

By: Senator(s) Bryan

To: Public Health and  
Welfare

## SENATE BILL NO. 2726

1 AN ACT TO ENACT INTO LAW THE SOCIAL WORK LICENSURE COMPACT  
2 AND PROVIDE THAT THE STATE OF MISSISSIPPI ENTER THE COMPACT WITH  
3 OTHER STATES THAT JOIN IN THE COMPACT; TO AMEND SECTION 73-53-3,  
4 MISSISSIPPI CODE OF 1972, TO DEFINE "LICENSED SOCIAL WORKER"  
5 WITHIN THE CHAPTER OF LAW PROVIDING FOR THE LICENSING AND  
6 REGULATION OF SOCIAL WORKERS; TO AMEND SECTION 73-53-7,  
7 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS  
8 ACT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** **Purpose.** (1) The purpose of this compact is to  
11 facilitate interstate practice of regulated social workers by  
12 improving public access to competent social work services. The  
13 compact preserves the regulatory authority of states to protect  
14 public health and safety through the current system of state  
15 licensure.

16 (2) This compact is designed to achieve the following  
17 objectives:

18 (a) Increase public access to social work services;

19 (b) Reduce overly burdensome and duplicative  
20 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:

(a) "Active military member" means any individual with full-time duty status in the active armed forces of the United States including members of the National Guard and Reserve.

(b) "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is



imposed by a licensing authority or other authority against a regulated social worker, including actions against an individual's license or multistate authorization to practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a regulated social worker's authorization to practice, including issuance of a cease and desist action.

(c) "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a licensing authority to address practitioners with an impairment.

(d) "Charter member states" means member states who have enacted legislation to adopt this compact where such legislation predates the effective date of this compact as described in Section 14 of this act.

(e) "Compact commission" or "commission" means the government agency whose membership consists of all states that have enacted this compact, which is known as the Social Work Licensure Compact Commission, as described in Section 10 of this act, and which shall operate as an instrumentality of the member states.

(f) "Current significant investigative information" means:

(i) Investigative information that a licensing authority, after a preliminary inquiry that includes notification and an opportunity for the regulated social worker to respond has



71 reason to believe is not groundless and, if proved true, would  
72 indicate more than a minor infraction as may be defined by the  
73 commission; or

74 (ii) Investigative information that indicates that  
75 the regulated social worker represents an immediate threat to  
76 public health and safety, as may be defined by the commission,  
77 regardless of whether the regulated social worker has been  
78 notified and has had an opportunity to respond.

79 (g) "Data system" means a repository of information  
80 about licensees, including, continuing education, examination,  
81 licensure, current significant investigative information,  
82 disqualifying event, multistate license(s) and adverse action  
83 information or other information as required by the commission.

84 (h) "Disqualifying event" means any adverse action or  
85 incident which results in an encumbrance that disqualifies or  
86 makes the licensee ineligible to either obtain, retain or renew a  
87 multistate license.

88 (i) "Domicile" means the jurisdiction in which the  
89 licensee resides and intends to remain indefinitely.

90 (j) "Encumbrance" means a revocation or suspension of,  
91 or any limitation on, the full and unrestricted practice of social  
92 work licensed and regulated by a licensing authority.

93 (k) "Executive committee" means a group of delegates  
94 elected or appointed to act on behalf of, and within the powers  
95 granted to them by, the compact and commission.



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

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

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

(o) "Licensing authority" means the board or agency of a member state, or equivalent, that is responsible for the licensing and regulation of regulated social workers.

(p) "Member state" means a state, commonwealth, district, or territory of the United States of America that has enacted this compact.

(q) "Multistate authorization to practice" means a legally authorized privilege to practice, which is equivalent to a license, associated with a multistate license permitting the practice of social work in a remote state.

(r) "Multistate license" means a license to practice as a 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.** (1) To be eligible to participate in the compact, a potential member state must currently meet all the following criteria:

(a) License and regulate the practice of social work at either the clinical, master's, or bachelor's category;

(b) Require applicants for licensure to graduate from a program that is:

(i) Operated by a college or university recognized by the licensing authority;

(ii) Accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either:

1. The Council for Higher Education Accreditation or its successor; or

2. The United States Department of Education; and

(iii) Corresponds to the licensure sought as outlined in Section 4 of this act;

(c) Require applicants for clinical licensure to complete a period of supervised practice; and

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



(2) To maintain membership in the compact, a member state shall:

(a) Require that applicants for a multistate license pass a qualifying national exam for the corresponding category of multistate license sought as outlined in Section 4 of this act;

(b) Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules;

(c) Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of current significant investigative information regarding a licensee;

(d) Implement procedures for considering the criminal history records of applicants for a multistate license. 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;

(e) Comply with the rules of the commission;

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





(g) Authorize a licensee holding a multistate license in any member state to practice in accordance with the terms of the compact and rules of the commission; and

(h) Designate a delegate to participate in the commission meetings.

(3) A member state meeting the requirements of subsections (1) and (2) of this section shall designate the categories of social work licensure that are eligible for issuance of a multistate license for applicants in such member state. To the extent that any member state does not meet the requirements for participation in the compact at any particular category of social work licensure, such member state may choose, but is not obligated to, issue a multistate license to applicants that otherwise meet the requirements of Section 4 of this act for issuance of a multistate license in such category or categories of licensure.

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

**SECTION 4. Social worker participation in the compact.** (1)

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

(a) Hold or be eligible for an active, unencumbered license in the home state;

(b) Pay any applicable fees, including any state fee, for the multistate license;



219           (c) Submit, in connection with an application for a  
220 multistate license, fingerprints or other biometric data for the  
221 purpose of obtaining criminal history record information from the  
222 Federal Bureau of Investigation and the agency responsible for  
223 retaining that state's criminal records;

224           (d) Notify the home state of any adverse action,  
225 encumbrance, or restriction on any professional license taken by  
226 any member state or nonmember state within thirty (30) days from  
227 the date the action is taken;

228           (e) Meet any continuing competence requirements  
229 established by the home state; and

230           (f) Abide by the laws, regulations, and applicable  
231 standards in the member state where the client is located at the  
232 time care is rendered.

233           (2) An applicant for a clinical-category multistate license  
234 must meet all of the following requirements:

235           (a) Fulfill a competency requirement, which shall be  
236 satisfied by either:

237                   (i) Passage of a clinical-category qualifying  
238 national exam; or

239                   (ii) Licensure of the applicant in their home  
240 state at the clinical category, beginning prior to such time as a  
241 qualifying national exam was required by the home state and  
242 accompanied by a period of continuous social work licensure



thereafter, all of which may be further governed by the rules of the commission; or

(iii) The substantial equivalency of the foregoing competency requirements which the commission may determine by rule;

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

(i) Operated by a college or university recognized by the licensing authority; and

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

1. The Council for Higher Education Accreditation or its successor; or

2. The United States Department of Education; and

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

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

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

(iii) The substantial equivalency of the foregoing practice requirements which the commission may determine by rule.

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



268           (a) Fulfill a competency requirement, which shall be  
269 satisfied by either:  
270           (i) Passage of a masters-category qualifying  
271 national exam;  
272           (ii) Licensure of the applicant in their home  
273 state at the master's category, beginning prior to such time as a  
274 qualifying national exam was required by the home state at the  
275 master's category and accompanied by a continuous period of social  
276 work licensure thereafter, all of which may be further governed by  
277 the rules of the commission; or  
278           (iii) The substantial equivalency of the foregoing  
279 competency requirements which the commission may determine by  
280 rule; and  
281           (b) Attain at least a master's degree in social work  
282 from a program that is:  
283           (i) Operated by a college or university recognized  
284 by the licensing authority; and  
285           (ii) Accredited, or in candidacy that subsequently  
286 becomes accredited, by an accrediting agency recognized by either:  
287           1. The Council for Higher Education  
288 Accreditation or its successor; or  
289           2. The United States Department of Education.  
290           (4) An applicant for a bachelor's-category multistate  
291 license must meet all of the following requirements:



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

(i) Passage of a bachelor's-category qualifying national exam;

(ii) 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

(iii) The substantial equivalency of the foregoing competency requirements which the commission may determine by rule; and

(b) Attain at least a bachelor's degree in social work from a program that is:

(i) Operated by a college or university recognized by the licensing authority; and

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

1. The Council for Higher Education Accreditation or its successor; or

2. The United States Department of Education.

(5) 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 subsection (1) of this section to be eligible to renew a multistate license.

(6) 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.

(7) 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.

(8) 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. Issuance of a multistate license.** (1) Upon receipt of an application for multistate license, the home state licensing authority shall determine the applicant's eligibility for a multistate license in accordance with Section 4 of this act.

(2) If such applicant is eligible pursuant to Section 4 of this act, the home state licensing authority shall issue a multistate license that authorizes the applicant or regulated



social worker to practice in all member states under a multistate authorization to practice.

(3) Upon issuance of a multistate license, the home state licensing authority shall designate whether the regulated social worker holds a multistate license in the bachelors, masters, or clinical category of social work.

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

**SECTION 6. Authority of interstate compact commission and member state licensing authorities.** (1) 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 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.

(2) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single state license.

(3) 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.

(4) 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.

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

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

(a) 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.

(b) 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.

(c) 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.

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

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

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



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

(5) Nothing in this compact shall interfere with the requirements established by a member state for the issuance of a single state license.

**SECTION 8. Military families.** An active military member or their spouse shall designate a home state where the individual has a multistate license. The individual may retain their home state designation during the period the service member is on active duty.

**SECTION 9. Adverse actions.** (1) (a) In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to take adverse action against a regulated social worker's multistate authorization to practice only within that member state, and issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable



to subpoenas issued in proceedings pending before it. The issuing licensing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

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

(2) For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct 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.

(3) 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.

(4) 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.



(5) 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.

(6) Joint investigations.

(a) 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.

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

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

(8) If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home



state and all other member state's of any adverse actions by remote states.

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

(10) Nothing in this compact shall authorize a member state to demand the issuance of subpoenas for attendance and testimony of witnesses or the production of evidence from another member state for lawful actions within that member state.

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

**SECTION 10. Establishment of social work licensure compact**

**commission.** (1) The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the social work licensure compact commission. The commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in Section 14 of this act.

(2) Membership, voting, and meetings.



510                   (a) Each member state shall have and be limited to one  
511     (1) delegate selected by that member state's state licensing  
512     authority.

513                   (b) The delegate shall be either:

514                   (i) A current member of the state licensing  
515     authority at the time of appointment, who is a regulated social  
516     worker or public member of the state licensing authority; or

517                   (ii) An administrator of the state licensing  
518     authority or their designee.

519                   (c) The commission shall by rule or bylaw establish a  
520     term of office for delegates and may by rule or bylaw establish  
521     term limits.

522                   (d) The commission may recommend removal or suspension  
523     any delegate from office.

524                   (e) A member state's state licensing authority shall  
525     fill any vacancy of its delegate occurring on the commission  
526     within sixty (60) days of the vacancy.

527                   (f) Each delegate shall be entitled to one (1) vote on  
528     all matters before the commission requiring a vote by commission  
529     delegates.

530                   (g) A delegate shall vote in person or by such other  
531     means as provided in the bylaws. The bylaws may provide for  
532     delegates to meet by telecommunication, videoconference, or other  
533     means of communication.



534           (h) The commission shall meet at least once during each  
535 calendar year. Additional meetings may be held as set forth in  
536 the bylaws. The commission may meet by telecommunication, video  
537 conference or other similar electronic means.

538           (3) The commission shall have the following powers:

539                 (a) Establish the fiscal year of the commission;

540                 (b) Establish code of conduct and conflict of interest  
541 policies;

542                 (c) Establish and amend rules and bylaws;

543                 (d) Maintain its financial records in accordance with  
544 the bylaws;

545                 (e) Meet and take such actions as are consistent with  
546 the provisions of this compact, the commission's rules, and the  
547 bylaws;

548                 (f) Initiate and conclude legal proceedings or actions  
549 in the name of the commission, provided that the standing of any  
550 state licensing board to sue or be sued under applicable law shall  
551 not be affected;

552                 (g) Maintain and certify records and information  
553 provided to a member state as the authenticated business records  
554 of the commission, and designate an agent to do so on the  
555 commission's behalf;

556                 (h) Purchase and maintain insurance and bonds;



557           (i) Borrow, accept, or contract for services of  
558 personnel, including, but not limited to, employees of a member  
559 state;

560           (j) Conduct an annual financial review;

561           (k) Hire employees, elect or appoint officers, fix  
562 compensation, define duties, grant such individuals appropriate  
563 authority to carry out the purposes of the compact, and establish  
564 the commission's personnel policies and programs relating to  
565 conflicts of interest, qualifications of personnel, and other  
566 related personnel matters;

567           (l) Assess and collect fees;

568           (m) Accept any and all appropriate gifts, donations,  
569 grants of money, other sources of revenue, equipment, supplies,  
570 materials, and services, and receive, utilize, and dispose of the  
571 same; provided that at all times the commission shall avoid any  
572 appearance of impropriety or conflict of interest;

573           (n) Lease, purchase, retain, own, hold, improve, or use  
574 any property, real, personal, or mixed, or any undivided interest  
575 therein;

576           (o) Sell, convey, mortgage, pledge, lease, exchange,  
577 abandon, or otherwise dispose of any property real, personal, or  
578 mixed;

579           (p) Establish a budget and make expenditures;

580           (q) Borrow money;





581           (r) Appoint committees, including standing committees,  
582 composed of members, state regulators, state legislators or their  
583 representatives, and consumer representatives, and such other  
584 interested persons as may be designated in this compact and the  
585 bylaws;

586           (s) Provide and receive information from, and cooperate  
587 with, law enforcement agencies;

588           (t) Establish and elect an executive committee,  
589 including a chair and a vice chair;

590           (u) Determine whether a state's adopted language is  
591 materially different from the model compact language such that the  
592 state would not qualify for participation in the compact; and

593           (v) Perform such other functions as may be necessary or  
594 appropriate to achieve the purposes of this compact.

595       (4) The executive committee.

596           (a) The executive committee shall have the power to act  
597 on behalf of the commission according to the terms of this  
598 compact. The powers, duties, and responsibilities of the  
599 executive committee shall include:

600                   (i) Oversee the day-to-day activities of the  
601 administration of the compact including enforcement and compliance  
602 with the provisions of the compact, its rules and bylaws, and  
603 other such duties as deemed necessary;

604                   (ii) Recommend to the commission changes to the  
605 rules or bylaws, changes to this compact legislation, fees charged



606 to compact member states, fees charged to licensees, and other  
607 fees;

608 (iii) Ensure compact administration services are  
609 appropriately provided, including by contract;

610 (iv) Prepare and recommend the budget;

611 (v) Maintain financial records on behalf of the  
612 commission;

613 (vi) Monitor compact compliance of member states  
614 and provide compliance reports to the commission;

615 (vii) Establish additional committees as  
616 necessary;

617 (viii) Exercise the powers and duties of the  
618 commission during the interim between commission meetings, except  
619 for adopting or amending rules, adopting or amending bylaws, and  
620 exercising any other powers and duties expressly reserved to the  
621 commission by rule or bylaw; and

622 (ix) Other duties as provided in the rules or  
623 bylaws of the commission.

624 (b) The executive committee shall be composed of up to  
625 eleven (11) members:

626 (i) The chair and vice chair of the commission  
627 shall be voting members of the executive committee;

628 (ii) The commission shall elect five (5) voting  
629 members from the current membership of the commission;



630                   (iii) Up to four (4) ex officio, nonvoting members  
631 from four (4) recognized national social work organizations; and  
632                   (iv) The ex-officio members will be selected by  
633 their respective organizations.

634           (c) The commission may remove any member of the  
635 executive committee as provided in the commission's bylaws.

636           (d) The executive committee shall meet at least  
637 annually.

638           (i) Executive committee meetings shall be open to  
639 the public, except that the executive committee may meet in a  
640 closed, nonpublic meeting as provided in subsection (6)(b) of this  
641 section.

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

646           (iii) The executive committee may hold a special  
647 meeting in accordance with subsection (6)(a)(ii) of this section.

648           (5) The commission shall adopt and provide to the member  
649 states an annual report.

650           (6) Meetings of the commission.

651           (a) All meetings shall be open to the public, except  
652 that the commission may meet in a closed, nonpublic meeting as  
653 provided in paragraph (b) of this subsection (6).



654                   (i) Public notice for all meetings of the full  
655 commission of meetings shall be given in the same manner as  
656 required under the rulemaking provisions in Section 12 of this  
657 act, except that the commission may hold a special meeting as  
658 provided in subparagraph (ii) of this paragraph (a).

659                   (ii) The commission may hold a special meeting  
660 when it must meet to conduct emergency business by giving  
661 forty-eight (48) hours' notice to all commissioners, on the  
662 commission's website, and other means as provided in the  
663 commission's rules. The commission's legal counsel shall certify  
664 that the commission's need to meet qualifies as an emergency.

665                   (b) The commission or the executive committee or other  
666 committees of the commission may convene in a closed, nonpublic  
667 meeting for the commission or executive committee or other  
668 committees of the commission to receive legal advice or to  
669 discuss:

670                   (i) Noncompliance of a member state with its  
671 obligations under the compact;

672                   (ii) The employment, compensation, discipline or  
673 other matters, practices or procedures related to specific  
674 employees;

675                   (iii) Current or threatened discipline of a  
676 licensee by the commission or by a member state's licensing  
677 authority;



678 (iv) Current, threatened, or reasonably  
679 anticipated litigation;

680 (v) Negotiation of contracts for the purchase,  
681 lease, or sale of goods, services, or real estate;

682 (vi) Accusing any person of a crime or formally  
683 censuring any person;

684 (vii) Trade secrets or commercial or financial  
685 information that is privileged or confidential;

686 (viii) Information of a personal nature where  
687 disclosure would constitute a clearly unwarranted invasion of  
688 personal privacy;

689 (ix) Investigative records compiled for law  
690 enforcement purposes;

691 (x) Information related to any investigative  
692 reports prepared by or on behalf of or for use of the commission  
693 or other committee charged with responsibility of investigation or  
694 determination of compliance issues pursuant to the compact;

695 (xi) Matters specifically exempted from disclosure  
696 by federal or member state law; or

697 (xii) Other matters as promulgated by the  
698 commission by rule.

699 (c) If a meeting, or portion of a meeting, is closed,  
700 the presiding officer shall state that the meeting will be closed  
701 and reference each relevant exempting provision, and such  
702 reference shall be recorded in the minutes.



703           (d) The commission shall keep minutes that fully and  
704 clearly describe all matters discussed in a meeting and shall  
705 provide a full and accurate summary of actions taken, and the  
706 reasons therefore, including a description of the views expressed.  
707 All documents considered in connection with an action shall be  
708 identified in such minutes. All minutes and documents of a closed  
709 meeting shall remain under seal, subject to release only by a  
710 majority vote of the commission or order of a court of competent  
711 jurisdiction.

712           (7) Financing of the commission.

713           (a) The commission shall pay, or provide for the  
714 payment of, the reasonable expenses of its establishment,  
715 organization, and ongoing activities.

716           (b) The commission may accept any and all appropriate  
717 revenue sources as provided in subsection (3) (m) of this section.

718           (c) The commission may levy on and collect an annual  
719 assessment from each member state and impose fees on licensees of  
720 member states to whom it grants a multistate license to cover the  
721 cost of the operations and activities of the commission and its  
722 staff, which must be in a total amount sufficient to cover its  
723 annual budget as approved each year for which revenue is not  
724 provided by other sources. The aggregate annual assessment amount  
725 for member states shall be allocated based upon a formula that the  
726 commission shall promulgate by rule.



(d) 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.

(e) 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.

(8) Qualified immunity, defense, and indemnification.

(a) 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 in this subsection (8).

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.** (1) The commission shall provide for the development, maintenance, operation, and utilization of a coordinated data system.

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

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



802                   (a) Identifying information;  
803                   (b) Licensure data;  
804                   (c) Adverse actions against a license and information  
805 related thereto;  
806                   (d) Nonconfidential information related to alternative  
807 program participation, the beginning and ending dates of such  
808 participation, and other information related to such participation  
809 not made confidential under member state law;  
810                   (e) Any denial of application for licensure, and the  
811 reason(s) for such denial;  
812                   (f) The presence of current significant investigative  
813 information; and  
814                   (g) Other information that may facilitate the  
815 administration of this compact or the protection of the public, as  
816 determined by the rules of the commission.  
817           (4) The records and information provided to a member state  
818 pursuant to this compact or through the data system, when  
819 certified by the commission or an agent thereof, shall constitute  
820 the authenticated business records of the commission, and shall be  
821 entitled to any associated hearsay exception in any relevant  
822 judicial, quasi-judicial or administrative proceedings in a member  
823 state.  
824           (5) (a) Current significant investigative information  
825 pertaining to a licensee in any member state will only be  
826 available to other member states.



827           (b) It is the responsibility of the member states to  
828 report any adverse action against a licensee and to monitor the  
829 database to determine whether adverse action has been taken  
830 against a licensee. Adverse action information pertaining to a  
831 licensee in any member state will be available to any other member  
832 state.

833           (6) Member states contributing information to the data  
834 system may designate information that may not be shared with the  
835 public without the express permission of the contributing state.

836           (7) Any information submitted to the data system that is  
837 subsequently expunged pursuant to federal law or the laws of the  
838 member state contributing the information shall be removed from  
839 the data system.

840           **SECTION 12. Rulemaking.** (1) The commission shall  
841 promulgate reasonable rules in order to effectively and  
842 efficiently implement and administer the purposes and provisions  
843 of the compact. A rule shall be invalid and have no force or  
844 effect only if a court of competent jurisdiction holds that the  
845 rule is invalid because the commission exercised its rulemaking  
846 authority in a manner that is beyond the scope and purposes of the  
847 compact, or the powers granted hereunder, or based upon another  
848 applicable standard of review.

849           (2) The rules of the commission shall have the force of law  
850 in each member state, provided, however, that where the rules of  
851 the commission conflict with the laws of the member state that



852 establish the member state's laws, regulations, and applicable  
853 standards that govern the practice of social work as held by a  
854 court of competent jurisdiction, the rules of the commission shall  
855 be ineffective in that state to the extent of the conflict.

856 (3) The commission shall exercise its rulemaking powers  
857 pursuant to the criteria set forth in this section and the rules  
858 adopted thereunder. Rules shall become binding on the day  
859 following adoption or the date specified in the rule or amendment,  
860 whichever is later.

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

866 (5) Rules shall be adopted at a regular or special meeting  
867 of the commission.

868 (6) Prior to adoption of a proposed rule, the commission  
869 shall hold a public hearing and allow persons to provide oral and  
870 written comments, data, facts, opinions, and arguments.

871 (7) Prior to adoption of a proposed rule by the commission,  
872 and at least thirty (30) days in advance of the meeting at which  
873 the commission will hold a public hearing on the proposed rule,  
874 the commission shall provide a notice of proposed rulemaking:

875 (a) On the website of the commission or other publicly  
876 accessible platform;



877                   (b) To persons who have requested notice of the  
878 commission's notices of proposed rulemaking; and

879                   (c) In such other way(s) as the commission may by rule  
880 specify.

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

882                   (a) The time, date, and location of the public hearing  
883 at which the commission will hear public comments on the proposed  
884 rule and, if different, the time, date, and location of the  
885 meeting where the commission will consider and vote on the  
886 proposed rule;

887                   (b) If the hearing is held via telecommunication, video  
888 conference, or other electronic means, the commission shall  
889 include the mechanism for access to the hearing in the notice of  
890 proposed rulemaking;

891                   (c) The text of the proposed rule and the reason for  
892 the proposed rule;

893                   (d) A request for comments on the proposed rule from  
894 any interested person; and

895                   (e) The manner in which interested persons may submit  
896 written comments.

897           (9) All hearings will be recorded. A copy of the recording  
898 and all written comments and documents received by the commission  
899 in response to the proposed rule shall be available to the public.

900           (10) Nothing in this section shall be construed as requiring  
901 a separate hearing on each rule. Rules may be grouped for the



convenience of the commission at hearings required by this section.

(11) The commission shall, by majority vote of all members, take final action on the proposed rule based on the rulemaking record and the full text of the rule.

(a) The commission may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule.

(b) The commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

(c) The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection (12) of this section, the effective date of the rule shall be no sooner than thirty (30) days after issuing the notice that it adopted or amended the rule.

(12) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with forty-eight (48) hours' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes



of this subsection (12), an emergency rule is one that must be adopted immediately in order to:

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

(b) Prevent a loss of commission or member state funds;

(c) Meet a deadline for the promulgation of a rule that is established by federal law or rule; or

(d) Protect public health and safety.

(13) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and 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.

(14) No member state's rulemaking requirements shall apply under this compact.

**SECTION 13. Oversight, dispute resolution, and enforcement.**

(1) Oversight.



951           (a) The executive and judicial branches of state  
952 government in each member state shall enforce this compact and  
953 take all actions necessary and appropriate to implement the  
954 compact.

955           (b) Except as otherwise provided in this compact, venue  
956 is proper and judicial proceedings by or against the commission  
957 shall be brought solely and exclusively in a court of competent  
958 jurisdiction where the principal office of the commission is  
959 located. The commission may waive venue and jurisdictional  
960 defenses to the extent it adopts or consents to participate in  
961 alternative dispute resolution proceedings. Nothing herein shall  
962 affect or limit the selection or propriety of venue in any action  
963 against a licensee for professional malpractice, misconduct or any  
964 such similar matter.

965           (c) The commission shall be entitled to receive service  
966 of process in any proceeding regarding the enforcement or  
967 interpretation of the compact and shall have standing to intervene  
968 in such a proceeding for all purposes. Failure to provide the  
969 commission service of process shall render a judgment or order  
970 void as to the commission, this compact, or promulgated rules.

971           (2) Default, technical assistance, and termination.

972           (a) If the commission determines that a member state  
973 has defaulted in the performance of its obligations or  
974 responsibilities under this compact or the promulgated rules, the  
975 commission shall provide written notice to the defaulting state.





976 The notice of default shall describe the default, the proposed  
977 means of curing the default, and any other action that the  
978 commission may take, and shall offer training and specific  
979 technical assistance regarding the default.

980 (b) The commission shall provide a copy of the notice  
981 of default to the other member states.

982 (3) If a state in default fails to cure the default, the  
983 defaulting state may be terminated from the compact upon an  
984 affirmative vote of a majority of the delegates of the member  
985 states, and all rights, privileges and benefits conferred on that  
986 state by this compact may be terminated on the effective date of  
987 termination. A cure of the default does not relieve the offending  
988 state of obligations or liabilities incurred during the period of  
989 default.

990 (4) Termination of membership in the compact shall be  
991 imposed only after all other means of securing compliance have  
992 been exhausted. Notice of intent to suspend or terminate shall be  
993 given by the commission to the governor, the majority and minority  
994 leaders of the defaulting state's legislature, the defaulting  
995 state's state licensing authority and each of the member states'  
996 state licensing authority.

997 (5) A state that has been terminated is responsible for all  
998 assessments, obligations, and liabilities incurred through the  
999 effective date of termination, including obligations that extend  
1000 beyond the effective date of termination.



1001           (6) Upon the termination of a state's membership from this  
1002 compact, that state shall immediately provide notice to all  
1003 licensees within that state of such termination. The terminated  
1004 state shall continue to recognize all licenses granted pursuant to  
1005 this compact for a minimum of six (6) months after the date of  
1006 said notice of termination.

1007           (7) The commission shall not bear any costs related to a  
1008 state that is found to be in default or that has been terminated  
1009 from the compact, unless agreed upon in writing between the  
1010 commission and the defaulting state.

1011           (8) The defaulting state may appeal the action of the  
1012 commission by petitioning the U.S. District Court for the District  
1013 of Columbia or the federal district where the commission has its  
1014 principal offices. The prevailing party shall be awarded all  
1015 costs of such litigation, including reasonable attorney's fees.

1016           (9) Dispute resolution.

1017                 (a) Upon request by a member state, the commission  
1018 shall attempt to resolve disputes related to the compact that  
1019 arise among member states and between member and nonmember states.

1020                 (b) The commission shall promulgate a rule providing  
1021 for both mediation and binding dispute resolution for disputes as  
1022 appropriate.

1023           (10) Enforcement.

1024                 (a) By majority vote as provided by rule, the  
1025 commission may initiate legal action against a member state in



default in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include 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. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting member state's law.

(b) A member state may initiate legal action against the commission in the U.S. District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include 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.

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

**SECTION 14. Effective date, withdrawal, and amendment.** (1)

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



1050           (a) On or after the effective date of the compact, the  
1051 commission shall convene and review the enactment of each of the  
1052 first seven (7) member states ("charter member states") to  
1053 determine if the statute enacted by each such charter member state  
1054 is materially different than the model compact statute.

1055           (i) A charter member state whose enactment is  
1056 found to be materially different from the model compact statute  
1057 shall be entitled to the default process set forth in Section 13  
1058 of this act.

1059           (ii) If any member state is later found to be in  
1060 default, or is terminated or withdraws from the compact, the  
1061 commission shall remain in existence and the compact shall remain  
1062 in effect even if the number of member states should be less than  
1063 seven (7).

1064           (b) Member states enacting the compact subsequent to  
1065 the seven initial charter member states shall be subject to the  
1066 process set forth in Section 10(3)(u) of this act to determine if  
1067 their enactments are materially different from the model compact  
1068 statute and whether they qualify for participation in the compact.

1069           (c) All actions taken for the benefit of the commission  
1070 or in furtherance of the purposes of the administration of the  
1071 compact prior to the effective date of the compact or the  
1072 commission coming into existence shall be considered to be actions  
1073 of the commission unless specifically repudiated by the  
1074 commission.



1075           (d) Any state that joins the compact subsequent to the  
1076 commission's initial adoption of the rules and bylaws shall be  
1077 subject to the rules and bylaws as they exist on the date on which  
1078 the compact becomes law in that state. Any rule that has been  
1079 previously adopted by the commission shall have the full force and  
1080 effect of law on the day the compact becomes law in that state.

1081           (2) Any member state may withdraw from this compact by  
1082 enacting a statute repealing the same.

1083           (a) A member state's withdrawal shall not take effect  
1084 until one hundred eighty (180) days after enactment of the  
1085 repealing statute.

1086           (b) Withdrawal shall not affect the continuing  
1087 requirement of the withdrawing state's licensing authority to  
1088 comply with the investigative and adverse action reporting  
1089 requirements of this compact prior to the effective date of  
1090 withdrawal.

1091           (c) Upon the enactment of a statute withdrawing from  
1092 this compact, a state shall immediately provide notice of such  
1093 withdrawal to all licensees within that state. Notwithstanding  
1094 any subsequent statutory enactment to the contrary, such  
1095 withdrawing state shall continue to recognize all licenses granted  
1096 pursuant to this compact for a minimum of one hundred eighty (180)  
1097 days after the date of such notice of withdrawal.

1098           (3) Nothing contained in this compact shall be construed to  
1099 invalidate or prevent any licensure agreement or other cooperative



1100 arrangement between a member state and a nonmember state that does  
1101 not conflict with the provisions of this compact.

1102 (4) This compact may be amended by the member states. No  
1103 amendment to this compact shall become effective and binding upon  
1104 any member state until it is enacted into the laws of all member  
1105 states.

1106 **SECTION 15. Construction and severability.** (1) This  
1107 compact and the commission's rulemaking authority shall be  
1108 liberally construed so as to effectuate the purposes, and the  
1109 implementation and administration of the compact. Provisions of  
1110 the compact expressly authorizing or requiring the promulgation of  
1111 rules shall not be construed to limit the commission's rulemaking  
1112 authority solely for those purposes.

1113 (2) The provisions of this compact shall be severable and if  
1114 any phrase, clause, sentence or provision of this compact is held  
1115 by a court of competent jurisdiction to be contrary to the  
1116 constitution of any member state, a state seeking participation in  
1117 the compact, or of the United States, or the applicability thereof  
1118 to any government, agency, person or circumstance is held to be  
1119 unconstitutional by a court of competent jurisdiction, the  
1120 validity of the remainder of this compact and the applicability  
1121 thereof to any other government, agency, person or circumstance  
1122 shall not be affected thereby.

1123 (3) Notwithstanding subsection (2) of this section, the  
1124 commission may deny a state's participation in the compact or, in



1125 accordance with the requirements of Section 13(2) of this act,  
1126 terminate a member state's participation in the compact, if it  
1127 determines that a constitutional requirement of a member state is  
1128 a material departure from the compact. Otherwise, if this compact  
1129 shall be held to be contrary to the constitution of any member  
1130 state, the compact shall remain in full force and effect as to the  
1131 remaining member states and in full force and effect as to the  
1132 member state affected as to all severable matters.

1133       **SECTION 16. Consistent effect and conflict with other state**  
1134 **laws.** (1) A licensee providing services in a remote state under  
1135 a multistate authorization to practice shall adhere to the laws  
1136 and regulations, including laws, regulations, and applicable  
1137 standards, of the remote state where the client is located at the  
1138 time care is rendered.

1139       (2) Nothing herein shall prevent or inhibit the enforcement  
1140 of any other law of a member state that is not inconsistent with  
1141 the compact.

1142       (3) Any laws, statutes, regulations, or other legal  
1143 requirements in a member state in conflict with the compact are  
1144 superseded to the extent of the conflict.

1145       (4) All permissible agreements between the commission and  
1146 the member states are binding in accordance with their terms.

1147       **SECTION 17.** Section 73-53-3, Mississippi Code of 1972, is  
1148 amended as follows:

1149       73-53-3. As used in this chapter:



1150                   (a) "Board" means the Board of Examiners for Social  
1151 Workers and Marriage and Family Therapists created under Section  
1152 73-53-8.

1153                   (b) "Social work practice" means the professional  
1154 activity directed at enhancing, protecting or restoring people's  
1155 capacity for social functioning, whether impaired by physical,  
1156 environmental or emotional factors.

1157                   (c) "Master's social work practice" means the  
1158 application of social work theory, knowledge, methods and ethics  
1159 and the professional use of self to restore or enhance social,  
1160 psychosocial, or biopsychosocial functioning of individuals,  
1161 couples, families, groups, organizations and communities.  
1162 Master's social work practice includes the application of  
1163 specialized knowledge and advanced practice skills in the areas of  
1164 assessment, treatment planning, implementation and evaluation,  
1165 case management, information and referral, counseling,  
1166 supervision, consultation, education, research, advocacy,  
1167 community organization and the development, implementation, and  
1168 administration of policies, programs and activities. Under  
1169 supervision as provided in this chapter, the practice of master's  
1170 social work may include the practices reserved to clinical social  
1171 workers.

1172                   (d) "Macro social work practice" focuses on changing  
1173 larger systems, such as communities and organizations. It  
1174 encompasses a broad spectrum of practice, including planning,





1175 program development, community organizing, policy analysis,  
1176 legislative advocacy, program evaluation, task-oriented group  
1177 work, community education, and human services management.

1178 (e) "Clinical social work practice" means the  
1179 application of social work methods, knowledge, theory, and ethics  
1180 in the application of specialized clinical knowledge and advanced  
1181 clinical skill in areas of assessment, diagnosis, and treatment of  
1182 mental, emotional, and behavioral disorders, conditions, and  
1183 addictions. This involves the professional application of  
1184 psychotherapeutic and family systems theories and techniques in  
1185 the delivery of therapy services to those persons. Licensed  
1186 clinical social workers may provide evaluations consistent with  
1187 the scope of their education, training and experience, which shall  
1188 occur within the context of a therapeutic relationship.

1189 (f) "Clinical supervision" means an interactional  
1190 professional relationship between a supervisor and a social worker  
1191 that provides evaluation and direction over the supervisee's  
1192 practice of clinical social work and promotes continued  
1193 development of the social worker's knowledge, skills, and  
1194 abilities to engage in the practice of clinical social work in an  
1195 ethical and competent manner. "Approved clinical supervisor"  
1196 means a licensed clinical social worker who has met the  
1197 qualifications to be a clinical supervisor as determined by the  
1198 board.



1199           (g) "Supervision" means the professional relationship  
1200 between a supervisor and a social worker that provides evaluation  
1201 and direction over the services provided by the social worker and  
1202 promotes continued development of the social worker's knowledge,  
1203 skills and abilities to provide social work services in an ethical  
1204 and competent manner.

1205           (h) "Examination(s)" means that test or exam which is  
1206 endorsed and prescribed by the Association of Social Work Boards.

1207           (i) "ASWB" means Association of Social Work Boards.

1208           (j) "Advertise" means, but is not limited to, issuing  
1209 or causing to be distributed any card, sign or device to any  
1210 person; causing, permitting or allowing any sign or marking on or  
1211 in any building; broadcasting by radio, television, or the  
1212 internet; or advertising by any other means designed to secure  
1213 public attention.

1214           (k) "Use a title or description of" means to hold  
1215 oneself out to the public as having a particular status by means  
1216 of stating it on signs, mailboxes, address plates, stationery,  
1217 announcements, calling cards, the internet or other instruments of  
1218 professional identification.

1219           (l) "Person" means any individual, firm, corporation,  
1220 partnership, organization or body politic.

1221           (m) "Continuing education" means education and training  
1222 that are oriented to maintain, improve or enhance social work  
1223 practice knowledge and skills at the post-baccalaureate level.



"Continuing education hour" means a sixty-minute clock hour of instruction, not including breaks or meals.

(n) "Licensed social worker" means a person who is licensed under this chapter or holds a compact privilege under Sections 1 through 16 of this act.

**SECTION 18.** 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 \* \* \*, by a person 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 compact privilege under Sections 1 through 16 of this act.

A person who does not hold a valid and current license issued by the board, or a compact privilege under Sections 1 through 16



1248 of this act, shall not practice social work, nor advertise the  
1249 performance of that practice.

1250         A person or party who engages in or attempts to engage in the  
1251 conduct described by this section is considered to be engaged in  
1252 the practice of social work.

1253         (2) Any person not licensed under this chapter on July 1,  
1254 1993, who is actively engaged in the practice of social work  
1255 before July 1, 1994, as an employee of the State of Mississippi or  
1256 any agency, political subdivision or municipality thereof or any  
1257 community action agency or Head Start agency, and who is not  
1258 eligible to be issued a license under subsection (3) of this  
1259 section, shall be issued a provisional license as a licensed  
1260 social worker by the board, if the person applies for such  
1261 provisional license before July 1, 1994, and, at the time that the  
1262 application is made, the person is so actively engaged. The  
1263 license shall be issued by the board upon application therefor,  
1264 the submission of proof satisfactory to the board of the  
1265 applicant's employment in the practice of social work as provided  
1266 in this subsection, and the payment of the appropriate fee. Such  
1267 license shall be valid for a maximum period of two (2) years, but  
1268 not to extend past June 30, 1995, during which time the  
1269 provisional licensee must pass the ASWB social work examination at  
1270 the basic level.

1271         (3) From and after July 1, 2001, any person violating the  
1272 provisions of this chapter shall be guilty of a misdemeanor and,



1273 upon conviction, shall be fined an amount not to exceed Five  
1274 Hundred Dollars (\$500.00) for his first violation, One Thousand  
1275 Dollars (\$1,000.00) for the second violation, and Five Thousand  
1276 Dollars (\$5,000.00) for the third and each subsequent violation.

1277       **SECTION 19.** This act shall take effect and be in force from  
1278 and after July 1, 2025.

