

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-FOUR

—  
H.P. 1364 - L.D. 2140

**An Act to Enact the Interstate Social Work Licensure Compact**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA c. 83, sub-c. 5 is enacted to read:

**SUBCHAPTER 5**

**SOCIAL WORK LICENSURE COMPACT**

**§7081. Short title**

This subchapter may be known and cited as "the Social Work Licensure Compact."

**§7082. Purpose and objectives**

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

**2. Objectives.** The compact is designed to achieve the following objectives:

A. Increase public access to social work services;

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

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

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

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

F. Support military families;

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

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

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

### **§7083. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Active duty military.** "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserves of the United States Armed Forces on active duty orders pursuant to 10 United States Code, Chapters 1209 and 1211.

**2. Adverse action.** "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws that 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 licensure affecting a regulated social worker's authorization to practice, including issuance of a cease and desist action.

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

**4. Charter member state.** "Charter member state" means a member state that has enacted legislation to adopt this compact when the legislation predates the effective date of this compact as described in section 7095.

**5. Commission.** "Commission" means the government agency whose membership consists of all states that have enacted this compact, as described in section 7091, and that operates as an instrumentality of the member states.

**6. Current significant investigative information.** "Current significant investigative information" means:

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; or

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

**7. Data system.** "Data system" means a repository of information about licensees, including continuing education, examination, licensure, current significant investigative information, disqualifying events, multistate licenses and adverse action information or other information as required by the commission.

**8. Disqualifying event.** "Disqualifying event" means any adverse action or incident that results in an encumbrance that disqualifies or makes a licensee ineligible to obtain, retain or renew a multistate license.

**9. Domicile.** "Domicile" means the jurisdiction in which a licensee resides and intends to remain indefinitely.

**10. Encumbrance.** "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of social work licensed and regulated by a licensing authority.

**11. Executive committee.** "Executive committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the compact and commission.

**12. Home state.** "Home state" means the member state that is a licensee's primary domicile.

**13. Impairment.** "Impairment" means any condition 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 and neurological or physical impairments.

**14. Licensee.** "Licensee" means an individual who holds a license from a state to practice as a regulated social worker.

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

**16. Member state.** "Member state" means a state that has enacted this compact.

**17. Multistate authorization to practice.** "Multistate authorization to practice" means a legally authorized privilege to practice that is equivalent to a license and is associated with a multistate license permitting the practice of social work in a remote state.

**18. Multistate license.** "Multistate license" means 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 member states under a multistate authorization to practice.

**19. Qualifying national examination.** "Qualifying national examination" means a national licensing examination approved by the commission.

**20. Regulated social worker.** "Regulated social worker" means a 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.** "Remote state" means a member state other than a licensee's home state.

**22. Rule or rule of commission.** "Rule" or "rule of the commission" means a regulation duly promulgated by the commission, as authorized by the compact, that has the force of law.

**23. Single-state license.** "Single-state license" means a social work license issued by any state that authorizes practice only within the issuing state and does not include a multistate authorization to practice in any member state.

**24. Social work or social work services.** "Social work" or "social work services" means the application of social work theory, knowledge, methods and 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 regulations in the state where the services are being provided.

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

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

**§7084. State participation in compact**

**1. Participation requirements.** To be eligible to participate in the compact, a potential member state must:

A. License and regulate the practice of social work at the clinical, master's or bachelor's category;

B. Require applicants for licensure to graduate from a program that is:

(1) Operated by a college or university recognized by the licensing authority; and

(2) 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 organization, or the United States Department of Education and corresponds to the licensure sought as outlined in section 7085;

C. Require applicants for clinical licensure to complete a period of supervised practice; and

D. Have a mechanism in place for receiving, investigating and adjudicating complaints about licensees.

**2. Duties.** To maintain membership in the compact, a member state must:

A. Require that applicants for a multistate license pass a qualifying national examination for the corresponding category of multistate license sought as outlined in section 7085;

B. Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules;

C. Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of current significant investigative information regarding a licensee;

D. Implement procedures for considering the criminal history records of applicants for a multistate license, including procedures for 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;

E. Comply with the rules of the commission;

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

G. Authorize a licensee holding a multistate license in any member state to practice in accordance with the terms of the compact and rules of the commission; and

H. Designate a delegate to participate in commission meetings.

**3. Issuance of multistate license.** A member state meeting the requirements of subsections 1 and 2 shall designate the categories of social work licensure that are eligible for issuance of a multistate license for applicants in that member state. To the extent that a member state does not meet the requirements for participation in the compact with respect to any particular category of social work licensure, that member state may choose to issue a multistate license to applicants that otherwise meet the requirements of section 7085 for issuance of a multistate license in that category of licensure.

**4. Fee.** A home state may charge a fee for granting a multistate license.

### **§7085. Social worker participation in compact**

**1. Minimum requirements.** To be eligible for a multistate license under the terms and provisions of the compact, an applicant, regardless of category, must:

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

B. Pay any applicable fees, including any state fee, for the multistate license;

C. Submit, in connection with an application for the 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;

D. Notify the home state of any adverse action, encumbrance or restriction on any professional license taken by any member state or nonmember state within 30 days from the date the action is taken;

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

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

**2. Clinical-category requirements.** An applicant for a clinical-category multistate license shall:

A. Fulfill a competency requirement, which must be satisfied by:

(1) Passage of a clinical-category qualifying national examination;

(2) Licensure of the applicant in the applicant's home state at the clinical category, beginning prior to the time a qualifying national examination was required by the home state and accompanied by a period of continuous social work licensure thereafter, all of which may be further governed by the rules of the commission; or

(3) The substantial equivalency of the competency requirements in subparagraphs (1) and (2) that the commission may determine by rule;

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

- (1) Operated by a college or university recognized by the licensing authority; and
- (2) 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 organization, or the United States Department of Education; and

C. Fulfill a practice requirement, which must be satisfied by demonstrating completion of:

- (1) A period of postgraduate supervised clinical practice equal to a minimum of 3,000 hours;
- (2) A minimum of 2 years of full-time postgraduate supervised clinical practice;  
or
- (3) The substantial equivalency of the practice requirements in subparagraphs (1) and (2) that the commission may determine by rule.

**3. Master's-category requirements.** An applicant for a master's-category multistate license shall:

A. Fulfill a competency requirement, which must be satisfied by:

- (1) Passage of a master's-category qualifying national examination;
- (2) Licensure of the applicant in the applicant's home state at the master's category, beginning prior to the time a qualifying national examination was required by the home state at the master's category and accompanied by a continuous period of social work licensure thereafter, all of which may be further governed by the rules of the commission; or
- (3) The substantial equivalency of the competency requirements in subparagraphs (1) and (2) that the commission may determine by rule; and

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

- (1) Operated by a college or university recognized by the licensing authority; and
- (2) 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 organization, or the United States Department of Education.

**4. Bachelor's category requirements.** An applicant for a bachelor's-category multistate license shall:

A. Fulfill a competency requirement, which must be satisfied by:

- (1) Passage of a bachelor's-category qualifying national examination;
- (2) Licensure of the applicant in the applicant's home state at the bachelor's category, beginning prior to the time a qualifying national examination was required by the home state and accompanied by a period of continuous social work licensure thereafter, all of which may be further governed by the rules of the commission; or

(3) The substantial equivalency of the competency requirements in subparagraphs (1) and (2) that the commission may determine by rule; and

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

(1) Operated by a college or university recognized by the licensing authority; and

(2) 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 organization, or the United States Department of Education.

**5. Renewal.** A 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 1 to be eligible to renew a multistate license.

**6. Remote state authority.** A regulated social worker's services in a remote state are subject to that member state's regulatory authority. A remote state may, in accordance with due process and that member state's laws, 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 citizens.

**7. Encumbered multistate license.** If a regulated social worker's multistate license is encumbered, the regulated social worker's multistate authorization to practice must be deactivated in all remote states until the multistate license is no longer encumbered.

**8. Multistate authorization to practice.** If a regulated social worker's 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.

#### **§7086. Issuance of multistate license**

**1. Eligibility for multistate license.** 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 accordance with section 7085.

**2. Issuance of multistate license.** If an applicant for a multistate license is eligible pursuant to section 7085, 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.

**3. Designation of category.** 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.

**4. Recognition of multistate license.** A multistate license issued by a home state to a resident in that state must be recognized by all compact member states as authorizing social work practice under a multistate authorization to practice corresponding to each category of licensure regulated in each member state.

#### **§7087. Authority of commission and member state licensing authorities**

**1. Authority of member state.** Nothing in this compact, nor any rule of the commission, may be construed to limit, restrict or in any way reduce the ability of a member state to enact and enforce laws, regulations or other rules related to the practice of social

work in that state, when those laws, regulations or other rules are not inconsistent with the provisions of this compact.

**2. Single-state license.** Nothing in this compact affects the requirements established by a member state for the issuance of a single-state license.

**3. Authority to take adverse action against single-state license.** Nothing in this compact, nor any rule of the commission, may 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.

**4. Authority to take adverse action against multistate authorization to practice.** Nothing in this compact, nor any rule of the commission, may be construed to limit, restrict 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.

**5. Authority to take adverse action against multistate license to practice.** Nothing in this compact, nor any rule of the commission, may be construed to limit, restrict or in any way reduce the ability of a licensee's home state to take adverse action against that licensee's multistate license based upon information provided by a remote state.

**§7088. Reissuance of multistate license by new home state**

**1. One multistate license.** A licensee may hold a multistate license issued by the licensee's home state in only one member state at any given time.

**2. Change of home state.** If a licensee changes the licensee's home state by moving between 2 member states, the following requirements must be met.

A. The licensee shall immediately apply for the reissuance of the licensee's multistate license in the licensee's new home state. The licensee shall pay all applicable fees and notify the prior home state in accordance with the rules of the commission.

B. Upon receipt of an application to reissue a multistate license, the new home state shall verify that the multistate license is active, unencumbered and eligible for reissuance under the terms of the compact and the rules of the commission. The multistate license issued by the prior home state must be deactivated and all member states notified in accordance with the applicable rules of the commission.

C. Prior to the reissuance of a multistate license, the new home state shall conduct procedures for considering the criminal history records of the licensee. Those procedures must 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.

D. The new home state may require completion of any jurisprudence requirements in the new home state if required for applicants for initial licensure.

E. Notwithstanding any provision of this compact to the contrary, if a licensee does not meet the requirements set forth in this compact for the reissuance of a multistate license by a new home state, the licensee is subject to the new home state requirements for the issuance of a single-state license in that state.

**3. Change of primary residence to nonmember state.** If a licensee changes the licensee's primary state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, the licensee is subject to the state requirements for the issuance of a single-state license in the new home state.

**4. Single-state license.** Nothing in this compact interferes with a licensee's ability to hold a single-state license in multiple states, except that, for the purposes of this compact, a licensee has only one home state and only one multistate license.

**5. Member state requirements for single-state license.** Nothing in this compact interferes with the requirements established by a member state for the issuance of a single-state license.

**§7089. Active duty military families**

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

**§7090. Adverse actions**

**1. Adverse action authority.** In addition to the other powers conferred by state law, a remote state has the authority, in accordance with state due process law, to take adverse action against a regulated social worker's multistate license 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 must be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. 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. Only the home state has the power to take adverse action against a regulated social worker's multistate license.

**2. Conduct; appropriate action.** For purposes of taking adverse action, a 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.

**3. Change of residence.** A home state shall complete any pending investigations of a regulated social worker who changes the social worker's home state during the course of an investigation under this section. The home state also has the authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the coordinated data system under section 7092. The administrator of the coordinated data system shall promptly notify the new home state of any adverse actions.

**4. Recovery.** A member state, if otherwise permitted by state law, may recover from an affected regulated social worker the costs of investigations and dispositions of cases resulting from any adverse action taken against that regulated social worker.

**5. Remote state findings.** A member state may take adverse action based on the factual findings of a remote state as long as the member state follows its own procedures for taking the adverse action.

**6. Joint investigations.** 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.

Member states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

**7. Deactivation.** If adverse action is taken by a 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 must 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 must 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.

**8. Notification.** If a member state takes adverse action, the member state shall promptly notify the administrator of the coordinated data system under section 7092. The administrator of the coordinated data system shall promptly notify the home state and all other member states of any adverse actions by remote states.

**9. Alternative program.** Nothing in this compact overrides a member state's decision that participation in an alternative program may be used in lieu of the adverse action authority under this section.

**10. Subpoenas.** Nothing in this compact authorizes a member 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 that member state.

**11. Imposition of discipline.** Nothing in this compact authorizes 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.

#### **§7091. Establishment of commission**

**1. Commission established.** The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the Social Work Licensure Compact. The commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The commission comes into existence on or after the effective date of the compact as set forth in section 7095.

**2. Membership, voting and meetings.** Membership, voting and meetings of the commission are governed by this subsection.

A. Each member state has and is limited to one delegate selected by that member state's licensing authority.

B. The delegate must be either:

(1) A member of the licensing authority at the time of appointment who is a licensed social worker or public member; or

(2) An administrator of the licensing authority or the administrator's designee.

C. The commission may recommend removal or suspension of any delegate from office.

D. The member state licensing authority shall fill any vacancy of its delegate occurring on the commission within 60 days of the vacancy.

E. Each delegate is entitled to one vote with regard to all matters before the commission requiring a vote by commission members.

F. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates to meet by telecommunication, videoconference or other similar electronic means.

G. The commission shall meet at least once during each calendar year. Additional meetings must be held as set forth in the bylaws. The commission may meet by telecommunication, videoconference or other similar electronic means.

H. The commission shall by rule establish a term of office for delegates and may by rule establish term limits.

**3. Powers and duties.** The commission has the following powers and duties:

A. To establish the fiscal year of the commission;

B. To establish code of conduct and conflict of interest policies;

C. To establish and amend rules and bylaws;

D. To maintain its financial records in accordance with the bylaws;

E. To meet and take such actions as are consistent with the provisions of this compact and the bylaws;

F. To initiate and conclude legal proceedings or actions in the name of the commission, as long as the standing of any state licensing authority to sue or be sued under applicable law is not affected;

G. To maintain and certify records and information provided to a member state as the authenticated business records of the commission and designate an agent to do so on the commission's behalf;

H. To purchase and maintain insurance and bonds;

I. To conduct an annual financial review;

J. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a member state;

K. To hire employees, elect or appoint officers, fix compensation, define duties and grant such individuals appropriate authority to carry out the purposes of the compact and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

L. To assess and collect fees;

M. To accept appropriate donations and grants of money, equipment, supplies, materials and services and receive, use and dispose of the same, as long as at all times the commission avoids any appearance of impropriety or conflict of interest;

N. To lease, purchase, accept appropriate gifts or donations of or otherwise own, hold, improve or use any property, real, personal or mixed, as long as at all times the commission avoids any appearance of impropriety;

O. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

P. To establish a budget and make expenditures;

Q. To borrow money;

R. To appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives and consumer representatives and such other interested persons as may be designated in this compact and the bylaws;

S. To provide and receive information from, and cooperate with, law enforcement agencies;

T. To establish and elect an executive committee, including a chair and vice-chair;

U. To determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact;

V. To adopt and prepare an annual report to member states; and

W. To perform other functions as may be necessary or appropriate to achieve the purposes of the compact.

**4. Executive committee.** The establishment of an executive committee is governed by this subsection.

A. The executive committee has the power to act on behalf of the commission according to the terms of the compact. The executive committee has the following duties and responsibilities:

(1) To oversee the day-to-day activities of the administration of the compact, including enforcement and compliance with the provisions of the compact, its rules and bylaws and other such duties as determined necessary;

(2) To recommend to the entire commission changes to the rules or bylaws, changes to the compact legislation, fees paid by compact member states, fees paid by licensees and other fees;

(3) To ensure compact administration services are appropriately provided, including by contract;

(4) To prepare and recommend the budget of the commission;

(5) To maintain financial records on behalf of the commission;

(6) To monitor compact compliance of member states and provide compliance reports to the commission;

(7) To establish additional committees as necessary;

(8) To 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; and

(9) To perform other duties as provided in rules or bylaws.

B. The executive committee is composed of up to 11 members:

(1) The chair and vice-chair of the commission, who are voting members of the executive committee;

(2) Five voting members who are elected by the commission from the membership of the commission; and

(3) Up to 4 ex officio, nonvoting members from 4 recognized national social work organizations. The ex officio members must be selected by their respective organizations.

C. The commission may remove any member of the executive committee as provided in the bylaws.

D. The executive committee shall meet at least once annually.

(1) Executive committee meetings are open to the public, except that the executive committee may meet in a closed, nonpublic meeting as provided in subsection 5, paragraph B.

(2) The executive committee shall give 7 days' notice of its meetings, posted on its publicly accessible website and as determined to provide notice to persons with an interest in the business of the commission.

(3) The executive committee may hold a special meeting in accordance with subsection 5.

**5. Meetings of commission.** Meetings of the commission are governed by this subsection.

A. Except as provided in paragraph B, all meetings are open to the public, and public notice of meetings must be given in the same manner as required under the rule-making provisions in section 7093. The commission may hold a special meeting when it must meet to conduct emergency business by giving 48 hours' notice to all delegates, on the commission's publicly accessible website and 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.

B. The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss:

(1) Noncompliance of a member state with its obligations under the compact;

(2) The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(3) Current, threatened or reasonably anticipated litigation;

(4) Negotiation of contracts for the purchase, lease or sale of goods, services or real estate;

(5) Accusing any person of a crime or formally censuring any person;

(6) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(7) Disclosure of information of a personal nature when disclosure would constitute a clearly unwarranted invasion of personal privacy;

(8) Disclosure of investigative records compiled for law enforcement purposes;

(9) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

(10) Matters specifically exempted from disclosure by federal or member state statute; or

(11) Other matters as promulgated by the commission by rule.

C. If a meeting, or portion of a meeting, is closed pursuant to paragraph B, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

D. 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 for those actions, including a description of the views expressed. All documents considered in connection with an action must be identified in the minutes. All minutes and documents of a closed meeting must remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

**6. Financing of commission.** Financing of the commission is governed by this subsection.

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

B. The commission may accept any appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

C. The commission may levy on and collect an annual assessment from each member state or impose fees on licensees of member states to whom it grants a multistate license to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount must be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

D. The commission may not incur obligations of any kind prior to securing the funds adequate to meet those obligations, and the commission may not pledge the credit of any of the member states, except by and with the authority of the member state.

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

**7. Qualified immunity, defense and indemnification.** Qualified immunity, defense and indemnification are governed by this subsection.

A. The members, officers, executive director, employees and representatives of the commission are immune from suit and liability, both personally and in their official capacity, 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 person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, except that this paragraph may not be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission may not in any way compromise or limit the immunity granted in this paragraph.

B. The commission shall defend any member, officer, executive director, employee or 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 person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, as long as the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct. This paragraph may not be construed to prohibit that person from retaining the person's own counsel at the person's own expense.

C. The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person 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 person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, as long as the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

D. This subsection may not be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which are governed solely by any other applicable state laws.

E. Nothing in this compact may 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 federal Sherman Act, the federal Clayton Act or any other state or federal antitrust or anticompetitive law or regulation.

F. Nothing in this compact may be construed to be a waiver of sovereign immunity by the member states or by the commission.

**§7092. Data system**

**1. Database and reporting system.** The commission shall provide for the development, maintenance, operation and use of a coordinated data system.

**2. Unique identifier.** The commission shall assign each applicant for a multistate license a unique identifier as determined by rule.

**3. Uniform data set submission.** Notwithstanding any 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:

A. Identifying information;

B. Licensure data;

C. Adverse actions against a license and information related to those adverse actions;

D. Nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under member state law;

E. Any denial of application for licensure and the reasons for that denial;

F. Current significant investigative information; and

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

**4. Current significant investigative information availability.** Current significant investigative information pertaining to a licensee in any member state may be made available only to other member states.

**5. Adverse action information.** It is the responsibility of the member states to report any adverse action taken against a licensee and to monitor the data system to determine whether adverse action has been taken against a licensee. Adverse action information pertaining to a licensee in any member state must be available to any other member state.

**6. Confidential information.** Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

**7. Information expungement.** Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information must be removed from the data system.

### **§7093. Rulemaking**

**1. Promulgation.** The commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the compact. A rule promulgated by the commission is invalid and has no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rule-making authority in a manner that is beyond the scope and purposes of the compact, or the powers granted under the compact, or based upon another applicable standard of review.

**2. Conflict; laws in member states.** The rules of the commission have the force of law in each member state, except that where the rules of the commission conflict with the laws of a member state that establish the member state's laws, regulations and applicable standards that govern the practice of social work as held by a court of competent

jurisdiction, the rules of the commission are ineffective in that state to the extent of the conflict.

**3. Powers.** The commission shall exercise its rule-making powers pursuant to the criteria set forth in this section and the rules adopted under this section. Rules and amendments become binding on the day following adoption or on the date specified in each rule or amendment, whichever is later.

**4. Rule rejection.** If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within 4 years of the date of adoption of the rule, that rule has no further force and effect in any member state.

**5. Rule adoption procedure.** Rules or amendments to the rules must be adopted at a regular or special meeting of the commission.

**6. Public hearing.** Prior to adoption of a proposed rule, the commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions and arguments.

A. All hearings must be recorded. A copy of the recording must be made available on request.

B. This section may not be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

**7. Notice of hearing.** Prior to promulgation and adoption of a final rule or rules by the commission, and at least 30 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

A. On the website of the commission or other publicly accessible platform;

B. To persons who have requested notice of the commission's notices of proposed rulemaking; and

C. In such other ways as the commission may specify by rule.

**8. Notice requirements.** The notice of proposed rulemaking must include:

A. The proposed 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 at which the commission will consider and vote upon the proposed rule;

B. If the hearing is held via telecommunication, videoconference or other electronic means, the commission shall publish the mechanism for access to the electronic hearing;

C. The text of the proposed rule or amendment and the reason for the proposed rule;

D. A request for comments on the proposed rule from any interested person; and

E. The manner in which interested persons may submit written comments.

**9. Final action.** The commission shall, by majority vote of all members, take final action on the proposed rule based on the rule-making record and the full text of the rule.

A. The commission may adopt changes to the proposed rule as long as the changes do not enlarge the original purpose of the proposed rule.

B. The commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

C. The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection 10, the effective date of the rule may not be earlier than 30 days after issuing the notice that it adopted or amended the rule.

**10. Emergency rulemaking.** Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 48 hours' notice, with opportunity to comment, as long as the usual rule-making procedures provided in the compact and in this section are retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this subsection, "emergency rule" means a rule that must be adopted immediately in order to:

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

B. Prevent a loss of commission or member state funds;

C. Meet a deadline for the promulgation of an administrative rule that is established by federal law or regulation; or

D. Protect public health and safety.

**11. Rule revisions.** The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions must be posted on the publicly accessible website of the commission. The revision is subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge must be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision takes effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

**12. Application of member state rules.** A member state's rule-making requirements do not apply under this compact.

#### **§7094. Oversight, dispute resolution and enforcement**

**1. Oversight.** Oversight of the compact is governed by this subsection.

A. 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 the compact. The provisions of the compact and the rules promulgated under the compact have standing as statutory law.

B. Except as otherwise provided in the compact, venue is proper and judicial proceedings by or against the commission must be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or

consents to participate in alternative dispute resolution proceedings. Nothing in this compact affects or limits the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.

C. The commission is entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and has standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission renders a judgment or order void as to the commission, this compact or promulgated rules.

**2. Default and technical assistance.** Default and technical assistance are governed by this subsection.

A. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(1) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and any other action to be taken by the commission; and

(2) Offer remedial training and specific technical assistance regarding the default.

B. The commission shall provide a copy of the notice of default under paragraph A to the other member states.

**3. Termination from compact.** If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

**4. Termination regulation.** Termination of membership in the compact may be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's licensing authority and each of the member states' licensing authorities.

**5. Responsibilities after termination.** Upon the termination of a state's membership from the compact, a state shall immediately provide notice to all licensees within that state of the termination. The state that has terminated its membership shall continue to recognize all licenses granted pursuant to this compact for a minimum of 6 months after the date of notice of termination. A state that has terminated its membership is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

**6. Costs.** The commission may not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

**7. Appeal.** The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party must be awarded all costs of that litigation, including reasonable attorney's fees.

**8. Dispute resolution.** Dispute resolution is governed by this subsection.

A. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

B. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

**9. Enforcement.** Enforcement of the compact is governed by this subsection.

A. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

B. By majority vote as provided by rule, the commission may initiate legal action against a member state in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of that litigation, including reasonable attorney's fees.

C. The remedies under this subsection are not the exclusive remedies of the commission. The commission may pursue any other remedies available under federal law or the defaulting state's law.

D. A person other than a member state may not enforce this compact against the commission.

**§7095. Effective date; withdrawal and amendment**

**1. Effective date.** The compact takes effect on the date on which the compact statute is enacted into law in the 7th participating state.

A. On or after the effective date of the compact, the commission shall convene and review the enactment of each of the first 7 member states that enacted the compact prior to the commission convening to determine if the statute enacted by each such charter member state is materially different from the model compact.

(1) A charter member state whose enactment is found to be materially different from the model compact is entitled to the default process set forth in section 7094, subsection 2.

(2) If any member state is later found to be in default, or is terminated or withdraws from the compact, the commission remains in existence and the compact remains in effect even if the number of member states is less than 7.

B. Member states enacting the compact subsequent to the charter member states are subject to the process set forth in section 7091, subsection 3, paragraph U to determine if the states' enactments are materially different from the model compact and whether the states qualify for participation in the compact.

C. All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence must be considered to be actions of the commission unless specifically repudiated by the commission.

**2. Subsequent member states.** Any state that joins the compact subsequent to the commission's initial adoption of the rules and bylaws is subject to the rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission has the full force and effect of law on the day the compact becomes law in that state.

**3. Withdrawal; notice.** Any member state may withdraw from the compact by enacting a statute repealing the compact.

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

**B.** Withdrawal does not affect the continuing requirement of the withdrawing state's professional licensing board to comply with the investigative and adverse action reporting requirements of this subchapter prior to the effective date of withdrawal.

**C.** Upon the enactment of a statute withdrawing from the compact, a state shall immediately provide notice of the withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, a 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.

**4. Other agreements or arrangements.** Nothing contained in this compact may be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

**5. Amendment.** The compact may be amended by the member states. An amendment to this compact does not become effective and binding upon any member state until it is enacted into the laws of all member states.

#### **§7096. Construction and severability**

**1. Construction.** The compact and the commission's rule-making authority must be liberally construed so as to effectuate the purposes, implementation and administration of the compact. The provisions of the compact expressly authorizing or requiring the promulgation of rules may not be construed to limit the commission's rule-making authority solely for those purposes.

**2. Severability.** The provisions of the compact are severable, and if any phrase, clause, sentence or provision of the compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, of a state seeking participation in the compact or of the United States, or the applicability of the compact to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of the compact and the applicability of the compact to any government, agency, person or circumstance is not affected.

#### **§7097. Consistent effect of compact and other laws**

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

**2. Enforcement.** Nothing in this subchapter prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

**3. Conflict.** Any laws, statutes, regulations, rules or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.

**4. Binding agreements.** All permissible agreements between the commission and the member states are binding in accordance with the terms of the agreements.

**§7098. Legislative intent**

This compact is the Maine enactment of the Social Work Licensure Compact. The form, format and text of the compact have been changed minimally so as to conform to Maine statutory conventions. The changes are technical in nature, and it is the intent of the Legislature that this compact be interpreted as substantively the same as the Social Work Licensure Compact that is enacted by other member states.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

**Administrative Services - Professional and Financial Regulation 0094**

Initiative: Allocates ongoing funds for the STA-CAP, service center support and technology costs associated with implementing the compact for licensing social workers.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
All Other	\$0	\$13,854
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$13,854</b>

**Office of Professional and Occupational Regulation 0352**

Initiative: Allocates funds for one Comprehensive Health Planner II position, one Public Service Coordinator II position and one Public Service Manager II position and related All Other costs to manage increased responsibilities including application review for compact privilege, compact compliance, compact reporting and joint investigations.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
POSITIONS - LEGISLATIVE COUNT	0.000	3.000
Personal Services	\$0	\$348,340
All Other	\$0	\$18,340
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$366,680</b>

**Office of Professional and Occupational Regulation 0352**

Initiative: Allocates funds for the STA-CAP and rule-making costs associated with implementing the compact for licensing social workers.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
All Other	\$0	\$6,169
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$6,169</b>

**PROFESSIONAL AND FINANCIAL  
REGULATION, DEPARTMENT OF  
DEPARTMENT TOTALS**

	<b>2023-24</b>	<b>2024-25</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$386,703</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$386,703</b>