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H.543

An act relating to Vermont’s adoption of the Social Work Licensure Compact

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 26 V.S.A. chapter 61 is amended to read:

CHAPTER 61. SOCIAL WORKERS

Subchapter 1. General Provisions

\* \* \*

Subchapter 2. Social Work Licensure Compact

§ 3214. SOCIAL WORK LICENSURE COMPACT; ADOPTION

This subchapter is the Vermont adoption of the Social Work Licensure Compact. The form, format, and text of the Compact have been conformed to the conventions of the Vermont Statutes Annotated. It is the intent of the General Assembly that this subchapter be interpreted as substantively the same as the Social Work Licensure Compact that is enacted by other Compact party states.

§ 3215. PURPOSE

(a) 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.

- 1           (b) This Compact is designed to achieve the following objectives:
- 2           (1) increase public access to social work services;
- 3           (2) reduce overly burdensome and duplicative requirements associated  
4 with holding multiple licenses;
- 5           (3) enhance the member states' ability to protect the public's health and  
6 safety;
- 7           (4) encourage the cooperation of member states in regulating multistate  
8 practice;
- 9           (5) promote mobility and address workforce shortages by eliminating  
10 the necessity for licenses in multiple states by providing for the mutual  
11 recognition of other member state licenses;
- 12           (6) support military families;
- 13           (7) facilitate the exchange of licensure and disciplinary information  
14 among member states;
- 15           (8) authorize all member states to hold a regulated social worker  
16 accountable for abiding by a member state's laws, regulations, and applicable  
17 professional standards in the member state in which the client is located at the  
18 time care is rendered; and
- 19           (9) allow for the use of telehealth to facilitate increased access to  
20 regulated social work services.

1     § 3216. DEFINITIONS

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

4             (1) “Active military member” means any individual with full-time-duty  
5     status in the U.S. Armed Forces, including members of the National Guard and  
6     Reserve.

7             (2) “Adverse action” means any administrative, civil, equitable, or  
8     criminal action permitted by a state’s laws that is imposed by a licensing  
9     authority or other authority against a regulated social worker, including actions  
10    against an individual’s license or multistate authorization to practice, such as  
11    revocation, suspension, probation, monitoring of the licensee, limitation on the  
12    licensee’s practice, or any other encumbrance on licensure affecting a  
13    regulated social worker’s authorization to practice, including issuance of a  
14    cease and desist action.

15            (3) “Alternative program” means a nondisciplinary monitoring or  
16    practice remediation process approved by a licensing authority to address  
17    practitioners with an impairment.

18            (4) “Charter member states” means member states who have enacted  
19    legislation to adopt this Compact where such legislation predates the effective  
20    date of this Compact as described in section 3228 of this title.

1           (5) “Compact Commission” or “Commission” means the government  
2           agency whose membership consists of all states that have enacted this  
3           Compact, which is known as the Social Work Licensure Compact  
4           Commission, as described in section 3224 of this title, and which shall operate  
5           as an instrumentality of the member states.

6           (6) “Current significant investigative information” means:

7           (A) investigative information that a licensing authority, after a  
8           preliminary inquiry that includes notification and an opportunity for the  
9           regulated social worker to respond, has reason to believe is not groundless and,  
10          if proved true, would indicate more than a minor infraction as may be defined  
11          by the Commission; or

12          (B) investigative information that indicates that the regulated social  
13          worker represents an immediate threat to public health and safety, as may be  
14          defined by the Commission, regardless of whether the regulated social worker  
15          has been notified and has had an opportunity to respond.

16          (7) “Data system” means a repository of information about licensees,  
17          including continuing education, examination, licensure, current significant  
18          investigative information, disqualifying event, multistate license or licenses,  
19          and adverse action information or other information as required by the  
20          Commission.

1           (8) “Disqualifying event” means any adverse action or incident that  
2           results in an encumbrance that disqualifies or makes the licensee ineligible to  
3           either obtain, retain, or renew a multistate license.

4           (9) “Domicile” means the jurisdiction in which the licensee resides and  
5           intends to remain indefinitely.

6           (10) “Encumbrance” means a revocation or suspension of, or any  
7           limitation on, the full and unrestricted practice of social work licensed and  
8           regulated by a licensing authority.

9           (11) “Executive committee” means a group of delegates elected or  
10           appointed to act on behalf of, and within the powers granted to them by, the  
11           Compact and Commission.

12           (12) “Home state” means the member state that is the licensee’s primary  
13           domicile.

14           (13) “Impairment” means a condition or conditions that may impair a  
15           practitioner’s ability to engage in full and unrestricted practice as a regulated  
16           social worker without some type of intervention and may include alcohol and  
17           drug dependence, mental health impairment, and neurological or physical  
18           impairments.

19           (14) “Licensee” means an individual who currently holds a license from  
20           a state to practice as a regulated social worker.

1           (15) “Licensing authority” means the board or agency of a member  
2           state, or equivalent, that is responsible for the licensing and regulation of  
3           regulated social workers.

4           (16) “Member state” means a state, commonwealth, district, or territory  
5           of the United States of America that has enacted this Compact.

6           (17) “Multistate authorization to practice” means a legally authorized  
7           privilege to practice, which is equivalent to a license, associated with a  
8           multistate license permitting the practice of social work in a remote state.

9           (18) “Multistate license” means a license to practice as a regulated  
10          social worker issued by a home state licensing authority that authorizes the  
11          regulated social worker to practice in all member states under multistate  
12          authorization to practice.

13          (19) “Qualifying national exam” means a national licensing examination  
14          approved by the Commission.

15          (20) “Regulated social worker” means any clinical, master’s, or  
16          bachelor’s social worker licensed by a member state regardless of the title used  
17          by that member state.

18          (21) “Remote state” means a member state other than the licensee’s  
19          home state.

1           (22) “Rule” or “rule of the Commission” means a regulation duly  
2           promulgated by the Commission, as authorized by the Compact, that has the  
3           force of law.

4           (23) “Single state license” means a social work license issued by any  
5           state that authorizes practice only within the issuing state and does not include  
6           multistate authorization to practice in any member state.

7           (24) “Social work” or “social work services” means the application of  
8           social work theory, knowledge, methods, ethics, and the professional use of  
9           self to restore or enhance social, psychosocial, or biopsychosocial functioning  
10           of individuals, couples, families, groups, organizations, and communities  
11           through the care and services provided by a regulated social worker as set forth  
12           in the member state’s statutes and regulations in the state where the services  
13           are being provided.

14           (25) “State” means any state, commonwealth, district, or territory of the  
15           United States of America that regulates the practice of social work.

16           (26) “Unencumbered license” means a license that authorizes a  
17           regulated social worker to engage in the full and unrestricted practice of social  
18           work.

19           § 3217. STATE PARTICIPATION IN THE COMPACT

20           (a) To be eligible to participate in the Compact, a potential member state  
21           must currently meet all of the following criteria:

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

3           (2) require applicants for licensure to graduate from a program that is:

4                 (A) operated by a college or university recognized by the licensing  
5                 authority;

6                 (B) accredited, or in candidacy by an institution that subsequently  
7                 becomes accredited, by an accrediting agency recognized by either:

8                         (i) the Council for Higher Education Accreditation, or its  
9                         successor; or

10                        (ii) the U.S. Department of Education; and

11                        (C) corresponds to the licensure sought as outlined in section 3218 of  
12                        this title;

13           (3) require applicants for clinical licensure to complete a period of  
14           supervised practice;

15           (4) have a mechanism in place for receiving, investigating, and  
16           adjudicating complaints about licensees.

17           (b) To maintain membership in the Compact, a member state shall:

18                 (1) Require that applicants for a multistate license pass a qualifying  
19                 national exam for the corresponding category of multistate license sought as  
20                 outlined in section 3218 of this title.



1           (2) Participate fully in the Commission’s data system, including using  
2           the Commission’s unique identifier as defined in rules.

3           (3) Notify the Commission, in compliance with the terms of the  
4           Compact and rules, of any adverse action or the availability of current  
5           significant investigative information regarding a licensee.

6           (4) Implement procedures for considering the criminal history records of  
7           applicants for a multistate license. Such procedures shall include the  
8           submission of fingerprints or other biometric-based information by applicants  
9           for the purpose of obtaining an applicant’s criminal history record information  
10           from the Federal Bureau of Investigation and the agency responsible for  
11           retaining that state’s criminal records.

12           (5) Comply with the rules of the Commission.

13           (6) Require an applicant to obtain or retain a license in the home state  
14           and meet the home state’s qualifications for licensure or renewal of licensure,  
15           as well as all other applicable home state laws.

16           (7) Authorize a licensee holding a multistate license in any member state  
17           to practice in accordance with the terms of the Compact and rules of the  
18           Commission.

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

20           (c) A member state meeting the requirements of subsections (a) and (b) of  
21           this section shall designate the categories of social work licensure that are

1 eligible for issuance of a multistate license for applicants in such member state.

2 To the extent that any member state does not meet the requirements for

3 participation in the Compact at any particular category of social work

4 licensure, such member state may choose, but is not obligated to, issue a

5 multistate license to applicants that otherwise meet the requirements of section

6 3218 of this title for issuance of a multistate license in such category or

7 categories of licensure.

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

9 § 3218. SOCIAL WORKER PARTICIPATION IN THE COMPACT

10 (a) To be eligible for a multistate license under the terms and provisions of  
11 the Compact, an applicant, regardless of category must:

12 (1) hold or be eligible for an active, unencumbered license in the home  
13 state;

14 (2) pay any applicable fees, including any state fee, for the multistate  
15 license;

16 (3) submit, in connection with an application for a multistate license,  
17 fingerprints or other biometric data for the purpose of obtaining criminal  
18 history record information from the Federal Bureau of Investigation and the  
19 agency responsible for retaining that state's criminal records;

1           (4) notify the home state of any adverse action, encumbrance, or  
2           restriction on any professional license taken by any member state or  
3           nonmember state within 30 days from the date the action is taken;

4           (5) meet any continuing competence requirements established by the  
5           home state;

6           (6) abide by the laws, regulations, and applicable standards in the  
7           member state where the client is located at the time care is rendered.

8           (b) An applicant for a clinical-category multistate license must meet all of  
9           the following requirements:

10           (1) fulfill a competency requirement, which shall be satisfied by either:

11           (A) passage of a clinical-category qualifying national exam;

12           (B) licensure of the applicant in the applicant's home state at the  
13           clinical category, beginning prior to such time as a qualifying national exam  
14           was required by the home state and accompanied by a period of continuous  
15           social work licensure thereafter, all of which may be further governed by the  
16           rules of the Commission; or

17           (C) the substantial equivalency of the foregoing competency  
18           requirements that the Commission may determine by rule.

19           (2) attain at least a master's degree in social work from a program that  
20           is:

1           (A) operated by a college or university recognized by the licensing  
2           authority; and

3           (B) accredited, or in candidacy that subsequently becomes accredited,  
4           by an accrediting agency recognized by either:

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

7                   (ii) the U.S. Department of Education;

8           (3) fulfill a practice requirement, which shall be satisfied by  
9           demonstrating completion of either:

10                   (A) a period of postgraduate supervised clinical practice equal to a  
11           minimum of 3,000 hours; or

12                   (B) a minimum of two years of full-time postgraduate supervised  
13           clinical practice; or

14                   (C) the substantial equivalency of the foregoing practice  
15           requirements that the Commission may determine by rule.

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

18                   (1) fulfill a competency requirement, which shall be satisfied by either:

19                           (A) passage of a master's-category qualifying national exam;

20                           (B) licensure of the applicant in their home state at the master's  
21           category, beginning prior to such time as a qualifying national exam was

1 required by the home state at the master's category and accompanied by a  
2 continuous period of social work licensure thereafter, all of which may be  
3 further governed by the rules of the Commission; or

4 (C) the substantial equivalency of the foregoing competency  
5 requirements that the Commission may determine by rule;

6 (2) attain at least a master's degree in social work from a program that  
7 is:

8 (A) operated by a college or university recognized by the licensing  
9 authority; and

10 (B) accredited, or in candidacy that subsequently becomes accredited,  
11 by an accrediting agency recognized by either:

12 (i) the Council for Higher Education Accreditation or its  
13 successor; or

14 (ii) the U.S. Department of Education.

15 (d) An applicant for a bachelor's-category multistate license must meet all  
16 of the following requirements:

17 (1) fulfill a competency requirement, which shall be satisfied by either:

18 (A) passage of a bachelor's-category qualifying national exam;

19 (B) licensure of the applicant in their home state at the bachelor's

20 category, beginning prior to such time as a qualifying national exam was

21 required by the home state and accompanied by a period of continuous social

1 work licensure thereafter, all of which may be further governed by the rules of  
2 the Commission; or

3 (C) the substantial equivalency of the foregoing competency  
4 requirements that the Commission may determine by rule;

5 (2) attain at least a bachelor's degree in social work from a program that  
6 is:

7 (A) operated by a college or university recognized by the licensing  
8 authority; and

9 (B) accredited, or in candidacy that subsequently becomes accredited,  
10 by an accrediting agency recognized by either:

11 (i) the Council for Higher Education Accreditation or its  
12 successor; or

13 (ii) the U.S. Department of Education.

14 (e) The multistate license for a regulated social worker is subject to the  
15 renewal requirements of the home state. The regulated social worker must  
16 maintain compliance with the requirements of subsection (a) of this section to  
17 be eligible to renew a multistate license.

18 (f) The regulated social worker's services in a remote state are subject to  
19 that member state's regulatory authority. A remote state may, in accordance  
20 with due process and that member state's laws, remove a regulated social  
21 worker's multistate authorization to practice in the remote state for a specific

1 period of time, impose fines, and take any other necessary actions to protect  
2 the health and safety of its citizens.

3 (g) If a multistate license is encumbered, the regulated social worker's  
4 multistate authorization to practice shall be deactivated in all remote states  
5 until the multistate license is no longer encumbered.

6 (h) If a multistate authorization to practice is encumbered in a remote state,  
7 the regulated social worker's multistate authorization to practice may be  
8 deactivated in that state until the multistate authorization to practice is no  
9 longer encumbered.

10 § 3219. ISSUANCE OF A MULTISTATE LICENSE

11 (a) Upon receipt of an application for multistate license, the home state  
12 licensing authority shall determine the applicant's eligibility for a multistate  
13 license in accordance with section 3218 of this title.

14 (b) If such applicant is eligible pursuant to section 3218 of this title, the  
15 home state licensing authority shall issue a multistate license that authorizes  
16 the applicant or regulated social worker to practice in all member states under a  
17 multistate authorization to practice.

18 (c) Upon issuance of a multistate license, the home state licensing authority  
19 shall designate whether the regulated social worker holds a multistate license  
20 in the bachelor's, master's, or clinical category of social work.

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

5       § 3220. AUTHORITY OF INTERSTATE COMPACT COMMISSION AND  
6       MEMBER STATE LICENSING AUTHORITIES

7       (a) Nothing in this Compact, nor any rule of the Commission, shall be  
8       construed to limit, restrict, or in any way reduce the ability of a member state  
9       to enact and enforce laws, regulations, or other rules related to the practice of  
10       social work in that state, where those laws, regulations, or other rules are not  
11       inconsistent with the provisions of this Compact.

12       (b) Nothing in this Compact shall affect the requirements established by a  
13       member state for the issuance of a single state license.

14       (c) Nothing in this Compact, nor any rule of the Commission, shall be  
15       construed to limit, restrict, or in any way reduce the ability of a member state  
16       to take adverse action against a licensee's single state license to practice social  
17       work in that state.

18       (d) Nothing in this Compact, nor any rule of the Commission, shall be  
19       construed to limit, restrict, or in any way reduce the ability of a remote state to  
20       take adverse action against a licensee's multistate authorization to practice in  
21       that state.



1       (e) Nothing in this Compact, nor any rule of the Commission, shall be  
2       construed to limit, restrict, or in any way reduce the ability of a licensee's  
3       home state to take adverse action against a licensee's multistate license based  
4       upon information provided by a remote state.

5       § 3221. REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME  
6       STATE

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

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

11       (1) The licensee shall immediately apply for the reissuance of their  
12       multistate license in their new home state. The licensee shall pay all applicable  
13       fees and notify the prior home state in accordance with the rules of the  
14       Commission.

15       (2) Upon receipt of an application to reissue a multistate license, the  
16       new home state shall verify that the multistate license is active, unencumbered,  
17       and eligible for reissuance under the terms of the Compact and the rules of the  
18       Commission. The multistate license issued by the prior home state will be  
19       deactivated and all member states notified in accordance with the applicable  
20       rules adopted by the Commission.

1           (3) Prior to the reissuance of the multistate license, the new home state  
2           shall conduct procedures for considering the criminal history records of the  
3           licensee. Such procedures shall include the submission of fingerprints or other  
4           biometric-based information by applicants for the purpose of obtaining an  
5           applicant’s criminal history record information from the Federal Bureau of  
6           Investigation and the agency responsible for retaining that state’s criminal  
7           records.

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

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

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

19           (d) Nothing in this Compact shall interfere with a licensee’s ability to hold  
20           a single state license in multiple states; however, for the purposes of this

1 Compact, a licensee shall have only one home state and only one multistate  
2 license.

3 (e) Nothing in this Compact shall interfere with the requirements  
4 established by a member state for the issuance of a single state license.

5 § 3222. MILITARY FAMILIES

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

9 § 3223. ADVERSE ACTIONS

10 (a) In addition to the other powers conferred by state law, a remote state  
11 shall have the authority, in accordance with existing state due process law, to:

12 (1) Take adverse action against a regulated social worker's multistate  
13 authorization to practice only within that member state, and issue subpoenas  
14 for both hearings and investigations that require the attendance and testimony  
15 of witnesses as well as the production of evidence. Subpoenas issued by a  
16 licensing authority in a member state for the attendance and testimony of  
17 witnesses or the production of evidence from another member state shall be  
18 enforced in the latter state by any court of competent jurisdiction, according to  
19 the practice and procedure of that court applicable to subpoenas issued in  
20 proceedings pending before it. The issuing licensing authority shall pay any

1 witness fees, travel expenses, mileage, and other fees required by the service  
2 statutes of the state in which the witnesses or evidence are located.

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

5 (b) For purposes of taking adverse action, the home state shall give the  
6 same priority and effect to reported conduct received from a member state as it  
7 would if the conduct had occurred within the home state. In so doing, the  
8 home state shall apply its own state laws to determine appropriate action.

9 (c) The home state shall complete any pending investigations of a regulated  
10 social worker who changes their home state during the course of the  
11 investigations. The home state shall also have the authority to take appropriate  
12 action or actions and shall promptly report the conclusions of the investigations  
13 to the administrator of the data system. The administrator of the data system  
14 shall promptly notify the new home state of any adverse actions.

15 (d) A member state, if otherwise permitted by state law, may recover from  
16 the affected regulated social worker the costs of investigations and dispositions  
17 of cases resulting from any adverse action taken against that regulated social  
18 worker.

19 (e) A member state may take adverse action based on the factual findings  
20 of another member state, provided that the member state follows its own  
21 procedures for taking the adverse action.

1       (f) Joint investigations.

2           (1) In addition to the authority granted to a member state by its  
3       respective social work practice act or other applicable state law, any member  
4       state may participate with other member states in joint investigations of  
5       licensees.

6           (2) Member states shall share any investigative, litigation, or compliance  
7       materials in furtherance of any joint or individual investigation initiated under  
8       the Compact.

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

17           (h) If a member state takes adverse action, it shall promptly notify the  
18       administrator of the data system. The administrator of the data system shall  
19       promptly notify the home state and all other member states of any adverse  
20       actions by remote states.

1        (i) Nothing in this Compact shall override a member state’s decision that  
2        participation in an alternative program may be used in lieu of adverse action.

3        (j) Nothing in this Compact shall authorize a member state to demand the  
4        issuance of subpoenas for attendance and testimony of witnesses or the  
5        production of evidence from another member state for lawful actions within  
6        that member state.

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

10       § 3224. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT

11                COMMISSION

12        (a) The Compact member states hereby create and establish a joint  
13        government agency whose membership consists of all member states that have  
14        enacted the Compact known as the Social Work Licensure Compact  
15        Commission. The Commission is an instrumentality of the Compact states  
16        acting jointly and not an instrumentality of any one state. The Commission  
17        shall come into existence on or after the effective date of the Compact as set  
18        forth in section 3228 of this title.

19        (b) Membership, voting, and meetings.

20                (1) Each member state shall have and be limited to one delegate selected  
21        by that member state’s state licensing authority.

1           (2) The delegate shall be either:

2                   (A) a current member of the state licensing authority at the time of  
3 appointment, who is a regulated social worker or public member of the state  
4 licensing authority; or

5                   (B) an administrator of the state licensing authority or their designee.

6           (3) The Commission shall by rule or bylaw establish a term of office for  
7 delegates and may by rule or bylaw establish term limits.

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

10           (5) A member state's state licensing authority shall fill any vacancy of  
11 its delegate occurring on the Commission within 60 days of the vacancy.

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

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

17           (8) The Commission shall meet at least once during each calendar year.  
18 Additional meetings may be held as set forth in the bylaws. The Commission  
19 may meet by telecommunication, video conference, or other similar electronic  
20 means.

21           (c) The Commission shall have the following powers:

- 1           (1) establish the fiscal year of the Commission;
- 2           (2) establish code of conduct and conflict of interest policies;
- 3           (3) establish and amend rules and bylaws;
- 4           (4) maintain its financial records in accordance with the bylaws;
- 5           (5) meet and take such actions as are consistent with the provisions of  
6 this Compact, the Commission’s rules, and the bylaws;
- 7           (6) initiate and conclude legal proceedings or actions in the name of the  
8 Commission, provided that the standing of any state licensing board to sue or  
9 be sued under applicable law shall not be affected;
- 10          (7) maintain and certify records and information provided to a member  
11 state as the authenticated business records of the Commission, and designate  
12 an agent to do so on the Commission’s behalf;
- 13          (8) purchase and maintain insurance and bonds;
- 14          (9) borrow, accept, or contract for services of personnel, including, but  
15 not limited to, employees of a member state;
- 16          (10) conduct an annual financial review;
- 17          (11) hire employees, elect or appoint officers, fix compensation, define  
18 duties, grant such individuals appropriate authority to carry out the purposes of  
19 the Compact, and establish the Commission’s personnel policies and programs  
20 relating to conflicts of interest, qualifications of personnel, and other related  
21 personnel matters;



1           (12) assess and collect fees;

2           (13) accept any and all appropriate gifts, donations, grants of money,

3           other sources of revenue, equipment, supplies, materials, and services, and

4           receive, utilize, and dispose of the same, provided that at all times the

5           Commission shall avoid any appearance of impropriety or conflict of interest;

6           (14) lease, purchase, retain, own, hold, improve, or use any property,

7           real, personal, or mixed, or any undivided interest therein;

8           (15) sell, convey, mortgage, pledge, lease, exchange, abandon, or

9           otherwise dispose of any property real, personal, or mixed;

10          (16) establish a budget and make expenditures;

11          (17) borrow money;

12          (18) appoint committees, including standing committees, composed of

13          members, state regulators, state legislators or their representatives, and

14          consumer representatives, and such other interested persons as may be

15          designated in this Compact and the bylaws;

16          (19) provide and receive information from, and cooperate with, law

17          enforcement agencies;

18          (20) establish and elect an executive committee, including a chair and a

19          vice chair;

1           (21) determine whether a state’s adopted language is materially different  
2           from the model Compact language such that the state would not qualify for  
3           participation in the Compact; and

4           (22) perform such other functions as may be necessary or appropriate to  
5           achieve the purposes of this Compact.

6           (d) The executive committee.

7           (1) The executive committee shall have the power to act on behalf of the  
8           Commission according to the terms of this Compact. The powers, duties, and  
9           responsibilities of the executive committee shall include:

10           (A) oversee the day-to-day activities of the administration of the  
11           Compact, including enforcement and compliance with the provisions of the  
12           Compact, its rules and bylaws, and other such duties as deemed necessary;

13           (B) recommend to the Commission changes to the rules or bylaws,  
14           changes to this Compact legislation, fees charged to Compact member states,  
15           fees charged to licensees, and other fees;

16           (C) ensure Compact administration services are appropriately  
17           provided, including by contract;

18           (D) prepare and recommend the budget;

19           (E) maintain financial records on behalf of the Commission;

20           (F) monitor Compact compliance of member states and provide  
21           compliance reports to the Commission;

1           (G) establish additional committees as necessary;

2           (H) exercise the powers and duties of the Commission during the  
3 interim between Commission meetings, except for adopting or amending rules,  
4 adopting or amending bylaws, and exercising any other powers and duties  
5 expressly reserved to the Commission by rule or bylaw; and

6           (I) other duties as provided in the rules or bylaws of the Commission.

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

8           (A) The chair and vice chair of the Commission shall be voting  
9 members of the executive committee.

10          (B) The Commission shall elect five voting members from the  
11 current membership of the Commission.

12          (C) There shall be up to four ex-officio, nonvoting members from  
13 four recognized national social work organizations.

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

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

18          (4) The executive committee shall meet at least annually.

19          (A) Executive committee meetings shall be open to the public, except  
20 that the executive committee may meet in a closed, nonpublic meeting as  
21 provided in subdivision (f)(2) of this section.

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

4           (C) The executive committee may hold a special meeting in  
5           accordance with subdivision (f)(1)(B) of this section.

6           (e) The Commission shall adopt and provide to the member states an  
7           annual report.

8           (f) Meetings of the Commission.

9           (1) All meetings shall be open to the public, except that the Commission  
10          may meet in a closed, nonpublic meeting as provided in subdivision (2) of this  
11          subsection.

12          (A) Public notice for all meetings of the full Commission shall be  
13          given in the same manner as required under the rulemaking provisions in  
14          section 3226 of this title, except that the Commission may hold a special  
15          meeting as provided in subdivision (B) of this subdivision (f)(1).

16          (B) The Commission may hold a special meeting when it must meet  
17          to conduct emergency business by giving 48 hours' notice to all  
18          commissioners, on the Commission's website, and other means as provided in  
19          the Commission's rules. The Commission's legal counsel shall certify that the  
20          Commission's need to meet qualifies as an emergency.

1           (2) The Commission or the executive committee or other committees of  
2           the Commission may convene in a closed, nonpublic meeting for the  
3           Commission or executive committee or other committees of the Commission  
4           to receive legal advice or to discuss:

5                   (A) noncompliance of a member state with its obligations under the  
6           Compact;

7                   (B) the employment, compensation, discipline or other matters,  
8           practices, or procedures related to specific employees;

9                   (C) current or threatened discipline of a licensee by the Commission  
10          or by a member state's licensing authority;

11                   (D) current, threatened, or reasonably anticipated litigation;

12                   (E) negotiation of contracts for the purchase, lease, or sale of goods,  
13          services, or real estate;

14                   (F) accusing any person of a crime or formally censuring any person;

15                   (G) trade secrets or commercial or financial information that is  
16          privileged or confidential;

17                   (H) information of a personal nature where disclosure would  
18          constitute a clearly unwarranted invasion of personal privacy;

19                   (I) investigative records compiled for law enforcement purposes;

20                   (J) information related to any investigative reports prepared by or on  
21          behalf of or for use of the Commission or other committee charged with

1 responsibility of investigation or determination of compliance issues pursuant  
2 to the Compact;

3 (K) matters specifically exempted from disclosure by federal or  
4 member state law; or

5 (L) other matters as promulgated by the Commission by rule.

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

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

16 (g) Financing of the Commission.

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

19 (2) The Commission may accept any and all appropriate revenue  
20 sources as provided in subdivision (c)(13) of this section.

1           (3) The Commission may levy on and collect an annual assessment from  
2           each member state and impose fees on licensees of member states to whom it  
3           grants a multistate license to cover the cost of the operations and activities of  
4           the Commission and its staff, which must be in a total amount sufficient to  
5           cover its annual budget as approved each year for which revenue is not  
6           provided by other sources. The aggregate annual assessment amount for  
7           member states shall be allocated based upon a formula that the Commission  
8           shall promulgate by rule.

9           (4) The Commission shall not incur obligations of any kind prior to  
10           securing the funds adequate to meet the same, nor shall the Commission pledge  
11           the credit of any of the member states except by and with the authority of the  
12           member state.

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

20           (h) Qualified immunity, defense, and indemnification.

1           (1) The members, officers, executive director, employees, and  
2           representatives of the Commission shall be immune from suit and liability,  
3           both personally and in their official capacity, for any claim for damage to or  
4           loss of property or personal injury or other civil liability caused by or arising  
5           out of any actual or alleged act, error, or omission that occurred, or that the  
6           person against whom the claim is made had a reasonable basis for believing  
7           occurred within the scope of Commission employment, duties, or  
8           responsibilities, provided that nothing in this subdivision shall be construed to  
9           protect any such person from suit or liability for any damage, loss, injury, or  
10           liability caused by the intentional or willful or wanton misconduct of that  
11           person. The procurement of insurance of any type by the Commission shall  
12           not in any way compromise or limit the immunity granted hereunder.

13           (2) The Commission shall defend any member, officer, executive  
14           director, employee, and representative of the Commission in any civil action  
15           seeking to impose liability arising out of any actual or alleged act, error, or  
16           omission that occurred within the scope of Commission employment, duties, or  
17           responsibilities, or as determined by the Commission that the person against  
18           whom the claim is made had a reasonable basis for believing occurred within  
19           the scope of Commission employment, duties, or responsibilities, provided that  
20           nothing herein shall be construed to prohibit that person from retaining their  
21           own counsel at the their own expense, and provided further that the actual or



1 alleged act, error, or omission did not result from that person's intentional or  
2 willful or wanton misconduct.

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

12 (4) Nothing herein shall be construed as a limitation on the liability of  
13 any licensee for professional malpractice or misconduct, which shall be  
14 governed solely by any other applicable state laws.

15 (5) Nothing in this Compact shall be interpreted to waive or otherwise  
16 abrogate a member state's state action immunity or state action affirmative  
17 defense with respect to antitrust claims under the Sherman Act, Clayton Act, or  
18 any other state or federal antitrust or anticompetitive law or regulation.

19 (6) Nothing in this Compact shall be construed to be a waiver of  
20 sovereign immunity by the member states or by the Commission.

1     § 3225. DATA SYSTEM

2           (a) The Commission shall provide for the development, maintenance,  
3     operation, and utilization of a coordinated data system.

4           (b) The Commission shall assign each applicant for a multistate license a  
5     unique identifier, as determined by the rules of the Commission.

6           (c) Notwithstanding any other provision of state law to the contrary, a  
7     member state shall submit a uniform data set to the data system on all  
8     individuals to whom this Compact is applicable as required by the rules of the  
9     Commission, including:

10           (1) identifying information;

11           (2) licensure data;

12           (3) adverse actions against a license and information related thereto;

13           (4) nonconfidential information related to alternative program  
14     participation, the beginning and ending dates of such participation, and other  
15     information related to such participation not made confidential under member  
16     state law;

17           (5) any denial of application for licensure, and the reason or reasons for  
18     such denial;

19           (6) the presence of current significant investigative information; and

1           (7) other information that may facilitate the administration of this  
2           Compact or the protection of the public, as determined by the rules of the  
3           Commission.

4           (d) The records and information provided to a member state pursuant to  
5           this Compact or through the data system, when certified by the Commission or  
6           an agent thereof, shall constitute the authenticated business records of the  
7           Commission and shall be entitled to any associated hearsay exception in any  
8           relevant judicial, quasi-judicial, or administrative proceedings in a member  
9           state.

10          (e)(1) Current significant investigative information pertaining to a licensee  
11          in any member state will only be available to other member states.

12          (2) It is the responsibility of the member states to report any adverse  
13          action against a licensee and to monitor the database to determine whether  
14          adverse action has been taken against a licensee. Adverse action information  
15          pertaining to a licensee in any member state will be available to any other  
16          member state.

17          (f) Member states contributing information to the data system may  
18          designate information that may not be shared with the public without the  
19          express permission of the contributing state.

1       (g) Any information submitted to the data system that is subsequently  
2       expunged pursuant to federal law or the laws of the member state contributing  
3       the information shall be removed from the data system.

4       § 3226. RULEMAKING

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

12       (b) The rules of the Commission shall have the force of law in each  
13       member state; provided, however, that where the rules of the Commission  
14       conflict with the laws of the member state that establish the member state's  
15       laws, regulations, and applicable standards that govern the practice of social  
16       work as held by a court of competent jurisdiction, the rules of the Commission  
17       shall be ineffective in that state to the extent of the conflict.

18       (c) The Commission shall exercise its rulemaking powers pursuant to the  
19       criteria set forth in this section and the rules adopted thereunder. Rules shall  
20       become binding on the day following adoption or the date specified in the rule  
21       or amendment, whichever is later.

1       (d) If a majority of the legislatures of the member states rejects a rule or  
2       portion of a rule, by enactment of a statute or resolution in the same manner  
3       used to adopt the Compact within four years of the date of adoption of the rule,  
4       then such rule shall have no further force and effect in any member state.

5       (e) Rules shall be adopted at a regular or special meeting of the  
6       Commission.

7       (f) Prior to adoption of a proposed rule, the Commission shall hold a public  
8       hearing and allow persons to provide oral and written comments, data, facts,  
9       opinions, and arguments.

10       (g) Prior to adoption of a proposed rule by the Commission, and at least 30  
11       days in advance of the meeting at which the Commission will hold a public  
12       hearing on the proposed rule, the Commission shall provide a notice of  
13       proposed rulemaking:

14               (1) on the website of the Commission or other publicly accessible  
15       platform;

16               (2) to persons who have requested notice of the Commission's notices of  
17       proposed rulemaking; and

18               (3) in such other way or ways as the Commission may by rule specify.

19       (h) The notice of proposed rulemaking shall include:

20               (1) the time, date, and location of the public hearing at which the  
21       Commission will hear public comments on the proposed rule and, if different,

1 the time, date, and location of the meeting where the Commission will consider  
2 and vote on the proposed rule;

3 (2) if the hearing is held via telecommunication, video conference, or  
4 other electronic means, the Commission shall include the mechanism for  
5 access to the hearing in the notice of proposed rulemaking;

6 (3) the text of the proposed rule and the reason therefor;

7 (4) a request for comments on the proposed rule from any interested  
8 person; and

9 (5) the manner in which interested persons may submit written  
10 comments.

11 (i) All hearings will be recorded. A copy of the recording and all written  
12 comments and documents received by the Commission in response to the  
13 proposed rule shall be available to the public.

14 (j) Nothing in this section shall be construed as requiring a separate hearing  
15 on each rule. Rules may be grouped for the convenience of the Commission at  
16 hearings required by this section.

17 (k) The Commission shall, by majority vote of all members, take final  
18 action on the proposed rule based on the rulemaking record and the full text of  
19 the rule.

20 (1) The Commission may adopt changes to the proposed rule, provided  
21 the changes do not enlarge the original purpose of the proposed rule.

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

4           (3) The Commission shall determine a reasonable effective date for the  
5           rule. Except for an emergency as provided in subsection (l) of this section, the  
6           effective date of the rule shall be not sooner than 30 days after issuing the  
7           notice that it adopted or amended the rule.

8           (l) Upon determination that an emergency exists, the Commission may  
9           consider and adopt an emergency rule with 48 hours' notice, with opportunity  
10          to comment, provided that the usual rulemaking procedures provided in the  
11          Compact and in this section shall be retroactively applied to the rule as soon as  
12          reasonably possible, in no event later than 90 days after the effective date of  
13          the rule. For the purposes of this provision, an emergency rule is one that must  
14          be adopted immediately in order to:

15               (1) meet an imminent threat to public health, safety, or welfare;

16               (2) prevent a loss of Commission or member state funds;

17               (3) meet a deadline for the promulgation of a rule that is established by  
18          federal law or rule; or

19               (4) protect public health and safety.

20          (m) The Commission or an authorized committee of the Commission may  
21          direct revisions to a previously adopted rule for purposes of correcting

1 typographical errors, errors in format, errors in consistency, or grammatical  
2 errors. Public notice of any revisions shall be posted on the website of the  
3 Commission. The revision shall be subject to challenge by any person for a  
4 period of 30 days after posting. The revision may be challenged only on  
5 grounds that the revision results in a material change to a rule. A challenge  
6 shall be made in writing and delivered to the Commission prior to the end of  
7 the notice period. If no challenge is made, the revision will take effect without  
8 further action. If the revision is challenged, the revision may not take effect  
9 without the approval of the Commission.

10 (n) No member state's rulemaking requirements shall apply under this  
11 Compact.

12 § 3227. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

13 (a) Oversight.

14 (1) The executive and judicial branches of state government in each  
15 member state shall enforce this Compact and take all actions necessary and  
16 appropriate to implement the Compact.

17 (2) Except as otherwise provided in this Compact, venue is proper and  
18 judicial proceedings by or against the Commission shall be brought solely and  
19 exclusively in a court of competent jurisdiction where the principal office of  
20 the Commission is located. The Commission may waive venue and  
21 jurisdictional defenses to the extent it adopts or consents to participate in



1 alternative dispute resolution proceedings. Nothing herein shall affect or limit  
2 the selection or propriety of venue in any action against a licensee for  
3 professional malpractice, misconduct, or any such similar matter.

4 (3) The Commission shall be entitled to receive service of process in  
5 any proceeding regarding the enforcement or interpretation of the Compact and  
6 shall have standing to intervene in such a proceeding for all purposes. Failure  
7 to provide the Commission service of process shall render a judgment or order  
8 void as to the Commission, this Compact, or promulgated rules.

9 (b) Default, technical assistance, and termination.

10 (1) If the Commission determines that a member state has defaulted in  
11 the performance of its obligations or responsibilities under this Compact or the  
12 promulgated rules, the Commission shall provide written notice to the  
13 defaulting state. The notice of default shall describe the default, the proposed  
14 means of curing the default, and any other action that the Commission may  
15 take, and shall offer training and specific technical assistance regarding the  
16 default.

17 (2) The Commission shall provide a copy of the notice of default to the  
18 other member states.

19 (c) If a state in default fails to cure the default, the defaulting state may be  
20 terminated from the Compact upon an affirmative vote of a majority of the  
21 delegates of the member states, and all rights, privileges, and benefits

1 conferred on that state by this Compact may be terminated on the effective date  
2 of termination. A cure of the default does not relieve the offending state of  
3 obligations or liabilities incurred during the period of default.

4 (d) Termination of membership in the Compact shall be imposed only after  
5 all other means of securing compliance have been exhausted. Notice of intent  
6 to suspend or terminate shall be given by the Commission to the governor, the  
7 majority and minority leaders of the defaulting state's legislature, the  
8 defaulting state's state licensing authority, and each of the member states' state  
9 licensing authority.

10 (e) A state that has been terminated is responsible for all assessments,  
11 obligations, and liabilities incurred through the effective date of termination,  
12 including obligations that extend beyond the effective date of termination.

13 (f) Upon the termination of a state's membership from this Compact, that  
14 state shall immediately provide notice to all licensees within that state of such  
15 termination. The terminated state shall continue to recognize all licenses  
16 granted pursuant to this Compact for a minimum of six months after the date of  
17 said notice of termination.

18 (g) The Commission shall not bear any costs related to a state that is found  
19 to be in default or that has been terminated from the Compact, unless agreed  
20 upon in writing between the Commission and the defaulting state.

1       (h) The defaulting state may appeal the action of the Commission by  
2       petitioning the U.S. District Court for the District of Columbia or the federal  
3       district where the Commission has its principal offices. The prevailing party  
4       shall be awarded all costs of such litigation, including reasonable attorney’s  
5       fees.

6       (i) Dispute resolution.

7           (1) Upon request by a member state, the Commission shall attempt to  
8       resolve disputes related to the Compact that arise among member states and  
9       between member and nonmember states.

10          (2) The Commission shall promulgate a rule providing for both  
11       mediation and binding dispute resolution for disputes as appropriate.

12       (j) Enforcement.

13           (1) By majority vote as provided by rule, the Commission may initiate  
14       legal action against a member state in default in the U.S. District Court for the  
15       District of Columbia or the federal district where the Commission has its  
16       principal offices to enforce compliance with the provisions of the Compact and  
17       its promulgated rules. The relief sought may include both injunctive relief and  
18       damages. In the event judicial enforcement is necessary, the prevailing party  
19       shall be awarded all costs of such litigation, including reasonable attorney’s  
20       fees. The remedies herein shall not be the exclusive remedies of the

1 Commission. The Commission may pursue any other remedies available under  
2 federal or the defaulting member state’s law.

3 (2) A member state may initiate legal action against the Commission in  
4 the U.S. District Court for the District of Columbia or the federal district where  
5 the Commission has its principal offices to enforce compliance with the  
6 provisions of the Compact and its promulgated rules. The relief sought may  
7 include both injunctive relief and damages. In the event judicial enforcement  
8 is necessary, the prevailing party shall be awarded all costs of such litigation,  
9 including reasonable attorney’s fees.

10 (3) No person other than a member state shall enforce this Compact  
11 against the Commission.

12 § 3228. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

13 (a) The Compact shall come into effect on the date on which the Compact  
14 statute is enacted into law in the seventh member state.

15 (1) On or after the effective date of the Compact, the Commission shall  
16 convene and review the enactment of each of the first seven member states  
17 (“charter member states”) to determine if the statute enacted by each such  
18 charter member state is materially different than the model Compact statute.

19 (A) A charter member state whose enactment is found to be  
20 materially different from the model Compact statute shall be entitled to  
21 the default process set forth in section 3227 of this title.

1           (B) If any member state is later found to be in default, or is  
2           terminated or withdraws from the Compact, the Commission shall remain  
3           in existence and the Compact shall remain in effect even if the number of  
4           member states should be less than seven.

5           (2) Member states enacting the Compact subsequent to the seven initial  
6           charter member states shall be subject to the process set forth in subdivision  
7           3224(c)(21) of this title to determine if their enactments are materially different  
8           from the model Compact statute and whether they qualify for participation in  
9           the Compact.

10          (3) All actions taken for the benefit of the Commission or in furtherance  
11          of the purposes of the administration of the Compact prior to the effective date  
12          of the Compact or the Commission coming into existence shall be considered  
13          to be actions of the Commission unless specifically repudiated by the  
14          Commission.

15          (4) Any state that joins the Compact subsequent to the Commission's  
16          initial adoption of the rules and bylaws shall be subject to the rules and bylaws  
17          as they exist on the date on which the Compact becomes law in that state. Any  
18          rule that has been previously adopted by the Commission shall have the full  
19          force and effect of law on the day the Compact becomes law in that state.

20          (b) Any member state may withdraw from this Compact by enacting a  
21          statute repealing the same.

1           (1) A member state’s withdrawal shall not take effect until 180 days  
2           after enactment of the repealing statute.

3           (2) Withdrawal shall not affect the continuing requirement of the  
4           withdrawing state’s licensing authority to comply with the investigative and  
5           adverse action reporting requirements of this Compact prior to the effective  
6           date of withdrawal.

7           (3) Upon the enactment of a statute withdrawing from this Compact, a  
8           state shall immediately provide notice of such withdrawal to all licensees  
9           within that state. Notwithstanding any subsequent statutory enactment to the  
10          contrary, such withdrawing state shall continue to recognize all licenses  
11          granted pursuant to this compact for a minimum of 180 days after the date of  
12          such notice of withdrawal.

13          (c) Nothing contained in this Compact shall be construed to invalidate  
14          or prevent any licensure agreement or other cooperative arrangement  
15          between a member state and a nonmember state that does not conflict with  
16          the provisions of this Compact.

17          (d) This Compact may be amended by the member states. No  
18          amendment to this Compact shall become effective and binding upon any  
19          member state until it is enacted into the laws of all member states.

1     § 3229. CONSTRUCTION AND SEVERABILITY

2           (a) This Compact and the Commission’s rulemaking authority shall be  
3     liberally construed so as to effectuate the purposes and the implementation and  
4     administration of the Compact. Provisions of the Compact expressly  
5     authorizing or requiring the promulgation of rules shall not be construed to  
6     limit the Commission’s rulemaking authority solely for those purposes.

7           (b) The provisions of this Compact shall be severable and if any phrase,  
8     clause, sentence, or provision of this Compact is held by a court of competent  
9     jurisdiction to be contrary to the constitution of any member state, a state  
10    seeking participation in the Compact, or of the United States, or the  
11    applicability thereof to any government, agency, person, or circumstance is  
12    held to be unconstitutional by a court of competent jurisdiction, the validity of  
13    the remainder of this Compact and the applicability thereof to any other  
14    government, agency, person, or circumstance shall not be affected thereby.

15          (c) Notwithstanding subsection (b) of this section, the Commission may  
16    deny a state’s participation in the Compact or, in accordance with the  
17    requirements of subsection 3227(b) of this title, terminate a member state’s  
18    participation in the Compact if it determines that a constitutional requirement  
19    of a member state is a material departure from the Compact. Otherwise, if this  
20    Compact shall be held to be contrary to the constitution of any member state,  
21    the Compact shall remain in full force and effect as to the remaining member

1 states and in full force and effect as to the member state affected as to all  
2 severable matters.

3 § 3230. CONSISTENT EFFECT AND CONFLICT WITH OTHERS STATE

4 LAWS

5 (a) A licensee providing services in a remote state under a multistate  
6 authorization to practice shall adhere to the laws and regulations, including  
7 laws, regulations, and applicable standards, of the remote state where the client  
8 is located at the time care is rendered.

9 (b) Nothing herein shall prevent or inhibit the enforcement of any other law  
10 of a member state that is not inconsistent with the Compact.

11 (c) Any laws, statutes, regulations, or other legal requirements in a member  
12 state in conflict with the Compact are superseded to the extent of the conflict.

13 (d) All permissible agreements between the Commission and the member  
14 states are binding in accordance with their terms.

15 Sec. 2. 3 V.S.A. § 123 is amended to read:

16 § 123. DUTIES OF OFFICE

17 \* \* \*

18 (j)(1) The Office may inquire into the criminal background histories of  
19 applicants for initial licensure and for license renewal of any Office-issued  
20 credential, including a license, certification, registration, or specialty  
21 designation for the following professions:



1

\* \* \*

2

(I) speech-language pathologists licensed under 26 V.S.A. chapter

3

87; ~~and~~

4

(J) social workers licensed under 26 V.S.A. chapter 61; and

5

(K) individuals registered on the roster of psychotherapists who are

6

nonlicensed and noncertified.

7

\* \* \*

8

Sec. 3. EFFECTIVE DATE

9

This act shall take effect on passage.