

**9:30 a.m. Call to Order** – Jaime H. Hoyle, Executive Director, Boards of Counseling, Psychology, and Social Work

- Welcome/Introductions
  - Workgroup Members.....Page 2

- Adoption of Agenda

- Purpose and Goals of the Workgroup
- House Bill 2146 Summary.....Page 3
- Bill Language.....Page 5

- Discussion of need for reciprocity agreements:
  - Statutory Authority.....Page 6
  - Current Endorsement Requirements.....Page 15
  - Social Work Compact.....Page 33

- Summary of Any Recommendation/s\*

- Gaining Report Approval

**Meeting Adjournment**

\*Indicates a Committee vote is required.

This information is in **DRAFT** form and is subject to change. The official agenda and packet will be approved by the Board at the meeting. One printed copy of the agenda and packet will be available for the public to view at the meeting pursuant to Virginia Code Section 2.2-3707(F).



Virginia Department of  
**Health Professions**  
Board of Social Work

**August 18, 2023**

**House Bill 2146 Workgroup Members**

Elke Cox, LCSW, Board Member

Sherwood Randolph, Jr., LCSW, Board Member

Debra Riggs, Executive Director, National Association of Social Workers, Virginia and DC Chapters

**Staff**

Latasha Austin, Licensing Manager, Board of Social Work

Erin Barrett, DHP, Director of Legislative and Regulatory Affairs

Jaime Hoyle, JD, Executive Director, Boards of Counseling, Psychology, and Social Work

James Jenkins, RN, DHP Chief Deputy, Special Advisor to the Governor on Workforce

Jennifer Lang, Deputy Executive Director, Boards of Counseling, Psychology, and Social Work

Charlotte Lenart, Deputy Executive Director – Licensing, Boards of Counseling, Psychology, and Social Work

Matt Novak, DHP, Policy and Economic Analyst

## 2023 SESSION

### **HB 2146 Licensure by reciprocity; Bd. of Social Work to examine licensure w/other jurisdictions.**

Introduced by: [Elizabeth R. Guzman](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)

#### **SUMMARY AS PASSED HOUSE:** (all summaries)

#### **Virginia Board of Social Work; licensed clinical social worker candidates; licensure by reciprocity; workgroup; report.**

Directs the Virginia Board of Social Work to convene a workgroup to examine the feasibility of licensure by reciprocity with other jurisdictions. Under the bill, the Board shall submit a report to the General Assembly no later than November 1, 2023.

#### **FULL TEXT**

**01/10/23 House: Prefiled and ordered printed; offered 01/11/23 23101968D** [pdf](#) | [impact statement](#)

**01/31/23 House: Committee substitute printed 23104807D-H1** [pdf](#) | [impact statement](#)

**02/24/23 House: Bill text as passed House and Senate (HB2146ER)** [pdf](#) | [impact statement](#)

**03/26/23 Governor: Acts of Assembly Chapter text (CHAP0627)** [pdf](#)

#### **AMENDMENTS**

[House subcommittee amendments and substitutes offered](#)

[House subcommittee amendments and substitutes adopted](#)

#### **HISTORY**

01/10/23 House: Prefiled and ordered printed; offered 01/11/23 23101968D

**01/10/23 House: Referred to Committee on Health, Welfare and Institutions**

**01/19/23 House: Assigned HWI sub: Subcommittee #1**

**01/24/23 House: Subcommittee recommends reporting with substitute (9-Y 0-N)**

**01/31/23 House: Reported from Health, Welfare and Institutions with substitute (21-Y 0-N)**

01/31/23 House: Committee substitute printed 23104807D-H1

02/02/23 House: Read first time

02/03/23 House: Read second time

02/03/23 House: Committee substitute agreed to 23104807D-H1

02/03/23 House: Engrossed by House - committee substitute HB2146H1

02/06/23 House: Read third time and passed House BLOCK VOTE (100-Y 0-N)

**02/06/23 House: VOTE: Block Vote Passage (100-Y 0-N)**

02/07/23 Senate: Constitutional reading dispensed

**02/07/23 Senate: Referred to Committee on Rules**

**02/17/23 Senate: Reported from Rules (16-Y 0-N)**

**02/20/23 Senate: Constitutional reading dispensed (40-Y 0-N)**

02/21/23 Senate: Read third time

**02/21/23 Senate: Passed Senate (40-Y 0-N)**

02/24/23 House: Enrolled

02/24/23 House: Bill text as passed House and Senate (HB2146ER)

02/24/23 House: Signed by Speaker

02/25/23 Senate: Signed by President

03/02/23 House: Enrolled Bill communicated to Governor on March 2, 2023

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03/02/23 Governor: Governor's Action Deadline 11:59 p.m., March 27, 2023

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03/26/23 Governor: Approved by Governor-Chapter 627 (effective 7/1/23)

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03/26/23 Governor: Acts of Assembly Chapter text (CHAP0627)

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# VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

## CHAPTER 627

*An Act to direct the Board of Social Work to convene a workgroup to examine the feasibility of licensure by reciprocity with other jurisdictions; report.*

[H 2146]

Approved March 26, 2023

**Be it enacted by the General Assembly of Virginia:**

**1.** § 1. *That the Virginia Board of Social Work (the Board) shall convene a workgroup to examine the feasibility of licensure by reciprocity with other jurisdictions. The workgroup shall also examine the effectiveness of the Board's current licensure by endorsement provisions and shall examine the possibility of joining the Social Work Compact when that Compact becomes operational. The Board shall submit a report to the General Assembly no later than November 1, 2023.*

# Chapter 37 of Title 54.1 of the Code of Virginia

## Social Work

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## **Article 1. Social Work.**

### **§ 54.1-3700. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Administration" means the process of attaining the objectives of an organization through a system of coordinated and cooperative efforts to make social service programs effective instruments for the amelioration of social conditions and for the solution of social problems.

"Baccalaureate social worker" means a person who engages in the practice of social work under the supervision of a master's social worker and provides basic generalist services, including casework management and supportive services and consultation and education.

"Board" means the Board of Social Work.

"Casework" means both direct treatment, with an individual or several individuals, and intervention in the situation on the client's behalf with the objectives of meeting the client's needs, helping the client deal with the problem with which he is confronted, strengthening the client's capacity to function productively, lessening his distress, and enhancing his opportunities and capacities for fulfillment.

"Casework management and supportive services" means assessment of presenting problems and perceived needs, referral services, policy interpretation, data gathering, planning, advocacy, and coordination of services.

"Clinical social worker" means a social worker who, by education and experience, is professionally qualified at the autonomous practice level to provide direct diagnostic, preventive and treatment services where functioning is threatened or affected by social and psychological stress or health impairment.

"Consultation and education" means program consultation in social work to agencies, organizations, or community groups; academic programs and other training such as staff development activities, seminars, and workshops using social work principles and theories of social work education.

"Group work" means helping people, in the realization of their potential for social functioning, through group experiences in which the members are involved with common concerns and in which there is agreement about the group's purpose, function, and structure.

"Master's social worker" means a person who engages in the practice of social work and provides non-clinical, generalist services, including staff supervision and management.

"Planning and community organization" means helping organizations and communities analyze social problems and human needs; planning to assist organizations and communities in

organizing for general community development; and improving social conditions through the application of social planning, resource development, advocacy, and social policy formulation.

"Practice of social work" means rendering or offering to render to individuals, families, groups, organizations, governmental units, or the general public service which is guided by special knowledge of social resources, social systems, human capabilities, and the part conscious and unconscious motivation play in determining behavior. Any person regularly employed by a licensed hospital or nursing home who offers or renders such services in connection with his employment in accordance with patient care policies or plans for social services adopted pursuant to applicable regulations when such services do not include group, marital or family therapy, psychosocial treatment or other measures to modify human behavior involving child abuse, newborn intensive care, emotional disorders or similar issues, shall not be deemed to be engaged in the "practice of social work." Subject to the foregoing, the disciplined application of social work values, principles and methods includes, but is not restricted to, casework management and supportive services, casework, group work, planning and community organization, administration, consultation and education, and research.

"Research" means the application of systematic procedures for the purpose of developing, modifying, and expanding knowledge of social work practice which can be communicated and verified.

"Social worker" means a person trained to provide service and action to effect changes in human behavior, emotional responses, and the social conditions by the application of the values, principles, methods, and procedures of the profession of social work.

1976, c. 608, § 54-941; 1979, c. 398; 1981, c. 555; 1988, c. 765; 2018, c. [451](#).

#### **§ 54.1-3701. Exemption from requirements of licensure.**

The requirements for licensure provided for in this chapter shall not be applicable to:

1. Persons who render services that are like or similar to those falling within the scope of the classifications or categories in this chapter, so long as the recipients or beneficiaries of such services are not subject to any charge or fee, or any financial requirement, actual or implied, and the person rendering such service is not held out, by himself or otherwise, as a licensed practitioner.
2. The activities or services of a student pursuing a course of study in social work in an institution recognized by the Board for purposes of licensure upon completion of the course of study or under the supervision of a practitioner licensed under this chapter; if such activities or services constitute a part of his course of study and are adequately supervised.
3. The activities of rabbis, priests, ministers or clergymen of any religious denomination or sect when such activities are within the scope of the performance of their regular or specialized ministerial duties, and no separate charge is made or when such activities are performed, whether with or without charge, for or under auspices or sponsorship, individually or in conjunction with



others, of an established and legally cognizable church, denomination or sect, and the person rendering service remains accountable to its established authority.

4. Persons employed as salaried employees or volunteers of the federal government, the Commonwealth, a locality, or of any agency established or funded, in whole or part, by any such governmental entity or of a private, nonprofit organization or agency sponsored or funded, in whole or part, by a community-based citizen group or organization. Any person who renders psychological services, as defined in Chapter 36 (§ [54.1-3600](#) et seq.) of this title, shall be subject to the requirements of that chapter. Any person who, in addition to the above-enumerated employment, engages in an independent private practice shall not be exempt from the requirements for licensure.

5. Persons regularly employed by private business firms as personnel managers, deputies or assistants so long as their counseling activities relate only to employees of their employer and in respect to their employment.

6. Any person who is licensed to practice as a clinical social worker in another state, the District of Columbia, or a United States territory or possession and who is in good standing with the applicable regulatory agency in that state, the District of Columbia, or that United States territory or possession who provides behavioral health services, as defined in § [37.2-100](#), to a patient located in the Commonwealth when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services as defined in § [38.2-3418.16](#) and (ii) the clinical social worker has previously established a practitioner-patient relationship with the patient. A person who is licensed to practice as clinical social worker who provides behavioral health services to a patient located in the Commonwealth through use of telemedicine services pursuant to this subdivision may provide such services for a period of no more than one year from the date on which the clinical social worker began providing such services to such patient.

1976, c. 608, § 54-944; 1986, c. 581; 1988, c. 765; 2022, c. [275](#).

#### **§ 54.1-3702. Administration or prescription of drugs not permitted.**

This chapter shall not be construed as permitting the administration or prescribing of drugs or in any way infringing upon the practice of medicine as defined in Chapter 29 (§ 54.1-2900 et seq.) of this title.

(1976, c. 608, § 54-945; 1988, c. 765.)

#### **§ 54.1-3703. Board of Social Work; members.**

The Board of Social Work shall regulate the practice of social work.

The Board shall be composed of nine nonlegislative citizen members appointed by the Governor, seven of whom shall be licensed social workers who have been in active practice of social work for at least five years prior to appointment and two of whom shall be nonlegislative citizen members at large. The terms of the members of the Board shall be four years.

(1976, c. 608, § 54-942; 1981, cc. 447, 555; 1986, c. 464; 1988, cc. 42, 765; 2006, c. 685.)

**§ 54.1-3704. Nominations.**

Nominations for professional members may be made from a list of at least three names for each vacancy submitted to the Governor by the Virginia Chapter of the National Association of Social Workers and by the Virginia Society for Clinical Social Work. The Governor may notify such organizations of any professional vacancy other than by expiration. In no case shall the Governor be bound to make any appointment from among the nominees.

(1986, c. 464, § 54-942.1; 1988, c. 765.)

**§ 54.1-3705. Specific powers and duties of the Board.**

In addition to the powers granted in § [54.1-2400](#), the Board shall have the following specific powers and duties:

1. To cooperate with and maintain a close liaison with other professional boards and the community to ensure that regulatory systems stay abreast of community and professional needs.
2. To conduct inspections to ensure that licensees conduct their practices in a competent manner and in conformance with the relevant regulations.
3. To designate specialties within the profession.
4. Expired.
5. To license baccalaureate social workers, master's social workers, and clinical social workers to practice consistent with the requirements of the chapter and regulations of the Board.
6. To register persons proposing to obtain supervised post-degree experience in the practice of social work required by the Board for licensure as a clinical social worker.
7. To pursue the establishment of reciprocal agreements with jurisdictions that are contiguous with the Commonwealth for the licensure of baccalaureate social workers, master's social workers, and clinical social workers. Reciprocal agreements shall require that a person hold a comparable, current, unrestricted license in the other jurisdiction and that no grounds exist for denial based on the Code of Virginia and regulations of the Board.
8. To maintain on the Board's website a list of the names and contact information of persons currently approved by the Board to supervise candidates for licensure as a clinical social worker.

9. To allow supervisees pursuing licensure as a clinical social worker to change or add a supervisor from the Board's list of currently approved supervisors without prior approval from the Board.

1976, c. 608, §§ 54-929, 54-931; 1983, c. 115; 1986, cc. 64, 100, 464; 1988, c. 765; 1994, c. [778](#); 2018, c. [451](#); 2020, c. [617](#); 2023, c. [489](#).

**§ 54.1-3706. License required.**

In order to engage in the practice of social work, it shall be necessary to hold a license.

(1979, c. 408, § 54-943.1; 1988, c. 765.)

**§ 54.1-3707. Licenses continued.**

All licenses heretofore issued by the Board of Social Work and its predecessors shall continue in effect, and be renewable under this chapter.

(1976, c. 608, § 54-943; 1988, c. 765.)

**§ 54.1-3707.1. Educational requirements.**

The Board shall accept proof of the successful completion of the following as evidence of the satisfaction of the educational requirements for licensure as a clinical social worker: (i) a master's degree in social work with a clinical course of study from a program accredited by the Council on Social Work Education, (ii) a master's degree in social work with a non-clinical concentration from a program accredited by the Council on Social Work Education together with successful completion of the educational requirements for a clinical course of study through a graduate program accredited by the Council on Social Work Education, or (iii) a program of education and training in social work at an educational institution outside the United States recognized by the Council on Social Work Education. For the purposes of this section, "clinical course of study" means graduate coursework that includes specialized advanced courses in human behavior and the social environment, social justice and policy, psychopathology, and diversity issues; research; clinical practice with individuals, families, and groups; and clinical practicum that focuses on diagnostic, prevention, and treatment services.

(2013, c. [533](#).)

**§ 54.1-3708. Continuing education requirements.**

The Board shall establish in regulations requirements for the continuing education of licensed social workers.

The Board may approve persons who provide continuing education or accredit continuing education programs in order to accomplish the purposes of this section.

(1999, c. 575.)

**§ 54.1-3709. Unlawful designation as social worker.**

A. It shall be unlawful for any person not licensed under this chapter to use the title "Social Worker" in writing or in advertising in connection with his practice unless he simultaneously uses clarifying initials that signify receiving a baccalaureate or master's degree in social work from an accredited social work school or program approved by the Council on Social Work Education or a doctorate in social work.

B. If a complaint or report of a possible violation of this section is made against any person who is licensed, certified, registered, or permitted, or who holds a multistate licensure privilege issued by any of the health regulatory boards within the Department of Health Professions, that complaint shall be referred to the applicable board within the Department for disciplinary action. A violation of this section shall be a Class 1 misdemeanor.

C. Notwithstanding the provisions of this section, any individual meeting the qualifications provided for in 42 C.F.R. Part 483 may practice as a "qualified social worker" in any licensed nursing home using such title. However, any such individual may only use the title "social worker" in connection with the activities of the nursing home.

D. Notwithstanding the provisions of this section, any individual meeting the qualifications provided for in 42 C.F.R. § 418.114(b) (3) may practice as a "social worker" in any licensed hospice using such title. However, any such individual may only use the title "social worker" in connection with the activities of the hospice.

E. That nothing in this act shall be construed as requiring the Department of Social Services, or any other entity, to hire licensed social workers or social workers with a baccalaureate or master's degree in social work from an accredited social work school or program approved by the Council on Social Work Education or a doctorate in social work.

(2011, c. 794.)

**Article 2. Music Therapy.**

**§ 54.1-3709.1. Definitions.**

As used in this article, unless the context requires a different meaning:

"Music therapist" means a person who has (i) completed a bachelor's degree or higher in music therapy, or its equivalent; (ii) satisfied the requirements for licensure set forth in regulations adopted by the Board pursuant to § [54.1-3709.2](#); and (iii) been issued a license for the independent practice of music therapy by the Board.

"Music therapy" means the clinical and evidence-based use of music interventions to accomplish individualized goals within a therapeutic relationship through an individualized music therapy treatment plan for the client that identifies the goals, objectives, and potential strategies of the music therapy services appropriate for the client using music therapy interventions, which may include music improvisation, receptive music listening, songwriting, lyric discussion, music and imagery, music performance, learning through music, and movement to music. "Music therapy" does not include the screening, diagnosis, or assessment of any physical, mental, or communication disorder.

2020, cc. [103](#), [233](#).

**§ 54.1-3709.2. Music therapy; licensure.**

A. The Board shall adopt regulations governing the practice of music therapy, upon consultation with the Advisory Board on Music Therapy established in § [54.1-3709.3](#). The regulations shall (i) set forth the educational, clinical training, and examination requirements for licensure to practice music therapy; (ii) provide for appropriate application and renewal fees; and (iii) include requirements for licensure renewal and continuing education. In developing such regulations, the Board shall consider requirements for board certification offered by the Certification Board for Music Therapists or any successor organization.

B. No person shall engage in the practice of music therapy or hold himself out or otherwise represent himself as a music therapist unless he is licensed by the Board.

C. Nothing in this section shall prohibit (i) the practice of music therapy by a student pursuing a course of study in music therapy if such practice constitutes part of the student's course of study and is adequately supervised or (ii) a licensed health care provider, other professional registered, certified, or licensed in the Commonwealth, or any person whose training and national certification attests to his preparation and ability to practice his certified profession or occupation from engaging in the full scope of his practice, including the use of music incidental to his practice, provided that he does not represent himself as a music therapist.

2020, cc. [103](#), [233](#).

**§ 54.1-3709.3. Advisory Board on Music Therapy; membership; terms.**

A. The Advisory Board on Music Therapy (Advisory Board) is hereby established to assist the Board in formulating regulations related to the practice of music therapy. The

Advisory Board shall also assist in such other matters relating to the practice of music therapy as the Board may require.

B. The Advisory Board shall have a total membership of five nonlegislative citizen members to be appointed by the Governor as follows: three members shall be licensed music therapists, one member shall be a licensed health care provider other than a music therapist, and one member shall be a citizen at large.

C. After the initial staggering of terms, members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

2020, cc. [103](#), [233](#).

*Commonwealth of Virginia*



# **REGULATIONS**

## **GOVERNING THE PRACTICE OF SOCIAL WORK**

**VIRGINIA BOARD OF SOCIAL WORK**

**Title of Regulations: 18 VAC 140-20-10 et seq.**

**Statutory Authority: Va. Code § 54.1-2400 and Chapter 37 of Title 54.1  
of the Code of Virginia**

**Revised Date: October 27, 2022**

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## **Part I. General Provisions.**

### **18VAC140-20-10. Definitions.**

A. The following words and terms when used in this chapter shall have the meanings ascribed to them in § 54.1-3700 of the Code of Virginia:

Baccalaureate social worker

Board

Casework

Casework management and supportive services

Clinical social worker

Master's social worker

Practice of social work

Social worker

B. The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Accredited school of social work" means a school of social work accredited by the Council on Social Work Education.

"Active practice" means post-licensure practice at the level of licensure for which an applicant is seeking licensure in Virginia and shall include at least 360 hours of practice in a 12-month period.

"Ancillary services" means activities such as case management, recordkeeping, referral, and coordination of services.

"Clinical course of study" means graduate course work that includes specialized advanced courses in human behavior and the social environment, social justice and policy, psychopathology, and diversity issues; research; clinical practice with individuals, families, and groups; and a clinical practicum that focuses on diagnostic, prevention, and treatment services.

"Clinical social work services" include the application of social work principles and methods in performing assessments and diagnoses based on a recognized manual of mental and emotional disorders or recognized system of problem definition, preventive and early intervention services, and treatment services, including psychosocial interventions, psychotherapy, and counseling for mental disorders, substance abuse, marriage and family dysfunction, and problems caused by social and psychological stress or health impairment.

"Conversion therapy" means any practice or treatment as defined in § 54.1-2409.5 A of the Code of Virginia.

"Exempt practice" is that which meets the conditions of exemption from the requirements of licensure as defined in § 54.1-3701 of the Code of Virginia.

"Face-to-face " means the physical presence of the individuals involved in the supervisory relationship during either individual or group supervision or in the delivery of clinical social work services by a supervisee and may include the use of technology that provides real-time, interactive contact among the individuals involved.

"LBSW" means a licensed baccalaureate social worker.

"LMSW" means a licensed master's social worker.

"Nonexempt practice" means that which does not meet the conditions of exemption from the requirements of licensure as defined in § 54.1-3701 of the Code of Virginia.

"Supervisee" means an individual who has submitted a supervisory contract and has received board approval to provide clinical services in social work under supervision.

"Supervision" means a professional relationship between a supervisor and supervisee in which the supervisor directs, monitors and evaluates the supervisee's social work practice while promoting development of the supervisee's knowledge, skills and abilities to provide social work services in an ethical and competent manner.

"Supervisory contract" means an agreement that outlines the expectations and responsibilities of the supervisor and supervisee in accordance with regulations of the board.

**18VAC140-20-20. [Repealed]**

**18VAC140-20-30. Fees.**

A. The board has established fees for the following:

- |   |       |
|---|-------|
| 1. Registration of supervision                          | \$50  |
| 2. Addition to or change in registration of supervision | \$25  |
| 3. Application processing                               |       |
| a. Licensed clinical social worker                      | \$165 |
| b. LBSW   | \$100 |
| c. LMSW   | \$115 |
| 4. Annual license renewal                               |       |
| a. Registered social worker                             | \$25  |
| b. Associate social worker                              | \$25  |
| c. LBSW   | \$55  |
| d. LMSW   | \$65  |
| e. Licensed clinical social worker                      | \$90  |

5. Penalty for late renewal	
a. Registered social worker	\$10
b. Associate social worker	\$10
c. LBSW	\$20
d. LMSW	\$20
e. Licensed clinical social worker	\$30
6. Verification of license to another jurisdiction	\$25
7. Additional or replacement licenses	\$15
8. Additional or replacement wall certificates	\$25
9. Handling fee for returned check or dishonored credit or debit card	\$50
10. Reinstatement following disciplinary action	\$500

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board. All fees are nonrefundable.

C. Examination fees shall be paid directly to the examination service according to its requirements.

**18VAC140-20-35. Sex offender treatment provider certification.**

Anyone licensed by the board who is seeking certification as a sex offender treatment provider shall obtain certification under the Board of Psychology and adhere to the board's Regulations Governing the Certification of Sex Offender Treatment Providers, 18VAC125-30-10 et seq.

**18VAC140-20-37. Licensure; general.**

LBSWs and LMSWs may practice in exempt practice settings under appropriate supervision. In accordance with § 54.1-3700 of the Code of Virginia, an LBSW shall engage in the practice of social work under the supervision of a master's social worker. Only licensed clinical social workers may practice at the autonomous level.

**Part II. Requirements for Licensure.**

**18VAC140-20-40. Requirements for licensure by examination as a clinical social worker.**

Every applicant for examination for licensure as a licensed clinical social worker shall:

1. Meet the education requirements prescribed in 18VAC140-20-49 and experience requirements prescribed in 18VAC140-20-50.
2. Submit a completed application to the board office within two years of completion of supervised experience to include:

a. Documentation, on the appropriate forms, of the successful completion of the supervised experience requirements of 18VAC140-20-50 along with documentation of the supervisor's out-of-state license where applicable. Applicants whose former supervisor is deceased, or whose whereabouts is unknown, shall submit to the board a notarized affidavit from the present chief executive officer of the agency, corporation or partnership in which the applicant was supervised. The affidavit shall specify dates of employment, job responsibilities, supervisor's name and last known address, and the total number of hours spent by the applicant with the supervisor in face-to-face supervision;

b. The application fee prescribed in 18VAC140-20-30;

c. Official transcript or documentation submitted from the appropriate institutions of higher education that verifies successful completion of educational requirements set forth in 18VAC140-20-49;

d. Documentation of any other health or mental health licensure or certification, if applicable; and

e. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB).

3. Provide evidence of passage of the examination prescribed in 18VAC140-20-70.

**18VAC140-20-45. Requirements for licensure by endorsement.**

A. Every applicant for licensure by endorsement shall submit in one package:

1. A completed application and the application fee prescribed in [18VAC140-20-30](#).

2. Documentation of active social work licensure in good standing obtained by standards required for licensure in another jurisdiction as verified by the out-of-state licensing agency. Licensure in the other jurisdiction shall be of a comparable type as the licensure that the applicant is seeking in Virginia.

3. Verification of a passing score on a board-approved national exam at the level for which the applicant is seeking licensure in Virginia. The board may accept evidence that a national examination was not required for licensure by the other jurisdiction at the time the applicant was initially licensed.

4. Documentation of any other health or mental health licensure or certification, if applicable.

5. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB).

6. Certification that the applicant is not the respondent in any pending or unresolved board action in another jurisdiction or in a malpractice claim.

B. If an applicant for licensure by endorsement has not passed a board-approved national examination at the level for which the applicant is seeking licensure in Virginia, the board may approve the applicant to sit for such examination.

**18VAC140-20-49. Educational requirements for a licensed clinical social worker.**

A. The applicant for licensure as a clinical social worker shall document successful completion of one of the following: (i) a master's degree in social work with a clinical course of study from a program accredited by the Council on Social Work Education, (ii) a master's degree in social work with a nonclinical concentration from a program accredited by the Council on Social Work Education together with successful completion of the educational requirements for a clinical course of study through a graduate program accredited by the Council on Social Work Education, or (iii) a program of education and training in social work at an educational institution outside the United States recognized by the Council on Social Work Education.

B. The requirement for a clinical practicum in a clinical course of study shall be a minimum of 600 hours, which shall be integrated with clinical course of study coursework and supervised by a person who is a licensed clinical social worker or who holds a master's or doctor's degree in social work and has a minimum of three years of experience in clinical social work services after earning the graduate degree. An applicant who has otherwise met the requirements for a clinical course of study but who did not have a minimum of 600 hours in a supervised field placement/practicum in clinical social work services may meet the requirement by obtaining an equivalent number of hours of supervised practice in clinical social work services in addition to the experience required in 18VAC140-20-50.

**18VAC140-20-50. Experience requirements for a licensed clinical social worker.**

A. Supervised experience. Supervised post-master's degree experience without prior written board approval will not be accepted toward licensure, except supervision obtained in another United States jurisdiction may be accepted if it met the requirements of that jurisdiction. Prior to registration for supervised experience, a person shall satisfactorily complete the educational requirements of 18VAC140-20-49.

1. Registration. An individual who proposes to obtain supervised post-master's degree experience in Virginia shall, prior to the onset of such supervision, or whenever there is an addition or change of a supervisor:

- a. Register on a form provided by the board;
- b. Submit a copy of a supervisory contract completed by the supervisor and the supervisee;
- c. Submit an official transcript documenting a graduate degree and clinical practicum as specified in 18VAC140-20-49; and
- d. Pay the registration of supervision fee set forth in 18VAC140-20-30.

2. Hours. The applicant shall have completed a minimum of 3,000 hours of supervised post-master's degree experience in the delivery of clinical social work services and in ancillary

services that support such delivery. A minimum of one hour and a maximum of four hours of face-to-face supervision shall be provided per 40 hours of work experience for a total of at least 100 hours. No more than 50 of the 100 hours may be obtained in group supervision, nor shall there be more than six persons being supervised in a group unless approved in advance by the board. The board may consider alternatives to face-to-face supervision if the applicant can demonstrate an undue burden due to hardship, disability or geography.

a. Supervised experience shall be acquired in no less than two nor more than four consecutive years.

b. Supervisees shall obtain throughout their hours of supervision a minimum of 1,380 hours of supervised experience in face-to-face client contact in the delivery of clinical social work services. The remaining hours may be spent in ancillary services supporting the delivery of clinical social work services.

3. An individual who does not complete the supervision requirement after four consecutive years of supervised experience may request an extension of up to 12 months. The request for an extension shall include evidence that demonstrates extenuating circumstances that prevented completion of the supervised experience within four consecutive years.

#### B. Requirements for supervisors.

1. The supervisor shall hold an active, unrestricted license as a licensed clinical social worker in the jurisdiction in which the clinical services are being rendered with at least two years of post-licensure clinical social work experience. The board may consider supervisors with commensurate qualifications if the applicant can demonstrate an undue burden due to geography or disability or if supervision was obtained in another United States jurisdiction.

2. The supervisor shall have received professional training in supervision, consisting of a three credit-hour graduate course in supervision or at least 14 hours of continuing education offered by a provider approved under 18VAC140-20-105. The graduate course or hours of continuing education in supervision shall be obtained by a supervisor within five years immediately preceding registration of supervision.

3. The supervisor shall not provide supervision for a family member or provide supervision for anyone with whom he has a dual relationship.

4. The board may consider supervisors from jurisdictions outside of Virginia who provided clinical social work supervision if they have commensurate qualifications but were either (i) not licensed because their jurisdiction did not require licensure or (ii) were not designated as clinical social workers because the jurisdiction did not require such designation.

#### C. Responsibilities of supervisors. The supervisor shall:

1. Be responsible for the social work activities of the supervisee as set forth in this subsection once the supervisory arrangement is accepted;
2. Review and approve the diagnostic assessment and treatment plan of a representative sample of the clients assigned to the applicant during the course of supervision. The sample should be representative of the variables of gender, age, diagnosis, length of treatment and treatment method within the client population seen by the applicant. It is the applicant's responsibility to assure the representativeness of the sample that is presented to the supervisor;
3. Provide supervision only for those social work activities for which the supervisor has determined the applicant is competent to provide to clients;
4. Provide supervision only for those activities for which the supervisor is qualified by education, training and experience;
5. Evaluate the supervisee's knowledge and document minimal competencies in the areas of an identified theory base, application of a differential diagnosis, establishing and monitoring a treatment plan, development and appropriate use of the professional relationship, assessing the client for risk of imminent danger, understanding the requirements of law for reporting any harm or risk of harm to self or others, and implementing a professional and ethical relationship with clients;
6. Be available to the applicant on a regularly scheduled basis for supervision;
7. Maintain documentation, for five years post-supervision, of which clients were the subject of supervision; and
8. Ensure that the board is notified of any change in supervision or if supervision has ended or been terminated by the supervisor.

#### D. Responsibilities of supervisees.

1. Supervisees may not directly bill for services rendered or in any way represent themselves as independent, autonomous practitioners, or licensed clinical social workers.
2. During the supervised experience, supervisees shall use their names and the initials of their degree, and the title "Supervisee in Social Work" in all written communications.
3. Clients shall be informed in writing of the supervisee's status and the supervisor's name, professional address, and phone number.
4. Supervisees shall not supervise the provision of clinical social work services provided by another person.
5. While providing clinical social work services, a supervisee shall remain under board approved supervision until licensed in Virginia as a licensed clinical social worker.

**18VAC140-20-51. Requirements for licensure by examination as an LBSW or LMSW.**

A. In order to be approved to sit for the board-approved examination as an LBSW or an LMSW, an applicant shall:

1. Meet the education requirements prescribed in 18VAC140-20-60.
2. Submit a completed application to the board office to include:
  - a. The application fee prescribed in 18VAC140-20-30; and
  - b. Official transcripts submitted from the appropriate institutions of higher education.

B. In order to be licensed by examination as an LBSW or an LMSW, an applicant shall:

1. Meet the requirements prescribed in 18VAC140-20-60; and
2. Submit, in addition to the application requirements of subsection A of this section, the following:
  - a. Verification of a passing score on the board-approved national examination;
  - b. Documentation of any other health or mental health licensure or certification, if applicable; and
  - c. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB).

**18VAC140-20-60. Education requirements for an LBSW or LMSW.**

The applicant for licensure as an LBSW shall hold a bachelor's degree from an accredited school of social work. The applicant for licensure as an LMSW shall hold a master's degree from an accredited school of social work. Graduates of foreign institutions must establish the equivalency of their education to this requirement through the Foreign Equivalency Determination Service of the Council on Social Work Education.

**Part III  
Examinations**

**18VAC140-20-70. Examination requirement.**

A. An applicant for licensure by the board as an LBSW, an LMSW, or clinical social worker shall pass a written examination prescribed by the board.

1. The examination prescribed for licensure as a clinical social worker shall be the licensing examination of the Association of Social Work Boards at the clinical level.
2. The examination prescribed for licensure as an LBSW shall be the licensing examination of the Association of Social Work Boards at the bachelor's level.



3. The examination prescribed for licensure as an LMSW shall be the licensing examination of the Association of Social Work Boards at the master's level.

B. An applicant approved by the board to sit for an examination shall take that examination within two years of the date of the initial board approval. If the applicant has not passed the examination by the end of the two-year period here prescribed, the applicant shall reapply according to the requirements of the regulations in effect at that time in order to be approved for another two years in which to pass the examination.

C. If an applicant for clinical social work licensure has not passed the examination within the second two-year approval period, the applicant shall be required to register for supervision and complete one additional year as a supervisee before approval for another two-year period in which to re-take the examination may be granted.

**18VAC140-20-80 to 18VAC140-20-90. [Repealed]**

#### **Part IV. Licensure Renewal; Reinstatement.**

**18VAC140-20-100. Licensure renewal.**

A. Beginning with the 2017 renewal, licensees shall renew their licenses on or before June 30 of each year and pay the renewal fee prescribed by the board.

B. Licensees who wish to maintain an active license shall pay the appropriate fee and document on the renewal form compliance with the continued competency requirements prescribed in 18VAC140-20-105. Newly licensed individuals are not required to document continuing education on the first renewal date following initial licensure.

C. A licensee who wishes to place his license in inactive status may do so upon payment of a fee equal to one-half of the annual license renewal fee as indicated on the renewal form. No person shall practice social work or clinical social work in Virginia unless he holds a current active license. A licensee who has placed himself in inactive status may become active by fulfilling the reactivation requirements set forth in 18VAC140-20-110.

D. Each licensee shall furnish the board his current address of record. All notices required by law or by this chapter to be mailed by the board to any such licensee shall be validly given when mailed to the latest address of record given by the licensee. Any change in the address of record or the public address, if different from the address of record, shall be furnished to the board within 30 days of such change.

**18VAC140-20-105. Continued competency requirements for renewal of an active license.**

A. Licensed clinical social workers shall be required to have completed a minimum of 30 contact hours of continuing education and LBSWs and LMSWs shall be required to have completed a minimum of 15 contact hours of continuing education prior to licensure renewal in even years. Courses or activities shall be directly related to the practice of social work or another behavioral health field. A minimum of six of those hours for licensed clinical social workers and a minimum of three of those hours for licensed social workers must pertain to ethics or the standards of practice for

the behavioral health professions or to laws governing the practice of social work in Virginia. Up to two continuing education hours required for renewal may be satisfied through delivery of social work services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services, as verified by the department or clinic. Three hours of volunteer service is required for one hour of continuing education credit.

1. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such extension shall not relieve the licensee of the continuing education requirement.

2. The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee such as temporary disability, mandatory military service, or officially declared disasters upon written request from the licensee prior to the renewal date.

B. Hours may be obtained from a combination of board-approved activities in the following two categories:

1. Category I. Formally Organized Learning Activities. A minimum of 20 hours for licensed clinical social workers or 10 hours for licensed social workers shall be documented in this category, which shall include one or more of the following:

a. Regionally accredited university or college academic courses in a behavioral health discipline. A maximum of 15 hours will be accepted for each academic course.

b. Continuing education programs offered by universities or colleges accredited by the Council on Social Work Education.

c. Workshops, seminars, conferences, or courses in the behavioral health field offered by federal, state or local social service agencies, public school systems or licensed health facilities and licensed hospitals.

d. Workshops, seminars, conferences or courses in the behavioral health field offered by an individual or organization that has been certified or approved by one of the following:

- (1) The Child Welfare League of America and its state and local affiliates.
- (2) The National Association of Social Workers and its state and local affiliates.
- (3) The Association of Black Social Workers and its state and local affiliates.
- (4) The Family Service Association of America and its state and local affiliates.
- (5) The Clinical Social Work Association and its state and local affiliates.
- (6) The Association of Social Work Boards.
- (7) Any state social work board.

2. Category II. Individual Professional Activities. A maximum of 10 of the required 30 hours for licensed clinical social workers or a maximum of five of the required 15 hours for licensed social workers may be earned in this category, which shall include one or more of the following:

a. Participation in an Association of Social Work Boards item writing workshop. (Activity will count for a maximum of two hours.)

- b. Publication of a professional social work-related book or initial preparation or presentation of a social work-related course. (Activity will count for a maximum of 10 hours.)
- c. Publication of a professional social work-related article or chapter of a book, or initial preparation or presentation of a social work-related in-service training, seminar or workshop. (Activity will count for a maximum of five hours.)
- d. Provision of a continuing education program sponsored or approved by an organization listed under Category I. (Activity will count for a maximum of two hours and will only be accepted one time for any specific program.)
- e. Field instruction of graduate students in a Council on Social Work Education-accredited school. (Activity will count for a maximum of two hours.)
- f. Serving as an officer or committee member of one of the national professional social work associations listed under subdivision B 1 d of this section or as a member of a state social work licensing board. (Activity will count for a maximum of two hours.)
- g. Attendance at formal staffings at federal, state or local social service agencies, public school systems or licensed health facilities and licensed hospitals. (Activity will count for a maximum of five hours.)
- h. Individual or group study including listening to audio tapes, viewing video tapes, or reading professional books or articles. (Activity will count for a maximum of five hours.)

**18VAC140-20-106. Documenting compliance with continuing education requirements.**

- A. All licensees in active status are required to maintain original documentation for a period of three years following renewal.
- B. The board may conduct an audit of licensees to verify compliance with the requirement for a renewal period.
- C. Upon request, a licensee shall provide documentation as follows:
  - 1. Documentation of Category I activities by submission of:
    - a. Official transcripts showing credit hours earned; or
    - b. Certificates of participation.
  - 2. Attestation of completion of Category II activities.
- D. Continuing education hours required by disciplinary order shall not be used to satisfy renewal requirements.

**18VAC140-20-110. Late renewal; reinstatement; reactivation.**

- A. An LBSW, LMSW, or clinical social worker whose license has expired may renew that license within one year after its expiration date by:
  - 1. Providing evidence of having met all applicable continuing education requirements.

2. Paying the penalty for late renewal and the renewal fee as prescribed in [18VAC140-20-30](#).

B. An LBSW, LMSW, or clinical social worker who fails to renew the license after one year and who wishes to resume practice shall apply for reinstatement and pay the reinstatement fee, which shall consist of the application processing fee and the penalty fee for late renewal, as set forth in [18VAC140-20-30](#). An applicant for reinstatement shall also provide:

1. Documentation of having completed all applicable continued competency hours equal to the number of years the license has lapsed, not to exceed four years;

2. Documentation of any other health or mental health licensure or certification held in another United States jurisdiction, if applicable; and

3. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank.

C. An LBSW, LMSW, or clinical social worker wishing to reactivate an inactive license shall submit the difference between the renewal fee for active licensure and the fee for inactive licensure renewal and document completion of continued competency hours equal to the number of years the license has been inactive, not to exceed four years.

**18VAC140-20-120. [Repealed]**

**18VAC140-20-130. Renewal of registration for associate social workers and registered social workers.**

The registration of every associate social worker and registered social worker with the former Virginia Board of Registration of Social Workers under former §54-775.4 of the Code of Virginia shall expire on June 30 of each year.

1. Each registrant shall return the completed application before the expiration date, accompanied by the payment of the renewal fee prescribed by the board.

2. Failure to receive the renewal notice shall not relieve the registrant from the renewal requirement.

**18VAC140-20-140. [Repealed]**

**Part V. Standards of Practice.**

**18VAC140-20-150. Professional conduct.**

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board. Regardless of the delivery method, whether in person, by telephone, or electronically, these standards shall apply to the practice of social work.

B. Persons licensed as LBSWs, LMSWs, and clinical social workers shall:

1. Be able to justify all services rendered to or on behalf of clients as necessary for diagnostic or therapeutic purposes.
2. Provide for continuation of care when services must be interrupted or terminated.
3. Practice only within the competency areas for which they are qualified by education and experience.
4. Report to the board known or suspected violations of the laws and regulations governing the practice of social work.
5. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services.
6. Ensure that clients are aware of fees and billing arrangements before rendering services.
7. Inform clients of potential risks and benefits of services and the limitations on confidentiality and ensure that clients have provided informed written consent to treatment.
8. Keep confidential their therapeutic relationships with clients and disclose client records to others only with written consent of the client, with the following exceptions: (i) when the client is a danger to self or others; or (ii) as required by law.
9. When advertising their services to the public, ensure that such advertising is neither fraudulent nor misleading.
10. As treatment requires and with the written consent of the client, collaborate with other health or mental health providers concurrently providing services to the client.
11. Refrain from undertaking any activity in which one's personal problems are likely to lead to inadequate or harmful services.
12. Recognize conflicts of interest and inform all parties of the nature and directions of loyalties and responsibilities involved.
13. Not engage in conversion therapy with any person younger than 18 years of age.
14. Not engage in physical contact with a client when there is a likelihood of psychological harm to the client. Social workers who engage in physical contact are responsible for setting clear and culturally sensitive boundaries.
15. Not sexually harass clients. Sexual harassment includes sexual advances; sexual solicitation; requests for sexual favors; and other verbal, written, electronic, or physical contact of a sexual nature.

C. In regard to client records, persons licensed by the board shall comply with provisions of § [32.1-127.1:03](#) of the Code of Virginia on health records privacy and shall:

1. Maintain written or electronic clinical records for each client to include identifying information and assessment that substantiates diagnosis and treatment plans. Each record shall include a diagnosis and treatment plan, progress notes for each case activity, information received from all collaborative contacts and the treatment implications of that information, and the termination process and summary.

2. Maintain client records securely, inform all employees of the requirements of confidentiality, and provide for the destruction of records that are no longer useful in a manner that ensures client confidentiality.
3. Disclose or release records to others only with clients' expressed written consent or that of their legally authorized representative or as mandated by law.
4. Ensure confidentiality in the usage of client records and clinical materials by obtaining informed consent from clients or their legally authorized representative before (i) videotaping, (ii) audio recording, (iii) permitting third-party observation, or (iv) using identifiable client records and clinical materials in teaching, writing, or public presentations.
5. Maintain client records for a minimum of six years or as otherwise required by law from the date of termination of the therapeutic relationship with the following exceptions:
  - a. At minimum, records of a minor child shall be maintained for six years after attaining the age of majority or 10 years following termination, whichever comes later.
  - b. Records that are required by contractual obligation or federal law to be maintained for a longer period of time.
  - c. Records that have been transferred to another mental health professional or have been given to the client or the client's legally authorized representative.

D. In regard to dual relationships, persons licensed by the board shall:

1. Not engage in a dual relationship with a client or a supervisee that could impair professional judgment or increase the risk of exploitation or harm to the client or supervisee. (Examples of such a relationship include familial, social, financial, business, bartering, or a close personal relationship with a client or supervisee.) Social workers shall take appropriate professional precautions when a dual relationship cannot be avoided, such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs.
2. Not have any type of romantic relationship or sexual intimacies with a client or those included in collateral therapeutic services, and not provide services to those persons with whom they have had a romantic or sexual relationship. Social workers shall not engage in romantic relationship or sexual intimacies with a former client within a minimum of five years after terminating the professional relationship. Social workers who engage in such a relationship after five years following termination shall have the responsibility to examine and document thoroughly that such a relationship did not have an exploitive nature, based on factors such as duration of therapy, amount of time since therapy, termination circumstances, client's personal history and mental status, adverse impact on the client. A client's consent to, initiation of, or participation in sexual behavior or involvement with a social worker does not change the nature of the conduct nor lift the regulatory prohibition.
3. Not engage in any romantic or sexual relationship or establish a therapeutic relationship with a current supervisee or student. Social workers shall avoid any nonsexual dual relationship with a supervisee or student in which there is a risk of exploitation or potential harm to the supervisee or student, or the potential for interference with the supervisor's professional judgment.
4. Recognize conflicts of interest and inform all parties of the nature and directions of loyalties and responsibilities involved.

5. Not engage in a personal relationship with a former client in which there is a risk of exploitation or potential harm or if the former client continues to relate to the social worker in the social worker's professional capacity.

E. Upon learning of evidence that indicates a reasonable probability that another mental health provider is or may be guilty of a violation of standards of conduct as defined in statute or regulation, persons licensed by the board shall advise their clients of their right to report such misconduct to the Department of Health Professions in accordance with § [54.1-2400.4](#) of the Code of Virginia.

**18VAC140-20-160. Grounds for disciplinary action or denial of issuance of a license or registration.**

The board may refuse to admit an applicant to an examination; refuse to issue a license or registration to an applicant; or reprimand, impose a monetary penalty, place on probation, impose such terms as it may designate, suspend for a stated period of time or indefinitely, or revoke a license or registration for one or more of the following grounds:

1. Conviction of a felony or of a misdemeanor involving moral turpitude;
2. Procurement of license by fraud or misrepresentation;
3. Conducting one's practice in such a manner so as to make the practice a danger to the health and welfare of one's clients or to the public. In the event a question arises concerning the continued competence of a licensee, the board will consider evidence of continuing education.
4. Being unable to practice social work with reasonable skill and safety to clients by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition;
5. Conducting one's practice in a manner contrary to the standards of ethics of social work or in violation of 18VAC140-20-150, standards of practice;
6. Performing functions outside the board-licensed area of competency;
7. Failure to comply with the continued competency requirements set forth in 18VAC140-20-105; and
8. Violating or aiding and abetting another to violate any statute applicable to the practice of social work or any provision of this chapter; and
9. Failure to provide supervision in accordance with the provisions of 18VAC140-20-50 or 18VAC140-20-60.

**18VAC140-20-170. Reinstatement following disciplinary action.**

Any person whose license has been suspended, revoked, or denied renewal by the board under the provisions of 18VAC140-20-160 shall, in order to be eligible for reinstatement, (i) submit a new application to the board for a license, (ii) pay the appropriate reinstatement fee, and (iii) submit any

other credentials as prescribed by the board. After a hearing, the board may, at its discretion, grant the reinstatement.

**18VAC140-20-171. Criteria for delegation of informal fact-finding proceedings to an agency subordinate.**

A. Decision to delegate. In accordance with § 54.1-2400 (10) of the Code of Virginia, the board may delegate an informal fact-finding proceeding to an agency subordinate upon determination that probable cause exists that a practitioner may be subject to a disciplinary action.

B. Criteria for delegation. Cases that may not be delegated to an agency subordinate include violations of standards of practice as set forth in 18 VAC 140-20-150, except as may otherwise be determined by the probable cause committee in consultation with the board chair.

C. Criteria for an agency subordinate.

1. An agency subordinate authorized by the board to conduct an informal fact-finding proceeding may include board members and professional staff or other persons deemed knowledgeable by virtue of their training and experience in administrative proceedings involving the regulation and discipline of health professionals.

2. The executive director shall maintain a list of appropriately qualified persons to whom an informal fact-finding proceeding may be delegated.

3. The board may delegate to the executive director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being heard.





## **Social Work Licensure Compact Model Legislation**

This project is funded by the Department of Defense.

The following language must be enacted into law by a state to officially join the Social Work Licensure Compact.

***No substantive changes should be made to the model language. Any substantive changes may jeopardize the enacting state's participation in the Compact.***

The Council of State Governments National Center for Interstate Compacts reviews state compact legislation to ensure consistency with the model language. Please direct inquiries to Kaitlyn Bison at [kbison@csg.org](mailto:kbison@csg.org).

# SOCIAL WORK LICENSURE COMPACT

## SECTION 1: PURPOSE

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

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:

- 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,

- 36 suspension, probation, monitoring of the Licensee, limitation on the Licensee's  
37 practice, or any other Encumbrance on licensure affecting a Regulated Social  
38 Worker's authorization to practice, including issuance of a cease and desist  
39 action.
- 40 C. **“Alternative Program”** means a non-disciplinary monitoring or practice  
41 remediation process approved by a Licensing Authority to address practitioners  
42 with an Impairment.
- 43 D. **“Charter Member States”** - Member States who have enacted legislation to  
44 adopt this Compact where such legislation predates the effective date of this  
45 Compact as described in Section 14.
- 46 E. **“Compact Commission” or “Commission”** means the government agency  
47 whose membership consists of all States that have enacted this Compact, which  
48 is known as the Social Work Licensure Compact Commission, as described in  
49 Section 10, and which shall operate as an instrumentality of the Member States.
- 50 F. **“Current Significant Investigative Information”** means:
- 51 1. Investigative information that a Licensing Authority, after a preliminary  
52 inquiry that includes notification and an opportunity for the Regulated  
53 Social Worker to respond has reason to believe is not groundless and, if  
54 proved true, would indicate more than a minor infraction as may be  
55 defined by the Commission; or
- 56 2. Investigative information that indicates that the Regulated Social Worker  
57 represents an immediate threat to public health and safety, as may be  
58 defined by the Commission, regardless of whether the Regulated Social  
59 Worker has been notified and has had an opportunity to respond.
- 60 G. **“Data System”** means a repository of information about Licensees, including,  
61 continuing education, examination, licensure, Current Significant Investigative  
62 Information, Disqualifying Event, Multistate License(s) and Adverse Action  
63 information or other information as required by the Commission.
- 64 H. **“Domicile”** means the jurisdiction in which the Licensee resides and intends to  
65 remain indefinitely.
- 66 I. **“Disqualifying Event”** means any Adverse Action or incident which results in an  
67 Encumbrance that disqualifies or makes the Licensee ineligible to either obtain,  
68 retain or renew a Multistate License.
- 69 J. **“Encumbrance”** means a revocation or suspension of, or any limitation on, the  
70 full and unrestricted practice of Social Work licensed and regulated by a  
71 Licensing Authority.

- 72 K. **“Executive Committee”** means a group of delegates elected or appointed to act  
73 on behalf of, and within the powers granted to them by, the compact and  
74 Commission.
- 75 L. **“Home State”** means the Member State that is the Licensee’s primary Domicile.
- 76 M. **“Impairment”** means a condition(s) that may impair a practitioner’s ability to  
77 engage in full and unrestricted practice as a Regulated Social Worker without  
78 some type of intervention and may include alcohol and drug dependence, mental  
79 health impairment, and neurological or physical impairments.
- 80 N. **“Licensee(s)”** means an individual who currently holds a license from a State to  
81 practice as a Regulated Social Worker.
- 82 O. **“Licensing Authority”** means the board or agency of a Member State, or  
83 equivalent, that is responsible for the licensing and regulation of Regulated  
84 Social Workers.
- 85 P. **“Member State”** means a state, commonwealth, district, or territory of the United  
86 States of America that has enacted this Compact.
- 87 Q. **“Multistate Authorization to Practice”** means a legally authorized privilege to  
88 practice, which is equivalent to a license, associated with a Multistate License  
89 permitting the practice of Social Work in a Remote State.
- 90 R. **“Multistate License”** means a license to practice as a Regulated Social Worker  
91 issued by a Home State Licensing Authority that authorizes the Regulated Social  
92 Worker to practice in all Member States under Multistate Authorization to  
93 Practice.
- 94 S. **“Qualifying National Exam”** means a national licensing examination approved  
95 by the Commission.
- 96 T. **“Regulated Social Worker”** means any clinical, master’s or bachelor’s Social  
97 Worker licensed by a Member State regardless of the title used by that Member  
98 State.
- 99 U. **“Remote State”** means a Member State other than the Licensee’s Home State.
- 100 V. **“Rule(s)” or “Rule(s) of the Commission”** means a regulation or regulations  
101 duly promulgated by the Commission, as authorized by the Compact, that has  
102 the force of law.
- 103 W. **“Single State License”** means a Social Work license issued by any State that  
104 authorizes practice only within the issuing State and does not include Multistate  
105 Authorization to Practice in any Member State.
- 106 X. **“Social Work” or “Social Work Services”** means the application of social work  
107 theory, knowledge, methods, ethics, and the professional use of self to restore or  
108 enhance social, psychosocial, or biopsychosocial functioning of individuals,

109 couples, families, groups, organizations, and communities through the care and  
110 services provided by a Regulated Social Worker as set forth in the Member  
111 State’s statutes and regulations in the State where the services are being  
112 provided.

113 Y. **“State”** means any state, commonwealth, district, or territory of the United States  
114 of America that regulates the practice of Social Work.

115 Z. **“Unencumbered License”** means a license that authorizes a Regulated Social  
116 Worker to engage in the full and unrestricted practice of Social Work.

117 **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

118 A. To be eligible to participate in the compact, a potential Member State must  
119 currently meet all of the following criteria:

120 1. License and regulate the practice of Social Work at either the clinical,  
121 master’s, or bachelor’s category.

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

123 a. Operated by a college or university recognized by the Licensing  
124 Authority;

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

127 i. the Council for Higher Education Accreditation, or its successor;  
128 or

129 ii. the United States Department of Education; and

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

131 3. Require applicants for clinical licensure to complete a period of  
132 supervised practice.

133 4. Have a mechanism in place for receiving, investigating, and adjudicating  
134 complaints about Licensees.

135 B. To maintain membership in the Compact a Member State shall:

136 1. Require that applicants for a Multistate License pass a Qualifying  
137 National Exam for the corresponding category of Multistate License  
138 sought as outlined in Section 4.

139 2. Participate fully in the Commission’s Data System, including using the  
140 Commission’s unique identifier as defined in Rules;

141 3. Notify the Commission, in compliance with the terms of the Compact and  
142 Rules, of any Adverse Action or the availability of Current Significant  
143 Investigative Information regarding a Licensee;

- 144 4. Implement procedures for considering the criminal history records of  
145 applicants for a Multistate License. Such procedures shall include the  
146 submission of fingerprints or other biometric-based information by  
147 applicants for the purpose of obtaining an applicant's criminal history  
148 record information from the Federal Bureau of Investigation and the  
149 agency responsible for retaining that State's criminal records.
- 150 5. Comply with the Rules of the Commission;
- 151 6. Require an applicant to obtain or retain a license in the Home State and  
152 meet the Home State's qualifications for licensure or renewal of  
153 licensure, as well as all other applicable Home State laws;
- 154 7. Authorize a Licensee holding a Multistate License in any Member State  
155 to practice in accordance with the terms of the Compact and Rules of the  
156 Commission; and
- 157 8. Designate a delegate to participate in the Commission meetings.
- 158 C. A Member State meeting the requirements of Section 3.A. and 3.B of this  
159 Compact shall designate the categories of Social Work licensure that are eligible  
160 for issuance of a Multistate License for applicants in such Member State. To the  
161 extent that any Member State does not meet the requirements for participation in  
162 the Compact at any particular category of Social Work licensure, such Member  
163 State may choose, but is not obligated to, issue a Multistate License to applicants  
164 that otherwise meet the requirements of Section 4 for issuance of a Multistate  
165 License in such category or categories of licensure.
- 166 D. The Home State may charge a fee for granting the Multistate License.

#### 167 **SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT**

- 168 A. To be eligible for a Multistate License under the terms and provisions of the  
169 Compact, an applicant, regardless of category must:
- 170 1. Hold or be eligible for an active, Unencumbered License in the Home  
171 State;
- 172 2. Pay any applicable fees, including any State fee, for the Multistate  
173 License;
- 174 3. Submit, in connection with an application for a Multistate License,  
175 fingerprints or other biometric data for the purpose of obtaining criminal  
176 history record information from the Federal Bureau of Investigation and  
177 the agency responsible for retaining that State's criminal records.
- 178 4. Notify the Home State of any Adverse Action, Encumbrance, or  
179 restriction on any professional license taken by any Member State or  
180 non-Member State within 30 days from the date the action is taken.

- 181 5. Meet any continuing competence requirements established by the Home  
182 State;
- 183 6. Abide by the laws, regulations, and applicable standards in the Member  
184 State where the client is located at the time care is rendered.
- 185 B. An applicant for a clinical-category Multistate License must meet all of the  
186 following requirements:
- 187 1. Fulfill a competency requirement, which shall be satisfied by either:
- 188 a. Passage of a clinical-category Qualifying National Exam; or
- 189 b. Licensure of the applicant in their Home State at the clinical category,  
190 beginning prior to such time as a Qualifying National Exam was  
191 required by the Home State and accompanied by a period of  
192 continuous Social Work licensure thereafter, all of which may be  
193 further governed by the Rules of the Commission; or
- 194 c. The substantial equivalency of the foregoing competency  
195 requirements which the Commission may determine by Rule.
- 196 2. Attain at least a master's degree in Social Work from a program that is:
- 197 a. Operated by a college or university recognized by the Licensing  
198 Authority; and
- 199 b. Accredited, or in candidacy that subsequently becomes accredited,  
200 by an accrediting agency recognized by either:
- 201 i. the Council for Higher Education Accreditation or its successor; or
- 202 ii. the United States Department of Education.
- 203 3. Fulfill a practice requirement, which shall be satisfied by demonstrating  
204 completion of either:
- 205 a. A period of postgraduate supervised clinical practice equal to a  
206 minimum of three thousand hours; or
- 207 b. A minimum of two years of full-time postgraduate supervised clinical  
208 practice; or
- 209 c. The substantial equivalency of the foregoing practice requirements  
210 which the Commission may determine by Rule.
- 211 C. An applicant for a master's-category Multistate License must meet all of the  
212 following requirements:
- 213 1. Fulfill a competency requirement, which shall be satisfied by either:
- 214 a. Passage of a masters-category Qualifying National Exam;

- 215 b. Licensure of the applicant in their Home State at the master's  
216 category, beginning prior to such time as a Qualifying National Exam  
217 was required by the Home State at the master's category and  
218 accompanied by a continuous period of Social Work licensure  
219 thereafter, all of which may be further governed by the Rules of the  
220 Commission; or
- 221 c. The substantial equivalency of the foregoing competency  
222 requirements which the Commission may determine by Rule.
- 223 2. Attain at least a master's degree in Social Work from a program that is:
- 224 a. Operated by a college or university recognized by the Licensing  
225 Authority; and
- 226 b. Accredited, or in candidacy that subsequently becomes accredited,  
227 by an accrediting agency recognized by either:
- 228 i. the Council for Higher Education Accreditation or its  
229 successor; or
- 230 ii. the United States Department of Education.
- 231 D. An applicant for a bachelor's-category Multistate License must meet all of the  
232 following requirements:
- 233 1. Fulfill a competency requirement, which shall be satisfied by either:
- 234 a. Passage of a bachelor's-category Qualifying National Exam;
- 235 b. Licensure of the applicant in their Home State at the bachelor's  
236 category, beginning prior to such time as a Qualifying National Exam  
237 was required by the Home State and accompanied by a period of  
238 continuous Social Work licensure thereafter, all of which may be  
239 further governed by the Rules of the Commission; or
- 240 c. The substantial equivalency of the foregoing competency  
241 requirements which the Commission may determine by Rule.
- 242 2. Attain at least a bachelor's degree in Social Work from a program that is:
- 243 a. Operated by a college or university recognized by the Licensing  
244 Authority; and
- 245 b. Accredited, or in candidacy that subsequently becomes accredited,  
246 by an accrediting agency recognized by either:
- 247 i. the Council for Higher Education Accreditation or its  
248 successor; or
- 249 ii. the United States Department of Education.



- 250 E. The Multistate License for a Regulated Social Worker is subject to the renewal  
251 requirements of the Home State. The Regulated Social Worker must maintain  
252 compliance with the requirements of Section 4(A) to be eligible to renew a  
253 Multistate License.
- 254 F. The Regulated Social Worker's services in a Remote State are subject to that  
255 Member State's regulatory authority. A Remote State may, in accordance with  
256 due process and that Member State's laws, remove a Regulated Social Worker's  
257 Multistate Authorization to Practice in the Remote State for a specific period of  
258 time, impose fines, and take any other necessary actions to protect the health  
259 and safety of its citizens.
- 260 G. If a Multistate License is encumbered, the Regulated Social Worker's Multistate  
261 Authorization to Practice shall be deactivated in all Remote States until the  
262 Multistate License is no longer encumbered.
- 263 H. If a Multistate Authorization to Practice is encumbered in a Remote State, the  
264 regulated Social Worker's Multistate Authorization to Practice may be  
265 deactivated in that State until the Multistate Authorization to Practice is no longer  
266 encumbered.

267 **SECTION 5: ISSUANCE OF A MULTISTATE LICENSE**

- 268 A. Upon receipt of an application for Multistate License, the Home State Licensing  
269 Authority shall determine the applicant's eligibility for a Multistate License in  
270 accordance with Section 4 of this Compact.
- 271 B. If such applicant is eligible pursuant to Section 4 of this Compact, the Home  
272 State Licensing Authority shall issue a Multistate License that authorizes the  
273 applicant or Regulated Social Worker to practice in all Member States under a  
274 Multistate Authorization to Practice.
- 275 C. Upon issuance of a Multistate License, the Home State Licensing Authority shall  
276 designate whether the Regulated Social Worker holds a Multistate License in the  
277 Bachelors, Masters, or Clinical category of Social Work.
- 278 D. A Multistate License issued by a Home State to a resident in that State shall be  
279 recognized by all Compact Member States as authorizing Social Work Practice  
280 under a Multistate Authorization to Practice corresponding to each category of  
281 licensure regulated in each Member State.

282 **SECTION 6: AUTHORITY OF INTERSTATE COMPACT COMMISSION AND MEMBER**  
283 **STATE LICENSING AUTHORITIES**

- 284 A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to  
285 limit, restrict, or in any way reduce the ability of a Member State to enact and  
286 enforce laws, regulations, or other rules related to the practice of Social Work in  
287 that State, where those laws, regulations, or other rules are not inconsistent with  
288 the provisions of this Compact.

- 289 B. Nothing in this Compact shall affect the requirements established by a Member  
290 State for the issuance of a Single State License.
- 291 C. Nothing in this Compact, nor any Rule of the Commission, shall be construed to  
292 limit, restrict, or in any way reduce the ability of a Member State to take Adverse  
293 Action against a Licensee's Single State License to practice Social Work in that  
294 State.
- 295 D. Nothing in this Compact, nor any Rule of the Commission, shall be construed to  
296 limit, restrict, or in any way reduce the ability of a Remote State to take Adverse  
297 Action against a Licensee's Multistate Authorization to Practice in that State.
- 298 E. Nothing in this Compact, nor any Rule of the Commission, shall be construed to  
299 limit, restrict, or in any way reduce the ability of a Licensee's Home State to take  
300 Adverse Action against a Licensee's Multistate License based upon information  
301 provided by a Remote State.

302 **SECTION 7: REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE**

- 303 A. A Licensee can hold a Multistate License, issued by their Home State, in only  
304 one Member State at any given time.
- 305 B. If a Licensee changes their Home State by moving between two Member States:
- 306 1. The Licensee shall immediately apply for the reissuance of their  
307 Multistate License in their new Home State. The Licensee shall pay all  
308 applicable fees and notify the prior Home State in accordance with the  
309 Rules of the Commission.
  - 310 2. Upon receipt of an application to reissue a Multistate License, the new  
311 Home State shall verify that the Multistate License is active,  
312 unencumbered and eligible for reissuance under the terms of the  
313 Compact and the Rules of the Commission. The Multistate License  
314 issued by the prior Home State will be deactivated and all Member  
315 States notified in accordance with the applicable Rules adopted by the  
316 Commission.
  - 317 3. Prior to the reissuance of the Multistate License, the new Home State  
318 shall conduct procedures for considering the criminal history records of  
319 the Licensee. Such procedures shall include the submission of  
320 fingerprints or other biometric-based information by applicants for the  
321 purpose of obtaining an applicant's criminal history record information  
322 from the Federal Bureau of Investigation and the agency responsible for  
323 retaining that State's criminal records.
  - 324 4. If required for initial licensure, the new Home State may require  
325 completion of jurisprudence requirements in the new Home State.
  - 326 5. Notwithstanding any other provision of this Compact, if a Licensee does  
327 not meet the requirements set forth in this Compact for the reissuance of  
328 a Multistate License by the new Home State, then the Licensee shall be

329 subject to the new Home State requirements for the issuance of a Single  
330 State License in that State.

331 C. If a Licensee changes their primary State of residence by moving from a Member  
332 State to a non-Member State, or from a non-Member State to a Member State,  
333 then the Licensee shall be subject to the State requirements for the issuance of a  
334 Single State License in the new Home State.

335 D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single  
336 State License in multiple States; however, for the purposes of this Compact, a  
337 Licensee shall have only one Home State, and only one Multistate License.

338 E. Nothing in this Compact shall interfere with the requirements established by a  
339 Member State for the issuance of a Single State License.

340 **SECTION 8. MILITARY FAMILIES**

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

344 **SECTION 9. ADVERSE ACTIONS**

345 A. In addition to the other powers conferred by State law, a Remote State shall have  
346 the authority, in accordance with existing State due process law, to:

347 1. Take Adverse Action against a Regulated Social Worker's Multistate  
348 Authorization to Practice only within that Member State, and issue  
349 subpoenas for both hearings and investigations that require the  
350 attendance and testimony of witnesses as well as the production of  
351 evidence. Subpoenas issued by a Licensing Authority in a Member State  
352 for the attendance and testimony of witnesses or the production of  
353 evidence from another Member State shall be enforced in the latter State  
354 by any court of competent jurisdiction, according to the practice and  
355 procedure of that court applicable to subpoenas issued in proceedings  
356 pending before it. The issuing Licensing Authority shall pay any witness  
357 fees, travel expenses, mileage, and other fees required by the service  
358 statutes of the State in which the witnesses or evidence are located.

359 2. Only the Home State shall have the power to take Adverse Action  
360 against a Regulated Social Worker's Multistate License.

361 B. For purposes of taking Adverse Action, the Home State shall give the same  
362 priority and effect to reported conduct received from a Member State as it would  
363 if the conduct had occurred within the Home State. In so doing, the Home State  
364 shall apply its own State laws to determine appropriate action.

365 C. The Home State shall complete any pending investigations of a Regulated Social  
366 Worker who changes their Home State during the course of the investigations.  
367 The Home State shall also have the authority to take appropriate action(s) and  
368 shall promptly report the conclusions of the investigations to the administrator of

- 369 the Data System. The administrator of the Data System shall promptly notify the  
370 new Home State of any Adverse Actions.
- 371 D. A Member State, if otherwise permitted by State law, may recover from the  
372 affected Regulated Social Worker the costs of investigations and dispositions of  
373 cases resulting from any Adverse Action taken against that Regulated Social  
374 Worker.
- 375 E. A Member State may take Adverse Action based on the factual findings of  
376 another Member State, provided that the Member State follows its own  
377 procedures for taking the Adverse Action.
- 378 F. Joint Investigations:
- 379 1. In addition to the authority granted to a Member State by its respective  
380 Social Work practice act or other applicable State law, any Member  
381 State may participate with other Member States in joint investigations of  
382 Licensees.
- 383 2. Member States shall share any investigative, litigation, or compliance  
384 materials in furtherance of any joint or individual investigation initiated  
385 under the Compact.
- 386 G. If Adverse Action is taken by the Home State against the Multistate License of a  
387 Regulated Social Worker, the Regulated Social Worker's Multistate Authorization  
388 to Practice in all other Member States shall be deactivated until all  
389 Encumbrances have been removed from the Multistate License. All Home State  
390 disciplinary orders that impose Adverse Action against the license of a Regulated  
391 Social Worker shall include a statement that the Regulated Social Worker's  
392 Multistate Authorization to Practice is deactivated in all Member States until all  
393 conditions of the decision, order or agreement are satisfied.
- 394 H. If a Member State takes Adverse Action, it shall promptly notify the administrator  
395 of the Data System. The administrator of the Data System shall promptly notify  
396 the Home State and all other Member State's of any Adverse Actions by Remote  
397 States.
- 398 I. Nothing in this Compact shall override a Member State's decision that  
399 participation in an Alternative Program may be used in lieu of Adverse Action.
- 400 J. Nothing in this Compact shall authorize a Member State to demand the issuance  
401 of subpoenas for attendance and testimony of witnesses or the production of  
402 evidence from another Member State for lawful actions within that Member State.
- 403 K. Nothing in this Compact shall authorize a Member State to impose discipline  
404 against a Regulated Social Worker who holds a Multistate Authorization to  
405 Practice for lawful actions within another Member State.
- 406

407 **SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT**  
408 **COMMISSION**

409 A. The Compact Member States hereby create and establish a joint government  
410 agency whose membership consists of all Member States that have enacted the  
411 compact known as the Social Work Licensure Compact Commission. The  
412 Commission is an instrumentality of the Compact States acting jointly and not an  
413 instrumentality of any one State. The Commission shall come into existence on  
414 or after the effective date of the Compact as set forth in Section 14.

415 B. Membership, Voting, and Meetings

416 1. Each Member State shall have and be limited to one (1) delegate  
417 selected by that Member State's Licensing Authority.

418 2. The delegate shall be either:

419 a. A current member of the Licensing Authority at the time of  
420 appointment, who is a Regulated Social Worker or public member  
421 of the State Licensing Authority; or

422 b. An administrator of the Licensing Authority or their designee.

423 3. The Commission shall by Rule or bylaw establish a term of office for  
424 delegates and may by Rule or bylaw establish term limits.

425 4. The Commission may recommend removal or suspension of any  
426 delegate from office.

427 5. A Member State's Licensing Authority shall fill any vacancy of its  
428 delegate occurring on the Commission within 60 days of the vacancy.

429 6. Each delegate shall be entitled to one vote on all matters before the  
430 Commission requiring a vote by Commission delegates.

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

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

438 C. The Commission shall have the following powers:

439 1. Establish the fiscal year of the Commission;

440 2. Establish code of conduct and conflict of interest policies;

441 3. Establish and amend Rules and bylaws;

- 442 4. Maintain its financial records in accordance with the bylaws;
- 443 5. Meet and take such actions as are consistent with the provisions of this  
444 Compact, the Commission's Rules, and the bylaws;
- 445 6. Initiate and conclude legal proceedings or actions in the name of the  
446 Commission, provided that the standing of any Licensing Authority to sue  
447 or be sued under applicable law shall not be affected;
- 448 7. Maintain and certify records and information provided to a Member State  
449 as the authenticated business records of the Commission, and designate  
450 an agent to do so on the Commission's behalf;
- 451 8. Purchase and maintain insurance and bonds;
- 452 9. Borrow, accept, or contract for services of personnel, including, but not  
453 limited to, employees of a Member State;
- 454 10. Conduct an annual financial review
- 455 11. Hire employees, elect or appoint officers, fix compensation, define  
456 duties, grant such individuals appropriate authority to carry out the  
457 purposes of the Compact, and establish the Commission's personnel  
458 policies and programs relating to conflicts of interest, qualifications of  
459 personnel, and other related personnel matters;
- 460 12. Assess and collect fees;
- 461 13. Accept any and all appropriate gifts, donations, grants of money, other  
462 sources of revenue, equipment, supplies, materials, and services, and  
463 receive, utilize, and dispose of the same; provided that at all times the  
464 Commission shall avoid any appearance of impropriety or conflict of  
465 interest;
- 466 14. Lease, purchase, retain, own, hold, improve, or use any property, real,  
467 personal, or mixed, or any undivided interest therein;
- 468 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
469 dispose of any property real, personal, or mixed;
- 470 16. Establish a budget and make expenditures;
- 471 17. Borrow money;
- 472 18. Appoint committees, including standing committees, composed of  
473 members, State regulators, State legislators or their representatives, and  
474 consumer representatives, and such other interested persons as may be  
475 designated in this Compact and the bylaws;
- 476 19. Provide and receive information from, and cooperate with, law  
477 enforcement agencies;

- 478 20. Establish and elect an Executive Committee, including a chair and a vice  
479 chair;
- 480 21. Determine whether a State's adopted language is materially different  
481 from the model compact language such that the State would not qualify  
482 for participation in the Compact; and
- 483 22. Perform such other functions as may be necessary or appropriate to  
484 achieve the purposes of this Compact.

485 D. The Executive Committee

- 486 1. The Executive Committee shall have the power to act on behalf of the  
487 Commission according to the terms of this Compact. The powers, duties,  
488 and responsibilities of the Executive Committee shall include:
- 489 a. Oversee the day-to-day activities of the administration of the compact  
490 including enforcement and compliance with the provisions of the  
491 compact, its Rules and bylaws, and other such duties as deemed  
492 necessary;
- 493 b. Recommend to the Commission changes to the Rules or bylaws,  
494 changes to this Compact legislation, fees charged to Compact  
495 Member States, fees charged to Licensees, and other fees;
- 496 c. Ensure Compact administration services are appropriately provided,  
497 including by contract;
- 498 d. Prepare and recommend the budget;
- 499 e. Maintain financial records on behalf of the Commission;
- 500 f. Monitor Compact compliance of Member States and provide  
501 compliance reports to the Commission;
- 502 g. Establish additional committees as necessary;
- 503 h. Exercise the powers and duties of the Commission during the interim  
504 between Commission meetings, except for adopting or amending  
505 Rules, adopting or amending bylaws, and exercising any other  
506 powers and duties expressly reserved to the Commission by Rule or  
507 bylaw; and
- 508 i. Other duties as provided in the Rules or bylaws of the Commission.
- 509 2. The Executive Committee shall be composed of up to eleven (11)  
510 members:
- 511 a. The chair and vice chair of the Commission shall be voting members  
512 of the Executive Committee; and

- 513 b. The Commission shall elect five voting members from the current  
514 membership of the Commission.
- 515 c. Up to four (4) ex-officio, nonvoting members from four (4) recognized  
516 national Social Work organizations.
- 517 d. The ex-officio members will be selected by their respective  
518 organizations.
- 519 3. The Commission may remove any member of the Executive Committee  
520 as provided in the Commission's bylaws.
- 521 4. The Executive Committee shall meet at least annually.
- 522 a. Executive Committee meetings shall be open to the public, except  
523 that the Executive Committee may meet in a closed, non-public  
524 meeting as provided in subsection F.2 below.
- 525 b. The Executive Committee shall give seven (7) days' notice of its  
526 meetings, posted on its website and as determined to provide notice  
527 to persons with an interest in the business of the Commission.
- 528 c. The Executive Committee may hold a special meeting in accordance  
529 with subsection F.1.b. below.
- 530 E. The Commission shall adopt and provide to the Member States an annual report.
- 531 F. Meetings of the Commission
- 532 1. All meetings shall be open to the public, except that the Commission  
533 may meet in a closed, non-public meeting as provided in subsection F.2  
534 below.
- 535 a. Public notice for all meetings of the full Commission of meetings shall  
536 be given in the same manner as required under the Rulemaking  
537 provisions in Section 12, except that the Commission may hold a  
538 special meeting as provided in subsection F.1.b below.
- 539 b. The Commission may hold a special meeting when it must meet to  
540 conduct emergency business by giving 48 hours' notice to all  
541 commissioners, on the Commission's website, and other means as  
542 provided in the Commission's Rules. The Commission's legal  
543 counsel shall certify that the Commission's need to meet qualifies as  
544 an emergency.
- 545 2. The Commission or the Executive Committee or other committees of the  
546 Commission may convene in a closed, non-public meeting for the  
547 Commission or Executive Committee or other committees of the  
548 Commission to receive legal advice or to discuss:



- 549 a. Non-compliance of a Member State with its obligations under the  
550 Compact;
- 551 b. The employment, compensation, discipline or other matters,  
552 practices or procedures related to specific employees;
- 553 c. Current or threatened discipline of a Licensee by the Commission or  
554 by a Member State's Licensing Authority;
- 555 d. Current, threatened, or reasonably anticipated litigation;
- 556 e. Negotiation of contracts for the purchase, lease, or sale of goods,  
557 services, or real estate;
- 558 f. Accusing any person of a crime or formally censuring any person;
- 559 g. Trade secrets or commercial or financial information that is privileged  
560 or confidential;
- 561 h. Information of a personal nature where disclosure would constitute a  
562 clearly unwarranted invasion of personal privacy;
- 563 i. Investigative records compiled for law enforcement purposes;
- 564 j. Information related to any investigative reports prepared by or on  
565 behalf of or for use of the Commission or other committee charged  
566 with responsibility of investigation or determination of compliance  
567 issues pursuant to the Compact;
- 568 k. Matters specifically exempted from disclosure by federal or Member  
569 State law; or
- 570 l. Other matters as promulgated by the Commission by Rule.
- 571 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall  
572 state that the meeting will be closed and reference each relevant  
573 exempting provision, and such reference shall be recorded in the  
574 minutes.
- 575 4. The Commission shall keep minutes that fully and clearly describe all  
576 matters discussed in a meeting and shall provide a full and accurate  
577 summary of actions taken, and the reasons therefore, including a  
578 description of the views expressed. All documents considered in  
579 connection with an action shall be identified in such minutes. All minutes  
580 and documents of a closed meeting shall remain under seal, subject to  
581 release only by a majority vote of the Commission or order of a court of  
582 competent jurisdiction.
- 583 G. Financing of the Commission

- 584 1. The Commission shall pay, or provide for the payment of, the reasonable  
585 expenses of its establishment, organization, and ongoing activities.
- 586 2. The Commission may accept any and all appropriate revenue sources  
587 as provided in subsection C(13).
- 588 3. The Commission may levy on and collect an annual assessment from  
589 each Member State and impose fees on Licensees of Member States to  
590 whom it grants a Multistate License to cover the cost of the operations  
591 and activities of the Commission and its staff, which must be in a total  
592 amount sufficient to cover its annual budget as approved each year for  
593 which revenue is not provided by other sources. The aggregate annual  
594 assessment amount for Member States shall be allocated based upon a  
595 formula that the Commission shall promulgate by Rule.
- 596 4. The Commission shall not incur obligations of any kind prior to securing  
597 the funds adequate to meet the same; nor shall the Commission pledge  
598 the credit of any of the Member States, except by and with the authority  
599 of the Member State.
- 600 5. The Commission shall keep accurate accounts of all receipts and  
601 disbursements. The receipts and disbursements of the Commission shall  
602 be subject to the financial review and accounting procedures established  
603 under its bylaws. However, all receipts and disbursements of funds  
604 handled by the Commission shall be subject to an annual financial  
605 review by a certified or licensed public accountant, and the report of the  
606 financial review shall be included in and become part of the annual  
607 report of the Commission.
- 608 H. Qualified Immunity, Defense, and Indemnification
- 609 1. The members, officers, executive director, employees and  
610 representatives of the Commission shall be immune from suit and  
611 liability, both personally and in their official capacity, for any claim for  
612 damage to or loss of property or personal injury or other civil liability  
613 caused by or arising out of any actual or alleged act, error, or omission  
614 that occurred, or that the person against whom the claim is made had a  
615 reasonable basis for believing occurred within the scope of Commission  
616 employment, duties or responsibilities; provided that nothing in this  
617 paragraph shall be construed to protect any such person from suit or  
618 liability for any damage, loss, injury, or liability caused by the intentional  
619 or willful or wanton misconduct of that person. The procurement of  
620 insurance of any type by the Commission shall not in any way  
621 compromise or limit the immunity granted hereunder.
- 622 2. The Commission shall defend any member, officer, executive director,  
623 employee, and representative of the Commission in any civil action

624 seeking to impose liability arising out of any actual or alleged act, error,  
625 or omission that occurred within the scope of Commission employment,  
626 duties, or responsibilities, or as determined by the Commission that the  
627 person against whom the claim is made had a reasonable basis for  
628 believing occurred within the scope of Commission employment, duties,  
629 or responsibilities; provided that nothing herein shall be construed to  
630 prohibit that person from retaining their own counsel at their own  
631 expense; and provided further, that the actual or alleged act, error, or  
632 omission did not result from that person's intentional or willful or wanton  
633 misconduct.

634 3. The Commission shall indemnify and hold harmless any member, officer,  
635 executive director, employee, and representative of the Commission for  
636 the amount of any settlement or judgment obtained against that person  
637 arising out of any actual or alleged act, error, or omission that occurred  
638 within the scope of Commission employment, duties, or responsibilities,  
639 or that such person had a reasonable basis for believing occurred within  
640 the scope of Commission employment, duties, or responsibilities,  
641 provided that the actual or alleged act, error, or omission did not result  
642 from the intentional or willful or wanton misconduct of that person.

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

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

651 6. Nothing in this Compact shall be construed to be a waiver of sovereign  
652 immunity by the Member States or by the Commission.

653 **SECTION 11. DATA SYSTEM**

654 A. The Commission shall provide for the development, maintenance, operation, and  
655 utilization of a coordinated Data System.

656 B. The Commission shall assign each applicant for a Multistate License a unique  
657 identifier, as determined by the Rules of the Commission.

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

661 1. Identifying information;

662 2. Licensure data;

- 663 3. Adverse Actions against a license and information related thereto;  
664 4. Non-confidential information related to Alternative Program participation,  
665 the beginning and ending dates of such participation, and other  
666 information related to such participation not made confidential under  
667 Member State law;  
668 5. Any denial of application for licensure, and the reason(s) for such denial;  
669 6. The presence of Current Significant Investigative Information; and  
670 7. Other information that may facilitate the administration of this Compact  
671 or the protection of the public, as determined by the Rules of the  
672 Commission.

673 D. The records and information provided to a Member State pursuant to this  
674 Compact or through the Data System, when certified by the Commission or an  
675 agent thereof, shall constitute the authenticated business records of the  
676 Commission, and shall be entitled to any associated hearsay exception in any  
677 relevant judicial, quasi-judicial or administrative proceedings in a Member State.

678 E. Current Significant Investigative Information pertaining to a Licensee in any  
679 Member State will only be available to other Member States.

680 1. It is the responsibility of the Member States to report any Adverse Action  
681 against a Licensee and to monitor the database to determine whether  
682 Adverse Action has been taken against a Licensee. Adverse Action  
683 information pertaining to a Licensee in any Member State will be  
684 available to any other Member State.

685 F. Member States contributing information to the Data System may designate  
686 information that may not be shared with the public without the express  
687 permission of the contributing State.

688 G. Any information submitted to the Data System that is subsequently expunged  
689 pursuant to federal law or the laws of the Member State contributing the  
690 information shall be removed from the Data System.

691 **SECTION 12. RULEMAKING**

692 A. The Commission shall promulgate reasonable Rules in order to effectively and  
693 efficiently implement and administer the purposes and provisions of the  
694 Compact. A Rule shall be invalid and have no force or effect only if a court of  
695 competent jurisdiction holds that the Rule is invalid because the Commission  
696 exercised its rulemaking authority in a manner that is beyond the scope and  
697 purposes of the Compact, or the powers granted hereunder, or based upon  
698 another applicable standard of review.

699 B. The Rules of the Commission shall have the force of law in each Member State,  
700 provided however that where the Rules of the Commission conflict with the laws

701 of the Member State that establish the Member State's laws, regulations, and  
702 applicable standards that govern the practice of Social Work as held by a court of  
703 competent jurisdiction, the Rules of the Commission shall be ineffective in that  
704 State to the extent of the conflict.

705 C. The Commission shall exercise its Rulemaking powers pursuant to the criteria  
706 set forth in this Section and the Rules adopted thereunder. Rules shall become  
707 binding on the day following adoption or the date specified in the rule or  
708 amendment, whichever is later.

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

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

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

717 G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30)  
718 days in advance of the meeting at which the Commission will hold a public  
719 hearing on the proposed Rule, the Commission shall provide a Notice of  
720 Proposed Rulemaking:

- 721 1. On the website of the Commission or other publicly accessible platform;
- 722 2. To persons who have requested notice of the Commission's notices of  
723 proposed rulemaking, and
- 724 3. In such other way(s) as the Commission may by Rule specify.

725 H. The Notice of Proposed Rulemaking shall include:

- 726 1. The time, date, and location of the public hearing at which the  
727 Commission will hear public comments on the proposed Rule and, if  
728 different, the time, date, and location of the meeting where the  
729 Commission will consider and vote on the proposed Rule;
- 730 2. If the hearing is held via telecommunication, video conference, or other  
731 electronic means, the Commission shall include the mechanism for  
732 access to the hearing in the Notice of Proposed Rulemaking;
- 733 3. The text of the proposed Rule and the reason therefor;
- 734 4. A request for comments on the proposed Rule from any interested  
735 person; and
- 736 5. The manner in which interested persons may submit written comments.

- 737 I. All hearings will be recorded. A copy of the recording and all written comments  
738 and documents received by the Commission in response to the proposed Rule  
739 shall be available to the public.
- 740 J. Nothing in this section shall be construed as requiring a separate hearing on each  
741 Rule. Rules may be grouped for the convenience of the Commission at hearings  
742 required by this section.
- 743 K. The Commission shall, by majority vote of all members, take final action on the  
744 proposed Rule based on the Rulemaking record and the full text of the Rule.
- 745 1. The Commission may adopt changes to the proposed Rule provided the  
746 changes do not enlarge the original purpose of the proposed Rule.
- 747 2. The Commission shall provide an explanation of the reasons for  
748 substantive changes made to the proposed Rule as well as reasons for  
749 substantive changes not made that were recommended by commenters.
- 750 3. The Commission shall determine a reasonable effective date for the  
751 Rule. Except for an emergency as provided in Section 12.L, the effective  
752 date of the rule shall be no sooner than 30 days after issuing the notice  
753 that it adopted or amended the Rule.
- 754 L. Upon determination that an emergency exists, the Commission may consider and  
755 adopt an emergency Rule with 48 hours' notice, with opportunity to comment,  
756 provided that the usual Rulemaking procedures provided in the Compact and in  
757 this section shall be retroactively applied to the Rule as soon as reasonably  
758 possible, in no event later than ninety (90) days after the effective date of the  
759 Rule. For the purposes of this provision, an emergency Rule is one that must be  
760 adopted immediately in order to:
- 761 1. Meet an imminent threat to public health, safety, or welfare;
- 762 2. Prevent a loss of Commission or Member State funds;
- 763 3. Meet a deadline for the promulgation of a Rule that is established by  
764 federal law or rule; or
- 765 4. Protect public health and safety.
- 766 M. The Commission or an authorized committee of the Commission may direct  
767 revisions to a previously adopted Rule for purposes of correcting typographical  
768 errors, errors in format, errors in consistency, or grammatical errors. Public notice  
769 of any revisions shall be posted on the website of the Commission. The revision  
770 shall be subject to challenge by any person for a period of thirty (30) days after  
771 posting. The revision may be challenged only on grounds that the revision results  
772 in a material change to a Rule. A challenge shall be made in writing and  
773 delivered to the Commission prior to the end of the notice period. If no challenge  
774 is made, the revision will take effect without further action. If the revision is

775 challenged, the revision may not take effect without the approval of the  
776 Commission.

777 N. No Member State’s rulemaking requirements shall apply under this compact.

778 **SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

779 A. Oversight

780 1. The executive and judicial branches of State government in each  
781 Member State shall enforce this Compact and take all actions necessary  
782 and appropriate to implement the Compact.

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

792 3. The Commission shall be entitled to receive service of process in any  
793 proceeding regarding the enforcement or interpretation of the Compact  
794 and shall have standing to intervene in such a proceeding for all  
795 purposes. Failure to provide the Commission service of process shall  
796 render a judgment or order void as to the Commission, this Compact, or  
797 promulgated Rules.

798 B. Default, Technical Assistance, and Termination

799 1. If the Commission determines that a Member State has defaulted in the  
800 performance of its obligations or responsibilities under this Compact or  
801 the promulgated Rules, the Commission shall provide written notice to  
802 the defaulting State. The notice of default shall describe the default, the  
803 proposed means of curing the default, and any other action that the  
804 Commission may take, and shall offer training and specific technical  
805 assistance regarding the default.

806 2. The Commission shall provide a copy of the notice of default to the other  
807 Member States.

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

- 814 D. Termination of membership in the Compact shall be imposed only after all other  
815 means of securing compliance have been exhausted. Notice of intent to suspend  
816 or terminate shall be given by the Commission to the governor, the majority and  
817 minority leaders of the defaulting State's legislature, the defaulting State's State  
818 Licensing Authority and each of the Member States' Licensing Authority.
- 819 E. A State that has been terminated is responsible for all assessments, obligations,  
820 and liabilities incurred through the effective date of termination, including  
821 obligations that extend beyond the effective date of termination.
- 822 F. Upon the termination of a State's membership from this Compact, that State shall  
823 immediately provide notice to all Licensees within that State of such termination.  
824 The terminated State shall continue to recognize all licenses granted pursuant to  
825 this Compact for a minimum of six (6) months after the date of said notice of  
826 termination.
- 827 G. The Commission shall not bear any costs related to a State that is found to be in  
828 default or that has been terminated from the Compact, unless agreed upon in  
829 writing between the Commission and the defaulting State.
- 830 H. The defaulting State may appeal the action of the Commission by petitioning the  
831 U.S. District Court for the District of Columbia or the federal district where the  
832 Commission has its principal offices. The prevailing party shall be awarded all  
833 costs of such litigation, including reasonable attorney's fees.

834 I. Dispute Resolution

- 835 1. Upon request by a Member State, the Commission shall attempt to  
836 resolve disputes related to the Compact that arise among Member  
837 States and between Member and non-Member States.
- 838 2. The Commission shall promulgate a Rule providing for both mediation  
839 and binding dispute resolution for disputes as appropriate.

840 J. Enforcement

- 841 1. By majority vote as provided by Rule, the Commission may initiate legal  
842 action against a Member State in default in the United States District  
843 Court for the District of Columbia or the federal district where the  
844 Commission has its principal offices to enforce compliance with the  
845 provisions of the Compact and its promulgated Rules. The relief sought  
846 may include both injunctive relief and damages. In the event judicial  
847 enforcement is necessary, the prevailing party shall be awarded all costs  
848 of such litigation, including reasonable attorney's fees. The remedies  
849 herein shall not be the exclusive remedies of the Commission. The  
850 Commission may pursue any other remedies available under federal or  
851 the defaulting Member State's law.



- 852 2. A Member State may initiate legal action against the Commission in the  
853 U.S. District Court for the District of Columbia or the federal district  
854 where the Commission has its principal offices to enforce compliance  
855 with the provisions of the Compact and its promulgated Rules. The relief  
856 sought may include both injunctive relief and damages. In the event  
857 judicial enforcement is necessary, the prevailing party shall be awarded  
858 all costs of such litigation, including reasonable attorney's fees.
- 859 3. No person other than a Member State shall enforce this compact against  
860 the Commission.

861 **SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

- 862 A. The Compact shall come into effect on the date on which the Compact statute is  
863 enacted into law in the seventh Member State.
- 864 1. On or after the effective date of the Compact, the Commission shall  
865 convene and review the enactment of each of the first seven Member  
866 States ("Charter Member States") to determine if the statute enacted by  
867 each such Charter Member State is materially different than the model  
868 Compact statute.
- 869 a. A Charter Member State whose enactment is found to be  
870 materially different from the model Compact statute shall be  
871 entitled to the default process set forth in Section 13.
- 872 b. If any Member State is later found to be in default, or is  
873 terminated or withdraws from the Compact, the Commission  
874 shall remain in existence and the Compact shall remain in effect  
875 even if the number of Member States should be less than seven.
- 876 2. Member States enacting the Compact subsequent to the seven initial  
877 Charter Member States shall be subject to the process set forth in  
878 Section 10(C)(21) to determine if their enactments are materially  
879 different from the model Compact statute and whether they qualify for  
880 participation in the Compact.
- 881 3. All actions taken for the benefit of the Commission or in furtherance of  
882 the purposes of the administration of the Compact prior to the effective  
883 date of the Compact or the Commission coming into existence shall be  
884 considered to be actions of the Commission unless specifically  
885 repudiated by the Commission.
- 886 4. Any State that joins the Compact subsequent to the Commission's initial  
887 adoption of the Rules and bylaws shall be subject to the Rules and  
888 bylaws as they exist on the date on which the Compact becomes law in  
889 that State. Any Rule that has been previously adopted by the

890 Commission shall have the full force and effect of law on the day the  
891 Compact becomes law in that State.

892 B. Any Member State may withdraw from this Compact by enacting a statute  
893 repealing the same.

894 1. A Member State's withdrawal shall not take effect until 180 days after  
895 enactment of the repealing statute.

896 2. Withdrawal shall not affect the continuing requirement of the withdrawing  
897 State's Licensing Authority to comply with the investigative and Adverse  
898 Action reporting requirements of this Compact prior to the effective date  
899 of withdrawal.

900 3. Upon the enactment of a statute withdrawing from this compact, a State  
901 shall immediately provide notice of such withdrawal to all Licensees  
902 within that State. Notwithstanding any subsequent statutory enactment to  
903 the contrary, such withdrawing State shall continue to recognize all  
904 licenses granted pursuant to this compact for a minimum of 180 days  
905 after the date of such notice of withdrawal.

906 C. Nothing contained in this Compact shall be construed to invalidate or  
907 prevent any licensure agreement or other cooperative arrangement between  
908 a Member State and a non-Member State that does not conflict with the  
909 provisions of this Compact.

910 D. This Compact may be amended by the Member States. No amendment to  
911 this Compact shall become effective and binding upon any Member State  
912 until it is enacted into the laws of all Member States.

## 913 **SECTION 15. CONSTRUCTION AND SEVERABILITY**

914 A. This Compact and the Commission's rulemaking authority shall be liberally  
915 construed so as to effectuate the purposes, and the implementation and  
916 administration of the Compact. Provisions of the Compact expressly authorizing  
917 or requiring the promulgation of Rules shall not be construed to limit the  
918 Commission's rulemaking authority solely for those purposes.

919 B. The provisions of this Compact shall be severable and if any phrase, clause,  
920 sentence or provision of this Compact is held by a court of competent jurisdiction  
921 to be contrary to the constitution of any Member State, a State seeking  
922 participation in the Compact, or of the United States, or the applicability thereof to  
923 any government, agency, person or circumstance is held to be unconstitutional  
924 by a court of competent jurisdiction, the validity of the remainder of this Compact  
925 and the applicability thereof to any other government, agency, person or  
926 circumstance shall not be affected thereby.

927 C. Notwithstanding subsection B of this section, the Commission may deny a  
928 State's participation in the Compact or, in accordance with the requirements of

929 Section 13.B, terminate a Member State's participation in the Compact, if it  
930 determines that a constitutional requirement of a Member State is a material  
931 departure from the Compact. Otherwise, if this Compact shall be held to be  
932 contrary to the constitution of any Member State, the Compact shall remain in full  
933 force and effect as to the remaining Member States and in full force and effect as  
934 to the Member State affected as to all severable matters.

935 **SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS**

936 A. A Licensee providing services in a Remote State under a Multistate Authorization  
937 to Practice shall adhere to the laws and regulations, including laws, regulations,  
938 and applicable standards, of the Remote State where the client is located at the  
939 time care is rendered.

940 B. Nothing herein shall prevent or inhibit the enforcement of any other law of a  
941 Member State that is not inconsistent with the Compact.

942 C. Any laws, statutes, regulations, or other legal requirements in a Member State in  
943 conflict with the Compact are superseded to the extent of the conflict.

944 D. All permissible agreements between the Commission and the Member States are  
945 binding in accordance with their terms.

946

# COMPACT MAP



Legislation Not Introduced

Legislation Pending

Legislation Enacted

