

SB 208 -- Redline

Act 2024-298 to Enrolled -- Interstate Compact -Social Work Examiners

Deletions ~~struck~~ · Insertions underlined

~~r~~ SB208 ENROLLED ~~S3208~~ SB208 ~~A-C-T #2024-25~~ ZRSSI-2 ~~2~~ 3 By Senators Kelley, Jones, Smitherman, Hatcher, Butler, Allen, Givhan, Melson, Sessions, ~~Camley, Carnley,~~ Bell, Shelnutt, Kitchens, Stutts, ~~illiott, Elliott,~~ Waggoner, Orr, Coleman, Stewart, Coleman-Madison, Beasley RFD:

06-Mar-24 Page 0 SB208 ~~EEnrolled~~ nrolled Enrolled, An Act, 3 Relating to the Alabama Board of Social Work Examiners;

SOCIAL WORK LICENSURE COMPACT ~~5>34-30-100,~~ Sec.34-30-100.

This compact preserves the regulatory authority of states to protect public health and safety through the current system of state ~~licensing~~ licensing. ~~---~~

(b) This compact is designed to achieve all of the following ~~objectives~~ objectives: ~~---~~

(3) Enhance the member ~~states~~ states' ability to protect the public's health and safety.

(4) ~~encourage~~ Encourage the ~~cooperatio.n~~ cooperation of member states in regulating multistate practice.

Page 1 SB208 ~~EEnrolled~~ nrolled (5) ~~(4)~~ Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple states by ~~I~~ providing for the mutual recognition of other member ~~states~~ states' ~~licenses~~ licenses. ~~---~~

~~(5)~~ (6) Support military ~~faxmilies,~~ families.

~~(3)~~ (8) Authorize all member states to hold a regulated social worker accountable for abiding by a member state's laws, rules, and applicable professional standards in the member state in which the client is located at the time care is rendered.

~~\$34-30-101,~~ Sec.34-30-101.

As used in this ~~compact,~~ compact, the following terms have the following meanings:

~~the following terms have the following meanings:~~

Any individual with full-time duty status in the active Armed ~~torces~~ Forces of the ~~united~~ United States, including members of the National Guard and Reserve.

Any administrative, ~~civil,~~ civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing authority or other authority against a regulated social worker, including actions against an individual's license or multistate authorization to practice, such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's Page 2 SB208 Enrolled practice, or any other encumbrance on licensing affecting a regulated social worker's authorization to practice, including issuance of a cease and desist action.

~~equitable,~~

~~or criminal action permitted by a state's laws which is imposed by a licensing authority or other authority against a regulated social worker.~~

~~including actions against an individual's license or multistate authorization to practice, such as revocation, suspension, probation.~~

~~monitoring of the licensee.~~

~~limitation on the licensee's Page 2 SB208 Enrolled practice, or any other encumbrance on licensing affecting a reguiatsd social worker's authorization to practice, including issuance of a cease and desisc action.~~

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

~~has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction as may be defined by the commission.~~

Page 3 SB208 ~~EEnrolled~~ nrolled (7) DATA SYSTEM.

A repository of information about licensees, including continuing education, ~~examination~~ examination, ~~r~~ licensing, current ~~significant,~~ significant investigative ~~information,~~ information, disqualifying events, multistate licenses, and adverse action information or other information as required by the commission. ~~disqualifying~~ (8) ~~events.~~ DISQUALIFYING EVENT.

Any adverse action or incident which results in an encumbrance that disqualifies or makes the licensee ineligible to either obtain, retain, or renew a multistate ~~licenses,~~ license.

~~and~~ 95 ~~adverse~~ (9) ~~action~~ DOMICILE. ~~information or other information as required by the commission.~~

~~(8) DISQUALIFYING I'INT.~~

~~A ny adverse action or incident which results in an encumbrance that disqualifies or makes the licensee~~

~~ineligible to either obtain, retain, or renew a multistate license.~~

~~(9) DOMICILE.~~

(10) ~~ENCUMBRA.NCE.~~ENCUMBRANCE.

A revocation or suspension of, or any limitation on, ~~the~~the full and unrestricted practice of social work licensed and regulated by a licensing authority.

(11) ~~EXECUTIVE COMMITTEE.~~COMMITTEE.

A group of delegates elected or appointed to act on ~~behalf~~behalf of, ~~of~~, and within the powers granted to ~~them by, this compact and the commission.~~

~~and (12) within the STATE, powers granted to them by, this compact and the commission.~~

~~(12) The HOME STATE member state that is the licensee's primary domicile.~~

~~The member state that is the licensee's primary domicile.~~

A ~~condition~~condition or conditions that may impair a practitioner's ability to engage in full and unrestricted practice as a regulated social worker without some type of intervention and may include alcohol and drug dependence, mental health ~~impairment~~impairment, and neurological or physical impairments.

~~ill- (14) LICENSEE. c o n . An individual who currently holds a license from a state to practice as a regulated social worker.~~

An individual who currently holds a license from a state to practice as a regulated social worker.

(16) ~~MEMBER STATE.~~STATE.

A state, ~~commonwealth,~~commonwealth, district, or territory of the United States of America that has enacted this compact.

~~district.~~

~~or territory of the United States of America that has enacted this compact.~~

A legally authorized privilege to practice, which is equivalent to a license, associated with a multistate license permitting ~~the~~the practice of social work in a remote state.

~~(15) (18) MULTISTATE LICENSE.~~LICENSE.

A license to practice as a regulated social worker issued by a home state licensing authority that authorizes the regulated social worker to practice in ~~all~~all member states under a ~~multistate~~multistate authorization to ~~practice~~practice.

Any clinical, ~~master's,~~master's, ~~'s,~~'s, or ~~bachelor's~~bachelor's ~~'s~~'s social worker licensed ~~by~~by a member state regardless of the title used by that member state.

(21) ~~REMOTE STATE.~~STATE.

A rule or rules adopted by this ~~commission,~~commission, as authorized by this compact, that has the force of law.

~~as (23) authorized SINGLE-STATE by LICENSE. this compact, that has the force of law.~~

~~(23) SINGLE-STATE LICENSE.~~

The application of social work ~~theory,~~theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities through the care and services provided by a regulated social worker as set forth in the member state's statutes and rules in the state where the services are being provided.

~~knowledge, methods, ethics,~~

~~and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals,~~

~~couples, families, groups, organizations, and communities through the care and services provided by a regulated social worker as set forth in the member state's statutes and rules in the state where the services are being provided.~~

Any ~~state,~~state, commonwealth, district, or territory of the United States of America that regulates the practice of social work.

~~commonwealth, district,~~

~~or territory of the United States of America that regulates the practice of social work.~~

A license that authorizes a regulated social worker to engage ~~in~~in the full and unrestricted practice of social work.

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

~~master's, (2) or Require bachelor's applicants category, for licensing to graduate from a program that is:~~

~~(2) Require applicants for licensing to graduate from a program that is:~~

Accredited, or in candidacy by an institution that subsequently becomes ~~accredited,~~accredited, by an accrediting agency recognized by either the Council for Higher Education Page 6 SB208 Enrolled

Accreditation, or its successor, or the United States Department of Education, and corresponds to the licensing sought as outlined in Section 34-30-103.

~~by an accrediting agency recognized by either the Council for Higher Education Page 6 SB208 Enrolled Accreditation, or its successor,~~

~~or the United States Department of Education, and corresponds to the licensing sought as outlined in Section 34-30-103.~~

(2) Participate fully in this compact commission's data ~~system, including~~ system, including using the commission's unique identifier as defined in rules.

(3) Notify the commission, in compliance with the terms of this compact and ~~rules,~~ rules, of any adverse action or the availability of current significant investigative information regarding a licensee.

~~of (4) any Implement adverse procedures action for or considering the availability criminal history records of current applicants significant for investigative information, multistate license.~~

regarding These a procedures licensee shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

~~(4)(5) Implement Comply procedures with for considering the criminal rules history records of applicants the for commission. a multistate license.~~

~~These Page procedures 7 shall SB208 include Enrolled the (6) submission Require of an fingerprints applicant or to other obtain biometric-based or information retain by a applicants license for in the purpose home of state obtaining and an meet applicant's the criminal home history state's record qualifications information for from licensing the or Federal renewal Bureau of licensing, as Investigation well and as the all agency other responsible applicable for home retaining state that laws. state's criminal records.~~

~~(c)(7) Comply Authorize a licensee holding a multistate license in any member state to practice in accordance with the terms of this compact and rules of the commission.~~

~~Page (8) 7 Designate SB208 a Enrolled delegate (6) to Require participate an applicant co obtain or retain a license in the commission home meetings. State and meet the home state's qualifications for licensing or renewal of licensing.~~

as (c) well as a member all state other meeting applicable the home requirements state of laws, subsections (a) and (b) shall designate the categories of social work licensing that are eligible for issuance of a multistate license for applicants in member states.

~~(7) To Authorize the a extent licensee that holding any a member multiscate state license does not meet the requirements for participation in this compact in any particular category of social work licensing, the member state may choose, but is not obligated, to practice issue in accordance multistate with license to applicants who otherwise meet the terms requirements of this Section compact 34-30-103 and for rules issuance of the a commission, multistate license in those categories of licensing.~~

~~(3)(d) Designate Member a states delegate may to charge participate a in fee commission for meetings granting a multistate license.~~

~~(c) A.~~

~~member state meeting the requirements of subsections (a) and (b) shall designate the categories of social work licensing that are eligible for issuance of a multistate license for applicants in member states.~~

~~To the extent that any member state does not meet the requirements for participation in this compact in any particular category of social work licensing, the member state may choose, but is not obligated, to issue a multistate license co applicants who otherwise meet the requirements of Section 34-30-103 for issuance of a multistate license in those categories of licensing.~~

~~(d) Member states may charge a fee for granting a multistate license.~~

~~Social Worker Participation Participation in this this compact compact.~~

(a) To be eligible for a multistate license under the terms and provisions of this ~~compact, compact,~~ an applicant, regardless of category must do all of the following:

~~an applicant, regardless of category must do all of the following:~~

(2) Pay any applicable fees, ~~including~~ including any state ~~fee fee,~~ for the ~~multiscate~~ multistate license.

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

~~encumbrance, or restriction on any professional license taken by any member state or non-member state within 30 days from the date the action is taken.~~

~~(6) (6) Abide by the laws, rules, and applicable standards in the member state where the client is located at the time care is rendered.~~

Licensing of the applicant in his or her home state in the clinical category, beginning prior to the

time a qualifying national exam was required by the home state and accompanied by a period of continuous social work licensing thereafter, all of which may be further governed by the rules Page 9 SB208
~~Enrolled~~ ~~nrolled of~~ or the commission.

The substantial equivalency of the foregoing competency requirements which the commission may determine by ~~rule~~ rule.

(2) ~~Attain~~ Attain at least a ~~master~~ master's degree in social work from a program that is both of the following:

~~aa. Operated by a college or university recognized by the licensing authority.~~

~~b. Operated, Accredited, or in candidacy that subsequently becomes accredited, by an accrediting college agency or university recognized by either the~~ licensing authority.

b.

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

A period ~~or of~~ postgraduate supervised clinical practice equal to a minimum of 3,000 hours.

Passage of a master's-category qualifying national Page 10 SB208 ~~Enrolled~~ exam ~~exam~~.

licnsing licensing of the applicant in his or her home state in the master's category, beginning prior to the ~~time~~ time a qualifying national exam was required by the home state in ~~the~~ the master's category and accompanied by a continuous period of social work licensing, all of which may be further governed by the rules of the commission.

~~00c. 6-6.~~

The substantial equivalency of the foregoing competency requirements which the commission may ~~determine~~ determine by ~~by~~ by rule.

(2) Attain at least a ~~master~~ master's degree in social work from a program ~~chat~~ that is both of the following:

Accredited, or in candidacy that subsequently becomes accredited, by an ~~accredicing~~ accrediting agency recognized by ~~either~~ either:

(i) the Council for Higher ~~education~~ Education Accreditation, or its ~~successor~~ successor, or (ii) the United States Department of Education.

~~or (d) (ii) An che applicant United for States a Department~~ bachelor's-category multistate license must meet all of Education-the following requirements:

~~(d) An applicant for a bachelor s-category multiscace license must meet all of the following requirements :~~

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

Licensing of the ~~applicant~~ applicant in his or her home state in the bachelor's category, beginning prior to the time a Page 11 SB208 ~~Enrolled~~ qualifying national exam was required by the home state and accompanied by a period of continuous social work licensing, all of which may be further governed by the rules of ~~the~~ the commission ~~commission~~.

~~6c.~~

(2) ~~Attain~~ Attain at least a bachelor's degree in social work from a program that is both of the following:

Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by ~~either~~ either:

or (ii) the ~~united~~ United States Department of Education.

A remote ~~state~~ state, in accordance with due process and that member state's laws, may remove a regulated social worker's multistate authorization to practice in the remote state for a specific period of time, impose fines, and take any other Page 12 SB208 ~~Enrolled~~ necessary actions to protect the health and safety of its residents.

~~in (g) accordance If with a due multistate process license and is that encumbered, member the state's laws, may remove a regulated social worker's multistate authorization to practice shall be deactivated in the all remote states for until a the specific multistate period license of is time, no longer encumbered.~~

~~impose (h) fines, If and a take multistate any authorization other to Page practice 12 is SB208 encumbered Enrolled in necessary a actions remote state, the regulated social worker's multistate authorization to protect practice may be deactivated in that state until the health multistate and authorization safety to of practice it is is residents no longer encumbered.~~

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

~~(h) If a multistage authorization to practice is encumbered in a remote state,~~

~~the regulated social worker 's multistate authorization co practice may be deactivated in that state until the multisrate authorization to practice is no longer encumbered.~~

Issuance of a ~~Multistate~~ Multistate License.

(a) Upon receipt of an application for a multistate license, the home state licensing authority shall determine the applicant's eligibility for a multistate license ~~in2in~~ in accordance with Section 34-30-103.

(b) ~~If the applicant, the applicant is eligible pursuant to Section 34-30-103, the home state licensing authority shall issue a multistate license that authorizes the applicant or regulated social worker to practice in all member states under a multistate authorization to practice.~~

~~is~~ (c) ~~Upon issuance of Section 34-30-103, multistate license, the home state licensing authority shall issuedesignate a whether 3no multistate license that authorizes the applicant or regulated social worker toholds practicea multistate license in allthe memberbachelor's, statesmaster's, underor aclinical multistatecategory authorizationof tosocial practice-work.~~

~~JOC(d) (c)A uponmultistate issuanceof issued by a home state to a resident in that state shall be recognized by all compact member states as authorizing social work practice under a Page 13 SB208 Enrolled multistate license, authorization to practice corresponding to each category of licensing regulated in each member state.~~

~~the home state licensing authority shall designate whether the regulated social worker holds a multistate license in the bachelor's, .master's, or clinical category of social work.~~

~~(d) A multistate license issued by a home state to a resident in that state shall be recognized by ail compact .memberstates as authorizing social work practice under a Page 13 SB208 Enrolled muitistate authorization to practice corresponding to each category of licensing regulated in each member state.~~

Authority of the Commission and ~~Mem.ber~~ Member State Licensing Authorities.

(a) Nothing in this compact, nor any rule of the commission, shall be construed to ~~limit, limit, restrict, or in any way reduce the ability of a member state to enact and enforce laws or rules related to the practice of social work in that state, where those laws or rules are not inconsistent with this compact.~~

~~restrict.~~ (b) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single state license.

~~or(c) Nothing in anythis waycompact, reduceor theany abilityrule of athe membercommission, stateshall tobe enactedconstrued andto enforce limit, lawsrestrict, or rulesin relatedany to way reduce the practiceability of sociala workmember instate thatto state, take whereadverse thoseaction lawsagainst ora ruleslicensee's are single notstate inconsistent license withto thispractice compact, social work in that state.~~

~~(b)(d) Nothing i-nthisin compactthis shallcompact, affectnor any rule of the requirementscommission, establishedshall bybe aconstrued memberto state limit, forrestrict, or in any way reduce the issuanceability of a single remote state license. to take adverse action against a licensee's multistate authorization to practice in that state.~~

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

~~norPage any14 ruleSB208 ofEnrolled theSec.34-30-106. -commission, shall be construed to limit, restrict, or in any way reduce the ability of a member state to take adverse action against a licensee 's single state license to practice social work in that state.~~

~~(d)Reissuance Nothingof i-nthisa compact, Multistate norLicense anyBy rulea ofNew theHome commission-State.~~

~~shall(a) beA construedlicensee to may limit,hold restrict, a home state license, issued by his or her home state, in only one member state at a time.~~

~~or in any way reduce the ability of a remote state to take adverse action against a licensee's multistate authorization to practice in that state.~~

~~(e) Nothing in this compact, nor anv rule of the commission, shall be construed to limit, restrict, or i-nan V way reduce the ability of a licensee's home state to take adverse action against a licensee's muitistate license based upon information provided by a remote state.~~

~~Page 14 SB208 E nrolled A34-30-106.~~

~~Reissuance of a Muioistate License 3y a New Z4omeState.~~

~~(a) k licensee -nayhold a home state license, issued by his or her home state, in only one me-mber state at a time.~~

(1) The licensee shall immediately apply for ~~che~~the reissuance of his or her ~~multiscate~~multistate license in his or her new home state.

The licensee shall pay all applicable fees and notify the prior home state in accordance with ~~rho~~the rules of the commission.

(2) Upon receipt of an application ~~co~~to reissue a multistate license, the new home state shall verify that the ~~mulcistate~~multistate license is ~~active-active, unencumbered, and eligible for reissuance under the terms of this compact and the rules of the commission.~~

~~unencumbered. The and multistate eligible license for issued reissuance by under the terms prior of home this state compact shall be deactivated and all member states notified in accordance with the applicable rules of adopted by the commission.~~

~~The (3) multistate Prior license to issued by the prior reissuance home of state the shall multistate be license, deactivated the and new ail home member state states shall notified conduct in procedures accordance for with considering the applicable criminal rules history adopted records by of the commission licensee. --~~

~~(3) The Prior procedures to shall include the reissuance submission of che fingerprints multistate or license, other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.~~

~~(4) If required for initial licensing, the new home state Page shall 15 conduct SB208 procedures Enrolled for state considering may the require criminal completion history of records jurisprudence of requirements in the licensee new home state.~~

~~The (5) procedures Notwithstanding shall any include other the provision submission of fingerprints this or compact, other if biometric-based a information licensee by does applicants not meet the requirements set forth in this compact for the purpose reissuance of obtaining a an multistate applicant license 's by criminal the history new record home information state, from then che the Federal licensee Bureau shall of be Investigation subject and to the agency new responsible home state requirements for retaining the that issuance state of 's a criminal single-state records license in that state.~~

~~(4)(c) If required a licensee changes his or her primary state of residence by moving from a member state to a non-member state, or from a non-member state to a member state, then the licensee shall be subject to the state requirements for initial the licensing issuance of a single-state license in the new home state.~~

~~che new home Page 15 SB208 E nrolled state may require completion of jurisprudence requirements in the new home state.~~

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

~~(c) if a licensee changes his or her primary state of residence by moving from a member state to a non-member state, or from a non-member state to a member state.~~

~~then the licensee shall be subject to the state requirements for the issuance of a single-state license in the new home state.~~

~~however, for the purposes of this compact, a licensee shall have only one home state and only one multistate license license. --~~

~~The individual may may retain his or her home state designation during the period the service member is on active duty.~~

~~Sec. 34-30-103. Sec. 34-30-108.~~

~~Page 16 SB208 E Enrolled nrolled 449 (a) In addition to the other powers conferred by state law, a remote state state, in accordance with existing state due process law, may:~~

~~in (1) accordance Take with adverse existing action state against due a process regulated law social worker's multistate authorization to practice only within that member state, and issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence.~~

~~may :~~

~~(1) Take adverse action against a regulated social worker 's multistate authorization to practice only within that member state, and issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence.~~

~~The issuing licensing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.~~

~~expenses (2) , Only mileage, the and home other state fees shall required have by the service power statutes to of take the adverse state action in against which a the regulated witnesses social or worker's evidence multistate are license. located --~~

~~(2) Only the home state shall have the power to take adverse action against a regulated social worker's multistate license --~~

~~In sec so doing, the home state shall apply its own state laws to determine appropriate action.~~

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

~~the factual findings of another member state, provided that the member state follows its own procedures for taking the adverse action --~~

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

~~any~~ (2) Member states may share with any other investigative, member litigation, states or compliance materials in furtherance of any joint investigation of initiated licensees under this compact.

~~(2)(g) Member~~ If adverse action is taken by the home state against the multistate license of a regulated social worker, the regulated social worker's multistate authorization to practice in all other member states shall share be any deactivated investigative until all encumbrances have been removed from the multistate license.

~~litigation, All or home compliance state materials~~ disciplinary orders that impose Page 18 SB208 Enrolled adverse action against the license of a regulated social worker shall include a statement that the regulated social worker's multistate authorization to practice is deactivated in furtherance all member states until all conditions of any the joint decision, investigation order, initiated or under agreement this are compact satisfied.

~~(g) If adverse action is taken by the home state against the multistate license of a regulated social worker,~~

~~the regulated social worker's multistate authorization to practice in all other member states shall be deactivated until all encumbrances have been removed from the multistate license.~~

~~All home state disciplinary orders that impose Page 18 SB208 Enrolled adverse action against the license of a regulated social worker shall include a statement that the regulated social worker's multistate authorization to practice is deactivated in all member states until all conditions of the decision, order, or agreement are satisfied.~~

The administrator of the data system shall promptly notify the home state and ~~all~~ all other member states of ~~any~~ any adverse actions by remote states.

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

~~A34-30-109, Sec. 34-30-109.~~

The Page 19 SB208 ~~Enrolled~~ Enrolled commission is an instrumentality of this ~~compact~~ compact states acting jointly and not an instrumentality of ~~any~~ any one ~~state~~.

The compact ~~commission~~ commission shall come into existence on or after the effective date of this compact as set ~~forth~~ forth in Section 34-30-113.

(2) The delegate shall be a current member of the licensing authority ~~at the time of~~ at the time of appointment, who is a regulated social worker, public member of the licensing ~~authority~~ authority, or an administrator of the licensing authority, or his or her designee.

(3) The commission shall by rule or bylaw administrator establish a term of the office licensing for authority, delegates and may by rule or bylaw establish term limits.
~~or his or her designee.~~

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

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

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

The bylaws may provide for delegates to meet and vote by telecommunication, video conference, or other means of ~~communication~~ communication.

Page 20 SB208 Enrolled ~~(S)~~ (8) The compact commission shall meet at least ~~once~~ once during each calendar year.

The compact commission may meet by ~~telecommunication~~ telecommunication, video conference, or other similar electronic means.
~~or other similar electronic means.~~

(1) Establish the fiscal year of the commission.

~~(1)~~ (2) Establish code of conduct and conflict of interest policies.

(5) Meet and take action consistent with this ~~compact~~ compact, the commission's rules, and the bylaws.
~~the commission's rules, and the bylaws.~~

(7) Maintain and certify records and ~~information~~ information provided to a member state as the authenticated business records of the commission, and designate an agent to do so on behalf of the commission.

~~(3)~~ (8) Purchase and maintain insurance and bonds.

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

~~but not limited to, employees of a member state.~~

(11) Hire employees, elect or appoint ~~officers~~officers, ~~fix Page 21 SB208 Enrolled compensation, define duties, grant those individuals appropriate authority to carry out the purposes of this compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.~~

~~fix Page 21 SB208 Enrolled compensation, define duties, grant those individuals appropriate authority to carry out the purposes of this compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.~~

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

~~equipment,~~ (14) ~~supplies~~Lease, ~~purchase, materials~~retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest in property.

~~services,~~ (15) ~~and Sell, gifts, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed.~~

(16) Establish a budget and ~~receive~~make expenditures.

~~utilize,~~ (17) ~~and Borrow dispose money. of the same;~~

~~provided.~~ (18) Appoint committees, including standing committees, composed of members, state regulators, state legislators or their designees, consumer representatives, and other interested individuals as may be designated in this compact and the rules.

~~that~~ (19) ~~at~~Provide and ~~times receive the information commission from, shall and avoid cooperate any with, appearance law of enforcement impropriety agencies. or conflict of interest.~~

(14) (20) ~~Lease, Establish purchase, and elect an executive committee, Page 22 SB208 Enrolled including a chair and a vice chair.~~

~~retain,~~ (21) ~~own~~Determine whether hold a state's adopted language is materially different from the model compact language such that the state does not qualify for participation in this compact.

~~improve, or use any property, real, personal, or mixed, or any undivided interest in property.~~

(15) ~~Sell, convey, mortgage, pledge.~~

~~lease, exchange.~~

~~abandon, or otherwise dispose of any property real.~~

~~personal, or mixed.~~

(15) Establish a budget and make expenditures.

60S (17) Borrow money.

(13) Appoint committees, including standing committees, composed of members.

~~state regulators, state legislators or their designees.~~

~~consumer representatives, and other interested individuals as may be designated in this compact and the rules.~~

(10) Provide and receive information from, and cooperate with.

~~law enforcement agencies.~~

(20) Establish and elect an executive committee.

~~Page 22 SB208 Enrolled including a chair and a vice chair.~~

61S (21) Determine whether a state's adopted language is materially different from the model compact language such that the state does not qualify for participation in this compact.

(1) The executive committee shall have the power to act on behalf of the commission according to the terms of this compact.

The ~~powers~~powers, duties, and responsibilities of the executive committee shall include all of the following:

~~duties, and responsibilities of the executive committee shall include all of the following.~~

Recommend to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member ~~states~~states, fees charged to licensees, and other fees.

~~fees charged to licensees, and other fees.~~

62S-d.

Maintain financial records on behalf of the ~~commission~~commission.

~~ff. Monitor compact compliance of member states and provide compliance reports to the commission.~~

Monitor compact compliance of member states and provide compliance reports to the commission.

~~i.i. Other duties as provided in the rules or bylaws of the commission.~~

~~(2) Other The duties executive as committee provided shall in be the composed rules of or up bylaws to of 11 the members commission.~~

(2) The executive committee shall be composed of up to 11 members:

~~(4) The executive committee shall meet at least annually annually.~~

Executive committee meetings shall be open to the public, except that the executive committee may meet in a ~~closed~~ closed, nonpublic meeting pursuant to subdivision (f)(2).

~~nonpublic meeting pursuant to subdivision (f)(2).~~

The executive committee shall give seven ~~days~~ days' ~~i~~ notice of its ~~meetings~~ meetings, posted on its website and as determined to provide notice to individuals with an interest in the business of the commission.

~~posted on its website and as determined to provide notice to individuals with an interest in the business of the commission.~~

The executive committee may hold a special meeting in accordance with paragraph ~~(f)(1)b.~~ (f)(1)b.

Page 24 SB208 ~~E~~ Enrolled ~~nrolled(e)-(a)~~ The commission shall adopt and provide to the member states an annual report.

(1) All meetings of the commission shall be open ~~co~~ to the public, except that the commission may meet in a ~~closed~~ closed, nonpublic meeting as provided in subdivision (2).

~~nonpublic meeting as provided in subdivision (2).~~

~~a.~~

The commission or executive committee may hold a special meeting when ~~the~~ the commission or executive committee must meet to conduct emergency business by giving ~~4248~~ hours ~~hours'~~ ~~i~~ notice to all commissioners, on the commission's website, and by other means as provided in the ~~commission~~ commission's ~~s~~ rules.

The ~~commission~~ commission's ~~s~~ legal counsel shall certify that the ~~commission~~ commission's ~~s~~ need to meet qualifies as an emergency.

(2) The commission, the executive ~~committee~~ committee, or other committees of the commission may convene in a closed, nonpublic meeting for the commission, executive committee, or other committees of the commission to receive legal advice or to discuss any of the following:

~~or other committees of the commission may convene in a closed, nonpublic meeting for the commission executive committee.~~

~~or other committees of the commission co receive legal advice or to discuss any of the following:~~

The employment, ~~compensation~~ compensation, discipline, or other matters, practices, or procedures related to specific employees.

~~discipline~~ Page 25 SB208 Enrolled c.

Current or other threatened matters, discipline practices, of a licensee by the commission or procedures by related a to member specific state's employees licensing authority.

~~Page 2a SB208 E nrolled c.~~

~~Current or thrsarsned discipline of a licensee by the commission or by a member scale's licensing authority.~~

Current, ~~threatened~~ threatened, or reasonably anticipated ~~litigation~~ litigation.

~~e.~~

Negotiation of contracts for the ~~purchase~~ purchase, lease ~~lease,~~ ~~r~~ or sale of ~~goods~~ goods, services, or real estate.

~~services/f. or real estate.~~

~~f~~ Accusing any individual of a crime or formally ~~708~~ censuring any individual.

Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal ~~privacy~~ privacy.

~~i.i.~~

Investigative records compiled for law enforcement ~~purposes~~ purposes.

~~j.j. Information related to any investigative reports prepared by or on behalf of or for the use of the commission or other committee charged with the responsibility of investigation or determination of compliance issues pursuant to this compact.~~

~~k~~ Information Matters related specifically to exempted, any from investigative disclosure reports prepared by federal or on behalf of or member for state the law, use of the commission or other committee charged with the responsibility of investigation or determination of compliance issues pursuant to this compact.

~~1-k.~~

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

1.

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

~~is~~ (4) ~~closed.~~ The ~~the~~ commission presiding officer shall ~~state~~ keep minutes that ~~the~~ fully and Page 26 SB208 Enrolled clearly describe all matters discussed in a meeting ~~will and be~~ shall ~~closed~~ provide a full and ~~reference~~ accurate ~~each~~ summary relevant of ~~exempting~~ actions provision, taken, and ~~those~~ the ~~references~~ reasons shall ~~therefore, be~~ including recorded a in description of the minutes. ~~views expressed.~~

~~(4) The commission shall keep minutes that fully and Page 26 SB208 Enrolled clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed.~~

All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

~~(g)~~ (g) Financing of the commission.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet those ~~obligations~~ obligations;—

~~(5)~~ (5) The commission shall keep accurate accounts of all receipts and disbursements.

(1) The ~~members~~, members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, both personally and in their official capacities, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the individual against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities;

~~officers, provided, that nothing in this subdivision shall be construed to protect any individual from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that individual.~~

~~executive director.~~

~~employees, and representatives of the commission shall be immune from suit and liability, both personally and in their official capacities.~~

~~for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act.~~

~~error, or omission that occurred, or that the individual against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities;~~

~~provided, that nothing in this subdivision shall be construed to protect any individual from suit or liability for any damage.~~

~~loss, injury.~~

~~or liability caused by the intentional.~~

~~willful.~~

~~or wanton misconduct of that individual.~~

(2) The commission shall defend any member, officer, Page 28 SB208 Enrolled executive director, employee, and representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, ~~error~~, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or as determined by the commission that the individual against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities;

~~or omission that occurred within the scope of commission employment.~~

~~duties, or responsibilities, or as determined by the commission that the individual against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities;~~

and provided further, that the actual or alleged act, error, or omission ~~did~~ not result from that individual's ~~'s~~ intentional, ~~willful~~, willful, or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the commission for the amount of any settlement or ~~wanton~~ judgment ~~misconduct~~ obtained against that individual arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the individual had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities;

~~(3) provided, That that commission the shall actual indemnify or and alleged hold act, harmless error, any or member omission did not result from the intentional, willful, or wanton misconduct of that individual.~~

~~officer, (4) executive director, herein employed, shall be and construed as a representative of the limitation commission on for the amount liability of any settlement licensee or for judgment professional obtained malpractice against or that misconduct, individual which arising shall out be of governed solely by any actual other or Page alleged 29 act, SB208 Enrolled applicable state law.~~

~~error, (5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or rule.~~

~~or (6) omission Nothing that in occurred this within compact the shall scope be construed to be a waiver of commission sovereign employment immunity by the member states or by the commission.~~

~~duties.~~

~~or responsibilities.~~

~~or that the individual had a reasonable basis for believing occurred within the scope of commission employment.~~

~~duties, or responsibilities;~~

~~provided, that the actual or alleged act.~~

~~error, or omission did not result from the intentional, willful, or wanton misconduct of that individual.~~

~~(4) Nothing herein shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other Page 20 SB208 Enrolled applicable state law.~~

~~(5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton~~

~~Act, or any other state or federal antitrust or anticompetitive law or rule.~~

~~(6) Nothing in this compact shall be construed to be a waiver of sovereign immunity by the member states or by the commission.~~

~~Data System. System.~~

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

~~(c) (c) Notwithstanding any other provision of state law to the contrary, a member member state shall submit a uniform data set to the data system system on all individuals to whom this compact is applicable as required by the rules of the commission, commission, including all of the following:~~

~~including all of the following:~~

(3) Adverse actions against a license and information ~~also~~ related to that adverse action.

(4) Nonconfidential information related to alternative program participation, the beginning and ending dates of Page 30 SB208 ~~Enrolled~~ ~~Enrolled~~ participation, participation, and other information related to participation not made confidential under the member state's law.

~~and (5) other Any information denial related of to an participation application not for made licensing, confidential and under the member reason state's or law, reasons for the denial.~~

~~(2) (6) Any The denial presence of an current application significant for investigative licensing, information, and the reason or reasons for the denial.~~

~~(5) (7) The Other presence information that may facilitate the administration of current this significant compact investigative or information the protection of the public, as determined by the rules of the commission.~~

~~(7) Other (d) The records and information that provided may to facilitate a the member administration state of pursuant to this compact or through the protection data system, when certified by the commission or its agent, shall constitute the authenticated business records of the public, commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceeding in a member state.~~

~~as determined by the rules of the commission.~~

~~(d) The record and in form atio p ro v id to a member state pursuant to this compact or through the data system.~~

~~when certified by the commission or its agent.~~

~~shall constitute the authenticated business records of the commission.~~

~~and shall be entitled to any associated hearsay exception in any relevant judicial,~~

~~quasi-judicial, or administrative proceeding in a member state.~~

Adverse action information pertaining to a licensee in any member state shall be available to any other ~~member state, member state.~~

(g) Member states contributing ~~information~~ information to the data ~~system~~ may system may designate information ~~that~~ that may not be shared with ~~the~~ the public without the express permission of the

contributing Page 31 SB208 ~~E~~Enrolled ~~n~~rolled ~~S69~~ member ~~s~~state. ~~ta to~~

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

A rule shall be ~~o/o~~ invalid and have no force or effect only if a court of competent jurisdiction holds ~~chat~~that the rule is invalid because the commission exercised its rulemaking authority in a manner that was beyond the scope and purposes of this compact, or the powers granted under this compact, or based upon another ~~(o)~~ applicable standard of review.

provided, ~~however,~~however, that where the rules of the commission conflict with the laws or rules of a member state that establish the member state's laws, rules, and applicable standards that govern the practice of social work, as held by a court of competent jurisdiction, the rules of the commission shall be ineffective in that state to the extent of the conflict.

~~chat(c) where~~The the commission rules shall of exercise the its commission rulemaking conflict powers with pursuant to the laws criteria or set rules forth of in a this member section state and that establish the member rules state's adopted laws, under rules, this section.

~~odo~~Rules and shall applicable become standards binding that on govern the the day practice following adoption or as of social the work, date specified in the rule or amendment, whichever is later.

~~as~~Page held 32 by SB208 Enrolled (d) If a court majority of competent the jurisdiction, legislatures of the rules member states rejects a rule or portion of the a commission rule, shall by be enactment ineffective of i. n a that statute state or resolution in the same manner used to adopt this compact within four years after the extent date of adoption of the conflict, rule, then the rule shall have no further force and effect in any member state.

~~(c) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted under this section.~~

~~Rules shall become binding on the day following adoption or as of the date specified in the rule or amendment, whichever is later.~~

~~Page 32 o SB208 E n rolled (d) ?f a majority of the legislatures of the member states rejects a rule or portion of a rule, by enactmenr of a statute or resolution in the same manner used to adopt this compact within four years after the date of adoption of the rule.~~

~~then the rule shall have no further force and effect in any member state.~~

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

~~the commission shall hold a public hearing and allow individuals to provide oral and written comments, data,~~

~~facts, opinions, and arguments.~~

~~(1) The time, time, date, and location of the public hearing at which the commission will hear public comments on the proposed rule and, if different, the time, date, and location Page 33 SB208 Enrolled of the meeting where the compact commission will consider and vote on the proposed rule.~~

~~date, (2) and If location the of hearing the is public held hearing via a telecommunication, which video conference, or other means of communication, the commission will shall hear include public the comments mechanism on for access to the proposed hearing rule in and the notice of proposed rulemaking.~~

~~if (3) different. The text of the proposed rule and the reason supporting the rule.~~

~~the time.~~

~~date.~~

~~and location Page 33 SB208 Enrolled of the meeting where the compact commission will consider and vote on the proposed rule.~~

~~(2) If the hearing is held via telecommunication, video conference, or other means of communication, the commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking.~~

~~(3) The text of the proposed rule and the reason supporting the rule.~~

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

~~shall (1) take The final commission action may on adopt changes to the proposed rule based provided on the rulemaking changes record do and not enlarge the full original text purpose of the proposed rule.~~

~~(1) (2) The commission may shall adopt provide an explanation of the reasons for substantive changes made to the proposed rule, provided as the Page changes 34 do SB208 not Enrolled enlarge well the as original reasons purpose for of substantive the changes proposed not rule, made that were recommended by commenters.~~

~~(2) The commission shall provide an explanation of the reasons for substantive changes made to the proposed rule, as Page 34 SB208 Enrolled well as reasons for substantive changes not made chat were recommended by commenters.~~

Except for an emergency as provided in subsection ~~(1)~~, (L), the effective date of the rule shall be no sooner than 30 days after issuing the notice ~~that~~ that the commission adopted or amended the rule.

~~(1)~~ (L) Upon determination ~~that~~ that an emergency ~~exists~~, exists, the compact commission may consider and adopt an emergency rule with 24-hours' notice, with opportunity to comment; provided, that the compact usual commission rulemaking may procedures consider provided in this compact and adopt in an this emergency section shall be retroactively applied to the rule with as 24-hours soon as notice, reasonably with possible, opportunity and to in comment; no event later than 90 days after the effective date of the rule.

~~provided, For that the usual purposes rulemaking of procedures this provided subsection, in an this emergency compact rule and is in one in this that section must shall be retroactively adopted applied immediately to in the order rule to: as soon as reasonably possible.~~

~~and (1) in Meet no an event imminent later threat than to 90 public days health, after safety, the or effective welfare. date of the rule.~~

~~For the purposes of this subsection, an emergency rule is one that must be adopted immediately in order to:~~

~~(1) Meet an imminent threat to public health, safety, or welfare.~~

(m) The commission or an authorized committee of the commission may direct ~~revisio~~, n revision to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors.

~~errors Public in notice form of, any errors revision in shall consistency, be or posted grammatical on errors, the website of the commission.~~

~~Public notice of any revision shall be posted o.n the website of the commission.~~

The revision shall be challenged only on grounds that the revision results in a ~~maerial~~ material change to a rule.

If no challenge is made, ~~thsthe~~ the revision shall take effect without further action.

~~if If rhthe~~ the revision is challenged, the revision may not take effect without the approval of the commission.

991 Sec.34-30-112.

Oversight, Dispute Resolution, and ~~enforcement~~ Enforcement. ~~---~~

(a) ~~Oversight~~ Oversight. ~~---~~

(1) The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to implement this ~~compact~~ compact. ~~---~~

(2) Except as otherwise provided in this ~~compact~~, compact, venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the compact commission is located.

~~venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the compact commission is located.~~

Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional ~~malpractice~~, malpractice, misconduct, or any similar matter.

~~misconduct, Page or 36 SB208 Enrolled (3) The compact commission shall be entitled to receive service of process in any similar proceeding matter, regarding the enforcement or interpretation of this compact and shall have standing to intervene in such a proceeding for all purposes.~~

~~Rage Failure 35 to SB208 provide Enrolled the (3) The compact commission shall be entitled to receive service of process in shall any render proceeding a regarding judgment the enforcement or interpretation order of void this as compact and shall have standing to intervene the in commission, such this a compact, proceeding or for adopted ail rules. purposes.~~

~~Failure (b) to Default, provide technical the assistance, commission and service termination. of process shall render a judgment or order void as to the commission, this compact.~~

(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the adopted rules, the commission shall provide written notice to the defaulting member state.

~~(b) Default, technical assistance, and termination.~~

~~(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the adopted rules, the commission shall provide written notice to the defaulting member state.~~

(c) If a state in default fails to cure the default, the defaulting state may be terminated from this compact upon an affirmative vote of a majority of the delegates of the member states, and all rights, privileges, and benefits conferred on that state by this compact may be terminated on the

effective date of termination.

~~the defaulting state may be terminated from this compact upon an affirmative vote of a majority of the delegates of the member states.~~

~~and all rights, privileges~~

~~and benefits conferred on that state by this compact may be terminated on the effective date of termination.~~

(d) Termination of membership in this compact shall be imposed only after ~~all~~ other means of securing compliance have Page 37 SB208 Enrolled been exhausted.

Notice of intent to suspend or terminate shall be given by the commission ~~to~~ the governor, the majority ~~and~~ minority leaders of the defaulting ~~state's~~ state's legislature, the defaulting state's licensing authority, and the licensing authority of each member state.

~~(g) The~~ (g) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from this compact, unless agreed upon in writing between the commission and the defaulting state.

(1) Upon request by a member ~~state~~ state, the commission shall attempt to resolve disputes related to this compact that Page 38 SB208 Enrolled arise among member states and between member and non-member states.

~~the~~ (2) The commission shall ~~attempt~~ adopt to a resolve rule disputes providing related for to both this mediation compact that Page 38 SB208 Enrolled arise among member states and between binding member dispute and resolution non-member for states disputes ~~as appropriate.~~

~~(2)(j) The Enforcement.~~ commission shall adopt a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

~~j.) Enforcement.~~

In the event judicial enforcement is ~~necessary~~ necessary, the prevailing party shall be awarded all costs of litigation, including reasonable attorney fees.

~~the prevailing party shall be awarded all costs of litigation, including reasonable attorney fees.~~

The commission may pursue any other remedies available under federal or the defaulting member ~~state~~ state's law.

(2) A member state may initiate legal action against the commission in the United States District Court for ~~the~~ the District of Columbia, or the federal district where the commission has its principal offices, to enforce compliance with this compact and its adopted rules.

In the event judicial enforcement is ~~necessary~~ necessary, the prevailing party shall be awarded all costs of the litigation, including reasonable attorney fees.

Effective ~~date~~ date, withdrawal, and amendment.

~~withdrawal~~ (a) ~~The and compact amendment shall come into effect on the date on which this compact statute is enacted into law in the seventh member state.~~

~~(a)(1) The On compact~~ after the effective date of this compact, the commission shall ~~come~~ convene into and effect review on the enactment of each of the ~~date~~ first seven member states ~~compact referred statute to is as enacted~~ "charter into member law states," into determine if the ~~seventh statute enacted by each charter member state~~ is materially different than the model compact statute.

~~(1) On or after the effective date of this compact.~~

~~the commission shall convene and review the enactment of each of the first seven member states referred to as "charter member states," to determine if the statute enacted by each charter member state is materially different than the model compact statute.~~

A charter member state whose enactment is found to be materially different from this model compact statute shall be entitled to the default process set forth in Section ~~34-30-112~~ 34-30-112.

If any member state is later found to be in ~~default~~ default, or is terminated or withdraws from this compact, the commission shall remain in existence and this compact shall remain in effect even if the number of member states should be less than seven.

~~or~~ (2) ~~is~~ Member terminated states or enacting withdraws this from compact ~~this subsequent compact,~~ to the commission seven initial charter member states shall remain in subject existence ~~to and the this process compact set shall forth remain in effect~~ Section even 34-30-109(c)(21) to determine if their enactments are materially different from the number model of compact member statute states and should whether be they less qualify than for seven participation in this compact.

~~(2)(3) Member~~ All states actions enacting taken this for compact the subsequent benefit to of the seven commission initial or charter in member furtherance states of shall the be purposes subject of to the process administration set of forth Page in 40 Section SB208 34-30-109(c) Enrolled (21) this to compact determine prior if to their the enactments effective are date materially of different this from compact or the model commission compact coming statute into and existence whether shall they be qualify considered for to participation be in actions of the commission unless specifically repudiated by the commission.

~~ills~~(4) Any state that joins this compact subsequent to the commission's initial adoption of the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on which this compact becomes law in that state.

~~(3) All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of Page 40 SB208 Enrolled this compact prior to the effective date of this compact or the commission coming into existence shall be considered to be actions of the commission unless specifically repudiated by the commission.~~

~~(4) Any state that joins this compact subsequent to the commission's initial adoption of the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on which this compact becomes law in that state.~~

(b) Any member state may withdraw from this compact by enacting a statute ~~to~~ repeal this compact.

(1) A member ~~state's~~state's withdrawal shall not take effect until ~~130~~180 days after enactment of the repealing statute.

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

(3) Upon the enactment of a state withdrawing from this compact~~compact~~, a state shall immediately provide notice of the withdrawal to all licensees within that state.

Notwithstanding any subsequent statutory enactment to the contrary, the withdrawing state shall continue to recognize ~~all~~licenses granted pursuant to this compact for a minimum ~~of~~ 180 days after the date of the notice of withdrawal.

(c) Nothing contained in this compact shall be Page 41 SB208 Enrolled construed to invalidate or prevent any licensing agreement or ~~other~~other cooperative arrangement between a member state and a non-member state that does not conflict with this compact.

(d) This ~~compact~~compact may be amended by the member states.

(a) This compact and the ~~commission~~commission's ~~'s~~-rulemaking authority shall be liberally construed so as ~~to~~ effectuate the ~~purposes~~purposes, ~~implementation~~implementation, and administration of this ~~compact~~compact.

(b) The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is held by a court of competent jurisdiction ~~to~~ be contrary to the constitution of any member state, a state seeking participation in this ~~compact~~compact, the United States, or the applicability to any government, agency, individual, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability to any other government, agency, individual, or circumstance shall not be affected.

~~che~~(c) ~~United~~Notwithstanding ~~States, subsection or(b), the applicability~~commission ~~to~~may ~~any~~deny ~~government, a agency, state's individual participation in this compact or, in accordance with the requirements of Section 34-30-112(b), terminate a member state's participation in this compact, if the Page 42 SB208 Enrolled commission determines that a constitutional requirement of a member state is a material departure from this compact.~~

~~or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability to any other government, agency, individual, or circumstance shall not be affected.~~

~~(c) Notwithstanding subsection (b), the commission may? deny a state's participation in this compact or,~~

~~in accordance with the requirements of Section 34-30-112 (b), terminate a member state's participation in this compact.~~

~~if the Page 42 e SB208 Enrolled commission determines that a constitutional requirement of a member state is a material departure from this compact.~~

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

(b) Nothing in this compact shall prevent or inhibit ~~the enforcement~~the enforcement of any other law of a member state that is not inconsistent with this compact.

(c) Any laws, statutes, ~~rules~~rules, or other legal requirements in a member state in conflict with this compact are superseded to the extent of the conflict.

~~or other legal requirements in a member state in conflict with this compact are superseded to the extent of the conflict.~~

Except as to judicial proceedings for the enforcement of ~~'this compact~~this compact among member ~~states~~states, individuals may pursue judicial proceedings related to this compact in any Alabama state or federal court that would otherwise have competent Page 43 SB208 Enrolled jurisdiction.

~~individuals may pursue judicial proceedings related to this compact in.~~

~~any Alabama state or federal court that would otherwise have competent Page 43 * SB208 Enrolled jurisdiction.~~

Page 44 ~~e~~SB208 Enrolled ~~e~~ fthPresident eand SPresiding
~~eOfficer n of athe teSenate~~ Speaker of the House of
Representatives SB208 Senate ~~0909-Apr-24 -Apr-24I-1~~ hereby certify that the within Act originated in and passed the Senate.

Patrick Harris, ~~Secretary~~Secretary.

Senator Kelley ~~TIME fllabaniSecretaryOf State ftctN um ...?024-598 B illNum...? S-208 Recv'd 05/08/24~~
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~~is QJ ^- KJ ? > 0 ?? w X r Q.Q.~~

~~o ?SX ? (X w L I W ?5? ' ' *p S.~~

~~o < ?, W -- 0 X o X o X o P' S g 5 S X - I ?n> a H I ,.,.~~

~~m X m HI m -n m X Q -t ^0>*,< m13 o S -' ? ?' I < _ SSlf m P I - S c 6 ? r g 5- o 4 ff- s mx} 0 M s-> m1~~
~~X-Q.~~

~~^ o o m 30 0 r? KJ r Q.~~

~~a S o 7> r ?? 5' I''*2:~~

~~I ly~~