

By: Representative McLean

To: Public Health and Human  
Services

HOUSE BILL NO. 859

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:



- A. Increase public access to social work services;
- B. Reduce overly burdensome and duplicative requirements associated with holding multiple licenses;
- C. Enhance the member states' ability to protect the public's health and safety;
- D. Encourage the cooperation of member states in regulating multistate practice;
- E. Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple states by providing for the mutual recognition of other member state licenses;
- F. Support military families;
- G. Facilitate the exchange of licensure and disciplinary information among member states;
- H. Authorize all member states to hold a regulated social worker accountable for abiding by a member state's laws, regulations, and applicable professional standards in the member state in which the client is located at the time care is rendered; and
- I. Allow for the use of telehealth to facilitate increased access to regulated social work services.

## SECTION 2.

## DEFINITIONS

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



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 masters-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 7.**

### 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 8.**



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 9.**

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.



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

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

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

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

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

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

4. The executive committee shall meet at least annually:

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

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

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

E. The Commission shall adopt and provide to the member 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



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

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

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

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

801 **SECTION 10.**

802 **DATA SYSTEM**

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

806 B. The Commission shall assign each applicant for a  
807 multistate license a unique identifier, as determined by the rules  
808 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 11.**

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 12.**

### **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 13.**

#### **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 14.**

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 15.**

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.

