

H. 543: An act relating to Vermont's adoption of the Social Work Licensure Compact as passed
by the House

Sec. 1: Creates new 26 V.S.A. chapter 61, subchapter 2

§ 3214. Social Work Licensure Compact; Adoption

- VT adoption of the Social Work Licensure Compact

§ 3215. Purpose

- Lists multiple Compact purposes, including to:
 - Facilitate interstate practice of regulated social workers by improving public access to social work services
 - Reduce duplicative requirements associated with holding multiple licenses
 - Promote mobility and address workforce shortages
 - Allow for the use of telehealth to facilitate increased access to regulated social work services

§ 3216. Definitions

- Defines 26 Compact terms

§ 3217. State Participation in the Compact

- To be eligible for Compact participation, a potential member state must:
 - License and regulate social work as either clinical, master's, or bachelor's category;
 - Require applicants for licensure to graduate from a program meeting certain criteria; Require applicants for clinical licensure to complete a period of supervised practice; and
 - Have a mechanism for receiving, investigating, adjudicating complaints about licensees.
- To maintain Compact membership, a member state must:
 - Require applicants for a multistate license to pass a qualifying national exam for the corresponding category of multistate license sought;
 - Participate in the Commission's data system;
 - Notify the Commission of any adverse action or the availability of current significant investigative information regarding a license;
 - Implement procedures for considering criminal history records of multistate license applicants;
 - Comply with Commission test;
 - Require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure;
 - Authorize a licensee holding a multistate license in any member state to practice in accordance with Compact and Commission terms; and
 - Designate a delegate to participate in Commission meetings.

- A member state must designate the categories of social work licensure that are eligible for issuance of a multistate license.
- Home state may charge a fee for granting the multistate license.

§ 3218. Social Worker Participation in the Compact

- To be eligible for a multistate license, an applicant (regardless of category) must:
 - Hold or be eligible for an active, unencumbered home state license;
 - Pay applicable fees (including any state fee);
 - Submit fingerprints or other biometric data;
 - Notify home state of any adverse action, encumbrance, or restriction on professional license taken by any member or non-member state within 30 days of the action;
 - Meet continuing competence requirements established by the home state;
 - Abide by the laws/regulations where client is located at the time care is rendered.
- An applicant for a clinical category multistate license must:
 - Fulfill one of the following competency requirements:
 - Passage of a clinical-category qualifying national exam;
 - Applicant licensure in applicant's home state at the clinical category (beginning prior to national exam requirement by the home state); or
 - Substantial equivalency of the foregoing competency requirements that the Commission determines by rule;
 - Attain at least a master's degree in social work; and
 - Fulfill a practice requirement (3,000 hours, 2 years of clinical supervised practice, or substantial equivalency).
- An applicant for a master's-category multistate license must:
 - Fulfill one of the following competency requirements:
 - Passage of a master's-category qualifying national exam;
 - Applicant licensure in applicant's home state at the master's category (beginning prior to national exam requirement by the home state); or
 - Substantial equivalency of the foregoing competency requirements that the Commission determines by rule; and
 - Attain at least a master's degree in social work.
- Multistate license for a regulated social worker is subject to the renewal requirements of the home state.
- A regulated social worker's services in a remote state are subject to that member state's regulatory authority, including (in accordance with due process) removing the social workers' multistate authorization to practice in the remote state for a specific time, the imposition of fines, or any other necessary actions.
- If a multistate license/authorization to practice is encumbered, the social worker's multistate license/authorization to practice shall be deactivated in all remote states until there is no longer an encumbrance.

§ 3219. Issuance of a Multistate License

- Upon receipt of a multistate license application, the home state licensing authority shall determine applicant's eligibility for a multistate license. If eligible, the home state shall issue a multistate license authorizing applicant or regulated social worker to practice in all member states under multistate authorization to practice.
- Upon licensure, home state shall designate whether regulated social worker holds multistate license in bachelor's, master's, or clinical category of social work.
- A multistate license issued by a resident's home state shall be recognized by all Compact member states under a multistate authorization to practice corresponding to each category of licensure regulated in each member state.

§ 3220. Authority of Interstate Compact Commission and Member State Licensing Authorities

- Compact does not reduce member state ability to enact and enforce laws/rules related to practice of social work in the state where the laws/rules are not inconsistent with the Compact.
- Compact does not impact issuance or discipline of single state license.
- Compact does not reduce ability of a remote state to take adverse action against a licensee's multistate authorization to practice in that state.
- Compact does not reduce ability of a licensee's home state to take adverse action against a licensee's multistate license based on information provided by a remote state.

§ 3221. Reissuance of a Multistate License by a New Home State

- Licensee can hold multistate license in only one member state at a given time
- Describes processes for licensees to change home state when licensee moves
- Compact does not impact licensee's ability to hold multiple single state licenses at once

§ 3222. Military Families

- Enables military member or spouse to retain home state designation while member is on active duty

§ 3223. Adverse Actions

- Remote state has authority to:
 - Take adverse action against regulated social worker's multistate authorization to practice only within that member state.
 - Only a home state may take action on individual's multistate license. If adverse action is taken, the licensee's authorization to practice in all member states is deactivated until encumbrances are removed.
 - Home state shall give same priority and effect to conduct reported from another member state.
 - A member state may take adverse action based on factual findings of another member state, so long as the member state follows its own procedures.
- Member states may conduct joint investigations.

- Compact does not authorize member state to impose discipline against regulated social worker holding a multistate authorization to practice for lawful actions within another member state.

§ 3224. Establishment of Social Work Licensure Compact Commission

- Compact member states establish Commission, which shall come into existence after effective date of the Compact
- Each member state shall have one delegate to the Commission.
- Commission shall meet at least once annually.
- Commission powers:
 - Establish fiscal year of the Commission;
 - Establish code of conduct and conflict policies;
 - Establish and amend rules/bylaws;
 - Maintain financial records;
 - Initiate and conclude legal proceedings;
 - Maintain/certify records provided to member states;
 - Purchase and maintain insurance bonds;
 - Borrow, accept, or contract for services, personnel;
 - Conduct annual financial review;
 - Hire employees, elect or appoint officers, etc.;
 - Assess and collect fees;
 - Accept appropriate gifts, donations, grants of money, etc.;
 - Lease, purchase, retain, own, hold, etc. property;
 - Sell, convey, mortgage, etc. property;
 - Establish a budget and make expenditures;
 - Borrow money;
 - Appoint committees;
 - Provide and receive information from law enforcement;
 - Establish executive committee; and
 - Determine if state's adopted language is materially different from model Compact language.
- Outlines duties of executive committee
- Describes processes for Commission meetings.

§ 3225. Data System

- Commission shall provide for the development, maintenance, operation, and utilization of a coordinated data system.
- Requires member states to submit a uniform data set to the data system on all individuals to whom the Compact is applicable, including identifying information, licensure data, adverse actions, nonconfidential information related to alternative program participation, any denial of application licensure, presence of current significant investigative information, etc.
- Member states contributing information to the data system may designate information that may not be shared with the public without express permission.

- Expunged data (in accordance with federal law or law of state contributing the information) shall be removed from the database.

§ 3226. Rulemaking

- Commission shall promulgate rules for the implementation and administration of the Compact.
- A rule has no effect where the majority of member state legislatures rejects the rule or a portion of the rule within 4 years of its adoption.
- Describes rulemaking process.

§ 3227. Oversight, Dispute Resolution, and Enforcement

- Executive/judicial branches of member state enforce the Compact.
- Judicial proceedings by or against Commission are brought in jurisdiction that Commission is located.
- Commission provides notice of default to member state that has defaulted on its obligations under the Compact.
- Provides process for state termination from the Compact, dispute resolution, and legal enforcement.

§ 3288. Effective Date, Withdrawal, and Amendment

- Compact takes effect on date on which the Compact statute is enacted by a 7th member state.
- A member state may withdraw from the Compact by repealing the enacting statute.
- Compact does not invalidate or prevent a licensure agreement or cooperative agreement between a member and nonmember state that does not otherwise conflict with the Compact.

§ 3229. Construction and Severability

- Compact liberally construed and provisions are severable

§ 3230. Consistent Effect and Conflict with Other State Laws

- A licensee providing services in a remote state under a multistate authorization to practice shall adhere to the laws/regulations of the remote state where the client is located at the time of care.

Sec. 2. Amends Duties of OPR (3 V.S.A. § 123)

- Authorizes OPR to inquire into the criminal background histories of social workers licensed under 26 V.S.A. chapter 61

Sec. 3: Effective Date

- Effective on passage