

As Amended by House Committee

Session of 2024

HOUSE BILL No. 2484

By Representative S. Ruiz

1-5

1 AN ACT concerning the behavioral sciences; relating to social work;
2 enacting the social work licensure compact to provide interstate
3 practice privileges; **requiring applicants for social work licensure to**
4 **submit to a criminal history record check;** authorizing the behavioral
5 sciences regulatory board to establish a fee for a license with compact
6 practice privileges; amending K.S.A. 2023 Supp. 65-6314 and
7 repealing the existing section.

8
9 *Be it enacted by the Legislature of the State of Kansas:*

10 New Section 1. This section shall be known and may be cited as the
11 social work licensure compact.

12 SECTION 1—PURPOSE

13 The purpose of this compact is to facilitate interstate practice of
14 regulated social workers by improving public access to competent social
15 work services. The compact preserves the regulatory authority of states to
16 protect public health and safety through the current system of state
17 licensure. This compact is designed to achieve the following objectives:

- 18 (a) Increase public access to social work services;
19 (b) reduce overly burdensome and duplicative requirements
20 associated with holding multiple licenses;
21 (c) enhance the member states' ability to protect the public's health
22 and safety;
23 (d) encourage the cooperation of member states in regulating
24 multistate practice;
25 (e) promote mobility and address workforce shortages by eliminating
26 the necessity for licenses in multiple states through the mutual recognition
27 of other member state licenses;
28 (f) support military families;
29 (g) facilitate the exchange of licensure and disciplinary information
30 among member states;
31 (h) authorize all member states to hold a regulated social worker
32 accountable for abiding by a member state's laws, regulations and
33 applicable professional standards in the member state where the client is
34 located at the time care is rendered; and
35 (i) allow for the use of telehealth to facilitate increased access to
36 regulated social work services.

SECTION 2—DEFINITIONS

1
2 As used in this compact, and except as otherwise provided, the
3 following definitions shall apply:

4 (a) "Active military member" means any individual with full-time
5 duty status in the active armed forces of the United States, including
6 members of the national guard and reserve.

7 (b) "Adverse action" means any administrative, civil, equitable or
8 criminal action permitted by a state's laws that is imposed by a licensing
9 authority or other authority against a regulated social worker, including
10 actions against an individual's license or multistate authorization to
11 practice such as revocation, suspension, probation, monitoring of the
12 licensee, limitation on the licensee's practice or any other encumbrance on
13 licensure affecting a regulated social worker's authorization to practice,
14 including issuance of a cease and desist action.

15 (c) "Alternative program" means a non-disciplinary monitoring or
16 practice remediation process approved by a licensing authority to address
17 practitioners with an impairment.

18 (d) "Charter member states" means member states that have enacted
19 legislation to adopt this compact where such legislation predates the
20 effective date of this compact as described in section 14 of this compact.

21 (e) "Compact commission" or "commission" means the government
22 agency whose membership consists of all states that have enacted this
23 compact, which is known as the social work licensure compact
24 commission as described in section 10 of this compact, and shall operate
25 as an instrumentality of the member states.

26 (f) "Current significant investigative information" means
27 investigative information that:

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

32 (2) Indicates that the regulated social worker represents an immediate
33 threat to public health and safety, as may be defined by the commission,
34 regardless of whether the regulated social worker has been notified and has
35 had an opportunity to respond.

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

41 (h) "Disqualifying event" means any adverse action or incident that
42 results in an encumbrance that disqualifies or makes the licensee ineligible
43 to either obtain, retain or renew a multistate license.

- 1 (i) "Domicile" means the jurisdiction in which the licensee resides
2 and intends to remain indefinitely.
- 3 (j) "Encumbrance" means a revocation or suspension of, or any
4 limitation on, the full and unrestricted practice of social work licensed and
5 regulated by a licensing authority.
- 6 (k) "Executive committee" means a group of delegates elected or
7 appointed to act on behalf of, and within the powers granted to them by,
8 the compact and commission.
- 9 (l) "Home state" means the member state that is the licensee's primary
10 domicile.
- 11 (m) "Impairment" means a condition that may impair a practitioner's
12 ability to engage in full and unrestricted practice as a regulated social
13 worker without some type of intervention and may include alcohol and
14 drug dependence, mental health impairment and neurological or physical
15 impairments.
- 16 (n) "Licensee" means an individual who currently holds a license
17 from a state to practice as a regulated social worker.
- 18 (o) "Licensing authority" means the board or agency of a member
19 state, or equivalent, that is responsible for the licensing and regulation of
20 regulated social workers.
- 21 (p) "Member state" means a state, commonwealth, district or territory
22 of the United States of America that has enacted this compact.
- 23 (q) "Multistate authorization to practice" means a legally authorized
24 privilege to practice, which is equivalent to a license, associated with a
25 multistate license permitting the practice of social work in a remote state.
- 26 (r) "Multistate license" means a license to practice as a regulated
27 social worker issued by a home state licensing authority that authorizes the
28 regulated social worker to practice in all member states under multistate
29 authorization to practice.
- 30 (s) "Qualifying national exam" means a national licensing
31 examination approved by the commission.
- 32 (t) "Regulated social worker" means any clinical, master's or
33 bachelor's social worker licensed by a member state regardless of the title
34 used by that member state.
- 35 (u) "Remote state" means a member state other than the licensee's
36 home state.
- 37 (v) "Rule" or "rule of the commission" means a regulation duly
38 promulgated by the commission, as authorized by the compact, that has the
39 force of law.
- 40 (w) "Single-state license" means a social work license issued by any
41 state that authorizes practice only within the issuing state and does not
42 include multistate authorization to practice in any member state.
- 43 (x) "Social work" or "social work services" means the application of

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

7 (y) "State" means any state, commonwealth, district or territory of the
8 United States of America that regulates the practice of social work.

9 (z) "Unencumbered license" means a license that authorizes a
10 regulated social worker to engage in the full and unrestricted practice of
11 social work.

12 SECTION 3—STATE PARTICIPATION IN THE COMPACT

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

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

17 (2) require applicants for licensure to graduate from a program that is:

18 (A) Operated by a college or university recognized by the licensing
19 authority;

20 (B) accredited, or in candidacy by an institution that subsequently
21 becomes accredited, by an accrediting agency recognized by either:

22 (i) The council for higher education accreditation, or its successor; or

23 (ii) the United States department of education; and

24 (C) corresponds to the licensure sought as outlined in section 4 of this
25 compact;

26 (3) require applicants for clinical licensure to complete a period of
27 supervised practice; and

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

30 (b) To maintain membership in the compact, a member state shall:

31 (1) Require that applicants for a multistate license pass a qualifying
32 national exam for the corresponding category of multistate license sought
33 as outlined in section 4 of this compact;

34 (2) participate fully in the commission's data system, including using
35 the commission's unique identifier as defined in rules;

36 (3) notify the commission, in compliance with the terms of the
37 compact and rules, of any adverse action or the availability of current
38 significant investigative information regarding a licensee;

39 (4) implement procedures for considering the criminal history records
40 of applicants for a multistate license. Such procedures shall include the
41 submission of fingerprints or other biometric-based information by
42 applicants for the purpose of obtaining an applicant's criminal history
43 record information from the federal bureau of investigation and the agency

1 responsible for retaining that state's criminal records;

2 (5) comply with the rules of the commission;

3 (6) require an applicant to obtain or retain a license in the home state
4 and meet the home state's qualifications for licensure or renewal of
5 licensure, as well as all other applicable home state laws;

6 (7) authorize a licensee holding a multistate license in any member
7 state to practice in accordance with the terms of the compact and rules of
8 the commission; and

9 (8) designate a delegate to participate in the commission meetings.

10 (c) A member state meeting the requirements of subsections (a) and
11 (b) shall designate the categories of social work licensure that are eligible
12 for issuance of a multistate license for applicants in such member state. To
13 the extent that any member state does not meet the requirements for
14 participation in the compact at any particular category of social work
15 licensure, such member state may choose, but is not obligated to, issue a
16 multistate license to applicants that otherwise meet the requirements of
17 section 4 of this compact for issuance of a multistate license in such
18 category or categories of licensure.

19 (d) The home state may charge a fee for granting the multistate
20 license.

21 SECTION 4—SOCIAL WORKER PARTICIPATION IN THE COMPACT

22 (a) To be eligible for a multistate license under the terms and
23 provisions of the compact, an applicant, regardless of category, shall:

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

26 (2) pay any applicable fees, including any state fee, for the multistate
27 license;

28 (3) submit, in connection with an application for a multistate license,
29 fingerprints or other biometric data for the purpose of obtaining criminal
30 history record information from the federal bureau of investigation and the
31 agency responsible for retaining that state's criminal records;

32 (4) notify the home state of any adverse action, encumbrance or
33 restriction on any professional license taken by any member state or non-
34 member state within 30 days after the date the action is taken;

35 (5) meet any continuing competence requirements established by the
36 home state; and

37 (6) abide by the laws, regulations and applicable standards in the
38 member state where the client is located at the time care is rendered.

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

41 (1) Fulfill a competency requirement, which shall be satisfied by:

42 (A) Passage of a clinical-category qualifying national exam;

43 (B) licensure of the applicant in their home state at the clinical

1 category, beginning prior to such time as a qualifying national exam was
2 required by the home state and accompanied by a period of continuous
3 social work licensure thereafter, all of which may be further governed by
4 the rules of the commission; or

5 (C) the substantial equivalency of the foregoing competency
6 requirements, which the commission may determine by rule;

7 (2) attain at least a master's degree in social work from a program that
8 is:

9 (A) Operated by a college or university recognized by the licensing
10 authority; and

11 (B) Accredited, or in candidacy that subsequently becomes
12 accredited, by an accrediting agency recognized by either:

13 (i) The council for higher education accreditation or its successor; or

14 (ii) the United States department of education; and

15 (3) fulfill a practice requirement, which shall be satisfied by
16 demonstrating completion of:

17 (A) A period of postgraduate supervised clinical practice equal to a
18 minimum of 3,000 hours;

19 (B) a minimum of two years of full-time postgraduate supervised
20 clinical practice; or

21 (C) the substantial equivalency of the foregoing practice requirements
22 that the commission may determine by rule.

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

25 (1) Fulfill a competency requirement, which shall be satisfied by:

26 (A) Passage of a master's-category qualifying national exam;

27 (B) licensure of the applicant in their home state at the master's
28 category, beginning prior to such time as a qualifying national exam was
29 required by the home state at the master's category and accompanied by a
30 continuous period of social work licensure thereafter, all of which may be
31 further governed by the rules of the commission; or

32 (C) the substantial equivalency of the foregoing competency
33 requirements, which the commission may determine by rule; and

34 (2) attain at least a master's degree in social work from a program that
35 is:

36 (A) Operated by a college or university recognized by the licensing
37 authority; and

38 (B) accredited, or in candidacy that subsequently becomes accredited,
39 by an accrediting agency recognized by either:

40 (i) The council for higher education accreditation or its successor; or

41 (ii) the United States department of education.

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

- 1 (1) Fulfill a competency requirement, which shall be satisfied by:
- 2 (A) Passage of a bachelor's-category qualifying national exam;
- 3 (B) Licensure of the applicant in their home state at the bachelor's
- 4 category, beginning prior to such time as a qualifying national exam was
- 5 required by the home state and accompanied by a period of continuous
- 6 social work licensure thereafter, all of which may be further governed by
- 7 the rules of the commission; or
- 8 (C) the substantial equivalency of the foregoing competency
- 9 requirements, which the commission may determine by rule; and
- 10 (2) attain at least a bachelor's degree in social work from a program
- 11 that is:
- 12 (A) Operated by a college or university recognized by the licensing
- 13 authority; and
- 14 (B) accredited, or in candidacy that subsequently becomes accredited,
- 15 by an accrediting agency recognized by either:
- 16 (i) The council for higher education accreditation or its successor; or
- 17 (ii) the United States department of education.
- 18 (e) The multistate license for a regulated social worker is subject to
- 19 the renewal requirements of the home state. The regulated social worker
- 20 shall maintain compliance with the requirements of section 4(a) of this
- 21 compact to be eligible to renew a multistate license.
- 22 (f) The regulated social worker's services in a remote state are subject
- 23 to that member state's regulatory authority. A remote state may, in
- 24 accordance with due process and that member state's laws, remove a
- 25 regulated social worker's multistate authorization to practice in the remote
- 26 state for a specific period of time, impose fines and take any other
- 27 necessary actions to protect the health and safety of its citizens.
- 28 (g) If a multistate license is encumbered, the regulated social worker's
- 29 multistate authorization to practice shall be deactivated in all remote states
- 30 until the multistate license is no longer encumbered.
- 31 (h) If a multistate authorization to practice is encumbered in a remote
- 32 state, the regulated social worker's multistate authorization to practice may
- 33 be deactivated in that state until the multistate authorization to practice is
- 34 no longer encumbered.
- 35 SECTION 5—ISSUANCE OF A MULTISTATE LICENSE
- 36 (a) Upon receipt of an application for multistate license, the home
- 37 state licensing authority shall determine the applicant's eligibility for a
- 38 multistate license in accordance with section 4 of this compact.
- 39 (b) If such applicant is eligible pursuant to section 4 of this compact,
- 40 the home state licensing authority shall issue a multistate license that
- 41 authorizes the applicant or regulated social worker to practice in all
- 42 member states under a multistate authorization to practice.
- 43 (c) Upon issuance of a multistate license, the home state licensing

1 authority shall designate whether the regulated social worker holds a
2 multistate license in the bachelor's, master's or clinical category of social
3 work.

4 (d) A multistate license issued by a home state to a resident in that
5 state shall be recognized by all compact member states as authorizing
6 social work practice under a multistate authorization to practice
7 corresponding to each category of licensure regulated in each member
8 state.

9 SECTION 6—AUTHORITY OF INTERSTATE COMPACT
10 COMMISSION AND MEMBER STATE LICENSING AUTHORITIES

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

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

18 (c) Nothing in this compact, nor any rule of the commission, shall be
19 construed to limit, restrict or in any way reduce the ability of a member
20 state to take adverse action against a licensee's single-state license to
21 practice social work in that state.

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

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

30 SECTION 7—REISSUANCE OF A MULTISTATE LICENSE BY A
31 NEW HOME STATE

32 (a) A licensee may hold a multistate license, issued by their home
33 state, in only one member state at any given time.

34 (b) If a licensee changes their home state by moving between two
35 member states:

36 (1) The licensee shall immediately apply for the reissuance of their
37 multistate license in their new home state. The licensee shall pay all
38 applicable fees and notify the prior home state in accordance with the rules
39 of the commission.

40 (2) Upon receipt of an application to reissue a multistate license, the
41 new home state shall verify that the multistate license is active,
42 unencumbered and eligible for reissuance under the terms of the compact
43 and the rules of the commission. The multistate license issued by the prior

1 home state will be deactivated and all member states notified in
2 accordance with the applicable rules adopted by the commission.

3 (3) Prior to the reissuance of the multistate license, the new home
4 state shall conduct procedures for considering the criminal history records
5 of the licensee. Such procedures shall include the submission of
6 fingerprints or other biometric-based information by applicants for the
7 purpose of obtaining an applicant's criminal history record information
8 from the federal bureau of investigation and the agency responsible for
9 retaining such new home state's criminal records.

10 (4) If required for initial licensure, the new home state may require
11 completion of jurisprudence requirements in the new home state.

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

17 (c) If a licensee changes their primary state of residence by moving
18 from a member state to a non-member state, or from a non-member state
19 to a member state, then the licensee shall be subject to the state
20 requirements for the issuance of a single-state license in the new home
21 state.

22 (d) Nothing in this compact shall interfere with a licensee's ability to
23 hold a single-state license in multiple states, except that, for the purposes
24 of this compact, a licensee shall have only one home state and only one
25 multistate license.

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

28 SECTION 8—MILITARY FAMILIES

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

33 SECTION 9—ADVERSE ACTIONS

34 (a) (1) In addition to the other powers conferred by state law, a
35 remote state shall have the authority, in accordance with existing state due
36 process law, to take adverse action against a regulated social worker's
37 multistate authorization to practice only within that member state and issue
38 subpoenas for both hearings and investigations that require the attendance
39 and testimony of witnesses as well as the production of evidence.
40 Subpoenas issued by a licensing authority in a member state for the
41 attendance and testimony of witnesses or the production of evidence from
42 another member state shall be enforced in the latter state by any court of
43 competent jurisdiction, according to the practice and procedure of that

1 court applicable to subpoenas issued in proceedings pending before it. The
2 issuing licensing authority shall pay any witness fees, travel expenses,
3 mileage and other fees required by the service statutes of the state in which
4 the witnesses or evidence are located.

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

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

12 (c) The home state shall complete any pending investigations of a
13 regulated social worker who changes their home state during the course of
14 the investigations. The home state shall also have the authority to take
15 appropriate action and shall promptly report the conclusions of the
16 investigations to the administrator of the data system. The administrator of
17 the data system shall promptly notify the new home state of any adverse
18 actions.

19 (d) A member state, if otherwise permitted by state law, may recover
20 from the affected regulated social worker the costs of investigations and
21 dispositions of cases resulting from any adverse action taken against that
22 regulated social worker.

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

26 (f) Joint investigations:

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

31 (2) Member states shall share any investigative, litigation or
32 compliance materials in furtherance of any joint or individual investigation
33 initiated under the compact.

34 (g) If adverse action is taken by the home state against the multistate
35 license of a regulated social worker, the regulated social worker's
36 multistate authorization to practice in all other member states shall be
37 deactivated until all encumbrances have been removed from the multistate
38 license. All home state disciplinary orders that impose adverse action
39 against the license of a regulated social worker shall include a statement
40 that the regulated social worker's multistate authorization to practice is
41 deactivated in all member states until all conditions of the decision, order
42 or agreement are satisfied.

43 (h) If a member state takes adverse action, it shall promptly notify the

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

4 (i) Nothing in this compact shall override a member state's decision
5 that participation in an alternative program may be used in lieu of adverse
6 action.

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

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

15 SECTION 10—ESTABLISHMENT OF SOCIAL WORK LICENSURE
16 COMPACT COMMISSION

17 (a) The compact member states hereby create and establish a joint
18 government agency whose membership consists of all member states that
19 have enacted the compact known as the social work licensure compact
20 commission. The commission is an instrumentality of the compact states
21 acting jointly and not an instrumentality of any one state. The commission
22 shall come into existence on or after the effective date of the compact as
23 set forth in section 14 of this compact.

24 (b) Membership, voting and meetings:

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

27 (2) The delegate shall be either:

28 (A) A current member of the state licensing authority at the time of
29 appointment, who is a regulated social worker or public member of the
30 state licensing authority; or

31 (B) an administrator of the state licensing authority or their designee.

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

34 (4) The commission may recommend the removal or suspension of
35 any delegate from office.

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

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

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

1 (8) The commission shall meet at least once during each calendar
2 year. Additional meetings may be held as set forth in the bylaws. The
3 commission may meet by telecommunication, videoconference or other
4 similar electronic means.

5 (c) The commission shall have the following powers:

6 (1) Establish the fiscal year of the commission;

7 (2) establish code of conduct and conflict of interest policies;

8 (3) establish and amend rules and bylaws;

9 (4) maintain its financial records in accordance with the bylaws;

10 (5) meet and take such actions as are consistent with the provisions of
11 this compact, the commission's rules and the bylaws;

12 (6) initiate and conclude legal proceedings or actions in the name of
13 the commission, provided that the standing of any state licensing board to
14 sue or be sued under applicable law shall not be affected;

15 (7) maintain and certify records and information provided to a
16 member state as the authenticated business records of the commission and
17 designate an agent to do so on the commission's behalf;

18 (8) purchase and maintain insurance and bonds;

19 (9) borrow, accept or contract for services of personnel, including, but
20 not limited to, employees of a member state;

21 (10) conduct an annual financial review;

22 (11) hire employees, elect or appoint officers, fix compensation,
23 define duties, grant such individuals appropriate authority to carry out the
24 purposes of the compact and establish the commission's personnel policies
25 and programs relating to conflicts of interest, qualifications of personnel
26 and other related personnel matters;

27 (12) assess and collect fees;

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

33 (14) lease, purchase, retain, own, hold, improve or use any property,
34 real, personal or mixed, or any undivided interest therein;

35 (15) sell, convey, mortgage, pledge, lease, exchange, abandon or
36 otherwise dispose of any property real, personal or mixed;

37 (16) establish a budget and make expenditures;

38 (17) borrow money;

39 (18) appoint committees, including standing committees, composed
40 of members, state regulators, state legislators or their representatives and
41 consumer representatives and such other interested persons as may be
42 designated in this compact and the bylaws;

43 (19) provide and receive information from, and cooperate with, law

1 enforcement agencies;

2 (20) establish and elect an executive committee, including a
3 chairperson and a vice chairperson;

4 (21) determine whether a state's adopted language is materially
5 different from the model compact language such that the state would not
6 qualify for participation in the compact; and

7 (22) perform such other functions as may be necessary or appropriate
8 to achieve the purposes of this compact.

9 (d) The executive committee:

10 (1) The executive committee shall have the power to act on behalf of
11 the commission according to the terms of this compact. The powers, duties
12 and responsibilities of the executive committee shall include:

13 (A) Oversee the day-to-day activities of the administration of the
14 compact, including enforcement and compliance with the provisions of the
15 compact, its rules and bylaws and other such duties as deemed necessary;

16 (B) recommend to the commission changes to the rules or bylaws,
17 changes to this compact legislation, fees charged to compact member
18 states, fees charged to licensees and other fees;

19 (C) ensure compact administration services are appropriately
20 provided, including by contract;

21 (D) prepare and recommend the budget;

22 (E) maintain financial records on behalf of the commission;

23 (F) monitor compact compliance of member states and provide
24 compliance reports to the commission;

25 (G) establish additional committees as necessary;

26 (H) exercise the powers and duties of the commission during the
27 interim between commission meetings, except for adopting or amending
28 rules, adopting or amending bylaws and exercising any other powers and
29 duties expressly reserved to the commission by rule or bylaw; and

30 (I) fulfill other duties as provided in the rules or bylaws of the
31 commission.

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

33 (A) The chairperson and vice chairperson of the commission shall be
34 voting members of the executive committee;

35 (B) the commission shall elect five voting members from the current
36 membership of the commission;

37 (C) up to four nonvoting members from four recognized national
38 social work organizations; and

39 (D) the nonvoting members shall be selected by their respective
40 organizations.

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

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

1 (A) Executive committee meetings shall be open to the public, except
2 that the executive committee may meet in a closed, non-public meeting as
3 provided in subsection (f)(2).

4 (B) The executive committee shall give seven days' notice of its
5 meetings, posted on its website and as determined to provide notice to
6 persons with an interest in the business of the commission.

7 (C) The executive committee may hold a special meeting in
8 accordance with subsection (f)(1)(B).

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

11 (f) Meetings of the commission:

12 (1) All meetings shall be open to the public, except that the
13 commission may meet in a closed, non-public meeting as provided in
14 subsection (f)(2).

15 (A) Public notice for all meetings of the full commission shall be
16 given in the same manner as required under the rulemaking provisions in
17 section 12 of this compact, except that the commission may hold a special
18 meeting as provided in subsection (f)(1)(B).

19 (B) The commission may hold a special meeting when it must meet to
20 conduct emergency business by giving 48 hours' notice to all
21 commissioners on the commission's website and by other means as
22 provided in the commission's rules. The commission's legal counsel shall
23 certify that the commission's need to meet qualifies as an emergency.

24 (2) The commission or the executive committee or other committees
25 of the commission may convene in a closed, non-public meeting for the
26 commission or executive committee or other committees of the
27 commission to receive legal advice or discuss:

28 (A) Non-compliance of a member state with its obligations under the
29 compact;

30 (B) the employment, compensation, discipline or other matters,
31 practices or procedures related to specific employees;

32 (C) current or threatened discipline of a licensee by the commission
33 or by a member state's licensing authority;

34 (D) current, threatened or reasonably anticipated litigation;

35 (E) negotiation of contracts for the purchase, lease or sale of goods,
36 services or real estate;

37 (F) accusing any person of a crime or formally censuring any person;

38 (G) trade secrets or commercial or financial information that is
39 privileged or confidential;

40 (H) information of a personal nature where disclosure would
41 constitute a clearly unwarranted invasion of personal privacy;

42 (I) investigative records compiled for law enforcement purposes;

43 (J) information related to any investigative reports prepared by or on

1 behalf of or for use of the commission or other committee charged with
2 responsibility of investigation or determination of compliance issues
3 pursuant to the compact;

4 (K) matters specifically exempted from disclosure by federal or
5 member state law; or

6 (L) other matters as promulgated by the commission by rule.

7 (3) If a meeting, or portion of a meeting, is closed, the presiding
8 officer shall state that the meeting will be closed and reference each
9 relevant exempting provision, and such reference shall be recorded in the
10 minutes.

11 (4) The commission shall keep minutes that fully and clearly describe
12 all matters discussed in a meeting and shall provide a full and accurate
13 summary of actions taken, and the reasons therefor, including a description
14 of the views expressed. All documents considered in connection with an
15 action shall be identified in such minutes. All minutes and documents of a
16 closed meeting shall remain under seal, subject to release only by a
17 majority vote of the commission or order of a court of competent
18 jurisdiction.

19 (g) Financing of the commission:

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

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

25 (3) The commission may levy on and collect an annual assessment
26 from each member state and impose fees on licensees of member states to
27 whom it grants a multistate license to cover the cost of the operations and
28 activities of the commission and its staff, which shall be in a total amount
29 sufficient to cover its annual budget as approved each year for which
30 revenue is not provided by other sources. The aggregate annual assessment
31 amount for member states shall be allocated based upon a formula that the
32 commission shall promulgate by rule.

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

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

1 commission.

2 (h) Qualified immunity, defense and indemnification:

3 (1) The members, officers, executive director, employees and
4 representatives of the commission shall be immune from suit and liability,
5 both personally and in their official capacity, for any claim for damage to
6 or loss of property or personal injury or other civil liability caused by or
7 arising out of any actual or alleged act, error or omission that occurred, or
8 that the person against whom the claim is made had a reasonable basis for
9 believing occurred within the scope of commission employment, duties or
10 responsibilities, provided that nothing in this paragraph shall be construed
11 to protect any such person from suit or liability for any damage, loss,
12 injury, or liability caused by the intentional or willful or wanton
13 misconduct of that person. The procurement of insurance of any type by
14 the commission shall not in any way compromise or limit the immunity
15 granted under this compact.

16 (2) The commission shall defend any member, officer, executive
17 director, employee and representative of the commission in any civil action
18 seeking to impose liability arising out of any actual or alleged act, error or
19 omission that occurred within the scope of commission employment,
20 duties or responsibilities, or as determined by the commission that the
21 person against whom the claim is made had a reasonable basis for
22 believing such act or alleged act, error or omission occurred within the
23 scope of commission employment, duties or responsibilities, provided that
24 nothing herein shall be construed to prohibit that person from retaining
25 their own counsel at their own expense; and provided further, that the
26 actual or alleged act, error or omission did not result from that person's
27 intentional or willful or wanton misconduct.

28 (3) The commission shall indemnify and hold harmless any member,
29 officer, executive director, employee and representative of the commission
30 for the amount of any settlement or judgment obtained against that person
31 arising out of any actual or alleged act, error or omission that occurred
32 within the scope of commission employment, duties or responsibilities, or
33 that such person had a reasonable basis for believing occurred within the
34 scope of commission employment, duties or responsibilities; provided that
35 the actual or alleged act, error or omission did not result from the
36 intentional or willful or wanton misconduct of that person.

37 (4) Nothing in this compact shall be construed as a limitation on the
38 liability of any licensee for professional malpractice or misconduct, which
39 shall be governed solely by any other applicable state laws.

40 (5) Nothing in this compact shall be interpreted to waive or otherwise
41 abrogate a member state's state action immunity or state action affirmative
42 defense with respect to antitrust claims under the Sherman act, Clayton act
43 or any other state or federal antitrust or anticompetitive law or regulation.

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

3 SECTION 11—DATA SYSTEM

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

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

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

12 (1) Identifying information;

13 (2) licensure data;

14 (3) adverse actions against a license and information related thereto;

15 (4) non-confidential information related to alternative program
16 participation, the beginning and ending dates of such participation and
17 other information related to such participation not made confidential under
18 member state law;

19 (5) any denial of application for licensure and the reason for such
20 denial;

21 (6) the presence of current significant investigative information; and

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

25 (d) The records and information provided to a member state pursuant
26 to this compact or through the data system, when certified by the
27 commission or an agent thereof, shall constitute the authenticated business
28 records of the commission and shall be entitled to any associated hearsay
29 exception in any relevant judicial, quasi-judicial or administrative
30 proceedings in a member state.

31 (e) Current significant investigative information pertaining to a
32 licensee in any member state will only be available to other member states.
33 It is the responsibility of the member states to report any adverse action
34 against a licensee and to monitor the database to determine whether
35 adverse action has been taken against a licensee. Adverse action
36 information pertaining to a licensee in any member state will be available
37 to any other member state.

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

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

SECTION 12—RULEMAKING

1
2 (a) The commission shall promulgate reasonable rules in order to
3 effectively and efficiently implement and administer the purposes and
4 provisions of the compact. A rule shall be invalid and have no force or
5 effect only if a court of competent jurisdiction holds that the rule is invalid
6 because the commission exercised its rulemaking authority in a manner
7 that is beyond the scope and purposes of the compact, or the powers
8 granted hereunder, or based upon another applicable standard of review.

9 (b) The rules of the commission shall have the force of law in each
10 member state, except that where the rules of the commission conflict with
11 the laws of the member state that establish the member state's laws,
12 regulations and applicable standards that govern the practice of social
13 work as held by a court of competent jurisdiction, the rules of the
14 commission shall be ineffective in that state to the extent of the conflict.

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

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

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

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

29 (g) Prior to adoption of a proposed rule by the commission and at
30 least 30 days in advance of the meeting at which the commission will hold
31 a public hearing on the proposed rule, the commission shall provide a
32 notice of proposed rulemaking:

33 (1) On the website of the commission or other publicly accessible
34 platform;

35 (2) to persons who have requested notice of the commission's notices
36 of proposed rulemaking, and

37 (3) in such other way as the commission may specify by rule.

38 (h) The notice of proposed rulemaking shall include:

39 (1) The time, date and location of the public hearing at which the
40 commission will hear public comments on the proposed rule and, if
41 different, the time, date and location of the meeting where the commission
42 will consider and vote on the proposed rule;

43 (2) if the hearing is held via telecommunication, videoconference or

1 other electronic means, the commission shall include the mechanism for
2 access to the hearing in the notice of proposed rulemaking;

3 (3) the text of the proposed rule and the reason therefor;

4 (4) a request for comments on the proposed rule from any interested
5 person; and

6 (5) the manner in which interested persons may submit written
7 comments.

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

11 (j) Nothing in this section shall be construed as requiring a separate
12 hearing on each rule. Rules may be grouped for the convenience of the
13 commission at hearings required by this section.

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

17 (1) The commission may adopt changes to the proposed rule,
18 provided that the changes do not enlarge the original purpose of the
19 proposed rule.

20 (2) The commission shall provide an explanation of the reasons for
21 substantive changes made to the proposed rule as well as reasons for
22 substantive changes not made that were recommended by commenters.

23 (3) The commission shall determine a reasonable effective date for
24 the rule. Except for an emergency as provided in subsection (l), the
25 effective date of the rule shall not be earlier than 30 days after issuing the
26 notice that it adopted or amended the rule.

27 (l) Upon determination that an emergency exists, the commission
28 may consider and adopt an emergency rule with 48 hours' notice, with
29 opportunity to comment, provided that the usual rulemaking procedures
30 provided in the compact and in this section shall be retroactively applied to
31 the rule as soon as reasonably possible, in no event later than 90 days after
32 the effective date of the rule. For the purposes of this provision, an
33 emergency rule is one that shall be adopted immediately in order to:

34 (1) Meet an imminent threat to public health, safety or welfare;

35 (2) prevent a loss of commission or member state funds;

36 (3) meet a deadline for the promulgation of a rule that is established
37 by federal law or rule; or

38 (4) protect public health and safety.

39 (m) The commission or an authorized committee of the commission
40 may direct revisions to a previously adopted rule for purposes of
41 correcting typographical, formatting, consistency or grammatical errors.
42 Public notice of any revisions shall be posted on the website of the
43 commission. The revision shall be subject to challenge by any person for a

1 period of 30 days after posting. The revision may be challenged only on
2 grounds that the revision results in a material change to a rule. A challenge
3 shall be made in writing and delivered to the commission prior to the end
4 of the notice period. If no challenge is made, the revision will take effect
5 without further action. If the revision is challenged, the revision may not
6 take effect without the approval of the commission.

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

9 SECTION 13—OVERSIGHT, DISPUTE RESOLUTION AND
10 ENFORCEMENT

11 (a) Oversight:

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

15 (2) Except as otherwise provided in this compact, venue is proper,
16 and judicial proceedings by or against the commission shall be brought
17 solely and exclusively in a court of competent jurisdiction where the
18 principal office of the commission is located. The commission may waive
19 venue and jurisdictional defenses to the extent it adopts or consents to
20 participate in alternative dispute resolution proceedings. Nothing herein
21 shall affect or limit the selection or propriety of venue in any action
22 against a licensee for professional malpractice, misconduct or any such
23 similar matter.

24 (3) The commission shall be entitled to receive service of process in
25 any proceeding regarding the enforcement or interpretation of the compact
26 and shall have standing to intervene in such a proceeding for all purposes.
27 Failure to provide the commission service of process shall render a
28 judgment or order void as to the commission, this compact or promulgated
29 rules.

30 (b) Default, technical assistance and termination:

31 (1) If the commission determines that a member state has defaulted in
32 the performance of its obligations or responsibilities under this compact or
33 the promulgated rules, the commission shall provide written notice to the
34 defaulting state. The notice of default shall describe the default, the
35 proposed means of curing the default and any other action that the
36 commission may take and shall offer training and specific technical
37 assistance regarding the default.

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

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

1 the effective date of termination. A cure of the default does not relieve the
2 offending state of obligations or liabilities incurred during the period of
3 default.

4 (d) Termination of membership in the compact shall be imposed only
5 after all other means of securing compliance have been exhausted. Notice
6 of intent to suspend or terminate shall be given by the commission to the
7 governor, the majority and minority leaders of the defaulting state's
8 legislature, the defaulting state's state licensing authority and each of the
9 member states' state licensing authority.

10 (e) A state that has been terminated is responsible for all assessments,
11 obligations and liabilities incurred through the effective date of
12 termination, including obligations that extend beyond the effective date of
13 termination.

14 (f) Upon the termination of a state's membership from this compact,
15 that state shall immediately provide notice to all licensees within that state
16 of such termination. The terminated state shall continue to recognize all
17 licenses granted pursuant to this compact for a minimum of six months
18 after the date of said notice of termination.

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

22 (h) The defaulting state may appeal the action of the commission by
23 petitioning the United States district court for the District of Columbia or
24 the federal district where the commission has its principal offices. The
25 prevailing party shall be awarded all costs of such litigation, including
26 reasonable attorney's fees.

27 (i) Dispute resolution:

28 (1) Upon request by a member state, the commission shall attempt to
29 resolve disputes related to the compact that arise among member states and
30 between member and non-member states.

31 (2) The commission shall promulgate a rule providing for both
32 mediation and binding dispute resolution for disputes as appropriate.

33 (j) Enforcement:

34 (1) By majority vote as provided by rule, the commission may initiate
35 legal action against a member state in default in the United States district
36 court for the District of Columbia or the federal district where the
37 commission has its principal offices to enforce compliance with the
38 provisions of the compact and its promulgated rules. The relief sought may
39 include both injunctive relief and damages. In the event judicial
40 enforcement is necessary, the prevailing party shall be awarded all costs of
41 such litigation, including reasonable attorney fees. The remedies herein
42 shall not be the exclusive remedies of the commission. The commission
43 may pursue any other remedies available under federal or the defaulting

1 member state's law.

2 (2) A member state may initiate legal action against the commission
3 in the United States district court for the District of Columbia or the
4 federal district where the commission has its principal offices to enforce
5 compliance with the provisions of the compact and its promulgated rules.
6 The relief sought may include both injunctive relief and damages. In the
7 event judicial enforcement is necessary, the prevailing party shall be
8 awarded all costs of such litigation, including reasonable attorney fees.

9 (3) No person other than a member state shall enforce this compact
10 against the commission.

11 SECTION 14—EFFECTIVE DATE, WITHDRAWAL AND
12 AMENDMENT

13 (a) The compact shall come into effect on the date on which the
14 compact statute is enacted into law in the 7th member state.

15 (1) On or after the effective date of the compact, the commission
16 shall convene and review the enactment of each of the first seven member
17 states, the charter member states, to determine if the statute enacted by
18 each such charter member state is materially different than the model
19 compact statute.

20 (A) A charter member state whose enactment is found to be
21 materially different from the model compact statute shall be entitled to the
22 default process set forth in section 13 of this compact.

23 (B) If any member state is later found to be in default, or is
24 terminated or withdraws from the compact, the commission shall remain in
25 existence and the compact shall remain in effect even if the number of
26 member states should be fewer than seven.

27 (2) Member states enacting the compact subsequent to the seven
28 initial charter member states shall be subject to the process set forth in
29 section 10(c)(21) of this compact to determine if their enactments are
30 materially different from the model compact statute and whether they
31 qualify for participation in the compact.

32 (3) All actions taken for the benefit of the commission or in
33 furtherance of the purposes of the administration of the compact prior to
34 the effective date of the compact or the commission coming into existence
35 shall be considered to be actions of the commission unless specifically
36 repudiated by the commission.

37 (4) Any state that joins the compact subsequent to the commission's
38 initial adoption of the rules and bylaws shall be subject to the rules and
39 bylaws as they exist on the date when the compact becomes law in that
40 state. Any rule that has been previously adopted by the commission shall
41 have the full force and effect of law on the day the compact becomes law
42 in that state.

43 (b) Any member state may withdraw from this compact by enacting a

1 statute repealing the same.

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

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

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

14 (c) Nothing contained in this compact shall be construed to invalidate
15 or prevent any licensure agreement or other cooperative arrangement
16 between a member state and a non-member state that does not conflict
17 with the provisions of this compact.

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

21 SECTION 15—CONSTRUCTION AND SEVERABILITY

22 (a) This compact and the commission's rulemaking authority shall be
23 liberally construed so as to effectuate the purposes and the implementation
24 and administration of the compact. Provisions of the compact expressly
25 authorizing or requiring the promulgation of rules shall not be construed to
26 limit the commission's rulemaking authority solely for those purposes.

27 (b) The provisions of this compact shall be severable, and if any
28 phrase, clause, sentence or provision of this compact is held by a court of
29 competent jurisdiction to be contrary to the constitution of any member
30 state, a state seeking participation in the compact or of the United States,
31 or the applicability thereof to any government, agency, person or
32 circumstance is held to be unconstitutional by a court of competent
33 jurisdiction, the validity of the remainder of this compact and the
34 applicability thereof to any other government, agency, person or
35 circumstance shall not be affected thereby.

36 (c) Notwithstanding subsection (b), the commission may deny a
37 state's participation in the compact or, in accordance with the requirements
38 of section 13(b) of this compact, terminate a member state's participation
39 in the compact, if it determines that a constitutional requirement of a
40 member state is a material departure from the compact. Otherwise, if this
41 compact shall be held to be contrary to the constitution of any member
42 state, the compact shall remain in full force and effect as to the remaining
43 member states and in full force and effect as to the member state affected

1 as to all severable matters.

2 SECTION 16—CONSISTENT EFFECT AND CONFLICT WITH
3 OTHER STATE LAWS

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

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

11 (c) Any laws, statutes, regulations or other legal requirements in a
12 member state in conflict with the compact are superseded to the extent of
13 the conflict.

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

16 **New Sec. 2. (a) (1) Except as provided in paragraph (2), the board
17 shall require an applicant for initial licensure or renewal or
18 reinstatement of a license under this act to submit to a state and
19 national criminal history record check.**

20 **(2) The board may require an applicant for renewal of a license to
21 submit to a state and national criminal history record check if such
22 applicant has submitted to a state and national criminal history record
23 check within the last five years.**

24 **(3) Applicants for a multistate license shall be fingerprinted, and
25 the board shall submit such fingerprints to the Kansas bureau of
26 investigation and the federal bureau of investigation for a search of
27 the state and federal database.**

28 **(4) Fingerprints and criminal history record information
29 provided pursuant to this section may be used to identify a person and
30 to determine whether such person has a record of criminal history in
31 this state or another jurisdiction. The board may use the information
32 obtained from fingerprinting and the criminal history record check
33 for purposes of verifying the identification of the person and in the
34 official determination of the qualifications and fitness of the person to
35 be issued or maintain a license or multistate practice privilege under
36 the social work compact.**

37 **(5) The Kansas bureau of investigation shall release criminal
38 history record information related to adult convictions to the board
39 for a licensee, as defined in this section, in connection with an
40 application or license as described in K.S.A. 65-6306, and amendments
41 thereto.**

42 **(b) Local and state law enforcement officers and agencies shall
43 assist the board in the taking and processing of fingerprints of**

1 applicants for multistate licensure and release all records of adult
2 convictions to the board for the purposes set forth in subsection (a)(4).

3 (c) The Kansas bureau of investigation may charge a reasonable
4 fee for conducting a criminal history record check.

5 (d) (1) Fingerprints and criminal history record information
6 received pursuant to this section shall be confidential and shall not be
7 subject to the provisions of the Kansas open records act, K.S.A. 45-215
8 et seq., and amendments thereto. The provisions of this paragraph
9 shall expire on July 1, 2029, unless the legislature reviews and reenacts
10 this provision pursuant to K.S.A. 45-229, and amendments thereto,
11 prior to July 1, 2029.

12 (2) Disclosure or use of any information received pursuant to this
13 section for any purpose other than the purpose described in this
14 section shall be a class A nonperson misdemeanor and shall constitute
15 grounds for removal from office.

16 (e) As used in this section, "licensee" means a person who has
17 submitted an original application or an application for renewal or
18 reinstatement of a license or who currently holds a license under this
19 act issued by the behavioral sciences regulatory board.

20 (f) This section shall be a part of and supplemental to the social
21 workers licensure act.

22 Sec. 2-3. K.S.A. 2023 Supp. 65-6314 is hereby amended to read as
23 follows: 65-6314. (a) The following fees may be established by the board
24 in accordance with the following limitations, and any such fees shall be
25 established by rules and regulations adopted by the board:

26 (1) Renewal or reinstatement fee for a license as a social work
27 associate shall be not more than \$150.

28 (2) Application, new license, reinstatement or renewal fee for a
29 license as a baccalaureate social worker shall be not more than \$150.

30 ~~(3) Application, new license, reinstatement or renewal fee for a multi-~~
31 ~~state license as a baccalaureate social worker shall be not more than~~
32 ~~\$150.~~

33 ~~(4)~~—Application, new license, reinstatement or renewal fee for a
34 license as master social worker shall be not more than \$150.

35 ~~(5)~~—Application, new license, reinstatement or renewal fee for a multi-
36 state license as master social worker shall be not more than \$150.

37 ~~(4)~~~~(6)~~(4) Application, new license, reinstatement or renewal fee for a
38 license in a social work specialty shall be not more than \$150.

39 ~~(7)~~—Application, new license, reinstatement or renewal fee for a multi-
40 state license in a social work specialty shall be not more than \$150.

41 ~~(5)~~~~(8)~~(5) Replacement fee for reissuance of a license certificate due to
42 loss or name change shall be not more than \$20.

43 ~~(6)~~~~(9)~~(6) Replacement fee for reissuance of a wallet card shall be not

1 more than \$5.

2 ~~(7)(10)~~(7) Temporary license fee for a baccalaureate social worker,
3 master social worker or a social work specialty shall be not more than \$50.

4 ~~(8)(11)~~(8) Temporary candidacy license fee for a baccalaureate social
5 worker, master social worker or a social work specialty shall be not more
6 than \$75.

7 ~~(9)(12)~~(9) Six-month reinstatement temporary license fee for a
8 baccalaureate social worker, master social worker or a social work
9 specialty shall be not more than \$50.

10 ~~(10)(13)~~(10) Community-based license fee for a baccalaureate social
11 worker, master social worker or social work specialty shall be not more
12 than \$175.

13 ~~(11)(14)~~(11) Application fee for approval as board-approved
14 continuing education sponsors shall be as follows:

15 (A) Initial application fee for one year provisionally approved
16 providers shall be not more than \$125;

17 (B) three-year renewal fees for approved providers shall be not more
18 than \$350; and

19 (C) application fees for single program providers shall be not more
20 than \$50 for each separately offered continuing education activity for
21 which prior approval is sought.

22 **(12) New license or renewal fee for a home-state license with**
23 **privilege to practice under the social work licensure compact shall be**
24 **not more than \$25 in addition to any other applicable fee.**

25 (b) Fees paid to the board are not refundable.

26 ~~Sec. 3.~~ 4. K.S.A. 2023 Supp. 65-6314 is hereby repealed.

27 ~~Sec. 4.~~ 5. This act shall take effect and be in force from and after its
28 publication in the statute book.