

**ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024**  
**COMMITTEE STATEMENT**  
**LB822**

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**Hearing Date:** Thursday February 08, 2024  
**Committee On:** Health and Human Services  
**Introducer:** Blood  
**One Liner:** Adopt the Social Worker Licensure Compact and change provisions relating to criminal background checks

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 7 Senators Ballard, Cavanaugh, M., Day, Hansen, Hardin, Riepe, Walz  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Testimony:**

**Proponents:**

Senator Carol Blood  
Amanda Duffy Randall  
Susan Reay  
Sara Batter  
Kristen Rodriguez

**Representing:**

Opening Presenter  
National Association of Social Workers  
Self  
Nebraska Board of Mental Health Practice  
Child Saving Institute

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

\* ADA Accommodation Written Testimony

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**Summary of purpose and/or changes:**

LB 822 would adopt the Social Worker Licensure Compact and become a member state of such Compact if and when at least 7 states also adopt said Compact. The compact would allow individuals to obtain a multistate Social Work license recognized in all states that are a member of the compact. It would also adjust language to include all professions required by statute to obtain a criminal background must do so as part of the application process.

**SECTION BY SECTION SUMMARY:**

Sec. 1:

Section 1 Lists the objectives of the compact.

Section 2 Defines terms used throughout the compact

Section 3 Outlines the requirements of a participating State.



Section 4 Discusses the privilege to practice, using a person's home state license.

Section 5 Outlines the process for obtaining a multi-state license. Upon receipt of Multi-state Application Home state shall verify eligibility. If Eligible then home state shall issue multi-state and verify level. Once received it shall be recognized by all compact states

Section 6 STATE LICENSING AUTHORITY: No part of this compact shall restrict a member state from self-governance. Nothing shall limit a member state from adverse action against a single state licensee. No restriction for a Remote State to take Adverse Action against a Licensee's Authorization to Practice in that State. No restriction of a Licensee's Home State to take Adverse Action against a Licensee's Multistate License based upon information provided by a Remote State. A member state's authority shall cooperate with the commission

Section 7 A Licensee can hold a Multistate License, issued by their Home State, in only one Member State at any given time. If moving states, the licensee shall immediately apply for reissuance in their new home state. Subject to verification of eligibility as described for original eligible issuance.

Section 8 Active-duty military and spouse shall designate a Home State where the individual has a current license to practice in good standing. Individual may retain their home state designation during any period of service or active duty.

Section 9 Home state shall have exclusive power to impose an adverse action. Home state may use remote state investigation to impose adverse action. Home state retain investigative authority. Member state may investigate alleged violations of scope of practice of member states for a multistate licensee. A remote state shall have authority to take action, issue cease a desist, issue subpoenas, recover from affected licensee if allowed by state law, take adverse action based on information of member state. If multistate licensee is revoked, membership for all other states is revoked. Adverse Action by one remote state applies to all remote states. Compact does not limit a member state to allow participation in alternative program in lieu of adverse action

Section 10 Establishes and outlines the requirements and duties of the Social Work Licensure Commission

Section 11 Outlines the data system created through the compact that is used to administer the compact.

Section 12 The commission shall make reasonable rules to implement the compact. A rule shall be invalid only if a court determines the rule to be invalid.

Section 13 Outlines dispute resolution and enforcement of the Compact

Section 14 The compact shall come into effect on the date on which the compact statute is enacted into law in the Seventh Member State. Any state may withdrawal through statute.

Section 15 Severability Clause

Section 16 Nothing herein shall prevent the enforcement of any other law of a Member State that is not inconsistent with the Compact. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict.

Sec. 2: Amend section 28-327 and add language in reference to abortion procedures for registered nurses licensed under the uniform credentialing act and social workers licensed under the Uniform Credentialing Act or holding a multistate authorization to practice in Nebraska under the Social Worker Licensure Compact. Specifically, this refers to evaluation prior to an abortion being performed.

Sec. 3: Amend section 38-131, under those required to submit a criminal background check for licensure include those that to practice a profession which, by statute, requires a 30 criminal background check pursuant to this section;



Sec. 4: Amend section 38-2101 add a reference to sections 6 and 7 to be known as the Mental Health Practice Act.

Sec. 5: Amend section 38-2116 for Clinical Social Workers to a person who (i) is licensed as a mental health practitioner and certified as a master social worker or (ii) holds a multistate authorization to practice in Nebraska under the Social Worker Licensure Compact under the relevant category, as designated by the board, may use the title licensed clinical social worker

Sec. 6: DHHS shall be responsible for the administrative issuing the multi-state licenses as provided in the Social Worker Licensure Compact. DHHS shall establish and collect fees for issuance as provided in sections 38-151 to 38-157. A person holding a multistate authorization to practice in Nebraska issued by another state under the Social Worker Licensure Compact may engage in the practice of social work in Nebraska. The board may approve, and the department may adopt and promulgate, rules and regulations.

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

Sec. 8: Multistate authorization licenses are subject to the same disciplinary action by the state.

Sec. 9: Operative date of January 1, 2025

Sec. 10: 28-327, 38-2101, 38-2116, 38-2139, 38-131 Repealed.

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**Explanation of amendments:**

On page 39, line 28, after second comma insert "social worker, a certified master social worker, a licensed clinical social worker,"; and in lines 29 and 30 strike the new matter.

This amendment was brought on behalf of the Department to be consistent with the updated criminal background check requirements from the FBI.

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Ben Hansen, Chairperson

