

ADOPTED

Senators Walker of the 20th and Kirkpatrick of the 32nd offered the following substitute to SB 195:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to enter into an interstate compact known as the "Social Work Licensure
3 Compact"; to authorize the Georgia Composite Board of Professional Counselors, Social
4 Workers, and Marriage and Family Therapists to administer the compact in this state; to
5 provide for a short title; to remove the residency requirement for the issuance of licenses by
6 endorsement for certain professions; to amend Titles 31 and 43 of the Official Code of
7 Georgia Annotated, relating to health and professions and businesses, respectively, so as to
8 change certain provisions relating to soil classifiers and professional land surveyors; to
9 change the necessary experience requirements to qualify as a soil classifier to conduct soil
10 investigations and prepare soil reports for an on-site sewage management system; to revise
11 the definition of "soil classifier"; to provide for educational, experience, and examination
12 requirements for licensure as a professional land surveyor; to change and provide certain
13 provisions related to the issuance of land surveyor intern certificates; to conform a
14 cross-reference; to provide for related matters; to repeal conflicting laws; and for other
15 purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
19 is amended in Code Section 43-10A-5, relating to powers and duties of board, quorum, and
20 meetings, by revising subsection (h) as follows:

21 "(h) The board shall administer the Professional Counselors Licensure Compact contained
22 in Article 2 of this chapter and the Social Work Licensure Compact contained in Article 3
23 of this chapter."

24 **SECTION 2.**

25 Said title is further amended by adding a new article to read as follows:

26 **"ARTICLE 3**

27 43-10A-60.

28 This article shall be known and may be cited as the 'Social Work Licensure Compact Act.'

29 43-10A-61.

30 The Social Work Licensure Compact is enacted into law and entered into by the State of
31 Georgia with any and all other states legally joining therein in the form substantially as
32 follows:

33 **'SOCIAL WORK LICENSURE COMPACT ACT**34 **SECTION 1: PURPOSE**

35 The purpose of this Compact is to facilitate interstate practice of Regulated Social Workers
36 by improving public access to competent Social Work Services. The Compact preserves the

37 regulatory authority of States to protect public health and safety through the current system
38 of State licensure. This Compact is designed to achieve the following objectives:

39 A. Increase public access to Social Work Services;

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

42 C. Enhance the Member States' ability to protect the public's health and safety;

43 D. Encourage the cooperation of Member States in regulating multistate practice;

44 E. Promote mobility and address workforce shortages by eliminating the necessity for
45 licenses in multiple States by providing for the mutual recognition of other Member State
46 licenses;

47 F. Support military families;

48 G. Facilitate the exchange of licensure and disciplinary information among Member States;

49 H. Authorize all Member States to hold a Regulated Social Worker accountable for abiding
50 by the Member State's laws, regulations, and applicable professional standards in the
51 Member State in which the client is located at the time care is rendered; and

52 I. Allow for the use of telehealth to facilitate increased access to regulated Social Work
53 Services.

54 SECTION 2: DEFINITIONS

55 As used in this Compact, and except as otherwise provided, the following definitions shall
56 apply:

57 A. 'Active Military Member' means any individual in full-time duty status in the active
58 armed forces of the United States including members of the National Guard and Reserve.

59 B. 'Adverse Action' means any administrative, civil, equitable or criminal action permitted
60 by a State's laws which is imposed by a Licensing Authority or other authority against a
61 Regulated Social Worker, including actions against an individual's license or Multistate
62 Authorization to Practice such as revocation, suspension, probation, monitoring of the

63 Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure
64 affecting a Regulated Social Worker's authorization to practice, including issuance of a
65 cease and desist action.

66 C. 'Alternative Program' means a non-disciplinary monitoring or practice remediation
67 process approved by a Licensing Authority to address practitioners with an Impairment.

68 D. 'Charter Member States' - Member States who have enacted legislation to adopt this
69 Compact where such legislation predates the effective date of this Compact as defined in
70 Section 14.

71 E. 'Compact Commission' or 'Commission' means the government agency whose
72 membership consists of all States that have enacted this Compact, which is known as the
73 Social Work Licensure Compact Commission, as defined in Section 10, and which shall
74 operate as an instrumentality of the Member States.

75 F. 'Current Significant Investigative Information' means:

76 1. Investigative information that a Licensing Authority, after a preliminary inquiry that
77 includes notification and an opportunity for the Regulated Social Worker to respond has
78 reason to believe is not groundless and, if proved true, would indicate more than a minor
79 infraction as may be defined by the Commission; or

80 2. Investigative information that indicates that the Regulated Social Worker represents
81 an immediate threat to public health and safety, as may be defined by the Commission,
82 regardless of whether the Regulated Social Worker has been notified and has had an
83 opportunity to respond.

84 G. 'Data System' means a repository of information about Licensees, including, but not
85 limited to, continuing education, examination, licensure, Current Significant Investigative
86 Information, Disqualifying Event, Multistate License(s) and Adverse Action information
87 or other information as required by the Commission.

88 H. 'Domicile' means the jurisdiction in which the Licensee resides and intends to remain
89 indefinitely.

- 90 I. 'Disqualifying Event' means any Adverse Action or incident which results in an
91 Encumbrance that disqualifies or makes the Licensee ineligible to either obtain, retain or
92 renew a Multistate License.
- 93 J. 'Encumbrance' means a revocation or suspension of, or any limitation on, the full and
94 unrestricted practice of Social Work licensed and regulated by a Licensing Authority.
- 95 K. 'Executive Committee' means a group of delegates elected or appointed to act on behalf
96 of, and within the powers granted to them by, the compact and Commission.
- 97 L. 'Home State' means the Member State that is the Licensee's primary Domicile.
- 98 M. 'Impairment' means a condition(s) that may impair a practitioner's ability to engage in
99 full and unrestricted practice as a Regulated Social Worker without some type of
100 intervention and may include, but are not limited to, alcohol and drug dependence, mental
101 health impairment, and neurological or physical impairments.
- 102 N. 'Licensee(s)' means an individual who currently holds a license from a State to practice
103 as a Regulated Social Worker.
- 104 O. 'Licensing Authority' means the board or agency of a Member State, or equivalent, that
105 is responsible for the licensing and regulation of Regulated Social Workers.
- 106 P. 'Member State' means a state, commonwealth, district, or territory of the United States
107 of America that has enacted this Compact.
- 108 Q. 'Multistate Authorization to Practice' means a legally authorized privilege to practice,
109 which is equivalent to a license, associated with a Multistate License permitting the
110 practice of Social Work in a Remote State.
- 111 R. 'Multistate License' means a license to practice as a Regulated Social Worker issued by
112 a Home State Licensing Authority that authorizes the Regulated Social Worker to practice
113 in all Member States under Multistate Authorization to Practice.
- 114 S. 'Qualifying National Exam' means a national licensing examination approved by the
115 Commission.

116 T. 'Regulated Social Worker' means any clinical, master's or bachelor's Social Worker
117 licensed by a Member State regardless of the title used by that Member State.

118 U. 'Remote State' means a Member State other than the Licensee's Home State.

119 V. 'Rule(s)' or 'Rule(s) of the Commission' means a regulation or regulations duly
120 promulgated by the Commission, as authorized by the Compact, that has the force of law.

121 W. 'Single State License' means a Social Work license issued by any State that authorizes
122 practice only within the issuing State and does not include Multistate Authorization to
123 Practice in any Member State.

124 X. 'Social Work' or 'Social Work Services' means the application of social work theory,
125 knowledge, methods, ethics, and the professional use of self to restore or enhance social,
126 psychosocial, or biopsychosocial functioning of individuals, couples, families, groups,
127 organizations, and communities through the care and services provided by a Regulated
128 Social Worker as set forth in the Member State's statutes and regulations in the State where
129 the services are being provided.

130 Y. 'State' means any state, commonwealth, district, or territory of the United States of
131 America that regulates the practice of Social Work.

132 Z. 'Unencumbered License' means a license that authorizes a Regulated Social Worker to
133 engage in the full and unrestricted practice of Social Work.

134 SECTION 3: STATE PARTICIPATION IN THE COMPACT

135 A. To be eligible to participate in the compact, a potential Member State must currently
136 meet all of the following criteria:

137 1. License and regulate the practice of Social Work at either the clinical, master's, or
138 bachelor's category.

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

140 a. Operated by a college or university recognized by the Licensing Authority;

- 141 b. Accredited, or in candidacy by an institution that subsequently becomes accredited,
142 by an accrediting agency recognized by either:
143 i. the Council for Higher Education Accreditation, or its successor; or
144 ii. the United States Department of Education; and
145 c. Corresponds to the licensure sought as outlined in Section 4.
146 3. Require applicants for clinical licensure to complete a period of supervised practice.
147 4. Have a mechanism in place for receiving, investigating, and adjudicating complaints
148 about Licensees.
149 B. To maintain membership in the Compact a Member State shall:
150 1. Require applicants for a Multistate License pass a Qualifying National Exam for the
151 corresponding category of Multistate License sought as outlined in Section 4;
152 2. Participate fully in the Commission's Data System, including using the Commission's
153 unique identifier as defined in Rules;
154 3. Notify the Commission, in compliance with the terms of the Compact and Rules, of
155 any Adverse Action or the availability of Current Significant Investigative Information
156 regarding a Licensee;
157 4. Implement procedures for considering the criminal history records of applicants for a
158 Multistate License. Such procedures shall include the submission of fingerprints or other
159 biometric-based information by applicants for the purpose of obtaining an applicant's
160 criminal history record information from the Federal Bureau of Investigation and the
161 agency responsible for retaining that State's criminal records;
162 5. Comply with the Rules of the Commission;
163 6. Require an applicant to obtain or retain a license in the Home State and meet the Home
164 State's qualifications for licensure or renewal of licensure, as well as all other applicable
165 Home State laws;
166 7. Authorize a Licensee holding a Multistate License in any Member State to practice in
167 accordance with the terms of the Compact and Rules of the Commission; and

168 8. Designate a delegate to participate in the Commission meetings.

169 C. A Member State meeting the requirements of Section 3.A. and 3.B of this Compact shall
170 designate the categories of Social Work licensure that are eligible for issuance of a
171 Multistate License for applicants in such Member State. To the extent that any Member
172 State does not meet the requirements for participation in the Compact at any particular
173 category of Social Work licensure, such Member State may choose, but is not obligated to,
174 issue a Multistate License to applicants that otherwise meet the requirements of Section 4
175 for issuance of a Multistate License in such category or categories of licensure.

176 D. The Home State may charge a fee for granting the Multistate License.

177 SECTION 4: SOCIAL WORKER PARTICIPATION IN THE COMPACT

178 A. To be eligible for a Multistate License under the terms and provisions of the Compact,
179 an applicant, regardless of category must:

180 1. Hold or be eligible for an active, Unencumbered License in the Home State;

181 2. Pay any applicable fees, including any State fee, for the Multistate License;

182 3. Submit, in connection with an application for a Multistate License, fingerprints or other
183 biometric data for the purpose of obtaining criminal history record information from the
184 Federal Bureau of Investigation and the agency responsible for retaining that State's
185 criminal records;

186 4. Notify the Home State of any Adverse Action, Encumbrance, or restriction on any
187 professional license taken by any Member State or non-Member State within 30 days
188 from the date the action is taken;

189 5. Meet any continuing competence requirements established by the Home State;

190 6. Abide by the laws, regulations, and applicable standards in the Member State where
191 the client is located at the time care is rendered.

192 B. An applicant for a clinical-category Multistate License must meet all of the following
193 requirements:

- 194 1. Fulfill a competency requirement, which shall be satisfied by either:
195 a. Passage of a clinical-category Qualifying National Exam; or
196 b. Licensure of the applicant in their Home State at the clinical category, beginning
197 prior to such time as a Qualifying National Exam was required by the Home State and
198 accompanied by a period of continuous Social Work licensure thereafter, all of which
199 may be further governed by the Rules of the Commission; or
200 c. The substantial equivalency of the foregoing competency requirements which the
201 Commission may determine by Rule.
- 202 2. Attain at least a master's degree in Social Work from a program that is:
203 a. Operated by a college or university recognized by the Licensing Authority; and
204 b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting
205 agency recognized by either:
206 i. the Council for Higher Education Accreditation or its successor; or
207 ii. the United States Department of Education.
- 208 3. Fulfill a practice requirement, which shall be satisfied by demonstrating completion
209 of either:
210 a. A period of postgraduate supervised clinical practice equal to a minimum of three
211 thousand hours; or
212 b. A minimum of two years of full-time postgraduate supervised clinical practice; or
213 c. The substantial equivalency of the foregoing practice requirements which the
214 Commission may determine by Rule.
- 215 C. An applicant for a master's-category Multistate License must meet all of the following
216 requirements:
- 217 1. Fulfill a competency requirement, which shall be satisfied by either:
218 a. Passage of a masters-category Qualifying National Exam;
219 b. Licensure of the applicant in their Home State at the master's category, beginning
220 prior to such time as a Qualifying National Exam was required by the Home State at the

221 master's category and accompanied by a continuous period of Social Work licensure
222 thereafter, all of which may be further governed by the Rules of the Commission; or
223 c. The substantial equivalency of the foregoing competency requirements which the
224 Commission may determine by Rule.

225 2. Attain at least a master's degree in Social Work from a program that is:

226 a. Operated by a college or university recognized by the Licensing Authority; and

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

229 i. the Council for Higher Education Accreditation or its successor; or

230 ii. the United States Department of Education.

231 D. An applicant for a bachelor's-category Multistate License must meet all of the following
232 requirements:

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

234 a. Passage of a bachelor's-category Qualifying National Exam;

235 b. Licensure of the applicant in their Home State at the bachelor's category, beginning
236 prior to such time as a Qualifying National Exam was required by the Home State and
237 accompanied by a period of continuous Social Work licensure thereafter, all of which
238 may be further governed by the Rules of the Commission; or

239 c. The substantial equivalency of the foregoing competency requirements which the
240 Commission may determine by Rule.

241 2. Attain at least a bachelor's degree in Social Work from a program that is:

242 a. Operated by a college or university recognized by the Licensing Authority; and

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

245 i. the Council for Higher Education Accreditation or its successor; or

246 ii. the United States Department of Education.

247 E. The Multistate License for a Regulated Social Worker is subject to the renewal
248 requirements of the Home State. The Regulated Social Worker must maintain compliance
249 with the requirements of Section 4(A).

250 F. The Regulated Social Worker's services in a Remote State are subject to that Member
251 State's regulatory authority. A Remote State may, in accordance with due process and that
252 Member State's laws, remove a Regulated Social Worker's Multistate Authorization to
253 Practice in the Remote State for a specific period of time, impose fines, and take any other
254 necessary actions to protect the health and safety of its citizens.

255 G. If a Multistate License is encumbered, the Regulated Social Worker's Multistate
256 Authorization to Practice shall be deactivated in all Remote States until the Multistate
257 License is no longer encumbered.

258 H. If a Multistate Authorization to Practice is encumbered in a Remote State, the regulated
259 Social Worker's Multistate Authorization to Practice may be deactivated in that State until
260 the Multistate Authorization to Practice is no longer encumbered.

261 SECTION 5: ISSUANCE OF A MULTISTATE LICENSE

262 A. Upon receipt of an application for Multistate License, the Home State Licensing
263 Authority shall determine the applicant's eligibility for a Multistate License in accordance
264 with Section 4 of this Compact.

265 B. If such applicant is eligible pursuant to Section 4 of this Compact, the Home State
266 Licensing Authority shall issue a Multistate License that authorizes the applicant or
267 Regulated Social Worker to practice in all Member States under a Multistate Authorization
268 to Practice.

269 C. Upon issuance of a Multistate License, the Home State Licensing Authority shall
270 designate whether the Regulated Social Worker holds a Multistate License in the
271 Bachelors, Masters, or Clinical category of Social Work.

272 D. A Multistate License issued by a Home State to a resident in that State shall be
273 recognized by all Compact Member States as authorizing Social Work Practice under a
274 Multistate Authorization to Practice corresponding to each category of licensure regulated
275 in the Member State.

276 SECTION 6: AUTHORITY OF INTERSTATE COMPACT COMMISSION AND
277 MEMBER STATE LICENSING AUTHORITIES

278 A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit,
279 restrict, or in any way reduce the ability of a Member State to enact and enforce laws,
280 regulations, or other rules related to the practice of Social Work in that State, where those
281 laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

282 B. Nothing in this Compact shall affect the requirements established by a Member State
283 for the issuance of a Single State License.

284 C. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit,
285 restrict, or in any way reduce the ability of a Member State to take Adverse Action against
286 a Licensee's Single State License to practice Social Work in that State.

287 D. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit,
288 restrict, or in any way reduce the ability of a Remote State to take Adverse Action against
289 a Licensee's Authorization to Practice in that State.

290 E. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit,
291 restrict, or in any way reduce the ability of a Licensee's Home State to take Adverse Action
292 against a Licensee's Multistate License based upon information provided by a Remote
293 State.

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

295 A. A Licensee may hold a Multistate License, issued by their Home State, in only one
296 Member State at any given time.

297 B. If a Licensee changes their Home State by moving between two Member States:

298 1. The Licensee shall immediately apply for the reissuance of their Multistate License in
299 their new Home State. The Licensee shall pay all applicable fees and notify the prior
300 Home State in accordance with the Rules of the Commission.

301 2. Upon receipt of an application to reissue a Multistate License, the new Home State
302 shall verify that the Multistate License is active, unencumbered and eligible for
303 reissuance under the terms of the Compact and the Rules of the Commission. The
304 Multistate License issued by the prior Home State will be deactivated and all Member
305 States notified in accordance with the applicable Rules adopted by the Commission.

306 3. Prior to the reissuance of the Multistate License, the new Home State shall conduct
307 procedures for considering the criminal history records of the Licensee. Such procedures
308 shall include the submission of fingerprints or other biometric-based information by
309 applicants for the purpose of obtaining an applicant's criminal history record information
310 from the Federal Bureau of Investigation and the agency responsible for retaining that
311 State's criminal records.

312 4. If required for initial licensure, the new Home State may require completion of
313 jurisprudence requirements in the new Home State.

314 5. Notwithstanding any other provision of this Compact, if a Licensee does not meet the
315 requirements set forth in this Compact for the reissuance of a Multistate License by the
316 new Home State, then the Licensee shall be subject to the new Home State requirements
317 for the issuance of a Single State License in that State.

318 C. If a Licensee changes their primary State of residence by moving from a Member State
319 to a non-Member State, or from a non-Member State to a Member State, then the Licensee
320 shall be subject to the State requirements for the issuance of a Single State License in the
321 new Home State.

322 D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State
323 License in multiple States; however, for the purposes of this Compact, a Licensee shall
324 have only one Home State, and only one Multistate License.

325 E. Nothing in this Compact shall interfere with the requirements established by a Member
326 State for the issuance of a Single State License.

327 SECTION 8: MILITARY FAMILIES

328 An Active Military Member or their spouse shall designate a Home State where the
329 individual has a Multistate License. The individual may retain their Home State designation
330 during the period the service member is on active duty.

331 SECTION 9: ADVERSE ACTIONS

332 A. In addition to the other powers conferred by State law, a Remote State shall have the
333 authority, in accordance with existing State due process law, to:

334 1. Take Adverse Action against a Regulated Social Worker's Multistate Authorization to
335 Practice only within that Member State, and issue subpoenas for both hearings and
336 investigations that require the attendance and testimony of witnesses as well as the
337 production of evidence. Subpoenas issued by a Licensing Authority in a Member State
338 for the attendance and testimony of witnesses or the production of evidence from another
339 Member State shall be enforced in the latter State by any court of competent jurisdiction,
340 according to the practice and procedure of that court applicable to subpoenas issued in
341 proceedings pending before it. The issuing authority shall pay any witness fees, travel
342 expenses, mileage, and other fees required by the service statutes of the State in which
343 the witnesses or evidence are located.

344 2. Only the Home State shall have the power to take Adverse Action against a Regulated
345 Social Worker's Multistate License.

346 B. For purposes of taking Adverse Action, the Home State shall give the same priority and
347 effect to reported conduct received from a Member State as it would if the conduct had
348 occurred within the Home State. In so doing, the Home State shall apply its own State laws
349 to determine appropriate action.

350 C. The Home State shall complete any pending investigations of a Regulated Social
351 Worker who changes their Home State during the course of the investigations. The Home
352 State shall also have the authority to take appropriate action(s) and shall promptly report
353 the conclusions of the investigations to the administrator of the Data System. The
354 administrator of the Data System shall promptly notify the new Home State of any Adverse
355 Actions.

356 D. A Member State, if otherwise permitted by State law, may recover from the affected
357 Regulated Social Worker the costs of investigations and dispositions of cases resulting
358 from any Adverse Action taken against that Regulated Social Worker.

359 E. A Member State may take Adverse Action based on the factual findings of another
360 Member State, provided that the Member State follows its own procedures for taking the
361 Adverse Action.

362 F. Joint Investigations:

363 1. In addition to the authority granted to a Member State by its respective Social Work
364 practice act or other applicable State law, any Member State may participate with other
365 Member States in joint investigations of Licensees.

366 2. Member States shall share any investigative, litigation, or compliance materials in
367 furtherance of any joint or individual investigation initiated under the Compact.

368 G. If Adverse Action is taken by the Home State against the Multistate License of a
369 Regulated Social Worker, the Regulated Social Worker's Multistate Authorization to
370 Practice in all other Member States shall be deactivated until all Encumbrances have been
371 removed from the Multistate License. All Home State disciplinary orders that impose
372 Adverse Action against the license of a Regulated Social Worker shall include a statement

373 that the Regulated Social Worker's Multistate Authorization to Practice is deactivated in
374 all Member States until all conditions of the decision, order or agreement are satisfied.

375 H. If a Member State takes Adverse Action, it shall promptly notify the administrator of
376 the Data System. The administrator of the Data System shall promptly notify the Home
377 State and all other Member State's of any Adverse Actions by Remote States.

378 I. Nothing in this Compact shall override a Member State's decision that participation in
379 an Alternative Program may be used in lieu of Adverse Action. Nothing in this Compact
380 shall authorize a Member State to demand the issuance of subpoenas for attendance and
381 testimony of witnesses or the production of evidence from another Member State for lawful
382 actions within that Member State.

383 J. Nothing in this Compact shall authorize a Member State to impose discipline against a
384 Regulated Social Worker who holds a Multistate Authorization to Practice for lawful
385 actions within another Member State.

386 SECTION 10: ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT
387 COMMISSION

388 A. The Compact Member States hereby create and establish a joint government agency
389 whose membership consists of all Member States that have enacted the compact known as
390 the Social Work Licensure Compact Commission. The Commission is an instrumentality
391 of the Compact States acting jointly and not an instrumentality of any one State. The
392 Commission shall come into existence on or after the effective date of the Compact as set
393 forth in Section 14.

394 B. Membership, Voting, and Meetings

395 1. Each Member State shall have and be limited to one (1) delegate selected by that
396 Member State's State Licensing Authority.

397 2. The delegate shall be either:

- 398 a. A current member of the State Licensing Authority at the time of appointment, who
399 is a Regulated Social Worker or public member of the State Licensing Authority; or
400 b. An administrator of the State Licensing Authority or their designee.
- 401 3. The Commission shall by Rule or bylaw establish a term of office for delegates and
402 may by Rule or bylaw establish term limits.
- 403 4. The Commission may recommend removal or suspension of any delegate from office.
- 404 5. A Member State's State Licensing Authority shall fill any vacancy of its delegate
405 occurring on the Commission within 60 days of the vacancy.
- 406 6. Each delegate shall be entitled to one vote on all matters before the Commission
407 requiring a vote by Commission delegates.
- 408 7. A delegate shall vote in person or by such other means as provided in the bylaws. The
409 bylaws may provide for delegates to meet by telecommunication, videoconference, or
410 other means of communication.
- 411 8. The Commission shall meet at least once during each calendar year. Additional
412 meetings may be held as set forth in the bylaws. The Commission may meet by
413 telecommunication, video conference or other similar electronic means.
- 414 C. The Commission shall have the following powers:
- 415 1. Establish the fiscal year of the Commission;
416 2. Establish code of conduct and conflict of interest policies;
417 3. Establish and amend Rules and bylaws;
418 4. Maintain its financial records in accordance with the bylaws;
419 5. Meet and take such actions as are consistent with the provisions of this Compact, the
420 Commission's Rules, and the bylaws;
421 6. Initiate and conclude legal proceedings or actions in the name of the Commission,
422 provided that the standing of any State Licensing Board to sue or be sued under
423 applicable law shall not be affected;

- 424 7. Maintain and certify records and information provided to a Member State as the
425 authenticated business records of the Commission, and designate an agent to do so on the
426 Commission's behalf;
- 427 8. Purchase and maintain insurance and bonds;
- 428 9. Borrow, accept, or contract for services of personnel, including, but not limited to,
429 employees of a Member State;
- 430 10. Conduct an annual financial review;
- 431 11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such
432 individuals appropriate authority to carry out the purposes of the Compact, and establish
433 the Commission's personnel policies and programs relating to conflicts of interest,
434 qualifications of personnel, and other related personnel matters;
- 435 12. Assess and collect fees;
- 436 13. Accept any and all appropriate gifts, donations, grants of money, other sources of
437 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose
438 of the same; provided that at all times the Commission shall avoid any appearance of
439 impropriety or conflict of interest;
- 440 14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or
441 mixed, or any undivided interest therein;
- 442 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any
443 property real, personal, or mixed;
- 444 16. Establish a budget and make expenditures;
- 445 17. Borrow money;
- 446 18. Appoint committees, including standing committees, composed of members, State
447 regulators, State legislators or their representatives, and consumer representatives, and
448 such other interested persons as may be designated in this Compact and the bylaws;
- 449 19. Provide and receive information from, and cooperate with, law enforcement agencies;
- 450 20. Establish and elect an Executive Committee, including a chair and a vice chair;

451 21. Determine whether a State's adopted language is materially different from the model
452 compact language such that the State would not qualify for participation in the Compact;
453 and

454 22. Perform such other functions as may be necessary or appropriate to achieve the
455 purposes of this Compact.

456 D. The Executive Committee

457 1. The Executive Committee shall have the power to act on behalf of the Commission
458 according to the terms of this Compact. The powers, duties, and responsibilities of the
459 Executive Committee shall include:

460 a. Oversee the day-to-day activities of the administration of the compact including
461 enforcement and compliance with the provisions of the compact, its Rules and bylaws,
462 and other such duties as deemed necessary;

463 b. Recommend to the Commission changes to the Rules or bylaws, changes to this
464 Compact legislation, fees charged to Compact Member States, fees charged to
465 Licensees, and other fees;

466 c. Ensure Compact administration services are appropriately provided, including by
467 contract;

468 d. Prepare and recommend the budget;

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

470 f. Monitor Compact compliance of Member States and provide compliance reports to
471 the Commission;

472 g. Establish additional committees as necessary;

473 h. Exercise the powers and duties of the Commission during the interim between
474 Commission meetings, except for adopting or amending Rules, adopting or amending
475 bylaws, and exercising any other powers and duties expressly reserved to the
476 Commission by Rule or bylaw; and

477 i. Other duties as provided in the Rules or bylaws of the Commission.

- 478 2. The Executive Committee shall be composed of up to eleven (11) members:
- 479 a. The chair and vice chair of the Commission shall be voting members of the
- 480 Executive Committee.
- 481 b. The Commission shall elect five voting members from the current membership of the
- 482 Commission.
- 483 c. Up to four (4) ex-officio, nonvoting members from four (4) recognized national
- 484 Social Work organizations.
- 485 d. The ex-officio members will be selected by their respective organizations.
- 486 3. The Commission may remove any member of the Executive Committee as provided
- 487 in the Commission's bylaws.
- 488 4. The Executive Committee shall meet at least annually.
- 489 a. Executive Committee meetings shall be open to the public, except that the Executive
- 490 Committee may meet in a closed, non-public meeting as provided in subsection F.2
- 491 below.
- 492 b. The Executive Committee shall give seven (7) days' notice of its meetings, posted
- 493 on its website and as determined to provide notice to persons with an interest in the
- 494 business of the Commission.
- 495 c. The Executive Committee may hold a special meeting in accordance with subsection
- 496 F.1.b. below.
- 497 E. The Commission shall adopt and provide to the Member States an annual report.
- 498 F. Meetings of the Commission
- 499 1. All meetings shall be open to the public, except that the Commission may meet in a
- 500 closed, non-public meeting as provided in subsection F.2 below.
- 501 a. Public notice for all meetings of the full Commission of meetings shall be given in
- 502 the same manner as required under the Rulemaking provisions in Section 12, except
- 503 that the Commission may hold a special meeting as provided in subsection F.1.b below.

- 504 b. The Commission may hold a special meeting when it must meet to conduct
505 emergency business by giving 48 hours' notice to all commissioners, on the
506 Commission's website, and other means as provided in the Commission's Rules. The
507 Commission's legal counsel shall certify that the Commission's need to meet qualifies
508 as an emergency.
- 509 2. The Commission or the Executive Committee or other committees of the Commission
510 may convene in a closed, non-public meeting for the Commission or Executive
511 Committee or other committees of the Commission to receive legal advice or to discuss:
- 512 a. Non-compliance of a Member State with its obligations under the Compact;
513 b. The employment, compensation, discipline or other matters, practices or procedures
514 related to specific employees;
515 c. Current or threatened discipline of a Licensee by the Commission or by a Member
516 State's Licensing Authority;
517 d. Current, threatened, or reasonably anticipated litigation;
518 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
519 estate;
520 f. Accusing any person of a crime or formally censuring any person;
521 g. Trade secrets or commercial or financial information that is privileged or
522 confidential;
523 h. Information of a personal nature where disclosure would constitute a clearly
524 unwarranted invasion of personal privacy;
525 i. Investigative records compiled for law enforcement purposes;
526 j. Information related to any investigative reports prepared by or on behalf of or for use
527 of the Commission or other committee charged with responsibility of investigation or
528 determination of compliance issues pursuant to the Compact;
529 k. Matters specifically exempted from disclosure by federal or Member State law; or
530 l. Other matters as promulgated by the Commission by Rule.

531 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the
532 meeting will be closed and reference each relevant exempting provision, and such
533 reference shall be recorded in the minutes.

534 4. The Commission shall keep minutes that fully and clearly describe all matters
535 discussed in a meeting and shall provide a full and accurate summary of actions taken,
536 and the reasons therefore, including a description of the views expressed. All documents
537 considered in connection with an action shall be identified in such minutes. All minutes
538 and documents of a closed meeting shall remain under seal, subject to release only by a
539 majority vote of the Commission or order of a court of competent jurisdiction.

540 G. Financing of the Commission

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

543 2. The Commission may accept any and all appropriate revenue sources as provided in
544 subsection C(13).

545 3. The Commission may levy on and collect an annual assessment from each Member
546 State and impose fees on Licensees of Member States to whom it grants a Multistate
547 License to cover the cost of the operations and activities of the Commission and its staff,
548 which must be in a total amount sufficient to cover its annual budget as approved each
549 year for which revenue is not provided by other sources. The aggregate annual
550 assessment amount for Member States shall be allocated based upon a formula that the
551 Commission shall promulgate by Rule.

552 4. The Commission shall not incur obligations of any kind prior to securing the funds
553 adequate to meet the same; nor shall the Commission pledge the credit of any of the
554 Member States, except by and with the authority of the Member State.

555 5. The Commission shall keep accurate accounts of all receipts and disbursements. The
556 receipts and disbursements of the Commission shall be subject to the financial review and
557 accounting procedures established under its bylaws. However, all receipts and

558 disbursements of funds handled by the Commission shall be subject to an annual financial
559 review by a certified or licensed public accountant, and the report of the financial review
560 shall be included in and become part of the annual report of the Commission.

561 H. Qualified Immunity, Defense, and Indemnification

562 1. The members, officers, executive director, employees and representatives of the
563 Commission shall be immune from suit and liability, both personally and in their official
564 capacity, for any claim for damage to or loss of property or personal injury or other civil
565 liability caused by or arising out of any actual or alleged act, error, or omission that
566 occurred, or that the person against whom the claim is made had a reasonable basis for
567 believing occurred within the scope of Commission employment, duties or
568 responsibilities; provided that nothing in this paragraph shall be construed to protect any
569 such person from suit or liability for any damage, loss, injury, or liability caused by the
570 intentional or willful or wanton misconduct of that person. The procurement of insurance
571 of any type by the Commission shall not in any way compromise or limit the immunity
572 granted hereunder.

573 2. The Commission shall defend any member, officer, executive director, employee, and
574 representative of the Commission in any civil action seeking to impose liability arising
575 out of any actual or alleged act, error, or omission that occurred within the scope of
576 Commission employment, duties, or responsibilities, or as determined by the Commission
577 that the person against whom the claim is made had a reasonable basis for believing
578 occurred within the scope of Commission employment, duties, or responsibilities;
579 provided that nothing herein shall be construed to prohibit that person from retaining their
580 own counsel at their own expense; and provided further, that the actual or alleged act,
581 error, or omission did not result from that person's intentional or willful or wanton
582 misconduct.

583 3. The Commission shall indemnify and hold harmless any member, officer, executive
584 director, employee, and representative of the Commission for the amount of any

585 settlement or judgment obtained against that person arising out of any actual or alleged
586 act, error, or omission that occurred within the scope of Commission employment, duties,
587 or responsibilities, or that such person had a reasonable basis for believing occurred
588 within the scope of Commission employment, duties, or responsibilities, provided that
589 the actual or alleged act, error, or omission did not result from the intentional or willful
590 or wanton misconduct of that person.

591 4. Nothing herein shall be construed as a limitation on the liability of any Licensee for
592 professional malpractice or misconduct, which shall be governed solely by any other
593 applicable State laws.

594 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member
595 State's state action immunity or state action affirmative defense with respect to antitrust
596 claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or
597 anticompetitive law or regulation.

598 6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by
599 the Member States or by the Commission.

600 SECTION 11: DATA SYSTEM

601 A. The Commission shall provide for the development, maintenance, operation, and
602 utilization of a coordinated database and reporting system containing licensure, Adverse
603 Action, and the presence of Current Significant Investigative Information on all licensed
604 individuals in Member States.

605 B. The Commission shall assign each applicant for a Multistate License a unique identifier,
606 as determined by the Rules of the Commission.

607 C. Notwithstanding any other provision of State law to the contrary, a Member State shall
608 submit a uniform data set to the Data System on all individuals to whom this Compact is
609 applicable as required by the Rules of the Commission, including:

610 1. Identifying information;

- 611 2. Licensure data;
- 612 3. Adverse Actions against a license and information related thereto;
- 613 4. Non-confidential information related to Alternative Program participation, the
- 614 beginning and ending dates of such participation, and other information related to such
- 615 participation not made confidential under Member State law;
- 616 5. Any denial of application for licensure, and the reason(s) for such denial;
- 617 6. The presence of Current Significant Investigative Information; and
- 618 7. Other information that may facilitate the administration of this Compact or the
- 619 protection of the public, as determined by the Rules of the Commission.
- 620 D. The records and information provided to a Member State pursuant to this Compact or
- 621 through the Data System, when certified by the Commission or an agent thereof, shall
- 622 constitute the authenticated business records of the Commission, and shall be entitled to
- 623 any associated hearsay exception in any relevant judicial, quasi-judicial or administrative
- 624 proceedings in a Member State.
- 625 E. Current Significant Investigative Information pertaining to a Licensee in any Member
- 626 State will only be available to other Member States.
- 627 1. It is the responsibility of the Member States to report any Adverse Action against a
- 628 Licensee and to monitor the database to determine whether Adverse Action has been
- 629 taken against a Licensee. Adverse Action information pertaining to a Licensee in any
- 630 Member State will be available to any other Member State.
- 631 F. Member States contributing information to the Data System may designate information
- 632 that may not be shared with the public without the express permission of the contributing
- 633 State.
- 634 G. Any information submitted to the Data System that is subsequently expunged pursuant
- 635 to federal law or the laws of the Member State contributing the information shall be
- 636 removed from the Data System.

637 SECTION 12: RULEMAKING

638 A. The Commission shall promulgate reasonable Rules in order to effectively and
639 efficiently implement and administer the purposes and provisions of the Compact. A Rule
640 shall be invalid and have no force or effect only if a court of competent jurisdiction holds
641 that the Rule is invalid because the Commission exercised its rulemaking authority in a
642 manner that is beyond the scope and purposes of the Compact, or the powers granted
643 hereunder, or based upon another applicable standard of review.

644 B. The Rules of the Commission shall have the force of law in each Member State,
645 provided however that where the Rules of the Commission conflict with the laws of the
646 Member State that establish the Member State's laws, regulations, and applicable standards
647 as held by a court of competent jurisdiction, the Rules of the Commission shall be
648 ineffective in that State to the extent of the conflict.

649 C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth
650 in this Section and the Rules adopted thereunder. Rules shall become binding on the day
651 following adoption or the date specified in the rule or amendment, whichever is later.

652 D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule,
653 by enactment of a statute or resolution in the same manner used to adopt the Compact
654 within four (4) years of the date of adoption of the Rule, then such Rule shall have no
655 further force and effect in any Member State.

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

657 F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and
658 allow persons to provide oral and written comments, data, facts, opinions, and arguments.

659 G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days
660 in advance of the meeting at which the Commission will hold a public hearing on the
661 proposed Rule, the Commission shall provide a Notice of Proposed Rulemaking:

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

663 2. To persons who have requested notice of the Commission's notices of proposed
664 rulemaking, and

665 3. In such other way(s) as the Commission may by Rule specify.

666 H. The Notice of Proposed Rulemaking shall include:

667 1. The time, date, and location of the public hearing at which the Commission will hear
668 public comments on the proposed Rule and, if different, the time, date, and location of
669 the meeting where the Commission will consider and vote on the proposed Rule;

670 2. If the hearing is held via telecommunication, video conference, or other electronic
671 means, the Commission shall include the mechanism for access to the hearing in the
672 Notice of Proposed Rulemaking;

673 3. The text of the proposed Rule and the reason therefor;

674 4. A request for comments on the proposed Rule from any interested person; and

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

676 I. All hearings will be recorded. A copy of the recording and all written comments and
677 documents received by the Commission in response to the proposed Rule shall be available
678 to the public.

679 J. Nothing in this section shall be construed as requiring a separate hearing on each Rule.
680 Rules may be grouped for the convenience of the Commission at hearings required by this
681 section.

682 K. The Commission shall, by majority vote of all members, take final action on the
683 proposed Rule based on the Rulemaking record and the full text of the Rule.

684 1. The Commission may adopt changes to the proposed Rule provided the changes do not
685 enlarge the original purpose of the proposed Rule.

686 2. The Commission shall provide an explanation of the reasons for substantive changes
687 made to the proposed Rule as well as reasons for substantive changes not made that were
688 recommended by commenters.

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

692 L. Upon determination that an emergency exists, the Commission may consider and adopt
693 an emergency Rule with 48 hours' notice, with opportunity to comment, provided that the
694 usual Rulemaking procedures provided in the Compact and in this section shall be
695 retroactively applied to the Rule as soon as reasonably possible, in no event later than
696 ninety (90) days after the effective date of the Rule. For the purposes of this provision, an
697 emergency Rule is one that must be adopted immediately in order to:

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

699 2. Prevent a loss of Commission or Member State funds;

700 3. Meet a deadline for the promulgation of a Rule that is established by federal law or
701 rule; or

702 4. Protect public health and safety.

703 M. The Commission or an authorized committee of the Commission may direct revisions
704 to a previously adopted Rule for purposes of correcting typographical errors, errors in
705 format, errors in consistency, or grammatical errors. Public notice of any revisions shall be
706 posted on the website of the Commission. The revision shall be subject to challenge by any
707 person for a period of thirty (30) days after posting. The revision may be challenged only
708 on grounds that the revision results in a material change to a Rule. A challenge shall be
709 made in writing and delivered to the Commission prior to the end of the notice period. If
710 no challenge is made, the revision will take effect without further action. If the revision is
711 challenged, the revision may not take effect without the approval of the Commission.

712 N. No Member State's rulemaking requirements shall apply under this compact.

713 SECTION 13: OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT714 A. Oversight

715 1. The executive and judicial branches of State government in each Member State shall
716 enforce this Compact and take all actions necessary and appropriate to implement the
717 Compact.

718 2. Except as otherwise provided in this Compact, venue is proper and judicial
719 proceedings by or against the Commission shall be brought solely and exclusively in a
720 court of competent jurisdiction where the principal office of the Commission is located.
721 The Commission may waive venue and jurisdictional defenses to the extent it adopts or
722 consents to participate in alternative dispute resolution proceedings. Nothing herein shall
723 affect or limit the selection or propriety of venue in any action against a Licensee for
724 professional malpractice, misconduct or any such similar matter.

725 3. The Commission shall be entitled to receive service of process in any proceeding
726 regarding the enforcement or interpretation of the Compact and shall have standing to
727 intervene in such a proceeding for all purposes. Failure to provide the Commission
728 service of process shall render a judgment or order void as to the Commission, this
729 Compact, or promulgated Rules.

730 B. Default, Technical Assistance, and Termination

731 1. If the Commission determines that a Member State has defaulted in the performance
732 of its obligations or responsibilities under this Compact or the promulgated Rules, the
733 Commission shall provide written notice to the defaulting State. The notice of default
734 shall describe the default, the proposed means of curing the default, and any other action
735 that the Commission may take, and shall offer training and specific technical assistance
736 regarding the default.

737 2. The Commission shall provide a copy of the notice of default to the other Member
738 States.

739 C. If a State in default fails to cure the default, the defaulting State may be terminated from
740 the Compact upon an affirmative vote of a majority of the delegates of the Member States,
741 and all rights, privileges and benefits conferred on that State by this Compact may be
742 terminated on the effective date of termination. A cure of the default does not relieve the
743 offending State of obligations or liabilities incurred during the period of default.

744 D. Termination of membership in the Compact shall be imposed only after all other means
745 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall
746 be given by the Commission to the governor, the majority and minority leaders of the
747 defaulting State's legislature, the defaulting State's State Licensing Authority and each of
748 the Member States' State Licensing Authority.

749 E. A State that has been terminated is responsible for all assessments, obligations, and
750 liabilities incurred through the effective date of termination, including obligations that
751 extend beyond the effective date of termination.

752 F. Upon the termination of a State's membership from this Compact, that State shall
753 immediately provide notice to all Licensees within that State of such termination. The
754 terminated State shall continue to recognize all licenses granted pursuant to this Compact
755 for a minimum of six (6) months after the date of said notice of termination.

756 G. The Commission shall not bear any costs related to a State that is found to be in default
757 or that has been terminated from the Compact, unless agreed upon in writing between the
758 Commission and the defaulting State.

759 H. The defaulting State may appeal the action of the Commission by petitioning the U.S.
760 District Court for the District of Columbia or the federal district where the Commission has
761 its principal offices. The prevailing party shall be awarded all costs of such litigation,
762 including reasonable attorney's fees.

763 I. Dispute Resolution

764 1. Upon request by a Member State, the Commission shall attempt to resolve disputes
765 related to the Compact that arise among Member States and between Member and
766 non-Member States.

767 2. The Commission shall promulgate a Rule providing for both mediation and binding
768 dispute resolution for disputes as appropriate.

769 J. Enforcement

770 1. By majority vote as provided by Rule, the Commission may initiate legal action against
771 a Member State in default in the United States District Court for the District of Columbia
772 or the federal district where the Commission has its principal offices to enforce
773 compliance with the provisions of the Compact and its promulgated Rules. The relief
774 sought may include both injunctive relief and damages. In the event judicial enforcement
775 is necessary, the prevailing party shall be awarded all costs of such litigation, including
776 reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the
777 Commission. The Commission may pursue any other remedies available under federal
778 or the defaulting Member State's law.

779 2. A Member State may initiate legal action against the Commission in the U.S. District
780 Court for the District of Columbia or the federal district where the Commission has its
781 principal offices to enforce compliance with the provisions of the Compact and its
782 promulgated Rules. The relief sought may include both injunctive relief and damages. In
783 the event judicial enforcement is necessary, the prevailing party shall be awarded all costs
784 of such litigation, including reasonable attorney's fees.

785 3. No person other than a Member State shall enforce this compact against the
786 Commission.

787 SECTION 14: EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

788 A. The Compact shall come into effect on the date on which the Compact statute is enacted
789 into law in the seventh Member State.

790 1. On or after the effective date of the Compact, the Commission shall convene and
791 review the enactment of each of the first seven Member States ('Charter Member States')
792 to determine if the statute enacted by each such Charter Member State is materially
793 different than the model Compact statute.

794 a. A Charter Member State whose enactment is found to be materially different from
795 the model Compact statute shall be entitled to the default process set forth in
796 Section 13.

797 b. If any Member State is later found to be in default, or is terminated or withdraws
798 from the Compact, the Commission shall remain in existence and the Compact shall
799 remain in effect even if the number of Member States should be less than seven.

800 2. Member States enacting the Compact subsequent to the seven initial Charter Member
801 States shall be subject to the process set forth in Section 10(C)(21) to determine if their
802 enactments are materially different from the model Compact statute and whether they
803 qualify for participation in the Compact.

804 3. All actions taken for the benefit of the Commission or in furtherance of the purposes
805 of the administration of the Compact prior to the effective date of the Compact or the
806 Commission coming into existence shall be considered to be actions of the Commission
807 unless specifically repudiated by the Commission.

808 4. Any State that joins the Compact subsequent to the Commission's initial adoption of
809 the Rules and bylaws shall be subject to the Rules and bylaws as they exist on the date
810 on which the Compact becomes law in that State. Any Rule that has been previously
811 adopted by the Commission shall have the full force and effect of law on the day the
812 Compact becomes law in that State.

813 B. Any Member State may withdraw from this Compact by enacting a statute repealing the
814 same.

815 1. A Member State's withdrawal shall not take effect until 180 days after enactment of
816 the repealing statute.

817 2. Withdrawal shall not affect the continuing requirement of the withdrawing State's
818 Licensing Authority to comply with the investigative and Adverse Action reporting
819 requirements of this Compact prior to the effective date of withdrawal.

820 3. Upon the enactment of a statute withdrawing from this compact, a State shall
821 immediately provide notice of such withdrawal to all Licensees within that State.
822 Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing
823 State shall continue to recognize all licenses granted pursuant to this compact for a
824 minimum of six (6) months after the date of such notice of withdrawal.

825 C. Nothing contained in this Compact shall be construed to invalidate or prevent any
826 licensure agreement or other cooperative arrangement between a Member State and a
827 non-Member State that does not conflict with the provisions of this Compact.

828 D. This Compact may be amended by the Member States. No amendment to this Compact
829 shall become effective and binding upon any Member State until it is enacted into the laws
830 of all Member States.

831 SECTION 15: CONSTRUCTION AND SEVERABILITY

832 A. This Compact and the Commission's rulemaking authority shall be liberally construed
833 so as to effectuate the purposes, and the implementation and administration of the
834 Compact. Provisions of the Compact expressly authorizing or requiring the promulgation
835 of Rules shall not be construed to limit the Commission's rulemaking authority solely for
836 those purposes.

837 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence
838 or provision of this Compact is held by a court of competent jurisdiction to be contrary to
839 the constitution of any Member State, a State seeking participation in the Compact, or of
840 the United States, or the applicability thereof to any government, agency, person or
841 circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity

842 of the remainder of this Compact and the applicability thereof to any other government,
843 agency, person or circumstance shall not be affected thereby.

844 C. Notwithstanding subsection B of this section, the Commission may deny a State's
845 participation in the Compact or, in accordance with the requirements of Section 13.B,
846 terminate a Member State's participation in the Compact, if it determines that a
847 constitutional requirement of a Member State is a material departure from the Compact.
848 Otherwise, if this Compact shall be held to be contrary to the constitution of any Member
849 State, the Compact shall remain in full force and effect as to the remaining Member States
850 and in full force and effect as to the Member State affected as to all severable matters.

851 SECTION 16: CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

852 A. A Licensee providing services in a Remote State under a Multistate Authorization to
853 Practice shall adhere to the laws and regulations, including laws, regulations, and
854 applicable standards, of the Remote State where the client is located at the time care is
855 rendered.

856 B. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member
857 State that is not inconsistent with the Compact.

858 C. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict
859 with the Compact are superseded to the extent of the conflict.

860 D. All permissible agreements between the Commission and the Member States are binding
861 in accordance with their terms."

862 **SECTION 3.**

863 Said title is further amended by revising subsection (c) of Code Section 43-1-35, relating to
864 expedited license by endorsement for spouses of active or transitioning members of the
865 armed forces and license by endorsement for certain professions, as follows:

866 "(c) Notwithstanding any other provisions of law, a professional licensing board or other
867 board shall issue a license by endorsement to any individual seeking licensure for a
868 profession other than that of a firefighter, healthcare provider, or a law enforcement officer,
869 provided that such individual has:

870 (1) ~~Moved from another state and established residency in this state;~~

871 ~~(2)~~ Holds a current license to practice such occupation or profession issued by another
872 state ~~prior to establishing residency in this state~~ for which the training, experience, and
873 testing are substantially similar in qualifications and scope to the requirements under this
874 state to obtain a license;

875 ~~(3)~~(2) Is in good standing in such other state and is not the subject of an investigation or
876 a disciplinary proceeding being conducted by a professional licensing board or other
877 board in such other state; and

878 ~~(4)~~(3) Passes any examination that may only be required to demonstrate knowledge of
879 the laws and rules and regulations of this state specific to the practice of the profession,
880 business, or trade for which such license by endorsement is being sought."

881

SECTION 4.

882 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising
883 subsection (d) of Code Section 31-3-5, relating to functions of county boards of health, as
884 follows:

885 "(d)(1) Any person may register with the department to conduct soil investigations and
886 prepare soil reports of a site within the state for an on-site sewage management system
887 who meets any one of the following criteria:

888 (A) Qualifies as a soil classifier as defined in subparagraph (B) of paragraph (3) of this
889 subsection;

890 (B) Holds a valid certificate of registration as a professional engineer issued pursuant
891 to Chapter 15 of Title 43 and is practicing within his or her area of engineering
892 competency;

893 (C) Holds a valid certificate of registration as a registered geologist issued pursuant to
894 Chapter 19 of Title 43 and is practicing within his or her area of geologic competency;
895 or

896 (D) Is a soil and water conservation technician as defined in subparagraph (A) of
897 paragraph (3) of this subsection.

898 (2) Upon the submission of an evaluation of the suitability of a site within the state for
899 an on-site sewage management system by such a person who is registered with the
900 department, the county board of health shall be required to accept the evaluation unless
901 such evaluation is found by the county board of health to be deficient or questionable.
902 If the county board of health finds such evaluation to be deficient or questionable, the
903 board shall, within three working days of making such finding, issue a written
904 determination stating all deficiencies and all measures needed to correct the deficiencies.
905 A copy of this determination shall be provided to the state director of environmental
906 health.

907 (3) As used in this subsection, the term:

908 (A) 'Soil and water conservation technician' means a person employed as a soil and
909 water conservation technician by a soil and water conservation district provided for in
910 Article 2 of Chapter 6 of Title 2.

911 (B) 'Soil classifier' means a person who:

912 (i) Holds at least a bachelor of science degree from an accredited college or
913 university with a major in soil science or a related field of science. This degree shall
914 include 30 semester credit hours or equivalent quarter credit hours in the biological,
915 physical, chemical, and earth sciences with a minimum of 15 semester credit hours
916 or equivalent quarter hours in soil science courses meeting the following distribution:

917 (I) A minimum of one course in soil classification, morphology, genesis, and
918 mapping; and

919 (II) The remaining soil science credits ~~must~~ shall be in at least three of the
920 following eight categories: introductory soil science; soil fertility; soil
921 microbiology; soil chemistry; soil physics; soil management, soils and land use, or
922 soils and the environment; soil mineralogy; or a three credit maximum in
923 independent study, geology, or hydrology; ~~and~~

924 (ii) Has at least four years of verifiable full-time or equivalent part-time experience,
925 Two years of such experience, as determined by the department's soil classifiers
926 advisory committee, shall have been obtained after meeting all the educational
927 requirements of division (i) of this subparagraph under the supervision of a soil
928 classifier who has met the education and experience requirements provided in this
929 subparagraph. ~~Such experience must be obtained after meeting all educational~~
930 ~~requirements defined in this subparagraph and must~~ shall have been spent actively
931 mapping, identifying, and classifying soil features and interpreting the influence of
932 soil features on soil uses, including, but not limited to, conducting soil investigations
933 for determining the suitability of sites for on-site sewage management systems as
934 approved by the department's soil classifiers advisory committee. The remaining two
935 years of such experience, as determined by the department's soil classifiers advisory
936 committee, shall have occurred prior to, during, or after meeting all the educational
937 requirements of division (i) of this subparagraph and shall have included the
938 utilization of soil science concepts and techniques in mapping, identifying, and
939 classifying soil features and interpreting the influence of soil features on soil uses,
940 including, but not limited to, conducting soil investigations for determining the
941 suitability of sites for on-site sewage management systems as approved by the
942 department's soil classifiers advisory committee; and

943 (iii) Has successfully passed a written examination pertaining to site investigations
944 for on-site sewage management systems administered or approved by the department."

945 **SECTION 5.**

946 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
947 is amended by revising paragraph (2) of Code Section 43-15-2, relating to definitions relative
948 to professional engineers and land surveyors, as follows:

949 "(2) 'Certificate' means any certificate issued under Code Section 43-15-8 or ~~43-15-12~~
950 45-15-13."

951 **SECTION 6.**

952 Said title is further amended by repealing Code Section 43-15-12, relating to surveyor intern
953 certificate and eligibility, and designating said Code section as reserved.

954 **SECTION 7.**

955 Said title is further amended by repealing Code Section 43-15-13, relating to professional
956 land surveyor license and eligibility, and enacting a new Code section to read as follows:

957 "43-15-13.

958 (a) To be eligible for licensure as a professional land surveyor, an applicant shall:

959 (1) Complete the education and training requirements of subparagraph (A), (B), or (C)
960 of this paragraph as follows:

961 (A)(i) Earn a bachelor's degree in a curriculum approved by the board. Such
962 applicant shall complete a minimum of 18 semester hours in land surveying subjects
963 acceptable to the board as a part of or separate from such degree; and

964 (ii) Acquire not less than three years of combined office and field experience in land
965 surveying of a nature satisfactory to the board;

- 966 (B)(i) Earn an associate's degree in a curriculum approved by the board. Such
967 applicant shall complete a minimum of 18 semester hours in land surveying subjects
968 acceptable to the board as a part of or separate from such degree; and
969 (ii) Acquire not less than five years of combined office and field experience in land
970 surveying of a nature satisfactory to the board; or
971 (C)(i) Earn a high school diploma or its equivalent. Such applicant shall complete
972 a minimum of 18 semester hours in land surveying subjects acceptable to the board;
973 and
974 (ii) Acquire not less than eight years of combined office and field experience in land
975 surveying of a nature satisfactory to the board; and
976 (2)(A) Pass each of the following board approved examinations:
977 (i) The fundamentals of surveying examination;
978 (ii) The principles and practices of land surveying examination; and
979 (iii) The laws and history of land surveying in Georgia examination.
980 (B) The examinations listed in divisions (i) through (iii) of subparagraph (A) of this
981 paragraph may be taken after completion of the education requirements of paragraph
982 (1) of this subsection; provided, however, that the examination in division (i) of
983 subparagraph (A) of this paragraph shall be taken and passed before the examination
984 in division (ii) of subparagraph (A) of this paragraph is taken, and the examination
985 listed in division (ii) of subparagraph (A) of this paragraph shall be taken and passed
986 before the examination in division (iii) of subparagraph (A) of this paragraph is taken.
987 (b) The board may issue a land surveyor intern certificate to an applicant who has:
988 (1) Completed the education requirements set forth in division (a)(1)(A)(i), (a)(1)(B)(i),
989 or (a)(1)(C)(i) of this Code section;
990 (2) Passed the board approved fundamentals of surveying examination as required under
991 division (a)(2)(A)(i) of this Code section; and

992 (3) Completed such additional requirements as may be required by the board through
993 rules and regulations."

994

SECTION 8.

995 All laws and parts of laws in conflict with this Act are repealed.