

HB0502S01 compared with HB0502

~~deleted text~~ shows text that was in HB0502 but was deleted in HB0502S01.

inserted text shows text that was not in HB0502 but was inserted into HB0502S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Sandra Hollins proposes the following substitute bill:

SOCIAL WORK LICENSURE COMPACT AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sandra Hollins

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts the Social Work Licensure Compact.

Highlighted Provisions:

This bill:

- ▶ enacts the Social Work Licensure Compact; and
- ▶ provides rulemaking authority.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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58-60-103.1, as enacted by Laws of Utah 2022, Chapter 466

58-60-205, as last amended by Laws of Utah 2022, Chapters 345 and 466

ENACTS:

58-60b-101, Utah Code Annotated 1953

58-60b-102, Utah Code Annotated 1953

58-60b-103, Utah Code Annotated 1953

58-60b-104, Utah Code Annotated 1953

58-60b-105, Utah Code Annotated 1953

58-60b-106, Utah Code Annotated 1953

58-60b-107, Utah Code Annotated 1953

58-60b-108, Utah Code Annotated 1953

58-60b-109, Utah Code Annotated 1953

58-60b-110, Utah Code Annotated 1953

58-60b-111, Utah Code Annotated 1953

58-60b-112, Utah Code Annotated 1953

58-60b-113, Utah Code Annotated 1953

58-60b-114, Utah Code Annotated 1953

58-60b-201, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-60-103.1** is amended to read:

58-60-103.1. Criminal background check.

(1) An applicant for licensure under this chapter who requires a criminal background check shall:

(a) submit fingerprint cards in a form acceptable to the division at the time the license application is filed; and

(b) consent to a fingerprint background check conducted by the Bureau of Criminal Identification and the Federal Bureau of Investigation regarding the application.

(2) The division shall:

(a) in addition to other fees authorized by this chapter, collect from each applicant submitting fingerprints in accordance with this section the fee that the Bureau of Criminal

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Identification is authorized to collect for the services provided under Section 53-10-108 and the fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of obtaining federal criminal history record information;

(b) submit from each applicant the fingerprint card and the fees described in Subsection (2)(a) to the Bureau of Criminal Identification; and

(c) obtain and retain in division records a signed waiver approved by the Bureau of Criminal Identification in accordance with Section 53-10-108 for each applicant.

(3) The Bureau of Criminal Identification shall, in accordance with the requirements of Section 53-10-108:

(a) check the fingerprints submitted under Subsection (2)(b) against the applicable state and regional criminal records databases;

(b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal history background check; and

(c) provide the results from the state, regional, and nationwide criminal history background checks to the division.

(4) For purposes of conducting a criminal background check required under this section, the division shall have direct access to criminal background information maintained under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

(5) The division may not:

(a) disseminate outside of the division any criminal history record information that the division obtains from the Bureau of Criminal Identification or the Federal Bureau of Investigation under the criminal background check requirements of this section; ~~or~~

(b) issue a letter of qualification to participate in the Counseling Compact under Chapter 60a, Counseling Compact, until the criminal background check described in this section is completed~~[-]; or~~

(c) issue a letter of qualification to participate in the Social Work Licensure Compact under Chapter 60b, Social Work Licensure Compact, until the criminal background check described in this section is completed.

Section 2. Section **58-60-205** is amended to read:

58-60-205. Qualifications for licensure or certification as a clinical social worker, certified social worker, and social service worker.

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- (1) An applicant for licensure as a clinical social worker shall:
 - (a) submit an application on a form provided by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of an education and an earned degree as follows:
 - (i) a master's degree in a social work program accredited by the Council on Social Work Education or by the Canadian Association of Schools of Social Work; or
 - (ii) a doctoral degree that contains a clinical social work concentration and practicum approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is consistent with Section 58-1-203;
 - (d) have completed a minimum of 3,000 hours of clinical social work training as defined by division rule under Section 58-1-203:
 - (i) in not less than two years;
 - (ii) under the supervision of a supervisor approved by the division in collaboration with the board who is a:
 - (A) clinical mental health counselor;
 - (B) psychiatrist;
 - (C) psychologist;
 - (D) registered psychiatric mental health nurse practitioner;
 - (E) marriage and family therapist; or
 - (F) clinical social worker; and
 - (iii) including a minimum of two hours of training in suicide prevention via a course that the division designates as approved;
 - (e) document successful completion of not less than 1,000 hours of supervised training in mental health therapy obtained after completion of the education requirement in Subsection (1)(c), which training may be included as part of the 3,000 hours of training in Subsection (1)(d), and of which documented evidence demonstrates not less than 100 of the hours were obtained under the direct supervision, as defined by rule, of a supervisor described in Subsection (1)(d)(ii);
 - (f) have completed a case work, group work, or family treatment course sequence with

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a clinical practicum in content as defined by rule under Section 58-1-203;

(g) pass the examination requirement established by rule under Section 58-1-203; and

(h) if the applicant is applying to participate in the Counseling Compact under Chapter 60a, Counseling Compact, or the Social Work Licensure Compact under Chapter 60b, Social Work Licensure Compact, consent to a criminal background check in accordance with Section 58-60-103.1 and any requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) An applicant for licensure as a certified social worker shall:

(a) submit an application on a form provided by the division;

(b) pay a fee determined by the department under Section 63J-1-504;

(c) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of an education and an earned degree as follows:

(i) a master's degree in a social work program accredited by the Council on Social Work Education or by the Canadian Association of Schools of Social Work; or

(ii) a doctoral degree that contains a clinical social work concentration and practicum approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is consistent with Section 58-1-203; and

(d) pass the examination requirement established by rule under Section 58-1-203.

(3) (a) An applicant for certification as a certified social worker intern shall meet the requirements of Subsections (2)(a), (b), and (c).

(b) Certification under Subsection (3)(a) is limited to the time necessary to pass the examination required under Subsection (2)(d) or six months, whichever occurs first.

(c) A certified social worker intern may provide mental health therapy under the general supervision, as defined by rule, of a supervisor described in Subsection (1)(d)(ii).

(4) An applicant for licensure as a social service worker shall:

(a) submit an application on a form provided by the division;

(b) pay a fee determined by the department under Section 63J-1-504;

(c) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of an education and an earned degree as follows:

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(i) a bachelor's degree in a social work program accredited by the Council on Social Work Education or by the Canadian Association of Schools of Social Work;

(ii) a master's degree in a field approved by the division in collaboration with the board;

(iii) a bachelor's degree in any field if the applicant:

(A) has completed at least three semester hours, or the equivalent, in each of the following areas:

(I) social welfare policy;

(II) human growth and development; and

(III) social work practice methods, as defined by rule; and

(B) provides documentation that the applicant has completed at least 2,000 hours of qualifying experience under the supervision of a mental health therapist, which experience is approved by the division in collaboration with the board, and which is performed after completion of the requirements to obtain the bachelor's degree required under this Subsection (4); or

(iv) successful completion of the first academic year of a Council on Social Work Education approved master's of social work curriculum and practicum; and

(d) pass the examination requirement established by rule under Section 58-1-203.

(5) The division shall ensure that the rules for an examination described under Subsections (1)(g), (2)(d), and (4)(d) allow additional time to complete the examination if requested by an applicant who is:

(a) a foreign born legal resident of the United States for whom English is a second language; or

(b) an enrolled member of a federally recognized Native American tribe.

Section 3. Section **58-60b-101** is enacted to read:

CHAPTER 60b. SOCIAL WORK LICENSURE COMPACT

Part 1. Compact Text

58-60b-101. Section 1 -- Purpose.

The purpose of this Compact is to facilitate interstate practice of regulated Social Workers with the goal of improving public access to competent Social Work services. The Compact seeks to preserve the regulatory authority of States to protect public health and safety

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through the current system of State licensure.

This Compact is designed to achieve the following objectives:

A. Increase public access to Social Work Services by providing for the mutual recognition of other Member State licenses;

B. Enhance the Member States' ability to protect the public's health and safety;

C. Encourage the cooperation of Member States in regulating multistate practice;

D. Support military families;

E. Facilitate the exchange of licensure and disciplinary information among Member States;

F. Authorize all Member States to hold a Regulated Social Worker accountable for abiding by the Member State's Scope of Practice in the Member State in which the client is located at the time care is rendered;

G. Allow for the use of telehealth to facilitate increased access to regulated Social Work Services;

H. Support the uniformity of Social Work licensure requirements throughout the States to promote public safety and access to services; and

I. Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple States.

Section 4. Section **58-60b-102** is enacted to read:

58-60b-102. Section 2 -- Definitions.

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

A. "Active Duty Military" means any individual in full-time duty status in the active uniformed service of the United States including members of the National Guard and Reserve.

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

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C. "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Social Work Licensing Authority to address Impaired Practitioners.

D. "Compact Commission" or "Commission" means the national administrative body whose membership consists of all Member States that have enacted the Compact.

E. "Current Significant Investigative Information" means:

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

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

F. "Data System" means a repository of information about Licensees, including, but not limited to, continuing education, examination, licensure, Current Significant Investigative Information, Disqualifying Event, Interstate Compact License(s) and Adverse Action information or other information as required by the Commission.

G. "Domicile" means the jurisdiction in which the licensee resides and intends to remain indefinitely.

H. "Disqualifying Event" means any Adverse Action or incident which results in an encumbrance that disqualifies or makes the Licensee ineligible to either obtain, retain or renew an Interstate Compact License.

I. "Encumbered License" means a license in which an Adverse Action restricts the practice of Social Work by the Licensee and said Adverse Action and is reportable to the National Practitioners Data Bank (NPDB).

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

K. "Executive Committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the compact and Commission.

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

M. "Impaired Practitioner" means an individual who has a condition(s) that may impair

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their ability to engage in full and unrestricted practice as a Regulated Social Worker without some type of intervention and may include, but are not limited to, alcohol and drug dependence, mental health impairment, and neurological or physical impairments.

N. "Licensee(s)" means an individual who currently holds an authorization from the State to practice as a Regulated Social Worker.

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

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

Q. "Multistate Authorization to Practice" means a legal authorization, which is equivalent to a license, associated with an Interstate Compact License permitting the practice of Social Work in a Remote State.

R. "Interstate Compact License" means a license to practice as a Regulated Social Worker issued by a Home State Licensing Authority that authorizes the Regulated Social Worker to practice in all party states under a Multistate Authorization to Practice.

S. "Qualifying National Exam" means a national licensing examination developed and administered by a national association of Social Work Licensing Authorities or other competency assessment approved by the Commission.

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

U. "Remote State" means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise the Multistate Authorization to Practice.

V. "Rule(s) of the Commission" means a regulation or regulations duly promulgated by the Commission, as authorized by the compact, that has the force of law.

W. "Scope of Practice" means the procedures, actions, and processes a Regulated Social Worker in a state is permitted to undertake in that state and the circumstances under which the Regulated Social Worker is permitted to undertake those procedures, actions and processes. Such procedures, actions and processes and the circumstances under which they may be undertaken may be established through official means, including, but not limited to, statute, rules and regulations, case law, and other processes available to the State Regulatory Authority or other government agency.

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

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

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

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

Section 5. Section **58-60b-103** is enacted to read:

58-60b-103. Section 3 -- State participation in the Compact.

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

1. License and regulate clinical, master's, or bachelor's categories of Social Work practice.

2. Require applicants for licensure to pass a corresponding Qualifying National Exam for the category of licensure sought as outlined in Section 4.

3. Require applicants for licensure to graduate from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university recognized by the Licensing Authority and that corresponds to the licensure sought as outlined in Section 4.

4. Require applicants for clinical licensure to complete a period of supervised practice.

5. Have a mechanism in place for receiving, investigating, and adjudicating complaints about Licensees.

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

1. Participate fully in the Commission's Data System, including using the Commission's

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unique identifier as defined in Rules;

2. Notify the Commission, in compliance with the terms of the Compact and rules, of any Adverse Action or the availability of Current Significant Investigative Information regarding a Licensee;

3. Implement or utilize procedures for considering the criminal history records of applicants for an initial Interstate Compact License. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records for the sole purpose of affirming or denying eligibility for participation in the Compact;

a. A member state must utilize or fully implement a criminal background check requirement, within a time frame established by rule of the Commission, by receiving the results of the Federal Bureau of Investigation record search and shall use the results in making licensure decisions/determining eligibility for participation in the Compact.

b. Communication between a Member State, the Commission and among Member States, through the Data System or otherwise, regarding the verification of any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a Member State under Public Law 92-544.

4. Comply with the Rules of the Commission;

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

6. Authorize a Licensee holding an Interstate Compact License in any Member State to practice in accordance with the terms of the Compact and Rules of the Commission; and

7. Designate a delegate to participate in the Commission meetings.

C. Home States may charge a fee for granting the Interstate Compact License.

D. An Interstate Compact License issued by a Home State to a resident in that State shall be recognized by all Compact Member States as authorizing Social Work Practice under a Multistate Authorization to Practice corresponding to each category of licensure regulated in the Member State.

Section 6. Section **58-60b-104** is enacted to read:

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58-60b-104. Section 4 -- Regulated Social Worker participation in the Compact.

A. To be eligible for an Interstate Compact License under the terms and provisions of the compact, a Regulated Social Worker, regardless of category must:

1. Hold an active, Unencumbered License in the Home State;
2. Have an active United States Social Security Number, Qualifying National Exam Number, or an identifier as determined by the Commission;
3. Pay any applicable fees, including any State fee, for the Interstate Compact License;
4. Meet any continuing competence requirements established by the Home State;
5. Notify the Home State of any Adverse Action, Encumbrance, or restriction on any professional license taken by any Member State or non-Member State within 30 days from the date the action is taken.
6. Abide by the laws, regulations, and Scope of Practice in the Member State where the client is located at the time care is rendered.

B. A Regulated Social Worker who is a clinical-category Social Worker must meet the following requirements:

1. Passed a clinical-category Qualifying National Exam. Regulated Social Workers holding an active and unencumbered license, who were licensed in a state before a qualifying national exam was required, may be exempted from this requirement, as provided for by the Rules of the Commission; and
2. Graduated with a master's degree, or higher, in Social Work, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university recognized by the Licensing Authority; and
3. Completed a period of three thousand hours or two years of full-time postgraduate supervised clinical practice.

C. For a Regulated Social Worker who is a master's-category Social Worker:

- ~~1. Passed a master's category Qualifying National Exam. Regulated Social Workers holding an active and unencumbered license}, {who were licensed in a state before a qualifying national exam was required, may be exempted from this requirement, as provided for by the Rules of the Commission; and~~
- ~~2. Graduated}~~ graduated with a master's degree, or higher, in Social Work, from a

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program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university recognized by the Licensing Authority.

D. For a Regulated Social Worker who is a bachelor's-category Social Worker~~†~~:

~~1. Passed a bachelor's-category Qualifying National Exam. Regulated Social Workers holding an active and unencumbered license}, {who were licensed in a state before a qualifying national exam was required, may be exempted from this requirement, as provided for by the Rules of the Commission; and~~

~~2. Graduated}~~ **graduated** with a bachelor's degree, or higher, in Social Work, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university recognized by the Licensing Authority.

E. The Interstate Compact License for a Regulated Social Worker is subject to the renewal requirements of the Home State. The Regulated Social Worker must maintain compliance with the requirements of Section 4(A).

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

G. If a Home State license is encumbered, the regulated Social Worker's Multistate Authorization to Practice shall be deactivated in all Remote States until the Home State license is no longer encumbered.

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

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

Section 7. Section **58-60b-105** is enacted to read:

58-60b-105. Section 5 -- Obtaining a new Home State license based on an Interstate Compact License.

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A. If qualified, a Regulated Social Worker may hold an Interstate Compact License issued by a Home State Licensing Authority, which authorizes the Regulated Social Worker to practice in all Member States under a Multistate Authorization to Practice.

B. If an Interstate Compact License holder with Multistate Authorization to Practice changes primary State of Domicile by moving between two Member States:

1. The Interstate Compact License holder shall file an application for obtaining a new Home State license based on their Interstate Compact License which grants a Multistate Authorization to Practice, pay all applicable fees, and notify the current and new Home Member State in accordance with applicable Rules adopted by the Commission.

2. Upon receipt of an application for obtaining a new Home State license based on the Interstate Compact License which grants a Multistate Authorization to Practice, the new Home Member State may verify that the Regulated Social Worker meets the pertinent criteria outlined in Section 4 via the Data System, without need for primary source verification except for:

i. a Federal Bureau of Investigation fingerprint based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the Commission in accordance with Public Law 92-544;

ii. other criminal background check as required by the new Home State; and

iii. completion of any requisite jurisprudence requirements of the new Home State.

3. The former Home State may convert the former Home State license into a Multistate Authorization to Practice once the new Home State has activated the new Home State license in accordance with applicable Rules adopted by the Commission.

4. Notwithstanding any other provision of this Compact, if the Regulated Social Worker cannot meet the criteria in Section 4, the new Home State may apply its requirements for issuing a new Single State License.

5. The Regulated Social Worker shall pay all applicable fees to the new Home State in order to be issued a new Home State license.

C. If a Regulated Social Worker changes primary State of Domicile by moving from a Member State to a non-Member State, the non-member State criteria shall apply for issuance of a Single State License in the new non-Member State.

D. Nothing in this Compact shall interfere with a Regulated Social Worker's ability to hold a Single State License in multiple States, however for the purposes of this Compact, a

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Regulated Social Worker shall have only one Home State license.

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

Section 8. Section **58-60b-106** is enacted to read:

58-60b-106. Section 6 -- Military families.

Active Duty Military personnel, or their spouse, shall designate a Home State where the individual has a current license in good standing. The individual may retain the Home State designation during the period the service member is on active duty. Subsequent to designating a Home State, the individual may only change their Home State through application for licensure in the new State, or through the process outlined in Section 5.

Section 9. Section **58-60b-107** is enacted to read:

58-60b-107. Section 7 -- Adverse actions.

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

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

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

B. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.

C. The Home State shall complete any pending investigations of a Regulated Social Worker who changes primary State of Domicile during the course of the investigations. The

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Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the Data System shall promptly notify the new Home State of any Adverse Actions.

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

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

F. Joint Investigations:

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

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

G. If Adverse Action is taken by the Home State against the Interstate Compact License of a Regulated Social Worker, the Regulated Social Worker's Multistate Authorization to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from the Interstate Compact License. All Home State disciplinary orders that impose Adverse Action against the license of a Regulated Social Worker shall include a statement that the Regulated Social Worker's Multistate Authorization to Practice is deactivated in all Member States until all conditions of the decision, order or agreement are satisfied.

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

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

Section 10. Section **58-60b-108** is enacted to read:

58-60b-108. Section 8 -- Establishment of Social Work Licensure Compact Commission.

A. The Compact Member States hereby create and establish a joint government agency

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whose membership consists of all member states that have enacted the compact known as the Social Work Compact Commission. The Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one state. The Commission shall come into existence on or after the effective date of the Compact as set forth in Section 12.

B. Membership, Voting, and Meetings

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

2. The delegate shall be either:

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

b. An administrator of the Licensing Authority or their designee.

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

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

5. A Member State's State Licensing Authority shall fill any vacancy of its delegate occurring on the Commission within 60 days of the vacancy.

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

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

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

C. The Commission shall have the following powers and duties:

1. Establish the fiscal year of the Commission;

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

3. Establish and amend Rules and bylaws;

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

5. Meet and take such actions as are consistent with the provisions of this Compact, the

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Commission's rules and the bylaws:

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

7. Maintain and certify records and information provided to a Member State as the authenticated business records of the Commission and designate an agent to do so on the Commission's behalf;

8. Purchase and maintain insurance and bonds;

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

10. Conduct an annual financial review;

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

12. Assess and collect fees;

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

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

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

16. Establish a budget and make expenditures;

17. Borrow money;

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

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

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

21. Determine whether a State's adopted language is materially different from the model compact language such that the State would not qualify for participation in the Compact; and

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

D. The Executive Committee

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

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

b. Recommend to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States such as fees charged to licensees, and other fees;

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

d. Prepare and recommend the budget;

e. Maintain financial records on behalf of the Commission;

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

g. Establish additional committees as necessary;

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

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

2. The Executive Committee shall be composed of up to nine (9) members:

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

b. Five voting members who are elected by the Commission from the current

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membership of the Commission; and

c. Up to two (2) ex-officio, nonvoting members from two (2) recognized national social worker organizations.

d. The ex-officio members will be selected by their respective organizations (and which will rotate terms in alphabetical order of the organizations).

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

4. The Executive Committee shall meet at least annually.

a. Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, non-public meeting as provided in subsection F-2 below.

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

c. The Executive Committee may hold a special meeting in accordance with subsection F-1-b below.

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

F. Meetings of the Commission

1. All meetings shall be open to the public, except that the Commission may meet in a closed, non-public meeting as provided in subsection F-2 below.

a. Public notice for all meetings of the full Commission of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 11, except that the Commission may hold a special meeting as provided in subsection F-1-b below.

b. The Commission may hold a special meeting when it must meet to conduct emergency business by giving 48 hours' notice to all commissioners, on the Commission's website, and other means as provided in the Commission's rules. The Commission's legal counsel shall certify that the Commission's need to meet qualifies as an emergency.

2. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting for the Commission or Executive Committee or other committees of the Commission to receive legal advice or to discuss:

a. Non-compliance of a Member State with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures

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related to specific employees;

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

d. Current, threatened, or reasonably anticipated litigation;

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

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

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

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

i. Investigative records compiled for law enforcement purposes;

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

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

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

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

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

G. Financing of the Commission

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

2. The Commission may accept any and all appropriate revenue sources, as provided in C-12.

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

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

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

H. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

2. The Commission shall defend any member, officer, executive director, employee and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope

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of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

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

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

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

Section 11. Section **58-60b-109** is enacted to read:

58-60b-109. Section 9 -- Data system.

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, Adverse Action, and the presence of Current Significant Investigative Information on all licensed individuals in Member States.

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

1. Identifying information;

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2. Licensure data;

3. Adverse Actions against a license or an Interstate Compact License and information related thereto;

4. Non-confidential information related to Alternative Program participation, the beginning and end dates of such participation, and other information related to such participation not made confidential under Member State law;

5. Any denial of application for licensure, and the reason(s) for such denial;

6. The presence of Current Significant Investigative Information; and

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

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

D. Current Significant Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

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

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

G. Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Member State contributing the information shall be removed from the Data System.

Section 12. Section **58-60b-110** is enacted to read:

58-60b-110. Section 10 -- Rulemaking.

A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Rule shall

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be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

B. The Rules of the Commission shall have the force of law in each Member State, provided however that where the Rules of the Commission conflict with the laws of the Member State that establish the Member State's Scope of Practice as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent of the conflict.

C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules shall become binding as of the date specified in each Rule.

D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

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

F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in advance of the meeting at which the Commission will hold a public hearing on the proposed Rule, the Commission shall provide a Notice of Proposed Rulemaking:

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

2. To persons who have requested notice of the Commission's notices of proposed rulemaking; and

3. In such other way(s) as the Commission may by Rule specify.

H. The Notice of Proposed Rulemaking shall include:

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

2. If the hearing is held via telecommunication, video conference, or other electronic

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means, the Commission shall include the mechanism for access to the hearing in the Notice of Proposed Rulemaking;

3. The text of the proposed Rule and the reason therefor;
4. A request for comments on the proposed Rule from any interested person; and
5. The manner in which interested persons may submit written comments.

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

J. Nothing in this section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

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

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

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

3. The Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in Section 11.L, the effective date of the rule shall be no sooner than 30 days after issuing the notice that it adopted or amended the Rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule with [24 or 48] hours' notice, with opportunity to comment, provided that the usual Rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or Member State funds;
3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule; or

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4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

N. No Member State's rulemaking requirements shall apply under this compact.

Section 13. Section **58-60b-111** is enacted to read:

58-60b-111. Section 11 -- Oversight, dispute resolution, and enforcement.

A. Oversight

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

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.

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

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall provide written notice to the defaulting State. The notice of default shall

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describe the default, the proposed means of curing the default, and any other action that the Commission may take, and shall offer training and specific technical assistance regarding the default.

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

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

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

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

F. Upon the termination of a State's membership from this Compact, that State shall immediately provide notice to all Licensees within that State of such termination. The terminated State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of six (6) months after the date of said notice of termination.

G. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

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

I. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes

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related to the Compact that arise among Member States and between Member and non-Member States.

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

J. Enforcement

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

2. A Member State may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. No person other than a Member State shall enforce this compact against the Commission.

Section 14. Section **58-60b-112** is enacted to read:

58-60b-112. Section 12 -- Effective date, withdrawal, and amendment.

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of Rules. Thereafter, the Commission shall meet and exercise Rulemaking powers necessary to the implementation and administration of the Compact. All actions taken for the benefit of the Commission and/or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact and/or the Commission coming into

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existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.

B. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

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

1. A Member State's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

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

D. Upon the enactment of a statute withdrawing from this compact, a State shall immediately provide notice of such withdrawal to all Licensees within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all licenses granted pursuant to this compact for a minimum of six (6) months after the date of such notice of withdrawal.

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

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

Section 15. Section **58-60b-113** is enacted to read:

58-60b-113. Section 13 -- Construction and severability.

A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Commission's rulemaking authority solely for those

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purposes.

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

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

Section 16. Section **58-60b-114** is enacted to read:

58-60b-114. Section 14 -- Binding effect of Compact and other laws.

A. A Licensee providing services in a Remote State under a Multistate Authorization to Practice shall adhere to the laws and regulations, including Scope of Practice, of the Remote State where the client is located at the time care is rendered.

B. Nothing herein prevents the enforcement of any other law of a Member State that is not inconsistent with the Compact.

C. Any laws in a Member State in conflict with the Compact are superseded to the extent of the conflict.

D. Any lawful actions of the Commission, including all Rules and bylaws properly promulgated by the Commission, are binding upon the Member States.

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

F. In the event any provision of the Compact exceeds the constitutional limits imposed on the Legislature of any Member State, the provision shall be ineffective to the extent of the

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conflict with the constitutional provision in question in that Member State.

Section 17. Section **58-60b-201** is enacted to read:

Part 2. Division Implementation

58-60b-201. Rulemaking authority -- State authority over scope of practice.

(1) The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this chapter.

(2) Notwithstanding any provision in Sections 58-60b-101 through 58-60b-114, Sections 58-60b-101 through 58-60b-114 do not supersede state law related to an individual's scope of practice under this title.