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H.543

An act relating to Vermont’s adoption of the Social Work Licensure Compact and to emergency housing eligibility documentation

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.

(b) This Compact is designed to achieve the following objectives:

1 (1) increase public access to social work services;

2 (2) reduce overly burdensome and duplicative requirements associated
3 with holding multiple licenses;

4 (3) enhance the member states' ability to protect the public's health and
5 safety;

6 (4) encourage the cooperation of member states in regulating multistate
7 practice;

8 (5) promote mobility and address workforce shortages by eliminating
9 the necessity for licenses in multiple states by providing for the mutual
10 recognition of other member state licenses;

11 (6) support military families;

12 (7) facilitate the exchange of licensure and disciplinary information
13 among member states;

14 (8) authorize all member states to hold a regulated social worker
15 accountable for abiding by a member state's laws, regulations, and applicable
16 professional standards in the member state in which the client is located at the
17 time care is rendered; and

18 (9) allow for the use of telehealth to facilitate increased access to
19 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:

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(I) speech-language pathologists licensed under 26 V.S.A. chapter 87; and
(J) social workers licensed under 26 V.S.A. chapter 61; and
(K) individuals registered on the roster of psychotherapists who are nonlicensed and noncertified.

* * *

Sec. 3. LEGISLATIVE INTENT; EMERGENCY HOUSING ELIGIBILITY
DOCUMENTATION

It is the intent of the General Assembly that in fiscal year 2024 documentation of a qualifying disability or health condition pursuant to 2024 Acts and Resolves No. 87, Sec. 89(b) shall require the certification of a health care provider as defined in 18 V.S.A. § 9481.

Sec. 4. 2024 Acts and Resolves No. 87, Sec. 89(b) is amended to read:

(b) A household that is otherwise eligible for temporary emergency housing pursuant to subsection (a) of this section, but for the inability to qualify for or document receipt of SSI or SSDI, may use ~~the Department's Emergency Housing Disability Variance Request Form~~ a form developed by the Department as a means of documenting a qualifying disability or health condition that requires:

1 (1) the applicant's name, date of birth, and the last four digits of the
2 applicant's social security number;

3 (2) a description of the applicant's disability or health condition;

4 (3) a description of the risk posed to the applicant's health, safety, or
5 welfare if temporary emergency housing is not authorized pursuant to this
6 section; and

7 (4) a certification of a health care provider, as defined in 18 V.S.A.
8 § 9481, that includes the provider's credentials, credential number, address,
9 and phone number.

10 Sec. 5. EFFECTIVE DATE

11 This act shall take effect on passage.