

1 ENGROSSED HOUSE
2 BILL NO. 2261

By: Miller, Provenzano, and
Hill of the House

3 and

4 Rosino of the Senate
5
6

7 An Act relating to professions and occupations;
8 stating purpose of compact; stating objectives;
9 defining terms; providing procedures for state
10 participation in compact; stating eligibility
11 criteria; prescribing procedures for social worker
12 participation in compact; prescribing procedures for
13 Home State Licensing Authority; providing for
14 relationship of compact to state laws and other
15 sources of authority; prescribing procedures for
16 reissuance of license; providing for military
17 members; prescribing procedures related to certain
18 adverse actions; providing for investigations;
19 establishing Social Work Licensure Compact
20 Commission; providing for membership, voting, and
21 meetings of Commission; providing for data system;
22 prescribing procedures related thereto; providing for
23 rulemaking procedures; providing for oversight,
24 dispute resolution, and enforcement; providing for
effective date of compact provisions; providing for
construction and severability; providing for
construction with other laws; providing for
codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1281 of Title 59, unless there
is created a duplication in numbering, reads as follows:

1 The purpose of this Compact is to facilitate interstate practice
2 of Regulated Social Workers by improving public access to competent
3 Social Work Services. The Compact preserves the regulatory
4 authority of States to protect public health and safety through the
5 current system of State licensure.

6 This Compact is designed to achieve the following objectives:

7 A. Increase public access to Social Work Services;

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

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

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

14 E. Promote mobility and address workforce shortages by
15 eliminating the necessity for licenses in multiple states by
16 providing for the mutual recognition of other Member State licenses;

17 F. Support military families;

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

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

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

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1282 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

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

8 A. "Active Military Member" means any individual with full-time
9 duty status in the active Armed Forces of the United States
10 including members of the National Guard and Reserve;

11 B. "Adverse Action" means any administrative, civil, equitable,
12 or criminal action permitted by a State's laws which is imposed by a
13 Licensing Authority or other authority against a Regulated Social
14 Worker, including actions against an individual's license or
15 Multistate Authorization to Practice such as revocation, suspension,
16 probation, monitoring of the Licensee, limitation on the Licensee's
17 practice, or any other Encumbrance on licensure affecting a
18 Regulated Social Worker's authorization to practice, including
19 issuance of a cease and desist action;

20 C. "Alternative Program" means a nondisciplinary monitoring or
21 practice remediation process approved by a Licensing Authority to
22 address practitioners with an Impairment;

23 D. "Charter Member States" means Member States who have enacted
24 legislation to adopt this Compact where such legislation predates

1 the effective date of this Compact as described in Section 14 of
2 this act;

3 E. "Compact Commission" or "Commission" means the government
4 agency whose membership consists of all States that have enacted
5 this Compact, which is known as the Social Work Licensure Compact
6 Commission, as described in Section 10 of this act, and which shall
7 operate as an instrumentality of the Member States;

8 F. "Current Significant Investigative Information" means:

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

14 2. Investigative information that indicates that the Regulated
15 Social Worker represents an immediate threat to public health and
16 safety, as may be defined by the Commission, regardless of whether
17 the Regulated Social Worker has been notified and has had an
18 opportunity to respond;

19 G. "Data System" means a repository of information about
20 Licensees, including continuing education, examination, licensure,
21 Current Significant Investigative Information, Disqualifying Event,
22 Multistate License(s) and Adverse Action information or other
23 information as required by the Commission;

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1 H. "Disqualifying Event" means any Adverse Action or incident
2 which results in an Encumbrance that disqualifies or makes the
3 Licensee ineligible to either obtain, retain, or renew a Multistate
4 License;

5 I. "Domicile" means the jurisdiction in which the Licensee
6 resides and intends to remain indefinitely;

7 J. "Encumbrance" means a revocation or suspension of, or any
8 limitation on, the full and unrestricted practice of Social Work
9 licensed and regulated by a Licensing Authority;

10 K. "Executive Committee" means a group of delegates elected or
11 appointed to act on behalf of, and within the powers granted to them
12 by, the Compact and Commission;

13 L. "Home State" means the Member State that is the Licensee's
14 primary Domicile;

15 M. "Impairment" means a condition(s) that may impair a
16 practitioner's ability to engage in full and unrestricted practice
17 as a Regulated Social Worker without some type of intervention and
18 may include alcohol and drug dependence, mental health impairment,
19 and neurological or physical impairments;

20 N. "Licensee(s)" means an individual who currently holds a
21 license from a State to practice as a Regulated Social Worker;

22 O. "Licensing Authority" means the board or agency of a Member
23 State, or equivalent, that is responsible for the licensing and
24 regulation of Regulated Social Workers;

1 P. "Member State" means a state, commonwealth, district, or
2 territory of the United States of America that has enacted this
3 Compact;

4 Q. "Multistate Authorization to Practice" means a legally
5 authorized privilege to practice, which is equivalent to a license,
6 associated with a Multistate License permitting the practice of
7 Social Work in a Remote State;

8 R. "Multistate License" means a license to practice as a
9 Regulated Social Worker issued by a Home State Licensing Authority
10 that authorizes the Regulated Social Worker to practice in all
11 Member States under Multistate Authorization to Practice;

12 S. "Qualifying National Exam" means a national licensing
13 examination approved by the Commission;

14 T. "Regulated Social Worker" means any clinical, master's or
15 bachelor's Social Worker licensed by a Member State regardless of
16 the title used by that Member State;

17 U. "Remote State" means a Member State other than the
18 Licensee's Home State;

19 V. "Rule(s)" or "Rule(s) of the Commission" means a regulation
20 or regulations duly promulgated by the Commission, as authorized by
21 the Compact, that has the force of law;

22 W. "Single State License" means a Social Work license issued by
23 any State that authorizes practice only within the issuing State and
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1 does not include Multistate Authorization to Practice in any Member
2 State;

3 X. "Social Work" or "Social Work Services" means the
4 application of social work theory, knowledge, methods, ethics, and
5 the professional use of self to restore or enhance social,
6 psychosocial, or biopsychosocial functioning of individuals,
7 couples, families, groups, organizations, and communities through
8 the care and services provided by a Regulated Social Worker as set
9 forth in the Member State's statutes and regulations in the State
10 where the services are being provided;

11 Y. "State" means any state, commonwealth, district, or
12 territory of the United States of America that regulates the
13 practice of Social Work; and

14 Z. "Unencumbered License" means a license that authorizes a
15 Regulated Social Worker to engage in the full and unrestricted
16 practice of Social Work.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1283 of Title 59, unless there
19 is created a duplication in numbering, reads as follows:

20 A. To be eligible to participate in the Compact, a potential
21 Member State must currently meet all of the following criteria:

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

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

3 a. operated by a college or university recognized by the
4 Licensing Authority,

5 b. accredited, or in candidacy by an institution that
6 subsequently becomes accredited, by an accrediting
7 agency recognized by either:

8 (1) the Council for Higher Education Accreditation,
9 or its successor, or

10 (2) the United States Department of Education, and

11 c. corresponds to the licensure sought as outlined in
12 Section 4 of this act;

13 3. Require applicants for clinical licensure to complete a
14 period of supervised practice;

15 4. Have a mechanism in place for receiving, investigating, and
16 adjudicating complaints about Licensees.

17 B. To maintain membership in the Compact, a Member State shall:

18 1. Require that applicants for a Multistate License pass a
19 Qualifying National Exam for the corresponding category of
20 Multistate License sought as outlined in Section 4 of this act;

21 2. Participate fully in the Commission's Data System, including
22 using the Commission's unique identifier as defined in Rules;

1 3. Notify the Commission, in compliance with the terms of the
2 Compact and Rules, of any Adverse Action or the availability of
3 Current Significant Investigative Information regarding a Licensee;

4 4. Implement procedures for considering the criminal history
5 records of applicants for a Multistate License. Such procedures
6 shall include the submission of fingerprints or other biometric-
7 based information by applicants for the purpose of obtaining an
8 applicant's criminal history record information from the Federal
9 Bureau of Investigation and the agency responsible for retaining
10 that State's criminal records;

11 5. Comply with the Rules of the Commission;

12 6. Require an applicant to obtain or retain a license in the
13 Home State and meet the Home State's qualifications for licensure or
14 renewal of licensure, as well as all other applicable Home State
15 laws;

16 7. Authorize a Licensee holding a Multistate License in any
17 Member State to practice in accordance with the terms of the Compact
18 and Rules of the Commission; and

19 8. Designate a delegate to participate in the Commission
20 meetings.

21 C. A Member State meeting the requirements of subsection A of
22 this section and subsection B of this section shall designate the
23 categories of Social Work licensure that are eligible for issuance
24 of a Multistate License for applicants in such Member State. To the

1 extent that any Member State does not meet the requirements for
2 participation in the Compact at any particular category of Social
3 Work licensure, such Member State may choose, but is not obligated
4 to, issue a Multistate License to applicants that otherwise meet the
5 requirements of Section 4 of this act for issuance of a Multistate
6 License in such category or categories of licensure.

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

9 SECTION 4. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1284 of Title 59, unless there
11 is created a duplication in numbering, reads as follows:

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

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

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

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

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1 4. Notify the Home State of any Adverse Action, Encumbrance, or
2 restriction on any professional license taken by any Member State or
3 non-Member State within thirty (30) days from the date the action is
4 taken;

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

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

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

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

14 a. passage of a clinical-category Qualifying National
15 Exam, or

16 b. licensure of the applicant in their Home State at the
17 clinical category, beginning prior to such time as a
18 Qualifying National Exam was required by the Home
19 State and accompanied by a period of continuous Social
20 Work licensure thereafter, all of which may be further
21 governed by the Rules of the Commission, or

22 c. the substantial equivalency of the foregoing
23 competency requirements which the Commission may
24 determine by Rule;

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

3 a. operated by a college or university recognized by the
4 Licensing Authority, and

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

8 (1) the Council for Higher Education Accreditation or
9 its successor, or

10 (2) the United States Department of Education;

11 3. Fulfill a practice requirement, which shall be satisfied by
12 demonstrating completion of either:

13 a. a period of postgraduate supervised clinical practice
14 equal to a minimum of three thousand (3,000) hours, or

15 b. a minimum of two (2) years of full-time postgraduate
16 supervised clinical practice, or

17 c. the substantial equivalency of the foregoing practice
18 requirements which the Commission may determine by
19 Rule.

20 C. An applicant for a master's-category Multistate License must
21 meet all of the following requirements:

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

- 1 a. passage of a masters-category Qualifying National
- 2 Exam,
- 3 b. licensure of the applicant in their Home State at the
- 4 master's category, beginning prior to such time as a
- 5 Qualifying National Exam was required by the Home
- 6 State at the master's category and accompanied by a
- 7 continuous period of Social Work licensure thereafter,
- 8 all of which may be further governed by the Rules of
- 9 the Commission, or
- 10 c. the substantial equivalency of the foregoing
- 11 competency requirements which the Commission may
- 12 determine by Rule;

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

- 15 a. operated by a college or university recognized by the
- 16 Licensing Authority, and
- 17 b. accredited, or in candidacy that subsequently becomes
- 18 accredited, by an accrediting agency recognized by
- 19 either:
 - 20 (1) the Council for Higher Education Accreditation or
 - 21 its successor, or
 - 22 (2) the United States Department of Education.

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

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

- 3 a. passage of a bachelor's-category Qualifying National
4 Exam,
- 5 b. licensure of the applicant in their Home State at the
6 bachelor's category, beginning prior to such time as a
7 Qualifying National Exam was required by the Home
8 State and accompanied by a period of continuous Social
9 Work licensure thereafter, all of which may be further
10 governed by the Rules of the Commission, or
- 11 c. the substantial equivalency of the foregoing
12 competency requirements which the Commission may
13 determine by Rule;

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

- 16 a. operated by a college or university recognized by the
17 Licensing Authority, and
- 18 b. accredited, or in candidacy that subsequently becomes
19 accredited, by an accrediting agency recognized by
20 either:
 - 21 (1) the Council for Higher Education Accreditation or
22 its successor, or
 - 23 (2) the United States Department of Education.

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1 E. The Multistate License for a Regulated Social Worker is
2 subject to the renewal requirements of the Home State. The
3 Regulated Social Worker must maintain compliance with the
4 requirements of subsection A of this section to be eligible to renew
5 a Multistate License.

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

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

17 H. If a Multistate Authorization to Practice is encumbered in a
18 Remote State, the regulated Social Worker's Multistate Authorization
19 to Practice may be deactivated in that State until the Multistate
20 Authorization to Practice is no longer encumbered.

21 SECTION 5. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1285 of Title 59, unless there
23 is created a duplication in numbering, reads as follows:

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

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

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

14 D. A Multistate License issued by a Home State to a resident in
15 that State shall be recognized by all Compact Member States as
16 authorizing Social Work Practice under a Multistate Authorization to
17 Practice corresponding to each category of licensure regulated in
18 each Member State.

19 SECTION 6. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1286 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 A. Nothing in this Compact, nor any Rule of the Commission,
23 shall be construed to limit, restrict, or in any way reduce the
24 ability of a Member State to enact and enforce laws, regulations, or

1 other rules related to the practice of Social Work in that State,
2 where those laws, regulations, or other rules are not inconsistent
3 with the provisions of this Compact.

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

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

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

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

21 SECTION 7. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1287 of Title 59, unless there
23 is created a duplication in numbering, reads as follows:

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1 A. A Licensee can hold a Multistate License, issued by their
2 Home State, in only one Member State at any given time.

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

5 1. The Licensee shall immediately apply for the reissuance of
6 their Multistate License in their new Home State. The Licensee
7 shall pay all applicable fees and notify the prior Home State in
8 accordance with the Rules of the Commission;

9 2. Upon receipt of an application to reissue a Multistate
10 License, the new Home State shall verify that the Multistate License
11 is active, unencumbered and eligible for reissuance under the terms
12 of the Compact and the Rules of the Commission. The Multistate
13 License issued by the prior Home State will be deactivated and all
14 Member States notified in accordance with the applicable Rules
15 adopted by the Commission;

16 3. Prior to the reissuance of the Multistate License, the new
17 Home State shall conduct procedures for considering the criminal
18 history records of the Licensee. Such procedures shall include the
19 submission of fingerprints or other biometric-based information by
20 applicants for the purpose of obtaining an applicant's criminal
21 history record information from the Federal Bureau of Investigation
22 and the agency responsible for retaining that State's criminal
23 records;

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1 4. If required for initial licensure, the new Home State may
2 require completion of jurisprudence requirements in the new Home
3 State;

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

10 C. If a Licensee changes their primary State of residence by
11 moving from a Member State to a non-Member State, or from a non-
12 Member State to a Member State, then the Licensee shall be subject
13 to the State requirements for the issuance of a Single State License
14 in the new Home State.

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

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

22 SECTION 8. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1288 of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

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

5 SECTION 9. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1289 of Title 59, unless there
7 is created a duplication in numbering, reads as follows:

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

11 1. Take Adverse Action against a Regulated Social Worker's
12 Multistate Authorization to Practice only within that Member State,
13 and issue subpoenas for both hearings and investigations that
14 require the attendance and testimony of witnesses as well as the
15 production of evidence. Subpoenas issued by a Licensing Authority
16 in a Member State for the attendance and testimony of witnesses or
17 the production of evidence from another Member State shall be
18 enforced in the latter State by any court of competent jurisdiction,
19 according to the practice and procedure of that court applicable to
20 subpoenas issued in proceedings pending before it. The issuing
21 Licensing Authority shall pay any witness fees, travel expenses,
22 mileage, and other fees required by the service statutes of the
23 State in which the witnesses or evidence are located;

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

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

8 C. The Home State shall complete any pending investigations of
9 a Regulated Social Worker who changes their Home State during the
10 course of the investigations. The Home State shall also have the
11 authority to take appropriate action(s) and shall promptly report
12 the conclusions of the investigations to the administrator of the
13 Data System. The administrator of the Data System shall promptly
14 notify the new Home State of any Adverse Actions.

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

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

22 F. Joint Investigations:

23 1. In addition to the authority granted to a Member State by
24 its respective Social Work practice act or other applicable State

1 law, any Member State may participate with other Member States in
2 joint investigations of Licensees.

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

6 G. If Adverse Action is taken by the Home State against the
7 Multistate License of a Regulated Social Worker, the Regulated
8 Social Worker's Multistate Authorization to Practice in all other
9 Member States shall be deactivated until all Encumbrances have been
10 removed from the Multistate License. All Home State disciplinary
11 orders that impose Adverse Action against the license of a Regulated
12 Social Worker shall include a statement that the Regulated Social
13 Worker's Multistate Authorization to Practice is deactivated in all
14 Member States until all conditions of the decision, order or
15 agreement are satisfied.

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

20 I. Nothing in this Compact shall override a Member State's
21 decision that participation in an Alternative Program may be used in
22 lieu of Adverse Action.

23 J. Nothing in this Compact shall authorize a Member State to
24 demand the issuance of subpoenas for attendance and testimony of

1 witnesses or the production of evidence from another Member State
2 for lawful actions within that Member State.

3 K. Nothing in this Compact shall authorize a Member State to
4 impose discipline against a Regulated Social Worker who holds a
5 Multistate Authorization to Practice for lawful actions within
6 another Member State.

7 SECTION 10. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1290 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 A. The Compact Member States hereby create and establish a
11 joint government agency whose membership consists of all Member
12 States that have enacted the compact known as the Social Work
13 Licensure Compact Commission. The Commission is an instrumentality
14 of the Compact States acting jointly and not an instrumentality of
15 any one State. The Commission shall come into existence on or after
16 the effective date of the Compact as set forth in Section 14 of this
17 act.

18 B. Membership, Voting, and Meetings

19 1. Each Member State shall have and be limited to one delegate
20 selected by that Member State's State Licensing Authority.

21 2. The delegate shall be either:

22 a. a current member of the State Licensing Authority at
23 the time of appointment, who is a Regulated Social
24

1 Worker or public member of the State Licensing
2 Authority, or

3 b. an administrator of the State Licensing Authority or
4 their designee.

5 3. The Commission shall by Rule or bylaw establish a term of
6 office for delegates and may by Rule or bylaw establish term limits.

7 4. The Commission may recommend removal or suspension of any
8 delegate from office.

9 5. A Member State's State Licensing Authority shall fill any
10 vacancy of its delegate occurring on the Commission within sixty
11 (60) days of the vacancy.

12 6. Each delegate shall be entitled to one vote on all matters
13 before the Commission requiring a vote by Commission delegates.

14 7. A delegate shall vote in person or by such other means as
15 provided in the bylaws. The bylaws may provide for delegates to
16 meet by telecommunication, videoconference, or other means of
17 communication.

18 8. The Commission shall meet at least once during each calendar
19 year. Additional meetings may be held as set forth in the bylaws.
20 The Commission may meet by telecommunication, videoconference, or
21 other similar electronic means.

22 C. The Commission shall have the following powers:

23 1. Establish the fiscal year of the Commission;

24 2. Establish code of conduct and conflict of interest policies;

- 1 3. Establish and amend Rules and bylaws;
- 2 4. Maintain its financial records in accordance with the
- 3 bylaws;
- 4 5. Meet and take such actions as are consistent with the
- 5 provisions of this Compact, the Commission's Rules, and the bylaws;
- 6 6. Initiate and conclude legal proceedings or actions in the
- 7 name of the Commission, provided that the standing of any State
- 8 Licensing Board to sue or be sued under applicable law shall not be
- 9 affected;
- 10 7. Maintain and certify records and information provided to a
- 11 Member State as the authenticated business records of the
- 12 Commission, and designate an agent to do so on the Commission's
- 13 behalf;
- 14 8. Purchase and maintain insurance and bonds;
- 15 9. Borrow, accept, or contract for services of personnel,
- 16 including, but not limited to, employees of a Member State;
- 17 10. Conduct an annual financial review;
- 18 11. Hire employees, elect or appoint officers, fix
- 19 compensation, define duties, grant such individuals appropriate
- 20 authority to carry out the purposes of the Compact, and establish
- 21 the Commission's personnel policies and programs relating to
- 22 conflicts of interest, qualifications of personnel, and other
- 23 related personnel matters;
- 24 12. Assess and collect fees;

1 13. Accept any and all appropriate gifts, donations, grants of
2 money, other sources of revenue, equipment, supplies, materials, and
3 services, and receive, utilize, and dispose of the same; provided
4 that at all times the Commission shall avoid any appearance of
5 impropriety or conflict of interest;

6 14. Lease, purchase, retain, own, hold, improve, or use any
7 property, real, personal, or mixed, or any undivided interest
8 therein;

9 15. Sell, convey, mortgage, pledge, lease, exchange, abandon,
10 or otherwise dispose of any property real, personal, or mixed;

11 16. Establish a budget and make expenditures;

12 17. Borrow money;

13 18. Appoint committees, including standing committees, composed
14 of members, State regulators, State legislators or their
15 representatives, and consumer representatives, and such other
16 interested persons as may be designated in this Compact and the
17 bylaws;

18 19. Provide and receive information from, and cooperate with,
19 law enforcement agencies;

20 20. Establish and elect an Executive Committee, including a
21 chair and a vice chair;

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

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

3 D. The Executive Committee

4 1. The Executive Committee shall have the power to act on
5 behalf of the Commission according to the terms of this Compact.

6 The powers, duties, and responsibilities of the Executive Committee
7 shall include:

- 8 a. oversee the day-to-day activities of the
9 administration of the Compact including enforcement
10 and compliance with the provisions of the Compact, its
11 Rules and bylaws, and other such duties as deemed
12 necessary,
- 13 b. recommend to the Commission changes to the Rules or
14 bylaws, changes to this Compact legislation, fees
15 charged to Compact Member States, fees charged to
16 Licensees, and other fees,
- 17 c. ensure Compact administration services are
18 appropriately provided, including by contract,
- 19 d. prepare and recommend the budget,
- 20 e. maintain financial records on behalf of the
21 Commission,
- 22 f. monitor Compact compliance of Member States and
23 provide compliance reports to the Commission,
- 24 g. establish additional committees as necessary,

- 1 h. exercise the powers and duties of the Commission
2 during the interim between Commission meetings, except
3 for adopting or amending Rules, adopting or amending
4 bylaws, and exercising any other powers and duties
5 expressly reserved to the Commission by Rule or bylaw,
6 and
7 i. other duties as provided in the Rules or bylaws of the
8 Commission.

9 2. The Executive Committee shall be composed of up to eleven
10 (11) members:

- 11 a. the chair and vice-chair of the Commission shall be
12 voting members of the Executive Committee,
13 b. the Commission shall elect five voting members from
14 the current membership of the Commission,
15 c. up to four ex-officio, nonvoting members from four
16 recognized national Social Work organizations, and
17 d. the ex-officio members shall be selected by their
18 respective organizations.

19 3. The Commission may remove any member of the Executive
20 Committee as provided in the Commission's bylaws.

21 4. The Executive Committee shall meet at least annually.

- 22 a. Executive Committee meetings shall be open to the
23 public, except that the Executive Committee may meet
24

1 in a closed, nonpublic meeting as provided in
2 paragraph 2 of subsection F of this section.

3 b. The Executive Committee shall give seven (7) days'
4 notice of its meetings, posted on its website and as
5 determined to provide notice to persons with an
6 interest in the business of the Commission.

7 c. The Executive Committee may hold a special meeting in
8 accordance with subparagraph b of paragraph 1 of
9 subsection F of this section.

10 E. The Commission shall adopt and provide to the Member States
11 an annual report.

12 F. Meetings of the Commission

13 1. All meetings shall be open to the public, except that the
14 Commission may meet in a closed, nonpublic meeting as provided in
15 paragraph 2 of this subsection.

16 a. Public notice for all meetings of the full Commission
17 of meetings shall be given in the same manner as
18 required under the Rulemaking provisions in Section 12
19 of this act, except that the Commission may hold a
20 special meeting as provided in subparagraph b of this
21 paragraph.

22 b. The Commission may hold a special meeting when it must
23 meet to conduct emergency business by giving forty-
24 eight (48) hours' notice to all commissioners, on the

1 Commission's website, and other means as provided in
2 the Commission's Rules. The Commission's legal
3 counsel shall certify that the Commission's need to
4 meet qualifies as an emergency.

5 2. The Commission or the Executive Committee or other
6 committees of the Commission may convene in a closed, nonpublic
7 meeting for the Commission or Executive Committee or other
8 committees of the Commission to receive legal advice or to discuss:

- 9 a. noncompliance of a Member State with its obligations
10 under the Compact,
11 b. the employment, compensation, discipline, or other
12 matters, practices, or procedures related to specific
13 employees,
14 c. current or threatened discipline of a Licensee by the
15 Commission or by a Member State's Licensing Authority,
16 d. current, threatened, or reasonably anticipated
17 litigation,
18 e. negotiation of contracts for the purchase, lease, or
19 sale of goods, services, or real estate,
20 f. accusing any person of a crime or formally censuring
21 any person,
22 g. trade secrets or commercial or financial information
23 that is privileged or confidential,
24

- 1 h. information of a personal nature where disclosure
- 2 would constitute a clearly unwarranted invasion of
- 3 personal privacy,
- 4 i. investigative records compiled for law enforcement
- 5 purposes,
- 6 j. information related to any investigative reports
- 7 prepared by or on behalf of or for use of the
- 8 Commission or other committee charged with
- 9 responsibility of investigation or determination of
- 10 compliance issues pursuant to the Compact,
- 11 k. matters specifically exempted from disclosure by
- 12 federal or Member State law, or
- 13 l. other matters as promulgated by the Commission by
- 14 Rule.

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

19 4. The Commission shall keep minutes that fully and clearly
20 describe all matters discussed in a meeting and shall provide a full
21 and accurate summary of actions taken, and the reasons therefore,
22 including a description of the views expressed. All documents
23 considered in connection with an action shall be identified in such
24 minutes. All minutes and documents of a closed meeting shall remain

1 under seal, subject to release only by a majority vote of the
2 Commission or order of a court of competent jurisdiction.

3 G. Financing of the Commission

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

7 2. The Commission may accept any and all appropriate revenue
8 sources as provided in subsection C of Section 13 of this act.

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

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

22 5. The Commission shall keep accurate accounts of all receipts
23 and disbursements. The receipts and disbursements of the Commission
24 shall be subject to the financial review and accounting procedures

1 established under its bylaws. However, all receipts and
2 disbursements of funds handled by the Commission shall be subject to
3 an annual financial review by a certified or licensed public
4 accountant, and the report of the financial review shall be included
5 in and become part of the annual report of the Commission.

6 H. Qualified Immunity, Defense, and Indemnification

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

21 2. The Commission shall defend any member, officer, executive
22 director, employee, and representative of the Commission in any
23 civil action seeking to impose liability arising out of any actual
24 or alleged act, error, or omission that occurred within the scope of

1 Commission employment, duties, or responsibilities, or as determined
2 by the Commission that the person against whom the claim is made had
3 a reasonable basis for believing occurred within the scope of
4 Commission employment, duties, or responsibilities; provided that
5 nothing herein shall be construed to prohibit that person from
6 retaining their own counsel at their own expense; and provided
7 further, that the actual or alleged act, error, or omission did not
8 result from that person's intentional or willful or wanton
9 misconduct.

10 3. The Commission shall indemnify and hold harmless any member,
11 officer, executive director, employee, and representative of the
12 Commission for the amount of any settlement or judgment obtained
13 against that person arising out of any actual or alleged act, error,
14 or omission that occurred within the scope of Commission employment,
15 duties, or responsibilities, or that such person had a reasonable
16 basis for believing occurred within the scope of Commission
17 employment, duties, or responsibilities, provided that the actual or
18 alleged act, error, or omission did not result from the intentional
19 or willful or wanton misconduct of that person.

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

24

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

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

8 SECTION 11. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1291 of Title 59, unless there
10 is created a duplication in numbering, reads as follows:

11 A. The Commission shall provide for the development,
12 maintenance, operation, and utilization of a coordinated Data
13 System.

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

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

- 21 1. Identifying information;
- 22 2. Licensure data;
- 23 3. Adverse Actions against a license and information related
24 thereto;

1 4. Nonconfidential information related to Alternative Program
2 participation, the beginning and ending dates of such participation,
3 and other information related to such participation not made
4 confidential under Member State law;

5 5. Any denial of application for licensure, and the reason(s)
6 for such denial;

7 6. The presence of Current Significant Investigative
8 Information; and

9 7. Other information that may facilitate this Compact's
10 administration or the public's protection, as determined by the
11 Rules of the Commission.

12 D. The records and information provided to a Member State
13 pursuant to this Compact or through the Data System, when certified
14 by the Commission or an agent thereof, shall constitute the
15 authenticated business records of the Commission, and shall be
16 entitled to any associated hearsay exception in any relevant
17 judicial, quasi-judicial or administrative proceedings in a Member
18 State.

19 E. Current Significant Investigative Information pertaining to
20 a Licensee in any Member State will only be available to other
21 Member States.

22 It is the responsibility of the Member States to report any
23 Adverse Action against a Licensee and to monitor the database to
24 determine whether Adverse Action has been taken against a Licensee.

1 Adverse Action information pertaining to a Licensee in any Member
2 State will be available to any other Member State.

3 F. Member States contributing information to the Data System
4 may designate information that may not be shared with the public
5 without the express permission of the contributing State.

6 G. Any information submitted to the Data System that is
7 subsequently expunged pursuant to federal law or the laws of the
8 Member State contributing the information shall be removed from the
9 Data System.

10 SECTION 12. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1292 of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

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

21 B. The Rules of the Commission shall have the force of law in
22 each Member State, provided, however, that where the Rules of the
23 Commission conflict with the laws of the Member State that establish
24 the Member State's laws, regulations, and applicable standards that

1 govern the practice of Social Work as held by a court of competent
2 jurisdiction, the Rules of the Commission shall be ineffective in
3 that State to the extent of the conflict.

4 C. The Commission shall exercise its Rulemaking powers pursuant
5 to the criteria set forth in this section and the Rules adopted
6 thereunder. Rules shall become binding on the day following
7 adoption or the date specified in the rule or amendment, whichever
8 is later.

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

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

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

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

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

1 2. To persons who have requested notice of the Commission's
2 notices of proposed rulemaking; and

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

4 H. The Notice of Proposed Rulemaking shall include:

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

9 2. If the hearing is held via telecommunication,
10 videoconference, or other electronic means, the Commission shall
11 include the mechanism for access to the hearing in the Notice of
12 Proposed Rulemaking;

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

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

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

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

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

24

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

4 1. The Commission may adopt changes to the proposed Rule
5 provided the changes do not enlarge the original purpose of the
6 proposed Rule.

7 2. The Commission shall provide an explanation of the reasons
8 for substantive changes made to the proposed Rule as well as reasons
9 for substantive changes not made that were recommended by
10 commenters.

11 3. The Commission shall determine a reasonable effective date
12 for the Rule. Except for an emergency as provided in subsection L
13 of this section, the effective date of the Rule shall be no sooner
14 than thirty (30) days after issuing the notice that it adopted or
15 amended the Rule.

16 L. Upon determination that an emergency exists, the Commission
17 may consider and adopt an emergency Rule with forty-eight (48)
18 hours' notice, with opportunity to comment, provided that the usual
19 Rulemaking procedures provided in the Compact and in this section
20 shall be retroactively applied to the Rule as soon as reasonably
21 possible, in no event later than ninety (90) days after the
22 effective date of the Rule. For the purposes of this provision, an
23 emergency Rule is one that must be adopted immediately in order to:

- 1 1. Meet an imminent threat to public health, safety, or
2 welfare;
- 3 2. Prevent a loss of Commission or Member State funds;
- 4 3. Meet a deadline for the promulgation of a Rule that is
5 established by federal law or rule; or
- 6 4. Protect public health and safety.

7 M. The Commission or an authorized committee of the Commission
8 may direct revisions to a previously adopted Rule for purposes of
9 correcting typographical errors, errors in format, errors in
10 consistency, or grammatical errors. Public notice of any revisions
11 shall be posted on the website of the Commission. The revision
12 shall be subject to challenge by any person for a period of thirty
13 (30) days after posting. The revision may be challenged only on
14 grounds that the revision results in a material change to a Rule. A
15 challenge shall be made in writing and delivered to the Commission
16 prior to the end of the notice period. If no challenge is made, the
17 revision will take effect without further action. If the revision
18 is challenged, the revision may not take effect without the approval
19 of the Commission.

20 N. No Member State's rulemaking requirements shall apply under
21 this Compact.

22 SECTION 13. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1293 of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

1 A. Oversight

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

5 2. Except as otherwise provided in this Compact, venue is
6 proper and judicial proceedings by or against the Commission shall
7 be brought solely and exclusively in a court of competent
8 jurisdiction where the principal office of the Commission is
9 located. The Commission may waive venue and jurisdictional defenses
10 to the extent it adopts or consents to participate in alternative
11 dispute resolution proceedings. Nothing herein shall affect or
12 limit the selection or propriety of venue in any action against a
13 Licensee for professional malpractice, misconduct or any such
14 similar matter.

15 3. The Commission shall be entitled to receive service of
16 process in any proceeding regarding the enforcement or
17 interpretation of the Compact and shall have standing to intervene
18 in such a proceeding for all purposes. Failure to provide the
19 Commission service of process shall render a judgment or order void
20 as to the Commission, this Compact, or promulgated Rules.

21 B. Default, Technical Assistance, and Termination

22 1. If the Commission determines that a Member State has
23 defaulted in the performance of its obligations or responsibilities
24 under this Compact or the promulgated Rules, the Commission shall

1 provide written notice to the defaulting State. The notice of
2 default shall describe the default, the proposed means of curing the
3 default, and any other action that the Commission may take, and
4 shall offer training and specific technical assistance regarding the
5 default.

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

8 C. If a State in default fails to cure the default, the
9 defaulting State may be terminated from the Compact upon an
10 affirmative vote of a majority of the delegates of the Member
11 States, and all rights, privileges and benefits conferred on that
12 State by this Compact may be terminated on the effective date of
13 termination. A cure of the default does not relieve the offending
14 State of obligations or liabilities incurred during the period of
15 default.

16 D. Termination of membership in the Compact shall be imposed
17 only after all other means of securing compliance have been
18 exhausted. Notice of intent to suspend or terminate shall be given
19 by the Commission to the governor, the majority and minority leaders
20 of the defaulting State's legislature, the defaulting State's State
21 Licensing Authority and each of the Member States' State Licensing
22 Authority.

23 E. A State that has been terminated is responsible for all
24 assessments, obligations, and liabilities incurred through the

1 effective date of termination, including obligations that extend
2 beyond the effective date of termination.

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

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

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

18 I. Dispute Resolution

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

22 2. The Commission shall promulgate a Rule providing for both
23 mediation and binding dispute resolution for disputes as
24 appropriate.

1 J. Enforcement

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

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

22 3. No person other than a Member State shall enforce this
23 Compact against the Commission.
24

1 SECTION 14. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1294 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

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

6 1. On or after the effective date of the Compact, the
7 Commission shall convene and review the enactment of each of the
8 first seven Member States ("Charter Member States") to determine if
9 the statute enacted by each such Charter Member State is materially
10 different than the model Compact statute.

11 a. A Charter Member State whose enactment is found to be
12 materially different from the model Compact statute
13 shall be entitled to the default process set forth in
14 Section 13 of this act.

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

20 2. Member States enacting the Compact subsequent to the seven
21 initial Charter Member States shall be subject to the process set
22 forth in paragraph 21 of subsection C of Section 10 of this act to
23 determine if their enactments are materially different from the
24

1 model Compact statute and whether they qualify for participation in
2 the Compact.

3 3. All actions taken for the benefit of the Commission or in
4 furtherance of the purposes of the administration of the Compact
5 prior to the effective date of the Compact or the Commission coming
6 into existence shall be considered to be actions of the Commission
7 unless specifically repudiated by the Commission.

8 4. Any State that joins the Compact subsequent to the
9 Commission's initial adoption of the Rules and bylaws shall be
10 subject to the Rules and bylaws as they exist on the date on which
11 the Compact becomes law in that State. Any Rule that has been
12 previously adopted by the Commission shall have the full force and
13 effect of law on the day the Compact becomes law in that State.

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

16 1. A Member State's withdrawal shall not take effect until one
17 hundred eighty (180) days after enactment of the repealing statute.

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

22 3. Upon the enactment of a statute withdrawing from this
23 Compact, a State shall immediately provide notice of such withdrawal
24 to all Licensees within that State. Notwithstanding any subsequent

1 statutory enactment to the contrary, such withdrawing State shall
2 continue to recognize all licenses granted pursuant to this Compact
3 for a minimum of one hundred eighty (180) days after the date of
4 such notice of withdrawal.

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

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

13 SECTION 15. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1295 of Title 59, unless there
15 is created a duplication in numbering, reads as follows:

16 A. This Compact and the Commission's rulemaking authority shall
17 be liberally construed so as to effectuate the purposes and the
18 implementation and administration of the Compact. Provisions of the
19 Compact expressly authorizing or requiring the promulgation of Rules
20 shall not be construed to limit the Commission's rulemaking
21 authority solely for those purposes.

22 B. The provisions of this Compact shall be severable and if any
23 phrase, clause, sentence, or provision of this Compact is held by a
24 court of competent jurisdiction to be contrary to the constitution

1 of any Member State, a State seeking participation in the Compact,
2 or of the United States, or the applicability thereof to any
3 government, agency, person, or circumstance is held to be
4 unconstitutional by a court of competent jurisdiction, the validity
5 of the remainder of this Compact and the applicability thereof to
6 any other government, agency, person or circumstance shall not be
7 affected thereby.

8 C. Notwithstanding subsection B of this section, the Commission
9 may deny a State's participation in the Compact or, in accordance
10 with the requirements of subsection C of Section 13 of this act,
11 terminate a Member State's participation in the Compact, if it
12 determines that a constitutional requirement of a Member State is a
13 material departure from the Compact. Otherwise, if this Compact
14 shall be held to be contrary to the constitution of any Member
15 State, the Compact shall remain in full force and effect as to the
16 remaining Member States and in full force and effect as to the
17 Member State affected as to all severable matters.

18 SECTION 16. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1296 of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 A. A Licensee providing services in a Remote State under a
22 Multistate Authorization to Practice shall adhere to the laws and
23 regulations, including laws, regulations, and applicable standards,
24

1 of the Remote State where the client is located at the time care is
2 rendered.

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

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

9 D. All permissible agreements between the Commission and the
10 Member States are binding in accordance with their terms.

11 SECTION 17. This act shall become effective November 1, 2025.

12 Passed the House of Representatives the 18th day of March, 2025.

13

14

Presiding Officer of the House
of Representatives

15

16

17 Passed the Senate the ____ day of _____, 2025.

18

19

Presiding Officer of the Senate

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21

22

23

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