

LFC Requester:**Noah Montano**

**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date 1-28-2025

Bill No: SB 105

Sponsor: Linda M. Trujillo, Antoinette Sedillo Lopez
Short Title: Social Work Licensure Compact

Agency Name and Code Regulation and Licensing 420
Number: _____

Person Writing Jen Rodriguez

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	Unknown*	Unknown*	Recurring	Board of Social Work Examiners

(Parenthesis () Indicate Expenditure Decreases)

* There will be an impact on revenue, however, it is not possible to predict if this will bring in more licensees, or if this will decrease the cost of full licensure.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	48 + Unknown	8 + Unknown	56 + Unknown	Partially Recurring	Board of Social Work Examiners

(Parenthesis () Indicate Expenditure Decreases)

**There could be an impact on operating budget due to an “annual assessment” and fees for “adverse actions in other states” that may be imposed on states as members of the Compact. See Note 2 and Note 4 in the “Fiscal Implications” section below.

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 105 (SB105)

SB105 would enter New Mexico into the Social Work Interstate Compact (Compact). The primary purpose of the Compact is to facilitate interstate practice of regulated social workers and improve public access to competent social work services by mutual recognition of other member state licenses, cooperation of member states in regulating multistate social workers, exchange of licensure, investigative and discipline information between member states and increased accessibility to telehealth services.

The Social Work Licensure Compact Commission (Compact Commission) would serve as the national administrative body. The Compact Commission is composed of one (1) delegate from each member state and is granted authority to promulgate uniform rules to facilitate the compact (which may be rejected by a majority of legislatures of the member states); bring legal proceedings; impose assessments on each member state or fees on other parties to cover costs; conduct all necessary business; and elect an executive board. The Commission is directed to maintain a coordinated database and reporting system (to which member states shall submit a uniform data set on all persons to whom the compact is applicable).

The Compact lays out criteria for member states including requiring a criminal history background check of all applicants, and grants power to the home state to investigate violations of the practice by licensees in any other member state. It also requires an applicant obtain a full license in their home state while granting a multistate license to a licensee in good standing in a member state. It also details the education level, years of experience, and passing of the national exam required for initial licensure in a member state.

Summary by bill Section:

Section 1 introduces the Social Work Licensure Interstate Compact.

Section 2 provides the purpose of the Compact: to protect public health and safety through the current system of state licensure, facilitate interstate practice, regulate social workers by improving public access to competent social work services, and reduce burdensome and

duplication efforts towards multi-state licensure.

Section 3, Definitions. Provides definitions for the terms of Compact, including, “home state,” the member state that is the licensee’s primary domicile, and “member state,” a state, commonwealth, district or territory of the United States that has entered the Compact.

Section 4, State Participation in the Compact. Lists the eligibility requirements for states to be permitted to participate in the Compact, including licensing requirements, complaint processes, adverse action reporting, fully implement the Compact Commission’s data system, and authorize licensees with multistate licenses to practice in their state.

Section 5 explains the requirements for social worker participation in the Compact, including that they must follow all rules and regulations as outlined by their home state.

Section 6 provides the conditions for approving a multistate license, including an application, and designating the education level of the license and that a multistate license must be recognized by all participating states.

Section 7 establishes the authority of Compact Commission and member state licensing authority. Member states still have the authority to enact and enforce statutes and regulations, issue single state licenses, take adverse action against a licensee’s single state license, allow remote states to take adverse action against a multistate licensee from practicing in that state, and report the action to the home state for adverse action against the multistate license.

Section 8 describes the process of establishing a new home state for a multistate licensee. Multistate licensees must have only one home state at any time.

Section 9 establishes that military members and their spouses who hold a multistate license must still designate a home state.

Section 10 describes the way adverse actions will be addressed against a multistate license holder.

Section 11 establishes the Social Work Licensure Compact Commission, a joint government agency consisting of all member states. Each state will have one delegate to the Compact Commission and will vote on issues of rulemaking, code of conduct drafting, establish budgets and authorize expenditures, and other duties normally associated with licensing board work within each state.

Section 12 describes the data system established and maintained by the Compact Commission to confirm multistate licensees, their license status and any adverse action against the licensee.

Section 13 establishes the ongoing requirements for rulemaking by the Compact Commission.

Sections 14, 15, 16, and 17 are boilerplate language describing Compact Commission oversight and dispute resolution; the effective date, withdrawal and amendment to the Compact; construction and severability; and consistent effect and conflict with other state laws.

The effective date of the legislation is June 20, 2025.

FISCAL IMPLICATIONS

NOTE 1: A direct fiscal impact anticipated for the Regulation and Licensing Department (RLD) if SB105 is enacted would be for the necessary additions and updates that would have to be made to the NM Plus online licensing system that is utilized by the RLD for all licensing of social workers in New Mexico in order to meet the requirements of the Compact. Contracting fees for information technology development and implementation of the necessary changes to the NM Plus licensing system are estimated to be forty thousand dollars (\$40,000) in FY26.

An administrative rulemaking process, including a public hearing and all required publication of notices and proposed rules, would be required to update and amend current administrative rules issued pursuant to the Act if SB106 is enacted. The RLD believes it can absorb the costs associated with the rulemaking processes for this bill within existing resources.

NOTE 2: The New Mexico Board of Social Work Examiners (Board) “may” be required to pay an annual assessment based on a formula to be determined by the compact commission. The RLD is unable to determine at this time what the dollar amount of that annual assessment would be, or if it will actually be imposed in any given fiscal year.

NOTE 3: If SB105 is enacted, the Board may incur out-of-state travel expenses for its compact commission delegate member to attend annual meetings. It is unclear whether the travel costs will be covered by the Compact Commission, the attending delegates, or the Board itself. However, there is a possibility that expenses for a delegate’s attendance will need to be covered. If the Board is responsible for these costs, the potential expenses—such as airfare, hotel, meals, Uber, taxi, etc.—are unknown at this time but are estimated to cost a minimum of \$2,000 per day for one (1) delegate each year, with an estimated four (4) days of travel and attendance each year. Therefore, the RLD anticipates a resulting expense of eight thousand dollars (\$8,000) per year in FY26 and future years.

NOTE 4: With respect to Section 10 of the bill, “Adverse Actions,” the issuing state would incur expenses related to taking adverse action against a social worker’s privilege to practice within a member state. The issuing state is responsible for paying any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located. Potential expenses that may be incurred by the RLD on behalf of the Board under this provision cannot be reasonably estimated at this time.

SIGNIFICANT ISSUES

The Board is in strong support of SB 105, stating that the bill will enhance and expand Social Work services, empowering skilled providers not only to serve clients in NM but in Compact member states as well, especially where there is a lack of providers. The Board cites concerns about the unmet treatment needs for mental health diagnoses and substance misuse/substance use disorders, the current limited mobility and licensure for social workers, reduced availability of telehealth options/opportunities, and ongoing social work shortages as some of the concerns regarding

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

Enactment of this bill would require the Board to adopt rules in accordance with the requirements, procedures and bylaws of the compact. In addition, administrative staff shall develop and document procedures for reporting and obtaining licensing and disciplinary action information to the coordinated database, which is the coordinated licensure information system developed and

maintained by the Compact Commission.

Background checks would need to be contracted for and implemented. The RLD already contracts such services for many of its divisions and administratively attached boards and commissions so this is not anticipated to create any excessive administrative burden.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

According to the Social Work Licensure Compact website: <https://swcompact.org/> only seven (7) states have joined the Compact. To date, no multi-state licenses have been issued.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Social Workers from other states will continue to be licensed in New Mexico through the standard licensure process, or, if they qualify, through Expedited Licensure provisions or Licensure by Qualifications.

AMENDMENTS