license sought as
17 outlined in section 3218 of this title.

18 (2) Participate fully in the Commission's data system, including using
19 the Commission's unique identifier as defined in rules.

1 (3) Notify the Commission, in compliance with the terms of the
2 Compact and rules, of any adverse action or the availability of current
3 significant investigative information regarding a licensee.

4 (4) Implement procedures for considering the criminal history records
5 of applicants for a multistate license. Such procedures shall include the
6 submission of fingerprints or other biometric-based information by applicants
7 for the purpose of obtaining an applicant’s criminal history record information
8 from the Federal Bureau of Investigation and the agency responsible for
9 retaining that state’s criminal records.

10 (5) Comply with the rules of the Commission.

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

14 (7) Authorize a licensee holding a multistate license in any member
15 state to practice in accordance with the terms of the Compact and rules of the
16 Commission.

17 (8) Designate a delegate to participate in the Commission meetings.

18 (c) A member state meeting the requirements of subsections (a) and (b) of
19 this section shall designate the categories of social work licensure that are
20 eligible for issuance of a multistate license for applicants in such member
21 state. To the extent that any member state does not meet the requirements for

1 participation in the Compact at any particular category of social work
2 licensure, such member state may choose, but is not obligated to, issue a
3 multistate license to applicants that otherwise meet the requirements of section
4 3218 of this title for issuance of a multistate license in such category or
5 categories of licensure.

6 (d) The home state may charge a fee for granting the multistate license.

7 § 3218. SOCIAL WORKER PARTICIPATION IN THE COMPACT

8 (a) To be eligible for a multistate license under the terms and provisions of
9 the Compact, an applicant, regardless of category must:

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

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

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

18 (4) notify the home state of any adverse action, encumbrance, or
19 restriction on any professional license taken by any member state or
20 nonmember state within 30 days from the date the action is taken;

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

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

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

7 (1) fulfill a competency requirement, which shall be satisfied by either:

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

9 (B) licensure of the applicant in the applicant's home state at the
10 clinical category, beginning prior to such time as a qualifying national exam
11 was required by the home state and accompanied by a period of continuous
12 social work licensure thereafter, all of which may be further governed by the
13 rules of the Commission; or

14 (C) the substantial equivalency of the foregoing competency
15 requirements that the Commission may determine by rule.

16 (2) attain at least a master's degree in social work from a program that
17 is:

18 (A) operated by a college or university recognized by the licensing
19 authority; and

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

1 (i) the Council for Higher Education Accreditation or its
2 successor; or

3 (ii) the U.S. Department of Education;

4 (3) fulfill a practice requirement, which shall be satisfied by
5 demonstrating completion of either:

6 (A) a period of postgraduate supervised clinical practice equal to a
7 minimum of 3,000 hours; or

8 (B) a minimum of two years of full-time postgraduate supervised
9 clinical practice; or

10 (C) the substantial equivalency of the foregoing practice
11 requirements that the Commission may determine by rule.

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

14 (1) fulfill a competency requirement, which shall be satisfied by either:

15 (A) passage of a master's-category qualifying national exam;

16 (B) licensure of the applicant in their home state at the master's

17 category, beginning prior to such time as a qualifying national exam was

18 required by the home state at the master's category and accompanied by a

19 continuous period of social work licensure thereafter, all of which may be

20 further governed by the rules of the Commission; or

1 (C) the substantial equivalency of the foregoing competency
2 requirements that the Commission may determine by rule;

3 (2) attain at least a master’s degree in social work from a program that
4 is:

5 (A) operated by a college or university recognized by the licensing
6 authority; and

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

9 (i) the Council for Higher Education Accreditation or its
10 successor; or

11 (ii) the U.S. Department of Education.

12 (d) An applicant for a bachelor’s-category multistate license must meet all
13 of the following requirements:

14 (1) fulfill a competency requirement, which shall be satisfied by either:

15 (A) passage of a bachelor’s-category qualifying national exam;

16 (B) licensure of the applicant in their home state at the bachelor’s

17 category, beginning prior to such time as a qualifying national exam was

18 required by the home state and accompanied by a period of continuous social

19 work licensure thereafter, all of which may be further governed by the rules of

20 the Commission; or

1 (C) the substantial equivalency of the foregoing competency
2 requirements that the Commission may determine by rule;

3 (2) attain at least a bachelor's degree in social work from a program that
4 is:

5 (A) operated by a college or university recognized by the licensing
6 authority; and

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

9 (i) the Council for Higher Education Accreditation or its
10 successor; or

11 (ii) the U.S. Department of Education.

12 (e) The multistate license for a regulated social worker is subject to the
13 renewal requirements of the home state. The regulated social worker must
14 maintain compliance with the requirements of subsection (a) of this section to
15 be eligible to renew a multistate license.

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

1 (g) If a multistate license is encumbered, the regulated social worker’s
2 multistate authorization to practice shall be deactivated in all remote states
3 until the multistate license is no longer encumbered.

4 (h) If a multistate authorization to practice is encumbered in a remote state,
5 the regulated social worker’s multistate authorization to practice may be
6 deactivated in that state until the multistate authorization to practice is no
7 longer encumbered.

8 § 3219. ISSUANCE OF A MULTISTATE LICENSE

9 (a) Upon receipt of an application for multistate license, the home state
10 licensing authority shall determine the applicant’s eligibility for a multistate
11 license in accordance with section 3218 of this title.

12 (b) If such applicant is eligible pursuant to section 3218 of this title, the
13 home state licensing authority shall issue a multistate license that authorizes
14 the applicant or regulated social worker to practice in all member states under
15 a multistate authorization to practice.

16 (c) Upon issuance of a multistate license, the home state licensing authority
17 shall designate whether the regulated social worker holds a multistate license
18 in the bachelor’s, master’s, or clinical category of social work.

19 (d) A multistate license issued by a home state to a resident in that state
20 shall be recognized by all Compact member states as authorizing social work

1 practice under a multistate authorization to practice corresponding to each
2 category of licensure regulated in each member state.

3 § 3220. AUTHORITY OF INTERSTATE COMPACT COMMISSION AND
4 MEMBER STATE LICENSING AUTHORITIES

5 (a) Nothing in this Compact, nor any rule of the Commission, shall be
6 construed to limit, restrict, or in any way reduce the ability of a member state
7 to enact and enforce laws, regulations, or other rules related to the practice of
8 social work in that state, where those laws, regulations, or other rules are not
9 inconsistent with the provisions of this Compact.

10 (b) Nothing in this Compact shall affect the requirements established by a
11 member state for the issuance of a single state license.

12 (c) Nothing in this Compact, nor any rule of the Commission, shall be
13 construed to limit, restrict, or in any way reduce the ability of a member state
14 to take adverse action against a licensee's single state license to practice social
15 work in that state.

16 (d) Nothing in this Compact, nor any rule of the Commission, shall be
17 construed to limit, restrict, or in any way reduce the ability of a remote state to
18 take adverse action against a licensee's multistate authorization to practice in
19 that state.

20 (e) Nothing in this Compact, nor any rule of the Commission, shall be
21 construed to limit, restrict, or in any way reduce the ability of a licensee's

1 home state to take adverse action against a licensee's multistate license based
2 upon information provided by a remote state.

3 § 3221. REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME
4 STATE

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

7 (b) If a licensee changes their home state by moving between two member
8 states:

9 (1) The licensee shall immediately apply for the reissuance of their
10 multistate license in their new home state. The licensee shall pay all
11 applicable fees and notify the prior home state in accordance with the rules of
12 the Commission.

13 (2) Upon receipt of an application to reissue a multistate license, the
14 new home state shall verify that the multistate license is active, unencumbered,
15 and eligible for reissuance under the terms of the Compact and the rules of the
16 Commission. The multistate license issued by the prior home state will be
17 deactivated and all member states notified in accordance with the applicable
18 rules adopted by the Commission.

19 (3) Prior to the reissuance of the multistate license, the new home state
20 shall conduct procedures for considering the criminal history records of the
21 licensee. Such procedures shall include the submission of fingerprints or other

1 biometric-based information by applicants for the purpose of obtaining an
2 applicant's criminal history record information from the Federal Bureau of
3 Investigation and the agency responsible for retaining that state's criminal
4 records.

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

7 (5) Notwithstanding any other provision of this Compact, if a licensee
8 does not meet the requirements set forth in this Compact for the reissuance of
9 a multistate license by the new home state, then the licensee shall be subject to
10 the new home state requirements for the issuance of a single state license in
11 that state.

12 (c) If a licensee changes their primary state of residence by moving from a
13 member state to a nonmember state, or from a nonmember state to a member
14 state, then the licensee shall be subject to the state requirements for the
15 issuance of a single state license in the new home state.

16 (d) Nothing in this Compact shall interfere with a licensee's ability to hold
17 a single state license in multiple states; however, for the purposes of this
18 Compact, a licensee shall have only one home state and only one multistate
19 license.

20 (e) Nothing in this Compact shall interfere with the requirements
21 established by a member state for the issuance of a single state license.

1 § 3222. MILITARY FAMILIES

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

5 § 3223. ADVERSE ACTIONS

6 (a) In addition to the other powers conferred by state law, a remote state
7 shall have the authority, in accordance with existing state due process law, to:

8 (1) Take adverse action against a regulated social worker's multistate
9 authorization to practice only within that member state, and issue subpoenas
10 for both hearings and investigations that require the attendance and testimony
11 of witnesses as well as the production of evidence. Subpoenas issued by a
12 licensing authority in a member state for the attendance and testimony of
13 witnesses or the production of evidence from another member state shall be
14 enforced in the latter state by any court of competent jurisdiction, according to
15 the practice and procedure of that court applicable to subpoenas issued in
16 proceedings pending before it. The issuing licensing authority shall pay any
17 witness fees, travel expenses, mileage, and other fees required by the service
18 statutes of the state in which the witnesses or evidence are located.

19 (2) Only the home state shall have the power to take adverse action
20 against a regulated social worker's multistate license.

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

5 (c) The home state shall complete any pending investigations of a regulated
6 social worker who changes their home state during the course of the
7 investigations. The home state shall also have the authority to take appropriate
8 action or actions and shall promptly report the conclusions of the
9 investigations to the administrator of the data system. The administrator of the
10 data system shall promptly notify the new home state of any adverse actions.

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

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

18 (f) Joint investigations.

19 (1) In addition to the authority granted to a member state by its
20 respective social work practice act or other applicable state law, any member

1 state may participate with other member states in joint investigations of
2 licensees.

3 (2) Member states shall share any investigative, litigation, or
4 compliance materials in furtherance of any joint or individual investigation
5 initiated under the Compact.

6 (g) If adverse action is taken by the home state against the multistate
7 license of a regulated social worker, the regulated social worker's multistate
8 authorization to practice in all other member states shall be deactivated until
9 all encumbrances have been removed from the multistate license. All home
10 state disciplinary orders that impose adverse action against the license of a
11 regulated social worker shall include a statement that the regulated social
12 worker's multistate authorization to practice is deactivated in all member states
13 until all conditions of the decision, order, or agreement are satisfied.

14 (h) If a member state takes adverse action, it shall promptly notify the
15 administrator of the data system. The administrator of the data system shall
16 promptly notify the home state and all other member states of any adverse
17 actions by remote states.

18 (i) Nothing in this Compact shall override a member state's decision that
19 participation in an alternative program may be used in lieu of adverse action.

20 (j) Nothing in this Compact shall authorize a member state to demand the
21 issuance of subpoenas for attendance and testimony of witnesses or the

1 production of evidence from another member state for lawful actions within
2 that member state.

3 (k) Nothing in this Compact shall authorize a member state to impose
4 discipline against a regulated social worker who holds a multistate
5 authorization to practice for lawful actions within another member state.

6 § 3224. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT

7 COMMISSION

8 (a) The Compact member states hereby create and establish a joint
9 government agency whose membership consists of all member states that have
10 enacted the Compact known as the Social Work Licensure Compact
11 Commission. The Commission is an instrumentality of the Compact states
12 acting jointly and not an instrumentality of any one state. The Commission
13 shall come into existence on or after the effective date of the Compact as set
14 forth in section 3228 of this title.

15 (b) Membership, voting, and meetings.

16 (1) Each member state shall have and be limited to one delegate selected
17 by that member state's state licensing authority.

18 (2) The delegate shall be either:

19 (A) a current member of the state licensing authority at the time of
20 appointment, who is a regulated social worker or public member of the state
21 licensing authority; or

1 (B) an administrator of the state licensing authority or their designee.

2 (3) The Commission shall by rule or bylaw establish a term of office for
3 delegates and may by rule or bylaw establish term limits.

4 (4) The Commission may recommend removal or suspension of any
5 delegate from office.

6 (5) A member state's state licensing authority shall fill any vacancy of
7 its delegate occurring on the Commission within 60 days of the vacancy.

8 (6) Each delegate shall be entitled to one vote on all matters before the
9 Commission requiring a vote by Commission delegates.

10 (7) A delegate shall vote in person or by such other means as provided
11 in the bylaws. The bylaws may provide for delegates to meet by
12 telecommunication, videoconference, or other means of communication.

13 (8) The Commission shall meet at least once during each calendar year.
14 Additional meetings may be held as set forth in the bylaws. The Commission
15 may meet by telecommunication, video conference, or other similar electronic
16 means.

17 (c) The Commission shall have the following powers:

18 (1) establish the fiscal year of the Commission;

19 (2) establish code of conduct and conflict of interest policies;

20 (3) establish and amend rules and bylaws;

21 (4) maintain its financial records in accordance with the bylaws;

1 (5) meet and take such actions as are consistent with the provisions of
2 this Compact, the Commission’s rules, and the bylaws;

3 (6) initiate and conclude legal proceedings or actions in the name of the
4 Commission, provided that the standing of any state licensing board to sue or
5 be sued under applicable law shall not be affected;

6 (7) maintain and certify records and information provided to a member
7 state as the authenticated business records of the Commission, and designate
8 an agent to do so on the Commission’s behalf;

9 (8) purchase and maintain insurance and bonds;

10 (9) borrow, accept, or contract for services of personnel, including, but
11 not limited to, employees of a member state;

12 (10) conduct an annual financial review;

13 (11) hire employees, elect or appoint officers, fix compensation, define
14 duties, grant such individuals appropriate authority to carry out the purposes of
15 the Compact, and establish the Commission’s personnel policies and programs
16 relating to conflicts of interest, qualifications of personnel, and other related
17 personnel matters;

18 (12) assess and collect fees;

19 (13) accept any and all appropriate gifts, donations, grants of money,
20 other sources of revenue, equipment, supplies, materials, and services, and

1 receive, utilize, and dispose of the same, provided that at all times the
2 Commission shall avoid any appearance of impropriety or conflict of interest;

3 (14) lease, purchase, retain, own, hold, improve, or use any property,
4 real, personal, or mixed, or any undivided interest therein;

5 (15) sell, convey, mortgage, pledge, lease, exchange, abandon, or
6 otherwise dispose of any property real, personal, or mixed;

7 (16) establish a budget and make expenditures;

8 (17) borrow money;

9 (18) appoint committees, including standing committees, composed of
10 members, state regulators, state legislators or their representatives, and
11 consumer representatives, and such other interested persons as may be
12 designated in this Compact and the bylaws;

13 (19) provide and receive information from, and cooperate with, law
14 enforcement agencies;

15 (20) establish and elect an executive committee, including a chair and a
16 vice chair;

17 (21) determine whether a state's adopted language is materially different
18 from the model Compact language such that the state would not qualify for
19 participation in the Compact; and

20 (22) perform such other functions as may be necessary or appropriate to
21 achieve the purposes of this Compact.

1 (d) The executive committee.

2 (1) The executive committee shall have the power to act on behalf of the
3 Commission according to the terms of this Compact. The powers, duties, and
4 responsibilities of the executive committee shall include:

5 (A) oversee the day-to-day activities of the administration of the
6 Compact, including enforcement and compliance with the provisions of the
7 Compact, its rules and bylaws, and other such duties as deemed necessary;

8 (B) recommend to the Commission changes to the rules or bylaws,
9 changes to this Compact legislation, fees charged to Compact member states,
10 fees charged to licensees, and other fees;

11 (C) ensure Compact administration services are appropriately
12 provided, including by contract;

13 (D) prepare and recommend the budget;

14 (E) maintain financial records on behalf of the Commission;

15 (F) monitor Compact compliance of member states and provide
16 compliance reports to the Commission;

17 (G) establish additional committees as necessary;

18 (H) exercise the powers and duties of the Commission during the
19 interim between Commission meetings, except for adopting or amending rules,
20 adopting or amending bylaws, and exercising any other powers and duties
21 expressly reserved to the Commission by rule or bylaw; and

1 (I) other duties as provided in the rules or bylaws of the Commission.

2 (2) The executive committee shall be composed of up to 11 members.

3 (A) The chair and vice chair of the Commission shall be voting
4 members of the executive committee.

5 (B) The Commission shall elect five voting members from the
6 current membership of the Commission.

7 (C) There shall be up to four ex-officio, nonvoting members from
8 four recognized national social work organizations.

9 (D) The ex-officio members will be selected by their respective
10 organizations.

11 (3) The Commission may remove any member of the executive
12 committee as provided in the Commission's bylaws.

13 (4) The executive committee shall meet at least annually.

14 (A) Executive committee meetings shall be open to the public, except
15 that the executive committee may meet in a closed, nonpublic meeting as
16 provided in subdivision (f)(2) of this section.

17 (B) The executive committee shall give seven days' notice of its
18 meetings, posted on its website and as determined to provide notice to persons
19 with an interest in the business of the Commission.

20 (C) The executive committee may hold a special meeting in
21 accordance with subdivision (f)(1)(B) of this section.

1 (e) The Commission shall adopt and provide to the member states an
2 annual report.

3 (f) Meetings of the Commission.

4 (1) All meetings shall be open to the public, except that the Commission
5 may meet in a closed, nonpublic meeting as provided in subdivision (2) of this
6 subsection.

7 (A) Public notice for all meetings of the full Commission shall be
8 given in the same manner as required under the rulemaking provisions in
9 section 3226 of this title, except that the Commission may hold a special
10 meeting as provided in subdivision (B) of this subdivision (f)(1).

11 (B) The Commission may hold a special meeting when it must meet
12 to conduct emergency business by giving 48 hours' notice to all
13 commissioners, on the Commission's website, and other means as provided in
14 the Commission's rules. The Commission's legal counsel shall certify that the
15 Commission's need to meet qualifies as an emergency.

16 (2) The Commission or the executive committee or other committees of
17 the Commission may convene in a closed, nonpublic meeting for the
18 Commission or executive committee or other committees of the Commission
19 to receive legal advice or to discuss:

20 (A) noncompliance of a member state with its obligations under the
21 Compact;

1 (B) the employment, compensation, discipline or other matters,
2 practices, or procedures related to specific employees;

3 (C) current or threatened discipline of a licensee by the Commission
4 or by a member state’s licensing authority;

5 (D) current, threatened, or reasonably anticipated litigation;

6 (E) negotiation of contracts for the purchase, lease, or sale of goods,
7 services, or real estate;

8 (F) accusing any person of a crime or formally censuring any person;

9 (G) trade secrets or commercial or financial information that is
10 privileged or confidential;

11 (H) information of a personal nature where disclosure would
12 constitute a clearly unwarranted invasion of personal privacy;

13 (I) investigative records compiled for law enforcement purposes;

14 (J) information related to any investigative reports prepared by or on
15 behalf of or for use of the Commission or other committee charged with
16 responsibility of investigation or determination of compliance issues pursuant
17 to the Compact;

18 (K) matters specifically exempted from disclosure by federal or
19 member state law; or

20 (L) other matters as promulgated by the Commission by rule.

1 (3) If a meeting, or portion of a meeting, is closed, the presiding officer
2 shall state that the meeting will be closed and reference each relevant
3 exempting provision, and such reference shall be recorded in the minutes.

4 (4) The Commission shall keep minutes that fully and clearly describe
5 all matters discussed in a meeting and shall provide a full and accurate
6 summary of actions taken, and the reasons therefore, including a description of
7 the views expressed. All documents considered in connection with an action
8 shall be identified in such minutes. All minutes and documents of a closed
9 meeting shall remain under seal, subject to release only by a majority vote of
10 the Commission or order of a court of competent jurisdiction.

11 (g) Financing of the Commission.

12 (1) The Commission shall pay, or provide for the payment of, the
13 reasonable expenses of its establishment, organization, and ongoing activities.

14 (2) The Commission may accept any and all appropriate revenue
15 sources as provided in subdivision (c)(13) of this section.

16 (3) The Commission may levy on and collect an annual assessment from
17 each member state and impose fees on licensees of member states to whom it
18 grants a multistate license to cover the cost of the operations and activities of
19 the Commission and its staff, which must be in a total amount sufficient to
20 cover its annual budget as approved each year for which revenue is not
21 provided by other sources. The aggregate annual assessment amount for

1 member states shall be allocated based upon a formula that the Commission
2 shall promulgate by rule.

3 (4) The Commission shall not incur obligations of any kind prior to
4 securing the funds adequate to meet the same, nor shall the Commission
5 pledge the credit of any of the member states except by and with the authority
6 of the member state.

7 (5) The Commission shall keep accurate accounts of all receipts and
8 disbursements. The receipts and disbursements of the Commission shall be
9 subject to the financial review and accounting procedures established under its
10 bylaws. However, all receipts and disbursements of funds handled by the
11 Commission shall be subject to an annual financial review by a certified or
12 licensed public accountant, and the report of the financial review shall be
13 included in and become part of the annual report of the Commission.

14 (h) Qualified immunity, defense, and indemnification.

15 (1) The members, officers, executive director, employees, and
16 representatives of the Commission shall be immune from suit and liability,
17 both personally and in their official capacity, for any claim for damage to or
18 loss of property or personal injury or other civil liability caused by or arising
19 out of any actual or alleged act, error, or omission that occurred, or that the
20 person against whom the claim is made had a reasonable basis for believing
21 occurred within the scope of Commission employment, duties, or

1 responsibilities, provided that nothing in this subdivision shall be construed to
2 protect any such person from suit or liability for any damage, loss, injury, or
3 liability caused by the intentional or willful or wanton misconduct of that
4 person. The procurement of insurance of any type by the Commission shall
5 not in any way compromise or limit the immunity granted hereunder.

6 (2) The Commission shall defend any member, officer, executive
7 director, employee, and representative of the Commission in any civil action
8 seeking to impose liability arising out of any actual or alleged act, error, or
9 omission that occurred within the scope of Commission employment, duties,
10 or responsibilities, or as determined by the Commission that the person against
11 whom the claim is made had a reasonable basis for believing occurred within
12 the scope of Commission employment, duties, or responsibilities, provided that
13 nothing herein shall be construed to prohibit that person from retaining their
14 own counsel at the their own expense, and provided further that the actual or
15 alleged act, error, or omission did not result from that person's intentional or
16 willful or wanton misconduct.

17 (3) The Commission shall indemnify and hold harmless any member,
18 officer, executive director, employee, and representative of the Commission
19 for the amount of any settlement or judgment obtained against that person
20 arising out of any actual or alleged act, error, or omission that occurred within
21 the scope of Commission employment, duties, or responsibilities, or that such

1 person had a reasonable basis for believing occurred within the scope of
2 Commission employment, duties, or responsibilities, provided that the actual
3 or alleged act, error, or omission did not result from the intentional or willful
4 or wanton misconduct of that person.

5 (4) Nothing herein shall be construed as a limitation on the liability of
6 any licensee for professional malpractice or misconduct, which shall be
7 governed solely by any other applicable state laws.

8 (5) Nothing in this Compact shall be interpreted to waive or otherwise
9 abrogate a member state's state action immunity or state action affirmative
10 defense with respect to antitrust claims under the Sherman Act, Clayton Act,
11 or any other state or federal antitrust or anticompetitive law or regulation.

12 (6) Nothing in this Compact shall be construed to be a waiver of
13 sovereign immunity by the member states or by the Commission.

14 § 3225. DATA SYSTEM

15 (a) The Commission shall provide for the development, maintenance,
16 operation, and utilization of a coordinated data system.

17 (b) The Commission shall assign each applicant for a multistate license a
18 unique identifier, as determined by the rules of the Commission.

19 (c) Notwithstanding any other provision of state law to the contrary, a
20 member state shall submit a uniform data set to the data system on all

1 individuals to whom this Compact is applicable as required by the rules of the

2 Commission, including:

3 (1) identifying information;

4 (2) licensure data;

5 (3) adverse actions against a license and information related thereto;

6 (4) nonconfidential information related to alternative program

7 participation, the beginning and ending dates of such participation, and other

8 information related to such participation not made confidential under member

9 state law;

10 (5) any denial of application for licensure, and the reason or reasons for

11 such denial;

12 (6) the presence of current significant investigative information; and

13 (7) other information that may facilitate the administration of this

14 Compact or the protection of the public, as determined by the rules of the

15 Commission.

16 (d) The records and information provided to a member state pursuant to

17 this Compact or through the data system, when certified by the Commission or

18 an agent thereof, shall constitute the authenticated business records of the

19 Commission and shall be entitled to any associated hearsay exception in any

20 relevant judicial, quasi-judicial, or administrative proceedings in a member

21 state.

1 (e)(1) Current significant investigative information pertaining to a licensee
2 in any member state will only be available to other member states.

3 (2) It is the responsibility of the member states to report any adverse
4 action against a licensee and to monitor the database to determine whether
5 adverse action has been taken against a licensee. Adverse action information
6 pertaining to a licensee in any member state will be available to any other
7 member state.

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

11 (g) Any information submitted to the data system that is subsequently
12 expunged pursuant to federal law or the laws of the member state contributing
13 the information shall be removed from the data system.

14 § 3226. RULEMAKING

15 (a) The Commission shall promulgate reasonable rules in order to
16 effectively and efficiently implement and administer the purposes and
17 provisions of the Compact. A rule shall be invalid and have no force or effect
18 only if a court of competent jurisdiction holds that the rule is invalid because
19 the Commission exercised its rulemaking authority in a manner that is beyond
20 the scope and purposes of the Compact, or the powers granted hereunder, or
21 based upon another applicable standard of review.

1 **(b) The rules of the Commission shall have the force of law in each**
2 **member state; provided, however, that where the rules of the Commission**
3 **conflict with the laws of the member state that establish the member state’s**
4 **laws, regulations, and applicable standards that govern the practice of social**
5 **work as held by a court of competent jurisdiction, the rules of the Commission**
6 **shall be ineffective in that state to the extent of the conflict.**

7 **(c) The Commission shall exercise its rulemaking powers pursuant to the**
8 **criteria set forth in this section and the rules adopted thereunder. Rules shall**
9 **become binding on the day following adoption or the date specified in the rule**
10 **or amendment, whichever is later.**

11 **(d) If a majority of the legislatures of the member states rejects a rule or**
12 **portion of a rule, by enactment of a statute or resolution in the same manner**
13 **used to adopt the Compact within four years of the date of adoption of the**
14 **rule, then such rule shall have no further force and effect in any member state.**

15 **(e) Rules shall be adopted at a regular or special meeting of the**
16 **Commission.**

17 **(f) Prior to adoption of a proposed rule, the Commission shall hold a public**
18 **hearing and allow persons to provide oral and written comments, data, facts,**
19 **opinions, and arguments.**

20 **(g) Prior to adoption of a proposed rule by the Commission, and at least 30**
21 **days in advance of the meeting at which the Commission will hold a public**

1 hearing on the proposed rule, the Commission shall provide a notice of
2 proposed rulemaking:

3 (1) on the website of the Commission or other publicly accessible
4 platform;

5 (2) to persons who have requested notice of the Commission's notices
6 of proposed rulemaking; and

7 (3) in such other way or ways as the Commission may by rule specify.

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

9 (1) the time, date, and location of the public hearing at which the
10 Commission will hear public comments on the proposed rule and, if different,
11 the time, date, and location of the meeting where the Commission will
12 consider and vote on the proposed rule;

13 (2) if the hearing is held via telecommunication, video conference, or
14 other electronic means, the Commission shall include the mechanism for
15 access to the hearing in the notice of proposed rulemaking;

16 (3) the text of the proposed rule and the reason therefor;

17 (4) a request for comments on the proposed rule from any interested
18 person; and

19 (5) the manner in which interested persons may submit written
20 comments.

1 (i) All hearings will be recorded. A copy of the recording and all written
2 comments and documents received by the Commission in response to the
3 proposed rule shall be available to the public.

4 (j) Nothing in this section shall be construed as requiring a separate hearing
5 on each rule. Rules may be grouped for the convenience of the Commission at
6 hearings required by this section.

7 (k) The Commission shall, by majority vote of all members, take final
8 action on the proposed rule based on the rulemaking record and the full text of
9 the rule.

10 (1) The Commission may adopt changes to the proposed rule, provided
11 the changes do not enlarge the original purpose of the proposed rule.

12 (2) The Commission shall provide an explanation of the reasons for
13 substantive changes made to the proposed rule as well as reasons for
14 substantive changes not made that were recommended by commenters.

15 (3) The Commission shall determine a reasonable effective date for the
16 rule. Except for an emergency as provided in subsection (l) of this section, the
17 effective date of the rule shall be not sooner than 30 days after issuing the
18 notice that it adopted or amended the rule.

19 (l) Upon determination that an emergency exists, the Commission may
20 consider and adopt an emergency rule with 48 hours' notice, with opportunity
21 to comment, provided that the usual rulemaking procedures provided in the

1 Compact and in this section shall be retroactively applied to the rule as soon as
2 reasonably possible, in no event later than 90 days after the effective date of
3 the rule. For the purposes of this provision, an emergency rule is one that must
4 be adopted immediately in order to:

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

6 (2) prevent a loss of Commission or member state funds;

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

9 (4) protect public health and safety.

10 (m) The Commission or an authorized committee of the Commission may
11 direct revisions to a previously adopted rule for purposes of correcting
12 typographical errors, errors in format, errors in consistency, or grammatical
13 errors. Public notice of any revisions shall be posted on the website of the
14 Commission. The revision shall be subject to challenge by any person for a
15 period of 30 days after posting. The revision may be challenged only on
16 grounds that the revision results in a material change to a rule. A challenge
17 shall be made in writing and delivered to the Commission prior to the end of
18 the notice period. If no challenge is made, the revision will take effect without
19 further action. If the revision is challenged, the revision may not take effect
20 without the approval of the Commission.

1 (n) No member state’s rulemaking requirements shall apply under this
2 Compact.

3 § 3227. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

4 (a) Oversight.

5 (1) The executive and judicial branches of state government in each
6 member state shall enforce this Compact and take all actions necessary and
7 appropriate to implement the Compact.

8 (2) Except as otherwise provided in this Compact, venue is proper and
9 judicial proceedings by or against the Commission shall be brought solely and
10 exclusively in a court of competent jurisdiction where the principal office of
11 the Commission is located. The Commission may waive venue and
12 jurisdictional defenses to the extent it adopts or consents to participate in
13 alternative dispute resolution proceedings. Nothing herein shall affect or limit
14 the selection or propriety of venue in any action against a licensee for
15 professional malpractice, misconduct, or any such similar matter.

16 (3) The Commission shall be entitled to receive service of process in
17 any proceeding regarding the enforcement or interpretation of the Compact
18 and shall have standing to intervene in such a proceeding for all purposes.
19 Failure to provide the Commission service of process shall render a judgment
20 or order void as to the Commission, this Compact, or promulgated rules.

21 (b) Default, technical assistance, and termination.

1 (1) If the Commission determines that a member state has defaulted in
2 the performance of its obligations or responsibilities under this Compact or the
3 promulgated rules, the Commission shall provide written notice to the
4 defaulting state. The notice of default shall describe the default, the proposed
5 means of curing the default, and any other action that the Commission may
6 take, and shall offer training and specific technical assistance regarding the
7 default.

8 (2) The Commission shall provide a copy of the notice of default to the
9 other member states.

10 (c) If a state in default fails to cure the default, the defaulting state may be
11 terminated from the Compact upon an affirmative vote of a majority of the
12 delegates of the member states, and all rights, privileges, and benefits
13 conferred on that state by this Compact may be terminated on the effective
14 date of termination. A cure of the default does not relieve the offending state
15 of obligations or liabilities incurred during the period of default.

16 (d) Termination of membership in the Compact shall be imposed only after
17 all other means of securing compliance have been exhausted. Notice of intent
18 to suspend or terminate shall be given by the Commission to the governor, the
19 majority and minority leaders of the defaulting state's legislature, the
20 defaulting state's state licensing authority, and each of the member states' state
21 licensing authority.

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

4 (f) Upon the termination of a state’s membership from this Compact, that
5 state shall immediately provide notice to all licensees within that state of such
6 termination. The terminated state shall continue to recognize all licenses
7 granted pursuant to this Compact for a minimum of six months after the date
8 of said notice of termination.

9 (g) The Commission shall not bear any costs related to a state that is found
10 to be in default or that has been terminated from the Compact, unless agreed
11 upon in writing between the Commission and the defaulting state.

12 (h) The defaulting state may appeal the action of the Commission by
13 petitioning the U.S. District Court for the District of Columbia or the federal
14 district where the Commission has its principal offices. The prevailing party
15 shall be awarded all costs of such litigation, including reasonable attorney’s
16 fees.

17 (i) Dispute resolution.

18 (1) Upon request by a member state, the Commission shall attempt to
19 resolve disputes related to the Compact that arise among member states and
20 between member and nonmember states.

1 (2) The Commission shall promulgate a rule providing for both
2 mediation and binding dispute resolution for disputes as appropriate.

3 (j) Enforcement.

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

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

1 (3) No person other than a member state shall enforce this Compact
2 against the Commission.

3 § 3228. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

4 (a) The Compact shall come into effect on the date on which the Compact
5 statute is enacted into law in the seventh member state.

6 (1) On or after the effective date of the Compact, the Commission shall
7 convene and review the enactment of each of the first seven member states
8 (“charter member states”) to determine if the statute enacted by each such
9 charter member state is materially different than the model Compact statute.

10 (A) A charter member state whose enactment is found to be
11 materially different from the model Compact statute shall be entitled to
12 the default process set forth in section 3227 of this title.

13 (B) If any member state is later found to be in default, or is
14 terminated or withdraws from the Compact, the Commission shall remain
15 in existence and the Compact shall remain in effect even if the number of
16 member states should be less than seven.

17 (2) Member states enacting the Compact subsequent to the seven initial
18 charter member states shall be subject to the process set forth in subdivision
19 3224(c)(21) of this title to determine if their enactments are materially
20 different from the model Compact statute and whether they qualify for
21 participation in the Compact.

1 (3) All actions taken for the benefit of the Commission or in furtherance
2 of the purposes of the administration of the Compact prior to the effective date
3 of the Compact or the Commission coming into existence shall be considered
4 to be actions of the Commission unless specifically repudiated by the
5 Commission.

6 (4) Any state that joins the Compact subsequent to the Commission's
7 initial adoption of the rules and bylaws shall be subject to the rules and bylaws
8 as they exist on the date on which the Compact becomes law in that state. Any
9 rule that has been previously adopted by the Commission shall have the full
10 force and effect of law on the day the Compact becomes law in that state.

11 (b) Any member state may withdraw from this Compact by enacting a
12 statute repealing the same.

13 (1) A member state's withdrawal shall not take effect until 180 days
14 after enactment of the repealing statute.

15 (2) Withdrawal shall not affect the continuing requirement of the
16 withdrawing state's licensing authority to comply with the investigative and
17 adverse action reporting requirements of this Compact prior to the effective
18 date of withdrawal.

19 (3) Upon the enactment of a statute withdrawing from this Compact, a
20 state shall immediately provide notice of such withdrawal to all licensees
21 within that state. Notwithstanding any subsequent statutory enactment to the

1 contrary, such withdrawing state shall continue to recognize all licenses
2 granted pursuant to this compact for a minimum of 180 days after the date of
3 such notice of withdrawal.

4 (c) Nothing contained in this Compact shall be construed to invalidate
5 or prevent any licensure agreement or other cooperative arrangement
6 between a member state and a nonmember state that does not conflict
7 with the provisions of this Compact.

8 (d) This Compact may be amended by the member states. No
9 amendment to this Compact shall become effective and binding upon any
10 member state until it is enacted into the laws of all member states.

11 § 3229. CONSTRUCTION AND SEVERABILITY

12 (a) This Compact and the Commission's rulemaking authority shall be
13 liberally construed so as to effectuate the purposes and the implementation and
14 administration of the Compact. Provisions of the Compact expressly
15 authorizing or requiring the promulgation of rules shall not be construed to
16 limit the Commission's rulemaking authority solely for those purposes.

17 (b) The provisions of this Compact shall be severable and if any phrase,
18 clause, sentence, or provision of this Compact is held by a court of competent
19 jurisdiction to be contrary to the constitution of any member state, a state
20 seeking participation in the Compact, or of the United States, or the
21 applicability thereof to any government, agency, person, or circumstance is

1 held to be unconstitutional by a court of competent jurisdiction, the validity of
2 the remainder of this Compact and the applicability thereof to any other
3 government, agency, person, or circumstance shall not be affected thereby.

4 (c) Notwithstanding subsection (b) of this section, the Commission may
5 deny a state's participation in the Compact or, in accordance with the
6 requirements of subsection 3227(b) of this title, terminate a member state's
7 participation in the Compact if it determines that a constitutional requirement
8 of a member state is a material departure from the Compact. Otherwise, if this
9 Compact shall be held to be contrary to the constitution of any member state,
10 the Compact shall remain in full force and effect as to the remaining member
11 states and in full force and effect as to the member state affected as to all
12 severable matters.

13 § 3230. CONSISTENT EFFECT AND CONFLICT WITH OTHERS STATE
14 LAWS

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

19 (b) Nothing herein shall prevent or inhibit the enforcement of any other
20 law of a member state that is not inconsistent with the Compact.

1 (c) Any laws, statutes, regulations, or other legal requirements in a member
2 state in conflict with the Compact are superseded to the extent of the conflict.

3 (d) All permissible agreements between the Commission and the member
4 states are binding in accordance with their terms.

Sec. 2. 3 V.S.A. § 123 is amended to read:

§ 123. DUTIES OF OFFICE

* * *

(j)(1) The Office may inquire into the criminal background histories of applicants for initial licensure and for license renewal of any Office-issued credential, including a license, certification, registration, or specialty designation for the following professions:

* * *

(I) speech-language pathologists licensed under 26 V.S.A. chapter 87; and

(J) social workers licensed under 26 V.S.A. chapter 61; and

(K) individuals registered on the roster of psychotherapists who are nonlicensed and noncertified.

* * *

~~Sec. 2~~ *Sec. 3. EFFECTIVE DATE*

This act shall take effect on ~~July 1, 2024~~ ~~2025~~ passage.