

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 88

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

0884S.09P

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 337.615, 337.644, and 337.665, RSMo, and to enact in lieu thereof fourteen new sections relating to professional licensing.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 337.615, 337.644, and 337.665, RSMo,
2 are repealed and fourteen new sections enacted in lieu thereof,
3 to be known as sections 324.004, 324.950, 324.953, 324.956,
4 324.959, 324.962, 324.965, 324.968, 324.971, 324.974, 337.615,
5 337.644, 337.651, and 337.665, to read as follows:

324.004. 1. Any person who has at least three years
2 **of work experience in an occupation or profession in another**
3 **state, the District of Columbia, or any combination of such**
4 **jurisdictions, and whose work experience involved the**
5 **practice of an occupation or profession for which a license**
6 **is not required in the jurisdiction or jurisdictions in**
7 **which the person worked but is required in this state, may**
8 **submit an application for a one-time nonrenewable two-year**
9 **temporary license in this state in the occupation or**
10 **profession, along with proof of at least three years of work**
11 **experience in the occupation or profession, and a fee as set**
12 **by regulation of the oversight body, to the relevant**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 oversight body in this state. The oversight body shall make
14 a determination of qualification within forty-five days of
15 receiving a completed application. As used in this section,
16 "oversight body" shall mean any board, department, agency,
17 or office of a jurisdiction that issues licenses.

18 2. The oversight body shall require an applicant under
19 this section to take and pass the profession-specific
20 examination required for licensure by those applying
21 pursuant to the provisions of the oversight body's statutory
22 and regulatory authority. An oversight body that
23 administers an examination on the laws of this state as part
24 of its licensing application requirements may require an
25 applicant under this section to take and pass an examination
26 specific to the laws of this state.

27 3. The oversight body shall not issue a one-time
28 nonrenewable temporary license to any applicant described in
29 subsection 1 of this section who has had any license in the
30 relevant occupation or profession revoked by an oversight
31 body outside of this state, who is currently under
32 investigation, who has a complaint pending, or who is
33 currently under disciplinary action.

34 4. Applicants for the one-time nonrenewable temporary
35 license shall be residents of the state of Missouri and
36 citizens of the United States and shall submit legal proof
37 of citizenship as part of the application.

38 5. The provisions of this section shall apply only to
39 those professions or occupations for which a license is
40 issued by an oversight body as of January 1, 2023, and shall
41 not apply to the following:

42 (1) Any occupation whose oversight body has entered
43 into a licensing compact with another state for the
44 regulation of practice under the oversight body's

45 jurisdiction. The provisions of this section shall not be
46 construed to alter the authority granted by, or any
47 requirements promulgated pursuant to, any
48 interjurisdictional or interstate compacts adopted by this
49 state or any reciprocity agreements with other states, and
50 whenever possible the provisions of this section shall be
51 interpreted so as to imply no conflict between it and any
52 compact or any reciprocity agreement with other states;

53 (2) Any occupation set forth in subsection 6 of
54 section 290.257 or any electrical contractor licensed under
55 sections 324.900 to 324.945;

56 (3) Any occupation whose regulators or licensees are
57 required to comply with specific federal statutory,
58 regulatory, and administrative requirements in order to
59 practice in Missouri; or

60 (4) Assistant physicians licensed under chapter 334.

61 6. The one-time nonrenewable temporary license shall
62 expire after two years. Upon expiration, the individual
63 shall be required to apply for a permanent license in
64 accordance with the license requirements for the occupation
65 for which he or she held the temporary license.

66 7. Notwithstanding any other provision of law to the
67 contrary, a license issued under this section shall be valid
68 only in this state and shall not make a licensee eligible to
69 be part of an interstate compact. An applicant who is
70 licensed in another state pursuant to an interstate compact
71 shall not be eligible for licensure by an oversight body
72 under the provisions of this section.

73 8. Notwithstanding any other provision of law to the
74 contrary, a license issued under this section shall be valid
75 only in this state and shall not make a licensee eligible to
76 obtain a license by reciprocity in another state.

77 9. The division of professional registration may
78 promulgate rules to implement the provisions of this
79 section. Any rule or portion of a rule, as that term is
80 defined in section 536.010, that is created under the
81 authority delegated in this section shall become effective
82 only if it complies with and is subject to all of the
83 provisions of chapter 536 and, if applicable, section
84 536.028. This section and chapter 536 are nonseverable and
85 if any of the powers vested with the general assembly
86 pursuant to chapter 536 to review, to delay the effective
87 date, or to disapprove and annul a rule are subsequently
88 held unconstitutional, then the grant of rulemaking
89 authority and any rule proposed or adopted after August 28,
90 2023, shall be invalid and void.

 324.950. 1. Sections 324.950 to 324.974 shall be
2 known and may be cited as the "Missouri Statewide Mechanical
3 Contractor Licensing Act" and shall not be affected by the
4 provisions of section 324.009. The provisions of sections
5 324.950 to 324.974 shall not be construed to affect the
6 provisions of chapter 341.

7 2. As used in sections 324.950 to 324.974, unless the
8 context clearly indicates otherwise, the following terms
9 shall mean:

10 (1) "Apprentice", a person who holds a valid statewide
11 mechanical apprentice license to perform mechanical work
12 for, and under the direct supervision of, a journeyman;

13 (2) "Contractor", a person who holds a valid statewide
14 mechanical contractor license and who is employed by a
15 corporation, firm, institution, organization, or company to
16 perform mechanical work and directly supervise the
17 performance of mechanical work by journeymen;

18 (3) "Division", the division of professional
19 registration within the department of commerce and insurance;

20 (4) "Journeyman", a person who holds a valid statewide
21 mechanical journeyman license to perform mechanical work
22 for, and under the supervision of and inspection of, a
23 contractor, and to supervise and inspect the mechanical work
24 of an apprentice;

25 (5) "Local license", a license issued by a political
26 subdivision and valid only in that political subdivision
27 that is required to bid, accept, or perform mechanical work;

28 (6) "Mechanical work", work per the International Code
29 Council, International Association of Plumbing and
30 Mechanical Officials, 30 CSR 20, or the National Fire
31 Protection Association (NFPA) 99.

32 (a) Such work shall include the design, installation,
33 maintenance, construction, alteration, repair, and
34 inspection of any:

35 a. HVAC system and associated appurtenances;

36 b. HVAC duct system and associated appurtenances;

37 c. Exhaust systems and associated appurtenances;

38 d. Combustion air or make up air and associated
39 appurtenances;

40 e. Chimneys and vents and associated appurtenances,
41 excluding those regulated by local ordinances as such
42 existed on April 18, 2023;

43 f. Hydronic piping systems and associated
44 appurtenances that are part of an HVAC system;

45 g. Boilers, water heaters that are one hundred twenty
46 gallons and above, or two hundred thousand British thermal
47 units (BTUs) and above, and pressure vessels and associated
48 appurtenances, excluding those covered by a nationally-
49 standardized plumbing code, those regulated by local

50 ordinances as such existed on April 18, 2023, or those used
51 for potable water systems;

52 h. Process piping systems and associated appurtenances;

53 i. Fuel gas distribution piping and associated
54 appurtenances, excluding those regulated by local ordinances
55 as such existed on April 18, 2023;

56 j. Fuel oil-fired and solid fuel appliances and
57 associated appurtenances, excluding those covered by a
58 nationally-standardized plumbing code or local ordinances
59 promulgated by a political subdivision of this state as such
60 ordinances existed on April 18, 2023;

61 k. Fuel oil piping and storage vessels and associated
62 appurtenances;

63 l. Fuel oil-fired and solid fuel appliance venting
64 systems and associated appurtenances;

65 m. Equipment and appliances intended to utilize solar
66 energy for space heating or cooling together with associated
67 appurtenances;

68 n. Process heating and associated appurtenances;

69 o. Refrigeration systems, including all equipment and
70 components thereof and associated appurtenances;

71 p. Nonmedical air, nonmedical oxygen, and nonmedical
72 vacuum piping for mechanical equipment and associated
73 appurtenances, excluding work covered by a nationally-
74 standardized plumbing code;

75 q. Liquefied petroleum gas distribution piping and
76 associated appurtenances, excluding work covered by a
77 nationally-standardized plumbing code or local ordinances as
78 such ordinances existed on April 18, 2023;

79 r. Biogas, biodiesel, hydrogen processing systems, and
80 ethanol distribution and associated appurtenances;

81 s. Chillers, cooling towers, and associated support
82 steel and appurtenances for cooling towers;

83 t. Petroleum piping and venting together with
84 associated equipment and associated appurtenances, pumps,
85 and tanks governed by NPFA 30 and 30a;

86 u. All fuel and petroleum pipelines, piping, and
87 associated pumping stations with associated equipment and
88 appurtenances; and

89 v. All associated equipment and facilities related to
90 subparagraphs a. to u. of this paragraph.

91 (b) Notwithstanding the provisions of this subdivision
92 to the contrary, "mechanical work" shall not include, and
93 the provisions of sections 324.950 to 324.974 shall not
94 apply to, the design, installation, maintenance,
95 construction, alteration, repair, or inspection of any:

96 a. Solid-fuel or gas-fueled hearth appliance,
97 including, but not limited to, wood stoves and fireplaces,
98 manufacturer-specified venting systems, fireplace chimneys,
99 outdoor cooking appliances with manufacturer-specified
100 venting systems, outdoor fireplaces, or outdoor fire pits;

101 b. Propane-related equipment for which certification
102 is required by any regulation adopted under subdivision (3)
103 of subsection 13 of section 323.035; or

104 c. Fire sprinkler or suppression systems.

105 Additional certification may be required by the division for
106 a particular scope of mechanical work;

107 (7) "Residential work", service-related and
108 replacement-related mechanical work in an existing domicile
109 for or on behalf of the individual owners or renters
110 occupying:

111 (a) Single-family houses;

112 (b) An individual dwelling unit in a duplex, triplex,
113 or fourplex; or

114 (c) An individual dwelling unit in an apartment
115 building containing five or more apartments.

116 "Residential work" shall not include new construction or
117 work required for a building or structure as a whole that
118 services more than one dwelling unit;

119 (8) "Statewide mechanical apprentice license", a valid
120 license issued by the division to an apprentice to
121 physically perform mechanical work under the direct
122 supervision and inspection of a journeyman;

123 (9) "Statewide mechanical contractor license", a valid
124 license issued by the division to a contractor to bid and
125 accept mechanical work in any political subdivision
126 regardless of local requirements to bid and accept
127 mechanical work, to physically perform mechanical work, and
128 to directly supervise and inspect the mechanical work of a
129 journeyman;

130 (10) "Statewide mechanical journeyman license", a
131 valid license issued by the division to a journeyman to
132 physically perform mechanical work under the supervision and
133 inspection of a contractor and to directly supervise and
134 inspect the mechanical work of an apprentice.

324.953. 1. The division shall adopt, implement,
2 rescind, amend, and administer such rules as may be
3 necessary to carry out the provisions of sections 324.950 to
4 324.974, including but not limited to, the following:

5 (1) Training, education, and experience requirements
6 for licensure under sections 324.950 to 324.974;

7 (2) Application forms and fees;

8 (3) Professional education units for license renewal
9 and approval of professional education programs;

10 (4) Renewal dates, notifications of renewal, and
11 renewal applications and fees;

12 (5) Inactive licenses and reinstatement procedures; and

13 (6) Professional conduct and ethical standards of
14 business practice for licensees.

15 Any rule or portion of a rule, as that term is defined in
16 section 536.010, that is created under the authority
17 delegated in this section shall become effective only if it
18 complies with and is subject to all of the provisions of
19 chapter 536 and, if applicable, section 536.028. This
20 section and chapter 536 are nonseverable and if any of the
21 powers vested with the general assembly pursuant to chapter
22 536 to review, to delay the effective date, or to disapprove
23 and annul a rule are subsequently held unconstitutional,
24 then the grant of rulemaking authority and any rule proposed
25 or adopted after August 28, 2023, shall be invalid and void.

26 2. For the purpose of sections 324.950 to 324.974, the
27 division shall:

28 (1) Employ, within the limits of the appropriations
29 for such purpose, employees as are necessary to carry out
30 the provisions of sections 324.950 to 324.974;

31 (2) Exercise all administrative functions;

32 (3) Establish all applicable fees, set at an amount
33 that shall not substantially exceed the cost of
34 administering sections 324.950 to 324.974;

35 (4) Deposit all fees collected by transmitting such
36 funds to the department of revenue for deposit to the state
37 treasury to the credit of the Missouri mechanical contractor
38 licensing fund established under section 324.956;

39 (5) Enter into agreements with the boiler and pressure
40 vessel safety unit within the division of fire safety of the
41 department of public safety to investigate complaints
42 against a licensee from persons who receive services from
43 the licensee and for the submission of a report to the
44 division of such investigation; provided that the division
45 shall retain the authority to institute any enforcement
46 action against a licensee as a result of an investigation
47 under this subdivision. Nothing in this subdivision shall
48 be construed to prevent the boiler and pressure vessel
49 safety unit from reporting a violation of sections 324.950
50 to 324.974 found during a routine inspection to the
51 division; and

52 (6) Institute actions to enforce compliance with the
53 provisions of sections 324.950 to 324.974.

54 3. No new licensing activity assigned to the division
55 under sections 324.950 to 324.974 shall become effective
56 until the initial rules filed under this section have become
57 effective.

 324.956. There is hereby created in the state treasury
2 the "Missouri Mechanical Contractor Licensing Fund", which
3 shall consist of moneys collected under sections 324.950 to
4 324.974. The state treasurer shall be custodian of the fund
5 and may approve disbursements from the fund in accordance
6 with sections 30.170 and 30.180. Upon appropriation, moneys
7 in the fund shall be used solely for the administration of
8 sections 324.950 to 324.974. The provisions of section
9 33.080 to the contrary notwithstanding, moneys in this fund
10 shall not be transferred and placed to the credit of general
11 revenue until the amount in the fund at the end of the
12 biennium exceeds three times the amount of the appropriation
13 from the fund for the preceding fiscal year. The amount, if

14 any, in the fund which shall lapse is that amount in the
15 fund which exceeds the appropriate multiple of the
16 appropriations from the fund for the preceding fiscal year.
17 The state treasurer shall invest moneys in the fund in the
18 same manner as other funds are invested. Any interest and
19 moneys earned on such investments shall be credited to the
20 fund.

324.959. The provisions of sections 324.950 to 324.974
2 shall not apply to mechanical work, including residential
3 work, performed in any county with more than two hundred
4 sixty thousand but fewer than three hundred thousand
5 inhabitants, any county with more than fifty thousand but
6 fewer than sixty thousand inhabitants and with a county seat
7 with more than ten thousand but fewer than twelve thousand
8 six hundred inhabitants, or any county with more than one
9 hundred twenty thousand but fewer than one hundred fifty
10 thousand inhabitants, or any political subdivision contained
11 within such counties.

324.962. 1. The applicant for a statewide mechanical
2 contractor license shall have:

3 (1) Completed the application form provided by the
4 division and pay any applicable application fees;

5 (2) Provided proof of liability insurance in the
6 amount of one million dollars and posted bond with each
7 political subdivision in which he or she will perform work,
8 as required by that political subdivision; and

9 (3) Completed the educational, training, and
10 experience requirements equal to or greater than that of a
11 contractor's license, as such existed on April 18, 2023, in
12 the mechanical code or ordinance of any county with more
13 than one million inhabitants.

14 2. The applicant for a statewide mechanical journeyman
15 license shall have:

16 (1) Completed the application form provided by the
17 division and pay any applicable application fees; and

18 (2) Completed the educational, training, and
19 experience requirements equal to or greater than that of a
20 journeyman license, as such existed on April 18, 2023, in
21 the mechanical code or ordinance of any county with more
22 than one million inhabitants.

23 3. The applicant for a statewide mechanical apprentice
24 license shall have:

25 (1) Completed the application form provided by the
26 division and pay any applicable application fees; and

27 (2) Completed the educational, training, and
28 experience requirements equal to or greater than that of an
29 apprentice license, as such existed on April 18, 2023, in
30 the mechanical code or ordinance of any county with more
31 than one million inhabitants.

 324.965. 1. Any corporation, firm, institution,
2 organization, company, or representative thereof engaging in
3 mechanical work in a political subdivision that requires a
4 local license in order to perform such work shall:

5 (1) Have in its employ, at a supervisory level, at
6 least one statewide mechanical contractor licensee, or an
7 equivalent local licensee. A statewide mechanical
8 contractor licensee shall represent only one firm, company,
9 corporation, institution, or organization at one time;

10 (2) For purposes of performing residential work, have
11 either a statewide mechanical contractor licensee or a
12 statewide mechanical journeyman licensee to perform, direct,
13 inspect, or supervise the work, or the equivalent local
14 licensee; and

15 (3) For all other mechanical work, have at least one
16 statewide mechanical journeyman licensee on site for every
17 statewide mechanical apprentice licensee performing the
18 work, or the equivalent local licensee.

19 2. Any person performing mechanical work in a
20 political subdivision that does not require the person to
21 hold a local license, or any person who possesses such local
22 license, shall not be required to obtain or possess a
23 statewide license under sections 324.950 to 324.974 to
24 perform mechanical work in such political subdivision.

25 3. (1) Political subdivisions shall not be prohibited
26 from establishing their own mechanical contractor,
27 journeyman, or apprentice licenses, but shall recognize a
28 statewide license in lieu of the equivalent local license
29 for the purpose of performing mechanical work in such
30 political subdivision. A statewide licensee under sections
31 324.950 to 324.974 shall be deemed eligible to perform
32 mechanical work and to obtain permits to perform said work
33 from any political subdivision in this state commensurate
34 with the corresponding local license.

35 (2) Nothing in sections 324.950 to 324.974 shall be
36 construed to prohibit a political subdivision from enforcing
37 any of the political subdivision's codes, ordinances, or
38 laws; inspecting the work of licensees; or reporting
39 suspected violations of sections 324.950 to 324.974 to the
40 division for investigation of the licensee.

41 4. (1) If a political subdivision does not recognize
42 a statewide license in lieu of an equivalent local license
43 for the purposes of performing mechanical work or obtaining
44 permits to perform mechanical work within the political
45 subdivision, then a statewide licensee may file a complaint
46 with the division.

47 (2) The division shall perform an investigation into
48 the complaint, and if the division finds that the political
49 subdivision failed to recognize a statewide license in
50 accordance with the provisions of this section, then the
51 division shall notify the political subdivision that the
52 political subdivision has violated the provisions of this
53 section and has thirty days to comply with the law.

54 (3) If, after thirty days of notification by the
55 division, the political subdivision continues to refuse or
56 fail to recognize a statewide license, then the division
57 shall notify the director of the department of revenue, who
58 shall withhold any moneys that the noncompliant political
59 subdivision would otherwise be entitled to from local sales
60 tax, as defined in section 32.085, until the director has
61 received notice from the division that the political
62 subdivision is in compliance with this section.

63 (4) When the political subdivision becomes compliant
64 with the provisions of this section, the division shall
65 notify the director of the department of revenue who shall
66 disburse all funds held under this subsection. Moneys held
67 by the director of the department of revenue under this
68 subsection shall not be deemed to be state funds and shall
69 not be commingled with any funds of the state.

 324.968. Licenses issued under sections 324.950 to
2 324.974 shall expire on a renewal date established in rule
3 by the division. The term of licensure shall be three
4 years. The division shall mail a renewal notice prior to
5 the renewal date. Professional education units needed for
6 license renewal, as well as procedures involving inactive
7 licenses and reinstatement of licenses shall be equal to
8 those in the mechanical code or ordinance, as such existed

9 on April 18, 2023, of any county with more than one million
10 inhabitants.

324.971. 1. The division may refuse to issue or renew
2 or may suspend any license under sections 324.950 to 324.974
3 for one or any combination of causes stated in subsection 3
4 of this section. The division shall notify the applicant in
5 writing of the reasons for the refusal and shall advise the
6 applicant of his or her right to file a complaint with the
7 administrative hearing commission as provided by chapter 621.

8 2. The division shall publish via electronic media and
9 update on a weekly basis a list of valid statewide
10 mechanical contractor licensees under sections 324.950 to
11 324.974, a list of current enforcement actions against such
12 licensees, and the procedures for filing grievances against
13 any statewide mechanical contractor, mechanical journeyman,
14 and mechanical apprentice licensees.

15 3. The division may cause a complaint to be filed with
16 the administrative hearing commission as provided by chapter
17 621 against any licensee under sections 324.950 to 324.974
18 or any person who has failed to renew or has surrendered his
19 or her license for any one or any combination of the
20 following causes:

21 (1) The final adjudication and finding of guilty, or
22 the entering of a plea of guilty or nolo contendere, in a
23 criminal prosecution under the laws of any state, of the
24 United States, or of any country, for any offense reasonably
25 related to the qualifications, duties, and responsibilities
26 of a licensee under sections 324.950 to 324.974 for any
27 offense an essential element of which is fraud, dishonesty,
28 or an act of violence;

29 (2) Use of fraud, deception, misrepresentation, or
30 bribery in securing any license issued under sections

31 324.950 to 324.974 or in obtaining permission to take any
32 examination given or required under sections 324.950 to
33 324.974;

34 (3) Obtaining or attempting to obtain any fee, charge,
35 tuition, or other compensation by fraud, deception, or
36 misrepresentation;

37 (4) Incompetence, misconduct, gross negligence, fraud,
38 misrepresentation, or dishonesty in the performance of the
39 functions and duties of any profession licensed or regulated
40 under sections 324.950 to 324.974;

41 (5) Violation of, or assisting or enabling any person
42 to violate, any provision of sections 324.950 to 324.974 or
43 any lawful rule adopted under sections 324.950 to 324.974;

44 (6) Impersonation of any person holding a license or
45 allowing any person to use his or her license;

46 (7) Final adjudication of a person as incompetent by a
47 court of competent jurisdiction;

48 (8) Assisting or enabling any person to practice, or
49 offer to practice, any profession licensed or regulated
50 under sections 324.950 to 324.974 who is not licensed and
51 currently eligible to practice under sections 324.950 to
52 324.974 or who does not possess an active equivalent local
53 license if required by a political subdivision; or

54 (9) Issuance of a license based upon a material
55 mistake of fact.

56 4. After the filing of such complaint, the proceedings
57 shall be conducted in accordance with the provisions of
58 chapter 621. Upon a finding by the administrative hearing
59 commission that the grounds provided in subsection 3 of this
60 section for disciplinary action are met, the division may,
61 singly or in combination, censure or place the person named
62 in the complaint on probation with such terms and conditions

63 as the division deems appropriate for a period not to exceed
64 five years, or may suspend, for a period not to exceed three
65 years, or revoke the license.

66 5. An individual whose license has been revoked shall
67 wait at least one year from the date of revocation to apply
68 for relicensure. Relicensure shall be at the discretion of
69 the division after compliance with all requirements of
70 sections 324.950 to 324.974 relative to the previous
71 licensing of the applicant.

324.974. 1. Any person who knowingly violates any
2 provision of sections 324.950 to 324.974 is guilty of a
3 class B misdemeanor.

4 2. Any officer or agent of a corporation or member or
5 agent of a partnership or association who knowingly and
6 personally participates in or is an accessory to any
7 violation of sections 324.950 to 324.974 is guilty of a
8 class B misdemeanor.

9 3. The division may cause a complaint to be filed for
10 any violation of sections 324.950 to 324.974 in any court of
11 competent jurisdiction and perform such other acts as may be
12 necessary to enforce the provisions of sections 324.950 to
13 324.974.

337.615. 1. As used in this section, the following
2 terms mean:

3 (1) "License", a license, certificate, registration,
4 permit, accreditation, or military occupational specialty
5 that enables a person to legally practice an occupation or
6 profession in a particular jurisdiction;

7 (2) "Military", the Armed Forces of the United States
8 including the Air Force, Army, Coast Guard, Marine Corps,
9 Navy, Space Force, National Guard, and any other military
10 branch that is designated by Congress as part of the Armed

11 Forces of the United States, and all reserve components and
12 auxiliaries. Such term also includes the military reserves
13 and militia of any United States territory or state;

14 (3) "Nonresident military spouse", a nonresident
15 spouse of an active duty member of the Armed Forces of the
16 United States who has been transferred or is scheduled to be
17 transferred to the state of Missouri, or who has been
18 transferred or is scheduled to be transferred to an adjacent
19 state and is or will be domiciled in the state of Missouri,
20 or has moved to the state of Missouri on a permanent change-
21 of-station basis;

22 (4) "Resident military spouse", a spouse of an active
23 duty member of the Armed Forces of the United States who has
24 been transferred or is scheduled to be transferred to the
25 state of Missouri or an adjacent state and who is a
26 permanent resident of the state of Missouri, who is
27 domiciled in the state of Missouri, or who has Missouri as
28 his or her home of record.

29 2. Each applicant for licensure as a clinical social
30 worker shall furnish evidence to the committee that:

31 (1) The applicant has a master's degree from a college
32 or university program of social work accredited by the
33 council of social work education or a doctorate degree from
34 a school of social work acceptable to the committee;

35 (2) The applicant has completed at least three
36 thousand hours of supervised clinical experience with a
37 qualified clinical supervisor, as defined in section
38 337.600, in no less than twenty-four months and no more than
39 forty-eight consecutive calendar months. For any applicant
40 who has successfully completed at least four thousand hours
41 of supervised clinical experience with a qualified clinical
42 supervisor, as defined in section 337.600, within the same

43 time frame prescribed in this subsection, the applicant
44 shall be eligible for application of licensure at three
45 thousand hours and shall be furnished a certificate by the
46 state committee for social workers acknowledging the
47 completion of said additional hours;

48 (3) The applicant has achieved a passing score, as
49 defined by the committee, on an examination approved by the
50 committee. The eligibility requirements for such
51 examination shall be promulgated by rule of the committee;

52 (4) The applicant is at least eighteen years of age,
53 is a United States citizen or has status as a legal resident
54 alien, and has not been finally adjudicated and found
55 guilty, or entered a plea of guilty or nolo contendere, in a
56 criminal prosecution under the laws of any state, of the
57 United States, or of any country, for any offense directly
58 related to the duties and responsibilities of the
59 occupation, as set forth in section 324.012, regardless of
60 whether or not sentence has been imposed.

61 [2. Any person holding a current license, certificate
62 of registration, or permit from another state or territory
63 of the United States or the District of Columbia to practice
64 clinical social work who does not meet the requirements of
65 section 324.009 and who has had no disciplinary action taken
66 against the license, certificate of registration, or permit
67 for the preceding five years may be granted a license to
68 practice clinical social work in this state if the person
69 has received a masters or doctoral degree from a college or
70 university program of social work accredited by the council
71 of social work education and has been licensed to practice
72 clinical social work for the preceding five years.]

73 3. (1) **Any person who holds a valid current clinical**
74 **social work license issued by another state, a branch or**

75 unit of the military, a territory of the United States, or
76 the District of Columbia, and who has been licensed for at
77 least one year in such other jurisdiction, may submit an
78 application for a clinical social work license in Missouri
79 along with proof of current licensure and proof of licensure
80 for at least one year in the other jurisdiction to the
81 committee.

82 (2) The committee shall:

83 (a) Within six months of receiving an application
84 described in subsection 2 of this section, waive any
85 examination, educational, or experience requirements for
86 licensure in this state for the applicant if it determines
87 that there were minimum education requirements and, if
88 applicable, work experience and clinical supervision
89 requirements in effect and the other state verifies that the
90 person met those requirements in order to be licensed or
91 certified in that state. The committee may require an
92 applicant to take and pass an examination specific to the
93 laws of this state; or

94 (b) Within thirty days of receiving an application
95 described in subsection 2 of this section from a nonresident
96 military spouse or a resident military spouse, waive any
97 examination, educational, or experience requirements for
98 licensure in this state for the applicant and issue such
99 applicant a license under this subsection if such applicant
100 otherwise meets the requirements of this section.

101 (3) (a) The committee shall not waive any
102 examination, educational, or experience requirements for any
103 applicant who has had his or her license revoked by a
104 committee outside the state; who is currently under
105 investigation, who has a complaint pending, or who is
106 currently under disciplinary action, except as provided in

107 paragraph (b) of this subdivision, with a licensing
108 authority outside the state; who does not hold a license in
109 good standing with a licensing authority outside the state;
110 who has a criminal record that would disqualify him or her
111 for licensure in Missouri; or who does not hold a valid
112 current license in the other jurisdiction on the date the
113 committee receives his or her application under this section.

114 (b) If another jurisdiction has taken disciplinary
115 action against an applicant, the committee shall determine
116 if the cause for the action was corrected and the matter
117 resolved. If the matter has not been resolved by that
118 jurisdiction, the committee may deny a license until the
119 matter is resolved.

120 (4) Nothing in this subsection shall prohibit the
121 committee from denying a license to an applicant under this
122 subsection for any reason described in section 337.630.

123 (5) Any person who is licensed under the provisions of
124 this subsection shall be subject to the committee's
125 jurisdiction and all rules and regulations pertaining to the
126 practice as a licensed clinical social worker in this state.

127 (6) This subsection shall not be construed to waive
128 any requirement for an applicant to pay any fees.

129 4. The committee shall issue a license to each person
130 who files an application and fee as required by the
131 provisions of sections 337.600 to 337.689 and who furnishes
132 evidence satisfactory to the committee that the applicant
133 has complied with the provisions of subdivisions (1) to (4)
134 of subsection 1 of this section or with the provisions of
135 subsection 2 of this section.

337.644. 1. **As used in this section, the following**
2 **terms mean:**

3 (1) "License", a license, certificate, registration,
4 permit, accreditation, or military occupational specialty
5 that enables a person to legally practice an occupation or
6 profession in a particular jurisdiction;

7 (2) "Military", the Armed Forces of the United States
8 including the Air Force, Army, Coast Guard, Marine Corps,
9 Navy, Space Force, National Guard, and any other military
10 branch that is designated by Congress as part of the Armed
11 Forces of the United States, and all reserve components and
12 auxiliaries. Such term also includes the military reserves
13 and militia of any United States territory or state;

14 (3) "Nonresident military spouse", a nonresident
15 spouse of an active duty member of the Armed Forces of the
16 United States who has been transferred or is scheduled to be
17 transferred to the state of Missouri, or who has been
18 transferred or is scheduled to be transferred to an adjacent
19 state and is or will be domiciled in the state of Missouri,
20 or has moved to the state of Missouri on a permanent change-
21 of-station basis;

22 (4) "Resident military spouse", a spouse of an active
23 duty member of the Armed Forces of the United States who has
24 been transferred or is scheduled to be transferred to the
25 state of Missouri or an adjacent state and who is a
26 permanent resident of the state of Missouri, who is
27 domiciled in the state of Missouri, or who has Missouri as
28 his or her home of record.

29 2. Each applicant for licensure as a master social
30 worker shall furnish evidence to the committee that:

31 (1) The applicant has a master's or doctorate degree
32 in social work from an accredited social work degree program
33 approved by the council of social work education;

34 (2) The applicant has achieved a passing score, as
35 defined by the committee, on an examination approved by the
36 committee. The eligibility requirements for such
37 examination shall be determined by the state committee for
38 social workers;

39 (3) The applicant is at least eighteen years of age,
40 is a United States citizen or has status as a legal resident
41 alien, and has not been finally adjudicated and found
42 guilty, or entered a plea of guilty or nolo contendere, in a
43 criminal prosecution under the laws of any state, of the
44 United States, or of any country, for any offense directly
45 related to the duties and responsibilities of the
46 occupation, as set forth in section 324.012, regardless or
47 whether or not sentence is imposed;

48 (4) The applicant has submitted a written application
49 on forms prescribed by the state board;

50 (5) The applicant has submitted the required licensing
51 fee, as determined by the committee.

52 **[2.] 3.** Any applicant who answers in the affirmative
53 to any question on the application that relates to possible
54 grounds for denial of licensure under section 337.630 shall
55 submit a sworn affidavit setting forth in detail the facts
56 which explain such answer and copies of appropriate
57 documents related to such answer.

58 **[3.] 4.** The committee shall issue a license to each
59 person who files an application and fee as required by the
60 provisions of sections 337.600 to 337.689 and who furnishes
61 evidence satisfactory to the committee that the applicant
62 has complied with the provisions of subsection 1 of this
63 section. The license shall refer to the individual as a
64 licensed master social worker and shall recognize that

65 individual's right to practice licensed master social work
66 as defined in section 337.600.

67 5. (1) Any person who holds a valid current master
68 social work license issued by another state, a branch or
69 unit of the military, a territory of the United States, or
70 the District of Columbia, and who has been licensed for at
71 least one year in such other jurisdiction, may submit an
72 application for a master social work license in Missouri
73 along with proof of current licensure and proof of licensure
74 for at least one year in the other jurisdiction, to the
75 committee.

76 (2) The committee shall:

77 (a) Within six months of receiving an application
78 described in subsection 2 of this section, waive any
79 examination, educational, or experience requirements for
80 licensure in this state for the applicant if it determines
81 that there were minimum education requirements and, if
82 applicable, work experience and clinical supervision
83 requirements in effect and the other state verifies that the
84 person met those requirements in order to be licensed or
85 certified in that state. The committee may require an
86 applicant to take and pass an examination specific to the
87 laws of this state; or

88 (b) Within thirty days of receiving an application
89 described in subsection 2 of this section from a nonresident
90 military spouse or a resident military spouse, waive any
91 examination, educational, or experience requirements for
92 licensure in this state for the applicant and issue such
93 applicant a license under this subsection if such applicant
94 otherwise meets the requirements of this section.

95 (3) (a) The committee shall not waive any
96 examination, educational, or experience requirements for any

97 applicant who has had his or her license revoked by a
98 committee outside the state; who is currently under
99 investigation, who has a complaint pending, or who is
100 currently under disciplinary action, except as provided in
101 paragraph (b) of this subdivision, with a licensing
102 authority outside the state; who does not hold a license in
103 good standing with a licensing authority outside the state;
104 who has a criminal record that would disqualify him or her
105 for licensure in Missouri; or who does not hold a valid
106 current license in the other jurisdiction on the date the
107 committee receives his or her application under this section.

108 (b) If another jurisdiction has taken disciplinary
109 action against an applicant, the committee shall determine
110 if the cause for the action was corrected and the matter
111 resolved. If the matter has not been resolved by that
112 jurisdiction, the committee may deny a license until the
113 matter is resolved.

114 (4) Nothing in this subsection shall prohibit the
115 committee from denying a license to an applicant under this
116 subsection for any reason described in section 337.630.

117 (5) Any person who is licensed under the provisions of
118 this subsection shall be subject to the committee's
119 jurisdiction and all rules and regulations pertaining to the
120 practice as a licensed baccalaureate social worker in this
121 state.

122 (6) This subsection shall not be construed to waive
123 any requirement for an applicant to pay any fees.

337.651. SECTION 1: PURPOSE

2 The purpose of this Compact is to facilitate interstate
3 practice of Regulated Social Workers by improving public
4 access to competent Social Work Services. The Compact
5 preserves the regulatory authority of States to protect

6 public health and safety through the current system of State
7 licensure.

8 This Compact is designed to achieve the following
9 objectives:

10 A. Increase public access to Social Work Services;

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

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

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

17 E. Promote mobility and address workforce shortages by
18 eliminating the necessity for licenses in multiple States by
19 providing for the mutual recognition of other Member State
20 licenses;

21 F. Support military families;

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

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

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

31 SECTION 2. DEFINITIONS

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

34 A. "Active Military Member" means any individual in
35 full-time duty status in the active armed forces of the
36 United States including members of the National Guard and
37 Reserve.

38 B. "Adverse Action" means any administrative, civil,
39 equitable or criminal action permitted by a State's laws
40 which is imposed by a Licensing Authority or other authority
41 against a Regulated Social Worker, including actions against
42 an individual's license or Multistate Authorization to
43 Practice such as revocation, suspension, probation,
44 monitoring of the licensee, limitation on the licensee's
45 practice, or any other Encumbrance on licensure affecting a
46 Regulated Social Worker's authorization to practice,
47 including issuance of a cease and desist action.

48 C. "Alternative Program" means a non-disciplinary
49 monitoring or practice remediation process approved by a
50 Licensing Authority to address practitioners with an
51 Impairment.

52 D. "Charter Member States" - Member States who have
53 enacted legislation to adopt this Compact where such
54 legislation predates the effective date of this Compact as
55 defined in Section 14.

56 E. "Compact Commission" or "Commission" means the
57 government agency whose membership consists of all States
58 that have enacted this Compact, which is known as the Social
59 Work Licensure Compact Commission, as defined in Section 10,
60 and which shall operate as an instrumentality of the Member
61 States.

62 F. "Current Significant Investigative Information"
63 means:

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

70 2. Investigative information that indicates that the
71 Regulated Social Worker represents an immediate threat to
72 public health and safety, as may be defined by the
73 Commission, regardless of whether the Regulated Social
74 Worker has been notified and has had an opportunity to
75 respond.

76 G. "Data System" means a repository of information
77 about Licensees, including, but not limited to, continuing
78 education, examination, licensure, Current Significant
79 Investigative Information, Disqualifying Event, Multistate
80 License(s) and Adverse Action information or other
81 information as required by the Commission.

82 H. "Domicile" means the jurisdiction in which the
83 licensee resides and intends to remain indefinitely.

84 I. "Disqualifying Event" means any Adverse Action or
85 incident which results in an encumbrance that disqualifies
86 or makes the Licensee ineligible to either obtain, retain or
87 renew a Multistate License.

88 J. "Encumbered License" means a license in which an
89 Adverse Action restricts the practice of Social Work by the
90 Licensee and said Adverse Action and may be reportable to
91 the National Practitioners Data Bank (NPDB).

92 K. "Encumbrance" means a revocation or suspension of,
93 or any limitation on, the full and unrestricted practice of
94 Social Work licensed and regulated by a Licensing Authority.

95 L. "Executive Committee" means a group of delegates
96 elected or appointed to act on behalf of, and within the
97 powers granted to them by, the compact and Commission.

98 M. "Home State" means the Member State that is the
99 Licensee's primary Domicile.

100 N. "Impairment" means a condition(s) that may impair a
101 practitioner's ability to engage in full and unrestricted

102 practice as a Regulated Social Worker without some type of
103 intervention and may include, but are not limited to,
104 alcohol and drug dependence, mental health impairment, and
105 neurological or physical impairments.

106 O. "Multistate License" means a license to practice as
107 a Regulated Social Worker issued by a Home State Licensing
108 Authority that authorizes the Regulated Social Worker to
109 practice in all Member States under a Multistate
110 Authorization to Practice.

111 P. "Licensee(s)" means an individual who currently
112 holds a license from a State to practice as a Regulated
113 Social Worker.

114 Q. "Licensing Authority" means the board or agency of
115 a Member State, or equivalent, that is responsible for the
116 licensing and regulation of Regulated Social Workers.

117 R. "Member State" means a state, commonwealth,
118 district, or territory of the United States of America that
119 has enacted this Compact.

120 S. "Multistate Authorization to Practice" means a
121 legally authorized privilege to practice, which is
122 equivalent to a license, associated with a Multistate
123 License permitting the practice of Social Work in a Remote
124 State.

125 T. "Qualifying National Exam" means a national
126 licensing examination approved by the Commission.

127 U. "Regulated Social Worker" means any clinical,
128 master's or bachelor's Social Worker licensed by a Member
129 State regardless of the title used by that Member State.

130 V. "Remote State" means a Member State other than the
131 Home State, where a Licensee is exercising or seeking to
132 exercise the Multistate Authorization to Practice.

133 W. "Rule(s)" or "Rule(s) of the Commission" means a
134 regulation or regulations duly promulgated by the
135 Commission, as authorized by the compact, that has the force
136 of law.

137 X. "Single State License" means a Social Work license
138 issued by any state that authorizes practice only within the
139 issuing State and does not include a Multistate
140 Authorization to Practice in any Member State.

141 Y. "Social Work" or "Social Work Services" means the
142 application of social work theory, knowledge, methods,
143 ethics, and the professional use of self to restore or
144 enhance social, psychosocial, or biopsychosocial functioning
145 of individuals, couples, families, groups, organizations,
146 and communities through the care and services provided by a
147 Regulated Social Worker as set forth in the Member State's
148 statutes and regulations in the State where the services are
149 being provided.

150 Z. "State" means any state, commonwealth, district, or
151 territory of the United States of America that regulates the
152 practice of Social Work.

153 AA. "Unencumbered License" means a license that
154 authorizes a Regulated Social Worker to engage in the full
155 and unrestricted practice of Social Work.

156 SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

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

162 2. Require applicants for licensure to graduate from a
163 program that is accredited, or in candidacy by an
164 institution that subsequently becomes accredited, by an

165 accrediting agency recognized by the Council for Higher
166 Education Accreditation, or its successor, or by the United
167 States Department of Education and operated by a college or
168 university recognized by the Licensing Authority and that
169 corresponds to the licensure sought as outlined in Section 4.

170 3. Require applicants for clinical licensure to
171 complete a period of supervised practice.

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

174 B. To maintain membership in the Compact a Member
175 State shall:

176 1. Require applicants for a Multistate License pass a
177 Qualifying National Exam for the corresponding category of
178 Multistate License sought as outlined in Section 4.

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

182 3. Notify the Commission, in compliance with the terms
183 of the Compact and rules, of any Adverse Action or the
184 availability of Current Significant Investigative
185 Information regarding a Licensee;

186 4. Implement procedures for considering the criminal
187 history records of applicants for a Multistate License.
188 Such procedures shall include the submission of fingerprints
189 or other biometric-based information by applicants for the
190 purpose of obtaining an applicant's criminal history record
191 information from the Federal Bureau of Investigation and the
192 agency responsible for retaining that state's criminal
193 records.

194 5. Comply with the Rules of the Commission;

195 6. Require an applicant to obtain or retain a license
196 in the Home State and meet the Home State's qualifications

197 for licensure or renewal of licensure, as well as all other
198 applicable Home State laws;

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

202 8. Designate a delegate to participate in the
203 Commission meetings.

204 C. A Member State meeting the requirements of Section
205 3.A. and 3.B of this Compact shall designate the categories
206 of Social Work licensure that are eligible for issuance of a
207 Multistate License for applicants in such Member State. To
208 the extent that any Member State does not meet the
209 requirements for participation in the Compact at any
210 particular category of Social Work licensure, such Member
211 State may choose, but is not obligated to, issue a
212 Multistate License to applicants that otherwise meet the
213 requirements of Section 4 for issuance of a Multistate
214 License in such category or categories of licensure.

215 D. Home States may charge a fee for granting the
216 Multistate License.

217 SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT

218 A. To be eligible for a Multistate License under the
219 terms and provisions of the compact, an applicant,
220 regardless of category must:

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

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

225 3. Submit, in connection with an application for a
226 Multistate License, fingerprints or other biometric data for
227 the purpose of obtaining criminal history record information

228 from the Federal Bureau of Investigation and the agency
229 responsible for retaining that state's criminal records.

230 4. Notify the Home State of any Adverse Action,
231 Encumbrance, or restriction on any professional license
232 taken by any Member State or non-Member State within 30 days
233 from the date the action is taken.

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

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

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

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

243 i. Passage of a clinical-category Qualifying National
244 Exam; or

245 ii. Licensure of the applicant in their Home State at
246 the clinical category, beginning prior to such time as a
247 Qualifying National Exam was required by the Home State and
248 accompanied by a period of continuous Social Work licensure
249 thereafter, all of which may be further governed by the
250 Rules of the Commission; or

251 iii. The substantial equivalency of the foregoing
252 competency requirements which the Commission may determine
253 by Rule.

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

256 i. Operated by a college or university recognized by
257 the Licensing Authority; and

258 ii. Accredited, or in candidacy that subsequently
259 becomes accredited, by an accrediting agency recognized by
260 either:

261 1. the Council for Higher Education Accreditation or
262 its successor; or

263 2. the United States Department of Education.

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

266 i. A period of postgraduate supervised clinical
267 practice equal to a minimum of three thousand hours; or

268 ii. A minimum of two years of full-time postgraduate
269 supervised clinical practice; or

270 iii. The substantial equivalency of the foregoing
271 practice requirements which the Commission may determine by
272 Rule.

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

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

277 i. Passage of a masters-category Qualifying National
278 Exam;

279 ii. Licensure of the applicant in their Home State at
280 the master's category, beginning prior to such time as a
281 Qualifying National Exam was required by the Home State at
282 the master's category and accompanied by a continuous period
283 of Social Work licensure thereafter, all of which may be
284 further governed by the Rules of the Commission; or

285 iii. The substantial equivalency of the foregoing
286 competency requirements which the Commission may determine
287 by Rule.

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

290 i. Operated by a college or university recognized by
291 the Licensing Authority; and

292 ii. Accredited, or in candidacy that subsequently
293 becomes accredited, by an accrediting agency recognized by
294 either:

295 1. the Council for Higher Education Accreditation or
296 its successor; or

297 2. the United States Department of Education.

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

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

302 i. Passage of a bachelor's-category Qualifying
303 National Exam;

304 ii. Licensure of the applicant in their Home State at
305 the bachelor's category, beginning prior to such time as a
306 Qualifying National Exam was required by the Home State and
307 accompanied by a period of continuous Social Work licensure
308 thereafter, all of which may be further governed by the
309 Rules of the Commission; or

310 iii. The substantial equivalency of the foregoing
311 competency requirements which the Commission may determine
312 by Rule.

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

315 i. Operated by a college or university recognized by
316 the Licensing Authority; and

317 ii. Accredited, or in candidacy that subsequently
318 becomes accredited, by an accrediting agency recognized by
319 either:

320 1. the Council for Higher Education Accreditation or
321 its successor; or

322 2. the United States Department of Education.

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

327 F. The Regulated Social Worker's services in a Remote
328 State are subject to that Member State's regulatory
329 authority. A Remote State may, in accordance with due
330 process and that Member State's laws, remove a Regulated
331 Social Worker's Multistate Authorization to Practice in the
332 Remote State for a specific period of time, impose fines,
333 and take any other necessary actions to protect the health
334 and safety of its citizens.

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

339 H. If a Multistate Authorization to Practice is
340 encumbered in a Remote State, the regulated Social Worker's
341 Multistate Authorization to Practice may be deactivated in
342 that State until the Multistate Authorization to Practice is
343 no longer encumbered.

344 SECTION 5: ISSUANCE OF A MULTISTATE LICENSE

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

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

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

358 D. A Multistate License issued by a Home State to a
359 resident in that State shall be recognized by all Compact
360 Member States as authorizing Social Work Practice under a
361 Multistate Authorization to Practice corresponding to each
362 category of licensure regulated in the Member State.

363 SECTION 6: AUTHORITY OF INTERSTATE COMPACT COMMISSION
364 AND MEMBER STATE LICENSING AUTHORITIES

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

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

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

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

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

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

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

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

396 1. The Licensee shall immediately apply for the
397 reissuance of their Multistate License in their new Home
398 State. The Licensee shall pay all applicable fees and
399 notify the prior Home State in accordance with the Rules of
400 the Commission.

401 2. Upon receipt of an application to reissue a
402 Multistate License, the new Home State shall verify that the
403 Multistate License is active, unencumbered and eligible for
404 reissuance under the terms of the Compact and the Rules of
405 the Commission. The Multistate License issued by the prior
406 Home State will be deactivated and all Member States
407 notified in accordance with the applicable Rules adopted by
408 the Commission.

409 3. Prior to the reissuance of the Multistate License,
410 the new Home State shall conduct procedures for considering
411 the criminal history records of the Licensee. Such
412 procedures shall include the submission of fingerprints or
413 other biometric-based information by applicants for the
414 purpose of obtaining an applicant's criminal history record
415 information from the Federal Bureau of Investigation and the

416 agency responsible for retaining that state's criminal
417 records.

418 4. If required for initial licensure, the new Home
419 State may require completion of jurisprudence requirements
420 in the new Home State.

421 5. Notwithstanding any other provision of this
422 Compact, if a Licensee does not meet the requirements set
423 forth in this Compact for the reissuance of a Multistate
424 License by the new Home State, then the Licensee shall be
425 subject to the new Home State requirements for the issuance
426 of a Single-State License in that State.

427 C. If a Licensee changes their primary state of
428 residence by moving from a Member State to a non-Member
429 State, or from a non-Member State to a Member State, then
430 the Licensee shall be subject to the State requirements for
431 the issuance of a Single-State License in the new Home State.

432 D. Nothing in this Compact shall interfere with a
433 Licensee's ability to hold a Single-State License in
434 multiple States; however, for the purposes of this Compact,
435 a Licensee shall have only one Home State, and only one
436 Multistate License.

437 E. Nothing in this Compact shall interfere with the
438 requirements established by a Member State for the issuance
439 of a Single-State License.

440 SECTION 8. MILITARY FAMILIES

441 An Active Military Member or their spouse shall
442 designate a Home State where the individual has a Multistate
443 License. The individual may retain their Home State
444 designation during the period the service member is on
445 active duty.

446 SECTION 9. ADVERSE ACTIONS

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

450 1. Take Adverse Action against a Regulated Social
451 Worker's Multistate Authorization to Practice only within
452 that Member State, and issue subpoenas for both hearings and
453 investigations that require the attendance and testimony of
454 witnesses as well as the production of evidence. Subpoenas
455 issued by a Licensing Authority in a Member State for the
456 attendance and testimony of witnesses or the production of
457 evidence from another Member State shall be enforced in the
458 latter State by any court of competent jurisdiction,
459 according to the practice and procedure of that court
460 applicable to subpoenas issued in proceedings pending before
461 it. The issuing authority shall pay any witness fees,
462 travel expenses, mileage, and other fees required by the
463 service statutes of the State in which the witnesses or
464 evidence are located.

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

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

474 C. The Home State shall complete any pending
475 investigations of a Regulated Social Worker who changes
476 primary State of Domicile during the course of the
477 investigations. The Home State shall also have the
478 authority to take appropriate action(s) and shall promptly

479 report the conclusions of the investigations to the
480 administrator of the Data System. The administrator of the
481 Data System shall promptly notify the new Home State of any
482 Adverse Actions.

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

488 E. A Member State may take Adverse Action based on the
489 factual findings of another Member State, provided that the
490 Member State follows its own procedures for taking the
491 Adverse Action.

492 F. Joint Investigations:

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

497 2. Member States shall share any investigative,
498 litigation, or compliance materials in furtherance of any
499 joint or individual investigation initiated under the
500 Compact.

501 G. If Adverse Action is taken by the Home State
502 against the Multistate License of a Regulated Social Worker,
503 the Regulated Social Worker's Multistate Authorization to
504 Practice in all other Member States shall be deactivated
505 until all Encumbrances have been removed from the Multistate
506 License. All Home State disciplinary orders that impose
507 Adverse Action against the license of a Regulated Social
508 Worker shall include a statement that the Regulated Social
509 Worker's Multistate Authorization to Practice is deactivated

510 in all Member States until all conditions of the decision,
511 order or agreement are satisfied.

512 H. If a Member State takes Adverse Action, it shall
513 promptly notify the administrator of the Data System. The
514 administrator of the Data System shall promptly notify the
515 Home State and all other Member State's of any Adverse
516 Actions by Remote States.

517 I. Nothing in this Compact shall override a Member
518 State's decision that participation in an Alternative
519 Program may be used in lieu of Adverse Action. Nothing in
520 this Compact shall authorize a member state to demand the
521 issuance of subpoenas for attendance and testimony of
522 witnesses or the production of evidence from another Member
523 State for lawful actions within that member state.

524 J. Nothing in this Compact shall authorize a member
525 state to impose discipline against a Regulated Social Worker
526 who holds a Multistate Authorization to Practice for lawful
527 actions within another member state.

528 SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE
529 COMPACT COMMISSION

530 A. The Compact Member States hereby create and
531 establish a joint government agency whose membership
532 consists of all member states that have enacted the compact
533 known as the Social Work Licensure Compact Commission. The
534 Commission is an instrumentality of the Compact States
535 acting jointly and not an instrumentality of any one state.
536 The Commission shall come into existence on or after the
537 effective date of the Compact as set forth in Section 13.

538 B. Membership, Voting, and Meetings

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

- 542 2. The delegate shall be either:
- 543 a. A current member of the State Licensing Authority
544 at the time of appointment, who is a Regulated Social Worker
545 or public member of the State Licensing Authority; or
- 546 b. An administrator of the State Licensing Authority
547 or their designee.
- 548 3. The Commission shall by Rule or bylaw establish a
549 term of office for delegates and may by Rule or bylaw
550 establish term limits.
- 551 4. The Commission may recommend removal or suspension
552 any delegate from office.
- 553 5. A Member State's State Licensing Authority shall
554 fill any vacancy of its delegate occurring on the Commission
555 within 60 days of the vacancy.
- 556 6. Each delegate shall be entitled to one vote on all
557 matters before the Commission requiring a vote by Commission
558 delegates.
- 559 7. A delegate shall vote in person or by such other
560 means as provided in the bylaws. The bylaws may provide for
561 delegates to meet by telecommunication, videoconference, or
562 other means of communication.
- 563 8. The Commission shall meet at least once during each
564 calendar year. Additional meetings may be held as set forth
565 in the bylaws. The Commission may meet by
566 telecommunication, video conference or other similar
567 electronic means.
- 568 C. The Commission shall have the following powers:
- 569 1. Establish the fiscal year of the Commission;
- 570 2. Establish code of conduct and conflict of interest
571 policies;
- 572 3. Establish and amend Rules and bylaws;

- 573 4. Maintain its financial records in accordance with
574 the bylaws;
- 575 5. Meet and take such actions as are consistent with
576 the provisions of this Compact, the Commission's Rules, and
577 the bylaws;
- 578 6. Initiate and conclude legal proceedings or actions
579 in the name of the Commission, provided that the standing of
580 any State Licensing Board to sue or be sued under applicable
581 law shall not be affected;
- 582 7. Maintain and certify records and information
583 provided to a Member State as the authenticated business
584 records of the Commission, and designate an agent to do so
585 on the Commission's behalf;
- 586 8. Purchase and maintain insurance and bonds;
- 587 9. Borrow, accept, or contract for services of
588 personnel, including, but not limited to, employees of a
589 Member State;
- 590 10. Conduct an annual financial review;
- 591 11. Hire employees, elect or appoint officers, fix
592 compensation, define duties, grant such individuals
593 appropriate authority to carry out the purposes of the
594 Compact, and establish the Commission's personnel policies
595 and programs relating to conflicts of interest,
596 qualifications of personnel, and other related personnel
597 matters;
- 598 12. Assess and collect fees;
- 599 13. Accept any and all appropriate gifts, donations,
600 grants of money, other sources of revenue, equipment,
601 supplies, materials, and services, and receive, utilize, and
602 dispose of the same; provided that at all times the
603 Commission shall avoid any appearance of impropriety or
604 conflict of interest;

605 14. Lease, purchase, retain, own, hold, improve, or
606 use any property, real, personal, or mixed, or any undivided
607 interest therein;

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

611 16. Establish a budget and make expenditures;

612 17. Borrow money;

613 18. Appoint committees, including standing committees,
614 composed of members, State regulators, State legislators or
615 their representatives, and consumer representatives, and
616 such other interested persons as may be designated in this
617 Compact and the bylaws;

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

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

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

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

628 D. The Executive Committee

629 1. The Executive Committee shall have the power to act
630 on behalf of the Commission according to the terms of this
631 Compact. The powers, duties, and responsibilities of the
632 Executive Committee shall include:

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

637 b. Recommend to the Commission changes to the Rules or
638 bylaws, changes to this Compact legislation, fees charged to
639 Compact Member States, fees charged to licensees, and other
640 fees;

641 c. Ensure Compact administration services are
642 appropriately provided, including by contract;

643 d. Prepare and recommend the budget;

644 e. Maintain financial records on behalf of the
645 Commission;

646 f. Monitor Compact compliance of Member States and
647 provide compliance reports to the Commission;

648 g. Establish additional committees as necessary;

649 h. Exercise the powers and duties of the Commission
650 during the interim between Commission meetings, except for
651 adopting or amending Rules, adopting or amending bylaws, and
652 exercising any other powers and duties expressly reserved to
653 the Commission by Rule or bylaw; and

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

656 2. The Executive Committee shall be composed of up to
657 nine (9) members:

658 a. The chair and vice chair of the Commission shall be
659 voting members of the Executive Committee; and

660 b. The Commission shall elect five voting members from
661 the current membership of the Commission.

662 c. Up to four (4) ex-officio, nonvoting members from
663 four (4) recognized national social work organizations.

664 d. The ex-officio members will be selected by their
665 respective organizations.

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

668 4. The Executive Committee shall meet at least
669 annually.

670 a. Executive Committee meetings shall be open to the
671 public, except that the Executive Committee may meet in a
672 closed, non-public meeting as provided in subsection E.2
673 below.

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

678 c. The Executive Committee may hold a special meeting
679 in accordance with subsection E.1.b. below.

680 E. The Commission shall adopt and provide to the
681 Member States an annual report.

682 F. Meetings of the Commission

683 1. All meetings shall be open to the public, except
684 that the Commission may meet in a closed, non-public meeting
685 as provided in subsection F.2 below.

686 a. Public notice for all meetings of the full
687 Commission of meetings shall be given in the same manner as
688 required under the Rulemaking provisions in Section 11,
689 except that the Commission may hold a special meeting as
690 provided in subsection F.1.b below.

691 b. The Commission may hold a special meeting when it
692 must meet to conduct emergency business by giving 48 hours'
693 notice to all commissioners, on the Commission's website,
694 and other means as provided in the Commission's rules. The
695 Commission's legal counsel shall certify that the
696 Commission's need to meet qualifies as an emergency.

697 2. The Commission or the Executive Committee or other
698 committees of the Commission may convene in a closed, non-
699 public meeting for the Commission or Executive Committee or

700 other committees of the Commission to receive legal advice
701 or to discuss:

- 702 a. Non-compliance of a Member State with its
703 obligations under the Compact;
- 704 b. The employment, compensation, discipline or other
705 matters, practices or procedures related to specific
706 employees;
- 707 c. Current or threatened discipline of a Licensee by
708 the Commission or by a Member State's Licensing Authority;
- 709 d. Current, threatened, or reasonably anticipated
710 litigation;
- 711 e. Negotiation of contracts for the purchase, lease,
712 or sale of goods, services, or real estate;
- 713 f. Accusing any person of a crime or formally
714 censuring any person;
- 715 g. Trade secrets or commercial or financial
716 information that is privileged or confidential;
- 717 h. Information of a personal nature where disclosure
718 would constitute a clearly unwarranted invasion of personal
719 privacy;
- 720 i. Investigative records compiled for law enforcement
721 purposes;
- 722 j. Information related to any investigative reports
723 prepared by or on behalf of or for use of the Commission or
724 other committee charged with responsibility of investigation
725 or determination of compliance issues pursuant to the
726 Compact;
- 727 k. Matters specifically exempted from disclosure by
728 federal or Member State law; or
- 729 l. Other matters as promulgated by the Commission by
730 Rule.

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

735 4. The Commission shall keep minutes that fully and
736 clearly describe all matters discussed in a meeting and
737 shall provide a full and accurate summary of actions taken,
738 and the reasons therefore, including a description of the
739 views expressed. All documents considered in connection
740 with an action shall be identified in such minutes. All
741 minutes and documents of a closed meeting shall remain under
742 seal, subject to release only by a majority vote of the
743 Commission or order of a court of competent jurisdiction.

744 G. Financing of the Commission

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

748 2. The Commission may accept any and all appropriate
749 revenue sources as provided in C(12).

750 3. The Commission may levy on and collect an annual
751 assessment from each Member State and impose fees on
752 licensees of Member States to whom it grants a Multistate
753 License to cover the cost of the operations and activities
754 of the Commission and its staff, which must be in a total
755 amount sufficient to cover its annual budget as approved
756 each year for which revenue is not provided by other
757 sources. The aggregate annual assessment amount for Member
758 States shall be allocated based upon a formula that the
759 Commission shall promulgate by Rule.

760 4. The Commission shall not incur obligations of any
761 kind prior to securing the funds adequate to meet the same;
762 nor shall the Commission pledge the credit of any of the

763 Member States, except by and with the authority of the
764 Member State.

765 5. The Commission shall keep accurate accounts of all
766 receipts and disbursements. The receipts and disbursements
767 of the Commission shall be subject to the financial review
768 and accounting procedures established under its bylaws.
769 However, all receipts and disbursements of funds handled by
770 the Commission shall be subject to an annual financial
771 review by a certified or licensed public accountant, and the
772 report of the financial review shall be included in and
773 become part of the annual report of the Commission.

774 H. Qualified Immunity, Defense, and Indemnification

775 1. The members, officers, executive director,
776 employees and representatives of the Commission shall be
777 immune from suit and liability, both personally and in their
778 official capacity, for any claim for damage to or loss of
779 property or personal injury or other civil liability caused
780 by or arising out of any actual or alleged act, error, or
781 omission that occurred, or that the person against whom the
782 claim is made had a reasonable basis for believing occurred
783 within the scope of Commission employment, duties or
784 responsibilities; provided that nothing in this paragraph
785 shall be construed to protect any such person from suit or
786 liability for any damage, loss, injury, or liability caused
787 by the intentional or willful or wanton misconduct of that
788 person. The procurement of insurance of any type by the
789 Commission shall not in any way compromise or limit the
790 immunity granted hereunder.

791 2. The Commission shall defend any member, officer,
792 executive director, employee, and representative of the
793 Commission in any civil action seeking to impose liability
794 arising out of any actual or alleged act, error, or omission

795 that occurred within the scope of Commission employment,
796 duties, or responsibilities, or as determined by the
797 commission that the person against whom the claim is made
798 had a reasonable basis for believing occurred within the
799 scope of Commission employment, duties, or responsibilities;
800 provided that nothing herein shall be construed to prohibit
801 that person from retaining their own counsel at their own
802 expense; and provided further, that the actual or alleged
803 act, error, or omission did not result from that person's
804 intentional or willful or wanton misconduct.

805 3. The Commission shall indemnify and hold harmless
806 any member, officer, executive director, employee, and
807 representative of the Commission for the amount of any
808 settlement or judgment obtained against that person arising
809 out of any actual or alleged act, error, or omission that
810 occurred within the scope of Commission employment, duties,
811 or responsibilities, or that such person had a reasonable
812 basis for believing occurred within the scope of Commission
813 employment, duties, or responsibilities, provided that the
814 actual or alleged act, error, or omission did not result
815 from the intentional or willful or wanton misconduct of that
816 person.

817 4. Nothing herein shall be construed as a limitation
818 on the liability of any licensee for professional
819 malpractice or misconduct, which shall be governed solely by
820 any other applicable state laws.

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

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

830 SECTION 11. DATA SYSTEM

831 A. The Commission shall provide for the development,
832 maintenance, operation, and utilization of a coordinated
833 database and reporting system containing licensure, Adverse
834 Action, and the presence of Current Significant
835 Investigative Information on all licensed individuals in
836 Member States.

837 B. The Commission shall assign each applicant for a
838 Multistate License a unique identifier, as determined by the
839 rules of the Commission.

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

845 1. Identifying information;

846 2. Licensure data;

847 3. Adverse Actions against a license and information
848 related thereto;

849 4. Non-confidential information related to Alternative
850 Program participation, the beginning and ending dates of
851 such participation, and other information related to such
852 participation not made confidential under Member State law;

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

855 6. The presence of Current Significant Investigative
856 Information; and

857 7. Other information that may facilitate the
858 administration of this Compact or the protection of the
859 public, as determined by the Rules of the Commission.

860 D. The records and information provided to a Member
861 State pursuant to this Compact or through the Data System,
862 when certified by the Commission or an agent thereof, shall
863 constitute the authenticated business records of the
864 Commission, and shall be entitled to any associated hearsay
865 exception in any relevant judicial, quasi-judicial or
866 administrative proceedings in a Member State.

867 E. Current Significant Investigative Information
868 pertaining to a Licensee in any Member State will only be
869 available to other Member States.

870 F. It is the responsibility of the Member States to
871 report any Adverse Action against a Licensee and to monitor
872 the database to determine whether Adverse Action has been
873 taken against a Licensee. Adverse Action information
874 pertaining to a Licensee in any Member State will be
875 available to any other Member State.

876 G. Member States contributing information to the Data
877 System may designate information that may not be shared with
878 the public without the express permission of the
879 contributing State.

880 H. Any information submitted to the Data System that
881 is subsequently expunged pursuant to federal law or the laws
882 of the Member State contributing the information shall be
883 removed from the Data System.

884 SECTION 12. RULEMAKING

885 A. The Commission shall promulgate reasonable Rules in
886 order to effectively and efficiently implement and
887 administer the purposes and provisions of the Compact. A
888 Rule shall be invalid and have no force or effect only if a

889 court of competent jurisdiction holds that the Rule is
890 invalid because the Commission exercised its rulemaking
891 authority in a manner that is beyond the scope and purposes
892 of the Compact, or the powers granted hereunder, or based
893 upon another applicable standard of review.

894 B. The Rules of the Commission shall have the force of
895 law in each Member State, provided however that where the
896 Rules of the Commission conflict with the laws of the Member
897 State that establish the Member State's laws, regulations,
898 and applicable standards as held by a court of competent
899 jurisdiction, the Rules of the Commission shall be
900 ineffective in that State to the extent of the conflict.

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

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

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

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

918 G. Prior to adoption of a proposed Rule by the
919 Commission, and at least thirty (30) days in advance of the
920 meeting at which the Commission will hold a public hearing

921 on the proposed Rule, the Commission shall provide a Notice
922 of Proposed Rulemaking:

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

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

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

929 H. The Notice of Proposed Rulemaking shall include:

930 1. The time, date, and location of the public hearing
931 at which the Commission will hear public comments on the
932 proposed Rule and, if different, the time, date, and
933 location of the meeting where the Commission will consider
934 and vote on the proposed Rule;

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

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

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

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

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

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

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

956 1. The Commission may adopt changes to the proposed
957 Rule provided the changes do not enlarge the original
958 purpose of the proposed Rule.

959 2. The Commission shall provide an explanation of the
960 reasons for substantive changes made to the proposed Rule as
961 well as reasons for substantive changes not made that were
962 recommended by commenters.

963 3. The Commission shall determine a reasonable
964 effective date for the Rule. Except for an emergency as
965 provided in Section 11.L, the effective date of the rule
966 shall be no sooner than 30 days after issuing the notice
967 that it adopted or amended the Rule.

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

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

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

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

982 4. Protect public health and safety.

983 M. The Commission or an authorized committee of the
984 Commission may direct revisions to a previously adopted Rule

985 for purposes of correcting typographical errors, errors in
986 format, errors in consistency, or grammatical errors.
987 Public notice of any revisions shall be posted on the
988 website of the Commission. The revision shall be subject to
989 challenge by any person for a period of thirty (30) days
990 after posting. The revision may be challenged only on
991 grounds that the revision results in a material change to a
992 Rule. A challenge shall be made in writing and delivered to
993 the Commission prior to the end of the notice period. If no
994 challenge is made, the revision will take effect without
995 further action. If the revision is challenged, the revision
996 may not take effect without the approval of the Commission.

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

999 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND
1000 ENFORCEMENT

1001 A. Oversight

1002 1. The executive and judicial branches of State
1003 government in each Member State shall enforce this Compact
1004 and take all actions necessary and appropriate to implement
1005 the Compact.

1006 2. Except as otherwise provided in this Compact, venue
1007 is proper and judicial proceedings by or against the
1008 Commission shall be brought solely and exclusively in a
1009 court of competent jurisdiction where the principal office
1010 of the Commission is located. The Commission may waive
1011 venue and jurisdictional defenses to the extent it adopts or
1012 consents to participate in alternative dispute resolution
1013 proceedings. Nothing herein shall affect or limit the
1014 selection or propriety of venue in any action against a
1015 licensee for professional malpractice, misconduct or any
1016 such similar matter.

1017 3. The Commission shall be entitled to receive service
1018 of process in any proceeding regarding the enforcement or
1019 interpretation of the Compact and shall have standing to
1020 intervene in such a proceeding for all purposes. Failure to
1021 provide the Commission service of process shall render a
1022 judgment or order void as to the Commission, this Compact,
1023 or promulgated Rules.

1024 B. Default, Technical Assistance, and Termination

1025 1. If the Commission determines that a Member State
1026 has defaulted in the performance of its obligations or
1027 responsibilities under this Compact or the promulgated
1028 Rules, the Commission shall provide written notice to the
1029 defaulting State. The notice of default shall describe the
1030 default, the proposed means of curing the default, and any
1031 other action that the Commission may take, and shall offer
1032 training and specific technical assistance regarding the
1033 default.

1034 2. The Commission shall provide a copy of the notice
1035 of default to the other Member States.

1036 C. If a State in default fails to cure the default,
1037 the defaulting State may be terminated from the Compact upon
1038 an affirmative vote of a majority of the delegates of the
1039 Member States, and all rights, privileges and benefits
1040 conferred on that state by this Compact may be terminated on
1041 the effective date of termination. A cure of the default
1042 does not relieve the offending State of obligations or
1043 liabilities incurred during the period of default.

1044 D. Termination of membership in the Compact shall be
1045 imposed only after all other means of securing compliance
1046 have been exhausted. Notice of intent to suspend or
1047 terminate shall be given by the Commission to the governor,
1048 the majority and minority leaders of the defaulting State's

1049 legislature, the defaulting State's State Licensing
1050 Authority and each of the Member States' State Licensing
1051 Authority.

1052 E. A State that has been terminated is responsible for
1053 all assessments, obligations, and liabilities incurred
1054 through the effective date of termination, including
1055 obligations that extend beyond the effective date of
1056 termination.

1057 F. Upon the termination of a State's membership from
1058 this Compact, that State shall immediately provide notice to
1059 all Licensees within that State of such termination. The
1060 terminated State shall continue to recognize all licenses
1061 granted pursuant to this Compact for a minimum of six (6)
1062 months after the date of said notice of termination.

1063 G. The Commission shall not bear any costs related to
1064 a State that is found to be in default or that has been
1065 terminated from the Compact, unless agreed upon in writing
1066 between the Commission and the defaulting State.

1067 H. The defaulting State may appeal the action of the
1068 Commission by petitioning the U.S. District Court for the
1069 District of Columbia or the federal district where the
1070 Commission has its principal offices. The prevailing party
1071 shall be awarded all costs of such litigation, including
1072 reasonable attorney's fees.

1073 I. Dispute Resolution

1074 1. Upon request by a Member State, the Commission
1075 shall attempt to resolve disputes related to the Compact
1076 that arise among Member States and between Member and non-
1077 Member States.

1078 2. The Commission shall promulgate a Rule providing
1079 for both mediation and binding dispute resolution for
1080 disputes as appropriate.

1081 J. Enforcement

1082 1. By majority vote as provided by Rule, the
1083 Commission may initiate legal action against a Member State
1084 in default in the United States District Court for the
1085 District of Columbia or the federal district where the
1086 Commission has its principal offices to enforce compliance
1087 with the provisions of the Compact and its promulgated
1088 Rules. The relief sought may include both injunctive relief
1089 and damages. In the event judicial enforcement is
1090 necessary, the prevailing party shall be awarded all costs
1091 of such litigation, including reasonable attorney's fees.
1092 The remedies herein shall not be the exclusive remedies of
1093 the Commission. The Commission may pursue any other
1094 remedies available under federal or the defaulting Member
1095 State's law.

1096 2. A Member State may initiate legal action against
1097 the Commission in the U.S. District Court for the District
1098 of Columbia or the federal district where the Commission has
1099 its principal offices to enforce compliance with the
1100 provisions of the Compact and its promulgated Rules. The
1101 relief sought may include both injunctive relief and
1102 damages. In the event judicial enforcement is necessary,
1103 the prevailing party shall be awarded all costs of such
1104 litigation, including reasonable attorney's fees.

1105 3. No person other than a Member State shall enforce
1106 this compact against the Commission.

1107 SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

1108 A. The Compact shall come into effect on the date on
1109 which the Compact statute is enacted into law in the seventh
1110 Member State.

1111 1. On or after the effective date of the Compact, the
1112 Commission shall convene and review the enactment of each of

1113 the first seven Member States ("Charter Member States") to
1114 determine if the statute enacted by each such Charter Member
1115 State is materially different than the model Compact statute.

1116 a. A Charter Member State whose enactment is found to
1117 be materially different from the model Compact statute shall
1118 be entitled to the default process set forth in Section 12.

1119 b. If any Member State is later found to be in
1120 default, or is terminated or withdraws from the Compact, the
1121 Commission shall remain in existence and the Compact shall
1122 remain in effect even if the number of Member States should
1123 be less than seven.

1124 2. Member States enacting the Compact subsequent to
1125 the seven initial Charter Member States shall be subject to
1126 the process set forth in Section 9(C) (21) to determine if
1127 their enactments are materially different from the model
1128 Compact statute and whether they qualify for participation
1129 in the Compact.

1130 3. All actions taken for the benefit of the Commission
1131 or in furtherance of the purposes of the administration of
1132 the Compact prior to the effective date of the Compact or
1133 the Commission coming into existence shall be considered to
1134 be actions of the Commission unless specifically repudiated
1135 by the Commission.

1136 a. Any State that joins the Compact subsequent to the
1137 Commission's initial adoption of the Rules and bylaws shall
1138 be subject to the Rules and bylaws as they exist on the date
1139 on which the Compact becomes law in that State. Any Rule
1140 that has been previously adopted by the Commission shall
1141 have the full force and effect of law on the day the Compact
1142 becomes law in that State.

1143 b. Any Member State may withdraw from this Compact by
1144 enacting a statute repealing the same.

1145 1. A Member State's withdrawal shall not take effect
1146 until 180 days after enactment of the repealing statute.

1147 2. Withdrawal shall not affect the continuing
1148 requirement of the withdrawing State's Licensing Authority
1149 to comply with the investigative and Adverse Action
1150 reporting requirements of this Compact prior to the
1151 effective date of withdrawal.

1152 3. Upon the enactment of a statute withdrawing from
1153 this compact, a State shall immediately provide notice of
1154 such withdrawal to all Licensees within that State.
1155 Notwithstanding any subsequent statutory enactment to the
1156 contrary, such withdrawing State shall continue to recognize
1157 all licenses granted pursuant to this compact for a minimum
1158 of six (6) months after the date of such notice of
1159 withdrawal.

1160 a. Nothing contained in this Compact shall be
1161 construed to invalidate or prevent any licensure agreement
1162 or other cooperative arrangement between a Member State and
1163 a non-Member State that does not conflict with the
1164 provisions of this Compact.

1165 b. This Compact may be amended by the Member States.
1166 No amendment to this Compact shall become effective and
1167 binding upon any Member State until it is enacted into the
1168 laws of all Member States.

1169 SECTION 15. CONSTRUCTION AND SEVERABILITY

1170 A. This Compact and the Commission's rulemaking
1171 authority shall be liberally construed so as to effectuate
1172 the purposes, and the implementation and administration of
1173 the Compact. Provisions of the Compact expressly
1174 authorizing or requiring the promulgation of Rules shall not
1175 be construed to limit the Commission's rulemaking authority
1176 solely for those purposes.

1177 B. The provisions of this Compact shall be severable
1178 and if any phrase, clause, sentence or provision of this
1179 Compact is held by a court of competent jurisdiction to be
1180 contrary to the constitution of any Member State, a State
1181 seeking participation in the Compact, or of the United
1182 States, or the applicability thereof to any government,
1183 agency, person or circumstance is held to be
1184 unconstitutional by a court of competent jurisdiction, the
1185 validity of the remainder of this Compact and the
1186 applicability thereof to any other government, agency,
1187 person or circumstance shall not be affected thereby.

1188 C. Notwithstanding subsection B of this section, the
1189 Commission may deny a State's participation in the Compact
1190 or, in accordance with the requirements of Section 12.B,
1191 terminate a Member State's participation in the Compact, if
1192 it determines that a constitutional requirement of a Member
1193 State is a material departure from the Compact. Otherwise,
1194 if this Compact shall be held to be contrary to the
1195 constitution of any Member State, the Compact shall remain
1196 in full force and effect as to the remaining Member States
1197 and in full force and effect as to the Member State affected
1198 as to all severable matters.

1199 SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER
1200 STATE LAWS

1201 A. A Licensee providing services in a Remote State
1202 under a Multistate Authorization to Practice shall adhere to
1203 the laws and regulations, including laws, regulations, and
1204 applicable standards, of the Remote State where the client
1205 is located at the time care is rendered.

1206 B. Nothing herein shall prevent or inhibit the
1207 enforcement of any other law of a Member State that is not
1208 inconsistent with the Compact.

1209 C. Any laws, statutes, regulations, or other legal
1210 requirements in a Member State in conflict with the Compact
1211 are superseded to the extent of the conflict.

1212 D. All permissible agreements between the Commission
1213 and the Member States are binding in accordance with their
1214 terms.

337.665. 1. As used in this section, the following
2 terms mean:

3 (1) "License", a license, certificate, registration,
4 permit, accreditation, or military occupational specialty
5 that enables a person to legally practice an occupation or
6 profession in a particular jurisdiction;

7 (2) "Military", the Armed Forces of the United States
8 including the Air Force, Army, Coast Guard, Marine Corps,
9 Navy, Space Force, National Guard, and any other military
10 branch that is designated by Congress as part of the Armed
11 Forces of the United States, and all reserve components and
12 auxiliaries. Such term also includes the military reserves
13 and militia of any United States territory or state;

14 (3) "Nonresident military spouse", a nonresident
15 spouse of an active duty member of the Armed Forces of the
16 United States who has been transferred or is scheduled to be
17 transferred to the state of Missouri, or who has been
18 transferred or is scheduled to be transferred to an adjacent
19 state and is or will be domiciled in the state of Missouri,
20 or has moved to the state of Missouri on a permanent change-
21 of-station basis;

22 (4) "Resident military spouse", a spouse of an active
23 duty member of the Armed Forces of the United States who has
24 been transferred or is scheduled to be transferred to the
25 state of Missouri or an adjacent state and who is a
26 permanent resident of the state of Missouri, who is

27 **domiciled in the state of Missouri, or who has Missouri as**
28 **his or her home of record.**

29 **2.** Each applicant for licensure as a baccalaureate
30 social worker shall furnish evidence to the committee that:

31 (1) The applicant has a baccalaureate degree in social
32 work from an accredited social work degree program approved
33 by the council of social work education;

34 (2) The applicant has achieved a passing score, as
35 defined by the committee, on an examination approved by the
36 committee. The eligibility requirements for such
37 examination shall be determined by the state committee for
38 social work;

39 (3) The applicant is at least eighteen years of age,
40 is a United States citizen or has status as a legal resident
41 alien, and has not been finally adjudicated and found
42 guilty, or entered a plea of guilty or nolo contendere, in a
43 criminal prosecution under the laws of any state, of the
44 United States, or of any country, for any offense directly
45 related to the duties and responsibilities of the
46 occupation, as set forth in section 324.012, regardless of
47 whether or not sentence is imposed;

48 (4) The applicant has submitted a written application
49 on forms prescribed by the state board;

50 (5) The applicant has submitted the required licensing
51 fee, as determined by the committee.

52 **[2.] 3.** Any applicant who answers in the affirmative
53 to any question on the application that relates to possible
54 grounds for denial of licensure pursuant to section 337.630
55 shall submit a sworn affidavit setting forth in detail the
56 facts which explain such answer and copies of appropriate
57 documents related to such answer.

58 [3.] 4. The committee shall issue a license to each
59 person who files an application and fee as required by the
60 provisions of sections 337.600 to 337.689 and who furnishes
61 evidence satisfactory to the committee that the applicant
62 has complied with the provisions of subsection 1 of this
63 section.

64 [4.] 5. The committee shall issue a certificate to
65 practice independently under subsection 3 of section 337.653
66 to any licensed baccalaureate social worker who has
67 satisfactorily completed three thousand hours of supervised
68 experience with a qualified baccalaureate supervisor in no
69 less than twenty-four months and no more than forty-eight
70 consecutive calendar months.

71 6. (1) Any person who holds a valid current
72 baccalaureate social work license issued by another state, a
73 branch or unit of the military, a territory of the United
74 States, or the District of Columbia, and who has been
75 licensed for at least one year in such other jurisdiction,
76 may submit an application for a baccalaureate social work
77 license in Missouri along with proof of current licensure
78 and proof of licensure for at least one year in the other
79 jurisdiction, to the committee.

80 (2) The committee shall:

81 (a) Within six months of receiving an application
82 described in subsection 2 of this section, waive any
83 examination, educational, or experience requirements for
84 licensure in this state for the applicant if it determines
85 that there were minimum education requirements and, if
86 applicable, work experience and clinical supervision
87 requirements in effect and the other state verifies that the
88 person met those requirements in order to be licensed or
89 certified in that state. The committee may require an

90 applicant to take and pass an examination specific to the
91 laws of this state; or

92 (b) Within thirty days of receiving an application
93 described in subsection 2 of this section from a nonresident
94 military spouse or a resident military spouse, waive any
95 examination, educational, or experience requirements for
96 licensure in this state for the applicant and issue such
97 applicant a license under this subsection if such applicant
98 otherwise meets the requirements of this section.

99 (3) (a) The committee shall not waive any
100 examination, educational, or experience requirements for any
101 applicant who has had his or her license revoked by a
102 committee outside the state; who is currently under
103 investigation, who has a complaint pending, or who is
104 currently under disciplinary action, except as provided in
105 paragraph (b) of this subdivision, with a licensing
106 authority outside the state; who does not hold a license in
107 good standing with a licensing authority outside the state;
108 who has a criminal record that would disqualify him or her
109 for licensure in Missouri; or who does not hold a valid
110 current license in the other jurisdiction on the date the
111 committee receives his or her application under this section.

112 (b) If another jurisdiction has taken disciplinary
113 action against an applicant, the committee shall determine
114 if the cause for the action was corrected and the matter
115 resolved. If the matter has not been resolved by that
116 jurisdiction, the committee may deny a license until the
117 matter is resolved.

118 (4) Nothing in this subsection shall prohibit the
119 committee from denying a license to an applicant under this
120 subsection for any reason described in section 337.630.

121 (5) Any person who is licensed under the provisions of
122 this subsection shall be subject to the committee's
123 jurisdiction and all rules and regulations pertaining to the
124 practice as a licensed baccalaureate social worker in this
125 state.

126 (6) This subsection shall not be construed to waive
127 any requirement for an applicant to pay any fees.

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