

The Senate Committee on Regulated Industries and Utilities offered the following substitute to HB 839:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and  
2 businesses, so as to change provisions relating to licensure of individuals wanting to practice  
3 certain professions in this state; to enter into an interstate compact known as the "Social  
4 Work Licensure Compact"; to authorize the Georgia Composite Board of Professional  
5 Counselors, Social Workers, and Marriage and Family Therapists to administer the compact  
6 in this state; to change a certain requirement relating to licensure of massage therapists; to  
7 provide for a short title; to provide for related matters; to repeal conflicting laws; and for  
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,  
12 is amended in Code Section 43-10A-5, relating to powers and duties of board, quorum, and  
13 meetings, by revising subsection (h) as follows:

14 "(h) The board shall administer the Professional Counselors Licensure Compact contained  
15 in Article 2 of this chapter and the Social Work Licensure Compact contained in Article 3  
16 of this chapter."

17 **SECTION 2.**

18 Said title is further amended by adding a new article to read as follows:

19 "ARTICLE 320 43-10A-60.21 This article shall be known and may be cited as the 'Social Work Licensure Compact Act.'22 43-10A-61.23 The Social Work Licensure Compact is enacted into law and entered into by the State of  
24 Georgia with any and all other states legally joining therein in the form substantially as  
25 follows:26 'SOCIAL WORK LICENSURE COMPACT ACT27 SECTION 1: PURPOSE28 The purpose of this Compact is to facilitate interstate practice of Regulated Social Workers  
29 by improving public access to competent Social Work Services. The Compact preserves the  
30 regulatory authority of States to protect public health and safety through the current system  
31 of State licensure. This Compact is designed to achieve the following objectives:32 A. Increase public access to Social Work Services;33 B. Reduce overly burdensome and duplicative requirements associated with holding  
34 multiple licenses;35 C. Enhance the Member States' ability to protect the public's health and safety;36 D. Encourage the cooperation of Member States in regulating multistate practice;

37 E. Promote mobility and address workforce shortages by eliminating the necessity for  
38 licenses in multiple States by providing for the mutual recognition of other Member State  
39 licenses;

40 F. Support military families;

41 G. Facilitate the exchange of licensure and disciplinary information among Member States;

42 H. Authorize all Member States to hold a Regulated Social Worker accountable for abiding  
43 by the Member State's laws, regulations, and applicable professional standards in the  
44 Member State in which the client is located at the time care is rendered; and

45 I. Allow for the use of telehealth to facilitate increased access to regulated Social Work  
46 Services.

## 47 SECTION 2: DEFINITIONS

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

50 A. 'Active Military Member' means any individual in full-time duty status in the active  
51 armed forces of the United States including members of the National Guard and Reserve.

52 B. 'Adverse Action' means any administrative, civil, equitable or criminal action permitted  
53 by a State's laws which is imposed by a Licensing Authority or other authority against a  
54 Regulated Social Worker, including actions against an individual's license or Multistate  
55 Authorization to Practice such as revocation, suspension, probation, monitoring of the  
56 Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure  
57 affecting a Regulated Social Worker's authorization to practice, including issuance of a  
58 cease and desist action.

59 C. 'Alternative Program' means a non-disciplinary monitoring or practice remediation  
60 process approved by a Licensing Authority to address practitioners with an Impairment.

61 D. 'Charter Member States' - Member States who have enacted legislation to adopt this  
62 Compact where such legislation predates the effective date of this Compact as defined in  
63 Section 14.

64 E. 'Compact Commission' or 'Commission' means the government agency whose  
65 membership consists of all States that have enacted this Compact, which is known as the  
66 Social Work Licensure Compact Commission, as defined in Section 10, and which shall  
67 operate as an instrumentality of the Member States.

68 F. 'Current Significant Investigative Information' means:

69 1. Investigative information that a Licensing Authority, after a preliminary inquiry that  
70 includes notification and an opportunity for the Regulated Social Worker to respond has  
71 reason to believe is not groundless and, if proved true, would indicate more than a minor  
72 infraction as may be defined by the Commission; or

73 2. Investigative information that indicates that the Regulated Social Worker represents  
74 an immediate threat to public health and safety, as may be defined by the Commission,  
75 regardless of whether the Regulated Social Worker has been notified and has had an  
76 opportunity to respond.

77 G. 'Data System' means a repository of information about Licensees, including, but not  
78 limited to, continuing education, examination, licensure, Current Significant Investigative  
79 Information, Disqualifying Event, Multistate License(s) and Adverse Action information  
80 or other information as required by the Commission.

81 H. 'Domicile' means the jurisdiction in which the Licensee resides and intends to remain  
82 indefinitely.

83 I. 'Disqualifying Event' means any Adverse Action or incident which results in an  
84 Encumbrance that disqualifies or makes the Licensee ineligible to either obtain, retain or  
85 renew a Multistate License.

86 J. 'Encumbrance' means a revocation or suspension of, or any limitation on, the full and  
87 unrestricted practice of Social Work licensed and regulated by a Licensing Authority.

- 88 K. 'Executive Committee' means a group of delegates elected or appointed to act on behalf  
89 of, and within the powers granted to them by, the compact and Commission.
- 90 L. 'Home State' means the Member State that is the Licensee's primary Domicile.
- 91 M. 'Impairment' means a condition(s) that may impair a practitioner's ability to engage in  
92 full and unrestricted practice as a Regulated Social Worker without some type of  
93 intervention and may include, but are not limited to, alcohol and drug dependence, mental  
94 health impairment, and neurological or physical impairments.
- 95 N. 'Licensee(s)' means an individual who currently holds a license from a State to practice  
96 as a Regulated Social Worker.
- 97 O. 'Licensing Authority' means the board or agency of a Member State, or equivalent, that  
98 is responsible for the licensing and regulation of Regulated Social Workers.
- 99 P. 'Member State' means a state, commonwealth, district, or territory of the United States  
100 of America that has enacted this Compact.
- 101 Q. 'Multistate Authorization to Practice' means a legally authorized privilege to practice,  
102 which is equivalent to a license, associated with a Multistate License permitting the  
103 practice of Social Work in a Remote State.
- 104 R. 'Multistate License' means a license to practice as a Regulated Social Worker issued by  
105 a Home State Licensing Authority that authorizes the Regulated Social Worker to practice  
106 in all Member States under Multistate Authorization to Practice.
- 107 S. 'Qualifying National Exam' means a national licensing examination approved by the  
108 Commission.
- 109 T. 'Regulated Social Worker' means any clinical, master's or bachelor's Social Worker  
110 licensed by a Member State regardless of the title used by that Member State.
- 111 U. 'Remote State' means a Member State other than the Licensee's Home State.
- 112 V. 'Rule(s)' or 'Rule(s) of the Commission' means a regulation or regulations duly  
113 promulgated by the Commission, as authorized by the Compact, that has the force of law.

114 W. 'Single State License' means a Social Work license issued by any State that authorizes  
115 practice only within the issuing State and does not include Multistate Authorization to  
116 Practice in any Member State.

117 X. 'Social Work' or 'Social Work Services' means the application of social work theory,  
118 knowledge, methods, ethics, and the professional use of self to restore or enhance social,  
119 psychosocial, or biopsychosocial functioning of individuals, couples, families, groups,  
120 organizations, and communities through the care and services provided by a Regulated  
121 Social Worker as set forth in the Member State's statutes and regulations in the State where  
122 the services are being provided.

123 Y. 'State' means any state, commonwealth, district, or territory of the United States of  
124 America that regulates the practice of Social Work.

125 Z. 'Unencumbered License' means a license that authorizes a Regulated Social Worker to  
126 engage in the full and unrestricted practice of Social Work.

### 127 SECTION 3: STATE PARTICIPATION IN THE COMPACT

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

130 1. License and regulate the practice of Social Work at either the clinical, master's, or  
131 bachelor's category.

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

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

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

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

137 ii. the United States Department of Education; and

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

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

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

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

143 1. Require applicants for a Multistate License pass a Qualifying National Exam for the  
144 corresponding category of Multistate License sought as outlined in Section 4;

145 2. Participate fully in the Commission's Data System, including using the Commission's  
146 unique identifier as defined in Rules;

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

150 4. Implement procedures for considering the criminal history records of applicants for a  
151 Multistate License. Such procedures shall include the submission of fingerprints or other  
152 biometric-based information by applicants for the purpose of obtaining an applicant's  
153 criminal history record information from the Federal Bureau of Investigation and the  
154 agency responsible for retaining that State's criminal records;

155 5. Comply with the Rules of the Commission;

156 6. Require an applicant to obtain or retain a license in the Home State and meet the Home  
157 State's qualifications for licensure or renewal of licensure, as well as all other applicable  
158 Home State laws;

159 7. Authorize a Licensee holding a Multistate License in any Member State to practice in  
160 accordance with the terms of the Compact and Rules of the Commission; and

161 8. Designate a delegate to participate in the Commission meetings.

162 C. A Member State meeting the requirements of Section 3.A. and 3.B of this Compact shall  
163 designate the categories of Social Work licensure that are eligible for issuance of a  
164 Multistate License for applicants in such Member State. To the extent that any Member  
165 State does not meet the requirements for participation in the Compact at any particular  
166 category of Social Work licensure, such Member State may choose, but is not obligated to,

- 167 issue a Multistate License to applicants that otherwise meet the requirements of Section 4  
168 for issuance of a Multistate License in such category or categories of licensure.  
169 D. The Home State may charge a fee for granting the Multistate License.

170 SECTION 4: SOCIAL WORKER PARTICIPATION IN THE COMPACT

171 A. To be eligible for a Multistate License under the terms and provisions of the Compact,  
172 an applicant, regardless of category must:

- 173 1. Hold or be eligible for an active, Unencumbered License in the Home State;  
174 2. Pay any applicable fees, including any State fee, for the Multistate License;  
175 3. Submit, in connection with an application for a Multistate License, fingerprints or other  
176 biometric data for the purpose of obtaining criminal history record information from the  
177 Federal Bureau of Investigation and the agency responsible for retaining that State's  
178 criminal records;  
179 4. Notify the Home State of any Adverse Action, Encumbrance, or restriction on any  
180 professional license taken by any Member State or non-Member State within 30 days  
181 from the date the action is taken;  
182 5. Meet any continuing competence requirements established by the Home State;  
183 6. Abide by the laws, regulations, and applicable standards in the Member State where  
184 the client is located at the time care is rendered.

185 B. An applicant for a clinical-category Multistate License must meet all of the following  
186 requirements:

- 187 1. Fulfill a competency requirement, which shall be satisfied by either:  
188 a. Passage of a clinical-category Qualifying National Exam; or  
189 b. Licensure of the applicant in their Home State at the clinical category, beginning  
190 prior to such time as a Qualifying National Exam was required by the Home State and  
191 accompanied by a period of continuous Social Work licensure thereafter, all of which  
192 may be further governed by the Rules of the Commission; or



193 c. The substantial equivalency of the foregoing competency requirements which the  
194 Commission may determine by Rule.

195 2. Attain at least a master's degree in Social Work from a program that is:

196 a. Operated by a college or university recognized by the Licensing Authority; and

197 b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting  
198 agency recognized by either:

199 i. the Council for Higher Education Accreditation or its successor; or

200 ii. the United States Department of Education.

201 3. Fulfill a practice requirement, which shall be satisfied by demonstrating completion  
202 of either:

203 a. A period of postgraduate supervised clinical practice equal to a minimum of three  
204 thousand hours; or

205 b. A minimum of two years of full-time postgraduate supervised clinical practice; or

206 c. The substantial equivalency of the foregoing practice requirements which the  
207 Commission may determine by Rule.

208 C. An applicant for a master's-category Multistate License must meet all of the following  
209 requirements:

210 1. Fulfill a competency requirement, which shall be satisfied by either:

211 a. Passage of a masters-category Qualifying National Exam;

212 b. Licensure of the applicant in their Home State at the master's category, beginning  
213 prior to such time as a Qualifying National Exam was required by the Home State at the  
214 master's category and accompanied by a continuous period of Social Work licensure  
215 thereafter, all of which may be further governed by the Rules of the Commission; or

216 c. The substantial equivalency of the foregoing competency requirements which the  
217 Commission may determine by Rule.

218 2. Attain at least a master's degree in Social Work from a program that is:

219 a. Operated by a college or university recognized by the Licensing Authority; and

- 220 b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting  
221 agency recognized by either:
- 222 i. the Council for Higher Education Accreditation or its successor; or
  - 223 ii. the United States Department of Education.
- 224 D. An applicant for a bachelor's-category Multistate License must meet all of the following  
225 requirements:
- 226 1. Fulfill a competency requirement, which shall be satisfied by either:
  - 227 a. Passage of a bachelor's-category Qualifying National Exam;
  - 228 b. Licensure of the applicant in their Home State at the bachelor's category, beginning  
229 prior to such time as a Qualifying National Exam was required by the Home State and  
230 accompanied by a period of continuous Social Work licensure thereafter, all of which  
231 may be further governed by the Rules of the Commission; or
  - 232 c. The substantial equivalency of the foregoing competency requirements which the  
233 Commission may determine by Rule.
  - 234 2. Attain at least a bachelor's degree in Social Work from a program that is:
  - 235 a. Operated by a college or university recognized by the Licensing Authority; and
  - 236 b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting  
237 agency recognized by either:
  - 238 i. the Council for Higher Education Accreditation or its successor; or
  - 239 ii. the United States Department of Education.
- 240 E. The Multistate License for a Regulated Social Worker is subject to the renewal  
241 requirements of the Home State. The Regulated Social Worker must maintain compliance  
242 with the requirements of Section 4(A).
- 243 F. The Regulated Social Worker's services in a Remote State are subject to that Member  
244 State's regulatory authority. A Remote State may, in accordance with due process and that  
245 Member State's laws, remove a Regulated Social Worker's Multistate Authorization to

246 Practice in the Remote State for a specific period of time, impose fines, and take any other  
247 necessary actions to protect the health and safety of its citizens.

248 G. If a Multistate License is encumbered, the Regulated Social Worker's Multistate  
249 Authorization to Practice shall be deactivated in all Remote States until the Multistate  
250 License is no longer encumbered.

251 H. If a Multistate Authorization to Practice is encumbered in a Remote State, the regulated  
252 Social Worker's Multistate Authorization to Practice may be deactivated in that State until  
253 the Multistate Authorization to Practice is no longer encumbered.

254 SECTION 5: ISSUANCE OF A MULTISTATE LICENSE

255 A. Upon receipt of an application for Multistate License, the Home State Licensing  
256 Authority shall determine the applicant's eligibility for a Multistate License in accordance  
257 with Section 4 of this Compact.

258 B. If such applicant is eligible pursuant to Section 4 of this Compact, the Home State  
259 Licensing Authority shall issue a Multistate License that authorizes the applicant or  
260 Regulated Social Worker to practice in all Member States under a Multistate Authorization  
261 to Practice.

262 C. Upon issuance of a Multistate License, the Home State Licensing Authority shall  
263 designate whether the Regulated Social Worker holds a Multistate License in the  
264 Bachelors, Masters, or Clinical category of Social Work.

265 D. A Multistate License issued by a Home State to a resident in that State shall be  
266 recognized by all Compact Member States as authorizing Social Work Practice under a  
267 Multistate Authorization to Practice corresponding to each category of licensure regulated  
268 in the Member State.

269 SECTION 6: AUTHORITY OF INTERSTATE COMPACT COMMISSION AND  
270 MEMBER STATE LICENSING AUTHORITIES

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

275 B. Nothing in this Compact shall affect the requirements established by a Member State  
276 for the issuance of a Single State License.

277 C. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit,  
278 restrict, or in any way reduce the ability of a Member State to take Adverse Action against  
279 a Licensee's Single State License to practice Social Work in that State.

280 D. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit,  
281 restrict, or in any way reduce the ability of a Remote State to take Adverse Action against  
282 a Licensee's Authorization to Practice in that State.

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

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

288 A. A Licensee may hold a Multistate License, issued by their Home State, in only one  
289 Member State at any given time.

290 B. If a Licensee changes their Home State by moving between two Member States:

291 1. The Licensee shall immediately apply for the reissuance of their Multistate License in  
292 their new Home State. The Licensee shall pay all applicable fees and notify the prior  
293 Home State in accordance with the Rules of the Commission.

294 2. Upon receipt of an application to reissue a Multistate License, the new Home State  
295 shall verify that the Multistate License is active, unencumbered and eligible for  
296 reissuance under the terms of the Compact and the Rules of the Commission. The  
297 Multistate License issued by the prior Home State will be deactivated and all Member  
298 States notified in accordance with the applicable Rules adopted by the Commission.

299 3. Prior to the reissuance of the Multistate License, the new Home State shall conduct  
300 procedures for considering the criminal history records of the Licensee. Such procedures  
301 shall include the submission of fingerprints or other biometric-based information by  
302 applicants for the purpose of obtaining an applicant's criminal history record information  
303 from the Federal Bureau of Investigation and the agency responsible for retaining that  
304 State's criminal records.

305 4. If required for initial licensure, the new Home State may require completion of  
306 jurisprudence requirements in the new Home State.

307 5. Notwithstanding any other provision of this Compact, if a Licensee does not meet the  
308 requirements set forth in this Compact for the reissuance of a Multistate License by the  
309 new Home State, then the Licensee shall be subject to the new Home State requirements  
310 for the issuance of a Single State License in that State.

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

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

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

320 SECTION 8: MILITARY FAMILIES

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

324 SECTION 9: ADVERSE ACTIONS

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

327 1. Take Adverse Action against a Regulated Social Worker's Multistate Authorization to  
328 Practice only within that Member State, and issue subpoenas for both hearings and  
329 investigations that require the attendance and testimony of witnesses as well as the  
330 production of evidence. Subpoenas issued by a Licensing Authority in a Member State  
331 for the attendance and testimony of witnesses or the production of evidence from another  
332 Member State shall be enforced in the latter State by any court of competent jurisdiction,  
333 according to the practice and procedure of that court applicable to subpoenas issued in  
334 proceedings pending before it. The issuing authority shall pay any witness fees, travel  
335 expenses, mileage, and other fees required by the service statutes of the State in which  
336 the witnesses or evidence are located.

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

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

343 C. The Home State shall complete any pending investigations of a Regulated Social  
344 Worker who changes their Home State during the course of the investigations. The Home  
345 State shall also have the authority to take appropriate action(s) and shall promptly report

346 the conclusions of the investigations to the administrator of the Data System. The  
347 administrator of the Data System shall promptly notify the new Home State of any Adverse  
348 Actions.

349 D. A Member State, if otherwise permitted by State law, may recover from the affected  
350 Regulated Social Worker the costs of investigations and dispositions of cases resulting  
351 from any Adverse Action taken against that Regulated Social Worker.

352 E. A Member State may take Adverse Action based on the factual findings of another  
353 Member State, provided that the Member State follows its own procedures for taking the  
354 Adverse Action.

355 F. Joint Investigations:

356 1. In addition to the authority granted to a Member State by its respective Social Work  
357 practice act or other applicable State law, any Member State may participate with other  
358 Member States in joint investigations of Licensees.

359 2. Member States shall share any investigative, litigation, or compliance materials in  
360 furtherance of any joint or individual investigation initiated under the Compact.

361 G. If Adverse Action is taken by the Home State against the Multistate License of a  
362 Regulated Social Worker, the Regulated Social Worker's Multistate Authorization to  
363 Practice in all other Member States shall be deactivated until all Encumbrances have been  
364 removed from the Multistate License. All Home State disciplinary orders that impose  
365 Adverse Action against the license of a Regulated Social Worker shall include a statement  
366 that the Regulated Social Worker's Multistate Authorization to Practice is deactivated in  
367 all Member States until all conditions of the decision, order or agreement are satisfied.

368 H. If a Member State takes Adverse Action, it shall promptly notify the administrator of  
369 the Data System. The administrator of the Data System shall promptly notify the Home  
370 State and all other Member State's of any Adverse Actions by Remote States.

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

373 shall authorize a Member State to demand the issuance of subpoenas for attendance and  
374 testimony of witnesses or the production of evidence from another Member State for lawful  
375 actions within that Member State.

376 J. Nothing in this Compact shall authorize a Member State to impose discipline against a  
377 Regulated Social Worker who holds a Multistate Authorization to Practice for lawful  
378 actions within another Member State.

379 SECTION 10: ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT  
380 COMMISSION

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

387 B. Membership, Voting, and Meetings

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

390 2. The delegate shall be either:

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

393 b. An administrator of the State Licensing Authority or their designee.

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

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

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



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

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

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

407 C. The Commission shall have the following powers:

408 1. Establish the fiscal year of the Commission;

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

410 3. Establish and amend Rules and bylaws;

411 4. Maintain its financial records in accordance with the bylaws;

412 5. Meet and take such actions as are consistent with the provisions of this Compact, the  
413 Commission's Rules, and the bylaws;

414 6. Initiate and conclude legal proceedings or actions in the name of the Commission,  
415 provided that the standing of any State Licensing Board to sue or be sued under  
416 applicable law shall not be affected;

417 7. Maintain and certify records and information provided to a Member State as the  
418 authenticated business records of the Commission, and designate an agent to do so on the  
419 Commission's behalf;

420 8. Purchase and maintain insurance and bonds;

421 9. Borrow, accept, or contract for services of personnel, including, but not limited to,  
422 employees of a Member State;

423 10. Conduct an annual financial review;

424 11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such  
425 individuals appropriate authority to carry out the purposes of the Compact, and establish

426 the Commission's personnel policies and programs relating to conflicts of interest,  
427 qualifications of personnel, and other related personnel matters;

428 12. Assess and collect fees;

429 13. Accept any and all appropriate gifts, donations, grants of money, other sources of  
430 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose  
431 of the same; provided that at all times the Commission shall avoid any appearance of  
432 impropriety or conflict of interest;

433 14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or  
434 mixed, or any undivided interest therein;

435 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any  
436 property real, personal, or mixed;

437 16. Establish a budget and make expenditures;

438 17. Borrow money;

439 18. Appoint committees, including standing committees, composed of members, State  
440 regulators, State legislators or their representatives, and consumer representatives, and  
441 such other interested persons as may be designated in this Compact and the bylaws;

442 19. Provide and receive information from, and cooperate with, law enforcement agencies;

443 20. Establish and elect an Executive Committee, including a chair and a vice chair;

444 21. Determine whether a State's adopted language is materially different from the model  
445 compact language such that the State would not qualify for participation in the Compact;  
446 and

447 22. Perform such other functions as may be necessary or appropriate to achieve the  
448 purposes of this Compact.

449 D. The Executive Committee

450 1. The Executive Committee shall have the power to act on behalf of the Commission  
451 according to the terms of this Compact. The powers, duties, and responsibilities of the  
452 Executive Committee shall include:

- 453 a. Oversee the day-to-day activities of the administration of the compact including  
454 enforcement and compliance with the provisions of the compact, its Rules and bylaws,  
455 and other such duties as deemed necessary;
- 456 b. Recommend to the Commission changes to the Rules or bylaws, changes to this  
457 Compact legislation, fees charged to Compact Member States, fees charged to  
458 Licensees, and other fees;
- 459 c. Ensure Compact administration services are appropriately provided, including by  
460 contract;
- 461 d. Prepare and recommend the budget;
- 462 e. Maintain financial records on behalf of the Commission;
- 463 f. Monitor Compact compliance of Member States and provide compliance reports to  
464 the Commission;
- 465 g. Establish additional committees as necessary;
- 466 h. Exercise the powers and duties of the Commission during the interim between  
467 Commission meetings, except for adopting or amending Rules, adopting or amending  
468 bylaws, and exercising any other powers and duties expressly reserved to the  
469 Commission by Rule or bylaw; and
- 470 i. Other duties as provided in the Rules or bylaws of the Commission.
- 471 2. The Executive Committee shall be composed of up to eleven (11) members:
- 472 a. The chair and vice chair of the Commission shall be voting members of the  
473 Executive Committee.
- 474 b. The Commission shall elect five voting members from the current membership of the  
475 Commission.
- 476 c. Up to four (4) ex-officio, nonvoting members from four (4) recognized national  
477 Social Work organizations.
- 478 d. The ex-officio members will be selected by their respective organizations.

479 3. The Commission may remove any member of the Executive Committee as provided  
480 in the Commission's bylaws.

481 4. The Executive Committee shall meet at least annually.

482 a. Executive Committee meetings shall be open to the public, except that the Executive  
483 Committee may meet in a closed, non-public meeting as provided in subsection F.2  
484 below.

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

488 c. The Executive Committee may hold a special meeting in accordance with subsection  
489 F.1.b. below.

490 E. The Commission shall adopt and provide to the Member States an annual report.

491 F. Meetings of the Commission

492 1. All meetings shall be open to the public, except that the Commission may meet in a  
493 closed, non-public meeting as provided in subsection F.2 below.

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

497 b. The Commission may hold a special meeting when it must meet to conduct  
498 emergency business by giving 48 hours' notice to all commissioners, on the  
499 Commission's website, and other means as provided in the Commission's Rules. The  
500 Commission's legal counsel shall certify that the Commission's need to meet qualifies  
501 as an emergency.

502 2. The Commission or the Executive Committee or other committees of the Commission  
503 may convene in a closed, non-public meeting for the Commission or Executive  
504 Committee or other committees of the Commission to receive legal advice or to discuss:

505 a. Non-compliance of a Member State with its obligations under the Compact;

- 506 b. The employment, compensation, discipline or other matters, practices or procedures  
507 related to specific employees;
- 508 c. Current or threatened discipline of a Licensee by the Commission or by a Member  
509 State's Licensing Authority;
- 510 d. Current, threatened, or reasonably anticipated litigation;
- 511 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
512 estate;
- 513 f. Accusing any person of a crime or formally censuring any person;
- 514 g. Trade secrets or commercial or financial information that is privileged or  
515 confidential;
- 516 h. Information of a personal nature where disclosure would constitute a clearly  
517 unwarranted invasion of personal privacy;
- 518 i. Investigative records compiled for law enforcement purposes;
- 519 j. Information related to any investigative reports prepared by or on behalf of or for use  
520 of the Commission or other committee charged with responsibility of investigation or  
521 determination of compliance issues pursuant to the Compact;
- 522 k. Matters specifically exempted from disclosure by federal or Member State law; or  
523 l. Other matters as promulgated by the Commission by Rule.
- 524 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the  
525 meeting will be closed and reference each relevant exempting provision, and such  
526 reference shall be recorded in the minutes.
- 527 4. The Commission shall keep minutes that fully and clearly describe all matters  
528 discussed in a meeting and shall provide a full and accurate summary of actions taken,  
529 and the reasons therefore, including a description of the views expressed. All documents  
530 considered in connection with an action shall be identified in such minutes. All minutes  
531 and documents of a closed meeting shall remain under seal, subject to release only by a  
532 majority vote of the Commission or order of a court of competent jurisdiction.

533 G. Financing of the Commission

534 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of  
535 its establishment, organization, and ongoing activities.

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

538 3. The Commission may levy on and collect an annual assessment from each Member  
539 State and impose fees on Licensees of Member States to whom it grants a Multistate  
540 License to cover the cost of the operations and activities of the Commission and its staff,  
541 which must be in a total amount sufficient to cover its annual budget as approved each  
542 year for which revenue is not provided by other sources. The aggregate annual  
543 assessment amount for Member States shall be allocated based upon a formula that the  
544 Commission shall promulgate by Rule.

545 4. The Commission shall not incur obligations of any kind prior to securing the funds  
546 adequate to meet the same; nor shall the Commission pledge the credit of any of the  
547 Member States, except by and with the authority of the Member State.

548 5. The Commission shall keep accurate accounts of all receipts and disbursements. The  
549 receipts and disbursements of the Commission shall be subject to the financial review and  
550 accounting procedures established under its bylaws. However, all receipts and  
551 disbursements of funds handled by the Commission shall be subject to an annual financial  
552 review by a certified or licensed public accountant, and the report of the financial review  
553 shall be included in and become part of the annual report of the Commission.

554 H. Qualified Immunity, Defense, and Indemnification

555 1. The members, officers, executive director, employees and representatives of the  
556 Commission shall be immune from suit and liability, both personally and in their official  
557 capacity, for any claim for damage to or loss of property or personal injury or other civil  
558 liability caused by or arising out of any actual or alleged act, error, or omission that  
559 occurred, or that the person against whom the claim is made had a reasonable basis for

560 believing occurred within the scope of Commission employment, duties or  
561 responsibilities; provided that nothing in this paragraph shall be construed to protect any  
562 such person from suit or liability for any damage, loss, injury, or liability caused by the  
563 intentional or willful or wanton misconduct of that person. The procurement of insurance  
564 of any type by the Commission shall not in any way compromise or limit the immunity  
565 granted hereunder.

566 2. The Commission shall defend any member, officer, executive director, employee, and  
567 representative of the Commission in any civil action seeking to impose liability arising  
568 out of any actual or alleged act, error, or omission that occurred within the scope of  
569 Commission employment, duties, or responsibilities, or as determined by the Commission  
570 that the person against whom the claim is made had a reasonable basis for believing  
571 occurred within the scope of Commission employment, duties, or responsibilities;  
572 provided that nothing herein shall be construed to prohibit that person from retaining their  
573 own counsel at their own expense; and provided further, that the actual or alleged act,  
574 error, or omission did not result from that person's intentional or willful or wanton  
575 misconduct.

576 3. The Commission shall indemnify and hold harmless any member, officer, executive  
577 director, employee, and representative of the Commission for the amount of any  
578 settlement or judgment obtained against that person arising out of any actual or alleged  
579 act, error, or omission that occurred within the scope of Commission employment, duties,  
580 or responsibilities, or that such person had a reasonable basis for believing occurred  
581 within the scope of Commission employment, duties, or responsibilities, provided that  
582 the actual or alleged act, error, or omission did not result from the intentional or willful  
583 or wanton misconduct of that person.

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

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

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

593 SECTION 11: DATA SYSTEM

594 A. The Commission shall provide for the development, maintenance, operation, and  
595 utilization of a coordinated database and reporting system containing licensure, Adverse  
596 Action, and the presence of Current Significant Investigative Information on all licensed  
597 individuals in Member States.

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

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

603 1. Identifying information;

604 2. Licensure data;

605 3. Adverse Actions against a license and information related thereto;

606 4. Non-confidential information related to Alternative Program participation, the  
607 beginning and ending dates of such participation, and other information related to such  
608 participation not made confidential under Member State law;

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

610 6. The presence of Current Significant Investigative Information; and

611 7. Other information that may facilitate the administration of this Compact or the  
612 protection of the public, as determined by the Rules of the Commission.



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

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

620 1. It is the responsibility of the Member States to report any Adverse Action against a  
621 Licensee and to monitor the database to determine whether Adverse Action has been  
622 taken against a Licensee. Adverse Action information pertaining to a Licensee in any  
623 Member State will be available to any other Member State.

624 F. Member States contributing information to the Data System may designate information  
625 that may not be shared with the public without the express permission of the contributing  
626 State.

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

## 630 SECTION 12: RULEMAKING

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

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

639 Member State that establish the Member State's laws, regulations, and applicable standards  
640 as held by a court of competent jurisdiction, the Rules of the Commission shall be  
641 ineffective in that State to the extent of the conflict.

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

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

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

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

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

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

659 H. The Notice of Proposed Rulemaking shall include:

- 660 1. The time, date, and location of the public hearing at which the Commission will hear  
661 public comments on the proposed Rule and, if different, the time, date, and location of  
662 the meeting where the Commission will consider and vote on the proposed Rule;
- 663 2. If the hearing is held via telecommunication, video conference, or other electronic  
664 means, the Commission shall include the mechanism for access to the hearing in the  
665 Notice of Proposed Rulemaking;

- 666 3. The text of the proposed Rule and the reason therefor;  
667 4. A request for comments on the proposed Rule from any interested person; and  
668 5. The manner in which interested persons may submit written comments.
- 669 I. All hearings will be recorded. A copy of the recording and all written comments and  
670 documents received by the Commission in response to the proposed Rule shall be available  
671 to the public.
- 672 J. Nothing in this section shall be construed as requiring a separate hearing on each Rule.  
673 Rules may be grouped for the convenience of the Commission at hearings required by this  
674 section.
- 675 K. The Commission shall, by majority vote of all members, take final action on the  
676 proposed Rule based on the Rulemaking record and the full text of the Rule.
- 677 1. The Commission may adopt changes to the proposed Rule provided the changes do not  
678 enlarge the original purpose of the proposed Rule.
- 679 2. The Commission shall provide an explanation of the reasons for substantive changes  
680 made to the proposed Rule as well as reasons for substantive changes not made that were  
681 recommended by commenters.
- 682 3. The Commission shall determine a reasonable effective date for the Rule. Except for  
683 an emergency as provided in Section 12.L, the effective date of the rule shall be no  
684 sooner than 30 days after issuing the notice that it adopted or amended the Rule.
- 685 L. Upon determination that an emergency exists, the Commission may consider and adopt  
686 an emergency Rule with 48 hours' notice, with opportunity to comment, provided that the  
687 usual Rulemaking procedures provided in the Compact and in this section shall be  
688 retroactively applied to the Rule as soon as reasonably possible, in no event later than  
689 ninety (90) days after the effective date of the Rule. For the purposes of this provision, an  
690 emergency Rule is one that must be adopted immediately in order to:
- 691 1. Meet an imminent threat to public health, safety, or welfare;  
692 2. Prevent a loss of Commission or Member State funds;

693 3. Meet a deadline for the promulgation of a Rule that is established by federal law or  
694 rule; or

695 4. Protect public health and safety.

696 M. The Commission or an authorized committee of the Commission may direct revisions  
697 to a previously adopted Rule for purposes of correcting typographical errors, errors in  
698 format, errors in consistency, or grammatical errors. Public notice of any revisions shall be  
699 posted on the website of the Commission. The revision shall be subject to challenge by any  
700 person for a period of thirty (30) days after posting. The revision may be challenged only  
701 on grounds that the revision results in a material change to a Rule. A challenge shall be  
702 made in writing and delivered to the Commission prior to the end of the notice period. If  
703 no challenge is made, the revision will take effect without further action. If the revision is  
704 challenged, the revision may not take effect without the approval of the Commission.

705 N. No Member State's rulemaking requirements shall apply under this compact.

## 706 SECTION 13: OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

### 707 A. Oversight

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

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

718 3. The Commission shall be entitled to receive service of process in any proceeding  
719 regarding the enforcement or interpretation of the Compact and shall have standing to  
720 intervene in such a proceeding for all purposes. Failure to provide the Commission  
721 service of process shall render a judgment or order void as to the Commission, this  
722 Compact, or promulgated Rules.

723 B. Default, Technical Assistance, and Termination

724 1. If the Commission determines that a Member State has defaulted in the performance  
725 of its obligations or responsibilities under this Compact or the promulgated Rules, the  
726 Commission shall provide written notice to the defaulting State. The notice of default  
727 shall describe the default, the proposed means of curing the default, and any other action  
728 that the Commission may take, and shall offer training and specific technical assistance  
729 regarding the default.

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

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

737 D. Termination of membership in the Compact shall be imposed only after all other means  
738 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall  
739 be given by the Commission to the governor, the majority and minority leaders of the  
740 defaulting State's legislature, the defaulting State's State Licensing Authority and each of  
741 the Member States' State Licensing Authority.

742 E. A State that has been terminated is responsible for all assessments, obligations, and  
743 liabilities incurred through the effective date of termination, including obligations that  
744 extend beyond the effective date of termination.

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

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

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

756 I. Dispute Resolution

757 1. Upon request by a Member State, the Commission shall attempt to resolve disputes  
758 related to the Compact that arise among Member States and between Member and  
759 non-Member States.

760 2. The Commission shall promulgate a Rule providing for both mediation and binding  
761 dispute resolution for disputes as appropriate.

762 J. Enforcement

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

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

780 SECTION 14: EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

781 A. The Compact shall come into effect on the date on which the Compact statute is enacted  
782 into law in the seventh Member State.

783 1. On or after the effective date of the Compact, the Commission shall convene and  
784 review the enactment of each of the first seven Member States ('Charter Member States')  
785 to determine if the statute enacted by each such Charter Member State is materially  
786 different than the model Compact statute.

787 a. A Charter Member State whose enactment is found to be materially different from  
788 the model Compact statute shall be entitled to the default process set forth in  
789 Section 13.

790 b. If any Member State is later found to be in default, or is terminated or withdraws  
791 from the Compact, the Commission shall remain in existence and the Compact shall  
792 remain in effect even if the number of Member States should be less than seven.

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

797 3. All actions taken for the benefit of the Commission or in furtherance of the purposes  
798 of the administration of the Compact prior to the effective date of the Compact or the  
799 Commission coming into existence shall be considered to be actions of the Commission  
800 unless specifically repudiated by the Commission.

801 4. Any State that joins the Compact subsequent to the Commission's initial adoption of  
802 the Rules and bylaws shall be subject to the Rules and bylaws as they exist on the date  
803 on which the Compact becomes law in that State. Any Rule that has been previously  
804 adopted by the Commission shall have the full force and effect of law on the day the  
805 Compact becomes law in that State.

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

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

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

813 3. Upon the enactment of a statute withdrawing from this compact, a State shall  
814 immediately provide notice of such withdrawal to all Licensees within that State.  
815 Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing  
816 State shall continue to recognize all licenses granted pursuant to this compact for a  
817 minimum of six (6) months after the date of such notice of withdrawal.

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

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



824 SECTION 15: CONSTRUCTION AND SEVERABILITY

825 A. This Compact and the Commission's rulemaking authority shall be liberally construed  
826 so as to effectuate the purposes, and the implementation and administration of the  
827 Compact. Provisions of the Compact expressly authorizing or requiring the promulgation  
828 of Rules shall not be construed to limit the Commission's rulemaking authority solely for  
829 those purposes.

830 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence  
831 or provision of this Compact is held by a court of competent jurisdiction to be contrary to  
832 the constitution of any Member State, a State seeking participation in the Compact, or of  
833 the United States, or the applicability thereof to any government, agency, person or  
834 circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity  
835 of the remainder of this Compact and the applicability thereof to any other government,  
836 agency, person or circumstance shall not be affected thereby.

837 C. Notwithstanding subsection B of this section, the Commission may deny a State's  
838 participation in the Compact or, in accordance with the requirements of Section 13.B,  
839 terminate a Member State's participation in the Compact, if it determines that a  
840 constitutional requirement of a Member State is a material departure from the Compact.  
841 Otherwise, if this Compact shall be held to be contrary to the constitution of any Member  
842 State, the Compact shall remain in full force and effect as to the remaining Member States  
843 and in full force and effect as to the Member State affected as to all severable matters.

844 SECTION 16: CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

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

- 849 B. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member  
850 State that is not inconsistent with the Compact.
- 851 C. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict  
852 with the Compact are superseded to the extent of the conflict.
- 853 D. All permissible agreements between the Commission and the Member States are binding  
854 in accordance with their terms."

855 **SECTION 2A.**

856 Said title is further amended by revising paragraph (6) of subsection (b) of Code Section  
857 43-24A-8, relating to licensure of massage therapists, application and requirements, as  
858 follows:

859 "(6) The applicant has completed successfully a board recognized massage therapy  
860 educational program consisting of a minimum of ~~500~~ 625 hours of course and clinical  
861 work;"

862 **SECTION 3.**

863 All laws and parts of laws in conflict with this Act are repealed.