

Senator Todd D. Weiler proposes the following substitute bill:

SOCIAL WORK LICENSURE COMPACT

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sandra Hollins

Senate Sponsor: Todd D. Weiler

LONG TITLE

General Description:

This bill enacts the Social Work Licensure Compact.

Highlighted Provisions:

This bill:

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

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



- 26 [58-60b-103](#), Utah Code Annotated 1953
- 27 [58-60b-104](#), Utah Code Annotated 1953
- 28 [58-60b-105](#), Utah Code Annotated 1953
- 29 [58-60b-106](#), Utah Code Annotated 1953
- 30 [58-60b-107](#), Utah Code Annotated 1953
- 31 [58-60b-108](#), Utah Code Annotated 1953
- 32 [58-60b-109](#), Utah Code Annotated 1953
- 33 [58-60b-110](#), Utah Code Annotated 1953
- 34 [58-60b-111](#), Utah Code Annotated 1953
- 35 [58-60b-112](#), Utah Code Annotated 1953
- 36 [58-60b-113](#), Utah Code Annotated 1953
- 37 [58-60b-114](#), Utah Code Annotated 1953
- 38 [58-60b-115](#), Utah Code Annotated 1953
- 39 [58-60b-116](#), Utah Code Annotated 1953
- 40 [58-60b-201](#), Utah Code Annotated 1953

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

43 Section 1. Section [58-60-103.1](#) is amended to read:

44 **[58-60-103.1. Criminal background check.](#)**

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

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

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

51 (2) The division shall:

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

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

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

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

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

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

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

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

72 (5) The division may not:

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

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

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

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

83 **58-60-205. Qualifications for licensure or certification as a clinical social worker,**
84 **certified social worker, and social service worker.**

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

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

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

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

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

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

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

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

100 (A) clinical mental health counselor;

101 (B) psychiatrist;

102 (C) psychologist;

103 (D) registered psychiatric mental health nurse practitioner;

104 (E) marriage and family therapist; or

105 (F) clinical social worker; and

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

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

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

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

117 (h) if the applicant is applying to participate in the [~~Counseling Compact under Chapter~~
118 ~~60a, Counseling Compact,~~] Social Work Licensure Compact under Chapter 60b, Social Work

119 Licensure Compact, consent to a criminal background check in accordance with Section
120 58-60-103.1 and any requirements established by division rule made in accordance with Title
121 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

146 (I) social welfare policy;

147 (II) human growth and development; and

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

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

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

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

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

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

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

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

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

164 **Part 1. Compact Text**

165 **58-60b-101. Section 1 -- Purpose.**

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

170 This Compact is designed to achieve the following objectives:

171 A. Increase public access to Social Work Services;

172 B. Reduce overly burdensome and duplicative requirements associated with holding
173 multiple licenses;

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

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

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

179 F. Support military families;

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

181 States;

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

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

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

188 **58-60b-102. Section 2 -- Definitions.**

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

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

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

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

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

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

210 F. "Current Significant Investigative Information" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

249 S. "Qualifying National Exam" means a national licensing examination approved by
250 the Commission.

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

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

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

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

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

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

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

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

270 **58-60b-103. Section 3 -- State participation in the Compact.**

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

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

274 bachelor's category.

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

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

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

278 by an accrediting agency recognized by either:

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

280 ii. the United States Department of Education; and

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

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

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

284 about Licensees.

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

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

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

289 Commission's unique identifier as defined in Rules;

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

292 regarding a Licensee;

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

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

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

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

297 for retaining that State's criminal records;

298 5. Comply with the Rules of the Commission;

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

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

301 Home State laws;

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

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

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

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

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

314 **58-60b-104. Section 4 -- Social Worker participation in the Compact.**

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

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

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

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

336 further governed by the Rules of the Commission; or

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

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

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

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

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

344 ii. the United States Department of Education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

399 **58-60b-105. Section 5 -- Issuance of a Multistate License.**

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

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

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

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

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

414 **58-60b-106. Section 6 -- Authority of Interstate Compact Commission and**
415 **Member State Licensing Authorities.**

416 A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
417 limit, restrict, or in any way reduce the ability of a Member State to enact and enforce laws,
418 regulations, or other rules related to the practice of Social Work in that State.

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

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

424 D. 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 Remote State to take Adverse Action against
426 a Licensee's Multistate Authorization to Practice in that State.

427 E. 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 Licensee's Home State to take Adverse

429 Action against a Licensee's Multistate License based upon information provided by a Remote
430 State.

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

432 **58-60b-107. Section 7 -- Reissuance of a Multistate License by a new Home State.**

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

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

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

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

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

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

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

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

459 D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single

460 State License in multiple States; however, for the purposes of this Compact, a Licensee shall
461 have only one Home State, and only one Multistate License.

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

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

465 **58-60b-108. Section 8 -- Military families.**

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

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

470 **58-60b-109. Section 9 -- Adverse Actions.**

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

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

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

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

488 C. The Home State shall complete any pending investigations of a Regulated Social
489 Worker who changes their Home State during the course of the investigations. The Home State
490 shall also have the authority to take appropriate action(s) and shall promptly report the

491 conclusions of the investigations to the administrator of the Data System. The administrator of
492 the Data System shall promptly notify the new Home State of any Adverse Actions.

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

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

499 F. Joint Investigations:

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

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

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

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

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

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

520 K. Nothing in this Compact shall authorize a Member State to impose discipline against
521 a Regulated Social Worker who holds a Multistate Authorization to Practice for lawful actions

522 within another Member State.

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

524 **58-60b-110. Section 10 -- Establishment of Social Work Licensure Compact**

525 **Commission.**

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

532 B. Membership, Voting, and Meetings

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

535 2. The delegate shall be either:

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

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

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

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

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

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

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

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

- 553 C. The Commission shall have the following powers:
- 554 1. Establish the fiscal year of the Commission;
- 555 2. Establish code of conduct and conflict of interest policies;
- 556 3. Establish and amend Rules and bylaws;
- 557 4. Maintain its financial records in accordance with the bylaws;
- 558 5. Meet and take such actions as are consistent with the provisions of this Compact, the
559 Commission's Rules and the bylaws;
- 560 6. Initiate and conclude legal proceedings or actions in the name of the Commission,
561 provided that the standing of any Licensing Authority to sue or be sued under applicable law
562 shall not be affected;
- 563 7. Maintain and certify records and information provided to a Member State as the
564 authenticated business records of the Commission and designate an agent to do so on the
565 Commission's behalf;
- 566 8. Purchase and maintain insurance and bonds;
- 567 9. Borrow, accept, or contract for services of personnel, including, but not limited to,
568 employees of a Member State;
- 569 10. Conduct an annual financial review;
- 570 11. Hire employees, elect or appoint officers, fix compensation, define duties, grant
571 such individuals appropriate authority to carry out the purposes of the Compact, and establish
572 the Commission's personnel policies and programs relating to conflicts of interest,
573 qualifications of personnel, and other related personnel matters;
- 574 12. Assess and collect fees;
- 575 13. Accept any and all appropriate gifts, donations, grants of money, other sources of
576 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the
577 same; provided that at all times the Commission shall avoid any appearance of impropriety or
578 conflict of interest;
- 579 14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or
580 mixed, or any undivided interest therein;
- 581 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
582 any property real, personal, or mixed;
- 583 16. Establish a budget and make expenditures;

- 584 17. Borrow money;
- 585 18. Appoint committees, including standing committees, composed of members, State
- 586 regulators, State legislators or their representatives, and consumer representatives, and such
- 587 other interested persons as may be designated in this Compact and the bylaws;
- 588 19. Provide and receive information from, and cooperate with, law enforcement
- 589 agencies;
- 590 20. Establish and elect an Executive Committee, including a chair and a vice chair;
- 591 21. Determine whether a State's adopted language is materially different from the
- 592 model compact language such that the State would not qualify for participation in the Compact;
- 593 and
- 594 22. Perform such other functions as may be necessary or appropriate to achieve the
- 595 purposes of this Compact.

596 D. The Executive Committee

597 1. The Executive Committee shall have the power to act on behalf of the Commission

598 according to the terms of this Compact. The powers, duties, and responsibilities of the

599 Executive Committee shall include:

- 600 a. Oversee the day-to-day activities of the administration of the compact including
- 601 enforcement and compliance with the provisions of the compact, its Rules and bylaws, and
- 602 other such duties as deemed necessary;
- 603 b. Recommend to the Commission changes to the Rules or bylaws, changes to this
- 604 Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and
- 605 other fees;
- 606 c. Ensure Compact administration services are appropriately provided, including by
- 607 contract;
- 608 d. Prepare and recommend the budget;
- 609 e. Maintain financial records on behalf of the Commission;
- 610 f. Monitor Compact compliance of Member States and provide compliance reports to
- 611 the Commission;
- 612 g. Establish additional committees as necessary;
- 613 h. Exercise the powers and duties of the Commission during the interim between
- 614 Commission meetings, except for adopting or amending Rules, adopting or amending bylaws,

615 and exercising any other powers and duties expressly reserved to the Commission by Rule or
616 bylaw; and

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

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

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

621 b. The Commission shall elect five voting members from the current membership of
622 the Commission;

623 c. Up to four (4) ex-officio, nonvoting members from four (4) recognized national
624 Social Work organizations; and

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

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

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

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

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

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

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

637 F. Meetings of the Commission

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

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

643 b. The Commission may hold a special meeting when it must meet to conduct
644 emergency business by giving 48 hours' notice to all commissioners, on the Commission's
645 website, and other means as provided in the Commission's rules. The Commission's legal

646 counsel shall certify that the Commission's need to meet qualifies as an emergency.

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

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

651 b. The employment, compensation, discipline or other matters, practices or procedures
652 related to specific employees;

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

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

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

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

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

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

663 i. Investigative records compiled for law enforcement purposes;

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

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

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

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

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

677 Commission or order of a court of competent jurisdiction.

678 G. Financing of the Commission

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

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

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

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

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

698 H. Qualified Immunity, Defense, and Indemnification

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

708 compromise or limit the immunity granted hereunder.

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

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

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

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

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

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

736 **58-60b-111. Section 11 -- Data System.**

737 A. The Commission shall provide for the development, maintenance, operation, and
738 utilization of a coordinated Data System.

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

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

744 1. Identifying information;

745 2. Licensure data;

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

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

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

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

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

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

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

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

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

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

770 removed from the Data System.

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

772 **58-60b-112. Section 12 -- Rulemaking.**

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

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

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

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

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

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

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

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

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

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

801 H. The Notice of Proposed Rulemaking shall include:

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

805 2. If the hearing is held via telecommunication, video conference, or other electronic
806 means, the Commission shall include the mechanism for access to the hearing in the Notice of
807 Proposed Rulemaking;

808 3. The text of the proposed Rule and the reason therefor;

809 4. A request for comments on the proposed Rule from any interested person; and

810 5. The manner in which interested persons may submit written comments.

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

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

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

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

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

824 3. The Commission shall determine a reasonable effective date for the Rule. Except for
825 an emergency as provided in Section 12.L, the effective date of the Rule shall be no sooner
826 than 30 days after issuing the notice that it adopted or amended the Rule.

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

832 must be adopted immediately in order to:

833 1. Meet an imminent threat to public health, safety, or welfare;

834 2. Prevent a loss of Commission or Member State funds;

835 3. Meet a deadline for the promulgation of a Rule that is established by federal law or

836 rule; or

837 4. Protect public health and safety.

838 M. The Commission or an authorized committee of the Commission may direct

839 revisions to a previously adopted Rule for purposes of correcting typographical errors, errors in

840 format, errors in consistency, or grammatical errors. Public notice of any revisions shall be

841 posted on the website of the Commission. The revision shall be subject to challenge by any

842 person for a period of thirty (30) days after posting. The revision may be challenged only on

843 grounds that the revision results in a material change to a Rule. A challenge shall be made in

844 writing and delivered to the Commission prior to the end of the notice period. If no challenge is

845 made, the revision will take effect without further action. If the revision is challenged, the

846 revision may not take effect without the approval of the Commission.

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

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

849 **58-60b-113. Section 13 -- Oversight, dispute resolution, and enforcement.**

850 A. Oversight

851 1. The executive and judicial branches of State government in each Member State shall

852 enforce this Compact and take all actions necessary and appropriate to implement the Compact.

853 2. Except as otherwise provided in this Compact, venue is proper and judicial

854 proceedings by or against the Commission shall be brought solely and exclusively in a court of

855 competent jurisdiction where the principal office of the Commission is located. The

856 Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to

857 participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the

858 selection or propriety of venue in any action against a Licensee for professional malpractice,

859 misconduct or any such similar matter.

860 3. The Commission shall be entitled to receive service of process in any proceeding

861 regarding the enforcement or interpretation of the Compact and shall have standing to intervene

862 in such a proceeding for all purposes. Failure to provide the Commission service of process

863 shall render a judgment or order void as to the Commission, this Compact, or promulgated
864 Rules.

865 B. Default, Technical Assistance, and Termination

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

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

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

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

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

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

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

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

898 I. Dispute Resolution

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

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

904 J. Enforcement

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

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

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

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

923 **58-60b-114. Section 14 -- Effective date, withdrawal, and amendment.**

924 A. The Compact shall come into effect on the date on which the Compact statute is

925 enacted into law in the seventh Member State.

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

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

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

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

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

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

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

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

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

955 3. Upon the enactment of a statute withdrawing from this compact, a State shall

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

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

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

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

967 **58-60b-115. Section 15 -- Construction and severability.**

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

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

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

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

988 **58-60b-116. Section 16 -- Consistent effect and conflict with other state laws.**

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

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

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

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

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

999 **Part 2. Division Implementation**

1000 **58-60b-201. Rulemaking authority -- State authority over scope of practice.**

1001 (1) The division may make rules in accordance with Title 63G, Chapter 3, Utah
1002 Administrative Rulemaking Act, to implement this chapter.

1003 (2) Notwithstanding any provision in Sections [58-60b-101](#) through [58-60b-114](#),
1004 Sections [58-60b-101](#) through [58-60b-114](#) do not supersede state law related to an individual's
1005 scope of practice under this title.

1006 Section 20. **Effective date.**

1007 This bill takes effect on May 1, 2024.