

HOUSE BILL NO. 110

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES GRAY, Story, Galvin, Prax, Josephson

Introduced: 2/21/25

Referred: Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a social work licensure compact; relating to the practice of social
2 work; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 08.95.030 is amended to read:

5 **Sec. 08.95.030. Duties.** The board shall

6 (1) issue licenses to qualified applicants;

7 (2) adopt regulations

8 (A) requiring that continuing education requirements be
9 satisfied before a license is renewed;

10 (B) establishing a code of professional ethics that a licensee
11 must observe;

12 (C) establishing standards of practice for social work
13 performed by a licensee; [AND]

14 (D) establishing standards for supervisors and for supervision

1 that is required for licensure under AS 08.95.110(a);

2 (E) [(3) ADOPT REGULATIONS] necessary to carry out the
3 duties and purpose of this chapter; and

4 (F) necessary to implement the Social Work Licensure
5 Compact enacted under AS 08.95.200; and

6 (3) appoint a member of the board to serve as a delegate on the
7 Social Work Licensure Compact Commission established under AS 08.95.200.

8 * **Sec. 2.** AS 08.95.100(a) is amended to read:

9 (a) A person who practices clinical social work without obtaining a license
10 under this chapter to practice clinical social work is guilty of a class B misdemeanor
11 unless the person is

12 (1) licensed under a provision of this title that is outside this chapter, is
13 practicing within the scope of that license, and is not representing to the public by title
14 or description of service as being engaged in the practice of clinical social work; [OR]

15 (2) practicing clinical social work as a student in a social work
16 program approved by the board; or

17 (3) practicing clinical social work under a multistate authorization
18 to practice.

19 * **Sec. 3.** AS 08.95.100(b) is amended to read:

20 (b) A person is guilty of a class B misdemeanor if the person does not hold a
21 valid license or multistate authorization to practice [IS NOT LICENSED]

22 (1) under this chapter and uses the title "social worker" unless the
23 person is exempt from licensure under AS 08.95.911;

24 (2) as a clinical social worker under this chapter [OR HAS A
25 CLINICAL SOCIAL WORKER LICENSE THAT IS SUSPENDED, REVOKED, OR
26 LAPSED,] and the person

27 (A) uses in connection with the person's name the words or
28 letters "L.C.S.W.," "Licensed Clinical Social Worker," or other letters, words,
29 or insignia indicating or implying that the person is a licensed clinical social
30 worker; or

31 (B) in any way, orally or in writing, directly or by implication,

1 holds out as a licensed clinical social worker;

2 (3) as a master social worker under this chapter [OR HAS A MASTER
3 SOCIAL WORKER LICENSE THAT IS SUSPENDED, REVOKED, OR LAPSED,]
4 and the person

5 (A) uses in connection with the person's name the words or
6 letters "L.M.S.W.," "Licensed Master Social Worker," or other letters, words,
7 or insignia indicating or implying that the person is a licensed master social
8 worker; or

9 (B) in any way, orally or in writing, directly or by implication,
10 holds out as being a licensed master social worker; or

11 (4) as a baccalaureate social worker under this chapter [OR HAS A
12 BACCALAUREATE SOCIAL WORKER LICENSE THAT IS SUSPENDED,
13 REVOKED, OR LAPSED,] and the person

14 (A) uses in connection with the person's name the words or
15 letters "L.B.S.W.," "Licensed Baccalaureate Social Worker," or other letters,
16 words, or insignia indicating or implying that the person is a licensed
17 baccalaureate social worker; or

18 (B) in any way, orally or in writing, directly or by implication,
19 holds out as being a licensed baccalaureate social worker.

20 * **Sec. 4.** AS 08.95.120 is amended by adding a new subsection to read:

21 (c) This section does not apply to an applicant who is a regulated social
22 worker.

23 * **Sec. 5.** AS 08.95.125 is amended by adding a new subsection to read:

24 (f) This section does not apply to an applicant who is a regulated social
25 worker.

26 * **Sec. 6.** AS 08.95 is amended by adding a new section to read:

27 **Article 2A. Social Work Licensure Compact.**

28 **Sec. 08.95.200. Compact enacted.** The Social Work Licensure Compact as
29 contained in this section is enacted into law and entered into on behalf of the state with
30 all other states and jurisdictions legally joining it in a form substantially as follows:

31 SECTION 1. PURPOSE.

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

5 This Compact is designed to achieve the following objectives:

- 6 (A) Increase public access to Social Work Services;
- 7 (B) Reduce overly burdensome and duplicative requirements
8 associated with holding multiple licenses;
- 9 (C) Enhance the Member States' ability to protect the public's health
10 and safety;
- 11 (D) Encourage the cooperation of Member States in regulating
12 multistate practice;
- 13 (E) Promote mobility and address workforce shortages by eliminating
14 the necessity for licenses in multiple States by providing for the mutual recognition of
15 other Member State licenses;
- 16 (F) Support military families;
- 17 (G) Facilitate the exchange of licensure and disciplinary information
18 among Member States;
- 19 (H) Authorize all Member States to hold a Regulated Social Worker
20 accountable for abiding by a Member State's laws, regulations, and applicable
21 professional standards in the Member State in which the client is located at the time
22 care is rendered; and
- 23 (I) Allow for the use of telehealth to facilitate increased access to
24 regulated Social Work Services.

25 SECTION 2. DEFINITIONS.

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

28 (A) "Active Military Member" means any individual with full-time
29 duty status in the active armed forces of the United States including members of the
30 National Guard and Reserve.

31 (B) "Adverse Action" means any administrative, civil, equitable or

1 criminal action permitted by a State's laws which is imposed by a Licensing Authority
2 or other authority against a Regulated Social Worker, including actions against an
3 individual's license or Multistate Authorization to Practice such as revocation,
4 suspension, probation, monitoring of the Licensee, limitation on the Licensee's
5 practice, or any other Encumbrance on licensure affecting a Regulated Social Worker's
6 authorization to practice, including issuance of a cease and desist action.

7 (C) "Alternative Program" means a non-disciplinary monitoring or
8 practice remediation process approved by a Licensing Authority to address
9 practitioners with an Impairment.

10 (D) "Charter Member States" means Member States who have enacted
11 legislation to adopt this Compact where such legislation predates the effective date of
12 this Compact as described in Section 14.

13 (E) "Compact Commission" or "Commission" means the government
14 agency whose membership consists of all States that have enacted this Compact,
15 which is known as the Social Work Licensure Compact Commission, as described in
16 Section 10, and which shall operate as an instrumentality of the Member States.

17 (F) "Current Significant Investigative Information" means:

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

23 (2) Investigative information that indicates that the Regulated
24 Social Worker represents an immediate threat to public health and safety, as
25 may be defined by the Commission, regardless of whether the Regulated
26 Social Worker has been notified and has had an opportunity to respond.

27 (G) "Data System" means a repository of information about Licensees,
28 including continuing education, examination, licensure, Current Significant
29 Investigative Information, Disqualifying Event, Multistate License(s) and Adverse
30 Action information or other information as required by the Commission.

31 (H) "Disqualifying Event" means any Adverse Action or incident

1 which results in an Encumbrance that disqualifies or makes the Licensee ineligible to
2 either obtain, retain or renew a Multistate License.

3 (I) "Domicile" means the jurisdiction in which the Licensee resides
4 and intends to remain indefinitely.

5 (J) "Encumbrance" means a revocation or suspension of, or any
6 limitation on, the full and unrestricted practice of Social Work licensed and regulated
7 by a Licensing Authority.

8 (K) "Executive Committee" means a group of delegates elected or
9 appointed to act on behalf of, and within the powers granted to them by, the Compact
10 and Commission.

11 (L) "Home State" means the Member State that is the Licensee's
12 primary Domicile.

13 (M) "Impairment" means a condition(s) that may impair a
14 practitioner's ability to engage in full and unrestricted practice as a Regulated Social
15 Worker without some type of intervention and may include alcohol and drug
16 dependence, mental health impairment, and neurological or physical impairments.

17 (N) "Licensee(s)" means an individual who currently holds a license
18 from a State to practice as a Regulated Social Worker.

19 (O) "Licensing Authority" means the board or agency of a Member
20 State, or equivalent, that is responsible for the licensing and regulation of Regulated
21 Social Workers.

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

24 (Q) "Multistate Authorization to Practice" means a legally authorized
25 privilege to practice, which is equivalent to a license, associated with a Multistate
26 License permitting the practice of Social Work in a Remote State.

27 (R) "Multistate License" means a license to practice as a Regulated
28 Social Worker issued by a Home State Licensing Authority that authorizes the
29 Regulated Social Worker to practice in all Member States under Multistate
30 Authorization to Practice.

31 (S) "Qualifying National Exam" means a national licensing

1 examination approved by the Commission.

2 (T) "Regulated Social Worker" means any clinical, master's or
3 bachelor's Social Worker licensed by a Member State regardless of the title used by
4 that Member State.

5 (U) "Remote State" means a Member State other than the Licensee's
6 Home State.

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

10 (W) "Single State License" means a Social Work license issued by any
11 State that authorizes practice only within the issuing State and does not include
12 Multistate Authorization to Practice in any Member State.

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

19 (Y) "State" means any state, commonwealth, district, or territory of the
20 United States of America that regulates the practice of Social Work.

21 (Z) "Unencumbered License" means a license that authorizes a
22 Regulated Social Worker to engage in the full and unrestricted practice of Social
23 Work.

24 SECTION 3. STATE PARTICIPATION IN THE COMPACT.

25 (A) To be eligible to participate in the Compact, a potential Member
26 State must currently meet all of the following criteria:

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

29 (2) Require applicants for licensure to graduate from a program
30 that is:

31 (a) Operated by a college or university recognized by

1 the Licensing Authority;

2 (b) Accredited, or in candidacy by an institution that
3 subsequently becomes accredited, by an accrediting agency recognized
4 by either:

5 (i) the Council for Higher Education
6 Accreditation, or its successor; or

7 (ii) the United States Department of Education;

8 and

9 (c) Corresponds to the licensure sought as outlined in
10 Section 4.

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

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

15 (B) To maintain membership in the Compact a Member State shall:

16 (1) Require that applicants for a Multistate License pass a
17 Qualifying National Exam for the corresponding category of Multistate
18 License sought as outlined in Section 4.

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

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

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

30 (5) Comply with the Rules of the Commission;

31 (6) Require an applicant to obtain or retain a license in the

1 Home State and meet the Home State's qualifications for licensure or renewal
2 of licensure, as well as all other applicable Home State laws;

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

6 (8) Designate a delegate to participate in the Commission
7 meetings.

8 (C) A Member State meeting the requirements of Section 3(A) and
9 3(B) of this Compact shall designate the categories of Social Work licensure that are
10 eligible for issuance of a Multistate License for applicants in such Member State. To
11 the extent that any Member State does not meet the requirements for participation in
12 the Compact at any particular category of Social Work licensure, such Member State
13 may choose, but is not obligated to issue, a Multistate License to applicants that
14 otherwise meet the requirements of Section 4 for issuance of a Multistate License in
15 such category or categories of licensure.

16 (D) The Home State may charge a fee for granting the Multistate
17 License.

18 SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT.

19 (A) To be eligible for a Multistate License under the terms and
20 provisions of the Compact, an applicant, regardless of category, must:

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

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

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

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

1 (5) Meet any continuing competence requirements established
2 by the Home State;

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

5 (B) An applicant for a clinical-category Multistate License must meet
6 all of the following requirements:

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

9 (a) Passage of a clinical-category Qualifying National
10 Exam;

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

16 (c) The substantial equivalency of the foregoing
17 competency requirements which the Commission may determine by
18 Rule.

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

21 (a) Operated by a college or university recognized by
22 the Licensing Authority; and

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

25 (i) the Council for Higher Education
26 Accreditation or its successor; or

27 (ii) the United States Department of Education.

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

30 (a) A period of postgraduate supervised clinical practice
31 equal to a minimum of three thousand hours;

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

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

5 (C) An applicant for a master's-category Multistate License must meet
6 all of the following requirements:

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

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

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

17 (c) The substantial equivalency of the foregoing
18 competency requirements which the Commission may determine by
19 Rule.

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

22 (a) Operated by a college or university recognized by
23 the Licensing Authority; and

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

26 (i) the Council for Higher Education
27 Accreditation or its successor; or

28 (ii) the United States Department of Education.

29 (D) An applicant for a bachelor's-category Multistate License must
30 meet all of the following requirements:

31 (1) Fulfill a competency requirement, which shall be satisfied

1 by either:

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

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

9 (c) The substantial equivalency of the foregoing
10 competency requirements which the Commission may determine by
11 Rule.

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

14 (a) Operated by a college or university recognized by
15 the Licensing Authority; and

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

18 (i) the Council for Higher Education
19 Accreditation or its successor; or

20 (ii) the United States Department of Education.

21 (E) The Multistate License for a Regulated Social Worker is subject to
22 the renewal requirements of the Home State. The Regulated Social Worker must
23 maintain compliance with the requirements of Section 4(A) to be eligible to renew a
24 Multistate License.

25 (F) The Regulated Social Worker's services in a Remote State are
26 subject to that Member State's regulatory authority. A Remote State may, in
27 accordance with due process and that Member State's laws, remove a Regulated Social
28 Worker's Multistate Authorization to Practice in the Remote State for a specific period
29 of time, impose fines, and take any other necessary actions to protect the health and
30 safety of its citizens.

31 (G) If a Multistate License is encumbered, the Regulated Social

1 Worker's Multistate Authorization to Practice shall be deactivated in all Remote States
2 until the Multistate License is no longer encumbered.

3 (H) If a Multistate Authorization to Practice is encumbered in a
4 Remote State, the regulated Social Worker's Multistate Authorization to Practice may
5 be deactivated in that State until the Multistate Authorization to Practice is no longer
6 encumbered.

7 SECTION 5. ISSUANCE OF A MULTISTATE LICENSE.

8 (A) Upon receipt of an application for Multistate License, the Home
9 State Licensing Authority shall determine the applicant's eligibility for a Multistate
10 License in accordance with Section 4 of this Compact.

11 (B) If such applicant is eligible pursuant to Section 4 of this Compact,
12 the Home State Licensing Authority shall issue a Multistate License that authorizes
13 the applicant or Regulated Social Worker to practice in all Member States under a
14 Multistate Authorization to Practice.

15 (C) Upon issuance of a Multistate License, the Home State Licensing
16 Authority shall designate whether the Regulated Social Worker holds a Multistate
17 License in the Bachelors, Masters, or Clinical category of Social Work.

18 (D) A Multistate License issued by a Home State to a resident in that
19 State shall be recognized by all Compact Member States as authorizing Social Work
20 Practice under a Multistate Authorization to Practice corresponding to each category
21 of licensure regulated in each Member State.

22 SECTION 6. AUTHORITY OF INTERSTATE COMPACT COMMISSION AND
23 MEMBER STATE LICENSING AUTHORITIES.

24 (A) Nothing in this Compact, nor any Rule of the Commission, shall
25 be construed to limit, restrict, or in any way reduce the ability of a Member State to
26 enact and enforce laws, regulations, or other rules related to the practice of Social
27 Work in that State, where those laws, regulations, or other rules are not inconsistent
28 with the provisions of this Compact.

29 (B) Nothing in this Compact shall affect the requirements established
30 by a Member State for the issuance of a Single State License.

31 (C) Nothing in this Compact, nor any Rule of the Commission, shall

1 be construed to limit, restrict, or in any way reduce the ability of a Member State to
 2 take Adverse Action against a Licensee's Single State License to practice Social Work
 3 in that State.

4 (D) Nothing in this Compact, nor any Rule of the Commission, shall
 5 be construed to limit, restrict, or in any way reduce the ability of a Remote State to
 6 take Adverse Action against a Licensee's Multistate Authorization to Practice in that
 7 State.

8 (E) Nothing in this Compact, nor any Rule of the Commission, shall be
 9 construed to limit, restrict, or in any way reduce the ability of a Licensee's Home State
 10 to take Adverse Action against a Licensee's Multistate License based upon
 11 information provided by a Remote State.

12 SECTION 7. REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE.

13 (A) A Licensee can hold a Multistate License, issued by their Home
 14 State, in only one Member State at any given time.

15 (B) If a Licensee changes their Home State by moving between two
 16 Member States:

17 (1) The Licensee shall immediately apply for the reissuance of
 18 their Multistate License in their new Home State. The Licensee shall pay all
 19 applicable fees and notify the prior Home State in accordance with the Rules of
 20 the Commission.

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

27 (3) Prior to the reissuance of the Multistate License, the new
 28 Home State shall conduct procedures for considering the criminal history
 29 records of the Licensee. Such procedures shall include the submission of
 30 fingerprints or other biometric-based information by applicants for the purpose
 31 of obtaining an applicant's criminal history record information from the

1 Federal Bureau of Investigation and the agency responsible for retaining that
2 State's criminal records.

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

5 (5) Notwithstanding any other provision of this Compact, if a
6 Licensee does not meet the requirements set forth in this Compact for the
7 reissuance of a Multistate License by the new Home State, then the Licensee
8 shall be subject to the new Home State requirements for the issuance of a
9 Single State License in that State.

10 (C) If a Licensee changes their primary State of residence by moving
11 from a Member State to a non-Member State, or from a non-Member State to a
12 Member State, then the Licensee shall be subject to the State requirements for the
13 issuance of a Single State License in the new Home State.

14 (D) Nothing in this Compact shall interfere with a Licensee's ability to
15 hold a Single State License in multiple States; however, for the purposes of this
16 Compact, a Licensee shall have only one Home State, and only one Multistate
17 License.

18 (E) Nothing in this Compact shall interfere with the requirements
19 established by a Member State for the issuance of a Single State License.

20 SECTION 8. MILITARY FAMILIES.

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

24 SECTION 9. ADVERSE ACTIONS.

25 (A) In addition to the other powers conferred by State law, a Remote
26 State shall have the authority, in accordance with existing State due process law, to:

27 (1) Take Adverse Action against a Regulated Social Worker's
28 Multistate Authorization to Practice only within that Member State, and issue
29 subpoenas for both hearings and investigations that require the attendance and
30 testimony of witnesses as well as the production of evidence. Subpoenas issued
31 by a Licensing Authority in a Member State for the attendance and testimony

1 of witnesses or the production of evidence from another Member State shall be
2 enforced in the latter State by any court of competent jurisdiction, according to
3 the practice and procedure of that court applicable to subpoenas issued in
4 proceedings pending before it. The issuing Licensing Authority shall pay any
5 witness fees, travel expenses, mileage, and other fees required by the service
6 statutes of the State in which the witnesses or evidence are located.

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

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

13 (C) The Home State shall complete any pending investigations of a
14 Regulated Social Worker who changes their Home State during the course of the
15 investigations. The Home State shall also have the authority to take appropriate
16 action(s) and shall promptly report the conclusions of the investigations to the
17 administrator of the Data System. The administrator of the Data System shall promptly
18 notify the new Home State of any Adverse Actions.

19 (D) A Member State, if otherwise permitted by State law, may recover
20 from the affected Regulated Social Worker the costs of investigations and dispositions
21 of cases resulting from any Adverse Action taken against that Regulated Social
22 Worker.

23 (E) A Member State may take Adverse Action based on the factual
24 findings of another Member State, provided that the Member State follows its own
25 procedures for taking the Adverse Action.

26 (F) Joint Investigations:

27 (1) In addition to the authority granted to a Member State by its
28 respective Social Work practice act or other applicable State law, any Member
29 State may participate with other Member States in joint investigations of
30 Licensees.

31 (2) Member States shall share any investigative, litigation, or

1 compliance materials in furtherance of any joint or individual investigation
2 initiated under the Compact.

3 (G) If Adverse Action is taken by the Home State against the
4 Multistate License of a Regulated Social Worker, the Regulated Social Worker's
5 Multistate Authorization to Practice in all other Member States shall be deactivated
6 until all Encumbrances have been removed from the Multistate License. All Home
7 State disciplinary orders that impose Adverse Action against the license of a
8 Regulated Social Worker shall include a statement that the Regulated Social Worker's
9 Multistate Authorization to Practice is deactivated in all Member States until all
10 conditions of the decision, order or agreement are satisfied.

11 (H) If a Member State takes Adverse Action, it shall promptly notify
12 the administrator of the Data System. The administrator of the Data System shall
13 promptly notify the Home State and all other Member States of any Adverse Actions
14 by Remote States.

15 (I) Nothing in this Compact shall override a Member State's decision
16 that participation in an Alternative Program may be used in lieu of Adverse Action.

17 (J) Nothing in this Compact shall authorize a Member State to demand
18 the issuance of subpoenas for attendance and testimony of witnesses or the production
19 of evidence from another Member State for lawful actions within that Member State.

20 (K) Nothing in this Compact shall authorize a Member State to impose
21 discipline against a Regulated Social Worker who holds a Multistate Authorization to
22 Practice for lawful actions within another Member State.

23 SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT

24 COMMISSION.

25 (A) The Compact Member States hereby create and establish a joint
26 government agency whose membership consists of all Member States that have
27 enacted the Compact known as the Social Work Licensure Compact Commission. The
28 Commission is an instrumentality of the Compact States acting jointly and not an
29 instrumentality of any one State. The Commission shall come into existence on or
30 after the effective date of the Compact as set forth in Section 14.

31 (B) Membership, Voting, and Meetings

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

3 (2) The delegate shall be either:

4 (a) A current member of the State Licensing Authority
5 at the time of appointment, who is a Regulated Social Worker or public
6 member of the State Licensing Authority; or

7 (b) An administrator of the State Licensing Authority or
8 their designee.

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

11 (4) The Commission may recommend removal or suspension
12 of any delegate from office.

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

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

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

21 (8) The Commission shall meet at least once during each
22 calendar year. Additional meetings may be held as set forth in the bylaws. The
23 Commission may meet by telecommunication, videoconference, or other
24 similar electronic means.

25 (C) The Commission shall have the following powers:

26 (1) Establish the fiscal year of the Commission;

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

28 (3) Establish and amend Rules and bylaws;

29 (4) Maintain its financial records in accordance with the
30 bylaws;

31 (5) Meet and take such actions as are consistent with the

1 provisions of this Compact, the Commission's Rules, and the bylaws;

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

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

8 (8) Purchase and maintain insurance and bonds;

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

11 (10) Conduct an annual financial review;

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

17 (12) Assess and collect fees;

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

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

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

26 (16) Establish a budget and make expenditures;

27 (17) Borrow money;

28 (18) Appoint committees, including standing committees,
29 composed of members, State regulators, State legislators or their
30 representatives, and consumer representatives, and such other interested
31 persons as may be designated in this Compact and the bylaws;

1 (19) Provide and receive information from, and cooperate with,
2 law enforcement agencies;

3 (20) Establish and elect an Executive Committee, including a
4 chair and a vice chair;

5 (21) Determine whether a State's adopted language is
6 materially different from the model Compact language such that the State
7 would not qualify for participation in the Compact; and

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

10 (D) The Executive Committee

11 (1) The Executive Committee shall have the power to act on
12 behalf of the Commission according to the terms of this Compact. The powers,
13 duties, and responsibilities of the Executive Committee shall include:

14 (a) Oversee the day-to-day activities of the
15 administration of the Compact including enforcement and compliance
16 with the provisions of the Compact, its Rules and bylaws, and other
17 such duties as deemed necessary;

18 (b) Recommend to the Commission changes to the
19 Rules or bylaws, changes to this Compact legislation, fees charged to
20 Compact Member States, fees charged to Licensees, and other fees;

21 (c) Ensure Compact administration services are
22 appropriately provided, including by contract;

23 (d) Prepare and recommend the budget;

24 (e) Maintain financial records on behalf of the
25 Commission;

26 (f) Monitor Compact compliance of Member States and
27 provide compliance reports to the Commission;

28 (g) Establish additional committees as necessary;

29 (h) Exercise the powers and duties of the Commission
30 during the interim between Commission meetings, except for adopting
31 or amending Rules, adopting or amending bylaws, and exercising any

1 other powers and duties expressly reserved to the Commission by Rule
2 or bylaw; and

3 (i) Other duties as provided in the Rules or bylaws of
4 the Commission.

5 (2) The Executive Committee shall be composed of up to
6 eleven (11) members:

7 (a) The chair and vice chair of the Commission shall be
8 voting members of the Executive Committee;

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

11 (c) Up to four (4) ex-officio, nonvoting members from
12 four (4) recognized national Social Work organizations; and

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

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

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

18 (a) Executive Committee meetings shall be open to the
19 public, except that the Executive Committee may meet in a closed, non-
20 public meeting as provided in subsection F(2) below.

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

25 (c) The Executive Committee may hold a special
26 meeting in accordance with subsection F(1)(b) below.

27 (E) The Commission shall adopt and provide to the Member States an
28 annual report.

29 (F) Meetings of the Commission

30 (1) All meetings shall be open to the public, except that the
31 Commission may meet in a closed, non-public meeting as provided in

1 subsection F(2) below.

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

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

12 (2) The Commission or the Executive Committee or other
13 committees of the Commission may convene in a closed, non-public meeting
14 for the Commission or Executive Committee or other committees of the
15 Commission to receive legal advice or to discuss:

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

18 (b) The employment, compensation, discipline or other
19 matters, practices or procedures related to specific employees;

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

22 (d) Current, threatened, or reasonably anticipated
23 litigation;

24 (e) Negotiation of contracts for the purchase, lease, or
25 sale of goods, services, or real estate;

26 (f) Accusing any person of a crime or formally
27 censuring any person;

28 (g) Trade secrets or commercial or financial
29 information that is privileged or confidential;

30 (h) Information of a personal nature where disclosure
31 would constitute a clearly unwarranted invasion of personal privacy;

1 (i) Investigative records compiled for law enforcement
2 purposes;

3 (j) Information related to any investigative reports
4 prepared by or on behalf of or for use of the Commission or other
5 committee charged with responsibility of investigation or determination
6 of compliance issues pursuant to the Compact;

7 (k) Matters specifically exempted from disclosure by
8 federal or Member State law; or

9 (l) Other matters as promulgated by the Commission by
10 Rule.

11 (3) If a meeting, or portion of a meeting, is closed, the
12 presiding officer shall state that the meeting will be closed and reference each
13 relevant exempting provision, and such reference shall be recorded in the
14 minutes.

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

22 (G) Financing of the Commission

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

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

28 (3) The Commission may levy on and collect an annual
29 assessment from each Member State and impose fees on Licensees of Member
30 States to whom it grants a Multistate License to cover the cost of the
31 operations and activities of the Commission and its staff, which must be in a

1 total amount sufficient to cover its annual budget as approved each year for
2 which revenue is not provided by other sources. The aggregate annual
3 assessment amount for Member States shall be allocated based upon a formula
4 that the Commission shall promulgate by Rule.

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

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

16 (H) Qualified Immunity, Defense, and Indemnification

17 (1) The members, officers, executive director, employees and
18 representatives of the Commission shall be immune from suit and liability,
19 both personally and in their official capacity, for any claim for damage to or
20 loss of property or personal injury or other civil liability caused by or arising
21 out of any actual or alleged act, error, or omission that occurred, or that the
22 person against whom the claim is made had a reasonable basis for believing
23 occurred, within the scope of Commission employment, duties or
24 responsibilities; provided that nothing in this paragraph shall be construed to
25 protect any such person from suit or liability for any damage, loss, injury, or
26 liability caused by the intentional or willful or wanton misconduct of that
27 person. The procurement of insurance of any type by the Commission shall not
28 in any way compromise or limit the immunity granted hereunder.

29 (2) The Commission shall defend any member, officer,
30 executive director, employee, and representative of the Commission in any
31 civil action seeking to impose liability arising out of any actual or alleged act,

1 error, or omission that occurred within the scope of Commission employment,
2 duties, or responsibilities, or as determined by the Commission that the person
3 against whom the claim is made had a reasonable basis for believing occurred
4 within the scope of Commission employment, duties, or responsibilities;
5 provided that nothing herein shall be construed to prohibit that person from
6 retaining their own counsel at their own expense; and provided further, that the
7 actual or alleged act, error, or omission did not result from that person's
8 intentional or willful or wanton misconduct.

9 (3) The Commission shall indemnify and hold harmless any
10 member, officer, executive director, employee, and representative of the
11 Commission for the amount of any settlement or judgment obtained against
12 that person arising out of any actual or alleged act, error, or omission that
13 occurred within the scope of Commission employment, duties, or
14 responsibilities, or that such person had a reasonable basis for believing
15 occurred within the scope of Commission employment, duties, or
16 responsibilities, provided that the actual or alleged act, error, or omission did
17 not result from the intentional or willful or wanton misconduct of that person.

18 (4) Nothing herein shall be construed as a limitation on the
19 liability of any Licensee for professional malpractice or misconduct, which
20 shall be governed solely by any other applicable State laws.

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

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

28 SECTION 11. DATA SYSTEM.

29 (A) The Commission shall provide for the development, maintenance,
30 operation, and utilization of a coordinated Data System.

31 (B) The Commission shall assign each applicant for a Multistate

1 License a unique identifier, as determined by the Rules of the Commission.

2 (C) Notwithstanding any other provision of State law to the contrary, a
3 Member State shall submit a uniform data set to the Data System on all individuals to
4 whom this Compact is applicable as required by the Rules of the Commission,
5 including:

6 (1) Identifying information;

7 (2) Licensure data;

8 (3) Adverse Actions against a license and information related
9 thereto;

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

14 (5) Any denial of application for licensure, and the reason(s)
15 for such denial;

16 (6) The presence of Current Significant Investigative
17 Information; and

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

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

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

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

1 any other Member State.

2 (F) Member States contributing information to the Data System may
3 designate information that may not be shared with the public without the express
4 permission of the contributing State.

5 (G) Any information submitted to the Data System that is subsequently
6 expunged pursuant to federal law or the laws of the Member State contributing the
7 information shall be removed from the Data System.

8 SECTION 12. RULEMAKING.

9 (A) The Commission shall promulgate reasonable Rules in order to
10 effectively and efficiently implement and administer the purposes and provisions of
11 the Compact. A Rule shall be invalid and have no force or effect only if a court of
12 competent jurisdiction holds that the Rule is invalid because the Commission
13 exercised its rulemaking authority in a manner that is beyond the scope and purposes
14 of the Compact, or the powers granted hereunder, or based upon another applicable
15 standard of review.

16 (B) The Rules of the Commission shall have the force of law in each
17 Member State, provided however that, where the Rules of the Commission conflict
18 with the laws of the Member State that establish the Member State's laws, regulations,
19 and applicable standards that govern the practice of Social Work as held by a court of
20 competent jurisdiction, the Rules of the Commission shall be ineffective in that State
21 to the extent of the conflict.

22 (C) The Commission shall exercise its Rulemaking powers pursuant to
23 the criteria set forth in this Section and the Rules adopted thereunder. Rules shall
24 become binding on the day following adoption or the date specified in the rule or
25 amendment, whichever is later.

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

30 (E) Rules shall be adopted at a regular or special meeting of the
31 Commission.

1 (F) Prior to adoption of a proposed Rule, the Commission shall hold a
2 public hearing and allow persons to provide oral and written comments, data, facts,
3 opinions, and arguments.

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

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

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

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

14 (H) The Notice of Proposed Rulemaking shall include:

15 (1) The time, date, and location of the public hearing at which
16 the Commission will hear public comments on the proposed Rule and, if
17 different, the time, date, and location of the meeting where the Commission
18 will consider and vote on the proposed Rule;

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

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

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

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

27 (I) All hearings will be recorded. A copy of the recording and all
28 written comments and documents received by the Commission in response to the
29 proposed Rule shall be available to the public.

30 (J) Nothing in this section shall be construed as requiring a separate
31 hearing on each Rule. Rules may be grouped for the convenience of the Commission

1 at hearings required by this section.

2 (K) The Commission shall, by majority vote of all members, take final
3 action on the proposed Rule based on the Rulemaking record and the full text of the
4 Rule.

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

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

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

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

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

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

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

25 (4) Protect public health and safety.

26 (M) The Commission or an authorized committee of the Commission
27 may direct revisions to a previously adopted Rule for purposes of correcting
28 typographical errors, errors in format, errors in consistency, or grammatical errors.
29 Public notice of any revisions shall be posted on the website of the Commission. The
30 revision shall be subject to challenge by any person for a period of thirty (30) days
31 after posting. The revision may be challenged only on grounds that the revision results

1 in a material change to a Rule. A challenge shall be made in writing and delivered to
 2 the Commission prior to the end of the notice period. If no challenge is made, the
 3 revision will take effect without further action. If the revision is challenged, the
 4 revision may not take effect without the approval of the Commission.

5 (N) No Member State's rulemaking requirements shall apply under this
 6 Compact.

7 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

8 (A) Oversight

9 (1) The executive and judicial branches of State government in
 10 each Member State shall enforce this Compact and take all actions necessary
 11 and appropriate to implement the Compact.

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

20 (3) The Commission shall be entitled to receive service of
 21 process in any proceeding regarding the enforcement or interpretation of the
 22 Compact and shall have standing to intervene in such a proceeding for all
 23 purposes. Failure to provide the Commission service of process shall render a
 24 judgment or order void as to the Commission, this Compact, or promulgated
 25 Rules.

26 (B) Default, Technical Assistance, and Termination

27 (1) If the Commission determines that a Member State has
 28 defaulted in the performance of its obligations or responsibilities under this
 29 Compact or the promulgated Rules, the Commission shall provide written
 30 notice to the defaulting State. The notice of default shall describe the default,
 31 the proposed means of curing the default, and any other action that the

1 Commission may take, and shall offer training and specific technical assistance
2 regarding the default.

3 (2) The Commission shall provide a copy of the notice of
4 default to the other Member States.

5 (C) If a State in default fails to cure the default, the defaulting State
6 may be terminated from the Compact upon an affirmative vote of a majority of the
7 delegates of the Member States, and all rights, privileges and benefits conferred on
8 that State by this Compact may be terminated on the effective date of termination. A
9 cure of the default does not relieve the offending State of obligations or liabilities
10 incurred during the period of default.

11 (D) Termination of membership in the Compact shall be imposed only
12 after all other means of securing compliance have been exhausted. Notice of intent to
13 suspend or terminate shall be given by the Commission to the governor, the majority
14 and minority leaders of the defaulting State's legislature, the defaulting State's State
15 Licensing Authority and each of the Member States' State Licensing Authority.

16 (E) A State that has been terminated is responsible for all assessments,
17 obligations, and liabilities incurred through the effective date of termination, including
18 obligations that extend beyond the effective date of termination.

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

24 (G) The Commission shall not bear any costs related to a State that is
25 found to be in default or that has been terminated from the Compact, unless agreed
26 upon in writing between the Commission and the defaulting State.

27 (H) The defaulting State may appeal the action of the Commission by
28 petitioning the U.S. District Court for the District of Columbia or the federal district
29 where the Commission has its principal offices. The prevailing party shall be awarded
30 all costs of such litigation, including reasonable attorney's fees.

31 (I) Dispute Resolution

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

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

6 (J) Enforcement

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

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

24 (3) No person other than a Member State shall enforce this
25 Compact against the Commission.

26 SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.

27 (A) The Compact shall come into effect on the date on which the
28 Compact statute is enacted into law in the seventh Member State.

29 (1) On or after the effective date of the Compact, the
30 Commission shall convene and review the enactment of each of the first seven
31 Member States ("Charter Member States") to determine if the statute enacted

1 by each such Charter Member State is materially different than the model
2 Compact statute.

3 (a) A Charter Member State whose enactment is found
4 to be materially different from the model Compact statute shall be
5 entitled to the default process set forth in Section 13.

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

10 (2) Member States enacting the Compact subsequent to the
11 seven initial Charter Member States shall be subject to the process set forth in
12 Section 10(C)(21) to determine if their enactments are materially different
13 from the model Compact statute and whether they qualify for participation in
14 the Compact.

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

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

26 (B) Any Member State may withdraw from this Compact by enacting a
27 statute repealing the same.

28 (1) A Member State's withdrawal shall not take effect until 180
29 days after enactment of the repealing statute.

30 (2) Withdrawal shall not affect the continuing requirement of
31 the withdrawing State's Licensing Authority to comply with the investigative

1 and Adverse Action reporting requirements of this Compact prior to the
2 effective date of withdrawal.

3 (3) Upon the enactment of a statute withdrawing from this
4 Compact, a State shall immediately provide notice of such withdrawal to all
5 Licensees within that State. Notwithstanding any subsequent statutory
6 enactment to the contrary, such withdrawing State shall continue to recognize
7 all licenses granted pursuant to this Compact for a minimum of 180 days after
8 the date of such notice of withdrawal.

9 (C) Nothing contained in this Compact shall be construed to invalidate
10 or prevent any licensure agreement or other cooperative arrangement between a
11 Member State and a non-Member State that does not conflict with the provisions of
12 this Compact.

13 (D) This Compact may be amended by the Member States. No
14 amendment to this Compact shall become effective and binding upon any Member
15 State until it is enacted into the laws of all Member States.

16 SECTION 15. CONSTRUCTION AND SEVERABILITY.

17 (A) This Compact and the Commission's rulemaking authority shall be
18 liberally construed so as to effectuate the purposes, and the implementation and
19 administration of the Compact. Provisions of the Compact expressly authorizing or
20 requiring the promulgation of Rules shall not be construed to limit the Commission's
21 rulemaking authority solely for those purposes.

22 (B) The provisions of this Compact shall be severable and if any
23 phrase, clause, sentence or provision of this Compact is held by a court of competent
24 jurisdiction to be contrary to the constitution of any Member State, a State seeking
25 participation in the Compact, or of the United States, or the applicability thereof to any
26 government, agency, person or circumstance is held to be unconstitutional by a court
27 of competent jurisdiction, the validity of the remainder of this Compact and the
28 applicability thereof to any other government, agency, person or circumstance shall
29 not be affected thereby.

30 (C) Notwithstanding subsection B of this section, the Commission may
31 deny a State's participation in the Compact or, in accordance with the requirements of

1 Section 13(B), terminate a Member State's participation in the Compact, if it
 2 determines that a constitutional requirement of a Member State is a material departure
 3 from the Compact. Otherwise, if this Compact shall be held to be contrary to the
 4 constitution of any Member State, the Compact shall remain in full force and effect as
 5 to the remaining Member States and in full force and effect as to the Member State
 6 affected as to all severable matters.

7 SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS.

8 (A) A Licensee providing services in a Remote State under a
 9 Multistate Authorization to Practice shall adhere to the laws and regulations, including
 10 laws, regulations, and applicable standards, of the Remote State where the client is
 11 located at the time care is rendered.

12 (B) Nothing herein shall prevent or inhibit the enforcement of any
 13 other law of a Member State that is not inconsistent with the Compact.

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

16 (D) All permissible agreements between the Commission and the
 17 Member States are binding in accordance with their terms.

18 * **Sec. 7.** AS 08.95.990 is amended by adding new paragraphs to read:

19 (8) "multistate authorization to practice" has the meaning given in
 20 AS 08.95.200;

21 (9) "regulated social worker" has the meaning given in AS 08.95.200.

22 * **Sec. 8.** AS 12.62.400(a) is amended by adding a new paragraph to read:

23 (26) multistate licensure as a social worker under AS 08.95.200.

24 * **Sec. 9.** This Act takes effect January 1, 2026.