

AMENDMENTS TO LB822

Introduced by Health and Human Services.

1 1. Strike the original sections and insert the following new
2 sections:

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

6 SECTION 1. PURPOSE

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

12 This Compact is designed to achieve the following objectives:

13 A. Increase public access to Social Work Services;

14 B. Reduce overly burdensome and duplicative requirements associated
15 with holding multiple licenses;

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

18 D. Encourage the cooperation of Member States in regulating
19 multistate practice;

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

23 F. Support military families;

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

26 H. Authorize all Member States to hold a Regulated Social Worker
27 accountable for abiding by a Member State's laws, regulations, and

1 applicable professional standards in the Member State in which the client
2 is located at the time care is rendered; and

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

5 SECTION 2. DEFINITIONS

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

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

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

20 C. "Alternative Program" means a nondisciplinary monitoring or
21 practice remediation process approved by a Licensing Authority to address
22 practitioners with an Impairment.

23 D. "Charter Member States" means Member States who have enacted
24 legislation to adopt this Compact where such legislation predates the
25 effective date of this Compact as described in Section 14 of this
26 Compact.

27 E. "Compact Commission" or "Commission" means the government agency
28 whose membership consists of all States that have enacted this Compact,
29 which is known as the Social Work Licensure Compact Commission, as
30 described in Section 10 of this Compact, and which shall operate as an
31 instrumentality of the Member States.

1 F. "Current Significant Investigative Information" means:

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

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

11 G. "Data System" means a repository of information about Licensees,
12 including continuing education, examination, licensure, Current
13 Significant Investigative Information, Disqualifying Event, Multistate
14 License, and Adverse Action information or other information as required
15 by the Commission.

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

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

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

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

27 L. "Home State" means the Member State that is the Licensee's
28 primary Domicile.

29 M. "Impairment" means a condition that may impair a practitioner's
30 ability to engage in full and unrestricted practice as a Regulated Social
31 Worker without some type of intervention and may include alcohol and drug

1 dependence, mental health impairment, and neurological or physical
2 impairments.

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

5 O. "Licensing Authority" means the board or agency of a Member
6 State, or equivalent, that is responsible for the licensing and
7 regulation of Regulated Social Workers.

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

10 Q. "Multistate Authorization to Practice" means a legally authorized
11 privilege to practice, which is equivalent to a license, associated with
12 a Multistate License permitting the practice of Social Work in a Remote
13 State.

14 R. "Multistate License" means a license to practice as a Regulated
15 Social Worker issued by a Home State Licensing Authority that authorizes
16 the Regulated Social Worker to practice in all Member States under
17 Multistate Authorization to Practice.

18 S. "Qualifying National Exam" means a national licensing examination
19 approved by the Commission.

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

23 U. "Remote State" means a Member State other than the Licensee's
24 Home State.

25 V. "Rule" or "Rule of the Commission" means a regulation duly
26 promulgated by the Commission, as authorized by the Compact, that has the
27 force of law.

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

31 X. "Social Work" or "Social Work Services" means the application of

1 social work theory, knowledge, methods, ethics, and the professional use
2 of self to restore or enhance social, psychosocial, or biopsychosocial
3 functioning of individuals, couples, families, groups, organizations, and
4 communities through the care and services provided by a Regulated Social
5 Worker as set forth in the Member State's statutes and regulations in the
6 State where the services are being provided.

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

9 Z. "Unencumbered License" means a license that authorizes a
10 Regulated Social Worker to engage in the full and unrestricted practice
11 of Social Work.

12 SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

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

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

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

21 b. Accredited, or in candidacy by an institution that subsequently
22 becomes accredited, 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; and

26 c. Corresponds to the licensure sought as outlined in Section 4 of
27 this Compact.

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

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

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

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

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

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

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

16 5. Comply with the Rules of the Commission;

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

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

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

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

1 Multistate License in such category or categories of licensure.

2 D. The Home State may charge a fee for granting the Multistate
3 License.

4 SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT

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

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

9 2. Pay any applicable fees, including any State fee, for the
10 Multistate License;

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

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

19 5. Meet any continuing competence requirements established by the
20 Home State; and

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

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

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

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

28 b. Licensure of the applicant in their Home State at the clinical
29 category, beginning prior to such time as a Qualifying National Exam was
30 required by the Home State and accompanied by a period of continuous
31 Social Work licensure thereafter, all of which may be further governed by

1 the Rules of the Commission; or

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

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

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

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

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

12 ii. the United States Department of Education.

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

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

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

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

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

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

25 a. Passage of a master's-category Qualifying National Exam;

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

31 c. The substantial equivalency of the foregoing competency

1 requirements which the Commission may determine by Rule.

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

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

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

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

10 ii. the United States Department of Education.

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

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

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

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

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

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

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

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

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

31 ii. the United States Department of Education.

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

5 F. The Regulated Social Worker's services in a Remote State are
6 subject to that Member State's regulatory authority. A Remote State may,
7 in accordance with due process and that Member State's laws, remove a
8 Regulated Social Worker's Multistate Authorization to Practice in the
9 Remote State for a specific period of time, impose fines, and take any
10 other necessary actions to protect the health and safety of its
11 residents.

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

15 H. If a Multistate Authorization to Practice is encumbered in a
16 Remote State, the regulated Social Worker's Multistate Authorization to
17 Practice may be deactivated in that State until the Multistate
18 Authorization to Practice is no longer encumbered.

19 SECTION 5. ISSUANCE OF A MULTISTATE LICENSE

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

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

28 C. Upon issuance of a Multistate License, the Home State Licensing
29 Authority shall designate whether the Regulated Social Worker holds a
30 Multistate License in the Bachelor's, Master's, or Clinical category of
31 Social Work.

1 D. A Multistate License issued by a Home State to a resident in that
2 State shall be recognized by all Compact Member States as authorizing
3 Social Work Practice under a Multistate Authorization to Practice
4 corresponding to each category of licensure regulated in each Member
5 State.

6 SECTION 6. AUTHORITY OF INTERSTATE COMPACT COMMISSION AND MEMBER
7 STATE LICENSING AUTHORITIES

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

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

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

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

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

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

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

31 B. If a Licensee changes their Home State by moving between two

1 Member States:

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

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

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

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

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

26 C. If a Licensee changes their primary State of residence by moving
27 from a Member State to a non-Member State, or from a non-Member State to
28 a Member State, then the Licensee shall be subject to the State
29 requirements for the issuance of a Single State License in the new Home
30 State.

31 D. Nothing in this Compact shall interfere with a Licensee's ability

1 to hold a Single State License in multiple States; however, for the
2 purposes of this Compact, a Licensee shall have only one Home State and
3 only one Multistate License.

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

6 SECTION 8. MILITARY FAMILIES

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

11 SECTION 9. ADVERSE ACTIONS

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

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

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

29 B. For purposes of taking Adverse Action, the Home State shall give
30 the same priority and effect to reported conduct received from a Member
31 State as it would if the conduct had occurred within the Home State. In

1 so doing, the Home State shall apply its own State laws to determine
2 appropriate action.

3 C. The Home State shall complete any pending investigations of a
4 Regulated Social Worker who changes their Home State during the course of
5 the investigations. The Home State shall also have the authority to take
6 appropriate action and shall promptly report the conclusions of the
7 investigations to the administrator of the Data System. The administrator
8 of the Data System shall promptly notify the new Home State of any
9 Adverse Actions.

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

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

17 F. Joint Investigations:

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

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

25 G. If Adverse Action is taken by the Home State against the
26 Multistate License of a Regulated Social Worker, the Regulated Social
27 Worker's Multistate Authorization to Practice in all other Member States
28 shall be deactivated until all Encumbrances have been removed from the
29 Multistate License. All Home State disciplinary orders that impose
30 Adverse Action against the license of a Regulated Social Worker shall
31 include a statement that the Regulated Social Worker's Multistate

1 Authorization to Practice is deactivated in all Member States until all
2 conditions of the decision, order, or agreement are satisfied.

3 H. If a Member State takes Adverse Action, it shall promptly notify
4 the administrator of the Data System. The administrator of the Data
5 System shall promptly notify the Home State and all other Member States
6 of any Adverse Actions by Remote States.

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

10 J. Nothing in this Compact shall authorize a Member State to demand
11 the issuance of subpoenas for attendance and testimony of witnesses or
12 the production of evidence from another Member State for lawful actions
13 within that Member State.

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

17 SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT
18 COMMISSION

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

26 B. Membership, Voting, and Meetings

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

29 2. The delegate shall be either:

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

1 State Licensing Authority; or

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

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

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

8 5. A Member State's State Licensing Authority shall fill any vacancy
9 of its delegate occurring on the Commission within sixty days of the
10 vacancy.

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

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

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

20 C. The Commission shall have the following powers:

21 1. Establish the fiscal year of the Commission;

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

23 3. Establish and amend Rules and bylaws;

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

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

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

30 7. Maintain and certify records and information provided to a Member
31 State as the authenticated business records of the Commission, and

1 designate an agent to do so on the Commission's behalf;

2 8. Purchase and maintain insurance and bonds;

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

5 10. Conduct an annual financial review;

6 11. Hire employees, elect or appoint officers, fix compensation,
7 define duties, grant such individuals appropriate authority to carry out
8 the purposes of the Compact, and establish the Commission's personnel
9 policies and programs relating to conflicts of interest, qualifications
10 of personnel, and other related personnel matters;

11 12. Assess and collect fees;

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

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

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

21 16. Establish a budget and make expenditures;

22 17. Borrow money;

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

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

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

31 21. Determine whether a State's adopted language is materially

1 different from the model Compact language such that the State would not
2 qualify for participation in the Compact; and

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

5 D. The Executive Committee

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

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

12 b. Recommend to the Commission changes to the Rules or bylaws,
13 changes to this Compact legislation, fees charged to Compact Member
14 States, fees charged to Licensees, and other fees;

15 c. Ensure Compact administration services are appropriately
16 provided, including by contract;

17 d. Prepare and recommend the budget;

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

19 f. Monitor Compact compliance of Member States and provide
20 compliance reports to the Commission;

21 g. Establish additional committees as necessary;

22 h. Exercise the powers and duties of the Commission during the
23 interim between Commission meetings, except for adopting or amending
24 Rules, adopting or amending bylaws, and exercising any other powers and
25 duties expressly reserved to the Commission by Rule or bylaw; and

26 i. Other duties as provided in the Rules or bylaws of the
27 Commission.

28 2. The Executive Committee shall be composed of up to eleven
29 members.

30 a. The chair and vice chair of the Commission shall be voting
31 members of the Executive Committee.

1 b. The Commission shall elect five voting members from the current
2 membership of the Commission.

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

6 d. The ex officio members will be selected by their respective
7 organizations.

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

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

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

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

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

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

21 F. Meetings of the Commission

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

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

29 b. The Commission may hold a special meeting when it must meet to
30 conduct emergency business by giving forty-eight hours' notice to all
31 commissioners, on the Commission's website, and other means as provided

1 in the Commission's Rules. The Commission's legal counsel shall certify
2 that the Commission's need to meet qualifies as an emergency.

3 2. The Commission or the Executive Committee or other committees of
4 the Commission may convene in a closed, nonpublic meeting for the
5 Commission or Executive Committee or other committees of the Commission
6 to receive legal advice or to discuss:

7 a. Noncompliance of a Member State with its obligations under the
8 Compact;

9 b. The employment, compensation, discipline, or other matters,
10 practices, or procedures related to specific employees;

11 c. Current or threatened discipline of a Licensee by the Commission
12 or by a Member State's Licensing Authority;

13 d. Current, threatened, or reasonably anticipated litigation;

14 e. Negotiation of contracts for the purchase, lease, or sale of
15 goods, services, or real estate;

16 f. Accusing any person of a crime or formally censuring any person;

17 g. Trade secrets or commercial or financial information that is
18 privileged or confidential;

19 h. Information of a personal nature where disclosure would
20 constitute a clearly unwarranted invasion of personal privacy;

21 i. Investigative records compiled for law enforcement purposes;

22 j. Information related to any investigative reports prepared by or
23 on behalf of or for use of the Commission or other committee charged with
24 responsibility of investigation or determination of compliance issues
25 pursuant to the Compact;

26 k. Matters specifically exempted from disclosure by federal or
27 Member State law; or

28 l. Other matters as promulgated by the Commission by Rule.

29 3. If a meeting, or portion of a meeting, is closed, the presiding
30 officer shall state that the meeting will be closed and reference each
31 relevant exempting provision, and such reference shall be recorded in the

1 minutes.

2 4. The Commission shall keep minutes that fully and clearly describe
3 all matters discussed in a meeting and shall provide a full and accurate
4 summary of actions taken, and the reasons therefor, including a
5 description of the views expressed. All documents considered in
6 connection with an action shall be identified in such minutes. All
7 minutes and documents of a closed meeting shall remain under seal,
8 subject to release only by a majority vote of the Commission or order of
9 a court of competent jurisdiction.

10 G. Financing of the Commission

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

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

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

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

28 5. The Commission shall keep accurate accounts of all receipts and
29 disbursements. The receipts and disbursements of the Commission shall be
30 subject to the financial review and accounting procedures established
31 under its bylaws. However, all receipts and disbursements of funds

1 handled by the Commission shall be subject to an annual financial review
2 by a certified or licensed public accountant, and the report of the
3 financial review shall be included in and become part of the annual
4 report of the Commission.

5 H. Qualified Immunity, Defense, and Indemnification

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

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

31 3. The Commission shall indemnify and hold harmless any member,

1 officer, executive director, employee, or representative of the
2 Commission for the amount of any settlement or judgment obtained against
3 that person arising out of any actual or alleged act, error, or omission
4 that occurred within the scope of Commission employment, duties, or
5 responsibilities, or that such person had a reasonable basis for
6 believing occurred within the scope of Commission employment, duties, or
7 responsibilities; provided that the actual or alleged act, error, or
8 omission did not result from the intentional or willful or wanton
9 misconduct of that person.

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

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

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

20 SECTION 11. DATA SYSTEM

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

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

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

30 1. Identifying information;

31 2. Licensure data;

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

3 4. Nonconfidential information related to Alternative Program
4 participation, the beginning and ending dates of such participation, and
5 other information related to such participation not made confidential
6 under Member State law;

7 5. Any denial of application for licensure, and the reason for such
8 denial;

9 6. The presence of Current Significant Investigative Information;
10 and

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

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

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

23 1. It is the responsibility of the Member States to report any
24 Adverse Action against a Licensee and to monitor the database to
25 determine whether Adverse Action has been taken against a Licensee.
26 Adverse Action information pertaining to a Licensee in any Member State
27 will be available to any other Member State.

28 F. Member States contributing information to the Data System may
29 designate information that may not be shared with the public without the
30 express permission of the contributing State.

31 G. Any information submitted to the Data System that is subsequently

1 expunged pursuant to federal law or the laws of the Member State
2 contributing the information shall be removed from the Data System.

3 SECTION 12. RULEMAKING

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

12 B. The Rules of the Commission shall have the force of law in each
13 Member State, provided however that where the Rules of the Commission
14 conflict with the laws of the Member State that establish the Member
15 State's laws, regulations, and applicable standards that govern the
16 practice of Social Work as held by a court of competent jurisdiction, the
17 Rules of the Commission shall be ineffective in that State to the extent
18 of the conflict.

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

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

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

31 F. Prior to adoption of a proposed Rule, the Commission shall hold a

1 public hearing and allow persons to provide oral and written comments,
2 data, facts, opinions, and arguments.

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

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

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

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

12 H. The Notice of Proposed Rulemaking shall include:

13 1. The time, date, and location of the public hearing at which the
14 Commission will hear public comments on the proposed Rule and, if
15 different, the time, date, and location of the meeting where the
16 Commission will consider and vote on the proposed Rule;

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

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

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

23 5. The manner in which interested persons may submit written
24 comments.

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

28 J. Nothing in Section 12 of this Compact shall be construed as
29 requiring a separate hearing on each Rule. Rules may be grouped for the
30 convenience of the Commission at hearings required by Section 12 of this
31 Compact.

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

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

6 2. The Commission shall provide an explanation of the reasons for
7 substantive changes made to the proposed Rule as well as reasons for
8 substantive changes not made that were recommended by commenters.

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

13 L. Upon determination that an emergency exists, the Commission may
14 consider and adopt an emergency Rule with forty-eight hours' notice, with
15 opportunity to comment, provided that the usual rulemaking procedures
16 provided in the Compact and in Section 12 of this Compact shall be
17 retroactively applied to the Rule as soon as reasonably possible, in no
18 event later than ninety days after the effective date of the Rule. For
19 the purposes of this provision, an emergency Rule is one that must be
20 adopted immediately in order to:

21 1. Meet an imminent threat to public health, safety, or welfare;

22 2. Prevent a loss of Commission or Member State funds;

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

25 4. Protect public health and safety.

26 M. The Commission or an authorized committee of the Commission may
27 direct revisions to a previously adopted Rule for purposes of correcting
28 typographical errors, errors in format, errors in consistency, or
29 grammatical errors. Public notice of any revisions shall be posted on the
30 website of the Commission. The revision shall be subject to challenge by
31 any person for a period of thirty days after posting. The revision may be

1 challenged only on grounds that the revision results in a material change
2 to a Rule. A challenge shall be made in writing and delivered to the
3 Commission prior to the end of the notice period. If no challenge is
4 made, the revision will take effect without further action. If the
5 revision is challenged, the revision may not take effect without the
6 approval of the Commission.

7 N. No Member State's rulemaking requirements shall apply under this
8 Compact.

9 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

10 A. Oversight

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

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

23 3. The Commission shall be entitled to receive service of process in
24 any proceeding regarding the enforcement or interpretation of the Compact
25 and shall have standing to intervene in such a proceeding for all
26 purposes. Failure to provide the Commission service of process shall
27 render a judgment or order void as to the Commission, this Compact, or
28 promulgated Rules.

29 B. Default, Technical Assistance, and Termination

30 1. If the Commission determines that a Member State has defaulted in
31 the performance of its obligations or responsibilities under this Compact

1 or the promulgated Rules, the Commission shall provide written notice to
2 the defaulting State. The notice of default shall describe the default,
3 the proposed means of curing the default, and any other action that the
4 Commission may take, and shall offer training and specific technical
5 assistance regarding the default.

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

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

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

21 E. A State that has been terminated is responsible for all
22 assessments, obligations, and liabilities incurred through the effective
23 date of termination, including obligations that extend beyond the
24 effective date of termination.

25 F. Upon the termination of a State's membership from this Compact,
26 that State shall immediately provide notice to all Licensees within that
27 State of such termination. The terminated State shall continue to
28 recognize all Multistate Authorizations to Practice within that State
29 granted pursuant to this Compact for a minimum of six months after the
30 date of the notice of termination.

31 G. The Commission shall not bear any costs related to a State that

1 is found to be in default or that has been terminated from the Compact,
2 unless agreed upon in writing between the Commission and the defaulting
3 State.

4 H. The defaulting State may appeal the action of the Commission by
5 petitioning the United States District Court for the District of Columbia
6 or the federal district where the Commission has its principal offices.
7 The prevailing party shall be awarded all costs of such litigation,
8 including reasonable attorney's fees.

9 I. Dispute Resolution

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

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

15 J. Enforcement

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

27 2. A Member State may initiate legal action against the Commission
28 in the United States District Court for the District of Columbia or the
29 federal district where the Commission has its principal offices to
30 enforce compliance with the provisions of the Compact and its promulgated
31 Rules. The relief sought may include both injunctive relief and damages.

1 In the event judicial enforcement is necessary, the prevailing party
2 shall be awarded all costs of such litigation, including reasonable
3 attorney's fees.

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

6 SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

9 1. On or after the effective date of the Compact, the Commission
10 shall convene and review the enactment of each of the first seven Member
11 States ("Charter Member States") to determine if the statute enacted by
12 each such Charter Member State is materially different than the model
13 Compact statute.

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

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

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

26 3. All actions taken for the benefit of the Commission or in
27 furtherance of the purposes of the administration of the Compact prior to
28 the effective date of the Compact or the Commission coming into existence
29 shall be considered to be actions of the Commission unless specifically
30 repudiated by the Commission.

31 4. Any State that joins the Compact subsequent to the Commission's

1 initial adoption of the Rules and bylaws shall be subject to the Rules
2 and bylaws as they exist on the date on which the Compact becomes law in
3 that State. Any Rule that has been previously adopted by the Commission
4 shall have the full force and effect of law on the day the Compact
5 becomes law in that State.

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

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

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

14 3. Upon the enactment of a statute withdrawing from this Compact, a
15 State shall immediately provide notice of such withdrawal to all
16 Licensees within that State. Notwithstanding any subsequent statutory
17 enactment to the contrary, such withdrawing State shall continue to
18 recognize all Multistate Authorizations to Practice within that State
19 granted pursuant to this Compact for a minimum of one hundred eighty days
20 after the date of such notice of withdrawal.

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

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

28 SECTION 15. CONSTRUCTION AND SEVERABILITY

29 A. This Compact and the Commission's rulemaking authority shall be
30 liberally construed so as to effectuate the purposes, implementation, and
31 administration of the Compact. Provisions of the Compact expressly

1 authorizing or requiring the promulgation of Rules shall not be construed
2 to limit the Commission's rulemaking authority solely for those purposes.

3 B. The provisions of this Compact shall be severable and if any
4 phrase, clause, sentence, or provision of this Compact is held by a court
5 of competent jurisdiction to be contrary to the constitution of any
6 Member State, of a State seeking participation in the Compact, or of the
7 United States, or the applicability thereof to any government, agency,
8 person, or circumstance is held to be unconstitutional by a court of
9 competent jurisdiction, the validity of the remainder of this Compact and
10 the applicability thereof to any other government, agency, person, or
11 circumstance shall not be affected thereby.

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

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

22 A. A Licensee providing services in a Remote State under a
23 Multistate Authorization to Practice shall adhere to the laws and
24 regulations, including laws, regulations, and applicable standards, of
25 the Remote State where the client is located at the time care is
26 rendered.

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

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

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

3 Sec. 2. Section 28-327, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 28-327 No abortion shall be performed except with the voluntary and
6 informed consent of the woman upon whom the abortion is to be performed.
7 Except in the case of an emergency situation, consent to an abortion is
8 voluntary and informed only if:

9 (1) The woman is told the following by the physician who is to
10 perform the abortion, by the referring physician, or by a physician
11 assistant or registered nurse licensed under the Uniform Credentialing
12 Act who is an agent of either physician, at least twenty-four hours
13 before the abortion:

14 (a) The particular medical risks associated with the particular
15 abortion procedure to be employed including, when medically accurate, the
16 risks of infection, hemorrhage, perforated uterus, danger to subsequent
17 pregnancies, and infertility;

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

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

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

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

30 The person providing the information specified in this subdivision
31 to the person upon whom the abortion is to be performed shall be deemed

1 qualified to so advise and provide such information only if, at a
2 minimum, he or she has had training in each of the following subjects:
3 Sexual and reproductive health; abortion technology; contraceptive
4 technology; short-term counseling skills; community resources and
5 referral; and informed consent. The physician or the physician's agent
6 may provide this information by telephone without conducting a physical
7 examination or tests of the patient, in which case the information
8 required to be supplied may be based on facts supplied by the patient and
9 whatever other relevant information is reasonably available to the
10 physician or the physician's agent;

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

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

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

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

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

1 the mail to the addressee. The physician and his or her agent may
2 disassociate themselves from the materials and may comment or refrain
3 from commenting on them as they choose; and

4 (e) That she has the right to request a comprehensive list, compiled
5 by the Department of Health and Human Services, of health care providers,
6 facilities, and clinics that offer to have ultrasounds performed by a
7 person at least as qualified as a registered nurse licensed under the
8 Uniform Credentialing Act, including and specifying those that offer to
9 perform such ultrasounds free of charge. The list shall be arranged
10 geographically and shall include the name, address, hours of operation,
11 and telephone number of each entity. If requested by the woman, the
12 physician who is to perform the abortion, the referring physician, or his
13 or her agent shall provide such a list as compiled by the department;

14 (3) If an ultrasound is used prior to the performance of an
15 abortion, the physician who is to perform the abortion, the referring
16 physician, or a physician assistant or registered nurse licensed under
17 the Uniform Credentialing Act who is an agent of either physician, or any
18 qualified agent of either physician, shall:

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

22 (b) Simultaneously display the ultrasound images so that the woman
23 may choose to view the ultrasound images or not view the ultrasound
24 images. The woman shall be informed that the ultrasound images will be
25 displayed so that she is able to view them. Nothing in this subdivision
26 shall be construed to require the woman to view the displayed ultrasound
27 images; and

28 (c) If the woman requests information about the displayed ultrasound
29 image, her questions shall be answered. If she requests a detailed,
30 simultaneous, medical description of the ultrasound image, one shall be
31 provided that includes the dimensions of the unborn child, the presence

1 of cardiac activity, if present and viewable, and the presence of
2 external members and internal organs, if present and viewable;

3 (4) At least one hour prior to the performance of an abortion, a
4 physician, psychiatrist, psychologist, mental health practitioner,
5 physician assistant, or registered nurse licensed under the Uniform
6 Credentialing Act; a ~~, or~~ social worker licensed under the Uniform
7 Credentialing Act or holding a multistate authorization to practice in
8 Nebraska under the Social Worker Licensure Compact; or a professional
9 counselor holding a privilege to practice in Nebraska under the Licensed
10 Professional Counselors Interstate Compact has:

11 (a) Evaluated the pregnant woman to identify if the pregnant woman
12 had the perception of feeling pressured or coerced into seeking or
13 consenting to an abortion;

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

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

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

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

30 (a) Each complication associated with each identified risk factor;
31 and

1 (b) Any quantifiable risk rates whenever such relevant data exists;
2 (6) The physician performing the abortion has formed a reasonable
3 medical judgment, documented in the permanent record, that:

4 (a) The preponderance of statistically validated medical studies
5 demonstrates that the physical, psychological, and familial risks
6 associated with abortion for patients with risk factors similar to the
7 patient's risk factors are negligible risks;

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

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

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

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

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

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

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

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

29 38-131 (1) An applicant for an initial license to practice as a
30 registered nurse, a licensed practical nurse, a physical therapist, a
31 physical therapy assistant, a psychologist, an advanced emergency medical

1 technician, an emergency medical technician, an audiologist, a speech-
2 language pathologist, a licensed independent mental health practitioner,
3 an occupational therapist, an occupational therapy assistant, a certified
4 social worker, a certified master social worker, a licensed clinical
5 social worker, or a paramedic or to practice a profession which is
6 authorized to prescribe controlled substances shall be subject to a
7 criminal background check. Except as provided in subsection (4) of this
8 section, such an applicant for an initial license shall submit a full set
9 of fingerprints to the Nebraska State Patrol for a criminal history
10 record information check. The applicant shall authorize release of the
11 results of the national criminal history record information check by the
12 Federal Bureau of Investigation to the department. The applicant shall
13 pay the actual cost of the fingerprinting and criminal background check.

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

23 (3) This section shall not apply to a dentist who is an applicant
24 for a dental locum tenens under section 38-1122, to a physician or
25 osteopathic physician who is an applicant for a physician locum tenens
26 under section 38-2036, or to a veterinarian who is an applicant for a
27 veterinarian locum tenens under section 38-3335.

28 (4) An applicant for a temporary educational permit as defined in
29 section 38-2019 shall have ninety days from the issuance of the permit to
30 comply with subsection (1) of this section and shall have such permit
31 suspended after such ninety-day period if the criminal background check

1 is not complete or revoked if the criminal background check reveals that
2 the applicant was not qualified for the permit.

3 (5) The department and the Nebraska State Patrol may adopt and
4 promulgate rules and regulations concerning costs associated with the
5 fingerprinting and the national criminal history record information
6 check.

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

10 Sec. 4. Section 38-2101, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 38-2101 Sections 38-2101 to 38-2139 and section 6 of this act shall
13 be known and may be cited as the Mental Health Practice Act.

14 Sec. 5. Section 38-2116, Revised Statutes Cumulative Supplement,
15 2022, is amended to read:

16 38-2116 (1)(a) Mental health practitioner means a person who holds
17 himself or herself out as a person qualified to engage in mental health
18 practice or a person who offers or renders mental health practice
19 services.

20 (b) Independent mental health practitioner means a person who holds
21 himself or herself out as a person qualified to engage in independent
22 mental health practice or a person who offers or renders independent
23 mental health practice services.

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

29 (b) A person who is licensed as a mental health practitioner and
30 certified as a professional counselor may use the title licensed
31 professional counselor.

1 (c) A person who is licensed as a mental health practitioner and
2 certified as a marriage and family therapist may use the title licensed
3 marriage and family therapist.

4 (d) No person shall use the title licensed clinical social worker,
5 licensed professional counselor, or licensed marriage and family
6 therapist unless he or she is licensed and certified or holds a
7 multistate authorization to practice as provided in this subsection.

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

13 (b) A person who is licensed as an independent mental health
14 practitioner and certified as a professional counselor or who holds a
15 privilege to practice in Nebraska as a professional counselor under the
16 Licensed Professional Counselors Interstate Compact may use the title
17 licensed independent professional counselor.

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

21 (d) No person shall use the title licensed independent clinical
22 social worker, licensed independent professional counselor, or licensed
23 independent marriage and family therapist unless he or she is licensed
24 and certified or holds a privilege or multistate authorization as
25 provided in this subsection.

26 (4) A mental health practitioner shall not represent himself or
27 herself as a physician or psychologist and shall not represent his or her
28 services as being medical or psychological in nature. An independent
29 mental health practitioner shall not represent himself or herself as a
30 physician or psychologist.

31 Sec. 6. (1) The department, with the recommendation of the board,

1 shall issue multistate licenses to practice social work as provided in
2 the Social Worker Licensure Compact.

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

5 (3) A person holding a multistate authorization to practice in
6 Nebraska issued by another state under the Social Worker Licensure
7 Compact may engage in the practice of social work in Nebraska as
8 authorized pursuant to such compact.

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

11 Sec. 7. Section 38-2139, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

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

22 Sec. 8. This act becomes operative on January 1, 2025.

23 Sec. 9. Original sections 28-327, 38-2101, 38-2116, and 38-2139,
24 Revised Statutes Cumulative Supplement, 2022, and section 38-131, Revised
25 Statutes Supplement, 2023, are repealed.