

By: Representatives Creekmore IV, Felsher

To: Public Health and Human
Services

HOUSE BILL NO. 670

1 AN ACT TO ENACT INTO LAW THE SOCIAL WORK LICENSURE COMPACT
2 AND PROVIDE THAT THE STATE OF MISSISSIPPI ENTERS THE COMPACT WITH
3 OTHER STATES THAT JOIN IN THE COMPACT; TO AMEND SECTIONS 73-53-7,
4 73-53-13 AND 73-53-29, MISSISSIPPI CODE OF 1972, TO CONFORM; TO
5 BRING FORWARD SECTION 73-53-11, MISSISSIPPI CODE OF 1972, FOR THE
6 PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** The Social Work Licensure Compact is enacted into
9 law and entered into by this state with any and all states legally
10 joining in the Compact in accordance with its terms, in the form
11 substantially as follows:

12 **SOCIAL WORK LICENSURE COMPACT**

13 **SECTION 1.**

14 **PURPOSE**

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

20 This Compact is designed to achieve the following objectives:



46 A. "Active Military Member" means any individual with
47 full-time duty status in the active armed forces of the United
48 States including members of the National Guard and Reserve.

49 B. "Adverse Action" means any administrative, civil,
50 equitable or criminal action permitted by a state's laws which is
51 imposed by a licensing authority or other authority against a
52 regulated social worker, including actions against an individual's
53 license or multistate authorization to practice such as
54 revocation, suspension, probation, monitoring of the licensee,
55 limitation on the licensee's practice, or any other encumbrance on
56 licensure affecting a regulated social worker's authorization to
57 practice, including issuance of a cease and desist action.

58 C. "Alternative Program" means a nondisciplinary monitoring
59 or practice remediation process approved by a licensing authority
60 to address practitioners with an impairment.

61 D. "Charter Member States" means member states who have
62 enacted legislation to adopt this Compact where such legislation
63 predates the effective date of this Compact as described in
64 Section 14.

65 E. "Compact Commission" or "Commission" means the government
66 agency whose membership consists of all states that have enacted
67 this Compact, which is known as the Social Work Licensure Compact
68 Commission, as described in Section 10, and which shall operate as
69 an instrumentality of the member states.

70 F. "Current Significant Investigative Information" means:



71 1. Investigative information that a licensing
72 authority, after a preliminary inquiry that includes notification
73 and an opportunity for the regulated social worker to respond has
74 reason to believe is not groundless and, if proved true, would
75 indicate more than a minor infraction as may be defined by the
76 Commission; or

77 2. Investigative information that indicates that the
78 regulated social worker represents an immediate threat to public
79 health and safety, as may be defined by the Commission, regardless
80 of whether the regulated social worker has been notified and has
81 had an opportunity to respond.

82 G. "Data System" means a repository of information about
83 licensees, including, continuing education, examination,
84 licensure, current significant investigative information,
85 disqualifying event, multistate license(s) and adverse action
86 information or other information as required by the Commission.

87 H. "Disqualifying Event" means any adverse action or
88 incident which results in an encumbrance that disqualifies or
89 makes the licensee ineligible to either obtain, retain or renew a
90 multistate license.

91 I. "Domicile" means the jurisdiction in which the licensee
92 resides and intends to remain indefinitely.

93 J. "Encumbrance" means a revocation or suspension of, or any
94 limitation on, the full and unrestricted practice of social work
95 licensed and regulated by a licensing authority.



96 K. "Executive Committee" means a group of delegates elected
97 or appointed to act on behalf of, and within the powers granted to
98 them by, the Compact and Commission.

99 L. "Home State" means the member state that is the
100 licensee's primary domicile.

101 M. "Impairment" means a condition(s) that may impair a
102 practitioner's ability to engage in full and unrestricted practice
103 as a regulated social worker without some type of intervention and
104 may include alcohol and drug dependence, mental health impairment,
105 and neurological or physical impairments.

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

108 O. "Licensing Authority" means the board or agency of a
109 member state, or equivalent, that is responsible for the licensing
110 and regulation of regulated social workers.

111 P. "Member State" means a state, commonwealth, district, or
112 territory of the United States of America that has enacted this
113 Compact.

114 Q. "Multistate Authorization to Practice" means a legally
115 authorized privilege to practice, which is equivalent to a
116 license, associated with a multistate license permitting the
117 practice of social work in a remote state.

118 R. "Multistate License" means a license to practice as a
119 regulated social worker issued by a home state licensing authority



that authorizes the regulated social worker to practice in all member states under multistate authorization to practice.

S. "Qualifying National Exam" means a national licensing examination approved by the Commission.

T. "Regulated Social Worker" means any clinical, master's or bachelor's social worker licensed by a member state regardless of the title used by that member state.

U. "Remote State" means a member state other than the licensee's home state.

V. "Rule(s)" or "Rule(s) of the Commission" means a regulation or regulations duly promulgated by the Commission, as authorized by the Compact, that has the force of law.

W. "Single State License" means a social work license issued by any state that authorizes practice only within the issuing state and does not include multistate authorization to practice in any member state.

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



Y. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of social work.

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

SECTION 3.

STATE PARTICIPATION IN THE COMPACT

A. To be eligible to participate in the Compact, a potential member state must currently meet all of the following criteria:

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

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

a. Operated by a college or university recognized by the licensing authority;

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

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

ii. The United States Department of Education; and

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



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

171 4. Have a mechanism in place for receiving,
172 investigating, and adjudicating complaints about licensees.

173 B. To maintain membership in the Compact a member state
174 shall:

175 1. Require that applicants for a multistate license
176 pass a qualifying national exam for the corresponding category of
177 multistate license sought as outlined in Section 4.

178 2. Participate fully in the Commission's data system,
179 including using the Commission's unique identifier as defined in
180 rules;

181 3. Notify the Commission, in compliance with the terms
182 of the Compact and rules, of any adverse action or the
183 availability of current significant investigative information
184 regarding a licensee;

185 4. Implement procedures for considering the criminal
186 history records of applicants for a multistate license. Such
187 procedures shall include the submission of fingerprints or other
188 biometric-based information by applicants for the purpose of
189 obtaining an applicant's criminal history record information from
190 the Federal Bureau of Investigation and the agency responsible for
191 retaining that state's criminal records.

192 5. Comply with the rules of the Commission;



193 6. Require an applicant to obtain or retain a license
194 in the home state and meet the home state's qualifications for
195 licensure or renewal of licensure, as well as all other applicable
196 home state laws;

197 7. Authorize a licensee holding a multistate license in
198 any member state to practice in accordance with the terms of the
199 Compact and rules of the Commission; and

200 8. Designate a delegate to participate in the
201 Commission meetings.

202 C. A member state meeting the requirements of Section 3(A)
203 and 3(B) of this Compact shall designate the categories of social
204 work licensure that are eligible for issuance of a multistate
205 license for applicants in such member state to the extent that any
206 member state does not meet the requirements for participation in
207 the Compact at any particular category of social work licensure,
208 such member state may choose, but is not obligated to, issue a
209 multistate license to applicants that otherwise meet the
210 requirements of Section 4 for issuance of a multistate license in
211 such category or categories of licensure.

212 D. The home state may charge a fee for granting the
213 multistate license.

214 **SECTION 4.**

215 **SOCIAL WORKER PARTICIPATION IN THE COMPACT**



A. To be eligible for a multistate license under the terms and provisions of the Compact, an applicant, regardless of category must:

1. Hold or be eligible for an active, unencumbered license in the home state;

2. Pay any applicable fees, including any state fee, for the multistate license;

3. Submit, in connection with an application for a multistate license, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

4. Notify the home state of any adverse action, encumbrance, or restriction on any professional license taken by any member state or nonmember state within thirty (30) days from the date the action is taken.

5. Meet any continuing competence requirements established by the home state;

6. Abide by the laws, regulations, and applicable standards in the member state where the client is located at the time care is rendered.

B. An applicant for a clinical-category multistate license must meet all of the following requirements:

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



241 a. Passage of a clinical-category qualifying
242 national exam; or
243 b. Licensure of the applicant in their home state
244 at the clinical category, beginning prior to such time as a
245 qualifying national exam was required by the home state and
246 accompanied by a period of continuous social work licensure
247 thereafter, all of which may be further governed by the rules of
248 the Commission; or
249 c. The substantial equivalency of the foregoing
250 competency requirements which the Commission may determine by
251 rule.

252 2. Attain at least a master's degree in social work
253 from a program that is:

254 a. Operated by a college or university recognized
255 by the licensing authority; and

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

258 i. The Council for Higher Education
259 Accreditation or its successor; or

260 ii. The United States Department of
261 Education.

262 3. Fulfill a practice requirement, which shall be
263 satisfied by demonstrating completion of either:

264 a. A period of postgraduate supervised clinical
265 practice equal to a minimum of three thousand (3,000) hours; or



b. A minimum of two (2) years of full-time postgraduate supervised clinical practice; or

c. The substantial equivalency of the foregoing practice requirements which the Commission may determine by rule.

C. An applicant for a master's-category multistate license must meet all of the following requirements:

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

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

b. Licensure of the applicant in their home state at the master's category, beginning prior to such time as a qualifying national exam was required by the home state at the master's category and accompanied by a continuous period of social work licensure thereafter, all of which may be further governed by the rules of the Commission; or

c. The substantial equivalency of the foregoing competency requirements which the Commission may determine by rule.

2. Attain at least a master's degree in social work from a program that is:

a. Operated by a college or university recognized by the licensing authority; and

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



i. The Council for Higher Education
Accreditation or its successor; or
ii. The United States Department of
Education.

D. An applicant for a bachelor's-category multistate license
must meet all of the following requirements:

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

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

b. Licensure of the applicant in their home state
at the bachelor's category, beginning prior to such time as a
qualifying national exam was required by the home state and
accompanied by a period of continuous social work licensure
thereafter, all of which may be further governed by the rules of
the Commission; or

c. The substantial equivalency of the foregoing
competency requirements which the Commission may determine by
rule.

2. Attain at least a bachelor's degree in social work
from a program that is:

a. Operated by a college or university recognized
by the licensing authority; and

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



i. The Council for Higher Education
Accreditation or its successor; or
ii. The United States Department of
Education.

E. The multistate license for a regulated social worker is
subject to the renewal requirements of the home state. The
regulated social worker must maintain compliance with the
requirements of Section 4(A) to be eligible to renew a multistate
license.

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

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

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

SECTION 5.



341 **ISSUANCE OF A MULTISTATE LICENSE**

342 A. Upon receipt of an application for multistate license,
343 the home state licensing authority shall determine the applicant's
344 eligibility for a multistate license in accordance with Section 4
345 of this Compact.

346 B. If such applicant is eligible pursuant to Section 4 of
347 this Compact, the home state licensing authority shall issue a
348 multistate license that authorizes the applicant or regulated
349 social worker to practice in all member states under a multistate
350 authorization to practice.

351 C. Upon issuance of a multistate license, the home state
352 licensing authority shall designate whether the regulated social
353 worker holds a multistate license in the bachelor's, master's, or
354 clinical category of social work.

355 D. A multistate license issued by a home state to a resident
356 in that state shall be recognized by all Compact member states as
357 authorizing social work practice under a multistate authorization
358 to practice corresponding to each category of licensure regulated
359 in each member state.

360 **SECTION 6.**

361 **AUTHORITY OF INTERSTATE COMPACT COMMISSION AND MEMBER STATE**
362 **LICENSING AUTHORITIES**

363 A. Nothing in this Compact, nor any rule of the Commission,
364 shall be construed to limit, restrict, or in any way reduce the
365 ability of a member state to enact and enforce laws, regulations,



or other rules related to the practice of social work in that state, where those laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

B. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single state license.

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

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

E. Nothing in this Compact, nor any rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a licensee's home state to take adverse action against a licensee's multistate license based upon information provided by a remote state.

SECTION 7.

REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

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



B. If a licensee changes their home state by moving between two (2) member states:

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

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

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

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



414 5. Notwithstanding any other provision of this Compact,
415 if a licensee does not meet the requirements set forth in this
416 Compact for the reissuance of a multistate license by the new home
417 state, then the licensee shall be subject to the new home state
418 requirements for the issuance of a single state license in that
419 state.

420 C. If a licensee changes their primary state of residence by
421 moving from a member state to a nonmember state, or from a
422 nonmember state to a member state, then the licensee shall be
423 subject to the state requirements for the issuance of a single
424 state license in the new home state.

425 D. Nothing in this Compact shall interfere with a licensee's
426 ability to hold a single state license in multiple states;
427 however, for the purposes of this Compact, a licensee shall have
428 only one (1) home state, and only one (1) multistate license.

429 E. Nothing in this Compact shall interfere with the
430 requirements established by a member state for the issuance of a
431 single state license.

432 **SECTION 8.**

433 **MILITARY FAMILIES**

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

438 **SECTION 9.**



439 **ADVERSE ACTIONS**

440 A. In addition to the other powers conferred by state law, a
441 remote state shall have the authority, in accordance with existing
442 state due process law, to:

443 1. Take adverse action against a regulated social
444 worker's multistate authorization to practice only within that
445 member state, and issue subpoenas for both hearings and
446 investigations that require the attendance and testimony of
447 witnesses as well as the production of evidence. Subpoenas issued
448 by a licensing authority in a member state for the attendance and
449 testimony of witnesses or the production of evidence from another
450 member state shall be enforced in the latter state by any court of
451 competent jurisdiction, according to the practice and procedure of
452 that court applicable to subpoenas issued in proceedings pending
453 before it. The issuing licensing authority shall pay any witness
454 fees, travel expenses, mileage, and other fees required by the
455 service statutes of the state in which the witnesses or evidence
456 are located.

457 2. Only the home state shall have the power to take
458 adverse action against a regulated social worker's multistate
459 license.

460 B. For purposes of taking adverse action, the home state
461 shall give the same priority and effect to reported conduct
462 received from a member state as it would if the conduct had



occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

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

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

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

F. Joint Investigations:

1. In addition to the authority granted to a member state by its respective social work practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

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



487 G. If adverse action is taken by the home state against the
488 multistate license of a regulated social worker, the regulated
489 social worker's multistate authorization to practice in all other
490 member states shall be deactivated until all encumbrances have
491 been removed from the multistate license. All home state
492 disciplinary orders that impose adverse action against the license
493 of a regulated social worker shall include a statement that the
494 regulated social worker's multistate authorization to practice is
495 deactivated in all member states until all conditions of the
496 decision, order or agreement are satisfied.

497 H. If a member state takes adverse action, it shall promptly
498 notify the administrator of the data system. The administrator of
499 the data system shall promptly notify the home state and all other
500 member states of any adverse actions by remote states.

501 I. Nothing in this Compact shall override a member state's
502 decision that participation in an alternative program may be used
503 in lieu of adverse action.

504 J. Nothing in this Compact shall authorize a member state to
505 demand the issuance of subpoenas for attendance and testimony of
506 witnesses or the production of evidence from another member state
507 for lawful actions within that member state.

508 K. Nothing in this Compact shall authorize a member state to
509 impose discipline against a regulated social worker who holds a
510 multistate authorization to practice for lawful actions within
511 another member state.



512 **SECTION 10.**

513 **ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT COMMISSION**

514 A. The Compact member states hereby create and establish a
515 joint government agency whose membership consists of all member
516 states that have enacted the Compact known as the Social Work
517 Licensure Compact Commission. The Commission is an
518 instrumentality of the Compact states acting jointly and not an
519 instrumentality of any one (1) state. The Commission shall come
520 into existence on or after the effective date of the Compact as
521 set forth in Section 14.

522 B. Membership, Voting, and Meetings:

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

526 2. The delegate shall be either:

527 a. A current member of the state licensing
528 authority at the time of appointment, who is a regulated social
529 worker or public member of the state licensing authority; or

530 b. An administrator of the state licensing
531 authority or their designee.

532 3. The Commission shall by rule or bylaw establish a
533 term of office for delegates and may by rule or bylaw establish
534 term limits.

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



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

540 6. Each delegate shall be entitled to one (1) vote on
541 all matters before the Commission requiring a vote by Commission
542 delegates.

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

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

551 C. The Commission shall have the following powers:

552 1. Establish the fiscal year of the Commission;
553 2. Establish code of conduct and conflict of interest
554 policies;

555 3. Establish and amend rules and bylaws;

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

558 5. Meet and take such actions as are consistent with
559 the provisions of this Compact, the Commission's rules, and the
560 bylaws;



561 6. Initiate and conclude legal proceedings or actions
562 in the name of the Commission, provided that the standing of any
563 state licensing board to sue or be sued under applicable law shall
564 not be affected;

565 7. Maintain and certify records and information
566 provided to a member state as the authenticated business records
567 of the Commission, and designate an agent to do so on the
568 Commission's behalf;

569 8. Purchase and maintain insurance and bonds;

570 9. Borrow, accept, or contract for services of
571 personnel, including, but not limited to, employees of a member
572 state;

573 10. Conduct an annual financial review;

574 11. Hire employees, elect or appoint officers, fix
575 compensation, define duties, grant such individuals appropriate
576 authority to carry out the purposes of the Compact, and establish
577 the Commission's personnel policies and programs relating to
578 conflicts of interest, qualifications of personnel, and other
579 related personnel matters;

580 12. Assess and collect fees;

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



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

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

592 16. Establish a budget and make expenditures;

593 17. Borrow money;

594 18. Appoint committees, including standing committees,
595 composed of members, state regulators, state legislators or their
596 representatives, and consumer representatives, and such other
597 interested persons as may be designated in this Compact and the
598 bylaws;

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

601 20. Establish and elect an executive committee,
602 including a chair and a vice chair;

603 21. Determine whether a state's adopted language is
604 materially different from the model Compact language such that the
605 state would not qualify for participation in the Compact; and

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

608 D. The Executive Committee:

609 1. The executive committee shall have the power to act
610 on behalf of the Commission according to the terms of this



611 Compact. The powers, duties, and responsibilities of the
612 executive committee shall include:

613 a. Oversee the day-to-day activities of the
614 administration of the Compact, including enforcement and
615 compliance with the provisions of the Compact, its rules and
616 bylaws, and other such duties as deemed necessary;

617 b. Recommend to the Commission changes to the
618 rules or bylaws, changes to this Compact legislation, fees charged
619 to Compact member states, fees charged to licensees, and other
620 fees;

621 c. Ensure Compact administration services are
622 appropriately provided, including by contract;

623 d. Prepare and recommend the budget;

624 e. Maintain financial records on behalf of the
625 Commission;

626 f. Monitor Compact compliance of member states and
627 provide compliance reports to the Commission;

628 g. Establish additional committees as necessary;

629 h. Exercise the powers and duties of the
630 Commission during the interim between Commission meetings, except
631 for adopting or amending rules, adopting or amending bylaws, and
632 exercising any other powers and duties expressly reserved to the
633 Commission by rule or bylaw; and

634 i. Other duties as provided in the rules or bylaws
635 of the Commission.



636 2. The executive committee shall be composed of up to
637 eleven (11) members:

638 a. The chair and vice chair of the Commission
639 shall be voting members of the executive committee.

640 b. The Commission shall elect five (5) voting
641 members from the current membership of the Commission.

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

644 d. The ex-officio members will be selected by
645 their respective organizations.

646 3. The Commission may remove any member of the
647 executive committee as provided in the Commission's bylaws.

648 4. The executive committee shall meet at least
649 annually:

650 a. Executive committee meetings shall be open to
651 the public, except that the executive committee may meet in a
652 closed, nonpublic meeting as provided in subsection F(2) below.

653 b. The executive committee shall give seven (7)
654 days' notice of its meetings, posted on its website and as
655 determined to provide notice to persons with an interest in the
656 business of the Commission.

657 c. The executive committee may hold a special
658 meeting in accordance with subsection F(1)(b) below.

659 E. The Commission shall adopt and provide to the member
660 states an annual report.



F. Meetings of the Commission:

1. All meetings shall be open to the public, except that the Commission may meet in a closed, nonpublic meeting as provided in subsection F(2) below.

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

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

2. The Commission or the executive committee or other committees of the Commission may convene in a closed, nonpublic meeting for the Commission or executive committee or other committees of the Commission to receive legal advice or to discuss:

a. Noncompliance of a member state with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees;



686 c. Current or threatened discipline of a licensee
687 by the Commission or by a member state's licensing authority;
688 d. Current, threatened, or reasonably anticipated
689 litigation;
690 e. Negotiation of contracts for the purchase,
691 lease, or sale of goods, services, or real estate;
692 f. Accusing any person of a crime or formally
693 censuring any person;
694 g. Trade secrets or commercial or financial
695 information that is privileged or confidential;
696 h. Information of a personal nature where
697 disclosure would constitute a clearly unwarranted invasion of
698 personal privacy;
699 i. Investigative records compiled for law
700 enforcement purposes;
701 j. Information related to any investigative
702 reports prepared by or on behalf of or for use of the Commission
703 or other committee charged with responsibility of investigation or
704 determination of compliance issues pursuant to the Compact;
705 k. Matters specifically exempted from disclosure
706 by federal or member state law; or
707 l. Other matters as promulgated by the Commission
708 by rule.
709 3. If a meeting, or portion of a meeting, is closed,
710 the presiding officer shall state that the meeting will be closed



and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

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

G. Financing of the Commission:

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

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

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



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

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

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

H. Qualified Immunity, Defense, and Indemnification:

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this



paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

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

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the



scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

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

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

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

SECTION 11.

DATA SYSTEM

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated data system.

B. The Commission shall assign each applicant for a multistate license a unique identifier, as determined by the rules of the Commission.



809 C. Notwithstanding any other provision of state law to the
810 contrary, a member state shall submit a uniform data set to the
811 data system on all individuals to whom this Compact is applicable
812 as required by the rules of the Commission, including:

- 813 1. Identifying information;
- 814 2. Licensure data;
- 815 3. Adverse actions against a license and information
816 related thereto;
- 817 4. Nonconfidential information related to alternative
818 program participation, the beginning and ending dates of such
819 participation, and other information related to such participation
820 not made confidential under member state law;
- 821 5. Any denial of application for licensure, and the
822 reason(s) for such denial;
- 823 6. The presence of current significant investigative
824 information; and
- 825 7. Other information that may facilitate the
826 administration of this Compact or the protection of the public, as
827 determined by the rules of the Commission.

828 D. The records and information provided to a member state
829 pursuant to this Compact or through the data system, when
830 certified by the Commission or an agent thereof, shall constitute
831 the authenticated business records of the Commission, and shall be
832 entitled to any associated hearsay exception in any relevant



833 judicial, quasi-judicial or administrative proceedings in a member
834 state.

835 E. Current significant investigative information pertaining
836 to a licensee in any member state will only be available to other
837 member states.

838 1. It is the responsibility of the member states to
839 report any adverse action against a licensee and to monitor the
840 database to determine whether adverse action has been taken
841 against a licensee. Adverse action information pertaining to a
842 licensee in any member state will be available to any other member
843 state.

844 F. Member states contributing information to the data system
845 may designate information that may not be shared with the public
846 without the express permission of the contributing state.

847 G. Any information submitted to the data system that is
848 subsequently expunged pursuant to federal law or the laws of the
849 member state contributing the information shall be removed from
850 the data system.

851 **SECTION 12.**

852 **RULEMAKING**

853 A. The Commission shall promulgate reasonable rules in order
854 to effectively and efficiently implement and administer the
855 purposes and provisions of the Compact. A rule shall be invalid
856 and have no force or effect only if a court of competent
857 jurisdiction holds that the rule is invalid because the Commission



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

B. The rules of the Commission shall have the force of law in each member state, provided however that where the rules of the Commission conflict with the laws of the member state that establish the member state's laws, regulations, and applicable standards that govern the practice of social work as held by a court of competent jurisdiction, the rules of the Commission shall be ineffective in that state to the extent of the conflict.

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

D. If a majority of the legislatures of the member states rejects a rule or portion of a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

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

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



883 G. Prior to adoption of a proposed rule by the Commission,
884 and at least thirty (30) days in advance of the meeting at which
885 the Commission will hold a public hearing on the proposed rule,
886 the Commission shall provide a notice of proposed rulemaking:

887 1. On the website of the Commission or other publicly
888 accessible platform;

889 2. To persons who have requested notice of the
890 Commission's notices of proposed rulemaking; and

891 3. In such other way(s) as the Commission may by rule
892 specify.

893 H. The notice of proposed rulemaking shall include:

894 1. The time, date, and location of the public hearing
895 at which the Commission will hear public comments on the proposed
896 rule and, if different, the time, date, and location of the
897 meeting where the Commission will consider and vote on the
898 proposed rule;

899 2. If the hearing is held via telecommunication, video
900 conference, or other electronic means, the Commission shall
901 include the mechanism for access to the hearing in the notice of
902 proposed rulemaking;

903 3. The text of the proposed rule and the reason
904 therefor;

905 4. A request for comments on the proposed rule from any
906 interested person; and



907 5. The manner in which interested persons may submit
908 written comments.

909 I. All hearings will be recorded. A copy of the recording
910 and all written comments and documents received by the Commission
911 in response to the proposed rule shall be available to the public.

912 J. Nothing in this section shall be construed as requiring a
913 separate hearing on each rule. Rules may be grouped for the
914 convenience of the Commission at hearings required by this
915 section.

916 K. The Commission shall, by majority vote of all members,
917 take final action on the proposed rule based on the rulemaking
918 record and the full text of the rule.

919 1. The Commission may adopt changes to the proposed
920 rule provided the changes do not enlarge the original purpose of
921 the proposed rule.

922 2. The Commission shall provide an explanation of the
923 reasons for substantive changes made to the proposed rule as well
924 as reasons for substantive changes not made that were recommended
925 by commenters.

926 3. The Commission shall determine a reasonable
927 effective date for the rule. Except for an emergency as provided
928 in Section 12(L), the effective date of the rule shall be no
929 sooner than thirty (30) days after issuing the notice that it
930 adopted or amended the rule.



931 L. Upon determination that an emergency exists, the
932 Commission may consider and adopt an emergency rule with
933 forty-eight (48) hours notice, with opportunity to comment,
934 provided that the usual rulemaking procedures provided in the
935 Compact and in this section shall be retroactively applied to the
936 rule as soon as reasonably possible, in no event later than ninety
937 (90) days after the effective date of the rule. For the purposes
938 of this provision, an emergency rule is one that must be adopted
939 immediately in order to:

- 940 1. Meet an imminent threat to public health, safety, or
941 welfare;
942 2. Prevent a loss of Commission or member state funds;
943 3. Meet a deadline for the promulgation of a rule that
944 is established by federal law or rule; or
945 4. Protect public health and safety.

946 M. The Commission or an authorized committee of the
947 Commission may direct revisions to a previously adopted rule for
948 purposes of correcting typographical errors, errors in format,
949 errors in consistency, or grammatical errors. Public notice of
950 any revisions shall be posted on the website of the Commission.
951 The revision shall be subject to challenge by any person for a
952 period of thirty (30) days after posting. The revision may be
953 challenged only on grounds that the revision results in a material
954 change to a rule. A challenge shall be made in writing and
955 delivered to the Commission prior to the end of the notice period.



If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

N. No member state's rulemaking requirements shall apply under this Compact.

SECTION 13.

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight:

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

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

3. The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene



in such a proceeding for all purposes. Failure to provide the Commission service of process shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

B. Default, Technical Assistance, and Termination:

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

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

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

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



1006 given by the Commission to the Governor, the majority and minority
1007 leaders of the defaulting state's Legislature, the defaulting
1008 state's state licensing authority and each of the member states'
1009 state licensing authority.

1010 E. A state that has been terminated is responsible for all
1011 assessments, obligations, and liabilities incurred through the
1012 effective date of termination, including obligations that extend
1013 beyond the effective date of termination.

1014 F. Upon the termination of a state's membership from this
1015 Compact, that state shall immediately provide notice to all
1016 licensees within that state of such termination. The terminated
1017 state shall continue to recognize all licenses granted pursuant to
1018 this Compact for a minimum of six (6) months after the date of
1019 said notice of termination.

1020 G. The Commission shall not bear any costs related to a
1021 state that is found to be in default or that has been terminated
1022 from the Compact, unless agreed upon in writing between the
1023 commission and the defaulting state.

1024 H. The defaulting state may appeal the action of the
1025 Commission by petitioning the United States District Court for the
1026 District of Columbia or the federal district where the Commission
1027 has its principal offices. The prevailing party shall be awarded
1028 all costs of such litigation, including reasonable attorney's
1029 fees.

1030 I. Dispute Resolution:



1031 1. Upon request by a member state, the Commission shall
1032 attempt to resolve disputes related to the Compact that arise
1033 among member states and between member and non-member states.

1034 2. The Commission shall promulgate a rule providing for
1035 both mediation and binding dispute resolution for disputes as
1036 appropriate.

1037 J. Enforcement:

1038 1. By majority vote as provided by rule, the Commission
1039 may initiate legal action against a member state in default in the
1040 United States District Court for the District of Columbia or the
1041 federal district where the Commission has its principal offices to
1042 enforce compliance with the provisions of the Compact and its
1043 promulgated rules. The relief sought may include both injunctive
1044 relief and damages. In the event judicial enforcement is
1045 necessary, the prevailing party shall be awarded all costs of such
1046 litigation, including reasonable attorney's fees. The remedies
1047 herein shall not be the exclusive remedies of the Commission. The
1048 Commission may pursue any other remedies available under federal
1049 or the defaulting member state's law.

1050 2. A member state may initiate legal action against the
1051 Commission in the United States District Court for the District of
1052 Columbia or the federal district where the Commission has its
1053 principal offices to enforce compliance with the provisions of the
1054 Compact and its promulgated rules. The relief sought may include
1055 both injunctive relief and damages. In the event judicial



enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

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

SECTION 14.

EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh member state.

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

a. A charter member state whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in Section 13.

b. If any member state is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of member states should be less than seven (7).

2. Member states enacting the Compact subsequent to the seven (7) initial charter member states shall be subject to the



process set forth in Section 10(C) (21) to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in the Compact.

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

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

B. Any member state may withdraw from this Compact by enacting a statute repealing the same.

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

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



1106 3. Upon the enactment of a statute withdrawing from
1107 this Compact, a state shall immediately provide notice of such
1108 withdrawal to all licensees within that state. Notwithstanding
1109 any subsequent statutory enactment to the contrary, such
1110 withdrawing state shall continue to recognize all licenses granted
1111 pursuant to this Compact for a minimum of one hundred eighty (180)
1112 days after the date of such notice of withdrawal.

1113 C. Nothing contained in this Compact shall be construed to
1114 invalidate or prevent any licensure agreement or other cooperative
1115 arrangement between a member state and a nonmember state that does
1116 not conflict with the provisions of this Compact.

1117 D. This Compact may be amended by the member states. No
1118 amendment to this Compact shall become effective and binding upon
1119 any member state until it is enacted into the laws of all member
1120 states.

1121 **SECTION 15.**

1122 **CONSTRUCTION AND SEVERABILITY**

1123 A. This Compact and the Commission's rulemaking authority
1124 shall be liberally construed so as to effectuate the purposes, and
1125 the implementation and administration of the Compact. Provisions
1126 of the Compact expressly authorizing or requiring the promulgation
1127 of rules shall not be construed to limit the Commission's
1128 rulemaking authority solely for those purposes.

1129 B. The provisions of this Compact shall be severable and if
1130 any phrase, clause, sentence or provision of this Compact is held



1131 by a court of competent jurisdiction to be contrary to the
1132 constitution of any member state, a state seeking participation in
1133 the Compact, or of the United States, or the applicability thereof
1134 to any government, agency, person or circumstance is held to be
1135 unconstitutional by a court of competent jurisdiction, the
1136 validity of the remainder of this Compact and the applicability
1137 thereof to any other government, agency, person or circumstance
1138 shall not be affected thereby.

1139 C. Notwithstanding subsection B of this section, the
1140 Commission may deny a state's participation in the Compact or, in
1141 accordance with the requirements of Section 13(B), terminate a
1142 member state's participation in the Compact, if it determines that
1143 a constitutional requirement of a member state is a material
1144 departure from the Compact. Otherwise, if this Compact shall be
1145 held to be contrary to the constitution of any member state, the
1146 Compact shall remain in full force and effect as to the remaining
1147 member states and in full force and effect as to the member state
1148 affected as to all severable matters.

1149 **SECTION 16.**

1150 **CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS**

1151 A. A licensee providing services in a remote state under a
1152 multistate authorization to practice shall adhere to the laws and
1153 regulations, including laws, regulations, and applicable
1154 standards, of the remote state where the client is located at the
1155 time care is rendered.



B. Nothing herein shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the Compact.

C. Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the Compact are superseded to the extent of the conflict.

D. All permissible agreements between the Commission and the member states are binding in accordance with their terms.

SECTION 2. Section 73-53-7, Mississippi Code of 1972, is amended as follows:

73-53-7. (1) A person, corporation, association or business entity shall not use, cause to be used or advertise in connection with that person's or party's name or the name or activity of the business the words, "social worker," "licensed social worker," "licensed master's social worker," "licensed certified social worker," "licensed clinical social worker," the letters "SW," "LSW," "LMSW," "LCSW" and/or any words, combination of words, abbreviations, or insignia indicating or implying directly or indirectly that social work services are provided or supplied unless those services are provided by a person holding a valid and current license issued under this chapter or under the supervision (as provided by board rule) of a licensed certified social worker with a valid and current license issued under this chapter or by a person holding a multistate authorization to practice or multistate license under the Social Work Licensure Compact.



1181 A person who does not hold a valid and current license issued
1182 by the board or a multistate authorization to practice or
1183 multistate license under the Social Work Licensure Compact shall
1184 not practice social work, nor advertise the performance of that
1185 practice.

1186 A person or party who engages in or attempts to engage in the
1187 conduct described by this section is considered to be engaged in
1188 the practice of social work.

1189 (2) Any person not licensed under this chapter on July 1,
1190 1993, who is actively engaged in the practice of social work
1191 before July 1, 1994, as an employee of the State of Mississippi or
1192 any agency, political subdivision or municipality thereof or any
1193 community action agency or Head Start agency, and who is not
1194 eligible to be issued a license under subsection (3) of this
1195 section, shall be issued a provisional license as a licensed
1196 social worker by the board, if the person applies for such
1197 provisional license before July 1, 1994, and, at the time that the
1198 application is made, the person is so actively engaged. The
1199 license shall be issued by the board upon application therefor,
1200 the submission of proof satisfactory to the board of the
1201 applicant's employment in the practice of social work as provided
1202 in this subsection, and the payment of the appropriate fee. Such
1203 license shall be valid for a maximum period of two (2) years, but
1204 not to extend past June 30, 1995, during which time the



1205 provisional licensee must pass the ASWB social work examination at
1206 the basic level.

1207 (3) From and after July 1, 2001, any person violating the
1208 provisions of this chapter shall be guilty of a misdemeanor and,
1209 upon conviction, shall be fined an amount not to exceed Five
1210 Hundred Dollars (\$500.00) for his first violation, One Thousand
1211 Dollars (\$1,000.00) for the second violation, and Five Thousand
1212 Dollars (\$5,000.00) for the third and each subsequent violation.

1213 **SECTION 3.** Section 73-53-13, Mississippi Code of 1972, is
1214 amended as follows:

1215 73-53-13. The board shall issue the appropriate license to
1216 applicants who meet the qualifications of this section.

1217 (a) A license as a "licensed social worker" shall be
1218 issued to an applicant who demonstrates to the satisfaction of the
1219 board that he or she meets the following qualifications:

1220 (i) Has a baccalaureate degree in social work from
1221 a college or university accredited by the Council on Social Work
1222 Education or Southern Association of Colleges and Schools and has
1223 satisfactorily completed the Association for Social Work Boards
1224 (ASWB) examination for this license; or

1225 (ii) Has a comparable license or registration from
1226 another state or territory of the United States of America that
1227 imposes qualifications substantially similar to those of this
1228 chapter or has a multistate authorization to practice or
1229 multistate license under the Social Work Licensure Compact.



1230 (b) A license as a "licensed master's social worker"
1231 shall be issued to an applicant who demonstrates to the
1232 satisfaction of the board that he or she meets the following
1233 qualifications:

1234 (i) Has a doctorate or master's degree from a
1235 school of social work accredited by the Council on Social Work
1236 Education; and

1237 (ii) Has satisfactorily completed the ASWB
1238 examination for this license; or

1239 (iii) Has a comparable license or registration
1240 from another state or territory of the United States of America
1241 that imposes qualifications substantially similar to those of this
1242 chapter or has a multistate authorization to practice or
1243 multistate license under the Social Work Licensure Compact.

1244 (c) A license as a "licensed certified social worker"
1245 shall be issued to an applicant who demonstrates to the
1246 satisfaction of the board that he or she meets the following
1247 qualifications:

1248 (i) Is licensed under this section as a "master's
1249 social worker"; and

1250 (ii) Has twenty-four (24) months of professional
1251 supervision and clinical or macro social work practice experience
1252 acceptable to the board, under appropriate supervision; and

1253 (iii) Has satisfactorily completed the ASWB
1254 examination for this license; or



1255 (iv) Has a comparable license or registration from
1256 another state or territory of the United States of America that
1257 imposes qualifications substantially similar to those of this
1258 chapter or has a multistate authorization to practice or
1259 multistate license under the Social Work Licensure Compact.

1260 (d) In addition to the above qualifications, an
1261 applicant for any of the above licenses must prove to the board's
1262 satisfaction:

1263 (i) Age of at least twenty-one (21) years, and

1264 (ii) Good moral character, which is a continuing
1265 requirement for licensure, and

1266 (iii) United States of America citizenship or
1267 status as a legal resident alien, and

1268 (iv) Absence of conviction of a felony related to
1269 the practice of social work for the last ten (10) years.

1270 Conviction, as used in this subparagraph, includes a deferred
1271 conviction, deferred prosecution, deferred sentence, finding or
1272 verdict of guilt, an admission of guilty, or a plea of nolo
1273 contendere, and

1274 (v) That the applicant has not been declared
1275 mentally incompetent by any court, and if any such decree has ever
1276 been rendered, that the decree has since been changed, and

1277 (vi) Freedom from dependency on alcohol or drugs,
1278 and



1279 (vii) Complete criminal history records check,
1280 including a fingerprint and an acceptable sex offender check, by
1281 appropriate governmental authorities as prescribed by the board.

1282 (e) Only individuals licensed as "certified social
1283 workers" shall be permitted to call themselves "clinical social
1284 workers."

1285 The issuance of a license by reciprocity to a
1286 military-trained applicant, military spouse or person who
1287 establishes residence in this state shall be subject to the
1288 provisions of Section 73-50-1 or 73-50-2, as applicable.

1289 Each application or filing made under this section shall
1290 include the social security number(s) of the applicant in
1291 accordance with Section 93-11-64.

1292 **SECTION 4.** Section 73-53-29, Mississippi Code of 1972, is
1293 amended as follows:

1294 73-53-29. No licensee under this chapter or under the Social
1295 Work Licensure Compact or an employee of a licensee may disclose
1296 any information which was acquired from clients or persons
1297 consulting with the licensee and which was provided in order to
1298 allow the licensee to render professional services, except:

1299 (a) With the written consent of the person(s) or, in
1300 the case of death or disability, of the individual's personal
1301 representative, or person authorized to sue, or the beneficiary of
1302 an insurance policy on an individual's life, health or physical
1303 condition; or



1304 (b) Communications that reveal the contemplation of a
1305 crime or a harmful act; or

1306 (c) When the licensee acquires information involving a
1307 minor who was a victim or subject of a crime, the licensee may be
1308 required to testify fully in an examination, trial or other
1309 proceeding in which the Commission of such a crime is a subject of
1310 inquiry; or

1311 (d) When a person waives the privilege by bringing
1312 charges against the licensee; or

1313 (e) When the licensee is called upon to testify in
1314 court or administrative hearings concerning matters of adoption,
1315 adult abuse, child abuse, child neglect or other matters
1316 pertaining to the welfare of clients of the licensee; or

1317 (f) When the licensee is collaborating or consulting
1318 with professional colleagues or an administrative superior on
1319 behalf of the client.

1320 **SECTION 5.** Section 73-53-11, Mississippi Code of 1972, is
1321 brought forward as follows:

1322 73-53-11. (1) In addition to the duties set forth elsewhere
1323 in this chapter and in Sections 73-54-1 through 73-54-39, the
1324 board is authorized to:

1325 (a) Review the quality and availability of social work
1326 services provided in this state and make recommendations for
1327 change to the Legislature;



1328 (b) Recommend to the appropriate law enforcement
1329 official the bringing of civil actions to seek injunctions and
1330 other relief against individuals engaged in the unlicensed
1331 practice of social work or marriage and family therapy for
1332 violations of this chapter or Sections 73-54-1 through 73-54-39;

1333 (c) Adopt, amend or repeal any rules or regulations
1334 necessary to carry out the purposes of this chapter and Sections
1335 73-54-1 through 73-54-39 and the duties and responsibilities of
1336 the board;

1337 (d) Examine and determine the qualifications and
1338 fitness of applicants for licenses to practice social work and
1339 marriage and family therapy in this state and prepare or approve
1340 and conduct all examinations of applicants for licensure;

1341 (e) Issue, renew, deny, suspend or revoke licenses to
1342 practice social work and marriage and family therapy in this state
1343 or otherwise discipline individuals licensed by the board;

1344 (f) Investigate alleged or suspected violations of the
1345 provisions of this chapter and Sections 73-54-1 through 73-54-39
1346 or other laws of this state pertaining to social work and marriage
1347 and family therapy and any rules and regulations adopted by the
1348 board;

1349 (g) Establish reasonable fees for application for
1350 examination, certificates of licensure and renewal, and other
1351 services provided by the board, not to exceed the amounts
1352 specified in Section 73-53-15;



1353 (h) Issue subpoenas for the attendance and testimony of
1354 witnesses and the production of papers, records or other
1355 documentary evidence. Any member of the board may administer
1356 oaths or affirmations to witnesses appearing before the board. If
1357 in any proceeding before the board any witness fails or refuses to
1358 attend upon subpoena issued by the board, refuses to testify, or
1359 refuses to produce any books and papers the production of which is
1360 called for by the subpoena, the attendance of that witness and the
1361 giving of his testimony and the production of the books and papers
1362 shall be enforced by any court of competent jurisdiction of this
1363 state in the manner provided for the enforcement of attendance and
1364 testimony of witnesses in civil cases in the courts of this state;
1365 (i) Maintain an office and employ or retain appropriate
1366 personnel to carry out the powers and duties of the board;
1367 (j) Adopt a code of ethics for licensed social workers
1368 that includes the current National Association of Social Workers
1369 Code of Ethics, and a code of ethics for licensed marriage and
1370 family therapists that includes the American Association for
1371 Marriage and Family Therapy Code of Ethics.
1372 (k) Regulate the practice of social work and marriage
1373 and family therapy by interpreting and enforcing this chapter and
1374 Sections 73-54-1 through 73-54-39;
1375 (l) Provide for the examination and supervision
1376 requirements for social workers and marriage and family
1377 therapists;



1378 (m) Establish mechanisms for assessing the continuing
1379 professional competence of social workers and marriage and family
1380 therapists;
1381 (n) Set criteria for continuing education;
1382 (o) Establish and collect fees for sustaining the
1383 necessary operation and expenses of the board;
1384 (p) Publish, at least annually, final disciplinary
1385 actions against licensees;
1386 (q) Report final disciplinary action taken against a
1387 licensee to other state or federal regulatory agencies and to a
1388 national disciplinary database recognized by the board or as
1389 required by law;
1390 (r) Share documents, materials, or other information,
1391 including confidential and privileged documents, materials, or
1392 information, received or maintained by the board with other state
1393 or federal agencies and with a national disciplinary database
1394 recognized by the board or as required by law, provided that the
1395 recipient agrees to maintain the confidentiality and privileged
1396 status of the document, material, or other information;
1397 (s) Participate in or conduct performance audits;
1398 (t) Through its employees and/or representatives, enter
1399 and make inspections of any workplace or practice of a social
1400 worker or marriage and family therapist who is subject to
1401 investigation by the board in order to inspect and/or copy any
1402 record pertaining to clients or the practice of social work or



1403 marriage and family therapy under this chapter and/or Sections
1404 73-54-1 through 73-54-39; and

1405 (u) Conduct a criminal history records check on
1406 licensees whose licensure is subject to investigation by the board
1407 and on applicants for licensure. In order to determine the
1408 applicant's or licensee's suitability for licensing, the applicant
1409 or licensee shall undergo a fingerprint-based criminal history
1410 records check of the Mississippi central criminal database and the
1411 Federal Bureau of Investigation criminal history database. Each
1412 applicant or licensee, as applicable, shall submit a full set of
1413 the applicant's fingerprints in a form and manner prescribed by
1414 the board, which shall be forwarded to the Mississippi Department
1415 of Public Safety (department) and the Federal Bureau of
1416 Investigation Identification Division for this purpose. The
1417 department shall disseminate the results of the state check and
1418 the national check to the board for a suitability determination.
1419 The board shall be authorized to charge and collect from the
1420 applicant or licensee, in addition to all other applicable fees
1421 and costs, any amount as may be incurred by the board in
1422 requesting and obtaining state and national criminal history
1423 records information on the applicant or licensee.

1424 Any and all state or national criminal history records
1425 information obtained by the board that is not already a matter of
1426 public record shall be deemed nonpublic and confidential
1427 information restricted to the exclusive use of the board, its



1428 members, officers, investigators, agents and attorneys in
1429 evaluating the applicant's or licensee's eligibility or
1430 disqualification for licensure, and shall be exempt from the
1431 Mississippi Public Records Act of 1983. Except when introduced
1432 into evidence in a hearing before the board to determine
1433 licensure, no such information or records related thereto shall,
1434 without the written consent of the applicant or licensee or by
1435 order of a court of competent jurisdiction, be released or
1436 otherwise disclosed by the board to any other person or agency.

1437 (2) The board shall have such other powers as may be
1438 required to carry out the provisions of this chapter.

1439 (3) The powers and duties enumerated in this section are
1440 granted for the purpose of enabling the board to safeguard the
1441 public health, safety and welfare against unqualified or
1442 incompetent practitioners of social work or marriage and family
1443 therapy, and are to be liberally construed to accomplish this
1444 objective.

1445 **SECTION 6.** This act shall take effect and be in force from
1446 and after July 1, 2025.

