

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

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, that has the force of law;

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

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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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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underscored material = new
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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.

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 commission
4 and shall be entitled to any associated hearsay exception in
5 any relevant judicial, quasi-judicial or administrative
6 proceedings in a member state.

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

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

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

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

24 A. The commission shall promulgate reasonable rules
25 in order to effectively and efficiently implement and

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1 administer the purposes and provisions of the this compact. A
2 rule shall be invalid and have no force or effect only if a
3 court of competent jurisdiction holds that the rule is invalid
4 because the commission exercised its rulemaking authority in a
5 manner that is beyond the scope and purposes of this compact,
6 or the powers granted hereunder, or based upon another
7 applicable standard of review.

8 B. The rules of the commission shall have the force
9 of law in each member state; provided that where the rules of
10 the commission conflict with the laws of the member state that
11 establish the member state's laws, regulations and applicable
12 standards that govern the practice of social work as held by a
13 court of competent jurisdiction, the rules of the commission
14 shall be ineffective in that state to the extent of the
15 conflict.

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

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

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1 member state.

2 E. Rules shall be adopted at a regular or special
3 meeting of the commission.

4 F. Prior to adoption of a proposed rule, the
5 commission shall hold a public hearing and allow persons to
6 provide oral and written comments, data, facts, opinions and
7 arguments.

8 G. Prior to adoption of a proposed rule, and at
9 least thirty days in advance of the meeting at which the
10 commission will hold a public hearing on the proposed rule, the
11 commission shall provide a notice of proposed rulemaking:

12 (1) on the commission's website or on another
13 publicly accessible platform;

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

16 (3) in any other ways that the commission may
17 specify by rule.

18 H. The notice of proposed rulemaking shall include:

19 (1) the time, date and location of the public
20 hearing at which the commission will hear public comments on
21 the proposed rule and, if different, the time, date and
22 location of the meeting where the commission will consider and
23 vote on the proposed rule;

24 (2) if the hearing is held via
25 telecommunication, video conference or other electronic means,

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1 the commission shall include the mechanism for access to the
2 hearing in the notice of proposed rulemaking;

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

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

7 (5) the manner in which interested persons may
8 submit written comments.

9 I. All hearings shall be recorded. A copy of the
10 recording and all written comments and documents received by
11 the commission in response to the proposed rule shall be
12 available to the public.

13 J. Nothing in this section shall be construed as
14 requiring a separate hearing on each rule. Rules may be
15 grouped for the convenience of the commission at hearings
16 required by this section.

17 K. The commission shall, by majority vote of all
18 members, take final action on a proposed rule based on the
19 rulemaking record and the full text of the rule. The
20 commission:

21 (1) may adopt changes to the proposed rule;
22 provided that the changes do not enlarge the original purpose
23 of the proposed rule;

24 (2) shall provide an explanation of the
25 reasons for substantive changes made to the proposed rule as

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underscoring material = new
[bracketed material] = delete

1 well as reasons for substantive changes not made that were
2 recommended by commenters; and

3 (3) shall determine a reasonable effective
4 date for the rule. Except for an emergency as provided in
5 Subsection L of this section, the effective date of the rule
6 shall be no sooner than thirty days after issuing the notice
7 that the commission adopted or amended the rule.

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

17 (1) meet an imminent threat to public health,
18 safety or welfare;

19 (2) prevent a loss of commission or member
20 state funds;

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

23 (4) protect public health and safety.

24 M. The commission or an authorized committee of the
25 commission may direct revisions to a previously adopted rule

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1 for purposes of correcting typographical errors, errors in
2 format, errors in consistency or grammatical errors. Public
3 notice of any revisions shall be posted on the commission's
4 website. The revision shall be subject to challenge by any
5 person for a period of thirty days after posting. The revision
6 may be challenged only on grounds that the revision results in
7 a material change to a rule. A challenge shall be made in
8 writing and delivered to the commission prior to the end of the
9 notice period. If no challenge is made, the revision shall
10 take effect without further action. If the revision is
11 challenged, the revision shall not take effect without the
12 approval of the commission.

13 N. No member state's rulemaking requirements shall
14 apply under this compact.

15 SECTION 13. [NEW MATERIAL] OVERSIGHT, DISPUTE RESOLUTION
16 AND ENFORCEMENT.--

17 A. The executive and judicial branches of state
18 government in each member state shall enforce this compact and
19 take all actions necessary and appropriate to implement the
20 compact.

21 B. Except as to judicial proceedings for the
22 enforcement of this compact among member states, individuals
23 may pursue judicial proceedings related to this compact in any
24 state or federal court in this state that would otherwise have
25 competent jurisdiction. The commission may waive venue and

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1 jurisdictional defenses to the extent that it adopts or
2 consents to participate in an alternative dispute resolution
3 proceeding. Nothing in this section shall affect or limit the
4 selection or propriety of venue in any action against a
5 licensee for professional malpractice, misconduct or any
6 similar matter.

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

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

24 E. If a member state in default fails to cure the
25 default, the defaulting state may be terminated from the

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1 compact upon an affirmative vote of a majority of the delegates
2 of the member states, and all rights, privileges and benefits
3 conferred on that state by this compact may be terminated on
4 the effective date of termination. A cure of the default does
5 not relieve the offending state of obligations or liabilities
6 incurred during the period of default.

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

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

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

25 I. The commission shall not bear any costs related

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1 to a state that is found to be in default or that has been
2 terminated from the compact, unless agreed upon in writing
3 between the commission and the defaulting state.

4 J. A defaulting member state may appeal an action
5 of the commission by petitioning the United States district
6 court for the District of Columbia or the federal district
7 where the commission has its principal offices. The prevailing
8 party shall be awarded all costs of the litigation, including
9 reasonable attorney fees.

10 K. Upon request by a member state, the commission
11 shall attempt to resolve disputes related to the compact that
12 arise among member states and between member and non-member
13 states. The commission shall promulgate a rule providing for
14 both mediation and binding dispute resolution for disputes as
15 appropriate.

16 L. By majority vote as provided by rule, the
17 commission may initiate legal action against a member state in
18 default in the United States district court for the District of
19 Columbia or the federal district where the commission has its
20 principal offices to enforce compliance with the provisions of
21 this compact and the commission's promulgated rules. The
22 relief sought may include both injunctive relief and damages.
23 In the event judicial enforcement is necessary, the prevailing
24 party shall be awarded all costs of the litigation, including
25 reasonable attorney fees. The remedies herein shall not be the

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1 exclusive remedies of the commission. The commission may
2 pursue any other remedies available under federal or the
3 defaulting member state's law.

4 M. A member state may initiate legal action against
5 the commission in the United States district court for the
6 District of Columbia or the federal district where the
7 commission has its principal offices to enforce compliance with
8 the provisions of this compact and the commission's promulgated
9 rules. The relief sought may include both injunctive relief
10 and damages. In the event judicial enforcement is necessary,
11 the prevailing party shall be awarded all costs of the
12 litigation, including reasonable attorney fees.

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

15 SECTION 14. [NEW MATERIAL] EFFECTIVE DATE, WITHDRAWAL AND
16 AMENDMENT.--

17 A. This compact shall come into effect on the date
18 on which the compact statute is enacted into law in the seventh
19 member state.

20 B. On or after the effective date of this compact,
21 the commission shall convene and review the enactment of each
22 of the first seven member states to determine if the statute
23 enacted by each charter member state is materially different
24 than the model compact statute.

25 C. A charter member state whose enactment is found

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1 to be materially different from the model compact statute shall
2 be entitled to the default process set forth in Section 14 of
3 the Social Work Licensure Interstate Compact. If a member
4 state is later found to be in default, or is terminated or
5 withdraws from the compact, the commission shall remain in
6 existence, and the compact shall remain in effect even if the
7 number of member states is less than seven.

8 D. Member states enacting this compact subsequent
9 to the seven initial charter member state shall be subject to
10 the process set forth in Paragraph (21) of Subsection C of
11 Section 10 of the Social Work Licensure Interstate Compact to
12 determine if the enactments are materially different from the
13 model compact statute and whether the states qualify for
14 participation in this compact.

15 E. All action taken for the benefit of the
16 commission or in furtherance of the purposes of the
17 administration of the compact prior to the effective date of
18 the compact or the commission coming into existence shall be
19 considered to be actions of the commission unless specifically
20 repudiated by the commission.

21 F. Any state that joins the compact subsequent to
22 the commission's initial adoption of the rules and bylaws shall
23 be subject to the rules and bylaws as they exist on the date on
24 which the compact becomes law in that state. Any rule that has
25 been previously adopted by the commission shall have the full

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1 force and effect of law on the day the compact becomes law in
2 that state.

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

7 H. Withdrawal shall not affect the continuing
8 requirement of the withdrawing state's licensing authority to
9 comply with the investigative and adverse action reporting
10 requirements of this compact prior to the effective date of
11 withdrawal.

12 I. Upon the enactment of a statute withdrawing from
13 this compact, a state shall immediately provide notice of the
14 withdrawal to all licensees with that state. Notwithstanding
15 any subsequent statutory enactment to the contrary, the
16 withdrawing state shall continue to recognize all licenses
17 granted pursuant to this compact for a minimum of one hundred
18 eighty days after the date of the notice of withdrawal.

19 J. Nothing contained in this compact shall be
20 construed to invalidate or prevent any licensure agreement or
21 other cooperative arrangement between a member state and a non-
22 member state that does not conflict with the provisions of this
23 compact.

24 K. This compact may be amended by the member
25 states. No amendment to this compact shall become effective

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1 and binding upon any member state until it is enacted into the
2 laws of all member states.

3 SECTION 15. [NEW MATERIAL] CONSTRUCTION AND
4 SEVERABILITY.--

5 A. This compact and the commission's rulemaking
6 authority shall be liberally construed so as to effectuate the
7 purposes, implementation and administration of this compact.
8 Provisions of this compact expressly authorizing or requiring
9 the promulgation of rules shall not be construed to limit the
10 commission's rulemaking authority solely for those purposes.

11 B. The provisions of this compact shall be
12 severable, and if any phrase, clause, sentence or provision of
13 this compact is held by a court of competent jurisdiction to be
14 contrary to the constitution of any member state, a state
15 seeking participation in the compact or the United States, or
16 the applicability thereof to any government, agency, person or
17 circumstance is held to be unconstitutional by a court of
18 competent jurisdiction, the validity of the remainder of this
19 compact and the applicability thereof to any other government,
20 agency, person or circumstance shall not be affected.

21 C. Notwithstanding Subsection B of this section,
22 the commission may deny a state's participation in the compact
23 or, in accordance with the requirements of Section 13 of the
24 Social Work Licensure Interstate Compact, terminate a member
25 state's participation in the compact if the commission

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1 determines that a constitutional requirement of a member state
2 is a material departure from the compact. Otherwise, if this
3 compact shall be held to be contrary to the constitution of any
4 member state, the compact shall remain in full force and effect
5 as to the remaining member states and in full force and effect
6 as to the member state affected as to all severable matters.

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

9 A. A licensee providing services in a remote state
10 under a multistate authorization to practice shall adhere to
11 the laws and regulations, including laws, regulations and
12 applicable standards, of the remote state where a client is
13 located at the time care is rendered.

14 B. Nothing in the Social Work Licensure Interstate
15 Compact shall prevent or inhibit the enforcement of any other
16 law of a member state that is not inconsistent with the
17 compact.

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

21 D. All permissible agreements between the
22 commission and the member states are binding in accordance with
23 the terms of those agreements.

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

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1 "61-31-6. SCOPE OF PRACTICE.--

2 A. For the purposes of the Social Work Practice
3 Act, a person is practicing social work if [~~he~~] the person
4 advertises, offers [~~himself~~] to practice, is employed in a
5 position described as social work or holds out to the public or
6 represents in any manner that [~~he~~] the person is licensed to
7 practice social work in this state.

8 B. Social work practice means a professional
9 service and emphasizes the use of specialized knowledge of
10 social resources, social systems, [~~and~~] human capabilities and
11 New Mexico cultures to effect change in human behavior,
12 emotional responses and social conditions. Services may be
13 rendered through direct assistance to individuals, couples,
14 families, groups and community organizations. Social work
15 practice focuses on both direct and indirect services to
16 facilitate change on the intrapersonal, interpersonal and
17 systemic levels. Areas of specialization that address these
18 include [~~but are not limited to~~] the following:

19 (1) clinical social work practice, which is
20 the professional application of social work theory and methods
21 in the diagnosis, treatment and prevention of psychosocial
22 dysfunction, disability or impairment, including [~~but not~~
23 ~~limited to~~] emotional and mental disorders. It is based on
24 knowledge of one or more theories of human development within a
25 psychosocial context. Clinical social work includes

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1 interventions directed to interpersonal interactions,
2 intrapsychic dynamics or life support and management issues.
3 Clinical social work services consist of assessment, diagnosis
4 and treatment, including psychotherapy and counseling, client-
5 centered advocacy, consultation and evaluation;

6 (2) social work research practice, which is
7 the professional study of human capabilities and practice of
8 social work specialties, including direct and indirect
9 practice, through the formal organization and the methodology
10 of data collection and the analysis and evaluation of social
11 work data;

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

25 (4) social work administration, which is the

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1 practice that is concerned primarily with translating laws,
2 technical knowledge and administrative rulings into
3 organizational goals and operational policies to guide
4 organizational behavior; designing organizational structure and
5 procedures or processes through which social work goals can be
6 achieved; and securing resources in the form of material,
7 staff, clients and societal legitimation necessary for goal
8 attainment and organizational survival; and

9 (5) university social work faculty, which
10 provides an equal quality of social work education in
11 identified areas of content; prepares graduates to practice in
12 a range of geographic areas with diverse populations; and
13 establishes the foundation for practitioners' professional
14 futures, exposing them to the best of current knowledge and
15 developing in them the ability to continue questioning and
16 learning, as well as an awareness of their responsibility to
17 continue this professional development."

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

20 "61-31-8. BOARD'S AUTHORITY.--In addition to any
21 authority provided by law, the board shall have the authority
22 to:

23 A. adopt and file, in accordance with the State
24 Rules Act, rules necessary to carry out the provisions of the
25 Social Work Practice Act, in accordance with the provisions of

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1 the Uniform Licensing Act, including the procedures for an
2 appeal of an examination failure;

3 B. select, prepare and administer, at least
4 annually, examinations for licensure;

5 C. adopt a current professional code of ethics or
6 professional standards promulgated by a national organization
7 of social work professionals that provides guidance, research,
8 advocacy and other services to social workers;

9 D. appoint advisory committees pursuant to Section
10 61-31-19 NMSA 1978;

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

15 F. require and establish criteria for continuing
16 education;

17 G. issue subpoenas, statements of charges,
18 statements of intent to deny licenses and orders and delegate
19 in writing to a designee the authority to issue subpoenas,
20 statements of charges and statements of intent to deny licenses
21 and establish procedures for receiving, investigating and
22 conducting hearings on complaints;

23 H. request that an individual who is violating the
24 Social Work Practice Act:

25 (1) voluntarily stop violating the Social Work

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1 Practice Act; and

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

8 I. develop criteria to approve appropriate
9 supervision for a person seeking licensure as a licensed
10 independent social worker or a licensed clinical social worker
11 based upon the prospective supervisor's:

12 (1) education;

13 (2) experience; and

14 (3) level of training;

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

18 K. determine qualifications for licensure,
19 including the requirement to demonstrate an awareness and
20 knowledge of New Mexico cultures;

21 L. set fees for licenses as authorized by the
22 Social Work Practice Act and authorize all disbursements
23 necessary to carry out the provisions of the Social Work
24 Practice Act;

25 M. keep a record and provide notice of all

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1 proceedings in accordance with the Open Meetings Act and shall
2 make an annual report to the governor; ~~and~~

3 N. determine the appropriate application of
4 technology to social work practice, including video
5 teleconferencing, for appropriate supervision and client
6 contact;

7 O. prescribe the procedures, forms and manner of
8 submitting an applicant's full set of fingerprints for state
9 and federal criminal history background reports that the board
10 uses to evaluate the applicant's qualification for licensure;
11 and

12 P. require an applicant, as a condition of
13 eligibility for initial licensure, to submit a full set of
14 fingerprints to the department of public safety to obtain state
15 and national criminal history record information on the
16 applicant. State and national criminal history record reports
17 are confidential and not public records. The board shall not
18 disseminate criminal history record information across state
19 lines."