

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 822

Introduced by Blood, 3.

Read first time January 03, 2024

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to public health; to amend sections 28-327,
2 38-2101, 38-2116, and 38-2139, Revised Statutes Cumulative
3 Supplement, 2022, and section 38-131, Revised Statutes Supplement,
4 2023; to adopt the Social Worker Licensure Compact; to change
5 provisions relating to criminal background checks under the Uniform
6 Credentialing Act; to provide for issuance of multistate licenses to
7 practice social work under the compact and require criminal
8 background checks; to provide powers and duties under the Mental
9 Health Practice Act; to harmonize provisions; to provide an
10 operative date; and to repeal the original sections.

11 Be it enacted by the people of the State of Nebraska,

1 Section 1. This section shall be known and may be cited as the
2 Social Worker Licensure Compact. The State of Nebraska adopts the Social
3 Worker Licensure Compact in the form substantially as follows:

4 SECTION 1. PURPOSE

5 The purpose of this Compact is to facilitate interstate practice of
6 Regulated Social Workers by improving public access to competent Social
7 Work Services. The Compact preserves the regulatory authority of States
8 to protect public health and safety through the current system of State
9 licensure.

10 This Compact is designed to achieve the following objectives:

11 A. Increase public access to Social Work Services;

12 B. Reduce overly burdensome and duplicative requirements associated
13 with holding multiple licenses;

14 C. Enhance the Member States' ability to protect the public's health
15 and safety;

16 D. Encourage the cooperation of Member States in regulating
17 multistate practice;

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

21 F. Support military families;

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

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

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

30 SECTION 2. DEFINITIONS

31 As used in this Compact, and except as otherwise provided, the

1 following definitions shall apply:

2 A. "Active Military Member" means any individual with full-time duty
3 status in the active armed forces of the United States, including members
4 of the National Guard and Reserve.

5 B. "Adverse Action" means any administrative, civil, equitable, or
6 criminal action permitted by a State's laws which is imposed by a
7 Licensing Authority or other authority against a Regulated Social Worker,
8 including actions against an individual's license or Multistate
9 Authorization to Practice such as revocation, suspension, probation,
10 monitoring of the Licensee, limitation on the Licensee's practice, or any
11 other Encumbrance on licensure affecting a Regulated Social Worker's
12 authorization to practice, including issuance of a cease and desist
13 action.

14 C. "Alternative Program" means a nondisciplinary monitoring or
15 practice remediation process approved by a Licensing Authority to address
16 practitioners with an Impairment.

17 D. "Charter Member States" means Member States who have enacted
18 legislation to adopt this Compact where such legislation predates the
19 effective date of this Compact as described in Section 14 of this
20 Compact.

21 E. "Compact Commission" or "Commission" means the government agency
22 whose membership consists of all States that have enacted this Compact,
23 which is known as the Social Work Licensure Compact Commission, as
24 described in Section 10 of this Compact, and which shall operate as an
25 instrumentality of the Member States.

26 F. "Current Significant Investigative Information" means:

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

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

5 G. "Data System" means a repository of information about Licensees,
6 including continuing education, examination, licensure, Current
7 Significant Investigative Information, Disqualifying Event, Multistate
8 License, and Adverse Action information or other information as required
9 by the Commission.

10 H. "Domicile" means the jurisdiction in which the Licensee resides
11 and intends to remain indefinitely.

12 I. "Disqualifying Event" means any Adverse Action or incident which
13 results in an Encumbrance that disqualifies or makes the Licensee
14 ineligible to either obtain, retain, or renew a Multistate License.

15 J. "Encumbrance" means a revocation or suspension of, or any
16 limitation on, the full and unrestricted practice of Social Work licensed
17 and regulated by a Licensing Authority.

18 K. "Executive Committee" means a group of delegates elected or
19 appointed to act on behalf of, and within the powers granted to them by,
20 the Compact and Commission.

21 L. "Home State" means the Member State that is the Licensee's
22 primary Domicile.

23 M. "Impairment" means a condition that may impair a practitioner's
24 ability to engage in full and unrestricted practice as a Regulated Social
25 Worker without some type of intervention and may include alcohol and drug
26 dependence, mental health impairment, and neurological or physical
27 impairments.

28 N. "Licensee" means an individual who currently holds a license from
29 a State to practice as a Regulated Social Worker.

30 O. "Licensing Authority" means the board or agency of a Member
31 State, or equivalent, that is responsible for the licensing and

1 regulation of Regulated Social Workers.

2 P. "Member State" means a state, commonwealth, district, or
3 territory of the United States of America that has enacted this Compact.

4 Q. "Multistate Authorization to Practice" means a legally authorized
5 privilege to practice, which is equivalent to a license, associated with
6 a Multistate License permitting the practice of Social Work in a Remote
7 State.

8 R. "Multistate License" means a license to practice as a Regulated
9 Social Worker issued by a Home State Licensing Authority that authorizes
10 the Regulated Social Worker to practice in all Member States under
11 Multistate Authorization to Practice.

12 S. "Qualifying National Exam" means a national licensing examination
13 approved by the Commission.

14 T. "Regulated Social Worker" means any clinical, master's, or
15 bachelor's Social Worker licensed by a Member State regardless of the
16 title used by that Member State.

17 U. "Remote State" means a Member State other than the Licensee's
18 Home State.

19 V. "Rule" or "Rule of the Commission" means a regulation duly
20 promulgated by the Commission, as authorized by the Compact, that has the
21 force of law.

22 W. "Single State License" means a Social Work license issued by any
23 State that authorizes practice only within the issuing State and does not
24 include Multistate Authorization to Practice in any Member State.

25 X. "Social Work" or "Social Work Services" means the application of
26 social work theory, knowledge, methods, ethics, and the professional use
27 of self to restore or enhance social, psychosocial, or biopsychosocial
28 functioning of individuals, couples, families, groups, organizations, and
29 communities through the care and services provided by a Regulated Social
30 Worker as set forth in the Member State's statutes and regulations in the
31 State where the services are being provided.

1 Y. "State" means any state, commonwealth, district, or territory of
2 the United States of America that regulates the practice of Social Work.

3 Z. "Unencumbered License" means a license that authorizes a
4 Regulated Social Worker to engage in the full and unrestricted practice
5 of Social Work.

6 SECTION 3. STATE PARTICIPATION IN THE COMPACT

7 A. To be eligible to participate in the Compact, a potential Member
8 State must currently meet all of the following criteria:

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

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

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

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

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

19 ii. the United States Department of Education; and

20 c. Corresponds to the licensure sought as outlined in Section 4 of
21 this Compact.

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

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

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

27 1. Require that applicants for a Multistate License pass a
28 Qualifying National Exam for the corresponding category of Multistate
29 License sought as outlined in Section 4 of this Compact;

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

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

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

10 5. Comply with the Rules of the Commission;

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

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

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

18 C. A Member State meeting the requirements of Section 3.A. and 3.B
19 of this Compact shall designate the categories of Social Work licensure
20 that are eligible for issuance of a Multistate License for applicants in
21 such Member State. To the extent that any Member State does not meet the
22 requirements for participation in the Compact at any particular category
23 of Social Work licensure, such Member State may choose, but is not
24 obligated, to issue a Multistate License to applicants that otherwise
25 meet the requirements of Section 4 of this Compact for issuance of a
26 Multistate License in such category or categories of licensure.

27 D. The Home State may charge a fee for granting the Multistate
28 License.

29 SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT

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

1 1. Hold or be eligible for an active, Unencumbered License in the
2 Home State;

3 2. Pay any applicable fees, including any State fee, for the
4 Multistate License;

5 3. Submit, in connection with an application for a Multistate
6 License, fingerprints or other biometric data for the purpose of
7 obtaining criminal history record information from the Federal Bureau of
8 Investigation and the agency responsible for retaining that State's
9 criminal records;

10 4. Notify the Home State of any Adverse Action, Encumbrance, or
11 restriction on any professional license taken by any Member State or non-
12 Member State within thirty days from the date the action is taken;

13 5. Meet any continuing competence requirements established by the
14 Home State; and

15 6. Abide by the laws, regulations, and applicable standards in the
16 Member State where the client is located at the time care is rendered.

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

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

21 a. Passage of a clinical-category Qualifying National Exam;

22 b. Licensure of the applicant in their Home State at the clinical
23 category, beginning prior to such time as a Qualifying National Exam was
24 required by the Home State and accompanied by a period of continuous
25 Social Work licensure thereafter, all of which may be further governed by
26 the Rules of the Commission; or

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

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

31 a. Operated by a college or university recognized by the Licensing

1 Authority; and

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

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

5 or

6 ii. the United States Department of Education.

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

9 a. A period of postgraduate supervised clinical practice equal to a
10 minimum of three thousand hours;

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

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

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

17 1. Fulfill a competency requirement, which shall be satisfied by
18 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
22 required by the Home State at the master's category and accompanied by a
23 continuous period of Social Work licensure thereafter, all of which may
24 be further governed by the Rules of the Commission; or

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

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

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

31 b. Accredited, or in candidacy that subsequently becomes accredited,

1 by an accrediting agency recognized by either:

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

3 or

4 ii. the United States Department of Education.

5 D. An applicant for a bachelor's-category Multistate License must
6 meet all of the following requirements:

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

9 a. Passage of a bachelor's-category Qualifying National Exam;

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

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

17 2. Attain at least a bachelor's degree in Social Work from a program
18 that is:

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

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

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

25 ii. the United States Department of Education.

26 E. The Multistate License for a Regulated Social Worker is subject
27 to the renewal requirements of the Home State. The Regulated Social
28 Worker must maintain compliance with the requirements of Section 4.A. of
29 this Compact to be eligible to renew a Multistate License.

30 F. The Regulated Social Worker's services in a Remote State are
31 subject to that Member State's regulatory authority. A Remote State may,

1 in accordance with due process and that Member State's laws, remove a
2 Regulated Social Worker's Multistate Authorization to Practice in the
3 Remote State for a specific period of time, impose fines, and take any
4 other necessary actions to protect the health and safety of its
5 residents.

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

9 H. If a Multistate Authorization to Practice is encumbered in a
10 Remote State, the regulated Social Worker's Multistate Authorization to
11 Practice may be deactivated in that State until the Multistate
12 Authorization to Practice is no longer encumbered.

13 SECTION 5. ISSUANCE OF A MULTISTATE LICENSE

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

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

22 C. Upon issuance of a Multistate License, the Home State Licensing
23 Authority shall designate whether the Regulated Social Worker holds a
24 Multistate License in the Bachelor's, Master's, or Clinical category of
25 Social Work.

26 D. A Multistate License issued by a Home State to a resident in that
27 State shall be recognized by all Compact Member States as authorizing
28 Social Work Practice under a Multistate Authorization to Practice
29 corresponding to each category of licensure regulated in each Member
30 State.

31 SECTION 6. AUTHORITY OF INTERSTATE COMPACT COMMISSION AND MEMBER

1 STATE LICENSING AUTHORITIES

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

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

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

14 D. 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
16 Remote State to take Adverse Action against a Licensee's Multistate
17 Authorization to Practice in that State.

18 E. 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
20 Licensee's Home State to take Adverse Action against a Licensee's
21 Multistate License based upon information provided by a Remote State.

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

23 A. A Licensee can hold a Multistate License, issued by their Home
24 State, in only one Member State at any given time.

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

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

31 2. Upon receipt of an application to reissue a Multistate License,

1 the new Home State shall verify that the Multistate License is active,
2 unencumbered, and eligible for reissuance under the terms of the Compact
3 and the Rules of the Commission. The Multistate License issued by the
4 prior Home State will be deactivated and all Member States notified in
5 accordance with the applicable Rules adopted by the Commission.

6 3. Prior to the reissuance of the Multistate License, the new Home
7 State shall conduct procedures for considering the criminal history
8 records of the Licensee. Such procedures shall include the submission of
9 fingerprints or other biometric-based information by applicants for the
10 purpose of obtaining an applicant's criminal history record information
11 from the Federal Bureau of Investigation and the agency responsible for
12 retaining that State's criminal records.

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

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

20 C. If a Licensee changes their primary State of residence by moving
21 from a Member State to a non-Member State, or from a non-Member State to
22 a Member State, then the Licensee shall be subject to the State
23 requirements for the issuance of a Single State License in the new Home
24 State.

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

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

31 SECTION 8. MILITARY FAMILIES

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

5 SECTION 9. ADVERSE ACTIONS

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

9 1. Take Adverse Action against a Regulated Social Worker's
10 Multistate Authorization to Practice only within that Member State and
11 issue subpoenas for hearings and investigations that require the
12 attendance and testimony of witnesses as well as the production of
13 evidence. Subpoenas issued by a Licensing Authority in a Member State for
14 the attendance and testimony of witnesses or the production of evidence
15 from another Member State shall be enforced in the latter State by any
16 court of competent jurisdiction, according to the practice and procedure
17 of that court applicable to subpoenas issued in proceedings pending
18 before it. The issuing Licensing Authority shall pay any witness fees,
19 travel expenses, mileage, and other fees required by the service statutes
20 of the State in which the witnesses or evidence are located.

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

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

28 C. The Home State shall complete any pending investigations of a
29 Regulated Social Worker who changes their Home State during the course of
30 the investigations. The Home State shall also have the authority to take
31 appropriate action and shall promptly report the conclusions of the

1 investigations to the administrator of the Data System. The administrator
2 of the Data System shall promptly notify the new Home State of any
3 Adverse Actions.

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

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

11 F. Joint Investigations:

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

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

19 G. If Adverse Action is taken by the Home State against the
20 Multistate License of a Regulated Social Worker, the Regulated Social
21 Worker's Multistate Authorization to Practice in all other Member States
22 shall be deactivated until all Encumbrances have been removed from the
23 Multistate License. All Home State disciplinary orders that impose
24 Adverse Action against the license of a Regulated Social Worker shall
25 include a statement that the Regulated Social Worker's Multistate
26 Authorization to Practice is deactivated in all Member States until all
27 conditions of the decision, order, or agreement are satisfied.

28 H. If a Member State takes Adverse Action, it shall promptly notify
29 the administrator of the Data System. The administrator of the Data
30 System shall promptly notify the Home State and all other Member States
31 of any Adverse Actions by Remote States.

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

4 J. Nothing in this Compact shall authorize a Member State to demand
5 the issuance of subpoenas for attendance and testimony of witnesses or
6 the production of evidence from another Member State for lawful actions
7 within that Member State.

8 K. Nothing in this Compact shall authorize a Member State to impose
9 discipline against a Regulated Social Worker who holds a Multistate
10 Authorization to Practice for lawful actions within another Member State.

11 SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT
12 COMMISSION

13 A. The Compact Member States hereby create and establish a joint
14 government agency whose membership consists of all Member States that
15 have enacted the Compact known as the Social Work Licensure Compact
16 Commission. The Commission is an instrumentality of the Compact States
17 acting jointly and not an instrumentality of any one State. The
18 Commission shall come into existence on or after the effective date of
19 the Compact as set forth in Section 14 of this Compact.

20 B. Membership, Voting, and Meetings

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

23 2. The delegate shall be either:

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

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

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

31 4. The Commission may recommend removal or suspension of any

1 delegate from office.

2 5. A Member State's State Licensing Authority shall fill any vacancy
3 of its delegate occurring on the Commission within sixty days of the
4 vacancy.

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

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

10 8. The Commission shall meet at least once during each calendar
11 year. Additional meetings may be held as set forth in the bylaws. The
12 Commission may meet by telecommunication, videoconference, or other
13 similar electronic means.

14 C. The Commission shall have the following powers:

15 1. Establish the fiscal year of the Commission;

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

17 3. Establish and amend Rules and bylaws;

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

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

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

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

27 8. Purchase and maintain insurance and bonds;

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

30 10. Conduct an annual financial review;

31 11. Hire employees, elect or appoint officers, fix compensation,

1 define duties, grant such individuals appropriate authority to carry out
2 the purposes of the Compact, and establish the Commission's personnel
3 policies and programs relating to conflicts of interest, qualifications
4 of personnel, and other related personnel matters;

5 12. Assess and collect fees;

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

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

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

15 16. Establish a budget and make expenditures;

16 17. Borrow money;

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

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

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

25 21. Determine whether a State's adopted language is materially
26 different from the model Compact language such that the State would not
27 qualify for participation in the Compact; and

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

30 D. The Executive Committee

31 1. The Executive Committee shall have the power to act on behalf of

1 the Commission according to the terms of this Compact. The powers,
2 duties, and responsibilities of the Executive Committee shall include:

3 a. Oversee the day-to-day activities of the administration of the
4 Compact including enforcement and compliance with the provisions of the
5 Compact, its Rules and bylaws, and other such duties as deemed necessary;

6 b. Recommend to the Commission changes to the Rules or bylaws,
7 changes to this Compact legislation, fees charged to Compact Member
8 States, fees charged to Licensees, and other fees;

9 c. Ensure Compact administration services are appropriately
10 provided, including by contract;

11 d. Prepare and recommend the budget;

12 e. Maintain financial records on behalf of the Commission;

13 f. Monitor Compact compliance of Member States and provide
14 compliance reports to the Commission;

15 g. Establish additional committees as necessary;

16 h. Exercise the powers and duties of the Commission during the
17 interim between Commission meetings, except for adopting or amending
18 Rules, adopting or amending bylaws, and exercising any other powers and
19 duties expressly reserved to the Commission by Rule or bylaw; and

20 i. Other duties as provided in the Rules or bylaws of the
21 Commission.

22 2. The Executive Committee shall be composed of up to eleven
23 members.

24 a. The chair and vice chair of the Commission shall be voting
25 members of the Executive Committee.

26 b. The Commission shall elect five voting members from the current
27 membership of the Commission.

28 c. There shall be up to four ex officio, nonvoting members from four
29 recognized national Social Work organizations. Such organizations shall
30 be selected by the Commission.

31 d. The ex officio members will be selected by their respective

1 organizations.

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

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

5 a. Executive Committee meetings shall be open to the public, except
6 that the Executive Committee may meet in a closed, nonpublic meeting as
7 provided in Section 10.F.2 of this Compact.

8 b. The Executive Committee shall give seven days' notice of its
9 meetings, posted on its website and as determined to provide notice to
10 persons with an interest in the business of the Commission.

11 c. The Executive Committee may hold a special meeting in accordance
12 with Section 10.F.1.b of this Compact.

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

15 F. Meetings of the Commission

16 1. All meetings shall be open to the public, except that the
17 Commission may meet in a closed, nonpublic meeting as provided in Section
18 10.F.2 of this Compact.

19 a. Public notice for all meetings of the full Commission shall be
20 given in the same manner as required under the Rulemaking provisions in
21 Section 12 of this Compact, except that the Commission may hold a special
22 meeting as provided in Section 10.F.1.b of this Compact.

23 b. The Commission may hold a special meeting when it must meet to
24 conduct emergency business by giving forty-eight hours' notice to all
25 commissioners, on the Commission's website, and other means as provided
26 in the Commission's Rules. The Commission's legal counsel shall certify
27 that the Commission's need to meet qualifies as an emergency.

28 2. The Commission or the Executive Committee or other committees of
29 the Commission may convene in a closed, nonpublic meeting for the
30 Commission or Executive Committee or other committees of the Commission
31 to receive legal advice or to discuss:

- 1 a. Noncompliance of a Member State with its obligations under the
2 Compact;
- 3 b. The employment, compensation, discipline, or other matters,
4 practices, or procedures related to specific employees;
- 5 c. Current or threatened discipline of a Licensee by the Commission
6 or by a Member State's Licensing Authority;
- 7 d. Current, threatened, or reasonably anticipated litigation;
- 8 e. Negotiation of contracts for the purchase, lease, or sale of
9 goods, services, or real estate;
- 10 f. Accusing any person of a crime or formally censuring any person;
- 11 g. Trade secrets or commercial or financial information that is
12 privileged or confidential;
- 13 h. Information of a personal nature where disclosure would
14 constitute a clearly unwarranted invasion of personal privacy;
- 15 i. Investigative records compiled for law enforcement purposes;
- 16 j. Information related to any investigative reports prepared by or
17 on behalf of or for use of the Commission or other committee charged with
18 responsibility of investigation or determination of compliance issues
19 pursuant to the Compact;
- 20 k. Matters specifically exempted from disclosure by federal or
21 Member State law; or
- 22 l. Other matters as promulgated by the Commission by Rule.
- 23 3. If a meeting, or portion of a meeting, is closed, the presiding
24 officer shall state that the meeting will be closed and reference each
25 relevant exempting provision, and such reference shall be recorded in the
26 minutes.
- 27 4. The Commission shall keep minutes that fully and clearly describe
28 all matters discussed in a meeting and shall provide a full and accurate
29 summary of actions taken, and the reasons therefor, including a
30 description of the views expressed. All documents considered in
31 connection with an action shall be identified in such minutes. All

1 minutes and documents of a closed meeting shall remain under seal,
2 subject to release only by a majority vote of the Commission or order of
3 a court of competent jurisdiction.

4 G. Financing of the Commission

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

8 2. The Commission may accept any and all appropriate revenue sources
9 as provided in Section 10.C.13 of this Compact.

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

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

22 5. The Commission shall keep accurate accounts of all receipts and
23 disbursements. The receipts and disbursements of the Commission shall be
24 subject to the financial review and accounting procedures established
25 under its bylaws. However, all receipts and disbursements of funds
26 handled by the Commission shall be subject to an annual financial review
27 by a certified or licensed public accountant, and the report of the
28 financial review shall be included in and become part of the annual
29 report of the Commission.

30 H. Qualified Immunity, Defense, and Indemnification

31 1. The members, officers, executive director, employees, and

1 representatives of the Commission shall have no greater liability than a
2 state employee would have under the same or similar circumstances, either
3 personally or 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
5 arising out of any actual or alleged act, error, or omission that
6 occurred, or that the person against whom the claim is made had a
7 reasonable basis for believing occurred, within the scope of Commission
8 employment, duties, or responsibilities; provided that nothing in this
9 paragraph shall be construed to protect any such person from suit or
10 liability for any damage, loss, injury, or liability caused by the
11 intentional or willful or wanton misconduct of that person. The
12 procurement of insurance of any type by the Commission shall not in any
13 way compromise or limit the immunity granted hereunder.

14 2. The Commission shall defend any member, officer, executive
15 director, employee, or representative of the Commission in any civil
16 action seeking to impose liability arising out of any actual or alleged
17 act, error, or omission that occurred within the scope of Commission
18 employment, duties, or responsibilities, or that the person against whom
19 the claim is made had a reasonable basis for believing occurred within
20 the scope of Commission employment, duties, or responsibilities; provided
21 that nothing herein shall be construed to prohibit that person from
22 retaining their own counsel at their own expense; and provided further,
23 that the actual or alleged act, error, or omission did not result from
24 that person's intentional or willful or wanton misconduct.

25 3. The Commission shall indemnify and hold harmless any member,
26 officer, executive director, employee, or representative of the
27 Commission for the amount of any settlement or judgment obtained against
28 that person arising out of any actual or alleged act, error, or omission
29 that occurred within the scope of Commission employment, duties, or
30 responsibilities, or that such person had a reasonable basis for
31 believing occurred within the scope of Commission employment, duties, or

1 responsibilities; provided that the actual or alleged act, error, or
2 omission did not result from the intentional or willful or wanton
3 misconduct of that person.

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

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

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

14 SECTION 11. DATA SYSTEM

15 A. The Commission shall provide for the development, maintenance,
16 operation, and utilization of a coordinated Data System.

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

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

24 1. Identifying information;

25 2. Licensure data;

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

28 4. Nonconfidential information related to Alternative Program
29 participation, the beginning and ending dates of such participation, and
30 other information related to such participation not made confidential
31 under Member State law;

1 5. Any denial of application for licensure, and the reason for such
2 denial;

3 6. The presence of Current Significant Investigative Information;
4 and

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

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

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

17 1. It is the responsibility of the Member States to report any
18 Adverse Action against a Licensee and to monitor the database to
19 determine whether Adverse Action has been taken against a Licensee.
20 Adverse Action information pertaining to a Licensee in any Member State
21 will be available to any other Member State.

22 F. Member States contributing information to the Data System may
23 designate information that may not be shared with the public without the
24 express permission of the contributing State.

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

28 SECTION 12. RULEMAKING

29 A. The Commission shall promulgate reasonable Rules in order to
30 effectively and efficiently implement and administer the purposes and
31 provisions of the Compact. A Rule shall be invalid and have no force or

1 effect only if a court of competent jurisdiction holds that the Rule is
2 invalid because the Commission exercised its rulemaking authority in a
3 manner that is beyond the scope and purposes of the Compact, or the
4 powers granted hereunder, or based upon another applicable standard of
5 review.

6 B. The Rules of the Commission shall have the force of law in each
7 Member State, provided however that where the Rules of the Commission
8 conflict with the laws of the Member State that establish the Member
9 State's laws, regulations, and applicable standards that govern the
10 practice of Social Work as held by a court of competent jurisdiction, the
11 Rules of the Commission shall be ineffective in that State to the extent
12 of the conflict.

13 C. The Commission shall exercise its Rulemaking powers pursuant to
14 the criteria set forth in Section 12 of this Compact and the Rules
15 adopted thereunder. Rules shall become binding on the day following
16 adoption or the date specified in the Rule or amendment, whichever is
17 later.

18 D. If a majority of the legislatures of the Member States rejects a
19 Rule or portion of a Rule, by enactment of a statute or resolution in the
20 same manner used to adopt the Compact within four years of the date of
21 adoption of the Rule, then such Rule shall have no further force and
22 effect in any Member State.

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

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

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

1 1. On the website of the Commission or other publicly accessible
2 platform;

3 2. To persons who have requested notice of the Commission's Notices
4 of Proposed Rulemaking; and

5 3. In such other ways as the Commission may by Rule specify.

6 H. The Notice of Proposed Rulemaking shall include:

7 1. The time, date, and location of the public hearing at which the
8 Commission will hear public comments on the proposed Rule and, if
9 different, the time, date, and location of the meeting where the
10 Commission will consider and vote on the proposed Rule;

11 2. If the hearing is held via telecommunication, videoconference, or
12 other electronic means, the mechanism for access to the hearing in the
13 Notice of Proposed Rulemaking;

14 3. The text of the proposed Rule and the reason therefor;

15 4. A request for comments on the proposed Rule from any interested
16 person; and

17 5. The manner in which interested persons may submit written
18 comments.

19 I. All hearings will be recorded. A copy of the recording and all
20 written comments and documents received by the Commission in response to
21 the proposed Rule shall be available to the public.

22 J. Nothing in Section 12 of this Compact shall be construed as
23 requiring a separate hearing on each Rule. Rules may be grouped for the
24 convenience of the Commission at hearings required by Section 12 of this
25 Compact.

26 K. The Commission shall, by majority vote of all members, take final
27 action on the proposed Rule based on the rulemaking record and the full
28 text of the Rule.

29 1. The Commission may adopt changes to the proposed Rule provided
30 the changes do not enlarge the original purpose of the proposed Rule.

31 2. The Commission shall provide an explanation of the reasons for

1 substantive changes made to the proposed Rule as well as reasons for
2 substantive changes not made that were recommended by commenters.

3 3. The Commission shall determine a reasonable effective date for
4 the Rule. Except for an emergency as provided in Section 12.L of this
5 Compact, the effective date of the Rule shall be no sooner than thirty
6 days after issuing the notice that it adopted or amended the Rule.

7 L. Upon determination that an emergency exists, the Commission may
8 consider and adopt an emergency Rule with forty-eight hours' notice, with
9 opportunity to comment, provided that the usual rulemaking procedures
10 provided in the Compact and in Section 12 of this Compact shall be
11 retroactively applied to the Rule as soon as reasonably possible, in no
12 event later than ninety days after the effective date of the Rule. For
13 the purposes of this provision, an emergency Rule is one that must be
14 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
18 established by 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
22 typographical errors, errors in format, errors in consistency, or
23 grammatical errors. Public notice of any revisions shall be posted on the
24 website of the Commission. The revision shall be subject to challenge by
25 any person for a period of thirty days after posting. The revision may be
26 challenged only on grounds that the revision results in a material change
27 to a Rule. A challenge shall be made in writing and delivered to the
28 Commission prior to the end of the notice period. If no challenge is
29 made, the revision will take effect without further action. If the
30 revision is challenged, the revision may not take effect without the
31 approval of the Commission.

1 N. No Member State's rulemaking requirements shall apply under this
2 Compact.

3 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

4 A. Oversight

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

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

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

23 B. Default, Technical Assistance, and Termination

24 1. If the Commission determines that a Member State has defaulted in
25 the performance of its obligations or responsibilities under this Compact
26 or the promulgated Rules, the Commission shall provide written notice to
27 the defaulting State. The notice of default shall describe the default,
28 the proposed means of curing the default, and any other action that the
29 Commission may take, and shall offer training and specific technical
30 assistance regarding the default.

31 2. The Commission shall provide a copy of the notice of default to

1 the other Member States.

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

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

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

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

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

29 H. The defaulting State may appeal the action of the Commission by
30 petitioning the United States District Court for the District of Columbia
31 or the federal district where the Commission has its principal offices.

1 The prevailing party shall be awarded all costs of such litigation,
2 including reasonable attorney's fees.

3 I. Dispute Resolution

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

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

9 J. Enforcement

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

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

29 3. No person other than a Member State shall enforce this Compact
30 against the Commission.

31 SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

3 1. On or after the effective date of the Compact, the Commission
4 shall convene and review the enactment of each of the first seven Member
5 States ("Charter Member States") to determine if the statute enacted by
6 each such Charter Member State is materially different than the model
7 Compact statute.

8 a. A Charter Member State whose enactment is found to be materially
9 different from the model Compact statute shall be entitled to the default
10 process set forth in Section 13 of this Compact.

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

15 2. Member States enacting the Compact subsequent to the seven
16 initial Charter Member States shall be subject to the process set forth
17 in Section 10.C.21 of this Compact to determine if their enactments are
18 materially different from the model Compact statute and whether they
19 qualify for participation in the Compact.

20 3. All actions taken for the benefit of the Commission or in
21 furtherance of the purposes of the administration of the Compact prior to
22 the effective date of the Compact or the Commission coming into existence
23 shall be considered to be actions of the Commission unless specifically
24 repudiated by the Commission.

25 4. Any State that joins the Compact subsequent to the Commission's
26 initial adoption of the Rules and bylaws shall be subject to the Rules
27 and bylaws as they exist on the date on which the Compact becomes law in
28 that State. Any Rule that has been previously adopted by the Commission
29 shall have the full force and effect of law on the day the Compact
30 becomes law in that State.

31 B. Any Member State may withdraw from this Compact by enacting a

1 statute repealing the same.

2 1. A Member State's withdrawal shall not take effect until one
3 hundred eighty days after enactment of the repealing statute.

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

8 3. Upon the enactment of a statute withdrawing from this Compact, a
9 State shall immediately provide notice of such withdrawal to all
10 Licensees within that State. Notwithstanding any subsequent statutory
11 enactment to the contrary, such withdrawing State shall continue to
12 recognize all Multistate Authorizations to Practice within that State
13 granted pursuant to this Compact for a minimum of one hundred eighty days
14 after the date of such notice of withdrawal.

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

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

22 SECTION 15. CONSTRUCTION AND SEVERABILITY

23 A. This Compact and the Commission's rulemaking authority shall be
24 liberally construed so as to effectuate the purposes, implementation, and
25 administration of the Compact. Provisions of the Compact expressly
26 authorizing or requiring the promulgation of Rules shall not be construed
27 to limit the Commission's rulemaking authority solely for those purposes.

28 B. The provisions of this Compact shall be severable and if any
29 phrase, clause, sentence, or provision of this Compact is held by a court
30 of competent jurisdiction to be contrary to the constitution of any
31 Member State, of a State seeking participation in the Compact, or of the

1 United States, or the applicability thereof to any government, agency,
2 person, or circumstance is held to be unconstitutional by a court of
3 competent jurisdiction, the validity of the remainder of this Compact and
4 the applicability thereof to any other government, agency, person, or
5 circumstance shall not be affected thereby.

6 C. Notwithstanding Section 15.B of this Compact, the Commission may
7 deny a State's participation in the Compact or, in accordance with the
8 requirements of Section 13.B of this Compact, terminate a Member State's
9 participation in the Compact, if it determines that a constitutional
10 requirement of a Member State is a material departure from the Compact.
11 Otherwise, if this Compact shall be held to be contrary to the
12 constitution of any Member State, the Compact shall remain in full force
13 and effect as to the remaining Member States and in full force and effect
14 as to the Member State affected as to all severable matters.

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

16 A. A Licensee providing services in a Remote State under a
17 Multistate Authorization to Practice shall adhere to the laws and
18 regulations, including laws, regulations, and applicable standards, of
19 the Remote State where the client is located at the time care is
20 rendered.

21 B. Nothing herein shall prevent or inhibit the enforcement of any
22 other law of a Member State that is not inconsistent with the Compact.

23 C. Any laws, statutes, regulations, or other legal requirements in a
24 Member State in conflict with the Compact are superseded to the extent of
25 the conflict.

26 D. All permissible agreements between the Commission and the Member
27 States are binding in accordance with their terms.

28 Sec. 2. Section 28-327, Revised Statutes Cumulative Supplement,
29 2022, is amended to read:

30 28-327 No abortion shall be performed except with the voluntary and
31 informed consent of the woman upon whom the abortion is to be performed.

1 Except in the case of an emergency situation, consent to an abortion is
2 voluntary and informed only if:

3 (1) The woman is told the following by the physician who is to
4 perform the abortion, by the referring physician, or by a physician
5 assistant or registered nurse licensed under the Uniform Credentialing
6 Act who is an agent of either physician, at least twenty-four hours
7 before the abortion:

8 (a) The particular medical risks associated with the particular
9 abortion procedure to be employed including, when medically accurate, the
10 risks of infection, hemorrhage, perforated uterus, danger to subsequent
11 pregnancies, and infertility;

12 (b) The probable gestational age of the unborn child at the time the
13 abortion is to be performed;

14 (c) The medical risks associated with carrying her child to term;

15 (d) That she cannot be forced or required by anyone to have an
16 abortion and is free to withhold or withdraw her consent for an abortion;
17 and

18 (e) Research indicates that mifepristone alone is not always
19 effective in ending a pregnancy. You may still have a viable pregnancy
20 after taking mifepristone. If you change your mind and want to continue
21 your pregnancy after taking mifepristone, information on finding
22 immediate medical assistance is available on the website of the
23 Department of Health and Human Services.

24 The person providing the information specified in this subdivision
25 to the person upon whom the abortion is to be performed shall be deemed
26 qualified to so advise and provide such information only if, at a
27 minimum, he or she has had training in each of the following subjects:
28 Sexual and reproductive health; abortion technology; contraceptive
29 technology; short-term counseling skills; community resources and
30 referral; and informed consent. The physician or the physician's agent
31 may provide this information by telephone without conducting a physical

1 examination or tests of the patient, in which case the information
2 required to be supplied may be based on facts supplied by the patient and
3 whatever other relevant information is reasonably available to the
4 physician or the physician's agent;

5 (2) The woman is informed by telephone or in person, by the
6 physician who is to perform the abortion, by the referring physician, or
7 by an agent of either physician, at least twenty-four hours before the
8 abortion:

9 (a) The name of the physician who will perform the abortion;

10 (b) That medical assistance benefits may be available for prenatal
11 care, childbirth, and neonatal care;

12 (c) That the father is liable to assist in the support of her child,
13 even in instances in which the father has offered to pay for the
14 abortion;

15 (d) That she has the right to review the printed materials described
16 in section 28-327.01. The physician or his or her agent shall orally
17 inform the woman that the materials have been provided by the Department
18 of Health and Human Services and that they describe the unborn child,
19 list agencies which offer alternatives to abortion, and include
20 information on finding immediate medical assistance if she changes her
21 mind after taking mifepristone and wants to continue her pregnancy. If
22 the woman chooses to review the materials, they shall either be given to
23 her at least twenty-four hours before the abortion or mailed to her at
24 least seventy-two hours before the abortion by certified mail, restricted
25 delivery to addressee, which means the postal employee can only deliver
26 the mail to the addressee. The physician and his or her agent may
27 disassociate themselves from the materials and may comment or refrain
28 from commenting on them as they choose; and

29 (e) That she has the right to request a comprehensive list, compiled
30 by the Department of Health and Human Services, of health care providers,
31 facilities, and clinics that offer to have ultrasounds performed by a

1 person at least as qualified as a registered nurse licensed under the
2 Uniform Credentialing Act, including and specifying those that offer to
3 perform such ultrasounds free of charge. The list shall be arranged
4 geographically and shall include the name, address, hours of operation,
5 and telephone number of each entity. If requested by the woman, the
6 physician who is to perform the abortion, the referring physician, or his
7 or her agent shall provide such a list as compiled by the department;

8 (3) If an ultrasound is used prior to the performance of an
9 abortion, the physician who is to perform the abortion, the referring
10 physician, or a physician assistant or registered nurse licensed under
11 the Uniform Credentialing Act who is an agent of either physician, or any
12 qualified agent of either physician, shall:

13 (a) Perform an ultrasound of the woman's unborn child of a quality
14 consistent with standard medical practice in the community at least one
15 hour prior to the performance of the abortion;

16 (b) Simultaneously display the ultrasound images so that the woman
17 may choose to view the ultrasound images or not view the ultrasound
18 images. The woman shall be informed that the ultrasound images will be
19 displayed so that she is able to view them. Nothing in this subdivision
20 shall be construed to require the woman to view the displayed ultrasound
21 images; and

22 (c) If the woman requests information about the displayed ultrasound
23 image, her questions shall be answered. If she requests a detailed,
24 simultaneous, medical description of the ultrasound image, one shall be
25 provided that includes the dimensions of the unborn child, the presence
26 of cardiac activity, if present and viewable, and the presence of
27 external members and internal organs, if present and viewable;

28 (4) At least one hour prior to the performance of an abortion, a
29 physician, psychiatrist, psychologist, mental health practitioner,
30 physician assistant, or registered nurse licensed under the Uniform
31 Credentialing Act; a ~~or~~ social worker licensed under the Uniform

1 Credentialing Act or holding a multistate authorization to practice in
2 Nebraska under the Social Worker Licensure Compact; or a professional
3 counselor holding a privilege to practice in Nebraska under the Licensed
4 Professional Counselors Interstate Compact has:

5 (a) Evaluated the pregnant woman to identify if the pregnant woman
6 had the perception of feeling pressured or coerced into seeking or
7 consenting to an abortion;

8 (b) Evaluated the pregnant woman to identify the presence of any
9 risk factors associated with abortion;

10 (c) Informed the pregnant woman and the physician who is to perform
11 the abortion of the results of the evaluation in writing. The written
12 evaluation shall include, at a minimum, a checklist identifying both the
13 positive and negative results of the evaluation for each risk factor
14 associated with abortion and both the licensed person's written
15 certification and the woman's written certification that the pregnant
16 woman was informed of the risk factors associated with abortion as
17 discussed; and

18 (d) Retained a copy of the written evaluation results in the
19 pregnant woman's permanent record;

20 (5) If any risk factors associated with abortion were identified,
21 the pregnant woman was informed of the following in such manner and
22 detail that a reasonable person would consider material to a decision of
23 undergoing an elective medical procedure:

24 (a) Each complication associated with each identified risk factor;
25 and

26 (b) Any quantifiable risk rates whenever such relevant data exists;

27 (6) The physician performing the abortion has formed a reasonable
28 medical judgment, documented in the permanent record, that:

29 (a) The preponderance of statistically validated medical studies
30 demonstrates that the physical, psychological, and familial risks
31 associated with abortion for patients with risk factors similar to the

1 patient's risk factors are negligible risks;

2 (b) Continuance of the pregnancy would involve risk of injury to the
3 physical or mental health of the pregnant woman greater than if the
4 pregnancy were terminated by induced abortion; or

5 (c) Continuance of the pregnancy would involve less risk of injury
6 to the physical or mental health of the pregnant woman than if the
7 pregnancy were terminated by an induced abortion;

8 (7) The woman certifies in writing, prior to the abortion, that:

9 (a) The information described in subdivisions (1) and (2)(a), (b),
10 and (c) of this section has been furnished her;

11 (b) She has been informed of her right to review the information
12 referred to in subdivision (2)(d) of this section; and

13 (c) The requirements of subdivision (3) of this section have been
14 performed if an ultrasound is performed prior to the performance of the
15 abortion; and

16 (8) Prior to the performance of the abortion, the physician who is
17 to perform the abortion or his or her agent receives a copy of the
18 written certification prescribed by subdivision (7) of this section. The
19 physician or his or her agent shall retain a copy of the signed
20 certification form in the woman's medical record.

21 Sec. 3. Section 38-131, Revised Statutes Supplement, 2023, is
22 amended to read:

23 38-131 (1) An applicant for an initial license to practice as a
24 registered nurse, a licensed practical nurse, a physical therapist, a
25 physical therapy assistant, a psychologist, an advanced emergency medical
26 technician, an emergency medical technician, an audiologist, a speech-
27 language pathologist, a licensed independent mental health practitioner,
28 an occupational therapist, an occupational therapy assistant, or a
29 paramedic; to practice a profession which, by statute, requires a
30 criminal background check pursuant to this section; or to practice a
31 profession which is authorized to prescribe controlled substances shall

1 be subject to a criminal background check. Except as provided in
2 subsection (4) of this section, such an applicant for an initial license
3 shall submit a full set of fingerprints to the Nebraska State Patrol for
4 a criminal history record information check. The applicant shall
5 authorize release of the results of the national criminal history record
6 information check by the Federal Bureau of Investigation to the
7 department. The applicant shall pay the actual cost of the fingerprinting
8 and criminal background check.

9 (2) The Nebraska State Patrol is authorized to submit the
10 fingerprints of such applicants to the Federal Bureau of Investigation
11 and to issue a report to the department that includes the criminal
12 history record information concerning the applicant. The Nebraska State
13 Patrol shall forward submitted fingerprints to the Federal Bureau of
14 Investigation for a national criminal history record information check.
15 The Nebraska State Patrol shall issue a report to the department that
16 includes the criminal history record information concerning the
17 applicant.

18 (3) This section shall not apply to a dentist who is an applicant
19 for a dental locum tenens under section 38-1122, to a physician or
20 osteopathic physician who is an applicant for a physician locum tenens
21 under section 38-2036, or to a veterinarian who is an applicant for a
22 veterinarian locum tenens under section 38-3335.

23 (4) An applicant for a temporary educational permit as defined in
24 section 38-2019 shall have ninety days from the issuance of the permit to
25 comply with subsection (1) of this section and shall have such permit
26 suspended after such ninety-day period if the criminal background check
27 is not complete or revoked if the criminal background check reveals that
28 the applicant was not qualified for the permit.

29 (5) The department and the Nebraska State Patrol may adopt and
30 promulgate rules and regulations concerning costs associated with the
31 fingerprinting and the national criminal history record information

1 check.

2 (6) For purposes of interpretation by the Federal Bureau of
3 Investigation, the term department in this section means the Division of
4 Public Health of the Department of Health and Human Services.

5 Sec. 4. Section 38-2101, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 38-2101 Sections 38-2101 to 38-2139 and sections 6 and 7 of this act
8 shall be known and may be cited as the Mental Health Practice Act.

9 Sec. 5. Section 38-2116, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 38-2116 (1)(a) Mental health practitioner means a person who holds
12 himself or herself out as a person qualified to engage in mental health
13 practice or a person who offers or renders mental health practice
14 services.

15 (b) Independent mental health practitioner means a person who holds
16 himself or herself out as a person qualified to engage in independent
17 mental health practice or a person who offers or renders independent
18 mental health practice services.

19 (2)(a) A person who (i) is licensed as a mental health practitioner
20 and certified as a master social worker or (ii) holds a multistate
21 authorization to practice in Nebraska under the Social Worker Licensure
22 Compact under the relevant category, as designated by the board, may use
23 the title licensed clinical social worker.

24 (b) A person who is licensed as a mental health practitioner and
25 certified as a professional counselor may use the title licensed
26 professional counselor.

27 (c) A person who is licensed as a mental health practitioner and
28 certified as a marriage and family therapist may use the title licensed
29 marriage and family therapist.

30 (d) No person shall use the title licensed clinical social worker,
31 licensed professional counselor, or licensed marriage and family

1 therapist unless he or she is licensed and certified or holds a
2 multistate authorization to practice as provided in this subsection.

3 (3)(a) A person who (i) is licensed as an independent mental health
4 practitioner and certified as a master social worker or (ii) holds a
5 multistate authorization to practice in Nebraska under the Social Worker
6 Licensure Compact under the relevant category, as designated by the
7 board, may use the title licensed independent clinical social worker.

8 (b) A person who is licensed as an independent mental health
9 practitioner and certified as a professional counselor or who holds a
10 privilege to practice in Nebraska as a professional counselor under the
11 Licensed Professional Counselors Interstate Compact may use the title
12 licensed independent professional counselor.

13 (c) A person who is licensed as an independent mental health
14 practitioner and certified as a marriage and family therapist may use the
15 title licensed independent marriage and family therapist.

16 (d) No person shall use the title licensed independent clinical
17 social worker, licensed independent professional counselor, or licensed
18 independent marriage and family therapist unless he or she is licensed
19 and certified or holds a privilege or multistate authorization as
20 provided in this subsection.

21 (4) A mental health practitioner shall not represent himself or
22 herself as a physician or psychologist and shall not represent his or her
23 services as being medical or psychological in nature. An independent
24 mental health practitioner shall not represent himself or herself as a
25 physician or psychologist.

26 Sec. 6. (1) The department, with the recommendation of the board,
27 shall issue multistate licenses to practice social work as provided in
28 the Social Worker Licensure Compact.

29 (2) The department shall establish and collect fees for issuance of
30 a multistate license as provided in sections 38-151 to 38-157.

31 (3) A person holding a multistate authorization to practice in

1 Nebraska issued by another state under the Social Worker Licensure
2 Compact may engage in the practice of social work in Nebraska as
3 authorized pursuant to such compact.

4 (4) The board may approve, and the department may adopt and
5 promulgate, rules and regulations as necessary to carry out this section.

6 Sec. 7. An applicant for a multistate license to practice social
7 work under the Social Worker Licensure Compact and section 6 of this act
8 shall be subject to a criminal background check as provided in section
9 38-131.

10 Sec. 8. Section 38-2139, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 38-2139 In addition to the grounds for disciplinary action found in
13 sections 38-178 and 38-179, a credential or privilege to practice or
14 multistate authorization in Nebraska subject to the Mental Health
15 Practice Act may be denied, refused renewal, limited, revoked, or
16 suspended or have other disciplinary measures taken against it in
17 accordance with section 38-196 when the applicant, licensee, or privilege
18 holder fails to disclose the information required by section 38-2123 or
19 38-2129, ~~or~~ the Licensed Professional Counselors Interstate Compact, or
20 the Social Worker Licensure Compact.

21 Sec. 9. This act becomes operative on January 1, 2025.

22 Sec. 10. Original sections 28-327, 38-2101, 38-2116, and 38-2139,
23 Revised Statutes Cumulative Supplement, 2022, and section 38-131, Revised
24 Statutes Supplement, 2023, are repealed.