

SB208 INTRODUCED



1 SB208
2 25ZRSSI-1
3 By Senators Kelley, Jones, Smitherman, Hatcher, Butler, Allen,
4 Givhan, Melson, Sessions, Carnley, Bell, Shelnutt, Kitchens,
5 Stutts, Elliott, Waggoner, Orr, Coleman, Stewart,
6 Coleman-Madison, Beasley
7 RFD: Veterans and Military Affairs
8 First Read: 06-Mar-24



SYNOPSIS:

This bill would allow the Alabama Board of Social Work Examiners to enter into the Social Work Licensure Compact by adopting Article 4 of Chapter 30 of Title 34, Code of Alabama 1975, as a means of providing uniformity in licensing requirements and interstate practice throughout party states.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Board of Social Work Examiners; to enter into the Social Work Licensure Compact by adopting Article 4 of Chapter 30 of Title 34, Code of Alabama 1975, to read as follows:

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Article 4, commencing with Section 34-30-100, is added to Chapter 30 of Title 34, Code of Alabama 1975, to read as follows:

ARTICLE 4. SOCIAL WORK LICENSURE COMPACT

§34-30-100. Purpose.

(a) The purpose of this compact is to facilitate interstate practice of regulated social workers by improving



SB208 INTRODUCED

public access to competent social work services. This compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensing.

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

(1) Increase public access to social work services.

(2) Reduce overly burdensome and duplicative requirements associated with holding multiple licenses.

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

(4) Encourage the cooperation of member states in regulating multistate practice.

(5) Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple states by providing for the mutual recognition of other member states' licenses.

(6) Support military families.

(7) Facilitate the exchange of licensing and disciplinary information among member states.

(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.

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

§34-30-101. Definitions.



SB208 INTRODUCED

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

(1) ACTIVE MILITARY MEMBER. Any individual with full-time duty status in the active Armed Forces of the United States, including members of the National Guard and Reserve.

(2) ADVERSE ACTION. Any administrative, 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 practice, or any other encumbrance on licensing affecting a regulated social worker's authorization to practice, including issuance of a cease and desist action.

(3) ALTERNATIVE PROGRAM. A nondisciplinary monitoring or practice remediation process approved by a licensing authority to address practitioners with an impairment.

(4) CHARTER MEMBER STATE. Member states which have enacted legislation to adopt this compact where such legislation predates the effective date of this compact as described in Section 34-30-113.

(5) COMPACT COMMISSION or COMMISSION. The governmental agency whose membership consists of all states that have enacted this compact, which is known as the Social Work Licensure Compact Commission, as described in Section 34-30-109, and which shall operate as an instrumentality of



SB208 INTRODUCED

the member states.

(6) CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.

a. Investigative information that a licensing authority, after a preliminary inquiry that includes notification and an opportunity for the regulated social worker to 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.

b. Investigative information that indicates that the regulated social worker represents an immediate threat to public health and safety, as may be defined by the commission, regardless of whether he or she has been notified and has had an opportunity to respond.

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

(8) 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 license.

(9) DOMICILE. The jurisdiction in which the licensee resides and intends to remain indefinitely.

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



SB208 INTRODUCED

113 (11) EXECUTIVE COMMITTEE. A group of delegates elected
114 or appointed to act on behalf of, and within the powers
115 granted to them by, this compact and the commission.

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

118 (13) IMPAIRMENT. A condition or conditions that may
119 impair a practitioner's ability to engage in full and
120 unrestricted practice as a regulated social worker without
121 some type of intervention and may include alcohol and drug
122 dependence, mental health impairment, and neurological or
123 physical impairments.

124 (14) LICENSEE. An individual who currently holds a
125 license from a state to practice as a regulated social worker.

126 (15) LICENSING AUTHORITY. The board or agency of a
127 member state, or equivalent, that is responsible for the
128 licensing and regulation of regulated social workers.

129 (16) MEMBER STATE. A state, commonwealth, district, or
130 territory of the United States of America that has enacted
131 this compact.

132 (17) MULTISTATE AUTHORIZATION TO PRACTICE. A legally
133 authorized privilege to practice, which is equivalent to a
134 license, associated with a multistate license permitting the
135 practice of social work in a remote state.

136 (18) MULTISTATE LICENSE. A license to practice as a
137 regulated social worker issued by a home state licensing
138 authority that authorizes the regulated social worker to
139 practice in all member states under a multistate authorization
140 to practice.



SB208 INTRODUCED

(19) QUALIFYING NATIONAL EXAM. A national licensing examination approved by the commission.

(20) REGULATED SOCIAL WORKER. Any clinical, master's, or bachelor's social worker licensed by a member state regardless of the title used by that member state.

(21) REMOTE STATE. A member state other than the licensee's home state.

(22) RULE or RULE OF THE COMMISSION. A rule or rules adopted by this commission, as authorized by this compact, that has the force of law.

(23) SINGLE-STATE LICENSE. A social work license issued by any state that authorizes practice only within the issuing state and does not include multistate authorization to practice in any member state.

(24) SOCIAL WORK or SOCIAL WORK SERVICES. The application of social work 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.

(25) STATE. Any state, commonwealth, district, or territory of the United States of America that regulates the practice of social work.

(26) UNENCUMBERED LICENSE. A license that authorizes a regulated social worker to engage in the full and unrestricted practice of social work.



SB208 INTRODUCED

§34-30-102. State Participation in this Compact.

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

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

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

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

b. Accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either the Council for Higher Education Accreditation, or its successor, or the United States Department of Education, and corresponds to the licensing sought as outlined in Section 34-30-103.

(3) Require applicants for clinical licensing to complete a period of supervised practice.

(4) Have a mechanism in place for receiving, investigating, and adjudicating complaints about licensees.

(b) To maintain membership in this compact, a member state shall do all of the following:

(1) Require that applicants for a multistate license pass a qualifying national exam for the corresponding category of multistate license sought as outlined in Section 34-30-103.

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



SB208 INTRODUCED

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

201 (4) Implement procedures for considering the criminal
202 history records of applicants for a multistate license. These
203 procedures shall include the submission of fingerprints or
204 other biometric-based information by applicants for the
205 purpose of obtaining an applicant's criminal history record
206 information from the Federal Bureau of Investigation and the
207 agency responsible for retaining that state's criminal
208 records.

209 (5) Comply with the rules of the commission.

210 (6) Require an applicant to obtain or retain a license
211 in the home state and meet the home state's qualifications for
212 licensing or renewal of licensing, as well as all other
213 applicable home state laws.

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

217 (8) Designate a delegate to participate in commission
218 meetings.

219 (c) A member state meeting the requirements of
220 subsections (a) and (b) shall designate the categories of
221 social work licensing that are eligible for issuance of a
222 multistate license for applicants in member states. To the
223 extent that any member state does not meet the requirements
224 for participation in this compact in any particular category



SB208 INTRODUCED

of social work licensing, the member state may choose, but is not obligated, to issue a multistate license to 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.

§34-30-103. Social Worker Participation in this compact.

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

(1) Hold or be eligible for an active, unencumbered license in the home state.

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

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

(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 date the action is taken.

(5) Meet any continuing competence requirements established by the home state.

(6) Abide by the laws, rules, and applicable standards



SB208 INTRODUCED

in the member state where the client is located at the time care is rendered.

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

(1) Fulfill a competency requirement, which shall be satisfied by one of the following:

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

b. 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 of the commission.

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

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

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

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

(i) the Council for Higher Education Accreditation, or its successor; or

(ii) the United States Department of Education.

(3) Fulfill a practice requirement, which shall be



SB208 INTRODUCED

satisfied by demonstrating completion of one of the following:

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

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

c. The substantial equivalency of the foregoing practice requirements which the commission may determine by rule.

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

(1) Fulfill a competency requirement, which shall be satisfied by one of the following:

a. Passage of a master's-category qualifying national exam.

b. licensing of the applicant in his or her home state in the master's category, beginning prior to the time a qualifying national exam was required by the home state in 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.

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

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

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

b. Accredited, or in candidacy that subsequently



SB208 INTRODUCED

becomes accredited, by an accrediting agency recognized by either:

(i) the Council for Higher Education Accreditation, or its successor, or

(ii) the United States Department of Education.

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

(1) Fulfill a competency requirement, which shall be satisfied by one of the following:

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

b. Licensing of the applicant in his or her home state in the bachelor's 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, all of which may be further governed by the rules of the commission.

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

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

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

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

(i) the Council for Higher Education Accreditation, or



SB208 INTRODUCED

its successor; or

(ii) the United States Department of Education.

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

(f) The regulated social worker's services in a remote state are subject to that member state's regulatory authority. A remote 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 necessary actions to protect the health and safety of its residents.

(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 multistate license is no longer encumbered.

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

§34-30-104. Issuance of a 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 in



SB208 INTRODUCED

accordance with Section 34-30-103.

(b) If 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.

(c) Upon issuance of a multistate license, 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 all compact member states as authorizing social work practice under a multistate authorization to practice corresponding to each category of licensing regulated in each member state.

§34-30-105. Authority of the Commission and Member State Licensing Authorities.

(a) Nothing in this compact, nor any rule of the commission, shall be construed to 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.

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

(c) Nothing in this compact, nor any rule of the commission, shall be construed to limit, restrict, or in any



SB208 INTRODUCED

393 way reduce the ability of a member state to take adverse
394 action against a licensee's single state license to practice
395 social work in that state.

396 (d) Nothing in this compact, nor any rule of the
397 commission, shall be construed to limit, restrict, or in any
398 way reduce the ability of a remote state to take adverse
399 action against a licensee's multistate authorization to
400 practice in that state.

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

406 §34-30-106. Reissuance of a Multistate License By a New
407 Home State.

408 (a) A licensee may hold a home state license, issued by
409 his or her home state, in only one member state at a time.

410 (b) If a licensee changes his or her home state by
411 moving between two member states:

412 (1) The licensee shall immediately apply for the
413 reissuance of his or her multistate license in his or her new
414 home state. The licensee shall pay all applicable fees and
415 notify the prior home state in accordance with the rules of
416 the commission.

417 (2) Upon receipt of an application to reissue a
418 multistate license, the new home state shall verify that the
419 multistate license is active, unencumbered, and eligible for
420 reissuance under the terms of this compact and the rules of



SB208 INTRODUCED

the commission. The multistate license issued by the prior home state shall be deactivated and all member states notified in accordance with the applicable rules adopted by the commission.

(3) Prior to the reissuance of the multistate license, the new home state shall conduct procedures for considering the criminal history records of the licensee. The procedures 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) If required for initial licensing, the new home 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.

(d) Nothing in this compact shall interfere with a licensee's ability to hold a single-state license in multiple



SB208 INTRODUCED

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

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

§34-30-107. Military Families.

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

§34-30-108. Adverse Actions.

(a) In addition to the other powers conferred by state law, a remote state, in accordance with existing state due process law, 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. Subpoenas issued by a licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure applicable to subpoenas issued in proceedings pending before that court. The issuing licensing authority shall pay any witness fees, travel



SB208 INTRODUCED

expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

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

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

(c) The home state shall complete any pending investigations of a regulated social worker who changes home states during the course of the investigations. The home state may also take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the data system shall promptly notify the new home state of any adverse actions.

(d) A member state, if otherwise permitted by state law, may recover from the affected regulated social worker the cost of investigations and dispositions of cases resulting from any adverse action taken against him or her.

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

(f) Joint investigations:



SB208 INTRODUCED

(1) In addition to the authority granted to a member 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.

(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint investigation initiated under this compact.

(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 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.

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

(i) Nothing in this compact shall override a member state's decision to impose participation in an alternative program in lieu of adverse action.

(j) Nothing in this compact shall authorize a member state to demand the issuance of subpoenas for attendance and



SB208 INTRODUCED

testimony of witnesses or the production of evidence from another member state for lawful actions within that member state.

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

§34-30-109. Establishment of Social Work Licensure Compact Commission.

(a) The compact member states hereby create and establish a joint governmental agency whose membership consists of all member states that have enacted this compact known as the Social Work Licensure Compact Commission. The commission is an instrumentality of this compact states acting jointly and not an instrumentality of any one state. The compact commission shall come into existence on or after the effective date of this compact as set forth in Section 34-30-113.

(b) Membership, voting, and meetings.

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

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



SB208 INTRODUCED

561 establish term limits.

562 (4) The commission may recommend removal or suspension
563 of any delegate from office.

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

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

570 (7) A delegate shall vote in person or by other means
571 as provided in the bylaws. The bylaws may provide for
572 delegates to meet and vote by telecommunication, video
573 conference, or other means of communication.

574 (8) The compact commission shall meet at least once
575 during each calendar year. Additional meetings may be held as
576 set forth in the bylaws. The compact commission may meet by
577 telecommunication, video conference, or other similar
578 electronic means.

579 (c) The commission shall have the following powers to:

580 (1) Establish the fiscal year of the commission.

581 (2) Establish code of conduct and conflict of interest
582 policies.

583 (3) Establish and amend rules and bylaws.

584 (4) Maintain its financial records in accordance with
585 the bylaws.

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

588 (6) Initiate and conclude legal proceedings or actions



SB208 INTRODUCED

589 in the name of the commission, provided that the standing of
590 any licensing authority to sue or be sued under applicable law
591 shall not be affected.

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

596 (8) Purchase and maintain insurance and bonds.

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

600 (10) Conduct an annual financial review.

601 (11) Hire employees, elect or appoint officers, fix
602 compensation, define duties, grant those individuals
603 appropriate authority to carry out the purposes of this
604 compact, and establish the commission's personnel policies and
605 programs relating to conflicts of interest, qualifications of
606 personnel, and other related personnel matters.

607 (12) Assess and collect fees.

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

614 (14) Lease, purchase, retain, own, hold, improve, or
615 use any property, real, personal, or mixed, or any undivided
616 interest in property.



SB208 INTRODUCED

617 (15) Sell, convey, mortgage, pledge, lease, exchange,
618 abandon, or otherwise dispose of any property real, personal,
619 or mixed.

620 (16) Establish a budget and make expenditures.

621 (17) Borrow money.

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

627 (19) Provide and receive information from, and
628 cooperate with, law enforcement agencies.

629 (20) Establish and elect an executive committee,
630 including a chair and a vice chair.

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

634 (22) Perform other functions as may be necessary or
635 appropriate to achieve the purposes of this compact.

636 (d) The executive committee.

637 (1) The executive committee shall have the power to act
638 on behalf of the commission according to the terms of this
639 compact. The powers, duties, and responsibilities of the
640 executive committee shall include all of the following:

641 a. Oversee the day-to-day activities of the
642 administration of this compact, including enforcement and
643 compliance with this compact, its rules and bylaws, and other
644 duties as deemed necessary.



SB208 INTRODUCED

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

c. Ensure compact administration services are appropriately provided, including by contract.

d. Prepare and recommend the budget.

e. Maintain financial records on behalf of the commission.

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

g. Establish additional committees as necessary.

h. Exercise the powers and duties of the commission during the interim between commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the commission by rule or bylaw.

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

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

a. The chair and vice chair of the commission shall be voting members of the executive committee.

b. The commission shall elect five voting members from the then current membership of the commission.

c. Up to four ex officio, nonvoting members from four recognized national social work organizations as selected by their respective organizations.



SB208 INTRODUCED

(3) The commission may remove any member of the executive committee as provided in the commission's bylaws.

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

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

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

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

(e) The commission shall adopt and provide to the member states an annual report.

(f) Meetings of the compact commission.

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

a. Public notice for all meetings of the full commission shall be given in the same manner as required for a public hearing under the rulemaking provisions in Section 34-30-111, except that the commission may hold a special meeting as provided in paragraph b.

b. The commission or executive committee may hold a special meeting when the commission or executive committee must meet to conduct emergency business by giving 48 hours' notice to all commissioners, on the commission's website, and



SB208 INTRODUCED

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

(2) The commission, the executive 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:

a. Noncompliance of a member state with its obligations under this compact.

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

c. Current or threatened discipline of a licensee by the commission or by a member state's licensing authority.

d. Current, threatened, or reasonably anticipated litigation.

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

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

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

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

i. Investigative records compiled for law enforcement purposes.



SB208 INTRODUCED

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

l. Other matters as adopted by rule by the commission.

(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.

(4) The commission shall keep minutes that fully and 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 documents considered in connection with an action shall be identified in the minutes. 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) Financing of the commission.

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

(2) The commission may accept any and all appropriate revenue sources as provided in subdivision (c)(13).

(3) The commission may levy and collect an annual



SB208 INTRODUCED

assessment from each member state and impose fees on licensees of member states to whom the commission grants a multistate license to cover the cost of the operations and activities of the commission and commission staff, which must be in a total amount sufficient to cover the annual budget of the commission as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states shall be allocated based upon a formula that the commission shall adopt by rule.

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

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

(h) Qualified immunity, defense, and indemnification.

(1) The 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



SB208 INTRODUCED

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. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder.

(2) The commission shall defend any member, officer, 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, 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; provided, that nothing herein shall be construed to prohibit that individual from retaining his or her own counsel at his or her own expense; and provided further, that the actual or alleged act, error, or omission did not result from that individual's intentional, willful, or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, and



SB208 INTRODUCED

representative of the commission for the amount of any settlement or judgment 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; 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 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.

§34-30-110. Data System.

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

(b) The commission shall assign each applicant for a



SB208 INTRODUCED

multistate license a unique identifier, as determined by the rules of the commission.

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

(1) Identifying information.

(2) Licensure data.

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

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

(5) Any denial of an application for licensing, and the reason or reasons for the denial.

(6) The presence of current significant investigative information.

(7) Other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.

(d) The records and information provided 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



SB208 INTRODUCED

869 administrative proceeding in a member state.

870 (e) Current significant investigative information
871 pertaining to a licensee in any member state shall only be
872 available to other member states.

873 (f) It is the responsibility of the member states to
874 report any adverse action against a licensee and to monitor
875 the data system to determine whether any adverse action has
876 been taken against a licensee. Adverse action information
877 pertaining to a licensee in any member state shall be
878 available to any other member state.

879 (g) Member states contributing information to the data
880 system may designate information that may not be shared with
881 the public without the express permission of the contributing
882 member state.

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

887 §34-30-111. Rulemaking.

888 (a) The commission shall adopt reasonable rules in
889 order to effectively and efficiently implement and administer
890 the purposes and provisions of this compact. A rule shall be
891 invalid and have no force or effect only if a court of
892 competent jurisdiction holds that the rule is invalid because
893 the commission exercised its rulemaking authority in a manner
894 that was beyond the scope and purposes of this compact, or the
895 powers granted under this compact, or based upon another
896 applicable standard of review.



SB208 INTRODUCED

(b) The rules of the commission shall have the force of law in each member state; provided, 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.

(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.

(d) If a majority of the legislatures of the member states rejects a rule or portion of a rule, by enactment 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.

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

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

(g) Prior to adoption of a proposed rule by the commission, and at least 30 days in advance of the meeting at which the commission shall hold a public hearing on the



SB208 INTRODUCED

proposed rule, the commission shall provide a notice of proposed rulemaking:

(1) On the website of the commission or other publicly accessible platform.

(2) To individuals who have requested notice of the commission's notices of proposed rulemaking.

(3) In such other ways as the compact commission may specify by rule.

(h) The notice of proposed rulemaking shall include all of the following:

(1) The 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 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.

(4) A request for comments on the proposed rule from any interested individual.

(5) The manner in which interested individuals may submit written comments.

(i) All hearings shall be recorded. A copy of the recording and all written comments and documents received by the commission in response to the proposed rule shall be



SB208 INTRODUCED

953 available to the public.

954 (j) Nothing in this section shall be construed as
955 requiring a separate hearing on each proposed rule. Rules may
956 be grouped for the convenience of the commission at hearings
957 required by this section.

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

961 (1) The commission may adopt changes to the proposed
962 rule provided the changes do not enlarge the original purpose
963 of the proposed rule.

964 (2) The commission shall provide an explanation of the
965 reasons for substantive changes made to the proposed rule, as
966 well as reasons for substantive changes not made that were
967 recommended by commenters.

968 (3) The commission shall determine a reasonable
969 effective date for the rule. Except for an emergency as
970 provided in subsection (1), the effective date of the rule
971 shall be no sooner than 30 days after issuing the notice that
972 the commission adopted or amended the rule.

973 (1) Upon determination that an emergency exists, the
974 compact commission may consider and adopt an emergency rule
975 with 24-hours' notice, with opportunity to comment; provided,
976 that the usual rulemaking procedures provided in this compact
977 and in this section shall be retroactively applied to the rule
978 as soon as reasonably possible, and in no event later than 90
979 days after the effective date of the rule. For the purposes of
980 this subsection, an emergency rule is one that must be adopted



SB208 INTRODUCED

981 immediately in order to:

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

984 (2) Prevent a loss of commission or member state funds.

985 (3) Meet a deadline for the adoption of a rule that is
986 established by federal law or rule.

987 (4) Protect public health and safety.

988 (m) The commission or an authorized committee of the
989 commission may direct revision to a previously adopted rule
990 for purposes of correcting typographical errors, errors in
991 format, errors in consistency, or grammatical errors. Public
992 notice of any revision shall be posted on the website of the
993 commission. The revision shall be subject to challenge by any
994 individual for a period of 30 days after posting. The revision
995 shall be challenged only on grounds that the revision results
996 in a material change to a rule. A challenge shall be made in
997 writing and delivered to the commission prior to the end of
998 the notice period. If no challenge is made, the revision shall
999 take effect without further action. If the revision is
1000 challenged, the revision may not take effect without the
1001 approval of the commission.

1002 (n) No member state's rulemaking requirements shall
1003 apply under this compact.

1004 §34-30-112. Oversight, Dispute Resolution, and
1005 Enforcement.

1006 (a) Oversight.

1007 (1) The executive and judicial branches of state
1008 government in each member state shall enforce this compact and



SB208 INTRODUCED

1009 take all actions necessary and appropriate to implement this
1010 compact.

1011 (2) Except as otherwise provided in this compact, venue
1012 is proper and judicial proceedings by or against the
1013 commission shall be brought solely and exclusively in a court
1014 of competent jurisdiction where the principal office of the
1015 compact commission is located. The commission may waive venue
1016 and jurisdictional defenses to the extent the commission
1017 adopts or consents to participate in alternative dispute
1018 resolution proceedings. Nothing herein shall affect or limit
1019 the selection or propriety of venue in any action against a
1020 licensee for professional malpractice, misconduct, or any
1021 similar matter.

1022 (3) The compact commission shall be entitled to receive
1023 service of process in any proceeding regarding the enforcement
1024 or interpretation of this compact and shall have standing to
1025 intervene in such a proceeding for all purposes. Failure to
1026 provide the commission service of process shall render a
1027 judgment or order void as to the commission, this compact, or
1028 adopted rules.

1029 (b) Default, technical assistance, and termination.

1030 (1) If the commission determines that a member state
1031 has defaulted in the performance of its obligations or
1032 responsibilities under this compact or the adopted rules, the
1033 commission shall provide written notice to the defaulting
1034 member state. The notice of default shall describe the
1035 default, the proposed means of curing the default, any other
1036 action that the commission may take, and shall offer training



SB208 INTRODUCED

1037 and specific technical assistance regarding the default.

1038 (2) The commission shall provide a copy of the notice
1039 of default to the other member states.

1040 (c) If a state in default fails to cure the default,
1041 the defaulting state may be terminated from this compact upon
1042 an affirmative vote of a majority of the delegates of the
1043 member states, and all rights, privileges, and benefits
1044 conferred on that state by this compact may be terminated on
1045 the effective date of termination. A cure of the default does
1046 not relieve the offending state of obligations or liabilities
1047 incurred during the period of default.

1048 (d) Termination of membership in this compact shall be
1049 imposed only after all other means of securing compliance have
1050 been exhausted. Notice of intent to suspend or terminate shall
1051 be given by the commission to the governor, the majority and
1052 minority leaders of the defaulting state's legislature, the
1053 defaulting state's licensing authority, and the licensing
1054 authority of each member state.

1055 (e) A state that has been terminated is responsible for
1056 all assessments, obligations, and liabilities incurred through
1057 the effective date of termination, including obligations that
1058 extend beyond the effective date of termination.

1059 (f) Upon the termination of a state's membership from
1060 this compact, that state shall immediately provide notice to
1061 all licensees within that state of the termination. The
1062 terminated state shall continue to recognize all licenses
1063 granted pursuant to this compact for a minimum of six months
1064 after the date of the notice of termination.



SB208 INTRODUCED

1065 (g) The commission shall not bear any costs related to
1066 a state that is found to be in default or that has been
1067 terminated from this compact, unless agreed upon in writing
1068 between the commission and the defaulting state.

1069 (h) The defaulting state may appeal the action of the
1070 commission by petitioning the United States District Court for
1071 the District of Columbia or the federal district where the
1072 commission has its principal offices. The prevailing party
1073 shall be awarded all costs of litigation, including reasonable
1074 attorney fees.

1075 (i) Dispute resolution.

1076 (1) Upon request by a member state, the commission
1077 shall attempt to resolve disputes related to this compact that
1078 arise among member states and between member and non-member
1079 states.

1080 (2) The commission shall adopt a rule providing for
1081 both mediation and binding dispute resolution for disputes as
1082 appropriate.

1083 (j) Enforcement.

1084 (1) By majority vote as provided by rule, the
1085 commission may initiate legal action against a member state in
1086 default in the United States District Court for the District
1087 of Columbia, or the federal district where the commission has
1088 its principal offices, to enforce compliance with this compact
1089 and its adopted rules. The relief sought may include both
1090 injunctive relief and damages. In the event judicial
1091 enforcement is necessary, the prevailing party shall be
1092 awarded all costs of litigation, including reasonable attorney



SB208 INTRODUCED

1093 fees. The remedies shall not be the exclusive remedies of the
1094 commission. The commission may pursue any other remedies
1095 available under federal or the defaulting member state's law.

1096 (2) A member state may initiate legal action against
1097 the commission in the United States District Court for the
1098 District of Columbia, or the federal district where the
1099 commission has its principal offices, to enforce compliance
1100 with this compact and its adopted rules. The relief sought may
1101 include both injunctive relief and damages. In the event
1102 judicial enforcement is necessary, the prevailing party shall
1103 be awarded all costs of the litigation, including reasonable
1104 attorney fees.

1105 (3) No party other than a member state shall enforce
1106 this compact against the commission.

1107 §34-30-113. Effective date, withdrawal, and amendment.

1108 (a) The compact shall come into effect on the date on
1109 which this compact statute is enacted into law in the seventh
1110 member state.

1111 (1) On or after the effective date of this compact, the
1112 commission shall convene and review the enactment of each of
1113 the first seven member states referred to as "charter member
1114 states," to determine if the statute enacted by each charter
1115 member state is materially different than the model compact
1116 statute.

1117 a. A charter member state whose enactment is found to
1118 be materially different from this model compact statute shall
1119 be entitled to the default process set forth in Section
1120 34-30-112.



SB208 INTRODUCED

1121 b. If any member state is later found to be in default,
1122 or is terminated or withdraws from this compact, the
1123 commission shall remain in existence and this compact shall
1124 remain in effect even if the number of member states should be
1125 less than seven.

1126 (2) Member states enacting this compact subsequent to
1127 the seven initial charter member states shall be subject to
1128 the process set forth in Section 34-30-109(c)(21) to determine
1129 if their enactments are materially different from the model
1130 compact statute and whether they qualify for participation in
1131 this compact.

1132 (3) All actions taken for the benefit of the commission
1133 or in furtherance of the purposes of the administration of
1134 this compact prior to the effective date of this compact or
1135 the commission coming into existence shall be considered to be
1136 actions of the commission unless specifically repudiated by
1137 the commission.

1138 (4) Any state that joins this compact subsequent to the
1139 commission's initial adoption of the rules and bylaws shall be
1140 subject to the rules and bylaws as they exist on the date on
1141 which this compact becomes law in that state. Any rule that
1142 has been previously adopted by the commission shall have the
1143 full force and effect of law on the day this compact becomes
1144 law in that state.

1145 (b) Any member state may withdraw from this compact by
1146 enacting a statute to repeal this compact.

1147 (1) A member state's withdrawal shall not take effect
1148 until 180 days after enactment of the repealing statute.



SB208 INTRODUCED

1149 (2) Withdrawal shall not affect the continuing
1150 requirement of the withdrawing state's licensing authority to
1151 comply with the investigative and adverse action reporting
1152 requirements of this compact prior to the effective date of
1153 withdrawal.

1154 (3) Upon the enactment of a state withdrawing from this
1155 compact, a state shall immediately provide notice of the
1156 withdrawal to all licensees within that state. Notwithstanding
1157 any subsequent statutory enactment to the contrary, the
1158 withdrawing state shall continue to recognize all licenses
1159 granted pursuant to this compact for a minimum of 180 days
1160 after the date of the notice of withdrawal.

1161 (c) Nothing contained in this compact shall be
1162 construed to invalidate or prevent any licensing agreement or
1163 other cooperative arrangement between a member state and a
1164 non-member state that does not conflict with this compact.

1165 (d) This compact may be amended by the member states.
1166 No amendment to this compact shall become effective and
1167 binding upon any member state until the amendment is enacted
1168 into the laws of all member states.

1169 §34-30-114. Construction and severability.

1170 (a) This compact and the commission's rulemaking
1171 authority shall be liberally construed so as to effectuate the
1172 purposes, implementation, and administration of this compact.
1173 Provisions of this compact expressly authorizing or requiring
1174 the adoption of rules shall not be construed to limit the
1175 commission's rulemaking authority solely for those purposes.

1176 (b) The provisions of this compact shall be severable



SB208 INTRODUCED

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, 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.

(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 commission determines that a constitutional requirement of a member state is a material departure from this compact. Otherwise, if this compact shall be held to be contrary to the constitution of any member state, this compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

§34-30-115. Consistent effect and conflict with other state laws.

(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



SB208 INTRODUCED

1205 the enforcement of any other law of a member state that is not
1206 inconsistent with this compact.

1207 (c) Any laws, statutes, rules, or other legal
1208 requirements in a member state in conflict with this compact
1209 are superseded to the extent of the conflict.

1210 (d) All permissible agreements between the commission
1211 and the member states are binding in accordance with their
1212 terms.

1213 §34-30-116. Judicial Proceedings by Individuals.

1214 Except as to judicial proceedings for the enforcement
1215 of this compact among member states, individuals may pursue
1216 judicial proceedings related to this compact in any Alabama
1217 state or federal court that would otherwise have competent
1218 jurisdiction.

1219 Section 2. This act shall become effective on October
1220 1, 2024.