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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4049

02/22/2024 Authored by Smith; Hanson, J.; Edelson; Hill; Hassan and others
The bill was read for the first time and referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to health occupations; creating a social work services interstate compact;
proposing coding for new law in Minnesota Statutes, chapter 148E.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. 148E.40 PURPOSE.

1.6 (a) The purpose of this Compact is to facilitate interstate practice of regulated social
1.7 workers by improving public access to competent social work services. The Compact
1.8 preserves the regulatory authority of states to protect public health and safety through the
1.9 current system of state licensure.

1.10 (b) This Compact is designed to achieve the following objectives:

1.11 (1) increase public access to social work services;

1.12 (2) reduce overly burdensome and duplicative requirements associated with holding
1.13 multiple licenses;

1.14 (3) enhance the member states' ability to protect the public's health and safety;

1.15 (4) encourage the cooperation of member states in regulating multistate practice;

1.16 (5) promote mobility and address workforce shortages by eliminating the necessity for
1.17 licenses in multiple states by providing for the mutual recognition of other member state
1.18 licenses;

1.19 (6) support military families;

1.20 (7) facilitate the exchange of licensure and disciplinary information among member
1.21 states;

2.1 (8) authorize all member states to hold a regulated social worker accountable for abiding  
2.2 by a member state's laws, regulations, and applicable professional standards in the member  
2.3 state in which the client is located at the time care is rendered; and

2.4 (9) allow for the use of telehealth to facilitate increased access to regulated social work  
2.5 services.

2.6 **Sec. 2. [148E.41] DEFINITIONS.**

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

2.9 (1) "Active military member" means any individual with full-time duty status in the  
2.10 active armed forces of the United States, including members of the National Guard and  
2.11 Reserve.

2.12 (2) "Adverse action" means any administrative, civil, equitable, or criminal action  
2.13 permitted by a state's laws which is imposed by a licensing authority or other authority  
2.14 against a regulated social worker, including actions against an individual's license or  
2.15 multistate authorization to practice such as revocation, suspension, probation, monitoring  
2.16 of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure  
2.17 affecting a regulated social worker's authorization to practice, including issuance of a cease  
2.18 and desist action.

2.19 (3) "Alternative program" means a nondisciplinary monitoring or practice remediation  
2.20 process approved by a licensing authority to address practitioners with an impairment.

2.21 (4) "Charter member states" means member states who have enacted legislation to adopt  
2.22 this Compact where such legislation predates the effective date of this Compact as described  
2.23 in section 148E.53.

2.24 (5) "Compact" means sections 148E.40 to 148E.55.

2.25 (6) "Compact Commission" or "Commission" means the government agency whose  
2.26 membership consists of all States that have enacted this Compact, which is known as the  
2.27 Social Work Licensure Compact Commission, as described in section 148E.49, and which  
2.28 shall operate as an instrumentality of the member states.

2.29 (7) "Current significant investigative information" means:

2.30 (i) investigative information that a licensing authority, after a preliminary inquiry that  
2.31 includes notification and an opportunity for the regulated social worker to respond, has

3.1 reason to believe is not groundless and, if proved true, would indicate more than a minor  
3.2 infraction as may be defined by the Commission; or

3.3 (ii) investigative information that indicates that the regulated social worker represents  
3.4 an immediate threat to public health and safety, as may be defined by the Commission,  
3.5 regardless of whether the regulated social worker has been notified and has had an  
3.6 opportunity to respond.

3.7 (8) "Data system" means a repository of information about licensees, including continuing  
3.8 education, examinations, licensure, current significant investigative information, disqualifying  
3.9 events, multistate licenses, and adverse action information or other information as required  
3.10 by the Commission.

3.11 (9) "Disqualifying event" means any adverse action or incident which results in an  
3.12 encumbrance that disqualifies or makes the licensee ineligible to obtain, retain, or renew a  
3.13 multistate license.

3.14 (10) "Domicile" means the jurisdiction in which the licensee resides and intends to  
3.15 remain indefinitely.

3.16 (11) "Encumbrance" means a revocation or suspension of, or any limitation on, the full  
3.17 and unrestricted practice of social work licensed and regulated by a licensing authority.

3.18 (12) "Executive Committee" means a group of delegates elected or appointed to act on  
3.19 behalf of, and within the powers granted to them by, the Compact and Commission.

3.20 (13) "Home state" means the member state that is the licensee's primary domicile.

3.21 (14) "Impairment" means a condition that may impair a practitioner's ability to engage  
3.22 in full and unrestricted practice as a regulated social worker without some type of intervention  
3.23 and may include alcohol and drug dependence, mental health impairment, and neurological  
3.24 or physical impairments.

3.25 (15) "Licensee" means an individual who currently holds a license from a state to practice  
3.26 as a regulated social worker.

3.27 (16) "Licensing authority" means the board or agency of a member state, or equivalent,  
3.28 that is responsible for the licensing and regulation of regulated social workers.

3.29 (17) "Member state" means a state, commonwealth, district, or territory of the United  
3.30 States of America that has enacted this Compact.

4.1 (18) "Multistate authorization to practice" means a legally authorized privilege to practice,  
4.2 which is equivalent to a license, associated with a multistate license permitting the practice  
4.3 of social work in a remote state.

4.4 (19) "Multistate license" means a license to practice as a regulated social worker issued  
4.5 by a home state licensing authority that authorizes the regulated social worker to practice  
4.6 in all member states under multistate authorization to practice.

4.7 (20) "Qualifying national exam" means a national licensing examination approved by  
4.8 the Commission.

4.9 (21) "Regulated social worker" means any clinical, master's, or bachelor's social worker  
4.10 licensed by a member state regardless of the title used by that member state.

4.11 (22) "Remote state" means a member state other than the licensee's home state.

4.12 (23) "Rule" or "rule of the Commission" means a regulation or regulations duly  
4.13 promulgated by the Commission, as authorized by the Compact, that has the force of law.

4.14 (24) "Single state license" means a social work license issued by any state that authorizes  
4.15 practice only within the issuing state and does not include multistate authorization to practice  
4.16 in any member state.

4.17 (25) "Social work" or "social work services" means the application of social work theory,  
4.18 knowledge, methods, ethics, and the professional use of self to restore or enhance social,  
4.19 psychosocial, or biopsychosocial functioning of individuals, couples, families, groups,  
4.20 organizations, and communities through the care and services provided by a regulated social  
4.21 worker as set forth in the member state's statutes and regulations in the state where the  
4.22 services are being provided.

4.23 (26) "State" means any state, commonwealth, district, or territory of the United States  
4.24 of America that regulates the practice of social work.

4.25 (27) "Unencumbered license" means a license that authorizes a regulated social worker  
4.26 to engage in the full and unrestricted practice of social work.

4.27 **Sec. 3. [148E.42] STATE PARTICIPATION IN THE COMPACT.**

4.28 (a) To be eligible to participate in the compact, a potential member state must currently  
4.29 meet all of the following criteria:

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

- 5.1 (2) require applicants for licensure to graduate from a program that:
- 5.2 (i) is operated by a college or university recognized by the licensing authority;
- 5.3 (ii) is accredited, or in candidacy by an institution that subsequently becomes accredited,
- 5.4 by an accrediting agency recognized by either:
- 5.5 (A) the Council for Higher Education Accreditation, or its successor; or
- 5.6 (B) the United States Department of Education; and
- 5.7 (iii) corresponds to the licensure sought as outlined in section 148E.43;
- 5.8 (3) require applicants for clinical licensure to complete a period of supervised practice;
- 5.9 and
- 5.10 (4) have a mechanism in place for receiving, investigating, and adjudicating complaints
- 5.11 about licensees.
- 5.12 (b) To maintain membership in the Compact, a member state shall:
- 5.13 (1) require that applicants for a multistate license pass a qualifying national exam for
- 5.14 the corresponding category of multistate license sought as outlined in section 148E.43;
- 5.15 (2) participate fully in the Commission's data system, including using the Commission's
- 5.16 unique identifier as defined in rules;
- 5.17 (3) notify the Commission, in compliance with the terms of the Compact and rules, of
- 5.18 any adverse action or the availability of current significant investigative information regarding
- 5.19 a licensee;
- 5.20 (4) implement procedures for considering the criminal history records of applicants for
- 5.21 a multistate license. Such procedures shall include the submission of fingerprints or other
- 5.22 biometric-based information by applicants for the purpose of obtaining an applicant's criminal
- 5.23 history record information from the Federal Bureau of Investigation and the agency
- 5.24 responsible for retaining that state's criminal records;
- 5.25 (5) comply with the rules of the Commission;
- 5.26 (6) require an applicant to obtain or retain a license in the home state and meet the home
- 5.27 state's qualifications for licensure or renewal of licensure, as well as all other applicable
- 5.28 home state laws;
- 5.29 (7) authorize a licensee holding a multistate license in any member state to practice in
- 5.30 accordance with the terms of the Compact and rules of the Commission; and
- 5.31 (8) designate a delegate to participate in the Commission meetings.

6.1 (c) A member state meeting the requirements of paragraphs (a) and (b) shall designate  
6.2 the categories of social work licensure that are eligible for issuance of a multistate license  
6.3 for applicants in such member state. To the extent that any member state does not meet the  
6.4 requirements for participation in the Compact at any particular category of social work  
6.5 licensure, such member state may choose but is not obligated to issue a multistate license  
6.6 to applicants that otherwise meet the requirements of section 148E.43 for issuance of a  
6.7 multistate license in such category or categories of licensure.

6.8 (d) The home state may charge a fee for granting the multistate license.

6.9 **Sec. 4. [148E.43] SOCIAL WORKER PARTICIPATION IN THE COMPACT.**

6.10 (a) To be eligible for a multistate license under the terms and provisions of the Compact,  
6.11 an applicant, regardless of category, must:

6.12 (1) hold or be eligible for an active, unencumbered license in the home state;

6.13 (2) pay any applicable fees, including any state fee, for the multistate license;

6.14 (3) submit, in connection with an application for a multistate license, fingerprints or  
6.15 other biometric data for the purpose of obtaining criminal history record information from  
6.16 the Federal Bureau of Investigation and the agency responsible for retaining that state's  
6.17 criminal records;

6.18 (4) notify the home state of any adverse action, encumbrance, or restriction on any  
6.19 professional license taken by any member state or nonmember state within 30 days from  
6.20 the date the action is taken;

6.21 (5) meet any continuing competence requirements established by the home state; and

6.22 (6) abide by the laws, regulations, and applicable standards in the member state where  
6.23 the client is located at the time care is rendered.

6.24 (b) An applicant for a clinical-category multistate license must meet all of the following  
6.25 requirements:

6.26 (1) fulfill a competency requirement, which shall be satisfied by either:

6.27 (i) passage of a clinical-category qualifying national exam;

6.28 (ii) licensure of the applicant in their home state at the clinical category, beginning prior  
6.29 to such time as a qualifying national exam was required by the home state and accompanied  
6.30 by a period of continuous social work licensure thereafter, all of which may be further  
6.31 governed by the rules of the Commission; or

7.1 (iii) the substantial equivalency of the foregoing competency requirements which the  
 7.2 Commission may determine by rule;

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

7.4 (i) operated by a college or university recognized by the licensing authority; and

7.5 (ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting  
 7.6 agency recognized by either:

7.7 (A) the Council for Higher Education Accreditation or its successor; or

7.8 (B) the United States Department of Education; and

7.9 (3) fulfill a practice requirement, which shall be satisfied by demonstrating completion  
 7.10 of:

7.11 (i) a period of postgraduate supervised clinical practice equal to a minimum of 3,000  
 7.12 hours;

7.13 (ii) a minimum of two years of full-time postgraduate supervised clinical practice; or

7.14 (iii) the substantial equivalency of the foregoing practice requirements which the  
 7.15 Commission may determine by rule.

7.16 (c) An applicant for a master's-category multistate license must meet all of the following  
 7.17 requirements:

7.18 (1) fulfill a competency requirement, which shall be satisfied by either:

7.19 (i) passage of a masters-category qualifying national exam;

7.20 (ii) licensure of the applicant in their home state at the master's category, beginning prior  
 7.21 to such time as a qualifying national exam was required by the home state at the master's  
 7.22 category and accompanied by a continuous period of social work licensure thereafter, all  
 7.23 of which may be further governed by the rules of the Commission; or

7.24 (iii) the substantial equivalency of the foregoing competency requirements which the  
 7.25 Commission may determine by rule; and

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

7.27 (i) operated by a college or university recognized by the licensing authority; and

7.28 (ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting  
 7.29 agency recognized by either:

7.30 (A) the Council for Higher Education Accreditation or its successor; or

8.1 (B) the United States Department of Education.

8.2 (d) An applicant for a bachelor's-category multistate license must meet all of the following  
8.3 requirements:

8.4 (1) fulfill a competency requirement, which shall be satisfied by either:

8.5 (i) passage of a bachelor's-category qualifying national exam;

8.6 (ii) licensure of the applicant in their home state at the bachelor's category, beginning  
8.7 prior to such time as a qualifying national exam was required by the home state and  
8.8 accompanied by a period of continuous social work licensure thereafter, all of which may  
8.9 be further governed by the rules of the Commission; or

8.10 (iii) the substantial equivalency of the foregoing competency requirements which the  
8.11 Commission may determine by rule; and

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

8.13 (i) operated by a college or university recognized by the licensing authority; and

8.14 (ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting  
8.15 agency recognized by either:

8.16 (A) the Council for Higher Education Accreditation or its successor; or

8.17 (B) the United States Department of Education.

8.18 (e) The multistate license for a regulated social worker is subject to the renewal  
8.19 requirements of the home state. The regulated social worker must maintain compliance with  
8.20 the requirements of paragraph (a) to be eligible to renew a multistate license.

8.21 (f) The regulated social worker's services in a remote state are subject to that member  
8.22 state's regulatory authority. A remote state may, in accordance with due process and that  
8.23 member state's laws, remove a regulated social worker's multistate authorization to practice  
8.24 in the remote state for a specific period of time, impose fines, and take any other necessary  
8.25 actions to protect the health and safety of its citizens.

8.26 (g) If a multistate license is encumbered, the regulated social worker's multistate  
8.27 authorization to practice shall be deactivated in all remote states until the multistate license  
8.28 is no longer encumbered.

8.29 (h) If a multistate authorization to practice is encumbered in a remote state, the regulated  
8.30 social worker's multistate authorization to practice may be deactivated in that state until the  
8.31 multistate authorization to practice is no longer encumbered.



9.1 **Sec. 5. [148E.44] ISSUANCE OF A MULTISTATE LICENSE.**

9.2 (a) Upon receipt of an application for multistate license, the home state licensing authority  
9.3 shall determine the applicant's eligibility for a multistate license in accordance with section  
9.4 148E.43.

9.5 (b) If such applicant is eligible pursuant to section 148E.43, the home state licensing  
9.6 authority shall issue a multistate license that authorizes the applicant or regulated social  
9.7 worker to practice in all member states under a multistate authorization to practice.

9.8 (c) Upon issuance of a multistate license, the home state licensing authority shall designate  
9.9 whether the regulated social worker holds a multistate license in the bachelor's, master's,  
9.10 or clinical category of social work.

9.11 (d) A multistate license issued by a home state to a resident in that state shall be  
9.12 recognized by all Compact member states as authorizing social work practice under a  
9.13 multistate authorization to practice corresponding to each category of licensure regulated  
9.14 in each member state.

9.15 **Sec. 6. [148E.45] AUTHORITY OF INTERSTATE COMPACT COMMISSION**  
9.16 **AND MEMBER STATE LICENSING AUTHORITIES.**

9.17 (a) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,  
9.18 restrict, or in any way reduce the ability of a member state to enact and enforce laws,  
9.19 regulations, or other rules related to the practice of social work in that state, where those  
9.20 laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

9.21 (b) Nothing in this Compact shall affect the requirements established by a member state  
9.22 for the issuance of a single state license.

9.23 (c) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,  
9.24 restrict, or in any way reduce the ability of a member state to take adverse action against a  
9.25 licensee's single state license to practice social work in that state.

9.26 (d) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,  
9.27 restrict, or in any way reduce the ability of a remote state to take adverse action against a  
9.28 licensee's multistate authorization to practice in that state.

9.29 (e) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,  
9.30 restrict, or in any way reduce the ability of a licensee's home state to take adverse action  
9.31 against a licensee's multistate license based upon information provided by a remote state.

10.1 Sec. 7. [148E.46] REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME  
10.2 STATE.

10.3 (a) A licensee can hold a multistate license, issued by their home state, in only one  
10.4 member state at any given time.

10.5 (b) If a licensee changes their home state by moving between two member states:

10.6 (1) The licensee shall immediately apply for the reissuance of their multistate license in  
10.7 their new home state. The licensee shall pay all applicable fees and notify the prior home  
10.8 state in accordance with the rules of the Commission.

10.9 (2) Upon receipt of an application to reissue a multistate license, the new home state  
10.10 shall verify that the multistate license is active, unencumbered, and eligible for reissuance  
10.11 under the terms of the Compact and the rules of the Commission. The multistate license  
10.12 issued by the prior home state will be deactivated and all member states notified in  
10.13 accordance with the applicable rules adopted by the Commission.

10.14 (3) Prior to the reissuance of the multistate license, the new home state shall conduct  
10.15 procedures for considering the criminal history records of the licensee. Such procedures  
10.16 shall include the submission of fingerprints or other biometric-based information by  
10.17 applicants for the purpose of obtaining an applicant's criminal history record information  
10.18 from the Federal Bureau of Investigation and the agency responsible for retaining that state's  
10.19 criminal records.

10.20 (4) If required for initial licensure, the new home state may require completion of  
10.21 jurisprudence requirements in the new home state.

10.22 (5) Notwithstanding any other provision of this Compact, if a licensee does not meet  
10.23 the requirements set forth in this Compact for the reissuance of a multistate license by the  
10.24 new home state, then the licensee shall be subject to the new home state requirements for  
10.25 the issuance of a single state license in that state.

10.26 (c) If a licensee changes their primary state of residence by moving from a member state  
10.27 to a nonmember state, or from a nonmember state to a member state, then the licensee shall  
10.28 be subject to the state requirements for the issuance of a single state license in the new home  
10.29 state.

10.30 (d) Nothing in this Compact shall interfere with a licensee's ability to hold a single state  
10.31 license in multiple states; however, for the purposes of this Compact, a licensee shall have  
10.32 only one home state, and only one multistate license.

11.1 (e) Nothing in this Compact shall interfere with the requirements established by a member  
11.2 state for the issuance of a single state license.

11.3 **Sec. 8. [148E.47] MILITARY FAMILIES.**

11.4 An active military member or their spouse shall designate a home state where the  
11.5 individual has a multistate license. The individual may retain their home state designation  
11.6 during the period the service member is on active duty.

11.7 **Sec. 9. [148E.48] ADVERSE ACTIONS.**

11.8 (a) In addition to the other powers conferred by state law, a remote state shall have the  
11.9 authority, in accordance with existing state due process law, to:

11.10 (1) take adverse action against a regulated social worker's multistate authorization to  
11.11 practice only within that member state, and issue subpoenas for both hearings and  
11.12 investigations that require the attendance and testimony of witnesses as well as the production  
11.13 of evidence. Subpoenas issued by a licensing authority in a member state for the attendance  
11.14 and testimony of witnesses or the production of evidence from another member state shall  
11.15 be enforced in the latter state by any court of competent jurisdiction, according to the practice  
11.16 and procedure of that court applicable to subpoenas issued in proceedings pending before  
11.17 it. The issuing licensing authority shall pay any witness fees, travel expenses, mileage, and  
11.18 other fees required by the service statutes of the state in which the witnesses or evidence  
11.19 are located; and

11.20 (2) only the home state shall have the power to take adverse action against a regulated  
11.21 social worker's multistate license.

11.22 (b) For purposes of taking adverse action, the home state shall give the same priority  
11.23 and effect to reported conduct received from a member state as it would if the conduct had  
11.24 occurred within the home state. In so doing, the home state shall apply its own state laws  
11.25 to determine appropriate action.

11.26 (c) The home state shall complete any pending investigations of a regulated social worker  
11.27 who changes their home state during the course of the investigations. The home state shall  
11.28 also have the authority to take appropriate action and shall promptly report the conclusions  
11.29 of the investigations to the administrator of the data system. The administrator of the data  
11.30 system shall promptly notify the new home state of any adverse actions.

12.1 (d) A member state, if otherwise permitted by state law, may recover from the affected  
12.2 regulated social worker the costs of investigations and dispositions of cases resulting from  
12.3 any adverse action taken against that regulated social worker.

12.4 (e) A member state may take adverse action based on the factual findings of another  
12.5 member state, provided that the member state follows its own procedures for taking the  
12.6 adverse action.

12.7 (f) Joint investigations:

12.8 (1) In addition to the authority granted to a member state by its respective social work  
12.9 practice act or other applicable state law, any member state may participate with other  
12.10 member states in joint investigations of licensees.

12.11 (2) Member states shall share any investigative, litigation, or compliance materials in  
12.12 furtherance of any joint or individual investigation initiated under the Compact.

12.13 (g) If adverse action is taken by the home state against the multistate license of a regulated  
12.14 social worker, the regulated social worker's multistate authorization to practice in all other  
12.15 member states shall be deactivated until all encumbrances have been removed from the  
12.16 multistate license. All home state disciplinary orders that impose adverse action against the  
12.17 license of a regulated social worker shall include a statement that the regulated social worker's  
12.18 multistate authorization to practice is deactivated in all member states until all conditions  
12.19 of the decision, order, or agreement are satisfied.

12.20 (h) If a member state takes adverse action, it shall promptly notify the administrator of  
12.21 the data system. The administrator of the data system shall promptly notify the home state  
12.22 and all other member states of any adverse actions by remote states.

12.23 (i) Nothing in this compact shall override a member state's decision that participation  
12.24 in an alternative program may be used in lieu of adverse action.

12.25 (j) Nothing in this Compact shall authorize a member state to demand the issuance of  
12.26 subpoenas for attendance and testimony of witnesses or the production of evidence from  
12.27 another member state for lawful actions within that member state.

12.28 (k) Nothing in this Compact shall authorize a member state to impose discipline against  
12.29 a regulated social worker who holds a multistate authorization to practice for lawful actions  
12.30 within another member state.

13.1 **Sec. 10. [148E.49] ESTABLISHMENT OF SOCIAL WORK LICENSURE**

13.2 **COMPACT COMMISSION.**

13.3 (a) The Compact member states hereby create and establish a joint government agency  
13.4 whose membership consists of all member states that have enacted the compact known as  
13.5 the Social Work Licensure Compact Commission. The Commission is an instrumentality  
13.6 of the Compact states acting jointly and not an instrumentality of any one state. The  
13.7 Commission shall come into existence on or after the effective date of the Compact as set  
13.8 forth in section 148E.53.

13.9 (b) Membership, voting, and meetings:

13.10 (1) Each member state shall have and be limited to one delegate selected by that member  
13.11 state's state licensing authority.

13.12 (2) The delegate shall be either:

13.13 (i) a current member of the state licensing authority at the time of appointment, who is  
13.14 a regulated social worker or public member of the state licensing authority; or

13.15 (ii) an administrator of the state licensing authority or their designee.

13.16 (3) The Commission shall by rule or bylaw establish a term of office for delegates and  
13.17 may by rule or bylaw establish term limits.

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

13.19 (5) A member state's state licensing authority shall fill any vacancy of its delegate  
13.20 occurring on the Commission within 60 days of the vacancy.

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

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

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

13.29 (c) The Commission shall have the following powers:

13.30 (1) establish the fiscal year of the Commission;

13.31 (2) establish code of conduct and conflict of interest policies;

- 14.1 (3) establish and amend rules and bylaws;
- 14.2 (4) maintain its financial records in accordance with the bylaws;
- 14.3 (5) meet and take such actions as are consistent with the provisions of this Compact, the  
14.4 Commission's rules, and the bylaws;
- 14.5 (6) initiate and conclude legal proceedings or actions in the name of the Commission,  
14.6 provided that the standing of any state licensing board to sue or be sued under applicable  
14.7 law shall not be affected;
- 14.8 (7) maintain and certify records and information provided to a member state as the  
14.9 authenticated business records of the Commission, and designate an agent to do so on the  
14.10 Commission's behalf;
- 14.11 (8) purchase and maintain insurance and bonds;
- 14.12 (9) borrow, accept, or contract for services of personnel, including but not limited to  
14.13 employees of a member state;
- 14.14 (10) conduct an annual financial review;
- 14.15 (11) hire employees, elect or appoint officers, fix compensation, define duties, grant  
14.16 such individuals appropriate authority to carry out the purposes of the Compact, and establish  
14.17 the Commission's personnel policies and programs relating to conflicts of interest,  
14.18 qualifications of personnel, and other related personnel matters;
- 14.19 (12) assess and collect fees;
- 14.20 (13) accept any and all appropriate gifts, donations, grants of money, other sources of  
14.21 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of  
14.22 the same, provided that at all times the Commission shall avoid any appearance of  
14.23 impropriety or conflict of interest;
- 14.24 (14) lease, purchase, retain, own, hold, improve, or use any property real, personal, or  
14.25 mixed, or any undivided interest therein;
- 14.26 (15) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
14.27 any property real, personal, or mixed;
- 14.28 (16) establish a budget and make expenditures;
- 14.29 (17) borrow money;

15.1 (18) appoint committees, including standing committees, composed of members, state  
15.2 regulators, state legislators or their representatives, and consumer representatives, and such  
15.3 other interested persons as may be designated in this Compact and the bylaws;

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

15.5 (20) establish and elect an Executive Committee, including a chair and a vice chair;

15.6 (21) determine whether a state's adopted language is materially different from the model  
15.7 compact language such that the state would not qualify for participation in the Compact;  
15.8 and

15.9 (22) perform such other functions as may be necessary or appropriate to achieve the  
15.10 purposes of this Compact.

15.11 (d) The Executive Committee:

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

15.15 (i) oversee the day-to-day activities of the administration of the Compact, including  
15.16 enforcement and compliance with the provisions of the Compact, its rules and bylaws, and  
15.17 other such duties as deemed necessary;

15.18 (ii) recommend to the Commission changes to the rules or bylaws, changes to this  
15.19 Compact legislation, fees charged to Compact member states, fees charged to licensees,  
15.20 and other fees;

15.21 (iii) ensure Compact administration services are appropriately provided, including by  
15.22 contract;

15.23 (iv) prepare and recommend the budget;

15.24 (v) maintain financial records on behalf of the Commission;

15.25 (vi) monitor Compact compliance of member states and provide compliance reports to  
15.26 the Commission;

15.27 (vii) establish additional committees as necessary;

15.28 (viii) exercise the powers and duties of the Commission during the interim between  
15.29 Commission meetings, except for adopting or amending rules, adopting or amending bylaws,  
15.30 and exercising any other powers and duties expressly reserved to the Commission by rule  
15.31 or bylaw; and

- 16.1 (ix) other duties as provided in the rules or bylaws of the Commission.
- 16.2 (2) The Executive Committee shall be composed of up to 11 members:
- 16.3 (i) the chair and vice chair of the Commission shall be voting members of the Executive
- 16.4 Committee;
- 16.5 (ii) the Commission shall elect five voting members from the current membership of
- 16.6 the Commission;
- 16.7 (iii) up to four ex-officio, nonvoting members from four recognized national social work
- 16.8 organizations; and
- 16.9 (iv) the ex-officio members will be selected by their respective organizations.
- 16.10 (3) The Commission may remove any member of the Executive Committee as provided
- 16.11 in the Commission's bylaws.
- 16.12 (4) The Executive Committee shall meet at least annually.
- 16.13 (i) Executive Committee meetings shall be open to the public, except that the Executive
- 16.14 Committee may meet in a closed, nonpublic meeting as provided in paragraph (f), clause
- 16.15 (2).
- 16.16 (ii) The Executive Committee shall give seven days' notice of its meetings posted on its
- 16.17 website and as determined to provide notice to persons with an interest in the business of
- 16.18 the Commission.
- 16.19 (iii) The Executive Committee may hold a special meeting in accordance with paragraph
- 16.20 (f), clause (1), item (ii).
- 16.21 (e) The Commission shall adopt and provide to the member states an annual report.
- 16.22 (f) Meetings of the Commission:
- 16.23 (1) All meetings shall be open to the public, except that the Commission may meet in a
- 16.24 closed, nonpublic meeting as provided in paragraph (f), clause (2).
- 16.25 (i) Public notice for all meetings of the full Commission of meetings shall be given in
- 16.26 the same manner as required under the rulemaking provisions in section 148E.51, except
- 16.27 that the Commission may hold a special meeting as provided in paragraph (f), clause (1),
- 16.28 item (ii).
- 16.29 (ii) The Commission may hold a special meeting when it must meet to conduct emergency
- 16.30 business by giving 48 hours' notice to all commissioners on the Commission's website and



17.1 other means as provided in the Commission's rules. The Commission's legal counsel shall  
17.2 certify that the Commission's need to meet qualifies as an emergency.

17.3 (2) The Commission or the Executive Committee or other committees of the Commission  
17.4 may convene in a closed, nonpublic meeting for the Commission or Executive Committee  
17.5 or other committees of the Commission to receive legal advice or to discuss:

17.6 (i) noncompliance of a member state with its obligations under the Compact;

17.7 (ii) the employment, compensation, discipline, or other matters, practices, or procedures  
17.8 related to specific employees;

17.9 (iii) current or threatened discipline of a licensee by the Commission or by a member  
17.10 state's licensing authority;

17.11 (iv) current, threatened, or reasonably anticipated litigation;

17.12 (v) negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
17.13 estate;

17.14 (vi) accusing any person of a crime or formally censuring any person;

17.15 (vii) trade secrets or commercial or financial information that is privileged or confidential;

17.16 (viii) information of a personal nature where disclosure would constitute a clearly  
17.17 unwarranted invasion of personal privacy;

17.18 (ix) investigative records compiled for law enforcement purposes;

17.19 (x) information related to any investigative reports prepared by or on behalf of or for  
17.20 use of the Commission or other committee charged with responsibility of investigation or  
17.21 determination of compliance issues pursuant to the Compact;

17.22 (xi) matters specifically exempted from disclosure by federal or member state law; or

17.23 (xii) other matters as promulgated by the Commission by rule.

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

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

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

18.3 (g) Financing of the Commission:

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

18.6 (2) The Commission may accept any and all appropriate revenue sources as provided  
18.7 in paragraph (c), clause (13).

18.8 (3) The Commission may levy on and collect an annual assessment from each member  
18.9 state and impose fees on licensees of member states to whom it grants a multistate license  
18.10 to cover the cost of the operations and activities of the Commission and its staff, which  
18.11 must be in a total amount sufficient to cover its annual budget as approved each year for  
18.12 which revenue is not provided by other sources. The aggregate annual assessment amount  
18.13 for member states shall be allocated based upon a formula that the Commission shall  
18.14 promulgate by rule.

18.15 (4) The Commission shall not incur obligations of any kind prior to securing the funds  
18.16 adequate to meet the same; nor shall the Commission pledge the credit of any of the member  
18.17 states, except by and with the authority of the member state.

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

18.24 (h) Qualified immunity, defense, and indemnification:

18.25 (1) The members, officers, executive director, employees, and representatives of the  
18.26 Commission shall be immune from suit and liability, both personally and in their official  
18.27 capacity, for any claim for damage to or loss of property or personal injury or other civil  
18.28 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,  
18.29 or that the person against whom the claim is made had a reasonable basis for believing  
18.30 occurred within the scope of Commission employment, duties, or responsibilities, provided  
18.31 that nothing in this paragraph shall be construed to protect any such person from suit or  
18.32 liability for any damage, loss, injury, or liability caused by the intentional or willful or

19.1 wanton misconduct of that person. The procurement of insurance of any type by the  
19.2 Commission shall not in any way compromise or limit the immunity granted hereunder.

19.3 (2) The Commission shall defend any member, officer, executive director, employee,  
19.4 and representative of the Commission in any civil action seeking to impose liability arising  
19.5 out of any actual or alleged act, error, or omission that occurred within the scope of  
19.6 Commission employment, duties, or responsibilities, or as determined by the Commission  
19.7 that the person against whom the claim is made had a reasonable basis for believing occurred  
19.8 within the scope of Commission employment, duties, or responsibilities, provided that  
19.9 nothing herein shall be construed to prohibit that person from retaining their own counsel  
19.10 at their own expense, and provided further, that the actual or alleged act, error, or omission  
19.11 did not result from that person's intentional or willful or wanton misconduct.

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

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

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

19.27 (6) Nothing in this Compact shall be construed to be a waiver of sovereign immunity  
19.28 by the member states or by the Commission.

19.29 **Sec. 11. [148E.50] DATA SYSTEM.**

19.30 (a) The Commission shall provide for the development, maintenance, operation, and  
19.31 utilization of a coordinated data system.

19.32 (b) The Commission shall assign each applicant for a multistate license a unique identifier,  
19.33 as determined by the rules of the Commission.

20.1 (c) Notwithstanding any other provision of state law to the contrary, a member state  
20.2 shall submit a uniform data set to the data system on all individuals to whom this Compact  
20.3 is applicable as required by the rules of the Commission, including:

20.4 (1) identifying information;

20.5 (2) licensure data;

20.6 (3) adverse actions against a license and information related thereto;

20.7 (4) nonconfidential information related to alternative program participation, the beginning  
20.8 and ending dates of such participation, and other information related to such participation  
20.9 not made confidential under member state law;

20.10 (5) any denial of application for licensure, and the reason for such denial;

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

20.12 (7) other information that may facilitate the administration of this Compact or the  
20.13 protection of the public, as determined by the rules of the Commission.

20.14 (d) The records and information provided to a member state pursuant to this Compact  
20.15 or through the data system, when certified by the Commission or an agent thereof, shall  
20.16 constitute the authenticated business records of the Commission, and shall be entitled to  
20.17 any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative  
20.18 proceedings in a member state.

20.19 (e) Current significant investigative information pertaining to a licensee in any member  
20.20 state will only be available to other member states.

20.21 (f) It is the responsibility of the member states to report any adverse action against a  
20.22 licensee and to monitor the database to determine whether adverse action has been taken  
20.23 against a licensee. Adverse action information pertaining to a licensee in any member state  
20.24 will be available to any other member state.

20.25 (g) Member states contributing information to the data system may designate information  
20.26 that may not be shared with the public without the express permission of the contributing  
20.27 state.

20.28 (h) Any information submitted to the data system that is subsequently expunged pursuant  
20.29 to federal law or the laws of the member state contributing the information shall be removed  
20.30 from the data system.

21.1 Sec. 12. [148E.51] RULEMAKING.

21.2 (a) The Commission shall promulgate reasonable rules in order to effectively and  
21.3 efficiently implement and administer the purposes and provisions of the Compact. A rule  
21.4 shall be invalid and have no force or effect only if a court of competent jurisdiction holds  
21.5 that the rule is invalid because the Commission exercised its rulemaking authority in a  
21.6 manner that is beyond the scope and purposes of the Compact, or the powers granted  
21.7 hereunder, or based upon another applicable standard of review.

21.8 (b) The rules of the Commission shall have the force of law in each member state,  
21.9 provided however that where the rules of the Commission conflict with the laws of the  
21.10 member state that establish the member state's laws, regulations, and applicable standards  
21.11 that govern the practice of social work as held by a court of competent jurisdiction, the rules  
21.12 of the Commission shall be ineffective in that state to the extent of the conflict.

21.13 (c) The Commission shall exercise its rulemaking powers pursuant to the criteria set  
21.14 forth in this section and the rules adopted thereunder. Rules shall become binding on the  
21.15 day following adoption or the date specified in the rule or amendment, whichever is later.

21.16 (d) If a majority of the legislatures of the member states rejects a rule or portion of a  
21.17 rule, by enactment of a statute or resolution in the same manner used to adopt the Compact  
21.18 within four years of the date of adoption of the rule, then such rule shall have no further  
21.19 force and effect in any member state.

21.20 (e) Rules shall be adopted at a regular or special meeting of the Commission.

21.21 (f) Prior to adoption of a proposed rule, the commission shall hold a public hearing and  
21.22 allow persons to provide oral and written comments, data, facts, opinions, and arguments.

21.23 (g) Prior to adoption of a proposed rule by the Commission, and at least 30 days in  
21.24 advance of the meeting at which the Commission will hold a public hearing on the proposed  
21.25 rule, the Commission shall provide a notice of proposed rulemaking:

21.26 (1) on the website of the Commission or other publicly accessible platform;

21.27 (2) to persons who have requested notice of the Commission's notices of proposed  
21.28 rulemaking; and

21.29 (3) in such other way as the Commission may by rule specify.

21.30 (h) The notice of proposed rulemaking shall include:

22.1 (1) the time, date, and location of the public hearing at which the Commission will hear  
22.2 public comments on the proposed rule and, if different, the time, date, and location of the  
22.3 meeting where the Commission will consider and vote on the proposed rule;

22.4 (2) if the hearing is held via telecommunication, video conference, or other electronic  
22.5 means, the Commission shall include the mechanism for access to the hearing in the notice  
22.6 of proposed rulemaking;

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

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

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

22.10 (i) All hearings will be recorded. A copy of the recording and all written comments and  
22.11 documents received by the Commission in response to the proposed rule shall be available  
22.12 to the public.

22.13 (j) Nothing in this section shall be construed as requiring a separate hearing on each  
22.14 rule. Rules may be grouped for the convenience of the Commission at hearings required by  
22.15 this section.

22.16 (k) The Commission shall, by majority vote of all members, take final action on the  
22.17 proposed rule based on the rulemaking record and the full text of the rule.

22.18 (1) The Commission may adopt changes to the proposed rule, provided the changes do  
22.19 not enlarge the original purpose of the proposed rule.

22.20 (2) The Commission shall provide an explanation of the reasons for substantive changes  
22.21 made to the proposed rule as well as reasons for substantive changes not made that were  
22.22 recommended by commenters.

22.23 (3) The Commission shall determine a reasonable effective date for the rule. Except for  
22.24 an emergency as provided in paragraph (1), the effective date of the rule shall be no sooner  
22.25 than 30 days after issuing the notice that it adopted or amended the rule.

22.26 (l) Upon determination that an emergency exists, the Commission may consider and  
22.27 adopt an emergency rule with 48 hours' notice, with opportunity to comment, provided that  
22.28 the usual rulemaking procedures provided in the Compact and in this section shall be  
22.29 retroactively applied to the rule as soon as reasonably possible, in no event later than 90  
22.30 days after the effective date of the rule. For the purposes of this provision, an emergency  
22.31 rule is one that must be adopted immediately in order to:

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

23.1 (2) prevent a loss of Commission or member state funds;

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

23.4 (4) protect public health and safety.

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

23.14 (n) No member state's rulemaking requirements shall apply under this compact.

23.15 **Sec. 13. [148E.52] OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.**

23.16 (a) Oversight:

23.17 (1) The executive and judicial branches of state government in each member state shall  
23.18 enforce this Compact and take all actions necessary and appropriate to implement the  
23.19 Compact.

23.20 (2) Except as otherwise provided in this Compact, venue is proper and judicial  
23.21 proceedings by or against the Commission shall be brought solely and exclusively in a court  
23.22 of competent jurisdiction where the principal office of the Commission is located. The  
23.23 Commission may waive venue and jurisdictional defenses to the extent it adopts or consents  
23.24 to participate in alternative dispute resolution proceedings. Nothing herein shall affect or  
23.25 limit the selection or propriety of venue in any action against a licensee for professional  
23.26 malpractice, misconduct, or any such similar matter.

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

23.32 (b) Default, technical assistance, and termination:

24.1 (1) If the Commission determines that a member state has defaulted in the performance  
24.2 of its obligations or responsibilities under this Compact or the promulgated rules, the  
24.3 Commission shall provide written notice to the defaulting state. The notice of default shall  
24.4 describe the default, the proposed means of curing the default, and any other action that the  
24.5 Commission may take, and shall offer training and specific technical assistance regarding  
24.6 the default.

24.7 (2) The Commission shall provide a copy of the notice of default to the other member  
24.8 states.

24.9 (c) If a state in default fails to cure the default, the defaulting state may be terminated  
24.10 from the Compact upon an affirmative vote of a majority of the delegates of the member  
24.11 states, and all rights, privileges, and benefits conferred on that state by this Compact may  
24.12 be terminated on the effective date of termination. A cure of the default does not relieve the  
24.13 offending state of obligations or liabilities incurred during the period of default.

24.14 (d) Termination of membership in the Compact shall be imposed only after all other  
24.15 means of securing compliance have been exhausted. Notice of intent to suspend or terminate  
24.16 shall be given by the Commission to the governor, the majority and minority leaders of the  
24.17 defaulting state's legislature, the defaulting state's state licensing authority, and each of the  
24.18 member states' state licensing authority.

24.19 (e) A state that has been terminated is responsible for all assessments, obligations, and  
24.20 liabilities incurred through the effective date of termination, including obligations that  
24.21 extend beyond the effective date of termination.

24.22 (f) Upon the termination of a state's membership from this Compact, that state shall  
24.23 immediately provide notice to all licensees within that state of such termination. The  
24.24 terminated state shall continue to recognize all licenses granted pursuant to this Compact  
24.25 for a minimum of six months after the date of said notice of termination.

24.26 (g) The Commission shall not bear any costs related to a state that is found to be in  
24.27 default or that has been terminated from the Compact, unless agreed upon in writing between  
24.28 the Commission and the defaulting state.

24.29 (h) The defaulting state may appeal the action of the Commission by petitioning the  
24.30 United States District Court for the District of Columbia or the federal district where the  
24.31 Commission has its principal offices. The prevailing party shall be awarded all costs of such  
24.32 litigation, including reasonable attorney's fees.

24.33 (i) Dispute resolution:



25.1 (1) Upon request by a member state, the Commission shall attempt to resolve disputes  
 25.2 related to the Compact that arise among member states and between member and nonmember  
 25.3 states.

25.4 (2) The Commission shall promulgate a rule providing for both mediation and binding  
 25.5 dispute resolution for disputes as appropriate.

25.6 (j) Enforcement:

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

25.16 (2) A member state may initiate legal action against the Commission in the United States  
 25.17 District Court for the District of Columbia or the federal district where the Commission has  
 25.18 its principal offices to enforce compliance with the provisions of the Compact and its  
 25.19 promulgated rules. The relief sought may include both injunctive relief and damages. In the  
 25.20 event judicial enforcement is necessary, the prevailing party shall be awarded all costs of  
 25.21 such litigation, including reasonable attorney's fees.

25.22 (3) No person other than a member state shall enforce this compact against the  
 25.23 Commission.

25.24 **Sec. 14. [148E.53] EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.**

25.25 (a) The Compact shall come into effect on the date on which the Compact statute is  
 25.26 enacted into law in the seventh member state.

25.27 (1) On or after the effective date of the Compact, the Commission shall convene and  
 25.28 review the enactment of each of the first seven member states ("charter member states") to  
 25.29 determine if the statute enacted by each such charter member state is materially different  
 25.30 than the model Compact statute.

25.31 (i) A charter member state whose enactment is found to be materially different from the  
 25.32 model Compact statute shall be entitled to the default process set forth in section 148E.52.

26.1 (ii) If any member state is later found to be in default, or is terminated or withdraws  
26.2 from the Compact, the Commission shall remain in existence and the Compact shall remain  
26.3 in effect even if the number of member states should be less than seven.

26.4 (2) Member states enacting the compact subsequent to the seven initial charter member  
26.5 states shall be subject to the process set forth in section 148E.49, paragraph (c), clause (21),  
26.6 to determine if their enactments are materially different from the model Compact statute  
26.7 and whether they qualify for participation in the Compact.

26.8 (3) All actions taken for the benefit of the Commission or in furtherance of the purposes  
26.9 of the administration of the Compact prior to the effective date of the Compact or the  
26.10 Commission coming into existence shall be considered to be actions of the Commission  
26.11 unless specifically repudiated by the Commission.

26.12 (4) Any state that joins the Compact subsequent to the Commission's initial adoption of  
26.13 the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on  
26.14 which the Compact becomes law in that state. Any rule that has been previously adopted  
26.15 by the Commission shall have the full force and effect of law on the day the Compact  
26.16 becomes law in that state.

26.17 (b) Any member state may withdraw from this Compact by enacting a statute repealing  
26.18 the same.

26.19 (1) A member state's withdrawal shall not take effect until 180 days after enactment of  
26.20 the repealing statute.

26.21 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's  
26.22 licensing authority to comply with the investigative and adverse action reporting requirements  
26.23 of this Compact prior to the effective date of withdrawal.

26.24 (3) Upon the enactment of a statute withdrawing from this Compact, a state shall  
26.25 immediately provide notice of such withdrawal to all licensees within that state.  
26.26 Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing  
26.27 state shall continue to recognize all licenses granted pursuant to this Compact for a minimum  
26.28 of 180 days after the date of such notice of withdrawal.

26.29 (c) Nothing contained in this Compact shall be construed to invalidate or prevent any  
26.30 licensure agreement or other cooperative arrangement between a member state and a  
26.31 nonmember state that does not conflict with the provisions of this Compact.

27.1 (d) This Compact may be amended by the member states. No amendment to this Compact  
27.2 shall become effective and binding upon any member state until it is enacted into the laws  
27.3 of all member states.

27.4 Sec. 15. [148E.54] CONSTRUCTION AND SEVERABILITY.

27.5 (a) This Compact and the Commission's rulemaking authority shall be liberally construed  
27.6 so as to effectuate the purposes, and the implementation and administration of the Compact.  
27.7 Provisions of the Compact expressly authorizing or requiring the promulgation of rules  
27.8 shall not be construed to limit the Commission's rulemaking authority solely for those  
27.9 purposes.

27.10 (b) The provisions of this Compact shall be severable and if any phrase, clause, sentence,  
27.11 or provision of this Compact is held by a court of competent jurisdiction to be contrary to  
27.12 the constitution of any member state, a state seeking participation in the Compact, or of the  
27.13 United States, or the applicability thereof to any government, agency, person or circumstance  
27.14 is held to be unconstitutional by a court of competent jurisdiction, the validity of the  
27.15 remainder of this Compact and the applicability thereof to any other government, agency,  
27.16 person or circumstance shall not be affected thereby.

27.17 (c) Notwithstanding paragraph (b), the Commission may deny a state's participation in  
27.18 the Compact or, in accordance with the requirements of section 148E.52, paragraph (b),  
27.19 terminate a member state's participation in the Compact, if it determines that a constitutional  
27.20 requirement of a member state is a material departure from the Compact. Otherwise, if this  
27.21 Compact shall be held to be contrary to the constitution of any member state, the Compact  
27.22 shall remain in full force and effect as to the remaining member states and in full force and  
27.23 effect as to the member state affected as to all severable matters.

27.24 Sec. 16. [148E.55] CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE  
27.25 LAWS.

27.26 (a) A licensee providing services in a remote state under a multistate authorization to  
27.27 practice shall adhere to the laws and regulations, including laws, regulations, and applicable  
27.28 standards, of the remote state where the client is located at the time care is rendered.

27.29 (b) Nothing herein shall prevent or inhibit the enforcement of any other law of a member  
27.30 state that is not inconsistent with the Compact.

27.31 (c) Any laws, statutes, regulations, or other legal requirements in a member state in  
27.32 conflict with the Compact are superseded to the extent of the conflict.

- 28.1 (d) All permissible agreements between the Commission and the member states are
- 28.2 binding in accordance with their terms.