

FIRST REGULAR SESSION

HOUSE BILL NO. 1284

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE INGLE.

2681H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 337.615, RSMo, and to enact in lieu thereof twenty new sections relating to social workers.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 337.615, RSMo, is repealed and twenty new sections enacted in lieu thereof, to be known as sections 337.615, 337.616, 337.652, 337.666, 337.1000, 337.1005, 337.1010, 337.1015, 337.1020, 337.1025, 337.1030, 337.1035, 337.1040, 337.1045, 337.1050, 337.1055, 337.1060, 337.1065, 337.1070, and 337.1075, to read as follows:

337.615. 1. Each applicant for licensure as a clinical social worker shall furnish evidence to the committee that:

(1) The applicant has a master's degree from a college or university program of social work accredited by the council of social work education or a doctorate degree from a school of social work acceptable to the committee;

(2) The applicant has completed at least three thousand hours of supervised clinical experience with a qualified clinical supervisor, as defined in section 337.600, in no less than twenty-four months and no more than forty-eight consecutive calendar months. For any applicant who has successfully completed at least four thousand hours of supervised clinical experience with a qualified clinical supervisor, as defined in section 337.600, within the same time frame prescribed in this subsection, the applicant shall be eligible for application of licensure at three thousand hours and shall be furnished a certificate by the state committee for social workers acknowledging the completion of said additional hours;

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (3) The applicant has achieved a passing score, as defined by the committee, on an
15 examination approved by the committee. The eligibility requirements for such examination
16 shall be promulgated by rule of the committee;

17 (4) The applicant is at least eighteen years of age, is a United States citizen or has
18 status as a legal resident alien, and has not been finally adjudicated and found guilty, or
19 entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any
20 state, of the United States, or of any country, for any offense directly related to the duties and
21 responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not
22 sentence has been imposed.

23 2. ~~[Any person holding a current license, certificate of registration, or permit from
24 another state or territory of the United States or the District of Columbia to practice clinical
25 social work who does not meet the requirements of section 324.009 and who has had no
26 disciplinary action taken against the license, certificate of registration, or permit for the
27 preceding five years may be granted a license to practice clinical social work in this state if
28 the person has received a masters or doctoral degree from a college or university program of
29 social work accredited by the council of social work education and has been licensed to
30 practice clinical social work for the preceding five years.~~

31 3.] The committee shall issue a license to each person who files an application and fee
32 as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence
33 satisfactory to the committee that the applicant has complied with the provisions of
34 subdivisions (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of
35 this section.

337.616. 1. For purposes of this section, the following terms mean:

2 (1) "Committee", the state committee for social workers;

3 (2) "License", a license, certificate, registration, permit, accreditation, or
4 military occupational specialty that enables a person to legally practice an occupation or
5 profession in a particular jurisdiction;

6 (3) "Military", the Armed Forces of the United States, including the Air Force,
7 Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other
8 military branch that is designated by Congress as part of the Armed Forces of the
9 United States, and all reserve components and auxiliaries. The term "military" also
10 includes the military reserves and militia of any United States territory or state;

11 (4) "Nonresident military spouse", a nonresident spouse of an active-duty
12 member of the Armed Forces of the United States who has been transferred or is
13 scheduled to be transferred to the state of Missouri, or who has been transferred or is
14 scheduled to be transferred to an adjacent state and is or will be domiciled in the state of
15 Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

16 **(5) "Oversight body", any board, department, agency, or office of a jurisdiction**
17 **that issues licenses;**

18 **(6) "Resident military spouse", a spouse of an active-duty member of the Armed**
19 **Forces of the United States who has been transferred or is scheduled to be transferred to**
20 **the state of Missouri or an adjacent state and who is a permanent resident of the state of**
21 **Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her**
22 **home of record.**

23 **2. Any person who holds a valid current clinical social work license issued by**
24 **another state, a branch or unit of the military, a territory of the United States, or the**
25 **District of Columbia, and who has been licensed for at least one year in such other**
26 **jurisdiction, may submit to the committee an application for a clinical social work**
27 **license in Missouri along with proof of current licensure and proof of licensure for at**
28 **least one year in the other jurisdiction.**

29 **3. The committee shall:**

30 **(1) Within six months of receiving an application described in subsection 2 of**
31 **this section, waive any examination, educational, or experience requirements for**
32 **licensure in this state for the applicant if it determines that there were minimum**
33 **education requirements and, if applicable, work experience and clinical supervision**
34 **requirements in effect and the other jurisdiction verifies that the person met those**
35 **requirements in order to be licensed or certified in that jurisdiction. The committee**
36 **may require an applicant to take and pass an examination specific to the laws of this**
37 **state; or**

38 **(2) Within thirty days of receiving an application described in subsection 2 of**
39 **this section from a nonresident military spouse or a resident military spouse, waive any**
40 **examination, educational, or experience requirements for licensure in this state for the**
41 **applicant and issue such applicant a license under this section if such applicant**
42 **otherwise meets the requirements of this section.**

43 **4. (1) The committee shall not waive any examination, educational, or**
44 **experience requirements for any applicant who has had his or her license revoked by an**
45 **oversight body outside the state; who is currently under investigation, who has a**
46 **complaint pending, or who is currently under disciplinary action, except as provided in**
47 **subdivision (2) of this subsection, with an oversight body outside the state; who does not**
48 **hold a license in good standing with an oversight body outside the state; who has a**
49 **criminal record that would disqualify him or her for licensure in Missouri; or who does**
50 **not hold a valid current license in the other jurisdiction on the date the committee**
51 **receives his or her application under this section.**

52 **(2) If another jurisdiction has taken disciplinary action against an applicant, the**
53 **committee shall determine if the cause for the action was corrected and the matter**
54 **resolved. If the matter has not been resolved by that jurisdiction, the committee may**
55 **deny a license until the matter is resolved.**

56 **5. Nothing in this section shall prohibit the committee from denying a license to**
57 **an applicant under this section for any reason described in section 337.630.**

58 **6. Any person who is licensed under the provisions of this section shall be subject**
59 **to the committee's jurisdiction and all rules and regulations pertaining to the practice as**
60 **a licensed clinical social worker in this state.**

61 **7. This section shall not be construed to waive any requirement for an applicant**
62 **to pay any fees.**

337.652. 1. For purposes of this section, the following terms mean:

2 **(1) "Committee", the state committee for social workers;**

3 **(2) "License", a license, certificate, registration, permit, accreditation, or**
4 **military occupational specialty that enables a person to legally practice an occupation or**
5 **profession in a particular jurisdiction;**

6 **(3) "Military", the Armed Forces of the United States, including the Air Force,**
7 **Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other**
8 **military branch that is designated by Congress as part of the Armed Forces of the**
9 **United States, and all reserve components and auxiliaries. The term "military" also**
10 **includes the military reserves and militia of any United States territory or state;**

11 **(4) "Nonresident military spouse", a nonresident spouse of an active-duty**
12 **member of the Armed Forces of the United States who has been transferred or is**
13 **scheduled to be transferred to the state of Missouri, or who has been transferred or is**
14 **scheduled to be transferred to an adjacent state and is or will be domiciled in the state of**
15 **Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;**

16 **(5) "Oversight body", any board, department, agency, or office of a jurisdiction**
17 **that issues licenses;**

18 **(6) "Resident military spouse", a spouse of an active-duty member of the Armed**
19 **Forces of the United States who has been transferred or is scheduled to be transferred to**
20 **the state of Missouri or an adjacent state and who is a permanent resident of the state of**
21 **Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her**
22 **home of record.**

23 **2. Any person who holds a valid current master social work license issued by**
24 **another state, a branch or unit of the military, a territory of the United States, or the**
25 **District of Columbia, and who has been licensed for at least one year in such other**
26 **jurisdiction, may submit to the committee an application for a master social work**

27 license in Missouri along with proof of current licensure and proof of licensure for at
28 least one year in the other jurisdiction.

29 **3. The committee shall:**

30 (1) Within six months of receiving an application described in subsection 2 of
31 this section, waive any examination, educational, or experience requirements for
32 licensure in this state for the applicant if it determines that there were minimum
33 education requirements and, if applicable, work experience and clinical supervision
34 requirements in effect and the other jurisdiction verifies that the person met those
35 requirements in order to be licensed or certified in that jurisdiction. The committee
36 may require an applicant to take and pass an examination specific to the laws of this
37 state; or

38 (2) Within thirty days of receiving an application described in subsection 2 of
39 this section from a nonresident military spouse or a resident military spouse, waive any
40 examination, educational, or experience requirements for licensure in this state for the
41 applicant and issue such applicant a license under this section if such applicant
42 otherwise meets the requirements of this section.

43 **4. (1) The committee shall not waive any examination, educational, or**
44 **experience requirements for any applicant who has had his or her license revoked by an**
45 **oversight body outside the state; who is currently under investigation, who has a**
46 **complaint pending, or who is currently under disciplinary action, except as provided in**
47 **subdivision (2) of this subsection, with an oversight body outside the state; who does not**
48 **hold a license in good standing with an oversight body outside the state; who has a**
49 **criminal record that would disqualify him or her for licensure in Missouri; or who does**
50 **not hold a valid current license in the other jurisdiction on the date the committee**
51 **receives his or her application under this section.**

52 (2) If another jurisdiction has taken disciplinary action against an applicant, the
53 committee shall determine if the cause for the action was corrected and the matter
54 resolved. If the matter has not been resolved by that jurisdiction, the committee may
55 deny a license until the matter is resolved.

56 **5. Nothing in this section shall prohibit the committee from denying a license to**
57 **an applicant under this section for any reason described in section 337.630.**

58 **6. Any person who is licensed under the provisions of this section shall be subject**
59 **to the committee's jurisdiction and all rules and regulations pertaining to the practice as**
60 **a licensed master social worker in this state.**

61 **7. This section shall not be construed to waive any requirement for an applicant**
62 **to pay any fees.**

337.666. 1. For purposes of this section, the following terms mean:

2 (1) "Committee", the state committee for social workers;

3 (2) "License", a license, certificate, registration, permit, accreditation, or
4 military occupational specialty that enables a person to legally practice an occupation or
5 profession in a particular jurisdiction;

6 (3) "Military", the Armed Forces of the United States, including the Air Force,
7 Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other
8 military branch that is designated by Congress as part of the Armed Forces of the
9 United States, and all reserve components and auxiliaries. The term "military" also
10 includes the military reserves and militia of any United States territory or state;

11 (4) "Nonresident military spouse", a nonresident spouse of an active-duty
12 member of the Armed Forces of the United States who has been transferred or is
13 scheduled to be transferred to the state of Missouri, or who has been transferred or is
14 scheduled to be transferred to an adjacent state and is or will be domiciled in the state of
15 Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

16 (5) "Oversight body", any board, department, agency, or office of a jurisdiction
17 that issues licenses;

18 (6) "Resident military spouse", a spouse of an active-duty member of the Armed
19 Forces of the United States who has been transferred or is scheduled to be transferred to
20 the state of Missouri or an adjacent state and who is a permanent resident of the state of
21 Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her
22 home of record.

23 2. Any person who holds a valid current baccalaureate social work license issued
24 by another state, a branch or unit of the military, a territory of the United States, or the
25 District of Columbia, and who has been licensed for at least one year in such other
26 jurisdiction, may submit to the committee an application for a baccalaureate social
27 work license in Missouri along with proof of current licensure and proof of licensure for
28 at least one year in the other jurisdiction.

29 3. The committee shall:

30 (1) Within six months of receiving an application described in subsection 2 of
31 this section, waive any examination, educational, or experience requirements for
32 licensure in this state for the applicant if it determines that there were minimum
33 education requirements and, if applicable, work experience and clinical supervision
34 requirements in effect and the other jurisdiction verifies that the person met those
35 requirements in order to be licensed or certified in that jurisdiction. The committee
36 may require an applicant to take and pass an examination specific to the laws of this
37 state; or

38 **(2) Within thirty days of receiving an application described in subsection 2 of**
39 **this section from a nonresident military spouse or a resident military spouse, waive any**
40 **examination, educational, or experience requirements for licensure in this state for the**
41 **applicant and issue such applicant a license under this section if such applicant**
42 **otherwise meets the requirements of this section.**

43 **4. (1) The committee shall not waive any examination, educational, or**
44 **experience requirements for any applicant who has had his or her license revoked by an**
45 **oversight body outside the state; who is currently under investigation, who has a**
46 **complaint pending, or who is currently under disciplinary action, except as provided in**
47 **subdivision (2) of this subsection, with an oversight body outside the state; who does not**
48 **hold a license in good standing with an oversight body outside the state; who has a**
49 **criminal record that would disqualify him or her for licensure in Missouri; or who does**
50 **not hold a valid current license in the other jurisdiction on the date the committee**
51 **receives his or her application under this section.**

52 **(2) If another jurisdiction has taken disciplinary action against an applicant, the**
53 **committee shall determine if the cause for the action was corrected and the matter**
54 **resolved. If the matter has not been resolved by that jurisdiction, the committee may**
55 **deny a license until the matter is resolved.**

56 **5. Nothing in this section shall prohibit the committee from denying a license to**
57 **an applicant under this section for any reason described in section 337.630.**

58 **6. Any person who is licensed under the provisions of this section shall be subject**
59 **to the committee's jurisdiction and all rules and regulations pertaining to the practice as**
60 **a licensed baccalaureate social worker in this state.**

61 **7. This section shall not be construed to waive any requirement for an applicant**
62 **to pay any fees.**

337.1000. 1. Sections 337.1000 to 337.1075 shall be known and may be cited as
2 **the "Social Work Licensure Compact".**

3 **2. The purpose of this Compact is to facilitate interstate practice of Regulated**
4 **Social Workers by improving public access to competent Social Work Services. The**
5 **Compact preserves the regulatory authority of States to protect public health and safety**
6 **through the current system of State licensure.**

7 **3. This Compact is designed to achieve the following objectives:**

8 **(1) Increase public access to Social Work Services;**

9 **(2) Reduce overly burdensome and duplicative requirements associated with**
10 **holding multiple licenses;**

11 **(3) Enhance the Member States' ability to protect the public's health and safety;**

- 12 **(4) Encourage the cooperation of Member States in regulating multistate**
13 **practice;**
- 14 **(5) Promote mobility and address workforce shortages by eliminating the**
15 **necessity for licenses in multiple States by providing for the mutual recognition of other**
16 **Member State licenses;**
- 17 **(6) Support military families;**
- 18 **(7) Facilitate the exchange of licensure and disciplinary information among**
19 **Member States;**
- 20 **(8) Authorize all Member States to hold a Regulated Social Worker accountable**
21 **for abiding by the Member State's laws, regulations, and applicable professional**
22 **standards in the Member State in which the client is located at the time care is rendered;**
23 **and**
- 24 **(9) Allow for the use of telehealth to facilitate increased access to regulated**
25 **Social Work Services.**

337.1005. As used in this Compact, and except as otherwise provided, the
2 **following definitions shall apply:**

- 3 **(1) "Active Military Member" means any individual in full-time duty status in**
4 **the active armed forces of the United States including members of the National Guard**
5 **and Reserve.**
- 6 **(2) "Adverse Action" means any administrative, civil, equitable or criminal**
7 **action permitted by a State's laws which is imposed by a Licensing Authority or other**
8 **authority against a Regulated Social Worker, including actions against an individual's**
9 **license or Multistate Authorization to Practice such as revocation, suspension,**
10 **probation, monitoring of the licensee, limitation on the licensee's practice, or any**
11 **other Encumbrance on licensure affecting a Regulated Social Worker's authorization to**
12 **practice, including issuance of a cease and desist action.**
- 13 **(3) "Alternative Program" means a non-disciplinary monitoring or practice**
14 **remediation process approved by a Licensing Authority to address practitioners with an**
15 **Impairment.**
- 16 **(4) "Charter Member States" means Member States who have enacted**
17 **legislation to adopt this Compact where such legislation predates the effective date of**
18 **this Compact as defined in section 337.1065.**
- 19 **(5) "Compact Commission" or "Commission" means the government agency**
20 **whose membership consists of all States that have enacted this Compact, which is**
21 **known as the Social Work Licensure Compact Commission, as defined in section**
22 **337.1045, and which shall operate as an instrumentality of the Member States.**
- 23 **(6) "Current Significant Investigative Information" means:**

24 **(a) Investigative information that a Licensing Authority, after a preliminary**
25 **inquiry that includes notification and an opportunity for the Regulated Social Worker**
26 **to respond has reason to believe is not groundless and, if proved true, would indicate**
27 **more than a minor infraction as may be defined by the Commission; or**

28 **(b) Investigative information that indicates that the Regulated Social Worker**
29 **represents an immediate threat to public health and safety, as may be defined by the**
30 **Commission, regardless of whether the Regulated Social Worker has been notified and**
31 **has had an opportunity to respond.**

32 **(7) "Data System" means a repository of information about Licensees, including,**
33 **but not limited to, continuing education, examination, licensure, Current Significant**
34 **Investigative Information, Disqualifying Event, Multistate License(s) and Adverse**
35 **Action information or other information as required by the Commission.**

36 **(8) "Domicile" means the jurisdiction in which the licensee resides and intends**
37 **to remain indefinitely.**

38 **(9) "Disqualifying Event" means any Adverse Action or incident which results**
39 **in an encumbrance that disqualifies or makes the Licensee ineligible to either obtain,**
40 **retain or renew a Multistate License.**

41 **(10) "Encumbered License" means a license in which an Adverse Action**
42 **restricts the practice of Social Work by the Licensee and said Adverse Action may be**
43 **reportable to the National Practitioners Data Bank (NPDB).**

44 **(11) "Encumbrance" means a revocation or suspension of, or any limitation on,**
45 **the full and unrestricted practice of Social Work licensed and regulated by a Licensing**
46 **Authority.**

47 **(12) "Executive Committee" means a group of delegates elected or appointed to**
48 **act on behalf of, and within the powers granted to them by, the compact and**
49 **Commission.**

50 **(13) "Home State" means the Member State that is the Licensee's primary**
51 **Domicile.**

52 **(14) "Impairment" means a condition(s) that may impair a practitioner's ability**
53 **to engage in full and unrestricted practice as a Regulated Social Worker without some**
54 **type of intervention and may include, but are not limited to, alcohol and drug**
55 **dependence, mental health impairment, and neurological or physical impairments.**

56 **(15) "Multistate License" means a license to practice as a Regulated Social**
57 **Worker issued by a Home State Licensing Authority that authorizes the Regulated**
58 **Social Worker to practice in all Member States under a Multistate Authorization to**
59 **Practice.**

60 (16) "Licensee(s)" means an individual who currently holds a license from a
61 State to practice as a Regulated Social Worker.

62 (17) "Licensing Authority" means the board or agency of a Member State, or
63 equivalent, that is responsible for the licensing and regulation of Regulated Social
64 Workers.

65 (18) "Member State" means a state, commonwealth, district, or territory of the
66 United States of America that has enacted this Compact.

67 (19) "Multistate Authorization to Practice" means a legally authorized privilege
68 to practice, which is equivalent to a license, associated with a Multistate License
69 permitting the practice of Social Work in a Remote State.

70 (20) "Qualifying National Exam" means a national licensing examination
71 approved by the Commission.

72 (21) "Regulated Social Worker" means any clinical, master's or bachelor's
73 Social Worker licensed by a Member State regardless of the title used by that Member
74 State.

75 (22) "Remote State" means a Member State other than the Home State, where a
76 Licensee is exercising or seeking to exercise the Multistate Authorization to Practice.

77 (23) "Rule(s)" or "Rule(s) of the Commission" means a regulation or regulations
78 duly promulgated by the Commission, as authorized by the compact, that has the force
79 of law.

80 (24) "Single State License" means a Social Work license issued by any state that
81 authorizes practice only within the issuing State and does not include a Multistate
82 Authorization to Practice in any Member State.

83 (25) "Social Work" or "Social Work Services" means the application of social
84 work theory, knowledge, methods, ethics, and the professional use of self to restore or
85 enhance social, psychosocial, or biopsychosocial functioning of individuals, couples,
86 families, groups, organizations, and communities through the care and services
87 provided by a Regulated Social Worker as set forth in the Member State's statutes
88 and regulations in the State where the services are being provided.

89 (26) "State" means any state, commonwealth, district, or territory of the United
90 States of America that regulates the practice of Social Work.

91 (27) "Unencumbered License" means a license that authorizes a Regulated
92 Social Worker to engage in the full and unrestricted practice of Social Work.

337.1010. 1. To be eligible to participate in the compact, a potential Member
2 State must currently meet all of the following criteria:

3 (1) License and regulate the practice of Social Work at either the clinical,
4 master's, or bachelor's category.

5 **(2) Require applicants for licensure to graduate from a program that is**
6 **accredited, or in candidacy by an institution that subsequently becomes accredited, by**
7 **an accrediting agency recognized by the Council for Higher Education Accreditation, or**
8 **its successor, or by the United States Department of Education and operated by a college**
9 **or university recognized by the Licensing Authority and that corresponds to the**
10 **licensure sought as outlined in section 337.1015.**

11 **(3) Require applicants for clinical licensure to complete a period of supervised**
12 **practice.**

13 **(4) Have a mechanism in place for receiving, investigating, and adjudicating**
14 **complaints about Licensees.**

15 **2. To maintain membership in the Compact a Member State shall:**

16 **(1) Require applicants for a Multistate License pass a Qualifying National Exam**
17 **for the corresponding category of Multistate License sought as outlined in section**
18 **337.1015;**

19 **(2) Participate fully in the Commission's Data System, including using the**
20 **Commission's unique identifier as defined in Rules;**

21 **(3) Notify the Commission, in compliance with the terms of the Compact and**
22 **rules, of any Adverse Action or the availability of Current Significant Investigative**
23 **Information regarding a Licensee;**

24 **(4) Implement procedures for considering the criminal history records of**
25 **applicants for a Multistate License. Such procedures shall include the submission of**
26 **fingerprints or other biometric-based information by applicants for the purpose of**
27 **obtaining an applicant's criminal history record information from the Federal Bureau**
28 **of Investigation and the agency responsible for retaining that state's criminal records;**

29 **(5) Comply with the Rules of the Commission;**

30 **(6) Require an applicant to obtain or retain a license in the Home State and meet**
31 **the Home State's qualifications for licensure or renewal of licensure, as well as all other**
32 **applicable Home State laws;**

33 **(7) Authorize a Licensee holding a Multistate License in any Member State to**
34 **practice in accordance with the terms of the Compact and Rules of the Commission; and**

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

36 **3. A Member State meeting the requirements of subsections 1 and 2 of this**
37 **section shall designate the categories of Social Work licensure that are eligible for**
38 **issuance of a Multistate License for applicants in such Member State. To the extent that**
39 **any Member State does not meet the requirements for participation in the Compact at**
40 **any particular category of Social Work licensure, such Member State may choose, but is**
41 **not obligated to, issue a Multistate License to applicants that otherwise meet the**

42 requirements of section 337.1015 for issuance of a Multistate License in such category or
43 categories of licensure.

44 4. Home States may charge a fee for granting the Multistate License.

337.1015. 1. To be eligible for a Multistate License under the terms and
2 provisions of the compact, an applicant, regardless of category must:

3 (1) Hold or be eligible for an active, Unencumbered License in the Home State;

4 (2) Pay any applicable fees, including any State fee, for the Multistate License;

5 (3) Submit, in connection with an application for a Multistate License,
6 fingerprints or other biometric data for the purpose of obtaining criminal history record
7 information from the Federal Bureau of Investigation and the agency responsible for
8 retaining that state's criminal records;

9 (4) Notify the Home State of any Adverse Action, Encumbrance, or restriction
10 on any professional license taken by any Member State or non-Member State within 30
11 days from the date the action is taken;

12 (5) Meet any continuing competence requirements established by the Home
13 State;

14 (6) Abide by the laws, regulations, and applicable standards in the Member
15 State where the client is located at the time care is rendered.

16 2. An applicant for a clinical-category Multistate License must meet all of the
17 following requirements:

18 (1) Fulfill a competency requirement, which shall be satisfied by either:

19 (a) Passage of a clinical-category Qualifying National Exam; or

20 (b) Licensure of the applicant in their Home State at the clinical category,
21 beginning prior to such time as a Qualifying National Exam was required by the Home
22 State and accompanied by a period of continuous Social Work licensure thereafter, all of
23 which may be further governed by the Rules of the Commission; or

24 (c) The substantial equivalency of the foregoing competency requirements which
25 the Commission may determine by Rule.

26 (2) Attain at least a master's degree in Social Work from a program that is:

27 (a) Operated by a college or university recognized by the Licensing Authority;
28 and

29 (b) Accredited, or in candidacy that subsequently becomes accredited, by an
30 accrediting agency recognized by either:

31 a. the Council for Higher Education Accreditation or its successor; or

32 b. the United States Department of Education.

33 (3) Fulfill a practice requirement, which shall be satisfied by demonstrating
34 completion of either:

35 (a) A period of postgraduate supervised clinical practice equal to a minimum of
36 three thousand hours; or

37 (b) A minimum of two years of full-time postgraduate supervised clinical
38 practice; or

39 (c) The substantial equivalency of the foregoing practice requirements which the
40 Commission may determine by Rule.

41 3. An applicant for a master's-category Multistate License must meet all of the
42 following requirements:

43 (1) Fulfill a competency requirement, which shall be satisfied by either:

44 (a) Passage of a masters-category Qualifying National Exam;

45 (b) Licensure of the applicant in their Home State at the master's category,
46 beginning prior to such time as a Qualifying National Exam was required by the Home
47 State at the master's category and accompanied by a continuous period of Social Work
48 licensure thereafter, all of which may be further governed by the Rules of the
49 Commission; or

50 (c) The substantial equivalency of the foregoing competency requirements which
51 the Commission may determine by Rule.

52 (2) Attain at least a master's degree in Social Work from a program that is:

53 (a) Operated by a college or university recognized by the Licensing Authority;
54 and

55 (b) Accredited, or in candidacy that subsequently becomes accredited, by an
56 accrediting agency recognized by either:

57 a. the Council for Higher Education Accreditation or its successor; or

58 b. the United States Department of Education.

59 4. An applicant for a bachelor's-category Multistate License must meet all of the
60 following requirements:

61 (1) Fulfill a competency requirement, which shall be satisfied by either:

62 (a) Passage of a bachelor's-category Qualifying National Exam;

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

67 (c) The substantial equivalency of the foregoing competency requirements which
68 the Commission may determine by Rule.

69 (2) Attain at least a bachelor's degree in Social Work from a program that is:

70 (a) Operated by a college or university recognized by the Licensing Authority;
71 and

72 (b) Accredited, or in candidacy that subsequently becomes accredited, by an
73 accrediting agency recognized by either:

74 a. the Council for Higher Education Accreditation or its successor; or

75 b. the United States Department of Education.

76 5. The Multistate License for a Regulated Social Worker is subject to the
77 renewal requirements of the Home State. The Regulated Social Worker must maintain
78 compliance with the requirements of subsection 1 of this section.

79 6. The Regulated Social Worker's services in a Remote State are subject to that
80 Member State's regulatory authority. A Remote State may, in accordance with due
81 process and that Member State's laws, remove a Regulated Social Worker's Multistate
82 Authorization to Practice in the Remote State for a specific period of time, impose fines,
83 and take any other necessary actions to protect the health and safety of its citizens.

84 7. If a Multistate License is encumbered, the Regulated Social Worker's
85 Multistate Authorization to Practice shall be deactivated in all Remote States until the
86 Multistate License is no longer encumbered.

87 8. If a Multistate Authorization to Practice is encumbered in a Remote State, the
88 regulated Social Worker's Multistate Authorization to Practice may be deactivated in
89 that State until the Multistate Authorization to Practice is no longer encumbered.

337.1020. 1. Upon receipt of an application for a Multistate License, the Home
2 State Licensing Authority shall determine the applicant's eligibility for a Multistate
3 License in accordance with section 337.1015.

4 2. If such applicant is eligible pursuant to section 337.1015, the Home State
5 Licensing Authority shall issue a Multistate License that authorizes the applicant or
6 Regulated Social Worker to practice in all Member States under a Multistate
7 Authorization to Practice.

8 3. Upon issuance of a Multistate License, the Home State Licensing Authority
9 shall designate whether the Regulated Social Worker holds a Multistate License in the
10 Bachelors, Masters, or Clinical category of Social Work.

11 4. A Multistate License issued by a Home State to a resident in that State shall be
12 recognized by all Compact Member States as authorizing Social Work Practice under a
13 Multistate Authorization to Practice corresponding to each category of licensure
14 regulated in the Member State.

337.1025. 1. Nothing in this Compact, nor any Rule of the Commission, shall be
2 construed to limit, restrict, or in any way reduce the ability of a Member State to enact
3 and enforce laws, regulations, or other rules related to the practice of Social Work in
4 that State, where those laws, regulations, or other rules are not inconsistent with the
5 provisions of this Compact.

6 **2. Nothing in this Compact shall affect the requirements established by a**
7 **Member State for the issuance of a Single State License.**

8 **3. Nothing in this Compact, nor any Rule of the Commission, shall be construed**
9 **to limit, restrict, or in any way reduce the ability of a Member State to take Adverse**
10 **Action against a Licensee's Single-State License to practice Social Work in that State.**

11 **4. Nothing in this Compact, nor any Rule of the Commission, shall be construed**
12 **to limit, restrict, or in any way reduce the ability of a Remote State to take Adverse**
13 **Action against a Licensee's Authorization to Practice in that State.**

14 **5. Nothing in this Compact, nor any Rule of the Commission, shall be construed**
15 **to limit, restrict, or in any way reduce the ability of a Licensee's Home State to take**
16 **Adverse Action against a Licensee's Multistate License based upon information**
17 **provided by a Remote State.**

337.1030. 1. A Licensee may hold a Multistate License, issued by their Home
2 **State, in only one Member State at any given time.**

3 **2. If a Licensee changes their Home State by moving between two Member**
4 **States:**

5 **(1) The Licensee shall immediately apply for the reissuance of their Multistate**
6 **License in their new Home State. The Licensee shall pay all applicable fees and notify**
7 **the prior Home State in accordance with the Rules of the Commission.**

8 **(2) Upon receipt of an application to reissue a Multistate License, the new Home**
9 **State shall verify that the Multistate License is active, unencumbered and eligible for**
10 **reissuance under the terms of the Compact and the Rules of the Commission. The**
11 **Multistate License issued by the prior Home State will be deactivated and all Member**
12 **States notified in accordance with the applicable Rules adopted by the Commission.**

13 **(3) Prior to the reissuance of the Multistate License, the new Home State shall**
14 **conduct procedures for considering the criminal history records of the Licensee. Such**
15 **procedures shall include the submission of fingerprints or other biometric-based**
16 **information by applicants for the purpose of obtaining an applicant's criminal history**
17 **record information from the Federal Bureau of Investigation and the agency responsible**
18 **for retaining that state's criminal records.**

19 **(4) If required for initial licensure, the new Home State may require completion**
20 **of jurisprudence requirements in the new Home State.**

21 **(5) Notwithstanding any other provision of this Compact, if a Licensee does not**
22 **meet the requirements set forth in this Compact for the reissuance of a Multistate**
23 **License by the new Home State, then the Licensee shall be subject to the new Home**
24 **State requirements for the issuance of a Single-State License in that State.**

25 **3. If a Licensee changes their primary state of residence by moving from a**
26 **Member State to a non-Member State, or from a non-Member State to a Member State,**
27 **then the Licensee shall be subject to the State requirements for the issuance of a Single-**
28 **State License in the new Home State.**

29 **4. Nothing in this Compact shall interfere with a Licensee's ability to hold a**
30 **Single-State License in multiple States; however, for the purposes of this Compact, a**
31 **Licensee shall have only one Home State, and only one Multistate License.**

32 **5. Nothing in this Compact shall interfere with the requirements established by a**
33 **Member State for the issuance of a Single-State License.**

337.1035. An Active Military Member or their spouse shall designate a Home
2 **State where the individual has a Multistate License. The individual may retain their**
3 **Home State designation during the period the service member is on active duty.**

337.1040. 1. In addition to the other powers conferred by State law, a Remote
2 **State shall have the authority, in accordance with existing State due process law, to:**

3 **(1) Take Adverse Action against a Regulated Social Worker's Multistate**
4 **Authorization to Practice only within that Member State, and issue subpoenas for both**
5 **hearings and investigations that require the attendance and testimony of witnesses as**
6 **well as the production of evidence. Subpoenas issued by a Licensing Authority in a**
7 **Member State for the attendance and testimony of witnesses or the production of**
8 **evidence from another Member State shall be enforced in the latter State by any court**
9 **of competent jurisdiction, according to the practice and procedure of that court**
10 **applicable to subpoenas issued in proceedings pending before it. The issuing authority**
11 **shall pay any witness fees, travel expenses, mileage, and other fees required by the**
12 **service statutes of the State in which the witnesses or evidence are located.**

13 **(2) Only the Home State shall have the power to take Adverse Action against a**
14 **Regulated Social Worker's Multistate License.**

15 **2. For purposes of taking Adverse Action, the Home State shall give the same**
16 **priority and effect to reported conduct received from a Member State as it would if the**
17 **conduct had occurred within the Home State. In so doing, the Home State shall apply**
18 **its own State laws to determine appropriate action.**

19 **3. The Home State shall complete any pending investigations of a Regulated**
20 **Social Worker who changes primary State of Domicile during the course of the**
21 **investigations. The Home State shall also have the authority to take appropriate action**
22 **(s) and shall promptly report the conclusions of the investigations to the administrator**
23 **of the Data System. The administrator of the Data System shall promptly notify the new**
24 **Home State of any Adverse Actions.**

25 **4. A Member State, if otherwise permitted by State law, may recover from the**
26 **affected Regulated Social Worker the costs of investigations and dispositions of cases**
27 **resulting from any Adverse Action taken against that Regulated Social Worker.**

28 **5. A Member State may take Adverse Action based on the factual findings of**
29 **another Member State, provided that the Member State follows its own procedures for**
30 **taking the Adverse Action.**

31 **6. (1) In addition to the authority granted to a Member State by its respective**
32 **Social Work practice act or other applicable State law, any Member State may**
33 **participate with other Member States in joint investigations of Licensees.**

34 **(2) Member States shall share any investigative, litigation, or compliance**
35 **materials in furtherance of any joint or individual investigation initiated under the**
36 **Compact.**

37 **7. If Adverse Action is taken by the Home State against the Multistate License of**
38 **a Regulated Social Worker, the Regulated Social Worker's Multistate Authorization to**
39 **Practice in all other Member States shall be deactivated until all Encumbrances have**
40 **been removed from the Multistate License. All Home State disciplinary orders that**
41 **impose Adverse Action against the license of a Regulated Social Worker shall include a**
42 **statement that the Regulated Social Worker's Multistate Authorization to Practice is**
43 **deactivated in all Member States until all conditions of the decision, order or agreement**
44 **are satisfied.**

45 **8. If a Member State takes Adverse Action, it shall promptly notify the**
46 **administrator of the Data System. The administrator of the Data System shall promptly**
47 **notify the Home State and all other Member States of any Adverse Actions by Remote**
48 **States.**

49 **9. Nothing in this Compact shall override a Member State's decision that**
50 **participation in an Alternative Program may be used in lieu of Adverse Action. Nothing**
51 **in this Compact shall authorize a member state to demand the issuance of subpoenas for**
52 **attendance and testimony of witnesses or the production of evidence from another**
53 **Member State for lawful actions within that member state.**

54 **10. Nothing in this Compact shall authorize a member state to impose discipline**
55 **against a Regulated Social Worker who holds a Multistate Authorization to Practice for**
56 **lawful actions within another member state.**

337.1045. 1. The Compact Member States hereby create and establish a joint
2 government agency whose membership consists of all member states that have enacted
3 the compact known as the Social Work Licensure Compact Commission. The
4 Commission is an instrumentality of the Compact States acting jointly and not an

5 instrumentality of any one state. The Commission shall come into existence on or after
6 the effective date of the Compact as set forth in section 337.1065.

7 **2. (1) Each Member State shall have and be limited to one (1) delegate selected**
8 **by that Member State's State Licensing Authority.**

9 **(2) The delegate shall be either:**

10 **(a) A current member of the State Licensing Authority at the time of**
11 **appointment, who is a Regulated Social Worker or public member of the State Licensing**
12 **Authority; or**

13 **(b) An administrator of the State Licensing Authority or their designee.**

14 **(3) The Commission shall by Rule or bylaw establish a term of office for**
15 **delegates and may by Rule or bylaw establish term limits.**

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

18 **(5) A Member State's State Licensing Authority shall fill any vacancy of its**
19 **delegate occurring on the Commission within 60 days of the vacancy.**

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

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

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

28 **3. The Commission shall have the following powers:**

29 **(1) Establish the fiscal year of the Commission;**

30 **(2) Establish code of conduct and conflict of interest policies;**

31 **(3) Establish and amend Rules and bylaws;**

32 **(4) Maintain its financial records in accordance with the bylaws;**

33 **(5) Meet and take such actions as are consistent with the provisions of this**
34 **Compact, the Commission's Rules, and the bylaws;**

35 **(6) Initiate and conclude legal proceedings or actions in the name of the**
36 **Commission, provided that the standing of any State Licensing Board to sue or be sued**
37 **under applicable law shall not be affected;**

38 **(7) Maintain and certify records and information provided to a Member State as**
39 **the authenticated business records of the Commission, and designate an agent to do so**
40 **on the Commission's behalf;**

41 **(8) Purchase and maintain insurance and bonds;**

42 **(9) Borrow, accept, or contract for services of personnel, including, but not**
43 **limited to, employees of a Member State;**

44 **(10) Conduct an annual financial review;**

45 **(11) Hire employees, elect or appoint officers, fix compensation, define duties,**
46 **grant such individuals appropriate authority to carry out the purposes of the Compact,**
47 **and establish the Commission's personnel policies and programs relating to conflicts of**
48 **interest, qualifications of personnel, and other related personnel matters;**

49 **(12) Assess and collect fees;**

50 **(13) Accept any and all appropriate gifts, donations, grants of money, other**
51 **sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and**
52 **dispose of the same; provided that at all times the Commission shall avoid any**
53 **appearance of impropriety or conflict of interest;**

54 **(14) Lease, purchase, retain, own, hold, improve, or use any property, real,**
55 **personal, or mixed, or any undivided interest therein;**

56 **(15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise**
57 **dispose of any property real, personal, or mixed;**

58 **(16) Establish a budget and make expenditures;**

59 **(17) Borrow money;**

60 **(18) Appoint committees, including standing committees, composed of members,**
61 **State regulators, State legislators or their representatives, and consumer**
62 **representatives, and such other interested persons as may be designated in this**
63 **Compact and the bylaws;**

64 **(19) Provide and receive information from, and cooperate with, law enforcement**
65 **agencies;**

66 **(20) Establish and elect an Executive Committee, including a chair and a vice**
67 **chair;**

68 **(21) Determine whether a State's adopted language is materially different from**
69 **the model compact language such that the State would not qualify for participation in**
70 **the Compact; and**

71 **(22) Perform such other functions as may be necessary or appropriate to achieve**
72 **the purposes of this Compact.**

73 **4. (1) The Executive Committee shall have the power to act on behalf of the**
74 **Commission according to the terms of this Compact. The powers, duties, and**
75 **responsibilities of the Executive Committee shall include:**

76 **(a) Oversee the day-to-day activities of the administration of the compact**
77 **including enforcement and compliance with the provisions of the compact, its Rules and**
78 **bylaws, and other such duties as deemed necessary;**

79 **(b) Recommend to the Commission changes to the Rules or bylaws, changes to**
80 **this Compact legislation, fees charged to Compact Member States, fees charged to**
81 **licensees, and other fees;**

82 **(c) Ensure Compact administration services are appropriately provided,**
83 **including by contract;**

84 **(d) Prepare and recommend the budget;**

85 **(e) Maintain financial records on behalf of the Commission;**

86 **(f) Monitor Compact compliance of Member States and provide compliance**
87 **reports to the Commission;**

88 **(g) Establish additional committees as necessary;**

89 **(h) Exercise the powers and duties of the Commission during the interim**
90 **between Commission meetings, except for adopting or amending Rules, adopting or**
91 **amending bylaws, and exercising any other powers and duties expressly reserved to the**
92 **Commission by Rule or bylaw; and**

93 **(i) Other duties as provided in the Rules or bylaws of the Commission.**

94 **(2) The Executive Committee shall be composed of up to nine (9) members:**

95 **(a) The chair and vice chair of the Commission shall be voting members of the**
96 **Executive Committee; and**

97 **(b) The Commission shall elect five voting members from the current**
98 **membership of the Commission.**

99 **(c) Up to four (4) ex-officio, nonvoting members from four (4) recognized**
100 **national social work organizations.**

101 **(d) The ex-officio members will be selected by their respective organizations.**

102 **(3) The Commission may remove any member of the Executive Committee as**
103 **provided in the Commission's bylaws.**

104 **(4) The Executive Committee shall meet at least annually.**

105 **(a) Executive Committee meetings shall be open to the public, except that the**
106 **Executive Committee may meet in a closed, non-public meeting as provided in**
107 **subdivision (2) of subsection 6 of this section.**

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

111 **(c) The Executive Committee may hold a special meeting in accordance with**
112 **paragraph (b) of subdivision (1) of subsection 6 of this section.**

113 **5. The Commission shall adopt and provide to the Member States an annual**
114 **report.**

115 **6. (1) All meetings shall be open to the public, except that the Commission may**
116 **meet in a closed, non-public meeting as provided in subdivision (2) of this subsection.**

117 **(a) Public notice for all meetings of the full Commission of meetings shall be**
118 **given in the same manner as required under the Rulemaking provisions in section**
119 **337.1055, except that the Commission may hold a special meeting as provided in**
120 **paragraph (b) of this subdivision.**

121 **(b) The Commission may hold a special meeting when it must meet to conduct**
122 **emergency business by giving 48 hours' notice to all commissioners, on the**
123 **Commission's website, and other means as provided in the Commission's rules. The**
124 **Commission's legal counsel shall certify that the Commission's need to meet qualifies as**
125 **an emergency.**

126 **(2) The Commission or the Executive Committee or other committees of the**
127 **Commission may convene in a closed, non-public meeting for the Commission or**
128 **Executive Committee or other committees of the Commission to receive legal advice or**
129 **to discuss:**

130 **(a) Non-compliance of a Member State with its obligations under the Compact;**

131 **(b) The employment, compensation, discipline or other matters, practices or**
132 **procedures related to specific employees;**

133 **(c) Current or threatened discipline of a Licensee by the Commission or by a**
134 **Member State's Licensing Authority;**

135 **(d) Current, threatened, or reasonably anticipated litigation;**

136 **(e) Negotiation of contracts for the purchase, lease, or sale of goods, services, or**
137 **real estate;**

138 **(f) Accusing any person of a crime or formally censuring any person;**

139 **(g) Trade secrets or commercial or financial information that is privileged or**
140 **confidential;**

141 **(h) Information of a personal nature where disclosure would constitute a clearly**
142 **unwarranted invasion of personal privacy;**

143 **(i) Investigative records compiled for law enforcement purposes;**

144 **(j) Information related to any investigative reports prepared by or on behalf of**
145 **or for use of the Commission or other committee charged with responsibility of**
146 **investigation or determination of compliance issues pursuant to the Compact;**

147 **(k) Matters specifically exempted from disclosure by federal or Member State**
148 **law; or**

149 **(l) Other matters as promulgated by the Commission by Rule.**

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

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

160 **7. (1) The Commission shall pay, or provide for the payment of, the reasonable**
161 **expenses of its establishment, organization, and ongoing activities.**

162 **(2) The Commission may accept any and all appropriate revenue sources as**
163 **provided in subdivision (13) of subsection 3 of this section.**

164 **(3) The Commission may levy on and collect an annual assessment from each**
165 **Member State and impose fees on licensees of Member States to whom it grants a**
166 **Multistate License to cover the cost of the operations and activities of the Commission**
167 **and its staff, which must be in a total amount sufficient to cover its annual budget as**
168 **approved each year for which revenue is not provided by other sources. The aggregate**
169 **annual assessment amount for Member States shall be allocated based upon a formula**
170 **that the Commission shall promulgate by Rule.**

171 **(4) The Commission shall not incur obligations of any kind prior to securing the**
172 **funds adequate to meet the same; nor shall the Commission pledge the credit of any of**
173 **the Member States, except by and with the authority of the Member State.**

174 **(5) The Commission shall keep accurate accounts of all receipts and**
175 **disbursements. The receipts and disbursements of the Commission shall be subject**
176 **to the financial review and accounting procedures established under its bylaws.**
177 **However, all receipts and disbursements of funds handled by the Commission shall be**
178 **subject to an annual financial review by a certified or licensed public accountant, and**
179 **the report of the financial review shall be included in and become part of the annual**
180 **report of the Commission.**

181 **8. (1) The members, officers, executive director, employees and representatives**
182 **of the Commission shall be immune from suit and liability, both personally and in their**
183 **official capacity, for any claim for damage to or loss of property or personal injury or**
184 **other civil liability caused by or arising out of any actual or alleged act, error, or**
185 **omission that occurred, or that the person against whom the claim is made had a**
186 **reasonable basis for believing occurred within the scope of Commission employment,**

187 duties or responsibilities; provided that nothing in this subdivision shall be construed to
188 protect any such person from suit or liability for any damage, loss, injury, or liability
189 caused by the intentional or willful or wanton misconduct of that person. The
190 procurement of insurance of any type by the Commission shall not in any way
191 compromise or limit the immunity granted hereunder.

192 (2) The Commission shall defend any member, officer, executive director,
193 employee, and representative of the Commission in any civil action seeking to impose
194 liability arising out of any actual or alleged act, error, or omission that occurred within
195 the scope of Commission employment, duties, or responsibilities, or as determined by
196 the commission that the person against whom the claim is made had a reasonable basis
197 for believing occurred within the scope of Commission employment, duties, or
198 responsibilities; provided that nothing herein shall be construed to prohibit that
199 person from retaining their own counsel at their own expense; and provided further,
200 that the actual or alleged act, error, or omission did not result from that person's
201 intentional or willful or wanton misconduct.

202 (3) The Commission shall indemnify and hold harmless any member, officer,
203 executive director, employee, and representative of the Commission for the amount of
204 any settlement or judgment obtained against that person arising out of any actual or
205 alleged act, error, or omission that occurred within the scope of Commission
206 employment, duties, or responsibilities, or that such person had a reasonable basis
207 for believing occurred within the scope of Commission employment, duties, or
208 responsibilities, provided that the actual or alleged act, error, or omission did not
209 result from the intentional or willful or wanton misconduct of that person.

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

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

217 (6) Nothing in this Compact shall be construed to be a waiver of sovereign
218 immunity by the Member States or by the Commission.

337.1050. 1. The Commission shall provide for the development, maintenance,
2 operation, and utilization of a coordinated database and reporting system containing
3 licensure, Adverse Action, and the presence of Current Significant Investigative
4 Information on all licensed individuals in Member States.

5 **2. The Commission shall assign each applicant for a Multistate License a unique**
6 **identifier, as determined by the rules of the Commission.**

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

10 **(1) Identifying information;**

11 **(2) Licensure data;**

12 **(3) Adverse Actions against a license and information related thereto;**

13 **(4) Non-confidential information related to Alternative Program participation,**
14 **the beginning and ending dates of such participation, and other information related to**
15 **such participation not made confidential under Member State law;**

16 **(5) Any denial of application for licensure, and the reason or reasons for such**
17 **denial;**

18 **(6) The presence of Current Significant Investigative Information; and**

19 **(7) Other information that may facilitate the administration of this Compact or**
20 **the protection of the public, as determined by the Rules of the Commission.**

21 **4. The records and information provided to a Member State pursuant to this**
22 **Compact or through the Data System, when certified by the Commission or an agent**
23 **thereof, shall constitute the authenticated business records of the Commission, and shall**
24 **be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or**
25 **administrative proceedings in a Member State.**

26 **5. Current Significant Investigative Information pertaining to a Licensee in any**
27 **Member State will only be available to other Member States.**

28 **6. It is the responsibility of the Member States to report any Adverse Action**
29 **against a Licensee and to monitor the database to determine whether Adverse Action**
30 **has been taken against a Licensee. Adverse Action information pertaining to a Licensee**
31 **in any Member State will be available to any other Member State.**

32 **7. Member States contributing information to the Data System may designate**
33 **information that may not be shared with the public without the express permission of**
34 **the contributing State.**

35 **8. Any information submitted to the Data System that is subsequently expunged**
36 **pursuant to federal law or the laws of the Member State contributing the information**
37 **shall be removed from the Data System.**

337.1055. 1. The Commission shall promulgate reasonable Rules in order to
2 **effectively and efficiently implement and administer the purposes and provisions of the**
3 **Compact. A Rule shall be invalid and have no force or effect only if a court of**
4 **competent jurisdiction holds that the Rule is invalid because the Commission exercised**

5 its rulemaking authority in a manner that is beyond the scope and purposes of the
6 Compact, or the powers granted hereunder, or based upon another applicable standard
7 of review.

8 2. The Rules of the Commission shall have the force of law in each Member
9 State, provided however that where the Rules of the Commission conflict with the laws
10 of the Member State that establish the Member State's laws, regulations, and applicable
11 standards as held by a court of competent jurisdiction, the Rules of the Commission
12 shall be ineffective in that State to the extent of the conflict.

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

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

21 5. Rules shall be adopted at a regular or special meeting of the Commission.

22 6. Prior to adoption of a proposed Rule, the Commission shall hold a public
23 hearing and allow persons to provide oral and written comments, data, facts, opinions,
24 and arguments.

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

28 (1) On the website of the Commission or other publicly accessible platform;

29 (2) To persons who have requested notice of the Commission's notices of
30 proposed rulemaking; and

31 (3) In such other way(s) as the Commission may by Rule specify.

32 8. The Notice of Proposed Rulemaking shall include:

33 (1) The time, date, and location of the public hearing at which the Commission
34 will hear public comments on the proposed Rule and, if different, the time, date, and
35 location of the meeting where the Commission will consider and vote on the proposed
36 Rule;

37 (2) If the hearing is held via telecommunication, video conference, or other
38 electronic means, the Commission shall include the mechanism for access to the hearing
39 in the Notice of Proposed Rulemaking;

40 (3) The text of the proposed Rule and the reason therefor;

41 (4) A request for comments on the proposed Rule from any interested person;
42 and

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

44 9. All hearings will be recorded. A copy of the recording and all written
45 comments and documents received by the Commission in response to the proposed Rule
46 shall be available to the public.

47 10. Nothing in this section shall be construed as requiring a separate hearing on
48 each Rule. Rules may be grouped for the convenience of the Commission at hearings
49 required by this section.

50 11. The Commission shall, by majority vote of all members, take final action on
51 the proposed Rule based on the Rulemaking record and the full text of the Rule.

52 (1) The Commission may adopt changes to the proposed Rule provided the
53 changes do not enlarge the original purpose of the proposed Rule.

54 (2) The Commission shall provide an explanation of the reasons for substantive
55 changes made to the proposed Rule as well as reasons for substantive changes not made
56 that were recommended by commenters.

57 (3) The Commission shall determine a reasonable effective date for the Rule.
58 Except for an emergency as provided in subsection 12 of this section, the effective date
59 of the rule shall be no sooner than 30 days after issuing the notice that it adopted or
60 amended the Rule.

61 12. Upon determination that an emergency exists, the Commission may consider
62 and adopt an emergency Rule with 48 hours' notice, with opportunity to comment,
63 provided that the usual Rulemaking procedures provided in the Compact and in this
64 section shall be retroactively applied to the Rule as soon as reasonably possible, in no
65 event later than ninety (90) days after the effective date of the Rule. For the purposes of
66 this provision, an emergency Rule is one that must be adopted immediately in order to:

67 (1) Meet an imminent threat to public health, safety, or welfare;

68 (2) Prevent a loss of Commission or Member State funds;

69 (3) Meet a deadline for the promulgation of a Rule that is established by federal
70 law or rule; or

71 (4) Protect public health and safety.

72 13. The Commission or an authorized committee of the Commission may direct
73 revisions to a previously adopted Rule for purposes of correcting typographical errors,
74 errors in format, errors in consistency, or grammatical errors. Public notice of any
75 revisions shall be posted on the website of the Commission. The revision shall be subject
76 to challenge by any person for a period of thirty (30) days after posting. The revision
77 may be challenged only on grounds that the revision results in a material change to a

78 **Rule. A challenge shall be made in writing and delivered to the Commission prior to the**
79 **end of the notice period. If no challenge is made, the revision will take effect without**
80 **further action. If the revision is challenged, the revision may not take effect without the**
81 **approval of the Commission.**

82 **14. No Member State's rulemaking requirements shall apply under this**
83 **compact.**

337.1060. 1. (1) The executive and judicial branches of State government in
2 **each Member State shall enforce this Compact and take all actions necessary and**
3 **appropriate to implement the Compact.**

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

11 **(3) The Commission shall be entitled to receive service of process in any**
12 **proceeding regarding the enforcement or interpretation of the Compact and shall have**
13 **standing to intervene in such a proceeding for all purposes. Failure to provide the**
14 **Commission service of process shall render a judgment or order void as to the**
15 **Commission, this Compact, or promulgated Rules.**

16 **2. (1) If the Commission determines that a Member State has defaulted in the**
17 **performance of its obligations or responsibilities under this Compact or the**
18 **promulgated Rules, the Commission shall provide written notice to the defaulting**
19 **State. The notice of default shall describe the default, the proposed means of curing the**
20 **default, and any other action that the Commission may take, and shall offer training**
21 **and specific technical assistance regarding the default.**

22 **(2) The Commission shall provide a copy of the notice of default to the other**
23 **Member States.**

24 **3. If a State in default fails to cure the default, the defaulting State may be**
25 **terminated from the Compact upon an affirmative vote of a majority of the delegates of**
26 **the Member States, and all rights, privileges and benefits conferred on that state by this**
27 **Compact may be terminated on the effective date of termination. A cure of the default**
28 **does not relieve the offending State of obligations or liabilities incurred during the**
29 **period of default.**

30 **4. Termination of membership in the Compact shall be imposed only after all**
31 **other means of securing compliance have been exhausted. Notice of intent to suspend or**

32 terminate shall be given by the Commission to the governor, the majority and minority
33 leaders of the defaulting State's legislature, the defaulting State's State Licensing
34 Authority and each of the Member States' State Licensing Authority.

35 5. A State that has been terminated is responsible for all assessments,
36 obligations, and liabilities incurred through the effective date of termination, including
37 obligations that extend beyond the effective date of termination.

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

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

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

49 9. (1) Upon request by a Member State, the Commission shall attempt to resolve
50 disputes related to the Compact that arise among Member States and between Member
51 and non-Member States.

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

54 10. (1) By majority vote as provided by Rule, the Commission may initiate legal
55 action against a Member State in default in the United States District Court for the
56 District of Columbia or the federal district where the Commission has its principal
57 offices to enforce compliance with the provisions of the Compact and its promulgated
58 Rules. The relief sought may include both injunctive relief and damages. In the event
59 judicial enforcement is necessary, the prevailing party shall be awarded all costs of such
60 litigation, including reasonable attorney's fees. The remedies herein shall not be the
61 exclusive remedies of the Commission. The Commission may pursue any other
62 remedies available under federal or the defaulting Member State's law.

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

69 **(3) No person other than a Member State shall enforce this compact against the**
70 **Commission.**

337.1065. 1. (1) The Compact shall come into effect on the date on which the
2 **Compact statute is enacted into law in the seventh Member State.**

3 **(2) On or after the effective date of the Compact, the Commission shall convene**
4 **and review the enactment of each of the first seven Member States ("Charter Member**
5 **States") to determine if the statute enacted by each such Charter Member State is**
6 **materially different than the model Compact statute.**

7 **(a) A Charter Member State whose enactment is found to be materially different**
8 **from the model Compact statute shall be entitled to the default process set forth in**
9 **section 337.1060.**

10 **(b) If any Member State is later found to be in default, or is terminated or**
11 **withdraws from the Compact, the Commission shall remain in existence and the**
12 **Compact shall remain in effect even if the number of Member States should be less than**
13 **seven.**

14 **2. Member States enacting the Compact subsequent to the seven initial Charter**
15 **Member States shall be subject to the process set forth in subdivision (21) of subsection**
16 **3 of section 337.1045 to determine if their enactments are materially different from the**
17 **model Compact statute and whether they qualify for participation in the Compact.**

18 **3. All actions taken for the benefit of the Commission or in furtherance of the**
19 **purposes of the administration of the Compact prior to the effective date of the Compact**
20 **or the Commission coming into existence shall be considered to be actions of the**
21 **Commission unless specifically repudiated by the Commission.**

22 **(1) Any State that joins the Compact subsequent to the Commission's initial**
23 **adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they exist**
24 **on the date on which the Compact becomes law in that State. Any Rule that has been**
25 **previously adopted by the Commission shall have the full force and effect of law on the**
26 **day the Compact becomes law in that State.**

27 **(2) Any Member State may withdraw from this Compact by enacting a statute**
28 **repealing the same.**

29 **4. A Member State's withdrawal shall not take effect until 180 days after**
30 **enactment of the repealing statute.**

31 **5. Withdrawal shall not affect the continuing requirement of the withdrawing**
32 **State's Licensing Authority to comply with the investigative and Adverse Action**
33 **reporting requirements of this Compact prior to the effective date of withdrawal.**

34 **6. Upon the enactment of a statute withdrawing from this compact, a State shall**
35 **immediately provide notice of such withdrawal to all Licensees within that State.**

36 **Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing**
37 **State shall continue to recognize all licenses granted pursuant to this compact for a**
38 **minimum of six (6) months after the date of such notice of withdrawal.**

39 **(1) Nothing contained in this Compact shall be construed to invalidate or**
40 **prevent any licensure agreement or other cooperative arrangement between a Member**
41 **State and a non-Member State that does not conflict with the provisions of this**
42 **Compact.**

43 **(2) This Compact may be amended by the Member States. No amendment to**
44 **this Compact shall become effective and binding upon any Member State until it is**
45 **enacted into the laws of all Member States.**

337.1070. 1. This Compact and the Commission's rulemaking authority shall be
2 **liberally construed so as to effectuate the purposes, and the implementation and**
3 **administration of the Compact. Provisions of the Compact expressly authorizing or**
4 **requiring the promulgation of Rules shall not be construed to limit the Commission's**
5 **rulemaking authority solely for those purposes.**

6 **2. The provisions of this Compact shall be severable and if any phrase, clause,**
7 **sentence or provision of this Compact is held by a court of competent jurisdiction to be**
8 **contrary to the constitution of any Member State, a State seeking participation in the**
9 **Compact, or of the United States, or the applicability thereof to any government,**
10 **agency, person or circumstance is held to be unconstitutional by a court of competent**
11 **jurisdiction, the validity of the remainder of this Compact and the applicability thereof**
12 **to any other government, agency, person or circumstance shall not be affected thereby.**

13 **3. Notwithstanding subsection 2 of this section, the Commission may deny a**
14 **State's participation in the Compact or, in accordance with the requirements of**
15 **subsections 2 and 3 of section 337.1060, terminate a Member State's participation in the**
16 **Compact, if it determines that a constitutional requirement of a Member State is a**
17 **material departure from the Compact. Otherwise, if this Compact shall be held to be**
18 **contrary to the constitution of any Member State, the Compact shall remain in full force**
19 **and effect as to the remaining Member States and in full force and effect as to the**
20 **Member State affected as to all severable matters.**

337.1075. 1. A Licensee providing services in a Remote State under a Multistate
2 **Authorization to Practice shall adhere to the laws and regulations, including laws,**
3 **regulations, and applicable standards, of the Remote State where the client is located at**
4 **the time care is rendered.**

5 **2. Nothing herein shall prevent or inhibit the enforcement of any other law of a**
6 **Member State that is not inconsistent with the Compact.**

7 **3. Any laws, statutes, regulations, or other legal requirements in a Member State**
8 **in conflict with the Compact are superseded to the extent of the conflict.**

9 **4. All permissible agreements between the Commission and the Member States**
10 **are binding in accordance with their terms.**

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