

SOCIAL WORK LICENSURE COMPACT

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sandra Hollins

Senate Sponsor: Todd D. Weiler

LONG TITLE

Committee Note:

The Health and Human Services Interim Committee recommended this bill.

Legislative Vote: 15 voting for 0 voting against 4 absent

General Description:

This bill enacts the Social Work Licensure Compact.

Highlighted Provisions:

This bill:

▶ enacts the Social Work Licensure Compact; ~~and~~ **and**

▶ provides rulemaking authority ~~and~~ **and**

▶ **makes technical changes.** ~~and~~

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

58-60-205, as last amended by Laws of Utah 2023, Chapters 283, 339

ENACTS:

58-60b-101, Utah Code Annotated 1953

58-60b-102, Utah Code Annotated 1953

H.B. 44



- 28 [58-60b-103](#), Utah Code Annotated 1953
- 29 [58-60b-104](#), Utah Code Annotated 1953
- 30 [58-60b-105](#), Utah Code Annotated 1953
- 31 [58-60b-106](#), Utah Code Annotated 1953
- 32 [58-60b-107](#), Utah Code Annotated 1953
- 33 [58-60b-108](#), Utah Code Annotated 1953
- 34 [58-60b-109](#), Utah Code Annotated 1953
- 35 [58-60b-110](#), Utah Code Annotated 1953
- 36 [58-60b-111](#), Utah Code Annotated 1953
- 37 [58-60b-112](#), Utah Code Annotated 1953
- 38 [58-60b-113](#), Utah Code Annotated 1953
- 39 [58-60b-114](#), Utah Code Annotated 1953
- 40 [58-60b-115](#), Utah Code Annotated 1953
- 41 [58-60b-116](#), Utah Code Annotated 1953
- 42 [58-60b-201](#), Utah Code Annotated 1953



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

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

46 **58-60-103.1. Criminal background check.**

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

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

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

53 (2) The division shall:

54 (a) in addition to other fees authorized by this chapter, collect from each applicant
55 submitting fingerprints in accordance with this section the fee that the Bureau of Criminal
56 Identification is authorized to collect for the services provided under Section [53-10-108](#) and the
57 fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of
58 obtaining federal criminal history record information;

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

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

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

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

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

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

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

74 (5) The division may not:

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

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

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

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

85 **58-60-205. Qualifications for licensure or certification as a clinical social worker,**
86 **certified social worker, and social service worker.**

87 (1) An applicant for licensure as a clinical social worker shall:

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

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

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

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

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

98 (d) have completed a minimum of 3,000 hours of clinical social work training as
99 defined by division rule under Section 58-1-203:

100 (i) under the supervision of a supervisor approved by the division in collaboration with
101 the board who is a:

102 (A) clinical mental health counselor;

103 (B) psychiatrist;

104 (C) psychologist;

105 (D) registered psychiatric mental health nurse practitioner;

106 (E) marriage and family therapist; or

107 (F) clinical social worker; and

108 (ii) including a minimum of two hours of training in suicide prevention via a course
109 that the division designates as approved;

110 (e) document successful completion of not less than 1,000 hours of supervised training
111 in mental health therapy obtained after completion of the education requirement in Subsection
112 (1)(c), which training may be included as part of the 3,000 hours of training in Subsection
113 (1)(d), and of which documented evidence demonstrates not less than 75 of the hours were
114 obtained under the direct supervision, as defined by rule, of a supervisor described in
115 Subsection (1)(d)(i);

116 (f) have completed a case work, group work, or family treatment course sequence with
117 a clinical practicum in content as defined by rule under Section 58-1-203;

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

119 (h) if the applicant is applying to participate in the ~~Ĥ~~→ [Counseling Compact under Chapter
120 ~~60a, Counseling Compact, or the~~ ←Ĥ Social Work Licensure Compact under Chapter 60b, Social

121 Work Licensure Compact, consent to a criminal background check in accordance with Section
122 58-60-103.1 and any requirements established by division rule made in accordance with Title
123 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

148 (I) social welfare policy;

149 (II) human growth and development; and

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

151 (B) provides documentation that the applicant has completed at least 2,000 hours of

152 qualifying experience under the supervision of a mental health therapist, which experience is
153 approved by the division in collaboration with the board, and which is performed after
154 completion of the requirements to obtain the bachelor's degree required under this Subsection
155 [~~(4)~~] (3); or

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

158 (4) The division shall ensure that the rules for an examination described under
159 Subsection (1)(g) allow additional time to complete the examination if requested by an
160 applicant who is:

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

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

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

165 **CHAPTER 60b. SOCIAL WORK LICENSURE COMPACT**

166 **Part 1. Compact Text**

167 **58-60b-101. Section 1 -- Purpose.**

168 The purpose of this Compact is to facilitate interstate practice of Regulated Social
169 Workers by improving public access to competent Social Work Services. The Compact
170 preserves the regulatory authority of States to protect public health and safety through the
171 current system of State licensure.

172 This Compact is designed to achieve the following objectives:

173 A. Increase public access to Social Work Services;

174 B. Reduce overly burdensome and duplicative requirements associated with holding
175 multiple licenses;

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

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

178 E. Promote mobility and address workforce shortages by eliminating the necessity for
179 licenses in multiple States by providing for the mutual recognition of other Member State
180 licenses;

181 F. Support military families;

182 G. Facilitate the exchange of licensure and disciplinary information among Member

183 States;

184 H. Authorize all Member States to hold a Regulated Social Worker accountable for
185 abiding by a Member State's laws, regulations, and applicable professional standards in the
186 Member State in which the client is located at the time care is rendered; and

187 I. Allow for the use of telehealth to facilitate increased access to regulated Social Work
188 Services.

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

190 **58-60b-102. Section 2 -- Definitions.**

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

193 A. "Active Military Member" means any individual with full-time duty status in the
194 active armed forces of the United States including members of the National Guard and
195 Reserve.

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

203 C. "Alternative Program" means a non-disciplinary monitoring or practice remediation
204 process approved by a Licensing Authority to address practitioners with an Impairment.

205 D. "Charter Member States" means Member States who have enacted legislation to
206 adopt this Compact where such legislation predates the effective date of this Compact as
207 described in Section 14.

208 E. "Compact Commission" or "Commission" means the government agency whose
209 membership consists of all States that have enacted this Compact, which is known as the Social
210 Work Licensure Compact Commission, as described in Section 10, and which shall operate as
211 an instrumentality of the Member States.

212 F. "Current Significant Investigative Information" means:

213 1. Investigative information that a Licensing Authority, after a preliminary inquiry that

214 includes notification and an opportunity for the Regulated Social Worker to respond has reason
215 to believe is not groundless and, if proved true, would indicate more than a minor infraction as
216 may be defined by the Commission; or

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

221 G. "Data System" means a repository of information about Licensees, including,
222 continuing education, examination, licensure, Current Significant Investigative Information,
223 Disqualifying Event, Multistate License(s) and Adverse Action information or other
224 information as required by the Commission.

225 H. "Domicile" means the jurisdiction in which the Licensee resides and intends to
226 remain indefinitely.

227 I. "Disqualifying Event" means any Adverse Action or incident which results in an
228 Encumbrance that disqualifies or makes the Licensee ineligible to either obtain, retain or renew
229 an Multistate License.

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

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

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

235 M. "Impairment" means a condition(s) that may impair a practitioner's ability to engage
236 in full and unrestricted practice as a Regulated Social Worker without some type of
237 intervention and may include alcohol and drug dependence, mental health impairment, and
238 neurological or physical impairments.

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

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

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

245 Q. "Multistate Authorization to Practice" means a legally authorized privilege to
246 practice, which is equivalent to a license, associated with a Multistate License permitting the
247 practice of Social Work in a Remote State.

248 R. "Multistate License" means a license to practice as a Regulated Social Worker
249 issued by a Home State Licensing Authority that authorizes the Regulated Social Worker to
250 practice in all Member States under Multistate Authorization to Practice.

251 S. "Qualifying National Exam" means a national licensing examination approved by
252 the Commission.

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

255 U. "Remote State" means a Member State other than the Licensee's Home State.

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

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

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

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

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

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

272 **58-60b-103. Section 3 -- State participation in the Compact.**

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

275 1. License and regulate the practice of Social Work at either the clinical, master's, or

276 bachelor's category.

277 2. Require applicants for licensure to graduate from a program that is:

278 a. Operated by a college or university recognized by the Licensing Authority;

279 b. Accredited, or in candidacy by an institution that subsequently becomes accredited,

280 by an accrediting agency recognized by either:

281 i. the Council for Higher Education Accreditation, or its successor; or

282 ii. the United States Department of Education; and

283 c. Corresponds to the licensure as outlined in Section 4.

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

285 4. Have a mechanism in place for receiving, investigating, and adjudicating complaints

286 about Licensees.

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

288 1. Require that applicants for a Multistate License pass a Qualifying National Exam for
289 the corresponding category of Multistate License sought as outlined in Section 4;

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

291 Commission's unique identifier as defined in Rules;

292 3. Notify the Commission, in compliance with the terms of the Compact and Rules, of
293 any Adverse Action or the availability of Current Significant Investigative Information

294 regarding a Licensee;

295 4. Implement procedures for considering the criminal history records of applicants for a

296 Multistate License. Such procedures shall include the submission of fingerprints or other

297 biometric-based information by applicants for the purpose of obtaining an applicant's criminal

298 history record information from the Federal Bureau of Investigation and the agency responsible

299 for retaining that State's criminal records;

300 5. Comply with the Rules of the Commission;

301 6. Require an applicant to obtain or retain a license in the Home State and meet the

302 Home State's qualifications for licensure or renewal of licensure, as well as all other applicable

303 Home State laws;

304 7. Authorize a Licensee holding a Multistate License in any Member State to practice
305 in accordance with the terms of the Compact and Rules of the Commission; and

306 8. Designate a delegate to participate in the Commission meetings.

307 C. A Member State meeting the requirements of Section 3.A and 3.B of this Compact
308 shall designate the categories of Social Work licensure that are eligible for issuance of a
309 Multistate License for applicants in such Member State. To the extent that any Member State
310 does not meet the requirements for participation in the Compact at any particular category of
311 Social Work licensure, such Member State may choose, but is not obligated to, issue a
312 Multistate License to applicants that otherwise meet the requirements of Section 4 for issuance
313 of a Multistate License in such category or categories of licensure.

314 D. The Home State may charge a fee for granting the Multistate License.

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

316 **58-60b-104. Section 4 -- Social Worker participation in the Compact.**

317 A. To be eligible for an Multistate License under the terms and provisions of the
318 Compact, an applicant, regardless of category must:

- 319 1. Hold or be eligible for an active, Unencumbered License in the Home State;
- 320 2. Pay any applicable fees, including any State fee, for the Multistate License;
- 321 3. Submit, in connection with an application for a Multistate License, fingerprints or
322 other biometric data for the purpose of obtaining criminal history record information from the
323 Federal Bureau of Investigation and the agency responsible for retaining that State's criminal
324 records;
- 325 4. Notify the Home State of any Adverse Action, Encumbrance, or restriction on any
326 professional license taken by any Member State or non-Member State within 30 days from the
327 date the action is taken;
- 328 5. Meet any continuing competence requirements established by the Home State; and
- 329 6. Abide by the laws, regulations, and applicable standards in the Member State where
330 the client is located at the time care is rendered.

331 B. An applicant for a clinical-category Multistate License must meet all of the
332 following requirements:

- 333 1. Fulfill a competency requirement, which shall be satisfied by either:
 - 334 a. Passage of a clinical-category Qualifying National Exam; or
 - 335 b. Licensure of the applicant in their Home State at the clinical category, beginning
336 prior to such time as a Qualifying National Exam was required by the Home State and
337 accompanied by a period of continuous Social Work licensure thereafter, all of which may be

338 further governed by the Rules of the Commission; or

339 c. The substantial equivalency of the foregoing competency requirements which the
340 Commission may determine by Rule.

341 2. Attain at least a master's degree in Social Work from a program that is:

342 a. Operated by a college or university recognized by the Licensing Authority; and

343 b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting
344 agency recognized by either:

345 i. the Council for Higher Education Accreditation or its successor; or

346 ii. the United States Department of Education.

347 3. Fulfill a practice requirement, which shall be satisfied by demonstrating completion
348 of either:

349 a. A period of postgraduate supervised clinical practice equal to a minimum of three
350 thousand hours; or

351 b. A minimum of two years of full-time postgraduate supervised clinical practice; or

352 c. The substantial equivalency of the foregoing practice requirements which the
353 Commission may determine by Rule.

354 C. An applicant for a master's-category Multistate License must meet all of the
355 following requirements:

356 1. Fulfill a competency requirement, which shall be satisfied by either:

357 a. Passage of a master's-category Qualifying National Exam;

358 b. Licensure of the applicant in their Home State at the master's category, beginning
359 prior to such time as a Qualifying National Exam was required by the Home State at the
360 master's category and accompanied by a continuous period of Social Work licensure thereafter,
361 all of which may be further governed by the Rules of the Commission; or

362 c. The substantial equivalency of the foregoing competency requirements which the
363 Commission may determine by Rule.

364 2. Attain at least a master's degree in Social Work from a program that is:

365 a. Operated by a college or university recognized by the Licensing Authority; and

366 b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting
367 agency recognized by either:

368 i. the Council for Higher Education Accreditation or its successor; or

- 369 ii. the United States Department of Education.
- 370 D. An applicant for a bachelor's category Multistate License must meet all of the
- 371 following requirements:
- 372 1. Fulfill a competency requirement, which shall be satisfied by either:
- 373 a. Passage of a bachelor's-category Qualifying National Exam;
- 374 b. Licensure of the applicant in their Home State at the bachelor's category, beginning
- 375 prior to such time as a Qualifying National Exam was required by the Home State and
- 376 accompanied by a period of continuous Social Work licensure thereafter, all of which may be
- 377 further governed by the Rules of the Commission; or
- 378 c. The substantial equivalency of the foregoing competency requirements which the
- 379 Commission may determine by Rule.
- 380 2. Attain at least a bachelor's degree in Social Work from a program that is:
- 381 a. Operated by a college or university recognized by the Licensing Authority; and
- 382 b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting
- 383 agency recognized by either:
- 384 i. the Council for Higher Education Accreditation or its successor; or
- 385 ii. the United States Department of Education.
- 386 E. The Multistate License for a Regulated Social Worker is subject to the renewal
- 387 requirements of the Home State. The Regulated Social Worker must maintain compliance with
- 388 the requirements of Section 4(A) to be eligible to renew a Multistate License.
- 389 F. The Regulated Social Worker's services in a Remote State are subject to that
- 390 Member State's regulatory authority. A Remote State may, in accordance with due process and
- 391 that Member State's laws, remove a Regulated Social Worker's Multistate Authorization to
- 392 Practice in the Remote State for a specific period of time, impose fines, and take any other
- 393 necessary actions to protect the health and safety of its citizens.
- 394 G. If a Multistate License is encumbered, the Regulated Social Worker's Multistate
- 395 Authorization to Practice shall be deactivated in all Remote States until the Multistate License
- 396 is no longer encumbered.
- 397 H. If a Multistate Authorization to Practice is encumbered in a Remote State, the
- 398 regulated Social Worker's Multistate Authorization to Practice may be deactivated in that State
- 399 until the Multistate Authorization to Practice is no longer encumbered.

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

401 **58-60b-105. Section 5 -- Issuance of a Multistate License.**

402 A. Upon receipt of an application for Multistate License, the Home State Licensing
403 Authority shall determine the applicant's eligibility for a Multistate License in accordance with
404 Section 4 of this Compact.

405 B. If such applicant is eligible pursuant to Section 4 of this Compact, the Home State
406 Licensing Authority shall issue a Multistate License that authorizes the applicant or Regulated
407 Social Worker to practice in all Member States under a Multistate Authorization to Practice.

408 C. Upon issuance of a Multistate License, the Home State Licensing Authority shall
409 designate whether the Regulated Social Worker holds a Multistate License in the Bachelors,
410 Masters, or Clinical category of Social Work.

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

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

416 **58-60b-106. Section 6 -- Authority of Interstate Compact Commission and**
417 **Member State Licensing Authorities.**

418 A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
419 limit, restrict, or in any way reduce the ability of a Member State to enact and enforce laws,
420 regulations, or other rules related to the practice of Social Work in that State ~~H→ [; where those~~
420a ~~laws,~~

421 ~~regulations, or other rules are not inconsistent with the provisions of this Compact]~~ ←H .

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

424 C. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
425 limit, restrict, or in any way reduce the ability of a Member State to take Adverse Action
426 against a Licensee's Single State License to practice Social Work in that State.

427 D. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
428 limit, restrict, or in any way reduce the ability of a Remote State to take Adverse Action against
429 a Licensee's Multistate Authorization to Practice in that State.

430 E. Nothing in this Compact, nor any Rule of the Commission, shall be construed to

431 limit, restrict, or in any way reduce the ability of a Licensee's Home State to take Adverse
432 Action against a Licensee's Multistate License based upon information provided by a Remote
433 State.

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

435 **58-60b-107. Section 7 -- Reissuance of a Multistate License by a new Home State.**

436 A. A Licensee can hold a Multistate License, issued by their Home State, in only one
437 Member State at any given time.

438 B. If a Licensee changes their Home State by moving between two Member States:

439 1. The Licensee shall immediately apply for the reissuance of their Multistate License
440 in their new Home State. The Licensee shall pay all applicable fees and notify the prior Home
441 State in accordance with the Rules of the Commission.

442 2. Upon receipt of an application to reissue a Multistate License, the new Home State
443 shall verify that the Multistate License is active, unencumbered and eligible for reissuance
444 under the terms of the Compact and the Rules of the Commission. The Multistate License
445 issued by the prior Home State will be deactivated and all Member States notified in
446 accordance with the applicable Rules adopted by the Commission.

447 3. Prior to the reissuance of the Multistate License, the new Home State shall conduct
448 procedures for considering the criminal history records of the Licensee. Such procedures shall
449 include the submission of fingerprints or other biometric-based information by applicants for
450 the purpose of obtaining an applicant's criminal history record information from the Federal
451 Bureau of Investigation and the agency responsible for retaining that State's criminal records.

452 4. If required for initial licensure, the new Home State may require completion of
453 jurisprudence requirements in the new Home State.

454 5. Notwithstanding any other provision of this Compact, if a Licensee does not meet
455 the requirements set forth in this Compact for the reissuance of a Multistate License by the new
456 Home State, then the Licensee shall be subject to the new Home State requirements for the
457 issuance of a Single State License in that State.

458 C. If a Licensee changes their primary State of residence by moving from a Member
459 State to a non-Member State, or from a non-Member State to a Member State, then the
460 Licensee shall be subject to the State requirements for the issuance of a Single State License in
461 the new Home State.

462 D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single
463 State License in multiple States; however, for the purposes of this Compact, a Licensee shall
464 have only one Home State, and only one Multistate License.

465 E. Nothing in this Compact shall interfere with the requirements established by a
466 Member State for the issuance of a Single State License.

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

468 **58-60b-108. Section 8 -- Military families.**

469 An Active Military Member or their spouse shall designate a Home State where the
470 individual has a Multistate License. The individual may retain their Home State designation
471 during the period the service member is on active duty.

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

473 **58-60b-109. Section 9 -- Adverse Actions.**

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

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

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

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

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

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

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

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

502 F. Joint Investigations:

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

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

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

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

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

520 J. Nothing in this Compact shall authorize a Member State to demand the issuance of
521 subpoenas for attendance and testimony of witnesses or the production of evidence from
522 another Member State for lawful actions within that Member State.

523 K. Nothing in this Compact shall authorize a Member State to impose discipline against

524 a Regulated Social Worker who holds a Multistate Authorization to Practice for lawful actions
525 within another Member State.

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

527 **58-60b-110. Section 10 -- Establishment of Social Work Licensure Compact**

528 **Commission.**

529 A. The Compact Member States hereby create and establish a joint government agency
530 whose membership consists of all member states that have enacted the compact known as the
531 Social Work Licensure Compact Commission. The Commission is an instrumentality of the
532 Compact States acting jointly and not an instrumentality of any one state. The Commission
533 shall come into existence on or after the effective date of the Compact as set forth in Section
534 14.

535 B. Membership, Voting, and Meetings

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

538 2. The delegate shall be either:

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

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

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

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

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

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

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

553 8. The Commission shall meet at least once during each calendar year. Additional
554 meetings may be held as set forth in the bylaws. The Commission may meet by

555 telecommunication, video conference or other similar electronic means.

556 C. The Commission shall have the following powers:

557 1. Establish the fiscal year of the Commission;

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

559 3. Establish and amend Rules and bylaws;

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

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

562 Commission's Rules and the bylaws;

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

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

569 8. Purchase and maintain insurance and bonds;

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

572 10. Conduct an annual financial review;

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

577 12. Assess and collect fees;

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

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

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

- 586 16. Establish a budget and make expenditures;
- 587 17. Borrow money;
- 588 18. Appoint committees, including standing committees, composed of members, State
589 regulators, State legislators or their representatives, and consumer representatives, and such
590 other interested persons as may be designated in this Compact and the bylaws;
- 591 19. Provide and receive information from, and cooperate with, law enforcement
592 agencies;
- 593 20. Establish and elect an Executive Committee, including a chair and a vice chair;
- 594 21. Determine whether a State's adopted language is materially different from the
595 model compact language such that the State would not qualify for participation in the Compact;
596 and
- 597 22. Perform such other functions as may be necessary or appropriate to achieve the
598 purposes of this Compact.
- 599 D. The Executive Committee
- 600 1. The Executive Committee shall have the power to act on behalf of the Commission
601 according to the terms of this Compact. The powers, duties, and responsibilities of the
602 Executive Committee shall include:
- 603 a. Oversee the day-to-day activities of the administration of the compact including
604 enforcement and compliance with the provisions of the compact, its Rules and bylaws, and
605 other such duties as deemed necessary;
- 606 b. Recommend to the Commission changes to the Rules or bylaws, changes to this
607 Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and
608 other fees;
- 609 c. Ensure Compact administration services are appropriately provided, including by
610 contract;
- 611 d. Prepare and recommend the budget;
- 612 e. Maintain financial records on behalf of the Commission;
- 613 f. Monitor Compact compliance of Member States and provide compliance reports to
614 the Commission;
- 615 g. Establish additional committees as necessary;
- 616 h. Exercise the powers and duties of the Commission during the interim between

617 Commission meetings, except for adopting or amending Rules, adopting or amending bylaws,
618 and exercising any other powers and duties expressly reserved to the Commission by Rule or
619 bylaw; and

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

621 2. The Executive Committee shall be composed of up to eleven (11) members:

622 a. The chair and vice chair of the Commission shall be voting members of the

623 Executive Committee;

624 b. The Commission shall elect five voting members from the current membership of
625 the Commission;

626 c. Up to four (4) ex-officio, nonvoting members from four (4) recognized national

627 Social Work organizations; and

628 d. The ex-officio members will be selected by their respective organizations.

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

631 4. The Executive Committee shall meet at least annually.

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

634 b. The Executive Committee shall give seven (7) days' notice of its meetings, posted on
635 its website and as determined to provide notice to persons with an interest in the business of the
636 Commission.

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

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

640 F. Meetings of the Commission

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

643 a. Public notice for all meetings of the full Commission of meetings shall be given in
644 the same manner as required under the Rulemaking provisions in Section 12, except that the
645 Commission may hold a special meeting as provided in subsection F.1.b below.

646 b. The Commission may hold a special meeting when it must meet to conduct
647 emergency business by giving 48 hours' notice to all commissioners, on the Commission's

648 website, and other means as provided in the Commission's rules. The Commission's legal
649 counsel shall certify that the Commission's need to meet qualifies as an emergency.

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

653 a. Non-compliance of a Member State with its obligations under the Compact;
654 b. The employment, compensation, discipline or other matters, practices or procedures
655 related to specific employees;

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

658 d. Current, threatened, or reasonably anticipated litigation;

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

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

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

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

666 i. Investigative records compiled for law enforcement purposes;

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

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

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

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

675 4. The Commission shall keep minutes that fully and clearly describe all matters
676 discussed in a meeting and shall provide a full and accurate summary of actions taken, and the
677 reasons therefore, including a description of the views expressed. All documents considered in
678 connection with an action shall be identified in such minutes. All minutes and documents of a

679 closed meeting shall remain under seal, subject to release only by a majority vote of the
680 Commission or order of a court of competent jurisdiction.

681 G. Financing of the Commission

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

684 2. The Commission may accept any and all appropriate revenue sources, as provided in
685 C(13).

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

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

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

701 H. Qualified Immunity, Defense, and Indemnification

702 1. The members, officers, executive director, employees and representatives of the
703 Commission shall be immune from suit and liability, both personally and in their official
704 capacity, for any claim for damage to or loss of property or personal injury or other civil
705 liability caused by or arising out of any actual or alleged act, error or omission that occurred, or
706 that the person against whom the claim is made had a reasonable basis for believing occurred
707 within the scope of Commission employment, duties or responsibilities; provided that nothing
708 in this paragraph shall be construed to protect any such person from suit or liability for any
709 damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of

710 that person. The procurement of insurance of any type by the Commission shall not in any way
711 compromise or limit the immunity granted hereunder.

712 2. The Commission shall defend any member, officer, executive director, employee
713 and representative of the Commission in any civil action seeking to impose liability arising out
714 of any actual or alleged act, error, or omission that occurred within the scope of Commission
715 employment, duties, or responsibilities, or as determined by the Commission that the person
716 against whom the claim is made had a reasonable basis for believing occurred within the scope
717 of Commission employment, duties, or responsibilities; provided that nothing herein shall be
718 construed to prohibit that person from retaining their own counsel at their own expense; and
719 provided further, that the actual or alleged act, error, or omission did not result from that
720 person's intentional or willful or wanton misconduct.

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

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

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

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

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

739 **58-60b-111. Section 11 -- Data System.**

740 A. The Commission shall provide for the development, maintenance, operation, and

741 utilization of a coordinated Data System.

742 B. The Commission shall assign each applicant for a Multistate License a unique
743 identifier, as determined by the Rules of the Commission.

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

747 1. Identifying information;

748 2. Licensure data;

749 3. Adverse Actions against a license and information related thereto;

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

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

754 6. The presence of Current Significant Investigative Information; and

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

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

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

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

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

771 G. Any information submitted to the Data System that is subsequently expunged

772 pursuant to federal law or the laws of the Member State contributing the information shall be
773 removed from the Data System.

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

775 **58-60b-112. Section 12 -- Rulemaking.**

776 A. The Commission shall promulgate reasonable Rules in order to effectively and
777 efficiently implement and administer the purposes and provisions of the Compact. A Rule shall
778 be invalid and have no force or effect only if a court of competent jurisdiction holds that the
779 Rule is invalid because the Commission exercised its rulemaking authority in a manner that is
780 beyond the scope and purposes of the Compact, or the powers granted hereunder, or based
781 upon another applicable standard of review.

782 B. The Rules of the Commission shall have the force of law in each Member State,
783 provided however that where the Rules of the Commission conflict with the laws of the
784 Member State that establish the Member State's laws, regulations, and applicable standards that
785 govern the practice of Social Work as held by a court of competent jurisdiction, the Rules of
786 the Commission shall be ineffective in that State to the extent of the conflict.

787 C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set
788 forth in this Section and the Rules adopted thereunder. Rules shall become binding on the day
789 following adoption or the date specified in the Rule or amendment, whichever is later.

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

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

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

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

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

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

- 803 3. In such other way(s) as the Commission may by Rule specify.
- 804 H. The Notice of Proposed Rulemaking shall include:
- 805 1. The time, date, and location of the public hearing at which the Commission will hear
- 806 public comments on the proposed Rule and, if different, the time, date, and location of the
- 807 meeting where the Commission will consider and vote on the proposed rule;
- 808 2. If the hearing is held via telecommunication, video conference, or other electronic
- 809 means, the Commission shall include the mechanism for access to the hearing in the Notice of
- 810 Proposed Rulemaking;
- 811 3. The text of the proposed Rule and the reason therefor;
- 812 4. A request for comments on the proposed Rule from any interested person; and
- 813 5. The manner in which interested persons may submit written comments.
- 814 I. All hearings will be recorded. A copy of the recording and all written comments and
- 815 documents received by the Commission in response to the proposed Rule shall be available to
- 816 the public.
- 817 J. Nothing in this section shall be construed as requiring a separate hearing on each
- 818 Rule. Rules may be grouped for the convenience of the Commission at hearings required by
- 819 this section.
- 820 K. The Commission shall, by majority vote of all members, take final action on the
- 821 proposed Rule based on the Rulemaking record and the full text of the Rule.
- 822 1. The Commission may adopt changes to the proposed Rule provided the changes do
- 823 not enlarge the original purpose of the proposed Rule.
- 824 2. The Commission shall provide an explanation of the reasons for substantive changes
- 825 made to the proposed Rule as well as reasons for substantive changes not made that were
- 826 recommended by commenters.
- 827 3. The Commission shall determine a reasonable effective date for the Rule. Except for
- 828 an emergency as provided in Section 12.L, the effective date of the Rule shall be no sooner
- 829 than 30 days after issuing the notice that it adopted or amended the Rule.
- 830 L. Upon determination that an emergency exists, the Commission may consider and
- 831 adopt an emergency Rule with 48 hours' notice, with opportunity to comment, provided that the
- 832 usual Rulemaking procedures provided in the Compact and in this section shall be retroactively
- 833 applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after

834 the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that
835 must be adopted immediately in order to:

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

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

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

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

852 **58-60b-113. Section 13 -- Oversight, dispute resolution, and enforcement.**

853 A. Oversight

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

856 2. Except as otherwise provided in this Compact, venue is proper and judicial
857 proceedings by or against the Commission shall be brought solely and exclusively in a court of
858 competent jurisdiction where the principal office of the Commission is located. The
859 Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to
860 participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the
861 selection or propriety of venue in any action against a Licensee for professional malpractice,
862 misconduct or any such similar matter.

863 3. The Commission shall be entitled to receive service of process in any proceeding
864 regarding the enforcement or interpretation of the Compact and shall have standing to intervene

865 in such a proceeding for all purposes. Failure to provide the Commission service of process
866 shall render a judgment or order void as to the Commission, this Compact, or promulgated
867 Rules.

868 B. Default, Technical Assistance, and Termination

869 1. If the Commission determines that a Member State has defaulted in the performance
870 of its obligations or responsibilities under this Compact or the promulgated Rules, the
871 Commission shall provide written notice to the defaulting State. The notice of default shall
872 describe the default, the proposed means of curing the default, and any other action that the
873 Commission may take, and shall offer training and specific technical assistance regarding the
874 default.

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

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

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

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

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

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

896 the Commission and the defaulting State.

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

901 I. Dispute Resolution

902 1. Upon request by a Member State, the Commission shall attempt to resolve disputes
903 related to the Compact that arise among Member States and between Member and non-Member
904 States.

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

907 J. Enforcement

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

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

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

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

926 **58-60b-114. Section 14 -- Effective date, withdrawal, and amendment.**

927 A. The Compact shall come into effect on the date on which the Compact statute is
928 enacted into law in the seventh Member State.

929 1. On or after the effective date of the Compact, the Commission shall convene and
930 review the enactment of each of the first seven Member States ("Charter Member States") to
931 determine if the statute enacted by each such Charter Member State is materially different than
932 the model Compact statute.

933 a. A Charter Member State whose enactment is found to be materially different from
934 the model Compact statute shall be entitled to the default process set forth in Section 13.

935 b. If any Member State is later found to be in default, or is terminated or withdraws
936 from the Compact, the Commission shall remain in existence and the Compact shall remain in
937 effect even if the number of Member States should be less than seven.

938 2. Member States enacting the Compact subsequent to the seven initial Charter Member
939 States shall be subject to the process set forth in Section 10(C)(21) to determine if their
940 enactments are materially different from the model Compact statute and whether they qualify
941 for participation in the Compact.

942 3. All actions taken for the benefit of the Commission or in furtherance of the purposes
943 of the administration of the Compact prior to the effective date of the Compact or the
944 Commission coming into existence shall be considered to be actions of the Commission unless
945 specifically repudiated by the Commission.

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

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

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

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

958 3. Upon the enactment of a statute withdrawing from this compact, a State shall
959 immediately provide notice of such withdrawal to all Licensees within that State.
960 Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State
961 shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180
962 days after the date of such notice of withdrawal.

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

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

969 Section 17. Section **58-60b-115** is enacted to read:

970 **58-60b-115. Section 15 -- Construction and severability.**

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

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

983 C. Notwithstanding subsection B of this section, the Commission may deny a State's
984 participation in the Compact or, in accordance with the requirements of Section 13.B, terminate
985 a Member State's participation in the Compact, if it determines that a constitutional
986 requirement of a Member State is a material departure from the Compact. Otherwise, if this
987 Compact shall be held to be contrary to the constitution of any Member State, the Compact
988 shall remain in full force and effect as to the remaining Member States and in full force and

989 effect as to the Member State affected as to all severable matters.

990 Section 18. Section **58-60b-116** is enacted to read:

991 **58-60b-116. Section 16 -- Consistent effect and conflict with other state laws.**

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

995 B. Nothing herein shall prevent or inhibit the enforcement of any other law of a
996 Member State that is not inconsistent with the Compact.

997 C. Any laws, statutes, regulations, or other legal requirements in a Member State in
998 conflict with the Compact are superseded to the extent of the conflict.

999 D. All permissible agreements between the Commission and the Member States are
1000 binding in accordance with their terms.

1001 Section 19. Section **58-60b-201** is enacted to read:

1002 **Part 2. Division Implementation**

1003 **58-60b-201. Rulemaking authority -- State authority over scope of practice.**

1004 (1) The division may make rules in accordance with Title 63G, Chapter 3, Utah
1005 Administrative Rulemaking Act, to implement this chapter.

1006 (2) Notwithstanding any provision in Sections [58-60b-101](#) through [58-60b-114](#),
1007 Sections [58-60b-101](#) through [58-60b-114](#) do not supersede state law related to an individual's
1008 scope of practice under this title.

1009 Section 20. **Effective date.**

1010 This bill takes effect on May 1, 2024.