

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 105

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO INTERGOVERNMENTAL AGREEMENTS; ENACTING THE SOCIAL  
WORK LICENSURE INTERSTATE COMPACT; AMENDING THE SCOPE OF SOCIAL  
WORK PRACTICE; AMENDING THE SOCIAL WORK PRACTICE ACT TO PROVIDE  
FOR STATE AND FEDERAL CRIMINAL HISTORY BACKGROUND CHECKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1  
through 16 of this act may be cited as the "Social Work  
Licensure Interstate Compact".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the  
Social Work Interstate Licensure Compact:

A. "active military member" means any person with  
full-time duty status in the active armed forces of the United  
States, including members of the national guard and reserve;

B. "adverse action" means any administrative,

1 civil, equitable or criminal action permitted by a state's laws  
2 that is imposed by a licensing authority or other authority  
3 against a regulated social worker, including an action against  
4 a person's license or multistate authorization to practice,  
5 such as revocation, suspension, probation, monitoring of the  
6 licensee, limitation on the licensee's practice, issuance of a  
7 cease and desist action or any other encumbrance on licensure  
8 affecting a regulated social worker's authorization to  
9 practice;

10 C. "alternative program" means a non-disciplinary  
11 monitoring or practice remediation process approved by a  
12 licensing authority to address practitioners with an  
13 impairment;

14 D. "charter member states" means member states who  
15 have enacted legislation to adopt this compact before the  
16 effective date of this compact as described in Section 14 of  
17 the Social Work Interstate Licensure Compact;

18 E. "compact" means the Social Work Interstate  
19 Licensure Compact;

20 F. "compact commission" or "commission" means the  
21 social work licensure compact commission created in Section 10  
22 of the Social Work Interstate Licensure Compact;

23 G. "current significant investigative information"  
24 means:

25 (1) investigative information that a licensing

1 authority, after a preliminary inquiry that includes  
2 notification and an opportunity for the regulated social worker  
3 to respond, has reason to believe is not groundless and, if  
4 proved true, would indicate more than a minor infraction as may  
5 be defined by the commission; or

6 (2) investigative information that indicates  
7 that the regulated social worker represents an immediate threat  
8 to public health and safety, as may be defined by the  
9 commission, regardless of whether the regulated social worker  
10 has been notified and has had an opportunity to respond;

11 H. "data system" means a repository of information  
12 about licensees, including continuing education, examination,  
13 licensure, current significant investigative information,  
14 disqualifying events, multistate licenses, adverse action  
15 information or other information as required by the commission;

16 I. "disqualifying event" means any adverse action  
17 or incident that results in an encumbrance that disqualifies or  
18 makes the licensee ineligible to either obtain, retain or renew  
19 a multistate license;

20 J. "domicile" means the jurisdiction in which the  
21 licensee resides and intends to remain indefinitely;

22 K. "encumbrance" means a revocation or suspension  
23 of, or any limitation on, the full and unrestricted practice of  
24 social work licensed and regulated by a licensing authority;

25 L. "executive committee" means a group of delegates

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1 elected or appointed to act on behalf of and within the powers  
2 granted to them by the compact and commission;

3 M. "home state" means the member state that is the  
4 licensee's primary domicile;

5 N. "impairment" means a condition that may impair a  
6 practitioner's ability to engage in full and unrestricted  
7 practice as a regulated social worker without some type of  
8 intervention and may include alcohol and drug dependence,  
9 mental health impairment and neurological or physical  
10 impairments;

11 O. "licensee" means a person who currently holds a  
12 license from a member state to practice as a regulated social  
13 worker;

14 P. "licensing authority" means the board or agency  
15 of a member state, or equivalent, that is responsible for the  
16 licensing and regulation of regulated social workers;

17 Q. "member state" means a state, commonwealth,  
18 district or territory of the United States that has enacted  
19 this compact;

20 R. "multistate authorization to practice" means a  
21 legally authorized privilege to practice, which is equivalent  
22 to a license, associated with a multistate license permitting  
23 the practice of social work in a remote state;

24 S. "multistate license" means a license to practice  
25 as a regulated social worker issued by a home state licensing

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1 authority that authorizes the regulated social worker to  
2 practice in all member states under multistate authorization to  
3 practice;

4 T. "qualifying national exam" means a national  
5 licensing examination approved by the commission;

6 U. "regulated social worker" means any clinical,  
7 master's or bachelor's social worker licensed by a member state  
8 regardless of the title used by the member state;

9 V. "remote state" means a member state other than  
10 the licensee's home state;

11 W. "rule" or "rule of the commission" means a  
12 regulation or regulations duly promulgated by the commission,  
13 as authorized by this compact;

14 X. "single state license" means a social work  
15 license issued by any state that authorizes practice only  
16 within the issuing state and does not include multistate  
17 authorization to practice in any member state;

18 Y. "social work" or "social work services" means  
19 the application of social work theory, knowledge, methods and  
20 ethics and the professional use of self to restore or enhance  
21 social, psychosocial or biopsychosocial functioning of persons,  
22 couples, families, groups, organizations or communities through  
23 the care and services provided by a regulated social worker as  
24 set forth in the member state's statutes and regulations in the  
25 state where the services are being provided;

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1           Z. "state" means any state, commonwealth, district  
2 or territory of the United States that regulates the practice  
3 of social work; and

4           AA. "unencumbered license" means a license that  
5 authorizes a regulated social worker to engage in the full and  
6 unrestricted practice of social work.

7           SECTION 3. [NEW MATERIAL] STATE PARTICIPATION IN THE  
8 COMPACT.--

9           A. To be eligible to participate in the compact, a  
10 potential member state shall:

11                   (1) license and regulate the practice of  
12 social work at the clinical, master's or bachelor's category;

13                   (2) require applicants for licensure to  
14 graduate from a program that:

15                           (a) is operated by a college or  
16 university recognized by the licensing authority;

17                           (b) is accredited, or in candidacy by an  
18 institution that subsequently becomes accredited, by an  
19 accrediting agency recognized by either: 1) the council for  
20 higher education accreditation, or its successor; or 2) the  
21 United States department of education; and

22                           (c) corresponds to the level of  
23 licensure sought by the applicant;

24                   (3) require applicants for clinical licensure  
25 to complete a period of supervised practice; and

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1 (4) have a mechanism in place for receiving,  
2 investigating and adjudicating complaints about licensees.

3 B. To maintain membership in the compact, a member  
4 state shall:

5 (1) require that applicants for a multistate  
6 license pass a qualifying national exam for the corresponding  
7 category of multistate license sought;

8 (2) participate fully in the commission's data  
9 system, including using the commission's unique identifier as  
10 defined in rules;

11 (3) notify the commission, in compliance with  
12 the terms of the compact and rules, of any adverse action or  
13 the availability of current significant investigative  
14 information regarding a licensee;

15 (4) implement procedures for considering the  
16 criminal history records of applicants for a multistate  
17 license. The procedures shall include the submission of  
18 fingerprints or other biometric-based information by applicants  
19 for the purpose of obtaining an applicant's criminal history  
20 record information from the federal bureau of investigation and  
21 the agency responsible for retaining that state's criminal  
22 records;

23 (5) comply with the rules of the commission;

24 (6) require an applicant to obtain or retain a  
25 license in the home state and meet the home state's

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underscoring material = new  
~~[bracketed material] = delete~~

1 qualifications for licensure or renewal of licensure, as well  
2 as all other applicable home state laws;

3 (7) authorize a licensee holding a multistate  
4 license in any member state to practice in accordance with the  
5 terms of this compact and rules of the commission; and

6 (8) designate a delegate to participate in the  
7 commission meetings.

8 C. A member state meeting the requirements of  
9 Subsections A and B of this section shall designate the  
10 categories of social work licensure that are eligible for  
11 issuance of a multistate license for applicants in the member  
12 state. To the extent that a member state does not meet the  
13 requirements for participation in this compact at any  
14 particular category of social work licensure, the member state  
15 may, but is not obligated to, issue a multistate license to  
16 applicants that otherwise meet the requirements of Section 4 of  
17 the Social Work Licensure Interstate Compact for issuance of a  
18 multistate license in that category or categories of licensure.

19 D. The home state may charge a fee for granting the  
20 multistate license.

21 SECTION 4. [NEW MATERIAL] SOCIAL WORKER PARTICIPATION IN  
22 THE COMPACT.--

23 A. To be eligible for a multistate license under  
24 the terms and provisions of this compact, an applicant,  
25 regardless of category, shall:

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- 1 (1) hold or be eligible for an active  
2 unencumbered license in the home state;
- 3 (2) pay any applicable fees, including any  
4 state fee, for the multistate license;
- 5 (3) submit, in connection with an application  
6 for a multistate license, fingerprints or other biometric data  
7 for the purpose of obtaining criminal history record  
8 information from the federal bureau of investigation and the  
9 agency responsible for retaining that state's criminal records;
- 10 (4) notify the home state of any adverse  
11 action, encumbrance or restriction on any professional license  
12 taken by any member state or non-member state within thirty  
13 days from the date the action is taken;
- 14 (5) meet any continuing competence  
15 requirements established by the home state; and
- 16 (6) abide by the laws, regulations and  
17 applicable standards in the member state where a client is  
18 located at the time care is rendered.

19 B. An applicant for a clinical-category multistate  
20 license shall:

21 (1) fulfill a competency requirement, which  
22 shall be satisfied by:

23 (a) passage of a clinical-category  
24 qualifying national exam;

25 (b) licensure of the applicant in the

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1 applicant's home state at the clinical category before the  
2 qualifying national exam was required by the home state,  
3 accompanied by a period of continuous social work licensure  
4 thereafter, all of which may be further governed by the rules  
5 of the commission; or

6 (c) the substantial equivalency of the  
7 competency requirements established in this paragraph, which  
8 the commission may determine by rule;

9 (2) attain at least a master's degree in  
10 social work from a program that is:

11 (a) operated by a college or university  
12 recognized by the licensing authority; and

13 (b) accredited, or in candidacy that  
14 subsequently becomes accredited, by an accrediting agency  
15 recognized by either the: 1) council for higher education  
16 accreditation, or its successor; or 2) United States department  
17 of education; and

18 (3) fulfill a practice requirement, which  
19 shall be satisfied by demonstrating completion of either:

20 (a) a period of postgraduate supervised  
21 clinical practice equal to a minimum of three thousand hours;

22 (b) a minimum of two years of full-time  
23 postgraduate supervised clinical practice; or

24 (c) the substantial equivalency of the  
25 practice requirements established in this paragraph, which the

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1 commission may determine by rule.

2 C. An applicant for a master's-category multistate  
3 license shall:

4 (1) fulfill a competency requirement, which  
5 shall be satisfied by:

6 (a) passage of a master's-category  
7 qualifying national exam;

8 (b) licensure of the applicant in the  
9 applicant's home state at the master's category before the  
10 qualifying national exam was required by the home state,  
11 accompanied by a period of continuous social work licensure  
12 thereafter, all of which may be further governed by the rules  
13 of the commission; or

14 (c) the substantial equivalency of the  
15 competency requirements established in this paragraph, which  
16 the commission may determine by rule; and

17 (2) attain at least a master's degree in  
18 social work from a program that is:

19 (a) operated by a college or university  
20 recognized by the licensing authority; and

21 (b) accredited, or in candidacy that  
22 subsequently becomes accredited, by an accrediting agency  
23 recognized by either the: 1) council for higher education  
24 accreditation, or its successor; or 2) United States department  
25 of education.

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1           D. An applicant for a bachelor's-category  
2 multistate license shall:

3                   (1) fulfill a competency requirement, which  
4 shall be satisfied by:

5                           (a) passage of a bachelor's-category  
6 qualifying national exam;

7                           (b) licensure of the applicant in the  
8 applicant's home state at the bachelor's category before the  
9 qualifying national exam was required by the home state,  
10 accompanied by a period of continuous social work licensure  
11 thereafter, all of which may be further governed by the rules  
12 of the commission; or

13                           (c) the substantial equivalency of the  
14 competency requirements established in this paragraph, which  
15 the commission may determine by rule; and

16                   (2) attain at least a bachelor's degree in  
17 social work from a program that is:

18                           (a) operated by a college or university  
19 recognized by the licensing authority; and

20                           (b) accredited, or in candidacy that  
21 subsequently becomes accredited, by an accrediting agency  
22 recognized by either the: 1) council for higher education  
23 accreditation, or its successor; or 2) United States department  
24 of education.

25           E. The multistate license for a regulated social

1 worker is subject to the renewal requirements of the home  
2 state. The regulated social worker shall maintain compliance  
3 with the requirements of Subsection A of this section to be  
4 eligible to renew a multistate license.

5 F. A regulated social worker's services in a remote  
6 state are subject to that member state's regulatory authority.  
7 A remote state may, in accordance with due process and that  
8 member state's laws, remove a regulated social worker's  
9 multistate authorization to practice in the remote state for a  
10 specific period of time, impose fines and take any other  
11 necessary actions to protect the health and safety of its  
12 citizens.

13 G. If a multistate license is encumbered, the  
14 regulated social worker's multistate authorization to practice  
15 shall be deactivated in all remote states until the multistate  
16 license is no longer encumbered.

17 H. If a multistate authorization to practice is  
18 encumbered in a remote state, the regulated social worker's  
19 multistate authorization to practice may be deactivated in that  
20 state until the multistate authorization to practice is no  
21 longer encumbered.

22 SECTION 5. [NEW MATERIAL] ISSUANCE OF A MULTISTATE  
23 LICENSE.--

24 A. Upon receipt of an application for a multistate  
25 license, the home state licensing authority shall determine an

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1 applicant's eligibility for a multistate license in accordance  
2 with Section 4 of the Social Work Licensure Interstate Compact.

3 B. If an applicant is eligible for a multistate  
4 license, the home state licensing authority shall issue a  
5 multistate license that authorizes the applicant to practice in  
6 all member states under a multistate authorization to practice.

7 C. Upon issuance of a multistate license, the home  
8 state licensing authority shall designate whether the regulated  
9 social worker holds a multistate license in the bachelor's,  
10 master's or clinical category of social work.

11 D. A multistate license issued by a home state to a  
12 resident in that state shall be recognized by all member states  
13 as authorizing social work practice under a multistate  
14 authorization to practice corresponding to each category of  
15 licensure regulated in each member state.

16 SECTION 6. [NEW MATERIAL] AUTHORITY OF COMPACT COMMISSION  
17 AND MEMBER STATE LICENSING AUTHORITIES.--

18 A. Nothing in the Social Work Licensure Interstate  
19 Compact, nor any rule of the commission, shall be construed to  
20 limit, restrict or in any way reduce the ability of a member  
21 state to enact and enforce laws, regulations or other rules  
22 related to the practice of social work in that state, where  
23 those laws, regulations or other rules are not inconsistent  
24 with the provisions of the Social Work Licensure Interstate  
25 Compact.

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1           B. Nothing in the Social Work Licensure Interstate  
2 Compact shall affect the requirements established by a member  
3 state for the issuance of a single state license.

4           C. Nothing in the Social Work Licensure Interstate  
5 Compact, nor any rule of the commission, shall be construed to  
6 limit, restrict or in any way reduce the ability of a member  
7 state to take adverse action against a licensee's single state  
8 license to practice social work in that state.

9           D. Nothing in the Social Work Licensure Interstate  
10 Compact, nor any rule of the commission, shall be construed to  
11 limit, restrict or in any way reduce the ability of a remote  
12 state to take adverse action against a licensee's multistate  
13 authorization to practice in that state.

14           E. Nothing in the Social Work Licensure Interstate  
15 Compact, nor any rule of the commission, shall be construed to  
16 limit, restrict or in any way reduce the ability of a  
17 licensee's home state to take adverse action against a  
18 licensee's multistate license based upon information provided  
19 by a remote state.

20           SECTION 7. [NEW MATERIAL] REISSUANCE OF A MULTISTATE  
21 LICENSE BY A NEW HOME STATE.--

22           A. A licensee can hold a multistate license issued  
23 by the licensee's home state in only one member state at any  
24 given time.

25           B. If a licensee changes the licensee's home state

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1 by moving between two member states:

2 (1) the licensee shall immediately apply for  
3 the reissuance of the licensee's multistate license in the  
4 licensee's new home state. The licensee shall pay all  
5 applicable fees and notify the prior home state in accordance  
6 with the rules of the commission;

7 (2) upon receipt of an application to reissue  
8 a multistate license, the new home state shall verify that the  
9 multistate license is active, unencumbered and eligible for  
10 reissuance under the terms of the compact and the rules of the  
11 commission. The multistate license issued by the prior home  
12 state shall be deactivated, and all member states shall be  
13 notified in accordance with the applicable rules adopted by the  
14 commission;

15 (3) prior to the reissuance of the multistate  
16 license, the new home state shall conduct procedures for  
17 considering the criminal history records of the licensee. The  
18 procedures shall include the submission of fingerprints or  
19 other biometric-based information by applicants for the purpose  
20 of obtaining an applicant's criminal history record information  
21 from the federal bureau of investigation and the agency  
22 responsible for retaining that state's criminal records;

23 (4) if required for initial licensure, the new  
24 home state may require completion of jurisprudence requirements  
25 in the new home state; and

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1 (5) notwithstanding any other provision of  
2 this compact, if a licensee does not meet the requirements set  
3 forth in this compact for the reissuance of a multistate  
4 license by the new home state, the licensee shall be subject to  
5 the new home state requirements for the issuance of a single  
6 state license in that state.

7 C. If a licensee changes the licensee's primary  
8 state of residence by moving from a member state to a non-  
9 member state, or from a non-member state to a member state,  
10 then the licensee shall be subject to the state requirements  
11 for the issuance of a single state license in the new home  
12 state.

13 D. Nothing in the Social Work Licensure Interstate  
14 Compact shall interfere with a licensee's ability to hold a  
15 single state license in multiple states; provided that, for the  
16 purposes of the Social Work Licensure Interstate Compact, a  
17 licensee shall have only one home state and only one multistate  
18 license.

19 E. Nothing in the Social Work Licensure Interstate  
20 Compact shall interfere with the requirements established by a  
21 member state for the issuance of a single state license.

22 **SECTION 8. [NEW MATERIAL] MILITARY FAMILIES.--**An active  
23 military member or the spouse of an active military member  
24 shall designate a home state where the individual has a  
25 multistate license. The active military member or the spouse

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1 of an active military member may retain the home state  
2 designation during the period the service member is on active  
3 duty.

4 SECTION 9. [NEW MATERIAL] ADVERSE ACTIONS.--

5 A. In addition to the powers conferred by state  
6 law, a remote state shall have the authority, in accordance  
7 with state due process law, to take adverse action against a  
8 regulated social worker's multistate authorization to practice  
9 only within the member state and issue subpoenas for both  
10 hearings and investigations that require the attendance and  
11 testimony of witnesses as well as the production of evidence.  
12 Subpoenas issued by a licensing authority in a member state for  
13 the attendance and testimony of witnesses or the production of  
14 evidence from another member state shall be enforced in the  
15 latter state by any court of competent jurisdiction, according  
16 to the practice and procedure of that court applicable to  
17 subpoenas issued in proceedings pending before it, but only to  
18 the extent that both states agree to and are participating in a  
19 joint investigation pursuant to the Social Work Licensure  
20 Interstate Compact. The issuing licensing authority shall pay  
21 any witness fees, travel expenses, mileage and other fees  
22 required by the service statutes of the state in which the  
23 witnesses or evidence are located. Only the home state shall  
24 have the power to take adverse action against a regulated  
25 social worker's multistate license.

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1           B. For purposes of taking adverse action, the home  
2 state shall give the same priority and effect to reported  
3 conduct received from a member state as it would if the conduct  
4 had occurred within the home state. The home state shall apply  
5 its own state laws to determine the appropriate action.

6           C. The home state shall complete any pending  
7 investigations of a regulated social worker who changes the  
8 regulated social worker's home state during the course of the  
9 investigations. The home state shall also have the authority  
10 to take appropriate action and shall promptly report the  
11 conclusions of the investigations to the administrator of the  
12 data system. The administrator of the data system shall  
13 promptly notify the new home state of any adverse actions.

14           D. A member state, if otherwise permitted by state  
15 law, may recover from the affected regulated social worker the  
16 costs of investigation and dispositions of cases resulting from  
17 any adverse action taken against that regulated social worker.

18           E. A member state may take adverse action based on  
19 the factual findings of another member state; provided that the  
20 member state follows its own procedures for taking the adverse  
21 action.

22           F. In addition to the authority granted to a member  
23 state by the member state's respective social work practice act  
24 or other applicable state law, any member state may participate  
25 with other member states in joint investigation of licensees.

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1 Member states shall share any investigative, litigation or  
2 compliance materials in furtherance of any joint or individual  
3 investigation initiated under this compact.

4 G. If adverse action is taken by the home state  
5 against the multistate license of a regulated social worker,  
6 the regulated social worker's multistate authorization to  
7 practice in all other member states shall be deactivated until  
8 all encumbrances have been removed from the multistate license.  
9 All home state disciplinary orders that impose adverse action  
10 against the license of a regulated social worker shall include  
11 a statement that the regulated social worker's multistate  
12 authorization to practice is deactivated in all member states  
13 until all conditions of the decision, order or agreement are  
14 satisfied.

15 H. If a member state takes adverse action, it shall  
16 promptly notify the administrator of the data system. The  
17 administrator of the data system shall promptly notify the home  
18 state and all other member states of any adverse actions by  
19 remote states.

20 I. Nothing in the Social Work Licensure Interstate  
21 Compact shall override a member state's decision that  
22 participation in an alternative program may be used in lieu of  
23 adverse action.

24 J. Nothing in the Social Work Licensure Interstate  
25 Compact shall authorize a member state to demand the issuance

1 of subpoenas for attendance and testimony of witnesses or the  
 2 production of evidence from another member state for lawful  
 3 actions within that member state.

4 K. Nothing in the Social Work Licensure Interstate  
 5 Compact shall authorize a member state to impose discipline  
 6 against a regulated social worker who holds a multistate  
 7 authorization to practice for lawful actions within another  
 8 member state.

9 SECTION 10. [NEW MATERIAL] ESTABLISHMENT OF SOCIAL WORK  
 10 LICENSURE COMPACT COMMISSION.--

11 A. The member states hereby create and establish  
 12 the "social work licensure compact commission" as a joint  
 13 government agency whose membership consists of all member  
 14 states. The commission is an instrumentality of the member  
 15 states acting jointly and not an instrumentality of any one  
 16 state. The commission shall come into existence on or after  
 17 the effective date of this compact as set forth in Section 14  
 18 of the Social Work Licensure Interstate Compact.

19 B. The commission shall satisfy each of the  
 20 following requirements with respect to membership, voting and  
 21 meetings:

22 (1) each member state shall have and be  
 23 limited to one delegate selected by the member state's  
 24 licensing authority. The delegate shall be either:

25 (a) a current member of the state

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1 licensing authority at the time of appointment who is a  
2 regulated social worker or public member of the state licensing  
3 authority; or

4 (b) an administrator of the state  
5 licensing authority or the administrator's designee;

6 (2) the commission shall by rule establish a  
7 term of office for delegates and term limits;

8 (3) the commission may recommend removal or  
9 suspension of any delegate from office;

10 (4) a member state's licensing authority shall  
11 fill any vacancy of its delegate within sixty days of the  
12 vacancy;

13 (5) each delegate shall be entitled to one  
14 vote on all matters before the commission requiring a vote by  
15 commission delegates;

16 (6) a delegate shall vote in person or by  
17 other means as provided by the commission's bylaws. The  
18 commission may allow delegates to meet by telecommunication,  
19 video conference or other means of communication; and

20 (7) the commission shall meet at least once  
21 during each calendar year. Additional meetings may be held as  
22 set forth in the commission's bylaws. The commission may meet  
23 by telecommunication, video conference or other similar  
24 electronic means.

25 C. The commission shall have the power to:

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- 1 (1) establish the fiscal year of the  
2 commission;
- 3 (2) establish a code of conduct and conflict  
4 of interest policies;
- 5 (3) establish and amend rules and bylaws;
- 6 (4) maintain the commission's financial  
7 records in accordance with the bylaws;
- 8 (5) meet and take actions that are consistent  
9 with the provisions of this compact, the commission's rules and  
10 the bylaws;
- 11 (6) initiate and conclude legal proceedings or  
12 actions in the name of the commission; provided that the  
13 standing of any state licensing board to sue or be sued under  
14 applicable law shall not be affected;
- 15 (7) maintain and certify records and  
16 information provided to a member state as the authenticated  
17 business records of the commission and designate an agent to do  
18 so on the commission's behalf;
- 19 (8) purchase and maintain insurance and bonds;
- 20 (9) borrow, accept or contract for services of  
21 personnel, including employees of a member state;
- 22 (10) conduct an annual financial review;
- 23 (11) hire employees, elect or appoint  
24 officers, fix compensation, define duties, grant persons  
25 appropriate authority to carry out the purposes of this compact

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1 and establish the commission's personnel policies and programs  
2 relating to conflicts of interest, qualification of personnel  
3 and other related personnel matters;

4 (12) assess and collect fees;

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

11 (14) lease, purchase, retain, own, hold,  
12 improve or use any property real, personal or mixed or any  
13 undivided interest therein;

14 (15) sell, convey, mortgage, pledge, lease,  
15 exchange, abandon or otherwise dispose of any property real,  
16 personal or mixed;

17 (16) establish a budget and make expenditures;

18 (17) borrow money;

19 (18) appoint committees, including standing  
20 committees, composed of members, state regulators, state  
21 legislators or their representatives, consumer representatives  
22 and other interested persons as may be designated in this  
23 compact and the commission's bylaws;

24 (19) provide and receive information from, and  
25 cooperate with, law enforcement agencies;

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1 (20) establish and elect an executive  
2 committee, including a chair and a vice chair;

3 (21) determine whether a state's adopted  
4 language is materially different from the model compact  
5 language such that the state would not qualify for  
6 participation in the compact; and

7 (22) perform other functions as may be  
8 necessary or appropriate to achieve the purposes of this  
9 compact.

10 D. The executive committee established by the  
11 commission shall:

12 (1) have the power to act on behalf of the  
13 commission according to the terms of this compact. The powers,  
14 duties and responsibilities of the executive committee shall  
15 include:

16 (a) overseeing the day-to-day activities  
17 of the administration of the compact, including enforcement and  
18 compliance with the provisions of this compact, the  
19 commission's rules and bylaws and other duties as deemed  
20 necessary;

21 (b) recommending to the commission  
22 changes to the rules or bylaws, changes to this compact  
23 legislation, fees charged to member states, fees charged to  
24 licensees and other fees;

25 (c) ensuring compact administration

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1 services are appropriately provided, including by contract;

2 (d) preparing and recommending the  
3 commission's budget;

4 (e) maintaining financial records on  
5 behalf of the commission;

6 (f) monitoring compact compliance of  
7 member states and providing reports to the commission;

8 (g) establishing additional committees  
9 as necessary;

10 (h) exercising the powers and duties of  
11 the commission during the interim between commission meetings,  
12 except for adopting or amending rules, adopting or amending  
13 bylaws and exercising any other powers and duties expressly  
14 reserved to the commission by rule or bylaw; and

15 (i) other duties a provided in the rules  
16 or bylaws of the commission;

17 (2) be composed of up to eleven members, as  
18 follows:

19 (a) the chair and vice chair of the  
20 commission shall be voting members of the executive committee;

21 (b) the commission shall elect five  
22 voting members from the current membership of the commission;

23 (c) up to four ex-officio, nonvoting  
24 members from four recognized social work organizations. The  
25 ex-officio members shall be selected by their respective

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1 organizations; and

2 (d) the commission may remove any member  
3 of the executive committee as provided in the commission's  
4 bylaws; and

5 (3) meet at least annually, and:

6 (a) executive committee meetings shall  
7 be open to the public, except that the executive committee may  
8 meet in a closed, nonpublic meeting as provided in Subsection G  
9 of this section;

10 (b) the executive committee shall give  
11 seven days' notice of its meetings, posted on the committee's  
12 website and as determined to provide notice to persons with an  
13 interest in the business of the commission; and

14 (c) the executive committee may hold a  
15 special meeting in accordance with Paragraph (2) of Subsection  
16 F of this section.

17 E. The commission shall adopt and provide an annual  
18 report to the member states.

19 F. All meetings of the commission shall be open to  
20 the public, except that the commission may meet in a closed,  
21 nonpublic meeting as provided in Subsection G of this section.

22 The commission:

23 (1) shall provide public notice for all  
24 meetings in the same manner as required for notice of  
25 rulemaking under the provisions of Section 12 of the Social

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1 Work Licensure Interstate Compact, except that the commission  
2 may hold a special meeting as provided in Paragraph (2) of this  
3 subsection; and

4 (2) may hold a special meeting when it must  
5 meet to conduct emergency business by giving forty-eight hours'  
6 notice to all commissioners on the commission's website and by  
7 other means as provided in the commission's rules. The  
8 commission's legal counsel shall certify that the commission's  
9 need to meet qualifies as an emergency.

10 G. The commission, executive committee or other  
11 committees of the commission may convene in a closed, nonpublic  
12 meeting for the commission, executive committee or other  
13 committee of the commission to receive legal advice or to  
14 discuss:

15 (1) noncompliance of a member state with its  
16 obligations under the compact;

17 (2) the employment, compensation, discipline  
18 or other matters, practices or procedures related to specific  
19 employees;

20 (3) current or threatened discipline of a  
21 licensee by the commission or by a member state's licensing  
22 authority;

23 (4) current, threatened or reasonably  
24 anticipated litigation;

25 (5) negotiation of contracts for the purchase,

1 lease or sale of goods, services or real estate;

2 (6) accusing any person of a crime or formally  
3 censuring any person;

4 (7) trade secrets or commercial or financial  
5 information that is privileged or confidential;

6 (8) investigative records compiled for law  
7 enforcement purposes;

8 (9) information related to any investigative  
9 reports prepared by or on behalf of or for use of the  
10 commission or other committee charged with responsibility of  
11 investigation or determination of compliance issues pursuant to  
12 this compact;

13 (10) matters specifically exempted from  
14 disclosure by federal or member state law; or

15 (11) other matters as promulgated by the  
16 commission by rule.

17 H. If a meeting or portion of a meeting is closed,  
18 the presiding officer shall state that the meeting will be  
19 closed and reference each relevant exempting provision, and the  
20 reference shall be recorded in the minutes.

21 I. The commission shall keep minutes that fully and  
22 clearly describe all matters discussed in a meeting and shall  
23 provide a full and accurate summary of actions taken and the  
24 reasons for taking the actions, including a description of the  
25 views expressed. All documents considered in connection with

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1 an action shall be identified in the minutes. All minutes and  
2 documents of a closed meeting shall remain under seal, subject  
3 to release only by a majority vote of the commission or order  
4 of a court of competent jurisdiction.

5 J. With respect to financing, the commission:

6 (1) shall pay or provide for the payment of  
7 the reasonable expenses of its establishment, organization and  
8 ongoing activities;

9 (2) may accept any and all appropriate revenue  
10 sources as provided in Paragraph (13) of Subsection C of this  
11 section;

12 (3) may levy on and collect an annual  
13 assessment from each member state and impose fees on licensees  
14 of member states to whom it grants a multistate license to  
15 cover the cost of the operations and activities of the  
16 commission and its staff, which shall be in a total amount  
17 sufficient to cover the commission's annual budget for which  
18 revenue is not provided by other sources. The aggregate annual  
19 assessment amount for member states shall be allocated based  
20 upon a formula that the commission shall promulgate by rule;

21 (4) shall not incur obligations of any kind  
22 prior to securing the funds adequate to meet the obligations;  
23 nor shall the commission pledge the credit of any of the member  
24 states, except by and with the authority of the member state;  
25 and

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1 (5) shall keep accurate accounts of all  
2 receipts and disbursements. The receipts and disbursements of  
3 the commission shall be subject to the financial review and  
4 accounting procedures established under the commission's  
5 bylaws. All receipts and disbursements of funds shall be  
6 subject to an annual financial review by a certified or  
7 licensed public accountant, and the report of the financial  
8 review shall be included in and become part of the annual  
9 report of the commission.

10 K. With respect to defense and indemnification:

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

25 (2) the commission shall indemnify and hold

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1 harmless any member, officer, executive director, employee and  
2 representative of the commission for the amount of any  
3 settlement or judgement obtained against that person arising  
4 out of any actual or alleged act, error or omission that  
5 occurred within the scope of commission employment, duties or  
6 responsibilities; provided that the actual or alleged act,  
7 error or omission did not result from the intentional or  
8 willful or wanton misconduct of that person;

9 (3) nothing in this compact shall be construed  
10 as a limitation on the liability of any licensee for  
11 professional malpractice or misconduct, which shall be governed  
12 solely by any other applicable state laws;

13 (4) nothing in this compact shall be  
14 interpreted to waive or otherwise abrogate a member state's  
15 state action immunity or state action affirmative defense with  
16 respect to antitrust claims under the federal Sherman Act, the  
17 federal Clayton Act or any other state or federal antitrust or  
18 anticompetitive law or regulation; and

19 (5) nothing in this compact shall be construed  
20 to be a waiver of sovereign immunity by the member states or by  
21 the commission.

22 SECTION 11. [NEW MATERIAL] DATA SYSTEM.--

23 A. The commission shall provide for the  
24 development, maintenance, operation and utilization of a  
25 coordinated data system.

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1           B. The commission shall assign each applicant for a  
2 multistate license a unique identifier, as determined by the  
3 rules of the commission.

4           C. Notwithstanding any other provision of state law  
5 to the contrary, a member state shall submit a uniform data set  
6 to the data system on all persons to whom this compact is  
7 applicable as required by the rules of the commission,  
8 including:

9                   (1) identifying information;

10                   (2) licensure data;

11                   (3) adverse actions against a license and  
12 information related to the adverse actions;

13                   (4) non-confidential information related to  
14 alternative program participation, the beginning and ending  
15 dates of the alternative program participation and other  
16 information related to alternative program participation not  
17 made confidential under member state law;

18                   (5) any denial of application for licensure  
19 and the reasons for the denial;

20                   (6) the presence of current significant  
21 investigative information; and

22                   (7) other information that may facilitate the  
23 administration of this compact or the protection of the public,  
24 as determined by the rules of the commission.

25           D. The records and information provided to a member

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1 state pursuant to this compact or through the data system, when  
2 certified by the commission or an agent thereof, shall  
3 constitute the authenticated business records of the  
4 commission.

5 E. Current significant investigative information  
6 pertaining to a licensee in any member state will only be  
7 available to other member states. It is the responsibility of  
8 the member states to report any adverse action against a  
9 licensee and to monitor the database to determine whether  
10 adverse action has been taken against a licensee. Adverse  
11 action information pertaining to a licensee in any member state  
12 will be available to any other member state.

13 F. Member states contributing information to the  
14 data system may designate information that may not be shared  
15 with the public without the express permission of the  
16 contributing state.

17 G. Any information submitted to the data system  
18 that is subsequently expunged pursuant to federal law or the  
19 laws of the member state contributing the information shall be  
20 removed from the data system.

21 SECTION 12. [NEW MATERIAL] RULEMAKING.--

22 A. The commission shall promulgate reasonable rules  
23 in order to effectively and efficiently implement and  
24 administer the purposes and provisions of the this compact. A  
25 rule shall be invalid and have no force or effect only if a

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1 court of competent jurisdiction holds that the rule is invalid  
2 because the commission exercised its rulemaking authority in a  
3 manner that is beyond the scope and purposes of this compact,  
4 or the powers granted hereunder, or based upon another  
5 applicable standard of review.

6 B. Where the rules of the commission conflict with  
7 the laws of the member state that establish the member state's  
8 laws, regulations and applicable standards that govern the  
9 practice of social work as held by a court of competent  
10 jurisdiction, the rules of the commission shall be ineffective  
11 in that state to the extent of the conflict.

12 C. The commission shall exercise its rulemaking  
13 powers pursuant to the criteria set forth in this section and  
14 the rules adopted thereunder. Rules shall become binding on  
15 the day following adoption or the date specified in the rule or  
16 amendment, whichever is later.

17 D. If a majority of the legislatures of member  
18 states rejects a rule or portion of a rule by enactment of a  
19 statute or resolution in the same manner used to adopt this  
20 compact within four years of the date of adoption of the rule,  
21 then the rule shall have no further force or effect in any  
22 member state.

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

25 F. Prior to adoption of a proposed rule, the

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1 commission shall hold a public hearing and allow persons to  
2 provide oral and written comments, data, facts, opinions and  
3 arguments.

4 G. Prior to adoption of a proposed rule, and at  
5 least thirty days in advance of the meeting at which the  
6 commission will hold a public hearing on the proposed rule, the  
7 commission shall provide a notice of proposed rulemaking:

8 (1) on the commission's website or on another  
9 publicly accessible platform;

10 (2) to persons who have requested notice of  
11 the commission's notices of proposed rulemaking; and

12 (3) in any other ways that the commission may  
13 specify by rule.

14 H. The notice of proposed rulemaking shall include:

15 (1) the time, date and location of the public  
16 hearing at which the commission will hear public comments on  
17 the proposed rule and, if different, the time, date and  
18 location of the meeting where the commission will consider and  
19 vote on the proposed rule;

20 (2) if the hearing is held via  
21 telecommunication, video conference or other electronic means,  
22 the commission shall include the mechanism for access to the  
23 hearing in the notice of proposed rulemaking;

24 (3) the text of the proposed rule and the  
25 reason therefor;

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1 (4) a request for comments on the proposed  
2 rule from any interested person; and

3 (5) the manner in which interested persons may  
4 submit written comments.

5 I. All hearings shall be recorded. A copy of the  
6 recording and all written comments and documents received by  
7 the commission in response to the proposed rule shall be  
8 available to the public.

9 J. Nothing in this section shall be construed as  
10 requiring a separate hearing on each rule. Rules may be  
11 grouped for the convenience of the commission at hearings  
12 required by this section.

13 K. The commission shall, by majority vote of all  
14 members, take final action on a proposed rule based on the  
15 rulemaking record and the full text of the rule. The  
16 commission:

17 (1) may adopt changes to the proposed rule;  
18 provided that the changes do not enlarge the original purpose  
19 of the proposed rule;

20 (2) shall provide an explanation of the  
21 reasons for substantive changes made to the proposed rule as  
22 well as reasons for substantive changes not made that were  
23 recommended by commenters; and

24 (3) shall determine a reasonable effective  
25 date for the rule. Except for an emergency as provided in

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1 Subsection L of this section, the effective date of the rule  
2 shall be no sooner than thirty days after issuing the notice  
3 that the commission adopted or amended the rule.

4 L. Upon determination that an emergency exists, the  
5 commission may consider and adopt an emergency rule with forty-  
6 eight-hours' notice, with opportunity to comment; provided that  
7 the usual rulemaking procedures provided in this compact and in  
8 this section shall be retroactively applied to the rule as soon  
9 as reasonably possible, in no event later than ninety days  
10 after the effective date of the rule. For the purposes of this  
11 provision, an emergency rule is one that must be adopted  
12 immediately in order to:

13 (1) meet an imminent threat to public health,  
14 safety or welfare;

15 (2) prevent a loss of commission or member  
16 state funds;

17 (3) meet a deadline for the promulgation of a  
18 rule that is established by federal law or rule; or

19 (4) protect public health and safety.

20 M. The commission or an authorized committee of the  
21 commission may direct revisions to a previously adopted rule  
22 for purposes of correcting typographical errors, errors in  
23 format, errors in consistency or grammatical errors. Public  
24 notice of any revisions shall be posted on the commission's  
25 website. The revision shall be subject to challenge by any

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1 person for a period of thirty days after posting. The revision  
2 may be challenged only on grounds that the revision results in  
3 a material change to a rule. A challenge shall be made in  
4 writing and delivered to the commission prior to the end of the  
5 notice period. If no challenge is made, the revision shall  
6 take effect without further action. If the revision is  
7 challenged, the revision shall not take effect without the  
8 approval of the commission.

9 N. No member state's rulemaking requirements shall  
10 apply under this compact.

11 SECTION 13. [NEW MATERIAL] OVERSIGHT, DISPUTE RESOLUTION  
12 AND ENFORCEMENT.--

13 A. The executive and judicial branches of state  
14 government in each member state shall enforce this compact and  
15 take all actions necessary and appropriate to implement the  
16 compact.

17 B. Except as to judicial proceedings for the  
18 enforcement of this compact among member states, individuals  
19 may pursue judicial proceedings related to this compact in any  
20 state or federal court in this state that would otherwise have  
21 competent jurisdiction. The commission may waive venue and  
22 jurisdictional defenses to the extent that it adopts or  
23 consents to participate in an alternative dispute resolution  
24 proceeding. Nothing in this section shall affect or limit the  
25 selection or propriety of venue in any action against a

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1 licensee for professional malpractice, misconduct or any  
2 similar matter.

3 C. The commission shall be entitled to receive  
4 service of process in any proceeding regarding the enforcement  
5 or interpretation of the compact and shall have standing to  
6 intervene in the proceeding for all purposes. Failure to  
7 provide the commission service of process shall render a  
8 judgement or order void as to the commission, this compact or  
9 promulgated rules.

10 D. If the commission determines that a member state  
11 has defaulted in the performance of its obligation or  
12 responsibilities under this compact or the promulgated rules,  
13 the commission shall provide written notice to the defaulting  
14 state. The notice of default shall describe the default, the  
15 proposed means of curing the default and any other action that  
16 the commission may take and shall offer training and specific  
17 technical assistance regarding the default. The commission  
18 shall provide a copy of the notice of default to the other  
19 member states.

20 E. If a member state in default fails to cure the  
21 default, the defaulting state may be terminated from the  
22 compact upon an affirmative vote of a majority of the delegates  
23 of the member states, and all rights, privileges and benefits  
24 conferred on that state by this compact may be terminated on  
25 the effective date of termination. A cure of the default does

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1 not relieve the offending state of obligations or liabilities  
2 incurred during the period of default.

3 F. Termination of membership in this compact shall  
4 be imposed only after all other means of securing compliance  
5 have been exhausted. Notice of intent to suspend or terminate  
6 shall be given by the commission to the governor, the majority  
7 and minority floor leaders of the defaulting state's  
8 legislature, the defaulting state's licensing authority and  
9 each of the member states' licensing authority.

10 G. A state that has been terminated is responsible  
11 for all assessments, obligations and liabilities incurred  
12 through the effective date of termination, including  
13 obligations that extend beyond the effective date of the  
14 termination.

15 H. Upon the termination of a state's membership  
16 from this compact, that state shall immediately provide notice  
17 to all licensees within that state of the termination. The  
18 terminated state shall continue to recognize all licenses  
19 granted pursuant to this compact for a minimum of six months  
20 after the date of termination.

21 I. The commission shall not bear any costs related  
22 to a state that is found to be in default or that has been  
23 terminated from the compact, unless agreed upon in writing  
24 between the commission and the defaulting state.

25 J. A defaulting member state may appeal an action

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1 of the commission by petitioning the United States district  
2 court for the District of Columbia or the federal district  
3 where the commission has its principal offices or state or  
4 federal court of New Mexico.

5 K. Upon request by a member state, the commission  
6 shall attempt to resolve disputes related to the compact that  
7 arise among member states and between member and non-member  
8 states. The commission shall promulgate a rule providing for  
9 both mediation and binding dispute resolution for disputes as  
10 appropriate.

11 L. By majority vote as provided by rule, the  
12 commission may initiate legal action against a member state in  
13 default in the United States district court for the District of  
14 Columbia or the federal district where the commission has its  
15 principal offices to enforce compliance with the provisions of  
16 this compact and the commission's promulgated rules. The  
17 relief sought may include both injunctive relief and damages.  
18 The remedies herein shall not be the exclusive remedies of the  
19 commission. The commission may pursue any other remedies  
20 available under federal or the defaulting member state's law.

21 M. A member state may initiate legal action against  
22 the commission in the United States district court for the  
23 District of Columbia or the federal district where the  
24 commission has its principal offices or a state or federal  
25 court of New Mexico to enforce compliance with the provisions

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1 of this compact and the commission's promulgated rules. The  
2 relief sought may include both injunctive relief and damages.

3 N. No entity other than a member state shall  
4 enforce this compact against the commission.

5 SECTION 14. [NEW MATERIAL] EFFECTIVE DATE, WITHDRAWAL AND  
6 AMENDMENT.--

7 A. This compact shall come into effect on the date  
8 on which the compact statute is enacted into law in the seventh  
9 member state.

10 B. On or after the effective date of this compact,  
11 the commission shall convene and review the enactment of each  
12 of the first seven member states to determine if the statute  
13 enacted by each charter member state is materially different  
14 than the model compact statute.

15 C. A charter member state whose enactment is found  
16 to be materially different from the model compact statute shall  
17 be entitled to the default process set forth in Section 14 of  
18 the Social Work Licensure Interstate Compact. If a member  
19 state is later found to be in default, or is terminated or  
20 withdraws from the compact, the commission shall remain in  
21 existence, and the compact shall remain in effect even if the  
22 number of member states is less than seven.

23 D. Member states enacting this compact subsequent  
24 to the seven initial charter member state shall be subject to  
25 the process set forth in Paragraph (21) of Subsection C of

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1 Section 10 of the Social Work Licensure Interstate Compact to  
2 determine if the enactments are materially different from the  
3 model compact statute and whether the states qualify for  
4 participation in this compact.

5 E. All action taken for the benefit of the  
6 commission or in furtherance of the purposes of the  
7 administration of the compact prior to the effective date of  
8 the compact or the commission coming into existence shall be  
9 considered to be actions of the commission unless specifically  
10 repudiated by the commission.

11 F. Any state that joins the compact subsequent to  
12 the commission's initial adoption of the rules and bylaws shall  
13 be subject to the rules and bylaws as they exist on the date on  
14 which the compact becomes law in that state. Any rule that has  
15 been previously adopted by the commission shall have the full  
16 force and effect of law on the day the compact becomes law in  
17 that state.

18 G. Any member state may withdraw from this compact  
19 by enacting a statute repealing the compact statute. A member  
20 state's withdrawal shall not take effect until one hundred  
21 eighty days after enactment of the repealing statute.

22 H. Withdrawal shall not affect the continuing  
23 requirement of the withdrawing state's licensing authority to  
24 comply with the investigative and adverse action reporting  
25 requirements of this compact prior to the effective date of

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1 withdrawal.

2 I. Upon the enactment of a statute withdrawing from  
3 this compact, a state shall immediately provide notice of the  
4 withdrawal to all licensees with that state. Notwithstanding  
5 any subsequent statutory enactment to the contrary, the  
6 withdrawing state shall continue to recognize all licenses  
7 granted pursuant to this compact for a minimum of one hundred  
8 eighty days after the date of the notice of withdrawal.

9 J. Nothing contained in this compact shall be  
10 construed to invalidate or prevent any licensure agreement or  
11 other cooperative arrangement between a member state and a non-  
12 member state that does not conflict with the provisions of this  
13 compact.

14 K. This compact may be amended by the member  
15 states. No amendment to this compact shall become effective  
16 and binding upon any member state until it is enacted into the  
17 laws of all member states.

18 SECTION 15. [NEW MATERIAL] CONSTRUCTION AND  
19 SEVERABILITY.--

20 A. This compact and the commission's rulemaking  
21 authority shall be liberally construed so as to effectuate the  
22 purposes, implementation and administration of this compact.  
23 Provisions of this compact expressly authorizing or requiring  
24 the promulgation of rules shall not be construed to limit the  
25 commission's rulemaking authority solely for those purposes.

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

11           C. Notwithstanding Subsection B of this section,  
12 the commission may deny a state's participation in the compact  
13 or, in accordance with the requirements of Section 13 of the  
14 Social Work Licensure Interstate Compact, terminate a member  
15 state's participation in the compact if the commission  
16 determines that a constitutional requirement of a member state  
17 is a material departure from the compact. Otherwise, if this  
18 compact shall be held to be contrary to the constitution of any  
19 member state, the compact shall remain in full force and effect  
20 as to the remaining member states and in full force and effect  
21 as to the member state affected as to all severable matters.

22           SECTION 16. [NEW MATERIAL] CONSISTENT EFFECT AND CONFLICT  
23 WITH OTHER STATE LAWS.--

24           A. A licensee providing services in a remote state  
25 under a multistate authorization to practice shall adhere to

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1 the laws and regulations, including laws, regulations and  
2 applicable standards, of the remote state where a client is  
3 located at the time care is rendered.

4 B. Nothing in the Social Work Licensure Interstate  
5 Compact shall prevent or inhibit the enforcement of any other  
6 law of a member state that is not inconsistent with the  
7 compact.

8 C. Any laws, statutes, regulation or other legal  
9 requirements in a member state in conflict with the compact are  
10 superseded to the extent of the conflict.

11 D. All permissible agreements between the  
12 commission and the member states are binding in accordance with  
13 the terms of those agreements.

14 SECTION 17. Section 61-31-6 NMSA 1978 (being Laws 1989,  
15 Chapter 51, Section 6, as amended) is amended to read:

16 "61-31-6. SCOPE OF PRACTICE.--

17 A. For the purposes of the Social Work Practice  
18 Act, a person is practicing social work if [~~he~~] the person  
19 advertises, offers [~~himself~~] to practice, is employed in a  
20 position described as social work or holds out to the public or  
21 represents in any manner that [~~he~~] the person is licensed to  
22 practice social work in this state.

23 B. Social work practice means a professional  
24 service and emphasizes the use of specialized knowledge of  
25 social resources, social systems, [~~and~~] human capabilities and

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1 New Mexico cultures to effect change in human behavior,  
2 emotional responses and social conditions. Services may be  
3 rendered through direct assistance to individuals, couples,  
4 families, groups and community organizations. Social work  
5 practice focuses on both direct and indirect services to  
6 facilitate change on the intrapersonal, interpersonal and  
7 systemic levels. Areas of specialization that address these  
8 include [~~but are not limited to~~] the following:

9 (1) clinical social work practice, which is  
10 the professional application of social work theory and methods  
11 in the diagnosis, treatment and prevention of psychosocial  
12 dysfunction, disability or impairment, including [~~but not~~  
13 ~~limited to~~] emotional and mental disorders. It is based on  
14 knowledge of one or more theories of human development within a  
15 psychosocial context. Clinical social work includes  
16 interventions directed to interpersonal interactions,  
17 intrapsychic dynamics or life support and management issues.  
18 Clinical social work services consist of assessment, diagnosis  
19 and treatment, including psychotherapy and counseling, client-  
20 centered advocacy, consultation and evaluation;

21 (2) social work research practice, which is  
22 the professional study of human capabilities and practice of  
23 social work specialties, including direct and indirect  
24 practice, through the formal organization and the methodology  
25 of data collection and the analysis and evaluation of social



1 work data;

2 (3) social work community organization,  
3 planning and development practice, which is a conscious process  
4 of social interaction and method of social work concerned with  
5 the meeting of broad needs and bringing about and maintaining  
6 adjustment between needs and resources in a community or other  
7 areas; helping people to deal more effectively with their  
8 problems and objectives by helping them develop, strengthen and  
9 maintain qualities of participation, self-direction and  
10 cooperation; and bringing about changes in community and group  
11 relationships and in the distribution of decision-making power.  
12 The community is the primary client in community organizations.  
13 The community may be an organization, neighborhood, city,  
14 county, state or national entity;

15 (4) social work administration, which is the  
16 practice that is concerned primarily with translating laws,  
17 technical knowledge and administrative rulings into  
18 organizational goals and operational policies to guide  
19 organizational behavior; designing organizational structure and  
20 procedures or processes through which social work goals can be  
21 achieved; and securing resources in the form of material,  
22 staff, clients and societal legitimation necessary for goal  
23 attainment and organizational survival; and

24 (5) university social work faculty, which  
25 provides an equal quality of social work education in

.231600.3

1 identified areas of content; prepares graduates to practice in  
2 a range of geographic areas with diverse populations; and  
3 establishes the foundation for practitioners' professional  
4 futures, exposing them to the best of current knowledge and  
5 developing in them the ability to continue questioning and  
6 learning, as well as an awareness of their responsibility to  
7 continue this professional development."

8 SECTION 18. Section 61-31-8 NMSA 1978 (being Laws 1989,  
9 Chapter 51, Section 8, as amended) is amended to read:

10 "61-31-8. BOARD'S AUTHORITY.--In addition to any  
11 authority provided by law, the board shall have the authority  
12 to:

13 A. adopt and file, in accordance with the State  
14 Rules Act, rules necessary to carry out the provisions of the  
15 Social Work Practice Act, in accordance with the provisions of  
16 the Uniform Licensing Act, including the procedures for an  
17 appeal of an examination failure;

18 B. select, prepare and administer, at least  
19 annually, examinations for licensure;

20 C. adopt a current professional code of ethics or  
21 professional standards promulgated by a national organization  
22 of social work professionals that provides guidance, research,  
23 advocacy and other services to social workers;

24 D. appoint advisory committees pursuant to Section  
25 61-31-19 NMSA 1978;

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1 E. conduct hearings on an appeal of a denial of a  
2 license based on the applicant's failure to meet the minimum  
3 qualifications for licensure. The hearing shall be conducted  
4 pursuant to the Uniform Licensing Act;

5 F. require and establish criteria for continuing  
6 education;

7 G. issue subpoenas, statements of charges,  
8 statements of intent to deny licenses and orders and delegate  
9 in writing to a designee the authority to issue subpoenas,  
10 statements of charges and statements of intent to deny licenses  
11 and establish procedures for receiving, investigating and  
12 conducting hearings on complaints;

13 H. request that an individual who is violating the  
14 Social Work Practice Act:

15 (1) voluntarily stop violating the Social Work  
16 Practice Act; and

17 (2) meet with the board. If the board's  
18 requests to an individual pursuant to this subsection are  
19 unsuccessful or in a situation that the board deems to be an  
20 emergency, the board may apply for an injunction in district  
21 court to enjoin any person from committing any act prohibited  
22 by the Social Work Practice Act;

23 I. develop criteria to approve appropriate  
24 supervision for a person seeking licensure as a licensed  
25 independent social worker or a licensed clinical social worker

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1 based upon the prospective supervisor's:

2 (1) education;

3 (2) experience; and

4 (3) level of training;

5 J. issue provisional licenses, temporary licenses  
6 and licenses based on credentials to persons meeting the  
7 requirements set forth in the Social Work Practice Act;

8 K. determine qualifications for licensure,  
9 including the requirement to demonstrate an awareness and  
10 knowledge of New Mexico cultures;

11 L. set fees for licenses as authorized by the  
12 Social Work Practice Act and authorize all disbursements  
13 necessary to carry out the provisions of the Social Work  
14 Practice Act;

15 M. keep a record and provide notice of all  
16 proceedings in accordance with the Open Meetings Act and shall  
17 make an annual report to the governor; [~~and~~]

18 N. determine the appropriate application of  
19 technology to social work practice, including video  
20 teleconferencing, for appropriate supervision and client  
21 contact;

22 O. prescribe the procedures, forms and manner of  
23 submitting an applicant's full set of fingerprints for state  
24 and federal criminal history background reports that the board  
25 uses to evaluate the applicant's qualification for licensure;

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1 and

2 P. require an applicant, as a condition of  
3 eligibility for initial licensure, to submit a full set of  
4 fingerprints to the department of public safety to obtain state  
5 and national criminal history record information on the  
6 applicant. State and national criminal history record reports  
7 are confidential and not public records. The board shall not  
8 disseminate criminal history record information across state  
9 lines."

10 - 53 -

underscored material = new  
[bracketed material] = delete

21  
22  
23  
24  
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