

Requested by Representative DIEHL

**PROPOSED AMENDMENTS TO
HOUSE BILL 4071**

1 On page 1 of the printed bill, line 2, delete “and prescribing an effective
2 date” and insert “creating new provisions; and amending ORS 675.520,
3 675.523, 675.597 and 676.177”.

4 Delete lines 4 through 27 and delete page 2 and insert:.

5 **“SECTION 1. The provisions of the Social Work Licensure Compact**
6 **are as follows:**

7 “

8 **SOCIAL WORK LICENSURE COMPACT**

9

10 **SECTION 1: PURPOSE**

11 **The purpose of this Compact is to facilitate interstate practice of**
12 **regulated social workers by improving public access to competent so-**
13 **cial work services. The Compact preserves the regulatory authority**
14 **of states to protect public health and safety through the current sys-**
15 **tem of state licensure.**

16 **This Compact is designed to achieve the following objectives:**

17 **A. Increase public access to social work services;**

18 **B. Reduce overly burdensome and duplicative requirements associ-**
19 **ated with holding multiple licenses;**

20 **C. Enhance the member states’ ability to protect the public’s health**
21 **and safety;**

1 **D. Encourage the cooperation of member states in regulating**
2 **multistate practice;**

3 **E. Promote mobility and address workforce shortages by eliminat-**
4 **ing the necessity for licenses in multiple states by providing for the**
5 **mutual recognition of other member state licenses;**

6 **F. Support military families;**

7 **G. Facilitate the exchange of licensure and disciplinary information**
8 **among member states;**

9 **H. Authorize all member states to hold a regulated social worker**
10 **accountable for abiding by a member state’s laws, regulations and**
11 **applicable professional standards in the member state in which the**
12 **client is located at the time care is rendered; and**

13 **I. Allow for the use of telehealth to facilitate increased access to**
14 **regulated social work services.**

15 **SECTION 2. DEFINITIONS**

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

18 **A. “Active military member” means any individual with full-time**
19 **duty status in the active armed forces of the United States including**
20 **members of the National Guard and Reserve.**

21 **B. “Adverse action” means any administrative, civil, equitable or**
22 **criminal action permitted by a state’s laws which is imposed by a li-**
23 **censing authority or other authority against a regulated social worker,**
24 **including actions against an individual’s license or multistate author-**
25 **ization to practice such as revocation, suspension, probation, moni-**
26 **toring of the licensee, limitation on the licensee’s practice or any**
27 **other encumbrance on licensure affecting a regulated social worker’s**
28 **authorization to practice, including issuance of a cease and desist**
29 **action.**

30 **C. “Alternative program” means a non-disciplinary monitoring or**

1 practice remediation process approved by a licensing authority to ad-
2 dress practitioners with an impairment.

3 D. "Charter member states" means member states who have en-
4 acted legislation to adopt this Compact where such legislation predates
5 the effective date of this Compact as described in Section 14 of this
6 Compact.

7 E. "Compact Commission" or "Commission" means the government
8 agency known as the Social Work Licensure Compact Commission, as
9 described in Section 10 of this Compact, whose membership consists
10 of all states that have enacted this Compact, and which shall operate
11 as an instrumentality of the member states.

12 F. "Current significant investigative information" means:

13 1. Investigative information that a licensing authority, after a pre-
14 liminary inquiry that includes notification and an opportunity for the
15 regulated social worker to respond, has reason to believe is not
16 groundless and, if proved true, would indicate more than a minor in-
17 fraction as may be defined by the Commission; or

18 2. Investigative information that indicates that the regulated social
19 worker represents an immediate threat to public health and safety,
20 as may be defined by the Commission, regardless of whether the reg-
21 ulated social worker has been notified and has had an opportunity to
22 respond.

23 G. "Data system" means a repository of information about
24 licensees, including continuing education, examination, licensure,
25 current significant investigative information, disqualifying event,
26 multistate license and adverse action information or other information
27 as required by the Commission.

28 H. "Disqualifying event" means any adverse action or incident
29 which results in an encumbrance that disqualifies or makes the
30 licensee ineligible to obtain, retain or renew a multistate license.

1 I. “Domicile” means the jurisdiction in which the licensee resides
2 and intends to remain indefinitely.

3 J. “Encumbrance” means a revocation or suspension of, or any
4 limitation on, the full and unrestricted practice of social work licensed
5 and regulated by a licensing authority.

6 K. “Executive Committee” means a group of delegates elected or
7 appointed to act on behalf of, and within the powers granted to them
8 by, the Compact and Commission.

9 L. “Home state” means the member state that is the licensee’s
10 primary domicile.

11 M. “Impairment” means a condition that may impair a
12 practitioner’s ability to engage in full and unrestricted practice as a
13 regulated social worker without some type of intervention and may
14 include alcohol and drug dependence, mental health impairment and
15 neurological or physical impairments.

16 N. “Licensee” means an individual who currently holds a license
17 from a state to practice as a regulated social worker.

18 O. “Licensing authority” means the board or agency of a member
19 state or equivalent that is responsible for the licensing and regulation
20 of regulated social workers.

21 P. “Member state” means a state, commonwealth, district or terri-
22 tory of the United States of America that has enacted this Compact.

23 Q. “Multistate authorization to practice” means a legally authorized
24 privilege to practice, which is equivalent to a license, associated with
25 a multistate license permitting the practice of social work in a remote
26 state.

27 R. “Multistate license” means a license to practice as a regulated
28 social worker issued by a home state licensing authority that author-
29 izes the regulated social worker to practice in all member states under
30 multistate authorization to practice.

1 **S. “Qualifying national exam” means a national licensing exam-**
2 **ination approved by the Commission.**

3 **T. “Regulated social worker” means any clinical, master’s or**
4 **bachelor’s social worker licensed by a member state regardless of the**
5 **title used by that member state.**

6 **U. “Remote state” means a member state other than the licensee’s**
7 **home state.**

8 **V. “Rule” or “rule of the Commission” means a regulation or reg-**
9 **ulations duly promulgated by the Commission, as authorized by the**
10 **Compact, that has the force of law.**

11 **W. “Single state license” means a social work license issued by any**
12 **state that authorizes practice only within the issuing state and does**
13 **not include multistate authorization to practice in any member state.**

14 **X. “Social work” or “social work services” means the application**
15 **of social work theory, knowledge, methods, ethics and the professional**
16 **use of self to restore or enhance social, psychosocial or biopsychosocial**
17 **functioning of individuals, couples, families, groups, organizations and**
18 **communities through the care and services provided by a regulated**
19 **social worker as set forth in the member state’s statutes and regu-**
20 **lations in the state where the services are being provided.**

21 **Y. “State” means any state, commonwealth, district or territory of**
22 **the United States of America that regulates the practice of social**
23 **work.**

24 **Z. “Unencumbered license” means a license that authorizes a reg-**
25 **ulated social worker to engage in the full and unrestricted practice of**
26 **social work.**

27 **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

28 **A. To be eligible to participate in the Compact, a potential member**
29 **state must currently meet all of the following criteria:**

30 **1. License and regulate the practice of social work at either the**

1 **clinical, master's or bachelor's category.**

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

4 **a. Operated by a college or university recognized by the licensing**
5 **authority;**

6 **b. Accredited, or in candidacy that subsequently becomes accred-**
7 **ited, by an accrediting agency recognized by either:**

8 **i. The Council for Higher Education Accreditation, or its successor;**
9 **or**

10 **ii. The United States Department of Education; and**

11 **c. Corresponds to the licensure sought as outlined in Section 4 of**
12 **this Compact.**

13 **3. Require applicants for clinical licensure to complete a period of**
14 **supervised practice.**

15 **4. Have a mechanism in place for receiving, investigating and ad-**
16 **judicating complaints about licensees.**

17 **B. To maintain membership in the Compact a member state shall:**

18 **1. Require that applicants for a multistate license pass a qualifying**
19 **national exam for the corresponding category of multistate license**
20 **sought as outlined in Section 4 of this Compact.**

21 **2. Participate fully in the Commission's data system, including us-**
22 **ing the Commission's unique identifier as defined in the rules of the**
23 **Commission.**

24 **3. Notify the Commission, in compliance with the terms of the**
25 **Compact and rules, of any adverse action or the availability of current**
26 **significant investigative information regarding a licensee.**

27 **4. Implement procedures for considering the criminal history re-**
28 **ords of applicants for a multistate license. Such procedures shall in-**
29 **clude the submission of fingerprints or other biometric-based**
30 **information by applicants for the purpose of obtaining an applicant's**

1 **criminal history record information from the Federal Bureau of In-**
2 **vestigation and the agency responsible for retaining that state's**
3 **criminal records.**

4 **5. Comply with the rules of the Commission.**

5 **6. Require an applicant to obtain or retain a license in the home**
6 **state and meet the home state's qualifications for licensure or renewal**
7 **of licensure, as well as all other applicable home state laws.**

8 **7. Authorize a licensee holding a multistate license in any member**
9 **state to practice in accordance with the terms of the Compact and**
10 **rules of the Commission.**

11 **8. Designate a delegate to participate in the Commission meetings.**

12 **C. A member state meeting the requirements of Section 3.A and 3.B**
13 **of this Compact shall designate the categories of social work licensure**
14 **that are eligible for issuance of a multistate license for applicants in**
15 **such member state. To the extent that any member state does not**
16 **meet the requirements for participation in the Compact at any par-**
17 **ticular category of social work licensure, such member state may**
18 **choose, but is not obligated to, issue a multistate license to applicants**
19 **that otherwise meet the requirements of Section 4 of this Compact for**
20 **issuance of a multistate license in such category or categories of**
21 **licensure.**

22 **D. The home state may charge a fee for granting the multistate li-**
23 **cense.**

24 **SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COM-**
25 **PACT**

26 **A. To be eligible for a multistate license under the terms and pro-**
27 **visions of the Compact, an applicant, regardless of category must:**

28 **1. Hold or be eligible for an active, unencumbered license in the**
29 **home state;**

30 **2. Pay any applicable fees, including any state fee, for the multi-**

1 state license;

2 3. Submit, in connection with an application for a multistate li-
3 cense, fingerprints or other biometric data for the purpose of obtaining
4 criminal history record information from the Federal Bureau of In-
5 vestigation and the agency responsible for retaining that state's
6 criminal records;

7 4. Notify the home state of any adverse action, encumbrance or
8 restriction on any professional license taken by any member state or
9 non-member state within 30 days from the date the action is taken;

10 5. Meet any continuing competence requirements established by the
11 home state; and

12 6. Abide by the laws, regulations and applicable standards in the
13 member state where the client is located at the time care is rendered.

14 B. An applicant for a clinical-category multistate license must meet
15 all of the following requirements:

16 1. Fulfill a competency requirement, which shall be satisfied by ei-
17 ther:

18 a. Passage of a clinical-category qualifying national exam;

19 b. Licensure of the applicant in their home state at the clinical
20 category, beginning prior to such time as a qualifying national exam
21 was required by the home state and accompanied by a period of con-
22 tinuous social work licensure thereafter, all of which may be further
23 governed by the rules of the Commission; or

24 c. The substantial equivalency of the foregoing competency re-
25 quirements which the Commission may determine by rule.

26 2. Attain at least a master's degree in social work from a program
27 that is:

28 a. Operated by a college or university recognized by the licensing
29 authority; and

30 b. Accredited, or in candidacy that subsequently becomes accred-

1 **ited, by an accrediting agency recognized by either:**
2 **i. The Council for Higher Education Accreditation or its successor;**
3 **or**
4 **ii. The United States Department of Education.**
5 **3. Fulfill a practice requirement, which shall be satisfied by dem-**
6 **onstrating completion of either:**
7 **a. A period of postgraduate supervised clinical practice equal to a**
8 **minimum of 3,000 hours;**
9 **b. A minimum of two years of full-time postgraduate supervised**
10 **clinical practice; or**
11 **c. The substantial equivalency of the foregoing practice require-**
12 **ments which the Commission may determine by rule.**
13 **C. An applicant for a master's-category multistate license must**
14 **meet all of the following requirements:**
15 **1. Fulfill a competency requirement, which shall be satisfied by ei-**
16 **ther:**
17 **a. Passage of a masters-category qualifying national exam;**
18 **b. Licensure of the applicant in their home state at the master's**
19 **category, beginning prior to such time as a qualifying national exam**
20 **was required by the home state at the master's category and accom-**
21 **panied by a continuous period of social work licensure thereafter, all**
22 **of which may be further governed by the rules of the Commission; or**
23 **c. The substantial equivalency of the foregoing competency re-**
24 **quirements which the Commission may determine by rule.**
25 **2. Attain at least a master's degree in social work from a program**
26 **that is:**
27 **a. Operated by a college or university recognized by the licensing**
28 **authority; and**
29 **b. Accredited, or in candidacy that subsequently becomes accred-**
30 **ited, by an accrediting agency recognized by either:**

1 **i. The Council for Higher Education Accreditation or its successor;**

2 **or**

3 **ii. The United States Department of Education.**

4 **D. An applicant for a bachelor's-category multistate license must**
5 **meet all of the following requirements:**

6 **1. Fulfill a competency requirement, which shall be satisfied by ei-**
7 **ther:**

8 **a. Passage of a bachelor's-category qualifying national exam;**

9 **b. Licensure of the applicant in their home state at the bachelor's**
10 **category, beginning prior to such time as a qualifying national exam**
11 **was required by the home state and accompanied by a period of con-**
12 **tinuous social work licensure thereafter, all of which may be further**
13 **governed by the rules of the Commission; or**

14 **c. The substantial equivalency of the foregoing competency re-**
15 **quirements which the Commission may determine by rule.**

16 **2. Attain at least a bachelor's degree in social work from a program**
17 **that is:**

18 **a. Operated by a college or university recognized by the licensing**
19 **authority; and**

20 **b. Accredited, or in candidacy that subsequently becomes accred-**
21 **ited, by an accrediting agency recognized by either:**

22 **i. The Council for Higher Education Accreditation or its successor;**

23 **or**

24 **ii. The United States Department of Education.**

25 **E. The multistate license for a regulated social worker is subject**
26 **to the renewal requirements of the home state. The regulated social**
27 **worker must maintain compliance with the requirements of Section**
28 **4.A of this Compact to be eligible to renew a multistate license.**

29 **F. The regulated social worker's services in a remote state are**
30 **subject to that member state's regulatory authority. A remote state**

1 may, in accordance with due process and that member state's laws,
2 remove a regulated social worker's multistate authorization to prac-
3 tice in the remote state for a specific period of time, impose fines and
4 take any other necessary actions to protect the health and safety of
5 its citizens.

6 G. If a multistate license is encumbered, the regulated social
7 worker's multistate authorization to practice shall be deactivated in
8 all remote states until the multistate license is no longer encumbered.

9 H. If a multistate authorization to practice is encumbered in a re-
10 mote state, the regulated social worker's multistate authorization to
11 practice may be deactivated in that state until the multistate author-
12 ization to practice is no longer encumbered.

13 SECTION 5: ISSUANCE OF A MULTISTATE LICENSE

14 A. Upon receipt of an application for multistate license, the home
15 state licensing authority shall determine the applicant's eligibility for
16 a multistate license in accordance with Section 4 of this Compact.

17 B. If such applicant is eligible pursuant to Section 4 of this Com-
18 pact, the home state licensing authority shall issue a multistate li-
19 cense that authorizes the applicant or regulated social worker to
20 practice in all member states under a multistate authorization to
21 practice.

22 C. Upon issuance of a multistate license, the home state licensing
23 authority shall designate whether the regulated social worker holds a
24 multistate license in the clinical, master's or bachelor's category of
25 social work.

26 D. A multistate license issued by a home state to a resident in that
27 state shall be recognized by all member states as authorizing social
28 work practice under a multistate authorization to practice corre-
29 sponding to each category of licensure regulated in each member
30 state.

1 **SECTION 6: AUTHORITY OF INTERSTATE COMPACT COMMIS-**
2 **SION AND MEMBER STATE LICENSING AUTHORITIES**

3 **A. Nothing in this Compact, nor any rule of the Commission, shall**
4 **be construed to limit, restrict or in any way reduce the ability of a**
5 **member state to enact and enforce laws, regulations or other rules**
6 **related to the practice of social work in that state, where those laws,**
7 **regulations or other rules are not inconsistent with the provisions of**
8 **this Compact.**

9 **B. Nothing in this Compact shall affect the requirements estab-**
10 **lished by a member state for the issuance of a single state license.**

11 **C. Nothing in this Compact, nor any rule of the Commission, shall**
12 **be construed to limit, restrict or in any way reduce the ability of a**
13 **member state to take adverse action against a licensee's single state**
14 **license to practice social work in that state.**

15 **D. Nothing in this Compact, nor any rule of the Commission, shall**
16 **be construed to limit, restrict or in any way reduce the ability of a**
17 **remote state to take adverse action against a licensee's multistate**
18 **authorization to practice in that state.**

19 **E. Nothing in this Compact, nor any rule of the Commission, shall**
20 **be construed to limit, restrict or in any way reduce the ability of a**
21 **licensee's home state to take adverse action against a licensee's**
22 **multistate license based upon information provided by a remote state.**

23 **SECTION 7: REISSUANCE OF A MULTISTATE LICENSE BY A**
24 **NEW HOME STATE**

25 **A. A licensee can hold a multistate license issued by their home**
26 **state in only one member state at any given time.**

27 **B. If a licensee changes their home state by moving between two**
28 **member states:**

29 **1. The licensee shall immediately apply for the reissuance of their**
30 **multistate license in their new home state. The licensee shall pay all**

1 applicable fees and notify the prior home state in accordance with the
2 rules of the Commission.

3 2. Upon receipt of an application to reissue a multistate license, the
4 new home state shall verify that the multistate license is active, un-
5 encumbered and eligible for reissuance under the terms of the Com-
6 pact and the rules of the Commission. The multistate license issued
7 by the prior home state will be deactivated and all member states no-
8 tified in accordance with the applicable rules adopted by the Commis-
9 sion.

10 3. Prior to the reissuance of the multistate license, the new home
11 state shall conduct procedures for considering the criminal history
12 records of the licensee. Such procedures shall include the submission
13 of fingerprints or other biometric-based information by applicants for
14 the purpose of obtaining an applicant's criminal history record infor-
15 mation from the Federal Bureau of Investigation and the agency re-
16 sponsible for retaining that state's criminal records.

17 4. If required for initial licensure, the new home state may require
18 completion of jurisprudence requirements in the new home state.

19 5. Notwithstanding any other provision of this Compact, if a
20 licensee does not meet the requirements set forth in this Compact for
21 the reissuance of a multistate license by the new home state, then the
22 licensee shall be subject to the new home state requirements for the
23 issuance of a single state license in that state.

24 C. If a licensee changes their primary state of residence by moving
25 from a member state to a non-member state or from a non-member
26 state to a member state, the licensee shall be subject to the state re-
27 quirements for the issuance of a single state license in the new home
28 state.

29 D. Nothing in this Compact shall interfere with a licensee's ability
30 to hold a single state license in multiple states. However, for the

1 purposes of this Compact, a licensee shall have only one home state
2 and only one multistate license.

3 E. Nothing in this Compact shall interfere with the requirements
4 established by a member state for the issuance of a single state li-
5 cense.

6 SECTION 8. MILITARY FAMILIES

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

11 SECTION 9. ADVERSE ACTIONS

12 A. In addition to the other powers conferred by state law, a remote
13 state shall have the authority, in accordance with existing state due
14 process law, to:

15 1. Take adverse action against a regulated social worker's multi-
16 state authorization to practice only within that member state, and is-
17 sue subpoenas for both hearings and investigations that require the
18 attendance and testimony of witnesses as well as the production of
19 evidence. Subpoenas issued by a licensing authority in a member state
20 for the attendance and testimony of witnesses or the production of
21 evidence from another member state shall be enforced in the latter
22 state by any court of competent jurisdiction, according to the practice
23 and procedure of that court applicable to subpoenas issued in pro-
24 ceedings pending before it. The issuing licensing authority shall pay
25 any witness fees, travel expenses, mileage and other fees required by
26 the service statutes of the state in which the witnesses or evidence are
27 located.

28 2. Only the home state shall have the power to take adverse action
29 against a regulated social worker's multistate license.

30 B. For purposes of taking adverse action, the home state shall give

1 the same priority and effect to reported conduct received from a
2 member state as it would if the conduct had occurred within the home
3 state. In so doing, the home state shall apply its own state laws to
4 determine appropriate action.

5 C. The home state shall complete any pending investigations of a
6 regulated social worker who changes their home state during the
7 course of the investigations. The home state shall also have the au-
8 thority to take appropriate action and shall promptly report the con-
9 clusions of the investigations to the administrator of the data system.
10 The administrator of the data system shall promptly notify the new
11 home state of any adverse actions.

12 D. A member state, if otherwise permitted by state law, may re-
13 cover from the affected regulated social worker the costs of investi-
14 gations and dispositions of cases resulting from any adverse action
15 taken against that regulated social worker.

16 E. A member state may take adverse action based on the factual
17 findings of another member state, provided that the member state
18 follows its own procedures for taking the adverse action.

19 F. Joint investigations.

20 1. In addition to the authority granted to a member state by its
21 respective social work practice act or other applicable state law, any
22 member state may participate with other member states in joint in-
23 vestigations of licensees.

24 2. Member states shall share any investigative, litigation or com-
25 pliance materials in furtherance of any joint or individual investi-
26 gation initiated under the Compact.

27 G. If adverse action is taken by the home state against the multi-
28 state license of a regulated social worker, the regulated social worker's
29 multistate authorization to practice in all other member states shall
30 be deactivated until all encumbrances have been removed from the

1 multistate license. All home state disciplinary orders that impose ad-
2 verse action against the license of a regulated social worker shall in-
3 clude a statement that the regulated social worker's multistate
4 authorization to practice is deactivated in all member states until all
5 conditions of the decision, order or agreement are satisfied.

6 H. If a member state takes adverse action, it shall promptly notify
7 the administrator of the data system. The administrator of the data
8 system shall promptly notify the home state and all other member
9 states of any adverse actions by remote states.

10 I. Nothing in this Compact shall override a member state's decision
11 that participation in an alternative program may be used in lieu of
12 adverse action.

13 J. Nothing in this Compact shall authorize a member state to de-
14 mand the issuance of subpoenas for attendance and testimony of wit-
15 nesses or the production of evidence from another member state for
16 lawful actions within that member state.

17 K. Nothing in this Compact shall authorize a member state to im-
18 pose discipline against a regulated social worker who holds a multi-
19 state authorization to practice for lawful actions within another
20 member state.

21 **SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE**
22 **COMPACT COMMISSION**

23 A. The Compact member states hereby create and establish a joint
24 government agency whose membership consists of all member states
25 that have enacted the Compact, to be known as the Social Work
26 Licensure Compact Commission. The Commission is an
27 instrumentality of the Compact member states acting jointly and not
28 an instrumentality of any one state. The Commission shall come into
29 existence on or after the effective date of the Compact as set forth in
30 Section 14 of this Compact.

1 **B. Membership, Voting and Meetings**

2 **1. Each member state shall have and be limited to one delegate se-**
3 **lected by that member state’s licensing authority.**

4 **2. The delegate shall be either:**

5 **a. A current member of the licensing authority at the time of ap-**
6 **pointment, who is a regulated social worker or public member of the**
7 **licensing authority; or**

8 **b. An administrator of the licensing authority or their designee.**

9 **3. The Commission shall by rule or bylaw establish a term of office**
10 **for delegates and may by rule or bylaw establish term limits.**

11 **4. The Commission may recommend the removal or suspension of**
12 **any delegate from office.**

13 **5. A member state’s licensing authority shall fill any vacancy of its**
14 **delegate occurring on the Commission within 60 days of the vacancy.**

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

17 **7. A delegate shall vote in person or by such other means as pro-**
18 **vided in the bylaws. The bylaws may provide for delegates to meet by**
19 **telecommunication, videoconference or other means of communi-**
20 **cation.**

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

25 **C. The Commission shall have the following powers:**

26 **1. Establish the fiscal year of the Commission;**

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

28 **3. Establish and amend rules and bylaws;**

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

30 **5. Meet and take such actions as are consistent with the provisions**

1 of this Compact, the Commission's rules and the bylaws;

2 6. Initiate and conclude legal proceedings or actions in the name
3 of the Commission, provided that the standing of any licensing au-
4 thority to sue or be sued under applicable law shall not be affected;

5 7. Maintain and certify records and information provided to a
6 member state as the authenticated business records of the Commis-
7 sion, and designate an agent to do so on the Commission's behalf;

8 8. Purchase and maintain insurance and bonds;

9 9. Borrow, accept or contract for services of personnel, including,
10 but not limited to, employees of a member state;

11 10. Conduct an annual financial review;

12 11. Hire employees, elect or appoint officers, fix compensation, de-
13 fine duties, grant to employees and officers appropriate authority to
14 carry out the purposes of the Compact and establish the Commission's
15 personnel policies and programs relating to conflicts of interest, qual-
16 ifications of personnel and other related personnel matters;

17 12. Assess and collect fees;

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

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

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

27 16. Establish a budget and make expenditures;

28 17. Borrow money;

29 18. Appoint committees, including standing committees, composed
30 of members, state regulators, state legislators or their representatives

1 and consumer representatives and such other interested persons as
2 may be designated in this Compact and the bylaws;

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

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

7 21. Determine whether a state's adopted language is materially dif-
8 ferent from the model compact language such that the state would not
9 qualify for participation in the Compact; and

10 22. Perform such other functions as may be necessary or appropri-
11 ate to achieve the purposes of this Compact.

12 **D. The Executive Committee**

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

17 a. Oversee the day-to-day activities of the administration of the
18 Compact including enforcement and compliance with the provisions
19 of the Compact, its rules and bylaws and other such duties as deemed
20 necessary;

21 b. Recommend to the Commission changes to the rules or bylaws,
22 changes to this Compact legislation, fees charged to Compact member
23 states, fees charged to licensees and other fees;

24 c. Ensure Compact administration services are appropriately pro-
25 vided, including by contract;

26 d. Prepare and recommend the budget;

27 e. Maintain financial records on behalf of the Commission;

28 f. Monitor Compact compliance of member states and provide
29 compliance reports to the Commission;

30 g. Establish additional committees as necessary;

1 **h. Exercise the powers and duties of the Commission during the**
2 **interim between Commission meetings, except for adopting or amend-**
3 **ing rules, adopting or amending bylaws and exercising any other**
4 **powers and duties expressly reserved to the Commission by rule or**
5 **bylaw; and**

6 **i. Other duties as provided in the rules or bylaws of the Commis-**
7 **sion.**

8 **2. The Executive Committee shall be composed of up to 11 members:**

9 **a. The chair and vice chair of the Commission shall be voting**
10 **members of the Executive Committee.**

11 **b. The Commission shall elect five voting members from the cur-**
12 **rent membership of the Commission.**

13 **c. Up to four ex-officio, non-voting members from four recognized**
14 **national social work organizations.**

15 **d. The ex-officio members will be selected by their respective or-**
16 **ganizations.**

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

19 **4. The Executive Committee shall meet at least annually.**

20 **a. Executive Committee meetings shall be open to the public, except**
21 **that the Executive Committee may meet in a closed, non-public**
22 **meeting as provided in Section 10.F.2 of this Compact.**

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

26 **c. The Executive Committee may hold a special meeting in accord-**
27 **ance with Section 10.F.1.b of this Compact.**

28 **E. The Commission shall adopt and provide to the member states**
29 **an annual report.**

30 **F. Meetings of the Commission**

1 **1. All meetings shall be open to the public, except that the Com-**
2 **mission may meet in a closed, non-public meeting as provided in Sec-**
3 **tion 10.F.2 of this Compact.**

4 **a. Public notice for all meetings of the full Commission shall be**
5 **given in the same manner as required under the rulemaking provisions**
6 **in Section 12 of this Compact, except that the Commission may hold**
7 **a special meeting as provided in Section 10.F.1.b of this Compact.**

8 **b. The Commission may hold a special meeting when it must meet**
9 **to conduct emergency business by giving 48 hours' notice to all com-**
10 **missioners on the Commission's website and other means as provided**
11 **in the Commission's rules. The Commission's legal counsel shall cer-**
12 **tify that the Commission's need to meet qualifies as an emergency.**

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

17 **a. Non-compliance of a member state with its obligations under the**
18 **Compact;**

19 **b. The employment, compensation, discipline or other matters,**
20 **practices or procedures related to specific employees;**

21 **c. Current or threatened discipline of a licensee by the Commission**
22 **or by a member state's licensing authority;**

23 **d. Current, threatened or reasonably anticipated litigation;**

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

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

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

29 **h. Information of a personal nature where disclosure would consti-**
30 **tute a clearly unwarranted invasion of personal privacy;**

- 1 **i. Investigative records compiled for law enforcement purposes;**
2 **j. Information related to any investigative reports prepared by or**
3 **on behalf of or for use of the Commission or other committee charged**
4 **with responsibility of investigation or determination of compliance is-**
5 **ssues pursuant to the Compact;**
6 **k. Matters specifically exempted from disclosure by federal or**
7 **member state law; or**
8 **l. Other matters as promulgated by the Commission by rule.**

9 **3. If a meeting, or portion of a meeting, is closed, the presiding of-**
10 **ficer shall state that the meeting will be closed and reference each**
11 **relevant exempting provision, and such reference shall be recorded in**
12 **the minutes.**

13 **4. The Commission shall keep minutes that fully and clearly de-**
14 **scribe all matters discussed in a meeting and shall provide a full and**
15 **accurate summary of actions taken and the reasons therefor, includ-**
16 **ing a description of the views expressed. All documents considered in**
17 **connection with an action shall be identified in such minutes. All**
18 **minutes and documents of a closed meeting shall remain under seal,**
19 **subject to release only by a majority vote of the Commission or order**
20 **of a court of competent jurisdiction.**

21 **G. Financing of the Commission**

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

25 **2. The Commission may accept any and all appropriate revenue**
26 **sources as provided in Section 10.C.13 of this Compact.**

27 **3.a. The Commission may levy and collect an annual assessment**
28 **from each member state and impose fees on licensees of member**
29 **states to whom it grants a multistate license to cover the cost of the**
30 **operations and activities of the Commission and its staff, which must**

1 be in a total amount sufficient to cover its annual budget as approved
2 each year for which revenue is not provided by other sources. The
3 aggregate annual assessment amount for member states shall be allo-
4 cated based upon a formula that the Commission shall promulgate by
5 rule.

6 b. An assessment levied, or any other financial obligation imposed,
7 under this Compact is effective against the State of Oregon only to the
8 extent that moneys necessary to pay the assessment or meet the fi-
9 nancial obligation have been deposited in the State Board of Licensed
10 Social Workers Account established under ORS 675.597.

11 4. The Commission shall not incur obligations of any kind prior to
12 securing the funds adequate to meet the same, nor shall the Commis-
13 sion pledge the credit of any of the member states, except by and with
14 the authority of the member state.

15 5. The Commission shall keep accurate accounts of all receipts and
16 disbursements. The receipts and disbursements of the Commission
17 shall be subject to the financial review and accounting procedures es-
18 tablished under its bylaws. However, all receipts and disbursements
19 of funds handled by the Commission shall be subject to an annual fi-
20 nancial review by a certified or licensed public accountant, and the
21 report of the financial review shall be included in and become part of
22 the annual report of the Commission.

23 H. Qualified Immunity, Defense and Indemnification

24 1. The members, officers, executive director, employees and repre-
25 sentatives of the Commission shall be immune from suit and liability,
26 both personally and in their official capacity, for any claim for damage
27 to or loss of property or personal injury or other civil liability caused
28 by or arising out of any actual or alleged act, error or omission that
29 occurred, or that the person against whom the claim is made had a
30 reasonable basis for believing occurred, within the scope of Commis-

1 sion employment, duties or responsibilities, provided that nothing in
2 this paragraph shall be construed to protect any such person from suit
3 or liability for any damage, loss, injury or liability caused by the in-
4 tentional or willful or wanton misconduct of that person. The pro-
5 curement of insurance of any type by the Commission shall not in any
6 way compromise or limit the immunity granted hereunder.

7 2. The Commission shall defend any member, officer, executive di-
8 rector, employee or representative of the Commission in any civil
9 action seeking to impose liability arising out of any actual or alleged
10 act, error or omission that occurred within the scope of Commission
11 employment, duties or responsibilities, or as determined by the Com-
12 mission that the person against whom the claim is made had a rea-
13 sonable basis for believing occurred within the scope of Commission
14 employment, duties or responsibilities, provided that nothing herein
15 shall be construed to prohibit that person from retaining their own
16 counsel at their own expense, and provided further that the actual or
17 alleged act, error or omission did not result from that person's inten-
18 tional or willful or wanton misconduct.

19 3. The Commission shall indemnify and hold harmless any member,
20 officer, executive director, employee or representative of the Commis-
21 sion for the amount of any settlement or judgment obtained against
22 that person arising out of any actual or alleged act, error or omission
23 that occurred within the scope of Commission employment, duties or
24 responsibilities, or that such person had a reasonable basis for believ-
25 ing occurred within the scope of Commission employment, duties or
26 responsibilities, provided that the actual or alleged act, error or
27 omission did not result from the intentional or willful or wanton
28 misconduct of that person.

29 4. Nothing herein shall be construed as a limitation on the liability
30 of any licensee for professional malpractice or misconduct, which shall

1 be governed solely by any other applicable state laws.

2 5. Nothing in this Compact shall be interpreted to waive or other-
3 wise abrogate a member state's state action immunity or state action
4 affirmative defense with respect to antitrust claims under the
5 Sherman Act, Clayton Act or any other state or federal antitrust or
6 anticompetitive law or regulation.

7 6. Nothing in this Compact shall be construed to be a waiver of
8 sovereign immunity by the member states or by the Commission.

9 **SECTION 11. DATA SYSTEM**

10 A. The Commission shall provide for the development, mainte-
11 nance, operation and utilization of a coordinated data system.

12 B. The Commission shall assign each applicant for a multistate li-
13 cense a unique identifier, as determined by the rules of the Commis-
14 sion.

15 C. Notwithstanding any other provision of state law to the contrary,
16 a member state shall submit a uniform data set to the data system
17 on all individuals to whom this Compact is applicable as required by
18 the rules of the Commission, including:

19 1. Identifying information;

20 2. Licensure data;

21 3. Adverse actions against a license and information related
22 thereto;

23 4. Non-confidential information related to alternative program par-
24 ticipation, the beginning and ending dates of such participation and
25 other information related to such participation not made confidential
26 under member state law;

27 5. Any denial of application for licensure and the reason for such
28 denial;

29 6. The presence of current significant investigative information;
30 and

1 **7. Other information that may facilitate the administration of this**
2 **Compact or the protection of the public, as determined by the rules**
3 **of the Commission.**

4 **D. The records and information provided to a member state pursu-**
5 **ant to this Compact or through the data system, when certified by the**
6 **Commission or an agent thereof, shall constitute the authenticated**
7 **business records of the Commission, and shall be entitled to any as-**
8 **sociated hearsay exception in any relevant judicial, quasi-judicial or**
9 **administrative proceedings in a member state.**

10 **E. Current significant investigative information pertaining to a**
11 **licensee in any member state will only be available to other member**
12 **states.**

13 **1. It is the responsibility of the member states to report any adverse**
14 **action against a licensee and to monitor the database to determine**
15 **whether adverse action has been taken against a licensee. Adverse**
16 **action information pertaining to a licensee in any member state will**
17 **be available to any other member state.**

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

21 **G. Any information submitted to the data system that is subse-**
22 **quently expunged pursuant to federal law or the laws of the member**
23 **state contributing the information shall be removed from the data**
24 **system.**

25 **SECTION 12. RULEMAKING**

26 **A. The Commission shall promulgate reasonable rules in order to**
27 **effectively and efficiently implement and administer the purposes and**
28 **provisions of the Compact. A rule shall be invalid and have no force**
29 **or effect only if a court of competent jurisdiction holds that the rule**
30 **is invalid because the Commission exercised its rulemaking authority**

1 in a manner that is beyond the scope and purposes of the Compact,
2 or the powers granted hereunder, or based upon another applicable
3 standard of review.

4 B.1. The rules of the Commission shall have the force of law in each
5 member state, provided however that where the rules of the Commis-
6 sion conflict with the laws of the member state that establish the
7 member state's laws, regulations and applicable standards that govern
8 the practice of social work as held by a court of competent jurisdic-
9 tion, the rules of the Commission shall be ineffective in that state to
10 the extent of the conflict.

11 2. Notwithstanding Section 12.B.1 of this Compact, the State Board
12 of Licensed Social Workers shall review the rules of the Commission.
13 The board may approve and adopt the rules of the Commission as rules
14 of the board. The State of Oregon is subject to a rule of the Commis-
15 sion only if the rule of the Commission is adopted by the board.

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

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

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

27 F. Prior to adoption of a proposed rule, the Commission shall hold
28 a public hearing and allow persons to provide oral and written com-
29 ments, data, facts, opinions and arguments.

30 G. Prior to adoption of a proposed rule by the Commission, and at

1 least 30 days in advance of the meeting at which the Commission will
2 hold a public hearing on the proposed rule, the Commission shall
3 provide a notice of proposed rulemaking:

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

6 2. To persons who have requested notice of the Commission's no-
7 tices of proposed rulemaking; and

8 3. In such other ways as the Commission may by rule specify.

9 H. The notice of proposed rulemaking shall include:

10 1. The time, date and location of the public hearing at which the
11 Commission will hear public comments on the proposed rule and, if
12 different, the time, date and location of the meeting where the Com-
13 mission will consider and vote on the proposed rule;

14 2. If the hearing is held via telecommunication, video conference
15 or other electronic means, the Commission shall include the mech-
16 anism for access to the hearing in the notice of proposed rulemaking;

17 3. The text of the proposed rule and the reason therefor;

18 4. A request for comments on the proposed rule from any interested
19 person; and

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

22 I. All hearings will be recorded. A copy of the recording and all
23 written comments and documents received by the Commission in re-
24 sponse to the proposed rule shall be available to the public.

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

28 K. The Commission shall, by majority vote of all members, take
29 final action on the proposed rule based on the rulemaking record and
30 the full text of the rule.

1 **1. The Commission may adopt changes to the proposed rule pro-**
2 **vided the changes do not enlarge the original purpose of the proposed**
3 **rule.**

4 **2. The Commission shall provide an explanation of the reasons for**
5 **substantive changes made to the proposed rule as well as reasons for**
6 **substantive changes not made that were recommended by**
7 **commenters.**

8 **3. The Commission shall determine a reasonable effective date for**
9 **the rule. Except for an emergency as provided in Section 12.L of this**
10 **Compact, the effective date of the rule shall be no sooner than 30 days**
11 **after issuing the notice that it adopted or amended the rule.**

12 **L. Upon determination that an emergency exists, the Commission**
13 **may consider and adopt an emergency rule with 48 hours' notice, with**
14 **opportunity to comment, provided that the usual rulemaking proce-**
15 **dures provided in the Compact and in this section shall be**
16 **retroactively applied to the rule as soon as reasonably possible, in no**
17 **event later than 90 days after the effective date of the rule. For the**
18 **purposes of this provision, an emergency rule is one that must be**
19 **adopted immediately in order to:**

- 20 **1. Meet an imminent threat to public health, safety or welfare;**
- 21 **2. Prevent a loss of Commission or member state funds;**
- 22 **3. Meet a deadline for the promulgation of a rule that is established**
23 **by federal law or rule; or**
- 24 **4. Protect public health and safety.**

25 **M. The Commission or an authorized committee of the Commission**
26 **may direct revisions to a previously adopted rule for purposes of cor-**
27 **recting typographical errors, errors in format, errors in consistency**
28 **or grammatical errors. Public notice of any revisions shall be posted**
29 **on the website of the Commission. The revision shall be subject to**
30 **challenge by any person for a period of 30 days after posting. The re-**

1 vision may be challenged only on grounds that the revision results in
2 a material change to a rule. A challenge shall be made in writing and
3 delivered to the Commission prior to the end of the notice period. If
4 no challenge is made, the revision will take effect without further
5 action. If the revision is challenged, the revision may not take effect
6 without the approval of the Commission.

7 N. No member state's rulemaking requirements shall apply under
8 this Compact.

9 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION AND
10 ENFORCEMENT

11 A. Oversight

12 1. The executive and judicial branches of state government in each
13 member state shall enforce this Compact and take all actions neces-
14 sary and appropriate to implement the Compact.

15 2. Except as otherwise provided in this Compact, venue is proper
16 and judicial proceedings by or against the Commission shall be
17 brought solely and exclusively in a court of competent jurisdiction
18 where the principal offices of the Commission are located. The Com-
19 mission may waive venue and jurisdictional defenses to the extent it
20 adopts or consents to participate in alternative dispute resolution
21 proceedings. Nothing herein shall affect or limit the selection or pro-
22 priety of venue in any action against a licensee for professional
23 malpractice, misconduct or any such similar matter.

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

30 B. Default, Technical Assistance and Termination

1 **1. If the Commission determines that a member state has defaulted**
2 **in the performance of its obligations or responsibilities under this**
3 **Compact or the promulgated rules, the Commission shall provide**
4 **written notice to the defaulting state. The notice of default shall de-**
5 **scribe the default, the proposed means of curing the default and any**
6 **other action that the Commission may take and shall offer training**
7 **and specific technical assistance regarding the default.**

8 **2. The Commission shall provide a copy of the notice of default to**
9 **the other member states.**

10 **C. If a state in default fails to cure the default, the defaulting state**
11 **may be terminated from the Compact upon an affirmative vote of a**
12 **majority of the delegates of the member states, and all rights, privi-**
13 **leges and benefits conferred on that state by this Compact may be**
14 **terminated on the effective date of termination. A cure of the default**
15 **does not relieve the offending state of obligations or liabilities incurred**
16 **during the period of default.**

17 **D. Termination of membership in the Compact shall be imposed**
18 **only after all other means of securing compliance have been ex-**
19 **hausted. Notice of intent to suspend or terminate shall be given by the**
20 **Commission to the governor, the majority and minority leaders of the**
21 **defaulting state's legislature, the defaulting state's licensing authority**
22 **and each of the member states' licensing authority.**

23 **E. A state that has been terminated is responsible for all assess-**
24 **ments, obligations and liabilities incurred through the effective date**
25 **of termination, including obligations that extend beyond the effective**
26 **date of termination.**

27 **F. Upon the termination of a state's membership from this Com-**
28 **pact, that state shall immediately provide notice to all licensees within**
29 **that state of such termination. The terminated state shall continue to**
30 **recognize all licenses granted pursuant to this Compact for a mini-**

1 **mum of six months after the date of said notice of termination.**

2 **G. The Commission shall not bear any costs related to a state that**
3 **is found to be in default or that has been terminated from the Com-**
4 **pact, unless agreed upon in writing between the Commission and the**
5 **defaulting state.**

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

11 **I. Dispute Resolution**

12 **1. Upon request by a member state, the Commission shall attempt**
13 **to resolve disputes related to the Compact that arise among member**
14 **states and between member and non-member states.**

15 **2. The Commission shall promulgate a rule providing for both me-**
16 **diation and binding dispute resolution for disputes as appropriate.**

17 **J. Enforcement**

18 **1. By majority vote as provided by rule, the Commission may initi-**
19 **ate legal action against a member state in default in the United States**
20 **District Court for the District of Columbia or the federal district where**
21 **the Commission has its principal offices to enforce compliance with**
22 **the provisions of the Compact and its promulgated rules. The relief**
23 **sought may include both injunctive relief and damages. In the event**
24 **judicial enforcement is necessary, the prevailing party shall be**
25 **awarded all costs of such litigation, including reasonable attorney fees.**
26 **The remedies herein shall not be the exclusive remedies of the Com-**
27 **mission. The Commission may pursue any other remedies available**
28 **under federal or the defaulting member state's law.**

29 **2. A member state may initiate legal action against the Commission**
30 **in the U.S. District Court for the District of Columbia or the federal**

1 district where the Commission has its principal offices to enforce
2 compliance with the provisions of the Compact and its promulgated
3 rules. The relief sought may include both injunctive relief and dam-
4 ages. In the event judicial enforcement is necessary, the prevailing
5 party shall be awarded all costs of such litigation, including reasonable
6 attorney fees.

7 3. No person other than a member state shall enforce this Compact
8 against the Commission.

9 SECTION 14. EFFECTIVE DATE, WITHDRAWAL AND AMEND-
10 MENT

11 A. The Compact shall come into effect on the date on which the
12 Compact statute is enacted into law in the seventh member state.

13 1. On or after the effective date of the Compact, the Commission
14 shall convene and review the enactment of each of the first seven
15 member states (“charter member states”) to determine if the statute
16 enacted by each such charter member state is materially different
17 than the model Compact statute.

18 a. A charter member state whose enactment is found to be mate-
19 rially different from the model Compact statute shall be entitled to the
20 default process set forth in Section 13 of this Compact.

21 b. If any member state is later found to be in default, or is termi-
22 nated or withdraws from the Compact, the Commission shall remain
23 in existence and the Compact shall remain in effect even if the number
24 of member states should be less than seven.

25 2. Member states enacting the Compact subsequent to the seven
26 initial charter member states shall be subject to the process set forth
27 in Section 10.C.21 of this Compact to determine if their enactments
28 are materially different from the model Compact statute and whether
29 they qualify for participation in the Compact.

30 3. All actions taken for the benefit of the Commission or in

1 furtherance of the purposes of the administration of the Compact prior
2 to the effective date of the Compact or the Commission coming into
3 existence shall be considered to be actions of the Commission unless
4 specifically repudiated by the Commission.

5 4.a. Any state that joins the Compact subsequent to the
6 Commission's initial adoption of the rules and bylaws shall be subject
7 to the rules and bylaws as they exist on the date on which the Com-
8 pact becomes law in that state. Any rule that has been previously
9 adopted by the Commission shall have the full force and effect of law
10 on the day the Compact becomes law in that state.

11 b. Notwithstanding Section 14.A.4.a of this Compact, the State
12 Board of Licensed Social Workers shall review the rules of the Com-
13 mission. The board may approve and adopt the rules of the Commis-
14 sion as rules of the board. The State of Oregon is subject to a rule of
15 the Commission only if the rule of the Commission is adopted by the
16 board.

17 B. Any member state may withdraw from this Compact by enacting
18 a statute repealing the same.

19 1. A member state's withdrawal shall not take effect until 180 days
20 after enactment of the repealing statute.

21 2. Withdrawal shall not affect the continuing requirement of the
22 withdrawing state's licensing authority to comply with the investi-
23 gative and adverse action reporting requirements of this Compact
24 prior to the effective date of withdrawal.

25 3. Upon the enactment of a statute withdrawing from this compact,
26 a state shall immediately provide notice of such withdrawal to all
27 licensees within that state. Notwithstanding any subsequent statutory
28 enactment to the contrary, such withdrawing state shall continue to
29 recognize all licenses granted pursuant to this Compact for a mini-
30 mum of 180 days after the date of such notice of withdrawal.

1 C. Nothing contained in this Compact shall be construed to invali-
2 date or prevent any licensure agreement or other cooperative ar-
3 rangement between a member state and a non-member state that does
4 not conflict with the provisions of this Compact.

5 D. This Compact may be amended by the member states. No
6 amendment to this Compact shall become effective and binding upon
7 any member state until it is enacted into the laws of all member
8 states.

9 **SECTION 15. CONSTRUCTION AND SEVERABILITY**

10 A. This Compact and the Commission's rulemaking authority shall
11 be liberally construed so as to effectuate the purposes, and the imple-
12 mentation and administration of, the Compact. Provisions of the
13 Compact expressly authorizing or requiring the promulgation of rules
14 shall not be construed to limit the Commission's rulemaking authority
15 solely for those purposes.

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

25 C. Notwithstanding Section 15.B of this Compact, the Commission
26 may deny a state's participation in the Compact or, in accordance with
27 the requirements of Section 13.B of this Compact, terminate a member
28 state's participation in the Compact, if the Commission determines
29 that a constitutional requirement of a member state is a material de-
30 parture from the Compact. Otherwise, if this Compact shall be held

1 to be contrary to the constitution of any member state, the Compact
2 shall remain in full force and effect as to the remaining member states
3 and in full force and effect as to the member state affected as to all
4 severable matters.

5 **SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH**
6 **OTHER STATE LAWS**

7 **A. A licensee providing services in a remote state under a multi-**
8 **state authorization to practice shall adhere to the laws and regu-**
9 **lations, including laws, regulations and applicable standards, of the**
10 **remote state where the client is located at the time care is rendered.**

11 **B. Nothing herein shall prevent or inhibit the enforcement of any**
12 **other law of a member state that is not inconsistent with the Com-**
13 **pact.**

14 **C. Any laws, statutes, regulations or other legal requirements in a**
15 **member state in conflict with the Compact are superseded to the ex-**
16 **tent of the conflict.**

17 **D. All permissible agreements between the Commission and the**
18 **member states are binding in accordance with their terms.**

19 “
20 **SECTION 2. The Legislative Assembly of the State of Oregon**
21 **hereby ratifies the Social Work Licensure Compact set forth in section**
22 **1 of this 2024 Act.**

23 **SECTION 3. ORS 675.520 is amended to read:**

24 **“675.520. (1) A person may not use any title, words or abbreviations, in-**
25 **cluding the title ‘social worker,’ that indicate that the person has an au-**
26 **thorization to practice regulated social work unless the person is a regulated**
27 **social worker.**

28 **“(2) Subsection (1) of this section does not prohibit:**

29 **“(a) The use of the educational designations ‘Bachelor of Social Work’**
30 **or ‘Master’s of Social Work’ by a person who is not a regulated social**

1 worker; or

2 “(b) The use of the title ‘school social worker’ by a person who:

3 “(A) Is not a regulated social worker;

4 “(B) Holds a master’s degree in social work from an accredited college
5 or university; and

6 “(C) Is licensed as a school social worker by the Teacher Standards and
7 Practices Commission.

8 “(3) **Subsection (1) of this section does not apply to an individual
9 who is authorized to practice social work by multistate authorization
10 to practice or multistate license as defined in section 1 of this 2024 Act.**

11 “**SECTION 4.** ORS 675.523 is amended to read:

12 “675.523. A person may not practice clinical social work unless the person
13 is a clinical social worker licensed under ORS 675.530 or a clinical social
14 work associate certified under ORS 675.537, except if the person is:

15 “(1) Licensed or certified by the State of Oregon to provide mental health
16 services, provided that the person is acting within the lawful scope of prac-
17 tice for the person’s license or certification and does not represent that the
18 person is a regulated social worker;

19 “(2) Certified to provide alcohol and drug abuse prevention services,
20 intervention services and treatment in compliance with rules adopted under
21 ORS 430.256 and 430.357, provided that the person is acting within the lawful
22 scope of practice for the person’s certification and does not represent that
23 the person is a regulated social worker;

24 “(3) Employed by or contracting with an entity that is certified or li-
25 censed by the State of Oregon under ORS 430.610 to 430.695 to provide mental
26 health treatment or addiction services, provided that the person is practicing
27 within the lawful scope of the person’s employment or contract;

28 “(4) A recognized member of the clergy, provided that the person is acting
29 in the person’s ministerial capacity and does not represent that the person
30 is a regulated social worker; [or]

1 “(5) A student in a social work graduate degree program that meets the
2 requirements established by the State Board of Licensed Social Workers by
3 rule[.]; or

4 **“(6) Authorized to practice social work pursuant to multistate au-**
5 **thorization to practice or multistate license as defined in section 1 of**
6 **this 2024 Act.**

7 **“SECTION 5.** ORS 675.597 is amended to read:

8 “675.597. The State Board of Licensed Social Workers Account is estab-
9 lished in the State Treasury, separate and distinct from the General Fund.
10 Interest earned by the State Board of Licensed Social Workers Account shall
11 be credited to the account. Moneys in the account are continuously appro-
12 priated to the board for the administration and enforcement of ORS 675.510
13 to 675.600, 676.850 and 676.866 **and for the purpose of meeting the finan-**
14 **cial obligations of the State of Oregon as a result of this state’s par-**
15 **ticipation in the Social Work Licensure Compact established under**
16 **section 1 of this 2024 Act.**

17 **“SECTION 6.** ORS 676.177 is amended to read:

18 “676.177. (1) Notwithstanding any other provision of ORS 676.165 to
19 676.180 and except as provided in subsection (5) of this section, a health
20 professional regulatory board, upon a determination by the board that it
21 possesses otherwise confidential information that reasonably relates to the
22 regulatory or enforcement function of another public entity, may disclose
23 that information to the other public entity.

24 “(2) Any public entity that receives information pursuant to subsection
25 (1) of this section shall agree to take all reasonable steps to maintain the
26 confidentiality of the information, except that the public entity may use or
27 disclose the information to the extent necessary to carry out the regulatory
28 or enforcement functions of the public entity.

29 “(3) For purposes of this section, ‘public entity’ means:

30 “(a) A board or agency of this state, or a board or agency of another state

1 with regulatory or enforcement functions similar to the functions of a health
2 professional regulatory board of this state;

3 “(b) A district attorney;

4 “(c) The Department of Justice;

5 “(d) A state or local public body of this state that licenses, franchises or
6 provides emergency medical services; or

7 “(e) A law enforcement agency of this state, another state or the federal
8 government.

9 “(4) Notwithstanding subsections (1) to (3) of this section[,]:

10 “(a) The Oregon Board of Physical Therapy may disclose information
11 described in subsection (1) of this section to the Physical Therapy Compact
12 Commission established in ORS 688.240.

13 “(b) **The State Board of Licensed Social Workers may disclose in-**
14 **formation described in subsection (1) of this section to the Social Work**
15 **Licensure Compact Commission established in section 1 of this 2024**
16 **Act.**

17 “(5) A health professional regulatory board may not disclose the infor-
18 mation described in subsection (1) of this section to another public entity if
19 the information relates to the provision of or referral for reproductive or
20 gender-affirming health care services.

21 “**SECTION 7. (1) The amendments to ORS 675.520 and 675.523 by**
22 **sections 3 and 4 of this 2024 Act apply to individuals authorized to**
23 **practice social work by multistate authorization to practice or multi-**
24 **state license on or after the effective date of this 2024 Act.**

25 “(2) **The amendments to ORS 675.597 by section 5 of this 2024 Act**
26 **apply to moneys received by the State Board of Licensed Social**
27 **Workers on or after the effective date of this 2024 Act.**

28 “(3) **The amendments to ORS 676.177 by section 6 of this 2024 Act**
29 **apply to information disclosed on or after the effective date of this 2024**
30 **Act.”.**

