

House Bill 2554

Sponsored by Representative DIEHL (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes Oregon join a compact to let social workers work across state lines. (Flesch Readability Score: 73.1).

Enacts the interstate Social Work Licensure Compact. Allows the State Board of Licensed Social Workers to disclose specified information to the Social Work Licensure Compact Commission. Exempts individuals who hold multistate licenses issued under the Compact from the requirement to obtain a license from the board. Allows the board to use moneys to meet financial obligations imposed on the State of Oregon as a result of participation in the Compact.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to a social worker licensure compact; creating new provisions; amending ORS 675.520, 675.523, 675.597 and 676.177; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. The provisions of the Social Work Licensure Compact are as follows:

SOCIAL WORK LICENSURE COMPACT

SECTION 1: PURPOSE

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

The Compact is designed to achieve the following objectives:

A. Increase public access to social work services;

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

C. Enhance the member states' ability to protect the public's health and safety;

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

E. Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple states by providing for the mutual recognition of other member state licenses;

F. Support military families;

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

H. Authorize all member states to hold a regulated social worker accountable for abiding

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 by a member state's laws, regulations and applicable professional standards in the member
2 state in which the client is located at the time care is rendered; and

3 I. Allow for the use of telehealth to facilitate increased access to regulated social work
4 services.

5 **SECTION 2. DEFINITIONS**

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

8 A. "Active military member" means any individual with full-time duty status in the ac-
9 tive armed forces of the United States including members of the National Guard and Re-
10 serve.

11 B. "Adverse action" means any administrative, civil, equitable or criminal action per-
12 mitted by a state's laws which is imposed by a licensing authority or other authority against
13 a regulated social worker, including actions against an individual's license or multistate au-
14 thorization to practice such as revocation, suspension, probation, monitoring of the licensee,
15 limitation on the licensee's practice or any other encumbrance on licensure affecting a reg-
16 ulated social worker's authorization to practice, including issuance of a cease and desist
17 action.

18 C. "Alternative program" means a non-disciplinary monitoring or practice remediation
19 process approved by a licensing authority to address practitioners with an impairment.

20 D. "Charter member states" means member states who have enacted legislation to adopt
21 the Compact where such legislation predates the effective date of the Compact as described
22 in Section 14 of the Compact.

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

27 F. "Current significant investigative information" means:

28 1. Investigative information that a licensing authority, after a preliminary inquiry that
29 includes notification and an opportunity for the regulated social worker to respond, has
30 reason to believe is not groundless and, if proved true, would indicate more than a minor
31 infraction as may be defined by the Commission; or

32 2. Investigative information that indicates that the regulated social worker represents
33 an immediate threat to public health and safety, as may be defined by the Commission, re-
34 gardless of whether the regulated social worker has been notified and has had an opportunity
35 to respond.

36 G. "Data system" means a repository of information about licensees, including continuing
37 education, examination, licensure, current significant investigative information, disqualifying
38 event, multistate license and adverse action information or other information as required
39 by the Commission.

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

43 I. "Domicile" means the jurisdiction in which the licensee resides and intends to remain
44 indefinitely.

45 J. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and

1 unrestricted practice of social work licensed and regulated by a licensing authority.

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

4 L. "Home state" means the member state that is the licensee's primary domicile.

5 M. "Impairment" means a condition that may impair a practitioner's ability to engage in
6 full and unrestricted practice as a regulated social worker without some type of intervention
7 and may include alcohol and drug dependence, mental health impairment and neurological
8 or physical impairments.

9 N. "Licensee" means an individual who currently holds a license from a state to practice
10 as a regulated social worker.

11 O. "Licensing authority" means the board or agency of a member state or equivalent that
12 is responsible for the licensing and regulation of regulated social workers.

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

15 Q. "Multistate authorization to practice" means a legally authorized privilege to practice,
16 which is equivalent to a license, associated with a multistate license permitting the practice
17 of social work in a remote state.

18 R. "Multistate license" means a license to practice as a regulated social worker issued
19 by a home state licensing authority that authorizes the regulated social worker to practice
20 in all member states under multistate authorization to practice.

21 S. "Qualifying national exam" means a national licensing examination approved by the
22 Commission.

23 T. "Regulated social worker" means any clinical, master's or bachelor's social worker
24 licensed by a member state regardless of the title used by that member state.

25 U. "Remote state" means a member state other than the licensee's home state.

26 V. "Rule" or "rule of the Commission" means a regulation or regulations duly
27 promulgated by the Commission, as authorized by the Compact, that has the force of law.

28 W. "Single state license" means a social work license issued by any state that authorizes
29 practice only within the issuing state and does not include multistate authorization to prac-
30 tice in any member state.

31 X. "Social work" or "social work services" means the application of social work theory,
32 knowledge, methods, ethics and the professional use of self to restore or enhance social,
33 psychosocial or biopsychosocial functioning of individuals, couples, families, groups, organ-
34 izations and communities through the care and services provided by a regulated social
35 worker as set forth in the member state's statutes and regulations in the state where the
36 services are being provided.

37 Y. "State" means any state, commonwealth, district or territory of the United States
38 that regulates the practice of social work.

39 Z. "Unencumbered license" means a license that authorizes a regulated social worker to
40 engage in the full and unrestricted practice of social work.

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

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

44 1. License and regulate the practice of social work at either the clinical, master's or
45 bachelor's category.

- 1 **2. Require applicants for licensure to graduate from a program that is:**
2 **a. Operated by a college or university recognized by the licensing authority;**
3 **b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting**
4 **agency recognized by either:**
5 **i. The Council for Higher Education Accreditation, or its successor; or**
6 **ii. The United States Department of Education; and**
7 **c. Corresponds to the licensure sought as outlined in Section 4 of the Compact.**
8 **3. Require applicants for clinical licensure to complete a period of supervised practice.**
9 **4. Have a mechanism in place for receiving, investigating and adjudicating complaints**
10 **about licensees.**

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

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

14 **2. Participate fully in the Commission's data system, including using the Commission's**
15 **unique identifier as defined in the rules of the Commission.**

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

19 **4. Implement procedures for considering the criminal history records of applicants for a**
20 **multistate license. Such procedures shall include the submission of fingerprints or other**
21 **biometric-based information by applicants for the purpose of obtaining an applicant's crimi-**
22 **nal history record information from the Federal Bureau of Investigation and the agency re-**
23 **sponsible for retaining that state's criminal records.**

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

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

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

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

31 **C. A member state meeting the requirements of Section 3.A and 3.B of the Compact shall**
32 **designate the categories of social work licensure that are eligible for issuance of a multistate**
33 **license for applicants in such member state. To the extent that any member state does not**
34 **meet the requirements for participation in the Compact at any particular category of social**
35 **work licensure, such member state may choose, but is not obligated to, issue a multistate**
36 **license to applicants that otherwise meet the requirements of Section 4 of the Compact for**
37 **issuance of a multistate license in such category or categories of licensure.**

38 **D. The home state may charge a fee for granting the multistate license.**

39 **SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT**

40 **A. To be eligible for a multistate license under the terms and provisions of the Compact,**
41 **an applicant, regardless of category must:**

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

43 **2. Pay any applicable fees, including any state fee, for the multistate license;**

44 **3. Submit, in connection with an application for a multistate license, fingerprints or other**
45 **biometric data for the purpose of obtaining criminal history record information from the**

1 Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;
 2

3 4. Notify the home state of any adverse action, encumbrance or restriction on any professional license taken by any member state or non-member state within 30 days from the
 4 date the action is taken;
 5

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

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

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

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

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

13 b. Licensure of the applicant in their home state at the clinical category, beginning prior
 14 to such time as a qualifying national exam was required by the home state and accompanied
 15 by a period of continuous social work licensure thereafter, all of which may be further gov-
 16 erned by the rules of the Commission; or

17 c. The substantial equivalency of the foregoing competency requirements which the
 18 Commission may determine by rule.

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

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

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

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

24 ii. The United States Department of Education.

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

27 a. A period of postgraduate supervised clinical practice equal to a minimum of 3,000
 28 hours;

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

30 c. The substantial equivalency of the foregoing practice requirements which the Com-
 31 mission may determine by rule.

32 C. An applicant for a master's-category multistate license must meet all of the following
 33 requirements:

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

35 a. Passage of a masters-category qualifying national exam;

36 b. Licensure of the applicant in their home state at the master's category, beginning
 37 prior to such time as a qualifying national exam was required by the home state at the
 38 master's category and accompanied by a continuous period of social work licensure there-
 39 after, all of which may be further governed by the rules of the Commission; or

40 c. The substantial equivalency of the foregoing competency requirements which the
 41 Commission may determine by rule.

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

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

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

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

2 ii. The United States Department of Education.

3 D. An applicant for a bachelor's-category multistate license must meet all of the follow-
4 ing requirements:

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

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

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

11 c. The substantial equivalency of the foregoing competency requirements which the
12 Commission may determine by rule.

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

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

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

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

18 ii. The United States Department of Education.

19 E. The multistate license for a regulated social worker is subject to the renewal re-
20 quirements of the home state. The regulated social worker must maintain compliance with
21 the requirements of Section 4.A of the Compact to be eligible to renew a multistate license.

22 F. The regulated social worker's services in a remote state are subject to that member
23 state's regulatory authority. A remote state may, in accordance with due process and that
24 member state's laws, remove a regulated social worker's multistate authorization to practice
25 in the remote state for a specific period of time, impose fines and take any other necessary
26 actions to protect the health and safety of its citizens.

27 G. If a multistate license is encumbered, the regulated social worker's multistate au-
28 thorization to practice shall be deactivated in all remote states until the multistate license
29 is no longer encumbered.

30 H. If a multistate authorization to practice is encumbered in a remote state, the regu-
31 lated social worker's multistate authorization to practice may be deactivated in that state
32 until the multistate authorization to practice is no longer encumbered.

33 **SECTION 5: ISSUANCE OF A MULTISTATE LICENSE**

34 A. Upon receipt of an application for multistate license, the home state licensing au-
35 thority shall determine the applicant's eligibility for a multistate license in accordance with
36 Section 4 of the Compact.

37 B. If such applicant is eligible pursuant to Section 4 of the Compact, the home state li-
38 censing authority shall issue a multistate license that authorizes the applicant or regulated
39 social worker to practice in all member states under a multistate authorization to practice.

40 C. Upon issuance of a multistate license, the home state licensing authority shall desig-
41 nate whether the regulated social worker holds a multistate license in the clinical, master's
42 or bachelor's category of social work.

43 D. A multistate license issued by a home state to a resident in that state shall be re-
44 cognized by all member states as authorizing social work practice under a multistate au-
45 thorization to practice corresponding to each category of licensure regulated in each member

1 state.

2 **SECTION 6: AUTHORITY OF INTERSTATE COMPACT COMMISSION AND MEMBER**
3 **STATE LICENSING AUTHORITIES**

4 **A. Nothing in the Compact, nor any rule of the Commission, shall be construed to limit,**
5 **restrict or in any way reduce the ability of a member state to enact and enforce laws, reg-**
6 **ulations or other rules 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 the Compact.**

8 **B. Nothing in the Compact shall affect the requirements established by a member state**
9 **for the issuance of a single state license.**

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

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

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

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

20 **A. A licensee can hold a multistate license issued by their home state in only one mem-**
21 **ber state at any given time.**

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

23 **1. The licensee shall immediately apply for the reissuance of their multistate license in**
24 **their new home state. The licensee shall pay all applicable fees and notify the prior home**
25 **state in accordance with the rules of the Commission.**

26 **2. Upon receipt of an application to reissue a multistate license, the new home state shall**
27 **verify that the multistate license is active, unencumbered and eligible for reissuance under**
28 **the terms of the Compact and the rules of the Commission. The multistate license issued by**
29 **the prior home state will be deactivated and all member states notified in accordance with**
30 **the applicable rules adopted by the Commission.**

31 **3. Prior to the reissuance of the multistate license, the new home state shall conduct**
32 **procedures for considering the criminal history records of the licensee. Such procedures**
33 **shall include the submission of fingerprints or other biometric-based information by appli-**
34 **cants for the purpose of obtaining an applicant's criminal history record information from**
35 **the Federal Bureau of Investigation and the agency responsible for retaining that state's**
36 **criminal records.**

37 **4. If required for initial licensure, the new home state may require completion of**
38 **jurisprudence requirements in the new home state.**

39 **5. Notwithstanding any other provision of the Compact, if a licensee does not meet the**
40 **requirements set forth in the Compact for the reissuance of a multistate license by the new**
41 **home state, then the licensee shall be subject to the new home state requirements for the**
42 **issuance of a single state license in that state.**

43 **C. If a licensee changes their primary state of residence by moving from a member state**
44 **to a non-member state or from a non-member state to a member state, the licensee shall**
45 **be subject to the state requirements for the issuance of a single state license in the new**

1 home state.

2 D. Nothing in the Compact shall interfere with a licensee’s ability to hold a single state
3 license in multiple states. However, for the purposes of the Compact, a licensee shall have
4 only one home state and only one multistate license.

5 E. Nothing in the Compact shall interfere with the requirements established by a member
6 state for the issuance of a single state license.

7 SECTION 8. MILITARY FAMILIES

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

11 SECTION 9. ADVERSE ACTIONS

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

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

24 2. Only the home state shall have the power to take adverse action against a regulated
25 social worker’s multistate license.

26 B. For purposes of taking adverse action, the home state shall give the same priority and
27 effect to reported conduct received from a member state as it would if the conduct had oc-
28 curred within the home state. In so doing, the home state shall apply its own state laws to
29 determine appropriate action.

30 C. The home state shall complete any pending investigations of a regulated social worker
31 who changes their home state during the course of the investigations. The home state shall
32 also have the authority to take appropriate action and shall promptly report the conclusions
33 of the investigations to the administrator of the data system. The administrator of the data
34 system shall promptly notify the new home state of any adverse actions.

35 D. A member state, if otherwise permitted by state law, may recover from the affected
36 regulated social worker the costs of investigations and dispositions of cases resulting from
37 any adverse action taken against that regulated social worker.

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

41 F. Joint investigations.

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

45 2. Member states shall share any investigative, litigation or compliance materials in

1 furtherance of any joint or individual investigation initiated under the Compact.

2 G. If adverse action is taken by the home state against the multistate license of a regu-
3 lated social worker, the regulated social worker's multistate authorization to practice in all
4 other member states shall be deactivated until all encumbrances have been removed from
5 the multistate license. All home state disciplinary orders that impose adverse action against
6 the license of a regulated social worker shall include a statement that the regulated social
7 worker's multistate authorization to practice is deactivated in all member states until all
8 conditions of the decision, order or agreement are satisfied.

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

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

14 J. Nothing in the Compact shall authorize a member state to demand the issuance of
15 subpoenas for attendance and testimony of witnesses or the production of evidence from
16 another member state for lawful actions within that member state.

17 K. Nothing in the Compact shall authorize a member state to impose discipline against
18 a regulated social worker who holds a multistate authorization to practice for lawful actions
19 within another member state.

20 **SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT COMMIS-**
21 **SION**

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

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

29 1. Each member state shall have and be limited to one delegate selected by that member
30 state's licensing authority.

31 2. The delegate shall be either:

32 a. A current member of the licensing authority at the time of appointment, who is a
33 regulated social worker or public member of the licensing authority; or

34 b. An administrator of the licensing authority or their designee.

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

37 4. The Commission may recommend the removal or suspension of any delegate from of-
38 fice.

39 5. A member state's licensing authority shall fill any vacancy of its delegate occurring
40 on the Commission within 60 days of the vacancy.

41 6. Each delegate shall be entitled to one vote on all matters before the Commission re-
42 quiring a vote by Commission delegates.

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

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

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

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

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

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

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

9 **5. Meet and take such actions as are consistent with the provisions of the Compact, the**
10 **Commission's rules and the bylaws;**

11 **6. Initiate and conclude legal proceedings or actions in the name of the Commission,**
12 **provided that the standing of any licensing authority to sue or be sued under applicable law**
13 **shall not be affected;**

14 **7. Maintain and certify records and information provided to a member state as the**
15 **authenticated business records of the Commission, and designate an agent to do so on the**
16 **Commission's behalf;**

17 **8. Purchase and maintain insurance and bonds;**

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

20 **10. Conduct an annual financial review;**

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

25 **12. Assess and collect fees;**

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

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

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

34 **16. Establish a budget and make expenditures;**

35 **17. Borrow money;**

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

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

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

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

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

45 **D. The Executive Committee**

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

4 **a. Oversee the day-to-day activities of the administration of the Compact including**
5 **enforcement and compliance with the provisions of the Compact, its rules and bylaws and**
6 **other such duties as deemed necessary;**

7 **b. Recommend to the Commission changes to the rules or bylaws, changes to the Com-**
8 **compact legislation, fees charged to Compact member states, fees charged to licensees and other**
9 **fees;**

10 **c. Ensure Compact administration services are appropriately provided, including by con-**
11 **tract;**

12 **d. Prepare and recommend the budget;**

13 **e. Maintain financial records on behalf of the Commission;**

14 **f. Monitor Compact compliance of member states and provide compliance reports to the**
15 **Commission;**

16 **g. Establish additional committees as necessary;**

17 **h. Exercise the powers and duties of the Commission during the interim between Com-**
18 **mission meetings, except for adopting or amending rules, adopting or amending bylaws and**
19 **exercising any other powers and duties expressly reserved to the Commission by rule or by-**
20 **law; and**

21 **i. Other duties as provided in the rules or bylaws of the Commission.**

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

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

25 **b. The Commission shall elect five voting members from the current membership of the**
26 **Commission.**

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

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

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

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

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

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

39 **c. The Executive Committee may hold a special meeting in accordance with Section**
40 **10.F.1.b of the Compact.**

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

42 **F. Meetings of the Commission**

43 **1. All meetings shall be open to the public, except that the Commission may meet in a**
44 **closed, non-public meeting as provided in Section 10.F.2 of the Compact.**

45 **a. Public notice for all meetings of the full Commission shall be given in the same man-**

1 ner as required under the rulemaking provisions in Section 12 of the Compact, except that
2 the Commission may hold a special meeting as provided in Section 10.F.1.b of the Compact.

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

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

10 a. Non-compliance of a member state with its obligations under the Compact;

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

13 c. Current or threatened discipline of a licensee by the Commission or by a member
14 state's licensing authority;

15 d. Current, threatened or reasonably anticipated litigation;

16 e. Negotiation of contracts for the purchase, lease or sale of goods, services or real es-
17 tate;

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

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

20 h. Information of a personal nature where disclosure would constitute a clearly unwar-
21 ranted invasion of personal privacy;

22 i. Investigative records compiled for law enforcement purposes;

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

26 k. Matters specifically exempted from disclosure by federal or member state law; or

27 l. Other matters as promulgated by the Commission by rule.

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

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

37 G. Financing of the Commission

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

40 2. The Commission may accept any and all appropriate revenue sources as provided in
41 Section 10.C.13 of the Compact.

42 3.a. The Commission may levy and collect an annual assessment from each member state
43 and impose fees on licensees of member states to whom it grants a multistate license to
44 cover the cost of the operations and activities of the Commission and its staff, which must
45 be in a total amount sufficient to cover its annual budget as approved each year for which

1 revenue is not provided by other sources. The aggregate annual assessment amount for
2 member states shall be allocated based upon a formula that the Commission shall promulgate
3 by rule.

4 b. An assessment levied, or any other financial obligation imposed, under the Compact
5 is effective against the State of Oregon only to the extent that moneys necessary to pay the
6 assessment or meet the financial obligation have been deposited in the State Board of Li-
7 censed Social Workers Account established under ORS 675.597.

8 4. The Commission shall not incur obligations of any kind prior to securing the funds
9 adequate to meet the same, nor shall the Commission pledge the credit of any of the member
10 states, except by and with the authority of the member state.

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

17 H. Qualified Immunity, Defense and Indemnification

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

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

37 3. The Commission shall indemnify and hold harmless any member, officer, executive di-
38 rector, employee or representative of the Commission for the amount of any settlement or
39 judgment obtained against that person arising out of any actual or alleged act, error or
40 omission that occurred within the scope of Commission employment, duties or responsibil-
41 ities, or that such person had a reasonable basis for believing occurred within the scope of
42 Commission employment, duties or responsibilities, provided that the actual or alleged act,
43 error or omission did not result from the intentional or willful or wanton misconduct of that
44 person.

45 4. Nothing herein shall be construed as a limitation on the liability of any licensee for

1 professional malpractice or misconduct, which shall be governed solely by any other appli-
 2 cable state laws.

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

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

9 SECTION 11. DATA SYSTEM

10 A. The Commission shall provide for the development, maintenance, operation and utili-
 11 zation of a coordinated data system.

12 B. The Commission shall assign each applicant for a multistate license a unique identi-
 13 fier, as determined by the rules of the Commission.

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

17 1. Identifying information;

18 2. Licensure data;

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

20 4. Non-confidential information related to alternative program participation, the begin-
 21 ning and ending dates of such participation and other information related to such partic-
 22 ipation not made confidential under member state law;

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

24 6. The presence of current significant investigative information; and

25 7. Other information that may facilitate the administration of the Compact or the pro-
 26 tection of the public, as determined by the rules of the Commission.

27 D. The records and information provided to a member state pursuant to the Compact or
 28 through the data system, when certified by the Commission or an agent thereof, shall con-
 29 stitute the authenticated business records of the Commission, and shall be entitled to any
 30 associated hearsay exception in any relevant judicial, quasi-judicial or administrative pro-
 31 ceedings in a member state.

32 E. Current significant investigative information pertaining to a licensee in any member
 33 state will only be available to other member states.

34 1. It is the responsibility of the member states to report any adverse action against a
 35 licensee and to monitor the database to determine whether adverse action has been taken
 36 against a licensee. Adverse action information pertaining to a licensee in any member state
 37 will be available to any other member state.

38 F. Member states contributing information to the data system may designate information
 39 that may not be shared with the public without the express permission of the contributing
 40 state.

41 G. Any information submitted to the data system that is subsequently expunged pursuant
 42 to federal law or the laws of the member state contributing the information shall be removed
 43 from the data system.

44 SECTION 12. RULEMAKING

45 A. The Commission shall promulgate reasonable rules in order to effectively and effi-

1 ciently implement and administer the purposes and provisions of the Compact. A rule shall
 2 be invalid and have no force or effect only if a court of competent jurisdiction holds that the
 3 rule is invalid because the Commission exercised its rulemaking authority in a manner that
 4 is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based
 5 upon another applicable standard of review.

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

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

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

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

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

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

25 **G.** Prior to adoption of a proposed rule by the Commission, and at least 30 days in ad-
 26 vance of the meeting at which the Commission will hold a public hearing on the proposed
 27 rule, the Commission shall provide a notice of proposed rulemaking:

- 28 **1.** On the website of the Commission or other publicly accessible platform;
- 29 **2.** To persons who have requested notice of the Commission’s notices of proposed
 30 rulemaking; and
- 31 **3.** In such other ways as the Commission may by rule specify.

32 **H.** The notice of proposed rulemaking shall include:

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

36 **2.** If the hearing is held via telecommunication, video conference or other electronic
 37 means, the Commission shall include the mechanism for access to the hearing in the notice
 38 of proposed rulemaking;

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

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

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

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

45 **J.** Nothing in this section shall be construed as requiring a separate hearing on each rule.

1 Rules may be grouped for the convenience of the Commission at hearings required by this
 2 section.

3 K. The Commission shall, by majority vote of all members, take final action on the pro-
 4 posed rule based on the rulemaking record and the full text of the rule.

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

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

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

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

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

20 2. Prevent a loss of Commission or member state funds;

21 3. Meet a deadline for the promulgation of a rule that is established by federal law or
 22 rule; or

23 4. Protect public health and safety.

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

33 N. No member state's rulemaking requirements shall apply under the Compact.

34 **SECTION 13. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT**

35 **A. Oversight**

36 1. The executive and judicial branches of state government in each member state shall
 37 enforce the Compact and take all actions necessary and appropriate to implement the Com-
 38 pact.

39 2. Except as otherwise provided in the Compact, venue is proper and judicial proceedings
 40 by or against the Commission shall be brought solely and exclusively in a court of competent
 41 jurisdiction where the principal offices of the Commission are located. The Commission may
 42 waive venue and jurisdictional defenses to the extent it adopts or consents to participate in
 43 alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection
 44 or propriety of venue in any action against a licensee for professional malpractice, miscon-
 45 duct or any such similar matter.

1 **3. The Commission shall be entitled to receive service of process in any proceeding re-**
 2 **garding the enforcement or interpretation of the Compact and shall have standing to inter-**
 3 **vene in such a proceeding for all purposes. Failure to provide the Commission service of**
 4 **process shall render a judgment or order void as to the Commission, the Compact or**
 5 **promulgated rules.**

6 **B. Default, Technical Assistance and Termination**

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

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

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

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

25 **E. A state that has been terminated is responsible for all assessments, obligations and**
 26 **liabilities incurred through the effective date of termination, including obligations that ex-**
 27 **tend beyond the effective date of termination.**

28 **F. Upon the termination of a state's membership from the Compact, that state shall**
 29 **immediately provide notice to all licensees within that state of such termination. The ter-**
 30 **minated state shall continue to recognize all licenses granted pursuant to the Compact for**
 31 **a minimum of six months after the date of said notice of termination.**

32 **G. The Commission shall not bear any costs related to a state that is found to be in de-**
 33 **fault or that has been terminated from the Compact, unless agreed upon in writing between**
 34 **the Commission and the defaulting state.**

35 **H. The defaulting state may appeal the action of the Commission by petitioning the U.S.**
 36 **District Court for the District of Columbia or the federal district where the Commission has**
 37 **its principal offices. The prevailing party shall be awarded all costs of such litigation, in-**
 38 **cluding reasonable attorney fees.**

39 **I. Dispute Resolution**

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

43 **2. The Commission shall promulgate a rule providing for both mediation and binding**
 44 **dispute resolution for disputes as appropriate.**

45 **J. Enforcement**

1 1. By majority vote as provided by rule, the Commission may initiate legal action against
 2 a member state in default in the United States District Court for the District of Columbia
 3 or the federal district where the Commission has its principal offices to enforce compliance
 4 with the provisions of the Compact and its promulgated rules. The relief sought may include
 5 both injunctive relief and damages. In the event judicial enforcement is necessary, the pre-
 6 vailing party shall be awarded all costs of such litigation, including reasonable attorney fees.
 7 The remedies herein shall not be the exclusive remedies of the Commission. The Commission
 8 may pursue any other remedies available under federal or the defaulting member state’s law.

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

15 3. No person other than a member state shall enforce the Compact against the Commis-
 16 sion.

17 **SECTION 14. EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT**

18 A. The Compact shall come into effect on the date on which the Compact statute is en-
 19 acted into law in the seventh member state.

20 1. On or after the effective date of the Compact, the Commission shall convene and re-
 21 view the enactment of each of the first seven member states (“charter member states”) to
 22 determine if the statute enacted by each such charter member state is materially different
 23 than the model Compact statute.

24 a. A charter member state whose enactment is found to be materially different from the
 25 model Compact statute shall be entitled to the default process set forth in Section 13 of this
 26 Compact.

27 b. If any member state is later found to be in default, or is terminated or withdraws from
 28 the Compact, the Commission shall remain in existence and the Compact shall remain in
 29 effect even if the number of member states should be less than seven.

30 2. Member states enacting the Compact subsequent to the seven initial charter member
 31 states shall be subject to the process set forth in Section 10.C.21 of the Compact to deter-
 32 mine if their enactments are materially different from the model Compact statute and
 33 whether they qualify for participation in the Compact.

34 3. All actions taken for the benefit of the Commission or in furtherance of the purposes
 35 of the administration of the Compact prior to the effective date of the Compact or the
 36 Commission coming into existence shall be considered to be actions of the Commission unless
 37 specifically repudiated by the Commission.

38 4.a. Any state that joins the Compact subsequent to the Commission’s initial adoption
 39 of the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on
 40 which the Compact becomes law in that state. Any rule that has been previously adopted by
 41 the Commission shall have the full force and effect of law on the day the Compact becomes
 42 law in that state.

43 b. Notwithstanding Section 14.A.4.a of the Compact, the State Board of Licensed Social
 44 Workers shall review the rules of the Commission. The board may approve and adopt the
 45 rules of the Commission as rules of the board. The State of Oregon is subject to a rule of

1 the Commission only if the rule of the Commission is adopted by the board.

2 **B. Any member state may withdraw from the Compact by enacting a statute repealing**
 3 **the same.**

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

6 **2. Withdrawal shall not affect the continuing requirement of the withdrawing state's li-**
 7 **censing authority to comply with the investigative and adverse action reporting require-**
 8 **ments of the Compact prior to the effective date of withdrawal.**

9 **3. Upon the enactment of a statute withdrawing from the compact, a state shall imme-**
 10 **diately provide notice of such withdrawal to all licensees within that state. Notwithstanding**
 11 **any subsequent statutory enactment to the contrary, such withdrawing state shall continue**
 12 **to recognize all licenses granted pursuant to the Compact for a minimum of 180 days after**
 13 **the date of such notice of withdrawal.**

14 **C. Nothing contained in the Compact shall be construed to invalidate or prevent any**
 15 **licensure agreement or other cooperative arrangement between a member state and a non-**
 16 **member state that does not conflict with the provisions of the Compact.**

17 **D. The Compact may be amended by the member states. No amendment to the Compact**
 18 **shall become effective and binding upon any member state until it is enacted into the laws**
 19 **of all member states.**

20 **SECTION 15. CONSTRUCTION AND SEVERABILITY**

21 **A. The Compact and the Commission's rulemaking authority shall be liberally construed**
 22 **so as to effectuate the purposes, and the implementation and administration of, the Compact.**
 23 **Provisions of the Compact expressly authorizing or requiring the promulgation of rules shall**
 24 **not be construed to limit the Commission's rulemaking authority solely for those purposes.**

25 **B. The provisions of the Compact shall be severable and if any phrase, clause, sentence**
 26 **or provision of the Compact is held by a court of competent jurisdiction to be contrary to**
 27 **the constitution of any member state, a state seeking participation in the Compact or of the**
 28 **United States, or the applicability thereof to any government, agency, person or circum-**
 29 **stance is held to be unconstitutional by a court of competent jurisdiction, the validity of the**
 30 **remainder of the Compact and the applicability thereof to any other government, agency,**
 31 **person or circumstance shall not be affected thereby.**

32 **C. Notwithstanding Section 15.B of the Compact, the Commission may deny a state's**
 33 **participation in the Compact or, in accordance with the requirements of Section 13.B of the**
 34 **Compact, terminate a member state's participation in the Compact, if the Commission de-**
 35 **termines that a constitutional requirement of a member state is a material departure from**
 36 **the Compact. Otherwise, if the Compact shall be held to be contrary to the constitution of**
 37 **any member state, the Compact shall remain in full force and effect as to the remaining**
 38 **member states and in full force and effect as to the member state affected as to all severable**
 39 **matters.**

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

41 **A. A licensee providing services in a remote state under a multistate authorization to**
 42 **practice shall adhere to the laws and regulations, including laws, regulations and applicable**
 43 **standards, of the remote state where the client is located at the time care is rendered.**

44 **B. Nothing herein shall prevent or inhibit the enforcement of any other law of a member**
 45 **state that is not inconsistent with the Compact.**

1 **C. Any laws, statutes, regulations or other legal requirements in a member state in**
 2 **conflict with the Compact are superseded to the extent of the conflict.**

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

5 _____
 6
 7 **SECTION 2. The Legislative Assembly of the State of Oregon hereby ratifies the Social**
 8 **Work Licensure Compact set forth in section 1 of this 2025 Act.**

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

10 675.520. (1) A person may not use any title, words or abbreviations, including the title “social
 11 worker,” that indicate that the person has an authorization to practice regulated social work unless
 12 the person is a regulated social worker.

13 (2) Subsection (1) of this section does not prohibit:

14 (a) The use of the educational designations “Bachelor of Social Work” or “Master’s of Social
 15 Work” by a person who is not a regulated social worker; or

16 (b) The use of the title “school social worker” by a person who:

17 (A) Is not a regulated social worker;

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

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

20 **(3) Subsection (1) of this section does not apply to an individual who is authorized to**
 21 **practice social work by a multistate authorization to practice or a multistate license, as**
 22 **those terms are defined in section 1 of this 2025 Act.**

23 **SECTION 4.** ORS 675.523 is amended to read:

24 675.523. A person may not practice clinical social work unless the person is a clinical social
 25 worker licensed under ORS 675.530 or a clinical social work associate certified under ORS 675.537,
 26 except if the person is:

27 (1) Licensed or certified by the State of Oregon to provide mental health services, provided that
 28 the person is acting within the lawful scope of practice for the person’s license or certification and
 29 does not represent that the person is a regulated social worker;

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

34 (3) Employed by or contracting with an entity that is certified or licensed by the State of Oregon
 35 under ORS 430.610 to 430.695 to provide mental health treatment or addiction services, provided that
 36 the person is practicing within the lawful scope of the person’s employment or contract;

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

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

41 **(6) Authorized to practice pursuant to a multistate authorization to practice or a multi-**
 42 **state license, as those terms are defined in section 1 of this 2025 Act.**

43 **SECTION 5.** ORS 675.597 is amended to read:

44 675.597. The State Board of Licensed Social Workers Account is established in the State
 45 Treasury, separate and distinct from the General Fund. Interest earned by the State Board of Li-

1 censed Social Workers Account shall be credited to the account. Moneys in the account are con-
 2 tinuously appropriated to the board for the administration and enforcement of ORS 675.510 to
 3 675.600, 676.850 and 676.866 **and for the purpose of meeting the financial obligations of the**
 4 **State of Oregon as a result of this state’s participation in the Social Work Licensure Com-**
 5 **compact described in section 1 of this 2025 Act.**

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

7 676.177. (1) Notwithstanding any other provision of ORS 676.165 to 676.180 and except as pro-
 8 vided in subsection (5) of this section, a health professional regulatory board, upon a determination
 9 by the board that it possesses otherwise confidential information that reasonably relates to the
 10 regulatory or enforcement function of another public entity, may disclose that information to the
 11 other public entity.

12 (2) Any public entity that receives information pursuant to subsection (1) of this section shall
 13 agree to take all reasonable steps to maintain the confidentiality of the information, except that the
 14 public entity may use or disclose the information to the extent necessary to carry out the regulatory
 15 or enforcement functions of the public entity.

16 (3) For purposes of this section, “public entity” means:

17 (a) A board or agency of this state, or a board or agency of another state with regulatory or
 18 enforcement functions similar to the functions of a health professional regulatory board of this state;

19 (b) A district attorney;

20 (c) The Department of Justice;

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

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

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

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

27 (b) **The State Board of Licensed Social Workers may disclose information described in**
 28 **subsection (1) of this section to the Social Work Licensure Compact Commission described**
 29 **in section 1 of this 2025 Act.**

30 (5) A health professional regulatory board may not disclose the information described in sub-
 31 section (1) of this section to another public entity if the information relates to the provision of or
 32 referral for reproductive or gender-affirming health care services.

33 **SECTION 7. (1) The amendments to ORS 675.520 and 675.523 by sections 3 and 4 of this**
 34 **2025 Act apply to individuals authorized to practice by a multistate authorization to practice**
 35 **or a multistate license on or after the operative date specified in section 8 of this 2025 Act.**

36 (2) **The amendments to ORS 675.597 by section 5 of this 2025 Act apply to moneys received**
 37 **by the State Board of Licensed Social Workers on or after the operative date specified in**
 38 **section 8 of this 2025 Act.**

39 (3) **The amendments to ORS 676.177 by section 6 of this 2025 Act apply to information**
 40 **disclosed on or after the operative date specified in section 8 of this 2025 Act.**

41 **SECTION 8. (1) Sections 1 and 2 of this 2025 Act and the amendments to ORS 675.520,**
 42 **675.523, 675.597 and 676.177 by sections 3 to 6 of this 2025 Act become operative on January**
 43 **1, 2026.**

44 (2) **The State Board of Licensed Social Workers may take any action before the operative**
 45 **date specified in subsection (1) of this section that is necessary to enable the board to exer-**

1 cise, on and after the operative date specified in subsection (1) of this section, all of the du-
2 ties, functions and powers conferred on the board by sections 1 and 2 of this 2025 Act and
3 the amendments to ORS 675.520, 675.523, 675.597 and 676.177 by sections 3 to 6 of this 2025
4 Act.

5 SECTION 9. This 2025 Act takes effect on the 91st day after the date on which the 2025
6 regular session of the Eighty-third Legislative Assembly adjourns sine die.

7
