

HOUSE BILL 50

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

Pamelya Herndon and Sarah Silva

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO INTERGOVERNMENTAL AGREEMENTS; ENACTING THE SOCIAL  
WORK LICENSURE INTERSTATE COMPACT; AMENDING THE SCOPE OF SOCIAL  
WORK PRACTICE; AMENDING THE SOCIAL WORK PRACTICE ACT TO PROVIDE  
FOR STATE AND FEDERAL CRIMINAL HISTORY BACKGROUND CHECKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1  
through 16 of this act may be cited as the "Social Work  
Licensure Interstate Compact".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the  
Social Work Interstate Licensure Compact:

A. "active military member" means any person with  
full-time duty status in the active armed forces of the United  
States, including members of the national guard and reserve;

B. "adverse action" means any administrative,

1 civil, equitable or criminal action permitted by a state's laws  
2 that is imposed by a licensing authority or other authority  
3 against a regulated social worker, including an action against  
4 a person's license or multistate authorization to practice,  
5 such as revocation, suspension, probation, monitoring of the  
6 licensee, limitation on the licensee's practice, issuance of a  
7 cease and desist action or any other encumbrance on licensure  
8 affecting a regulated social worker's authorization to  
9 practice;

10 C. "alternative program" means a non-disciplinary  
11 monitoring or practice remediation process approved by a  
12 licensing authority to address practitioners with an  
13 impairment;

14 D. "charter member states" means member states who  
15 have enacted legislation to adopt this compact before the  
16 effective date of this compact as described in Section 14 of  
17 the Social Work Interstate Licensure Compact;

18 E. "compact" means the Social Work Interstate  
19 Licensure Compact;

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

.233044.1

1 G. "current significant investigative information"  
2 means:

3 (1) investigative information that a licensing  
4 authority, after a preliminary inquiry that includes  
5 notification and an opportunity for the regulated social worker  
6 to respond, has reason to believe is not groundless and, if  
7 proved true, would indicate more than a minor infraction as may  
8 be defined by the commission; or

9 (2) investigative information that indicates  
10 that the regulated social worker represents an immediate threat  
11 to public health and safety, as may be defined by the  
12 commission, regardless of whether the regulated social worker  
13 has been notified and has had an opportunity to respond;

14 H. "data system" means a repository of information  
15 about licensees, including continuing education, examination,  
16 licensure, current significant investigative information,  
17 disqualifying events, multistate licenses, adverse action  
18 information or other information as required by the commission;

19 I. "disqualifying event" means any adverse action  
20 or incident that results in an encumbrance that disqualifies or  
21 makes the licensee ineligible to either obtain, retain or renew  
22 a multistate license;

23 J. "domicile" means the jurisdiction in which the  
24 licensee resides and intends to remain indefinitely;

25 K. "encumbrance" means a revocation or suspension

1 of, or any limitation on, the full and unrestricted practice of  
2 social work licensed and regulated by a licensing authority;

3 L. "executive committee" means a group of delegates  
4 elected or appointed to act on behalf of and within the powers  
5 granted to them by the compact and commission;

6 M. "home state" means the member state that is the  
7 licensee's primary domicile;

8 N. "impairment" means a condition that may impair a  
9 practitioner's ability to engage in full and unrestricted  
10 practice as a regulated social worker without some type of  
11 intervention and may include alcohol and drug dependence,  
12 mental health impairment and neurological or physical  
13 impairments;

14 O. "licensee" means a person who currently holds a  
15 license from a member state to practice as a regulated social  
16 worker;

17 P. "licensing authority" means the board or agency  
18 of a member state, or equivalent, that is responsible for the  
19 licensing and regulation of regulated social workers;

20 Q. "member state" means a state, commonwealth,  
21 district or territory of the United States that has enacted  
22 this compact;

23 R. "multistate authorization to practice" means a  
24 legally authorized privilege to practice, which is equivalent  
25 to a license, associated with a multistate license permitting

.233044.1

1 the practice of social work in a remote state;

2 S. "multistate license" means a license to practice  
3 as a regulated social worker issued by a home state licensing  
4 authority that authorizes the regulated social worker to  
5 practice in all member states under multistate authorization to  
6 practice;

7 T. "qualifying national exam" means a national  
8 licensing examination approved by the commission;

9 U. "regulated social worker" means any clinical,  
10 master's or bachelor's social worker licensed by a member state  
11 regardless of the title used by the member state;

12 V. "remote state" means a member state other than  
13 the licensee's home state;

14 W. "rule" or "rule of the commission" means a  
15 regulation or regulations duly promulgated by the commission,  
16 as authorized by this compact;

17 X. "single state license" means a social work  
18 license issued by any state that authorizes practice only  
19 within the issuing state and does not include multistate  
20 authorization to practice in any member state;

21 Y. "social work" or "social work services" means  
22 the application of social work theory, knowledge, methods and  
23 ethics and the professional use of self to restore or enhance  
24 social, psychosocial or biopsychosocial functioning of persons,  
25 couples, families, groups, organizations or communities through

.233044.1

1 the care and services provided by a regulated social worker as  
2 set forth in the member state's statutes and regulations in the  
3 state where the services are being provided;

4 Z. "state" means any state, commonwealth, district  
5 or territory of the United States that regulates the practice  
6 of social work; and

7 AA. "unencumbered license" means a license that  
8 authorizes a regulated social worker to engage in the full and  
9 unrestricted practice of social work.

10 SECTION 3. [NEW MATERIAL] STATE PARTICIPATION IN THE  
11 COMPACT.--

12 A. To be eligible to participate in the compact, a  
13 potential member state shall:

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

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

18 (a) is operated by a college or  
19 university recognized by the licensing authority;

20 (b) is accredited, or in candidacy by an  
21 institution that subsequently becomes accredited, by an  
22 accrediting agency recognized by either: 1) the council for  
23 higher education accreditation, or its successor; or 2) the  
24 United States department of education; and

25 (c) corresponds to the level of

1 licensure sought by the applicant;

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

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

6 B. To maintain membership in the compact, a member  
7 state shall:

8 (1) require that applicants for a multistate  
9 license pass a qualifying national exam for the corresponding  
10 category of multistate license sought;

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

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

18 (4) implement procedures for considering the  
19 criminal history records of applicants for a multistate  
20 license. The procedures shall include the submission of  
21 fingerprints or other biometric-based information by applicants  
22 for the purpose of obtaining an applicant's criminal history  
23 record information from the federal bureau of investigation and  
24 the agency responsible for retaining that state's criminal  
25 records;

.233044.1

- 1 (5) comply with the rules of the commission;
- 2 (6) require an applicant to obtain or retain a
- 3 license in the home state and meet the home state's
- 4 qualifications for licensure or renewal of licensure, as well
- 5 as all other applicable home state laws;
- 6 (7) authorize a licensee holding a multistate
- 7 license in any member state to practice in accordance with the
- 8 terms of this compact and rules of the commission; and
- 9 (8) designate a delegate to participate in the
- 10 commission meetings.

11 C. A member state meeting the requirements of

12 Subsections A and B of this section shall designate the

13 categories of social work licensure that are eligible for

14 issuance of a multistate license for applicants in the member

15 state. To the extent that a member state does not meet the

16 requirements for participation in this compact at any

17 particular category of social work licensure, the member state

18 may, but is not obligated to, issue a multistate license to

19 applicants that otherwise meet the requirements of Section 4 of

20 the Social Work Licensure Interstate Compact for issuance of a

21 multistate license in that category or categories of licensure.

22 D. The home state may charge a fee for granting the

23 multistate license.

24 SECTION 4. [NEW MATERIAL] SOCIAL WORKER PARTICIPATION IN

25 THE COMPACT.--



1           A. To be eligible for a multistate license under  
2 the terms and provisions of this compact, an applicant,  
3 regardless of category, shall:

4                   (1) hold or be eligible for an active  
5 unencumbered license in the home state;

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

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

13                   (4) notify the home state of any adverse  
14 action, encumbrance or restriction on any professional license  
15 taken by any member state or non-member state within thirty  
16 days from the date the action is taken;

17                   (5) meet any continuing competence  
18 requirements established by the home state; and

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

22           B. An applicant for a clinical-category multistate  
23 license shall:

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

.233044.1

1 (a) passage of a clinical-category  
2 qualifying national exam;

3 (b) licensure of the applicant in the  
4 applicant's home state at the clinical category before the  
5 qualifying national exam was required by the home state,  
6 accompanied by a period of continuous social work licensure  
7 thereafter, all of which may be further governed by the rules  
8 of the commission; or

9 (c) the substantial equivalency of the  
10 competency requirements established in this paragraph, which  
11 the commission may determine by rule;

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

14 (a) operated by a college or university  
15 recognized by the licensing authority; and

16 (b) accredited, or in candidacy that  
17 subsequently becomes accredited, by an accrediting agency  
18 recognized by either the: 1) council for higher education  
19 accreditation, or its successor; or 2) United States department  
20 of education; and

21 (3) fulfill a practice requirement, which  
22 shall be satisfied by demonstrating completion of either:

23 (a) a period of postgraduate supervised  
24 clinical practice equal to a minimum of three thousand hours;

25 (b) a minimum of two years of full-time

1 postgraduate supervised clinical practice; or

2 (c) the substantial equivalency of the  
3 practice requirements established in this paragraph, which the  
4 commission may determine by rule.

5 C. An applicant for a master's-category multistate  
6 license shall:

7 (1) fulfill a competency requirement, which  
8 shall be satisfied by:

9 (a) passage of a master's-category  
10 qualifying national exam;

11 (b) licensure of the applicant in the  
12 applicant's home state at the master's category before the  
13 qualifying national exam was required by the home state,  
14 accompanied by a period of continuous social work licensure  
15 thereafter, all of which may be further governed by the rules  
16 of the commission; or

17 (c) the substantial equivalency of the  
18 competency requirements established in this paragraph, which  
19 the commission may determine by rule; and

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

22 (a) operated by a college or university  
23 recognized by the licensing authority; and

24 (b) accredited, or in candidacy that  
25 subsequently becomes accredited, by an accrediting agency

.233044.1

1 recognized by either the: 1) council for higher education  
2 accreditation, or its successor; or 2) United States department  
3 of education.

4 D. An applicant for a bachelor's-category  
5 multistate license shall:

6 (1) fulfill a competency requirement, which  
7 shall be satisfied by:

8 (a) passage of a bachelor's-category  
9 qualifying national exam;

10 (b) licensure of the applicant in the  
11 applicant's home state at the bachelor's category before the  
12 qualifying national exam was required by the home state,  
13 accompanied by a period of continuous social work licensure  
14 thereafter, all of which may be further governed by the rules  
15 of the commission; or

16 (c) the substantial equivalency of the  
17 competency requirements established in this paragraph, which  
18 the commission may determine by rule; and

19 (2) attain at least a bachelor's degree in  
20 social work from a program that is:

21 (a) operated by a college or university  
22 recognized by the licensing authority; and

23 (b) accredited, or in candidacy that  
24 subsequently becomes accredited, by an accrediting agency  
25 recognized by either the: 1) council for higher education

.233044.1

1 accreditation, or its successor; or 2) United States department  
2 of education.

3 E. The multistate license for a regulated social  
4 worker is subject to the renewal requirements of the home  
5 state. The regulated social worker shall maintain compliance  
6 with the requirements of Subsection A of this section to be  
7 eligible to renew a multistate license.

8 F. A regulated social worker's services in a remote  
9 state are subject to that member state's regulatory authority.  
10 A remote state may, in accordance with due process and that  
11 member state's laws, remove a regulated social worker's  
12 multistate authorization to practice in the remote state for a  
13 specific period of time, impose fines and take any other  
14 necessary actions to protect the health and safety of its  
15 citizens.

16 G. If a multistate license is encumbered, the  
17 regulated social worker's multistate authorization to practice  
18 shall be deactivated in all remote states until the multistate  
19 license is no longer encumbered.

20 H. If a multistate authorization to practice is  
21 encumbered in a remote state, the regulated social worker's  
22 multistate authorization to practice may be deactivated in that  
23 state until the multistate authorization to practice is no  
24 longer encumbered.

25 SECTION 5. [NEW MATERIAL] ISSUANCE OF A MULTISTATE

.233044.1

1 LICENSE.--

2 A. Upon receipt of an application for a multistate  
3 license, the home state licensing authority shall determine an  
4 applicant's eligibility for a multistate license in accordance  
5 with Section 4 of the Social Work Licensure Interstate Compact.

6 B. If an applicant is eligible for a multistate  
7 license, the home state licensing authority shall issue a  
8 multistate license that authorizes the applicant to practice in  
9 all member states under a multistate authorization to practice.

10 C. Upon issuance of a multistate license, the home  
11 state licensing authority shall designate whether the regulated  
12 social worker holds a multistate license in the bachelor's,  
13 master's or clinical category of social work.

14 D. A multistate license issued by a home state to a  
15 resident in that state shall be recognized by all member states  
16 as authorizing social work practice under a multistate  
17 authorization to practice corresponding to each category of  
18 licensure regulated in each member state.

19 SECTION 6. [NEW MATERIAL] AUTHORITY OF COMPACT COMMISSION  
20 AND MEMBER STATE LICENSING AUTHORITIES.--

21 A. Nothing in the Social Work Licensure Interstate  
22 Compact, nor any rule of the commission, shall be construed to  
23 limit, restrict or in any way reduce the ability of a member  
24 state to enact and enforce laws, regulations or other rules  
25 related to the practice of social work in that state, where

.233044.1

1 those laws, regulations or other rules are not inconsistent  
2 with the provisions of the Social Work Licensure Interstate  
3 Compact.

4 B. Nothing in the Social Work Licensure Interstate  
5 Compact shall affect the requirements established by a member  
6 state for the issuance of a single state license.

7 C. Nothing in the Social Work Licensure Interstate  
8 Compact, nor any rule of the commission, shall be construed to  
9 limit, restrict or in any way reduce the ability of a member  
10 state to take adverse action against a licensee's single state  
11 license to practice social work in that state.

12 D. Nothing in the Social Work Licensure Interstate  
13 Compact, nor any rule of the commission, shall be construed to  
14 limit, restrict or in any way reduce the ability of a remote  
15 state to take adverse action against a licensee's multistate  
16 authorization to practice in that state.

17 E. Nothing in the Social Work Licensure Interstate  
18 Compact, nor any rule of the commission, shall be construed to  
19 limit, restrict or in any way reduce the ability of a  
20 licensee's home state to take adverse action against a  
21 licensee's multistate license based upon information provided  
22 by a remote state.

23 SECTION 7. [NEW MATERIAL] REISSUANCE OF A MULTISTATE  
24 LICENSE BY A NEW HOME STATE.--

25 A. A licensee can hold a multistate license issued

1 by the licensee's home state in only one member state at any  
2 given time.

3 B. If a licensee changes the licensee's home state  
4 by moving between two member states:

5 (1) the licensee shall immediately apply for  
6 the reissuance of the licensee's multistate license in the  
7 licensee's new home state. The licensee shall pay all  
8 applicable fees and notify the prior home state in accordance  
9 with the rules of the commission;

10 (2) upon receipt of an application to reissue  
11 a multistate license, the new home state shall verify that the  
12 multistate license is active, unencumbered and eligible for  
13 reissuance under the terms of the compact and the rules of the  
14 commission. The multistate license issued by the prior home  
15 state shall be deactivated, and all member states shall be  
16 notified in accordance with the applicable rules adopted by the  
17 commission;

18 (3) prior to the reissuance of the multistate  
19 license, the new home state shall conduct procedures for  
20 considering the criminal history records of the licensee. The  
21 procedures shall include the submission of fingerprints or  
22 other biometric-based information by applicants for the purpose  
23 of obtaining an applicant's criminal history record information  
24 from the federal bureau of investigation and the agency  
25 responsible for retaining that state's criminal records;

.233044.1



1 (4) if required for initial licensure, the new  
2 home state may require completion of jurisprudence requirements  
3 in the new home state; and

4 (5) notwithstanding any other provision of  
5 this compact, if a licensee does not meet the requirements set  
6 forth in this compact for the reissuance of a multistate  
7 license by the new home state, the licensee shall be subject to  
8 the new home state requirements for the issuance of a single  
9 state license in that state.

10 C. If a licensee changes the licensee's primary  
11 state of residence by moving from a member state to a non-  
12 member state, or from a non-member state to a member state,  
13 then the licensee shall be subject to the state requirements  
14 for the issuance of a single state license in the new home  
15 state.

16 D. Nothing in the Social Work Licensure Interstate  
17 Compact shall interfere with a licensee's ability to hold a  
18 single state license in multiple states; provided that, for the  
19 purposes of the Social Work Licensure Interstate Compact, a  
20 licensee shall have only one home state and only one multistate  
21 license.

22 E. Nothing in the Social Work Licensure Interstate  
23 Compact shall interfere with the requirements established by a  
24 member state for the issuance of a single state license.

25 SECTION 8. [NEW MATERIAL] MILITARY FAMILIES.--An active

.233044.1

1 military member or the spouse of an active military member  
2 shall designate a home state where the individual has a  
3 multistate license. The active military member or the spouse  
4 of an active military member may retain the home state  
5 designation during the period the service member is on active  
6 duty.

7 SECTION 9. [NEW MATERIAL] ADVERSE ACTIONS.--

8 A. In addition to the powers conferred by state  
9 law, a remote state shall have the authority, in accordance  
10 with state due process law, to take adverse action against a  
11 regulated social worker's multistate authorization to practice  
12 only within the member state and issue subpoenas for both  
13 hearings and investigations that require the attendance and  
14 testimony of witnesses as well as the production of evidence.  
15 Subpoenas issued by a licensing authority in a member state for  
16 the attendance and testimony of witnesses or the production of  
17 evidence from another member state shall be enforced in the  
18 latter state by any court of competent jurisdiction, according  
19 to the practice and procedure of that court applicable to  
20 subpoenas issued in proceedings pending before it, but only to  
21 the extent that both states agree to and are participating in a  
22 joint investigation pursuant to the Social Work Licensure  
23 Interstate Compact. The issuing licensing authority shall pay  
24 any witness fees, travel expenses, mileage and other fees  
25 required by the service statutes of the state in which the

.233044.1

1 witnesses or evidence are located. Only the home state shall  
2 have the power to take adverse action against a regulated  
3 social worker's multistate license.

4 B. For purposes of taking adverse action, the home  
5 state shall give the same priority and effect to reported  
6 conduct received from a member state as it would if the conduct  
7 had occurred within the home state. The home state shall apply  
8 its own state laws to determine the appropriate action.

9 C. The home state shall complete any pending  
10 investigations of a regulated social worker who changes the  
11 regulated social worker's home state during the course of the  
12 investigations. The home state shall also have the authority  
13 to take appropriate action and shall promptly report the  
14 conclusions of the investigations to the administrator of the  
15 data system. The administrator of the data system shall  
16 promptly notify the new home state of any adverse actions.

17 D. A member state, if otherwise permitted by state  
18 law, may recover from the affected regulated social worker the  
19 costs of investigation and dispositions of cases resulting from  
20 any adverse action taken against that regulated social worker.

21 E. A member state may take adverse action based on  
22 the factual findings of another member state; provided that the  
23 member state follows its own procedures for taking the adverse  
24 action.

25 F. In addition to the authority granted to a member

1 state by the member state's respective social work practice act  
2 or other applicable state law, any member state may participate  
3 with other member states in joint investigation of licensees.  
4 Member states shall share any investigative, litigation or  
5 compliance materials in furtherance of any joint or individual  
6 investigation initiated under this compact.

7 G. If adverse action is taken by the home state  
8 against the multistate license of a regulated social worker,  
9 the regulated social worker's multistate authorization to  
10 practice in all other member states shall be deactivated until  
11 all encumbrances have been removed from the multistate license.  
12 All home state disciplinary orders that impose adverse action  
13 against the license of a regulated social worker shall include  
14 a statement that the regulated social worker's multistate  
15 authorization to practice is deactivated in all member states  
16 until all conditions of the decision, order or agreement are  
17 satisfied.

18 H. If a member state takes adverse action, it shall  
19 promptly notify the administrator of the data system. The  
20 administrator of the data system shall promptly notify the home  
21 state and all other member states of any adverse actions by  
22 remote states.

23 I. Nothing in the Social Work Licensure Interstate  
24 Compact shall override a member state's decision that  
25 participation in an alternative program may be used in lieu of

1 adverse action.

2 J. Nothing in the Social Work Licensure Interstate  
3 Compact shall authorize a member state to demand the issuance  
4 of subpoenas for attendance and testimony of witnesses or the  
5 production of evidence from another member state for lawful  
6 actions within that member state.

7 K. Nothing in the Social Work Licensure Interstate  
8 Compact shall authorize a member state to impose discipline  
9 against a regulated social worker who holds a multistate  
10 authorization to practice for lawful actions within another  
11 member state.

12 SECTION 10. [NEW MATERIAL] ESTABLISHMENT OF SOCIAL WORK  
13 LICENSURE COMPACT COMMISSION.--

14 A. The compact member states hereby create and  
15 establish a joint government agency whose membership consists  
16 of all member states that have enacted the compact, known as  
17 the "social work licensure compact commission". The commission  
18 is an instrumentality of the member states acting jointly and  
19 not an instrumentality of any one state. The commission shall  
20 come into existence on or after the effective date of this  
21 compact as set forth in Section 14 of the Social Work Licensure  
22 Interstate Compact.

23 B. The commission shall satisfy each of the  
24 following requirements with respect to membership, voting and  
25 meetings:

.233044.1

1 (1) each member state shall have and be  
2 limited to one delegate selected by the member state's  
3 licensing authority. The delegate shall be either:

4 (a) a current member of the state  
5 licensing authority at the time of appointment who is a  
6 regulated social worker or public member of the state licensing  
7 authority; or

8 (b) an administrator of the state  
9 licensing authority or the administrator's designee;

10 (2) the commission shall by rule or bylaw  
11 establish a term of office for delegates and may by rule or  
12 bylaw establish term limits;

13 (3) the commission may recommend removal or  
14 suspension of any delegate from office;

15 (4) a member state's licensing authority shall  
16 fill any vacancy of its delegate within sixty days of the  
17 vacancy;

18 (5) each delegate shall be entitled to one  
19 vote on all matters before the commission requiring a vote by  
20 commission delegates;

21 (6) a delegate shall vote in person or by  
22 other means as provided by the commission's bylaws. The  
23 commission may allow delegates to meet by telecommunication,  
24 video conference or other means of communication; and

25 (7) the commission shall meet at least once

1 during each calendar year. Additional meetings may be held as  
2 set forth in the commission's bylaws. The commission may meet  
3 by telecommunication, video conference or other similar  
4 electronic means.

5 C. The commission shall have the power to:

6 (1) establish the fiscal year of the  
7 commission;

8 (2) establish a code of conduct and conflict  
9 of interest policies;

10 (3) establish and amend rules and bylaws;

11 (4) maintain the commission's financial  
12 records in accordance with the bylaws;

13 (5) meet and take actions that are consistent  
14 with the provisions of this compact, the commission's rules and  
15 the bylaws;

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

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

24 (8) purchase and maintain insurance and bonds;

25 (9) borrow, accept or contract for services of

.233044.1

1 personnel, including employees of a member state;

2 (10) conduct an annual financial review;

3 (11) hire employees, elect or appoint  
4 officers, fix compensation, define duties, grant persons  
5 appropriate authority to carry out the purposes of this compact  
6 and establish the commission's personnel policies and programs  
7 relating to conflicts of interest, qualification of personnel  
8 and other related personnel matters;

9 (12) assess and collect fees;

10 (13) accept any and all appropriate gifts,  
11 donations, grants of money, other sources of revenue,  
12 equipment, supplies, materials and services and receive,  
13 utilize and dispose of the same; provided that at all times the  
14 commission shall avoid any appearance of impropriety or  
15 conflict of interest;

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

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

22 (16) establish a budget and make expenditures;

23 (17) borrow money;

24 (18) appoint committees, including standing  
25 committees, composed of members, state regulators, state

.233044.1



1 legislators or their representatives, consumer representatives  
2 and other interested persons as may be designated in this  
3 compact and the commission's bylaws;

4 (19) provide and receive information from, and  
5 cooperate with, law enforcement agencies;

6 (20) establish and elect an executive  
7 committee, including a chair and a vice chair;

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

12 (22) perform other functions as may be  
13 necessary or appropriate to achieve the purposes of this  
14 compact.

15 D. The executive committee established by the  
16 commission shall:

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

21 (a) overseeing the day-to-day activities  
22 of the administration of the compact, including enforcement and  
23 compliance with the provisions of this compact, the  
24 commission's rules and bylaws and other duties as deemed  
25 necessary;

.233044.1

1 (b) recommending to the commission  
2 changes to the rules or bylaws, changes to this compact  
3 legislation, fees charged to member states, fees charged to  
4 licensees and other fees;

5 (c) ensuring compact administration  
6 services are appropriately provided, including by contract;

7 (d) preparing and recommending the  
8 commission's budget;

9 (e) maintaining financial records on  
10 behalf of the commission;

11 (f) monitoring compact compliance of  
12 member states and providing reports to the commission;

13 (g) establishing additional committees  
14 as necessary;

15 (h) exercising the powers and duties of  
16 the commission during the interim between commission meetings,  
17 except for adopting or amending rules, adopting or amending  
18 bylaws and exercising any other powers and duties expressly  
19 reserved to the commission by rule or bylaw; and

20 (i) other duties a provided in the rules  
21 or bylaws of the commission;

22 (2) be composed of up to eleven members, as  
23 follows:

24 (a) the chair and vice chair of the  
25 commission shall be voting members of the executive committee;

.233044.1

1 (b) the commission shall elect five  
2 voting members from the current membership of the commission;

3 (c) up to four ex-officio, nonvoting  
4 members from four recognized social work organizations. The  
5 ex-officio members shall be selected by their respective  
6 organizations; and

7 (d) the commission may remove any member  
8 of the executive committee as provided in the commission's  
9 bylaws; and

10 (3) meet at least annually, and:

11 (a) executive committee meetings shall  
12 be open to the public, except that the executive committee may  
13 meet in a closed, nonpublic meeting as provided in Subsection G  
14 of this section;

15 (b) the executive committee shall give  
16 seven days' notice of its meetings, posted on the committee's  
17 website and as determined to provide notice to persons with an  
18 interest in the business of the commission; and

19 (c) the executive committee may hold a  
20 special meeting in accordance with Paragraph (2) of Subsection  
21 F of this section.

22 E. The commission shall adopt and provide an annual  
23 report to the member states.

24 F. All meetings of the commission shall be open to  
25 the public, except that the commission may meet in a closed,

.233044.1

1 nonpublic meeting as provided in Subsection G of this section.

2 The commission:

3 (1) shall provide public notice for all  
4 meetings in the same manner as required for notice of  
5 rulemaking under the provisions of Section 12 of the Social  
6 Work Licensure Interstate Compact, except that the commission  
7 may hold a special meeting as provided in Paragraph (2) of this  
8 subsection; and

9 (2) may hold a special meeting when it must  
10 meet to conduct emergency business by giving forty-eight hours'  
11 notice to all commissioners on the commission's website and by  
12 other means as provided in the commission's rules. The  
13 commission's legal counsel shall certify that the commission's  
14 need to meet qualifies as an emergency.

15 G. The commission, executive committee or other  
16 committees of the commission may convene in a closed, nonpublic  
17 meeting for the commission, executive committee or other  
18 committee of the commission to receive legal advice or to  
19 discuss:

20 (1) noncompliance of a member state with its  
21 obligations under the compact;

22 (2) the employment, compensation, discipline  
23 or other matters, practices or procedures related to specific  
24 employees;

25 (3) current or threatened discipline of a

1 licensee by the commission or by a member state's licensing  
2 authority;

3 (4) current, threatened or reasonably  
4 anticipated litigation;

5 (5) negotiation of contracts for the purchase,  
6 lease or sale of goods, services or real estate;

7 (6) accusing any person of a crime or formally  
8 censuring any person;

9 (7) trade secrets or commercial or financial  
10 information that is privileged or confidential;

11 (8) investigative records compiled for law  
12 enforcement purposes;

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

18 (10) matters specifically exempted from  
19 disclosure by federal or member state law; or

20 (11) other matters as promulgated by the  
21 commission by rule.

22 H. If a meeting or portion of a meeting is closed,  
23 the presiding officer shall state that the meeting will be  
24 closed and reference each relevant exempting provision, and the  
25 reference shall be recorded in the minutes.

.233044.1

1 I. The commission shall keep minutes that fully and  
2 clearly describe all matters discussed in a meeting and shall  
3 provide a full and accurate summary of actions taken and the  
4 reasons for taking the actions, including a description of the  
5 views expressed. All documents considered in connection with  
6 an action shall be identified in the minutes. All minutes and  
7 documents of a closed meeting shall remain under seal, subject  
8 to release only by a majority vote of the commission or order  
9 of a court of competent jurisdiction.

10 J. With respect to financing, the commission:

11 (1) shall pay or provide for the payment of  
12 the reasonable expenses of its establishment, organization and  
13 ongoing activities;

14 (2) may accept any and all appropriate revenue  
15 sources as provided in Paragraph (13) of Subsection C of this  
16 section;

17 (3) may levy on and collect an annual  
18 assessment from each member state and impose fees on licensees  
19 of member states to whom it grants a multistate license to  
20 cover the cost of the operations and activities of the  
21 commission and its staff, which shall be in a total amount  
22 sufficient to cover the commission's annual budget for which  
23 revenue is not provided by other sources. The aggregate annual  
24 assessment amount for member states shall be allocated based  
25 upon a formula that the commission shall promulgate by rule;

.233044.1

1 (4) shall not incur obligations of any kind  
2 prior to securing the funds adequate to meet the obligations;  
3 nor shall the commission pledge the credit of any of the member  
4 states, except by and with the authority of the member state;  
5 and

6 (5) shall keep accurate accounts of all  
7 receipts and disbursements. The receipts and disbursements of  
8 the commission shall be subject to the financial review and  
9 accounting procedures established under the commission's  
10 bylaws. All receipts and disbursements of funds shall be  
11 subject to an annual financial review by a certified or  
12 licensed public accountant, and the report of the financial  
13 review shall be included in and become part of the annual  
14 report of the commission.

15 K. With respect to defense and indemnification:

16 (1) the commission shall defend any member,  
17 officer, executive director, employee and representative of the  
18 commission in any civil action seeking to impose liability  
19 arising out of any actual or alleged act, error or omission  
20 that occurred within the scope of commission employment, duties  
21 or responsibilities, or as determined by the commission that  
22 the person against whom the claim is made had a reasonable  
23 basis for believing occurred within the scope of commission  
24 employment, duties or responsibilities; provided that nothing  
25 herein shall be construed to prohibit that person from

.233044.1

1 retaining that person's own counsel at that person's own  
2 expense; and provided further that the actual or alleged act,  
3 error or omission did not result from that person's intentional  
4 or willful or wanton misconduct;

5 (2) the commission shall indemnify and hold  
6 harmless any member, officer, executive director, employee and  
7 representative of the commission for the amount of any  
8 settlement or judgement obtained against that person arising  
9 out of any actual or alleged act, error or omission that  
10 occurred within the scope of commission employment, duties or  
11 responsibilities, or that such person had a reasonable basis  
12 for believing occurred within the scope of commission  
13 employment, duties or responsibilities; provided that the  
14 actual or alleged act, error or omission did not result from  
15 the intentional or willful or wanton misconduct of that person;

16 (3) nothing in this compact shall be construed  
17 as a limitation on the liability of any licensee for  
18 professional malpractice or misconduct, which shall be governed  
19 solely by any other applicable state laws;

20 (4) nothing in this compact shall be  
21 interpreted to waive or otherwise abrogate a member state's  
22 state action immunity or state action affirmative defense with  
23 respect to antitrust claims under the federal Sherman Act, the  
24 federal Clayton Act or any other state or federal antitrust or  
25 anticompetitive law or regulation; and

.233044.1



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

4 SECTION 11. [NEW MATERIAL] DATA SYSTEM.--

5 A. The commission shall provide for the  
6 development, maintenance, operation and utilization of a  
7 coordinated data system.

8 B. The commission shall assign each applicant for a  
9 multistate license a unique identifier, as determined by the  
10 rules of the commission.

11 C. Notwithstanding any other provision of state law  
12 to the contrary, a member state shall submit a uniform data set  
13 to the data system on all persons to whom this compact is  
14 applicable as required by the rules of the commission,  
15 including:

- 16 (1) identifying information;  
17 (2) licensure data;  
18 (3) adverse actions against a license and  
19 information related to the adverse actions;  
20 (4) non-confidential information related to  
21 alternative program participation, the beginning and ending  
22 dates of the alternative program participation and other  
23 information related to alternative program participation not  
24 made confidential under member state law;

25 (5) any denial of application for licensure

1 and the reasons for the denial;

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

4 (7) other information that may facilitate the  
5 administration of this compact or the protection of the public,  
6 as determined by the rules of the commission.

7 D. The records and information provided to a member  
8 state pursuant to this compact or through the data system, when  
9 certified by the commission or an agent thereof, shall  
10 constitute the authenticated business records of the  
11 commission.

12 E. Current significant investigative information  
13 pertaining to a licensee in any member state will only be  
14 available to other member states. It is the responsibility of  
15 the member states to report any adverse action against a  
16 licensee and to monitor the database to determine whether  
17 adverse action has been taken against a licensee. Adverse  
18 action information pertaining to a licensee in any member state  
19 will be available to any other member state.

20 F. Member states contributing information to the  
21 data system may designate information that may not be shared  
22 with the public without the express permission of the  
23 contributing state.

24 G. Any information submitted to the data system  
25 that is subsequently expunged pursuant to federal law or the

.233044.1

1 laws of the member state contributing the information shall be  
2 removed from the data system.

3 SECTION 12. [NEW MATERIAL] RULEMAKING.--

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

13 B. Where the rules of the commission conflict with  
14 the laws of the member state that establish the member state's  
15 laws, regulations and applicable standards that govern the  
16 practice of social work as held by a court of competent  
17 jurisdiction, the rules of the commission shall be ineffective  
18 in that state to the extent of the conflict.

19 C. The commission shall exercise its rulemaking  
20 powers pursuant to the criteria set forth in this section and  
21 the rules adopted thereunder. Rules shall become binding on  
22 the day following adoption or the date specified in the rule or  
23 amendment, whichever is later.

24 D. If a majority of the legislatures of member  
25 states rejects a rule or portion of a rule by enactment of a

.233044.1

1 statute or resolution in the same manner used to adopt this  
2 compact within four years of the date of adoption of the rule,  
3 then the rule shall have no further force or effect in any  
4 member state.

5 E. Rules shall be adopted at a regular or special  
6 meeting of the commission.

7 F. Prior to adoption of a proposed rule, the  
8 commission shall hold a public hearing and allow persons to  
9 provide oral and written comments, data, facts, opinions and  
10 arguments.

11 G. Prior to adoption of a proposed rule, and at  
12 least thirty days in advance of the meeting at which the  
13 commission will hold a public hearing on the proposed rule, the  
14 commission shall provide a notice of proposed rulemaking:

15 (1) on the commission's website or on another  
16 publicly accessible platform;

17 (2) to persons who have requested notice of  
18 the commission's notices of proposed rulemaking; and

19 (3) in any other ways that the commission may  
20 specify by rule.

21 H. The notice of proposed rulemaking shall include:

22 (1) the time, date and location of the public  
23 hearing at which the commission will hear public comments on  
24 the proposed rule and, if different, the time, date and  
25 location of the meeting where the commission will consider and

.233044.1

1 vote on the proposed rule;

2 (2) if the hearing is held via  
3 telecommunication, video conference or other electronic means,  
4 the commission shall include the mechanism for access to the  
5 hearing in the notice of proposed rulemaking;

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

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

10 (5) the manner in which interested persons may  
11 submit written comments.

12 I. All hearings shall be recorded. A copy of the  
13 recording and all written comments and documents received by  
14 the commission in response to the proposed rule shall be  
15 available to the public.

16 J. Nothing in this section shall be construed as  
17 requiring a separate hearing on each rule. Rules may be  
18 grouped for the convenience of the commission at hearings  
19 required by this section.

20 K. The commission shall, by majority vote of all  
21 members, take final action on a proposed rule based on the  
22 rulemaking record and the full text of the rule. The  
23 commission:

24 (1) may adopt changes to the proposed rule;  
25 provided that the changes do not enlarge the original purpose

.233044.1

1 of the proposed rule;

2 (2) shall provide an explanation of the  
3 reasons for substantive changes made to the proposed rule as  
4 well as reasons for substantive changes not made that were  
5 recommended by commenters; and

6 (3) shall determine a reasonable effective  
7 date for the rule. Except for an emergency as provided in  
8 Subsection L of this section, the effective date of the rule  
9 shall be no sooner than thirty days after issuing the notice  
10 that the commission adopted or amended the rule.

11 L. Upon determination that an emergency exists, the  
12 commission may consider and adopt an emergency rule with forty-  
13 eight-hours' notice, with opportunity to comment; provided that  
14 the usual rulemaking procedures provided in this compact and in  
15 this section shall be retroactively applied to the rule as soon  
16 as reasonably possible, in no event later than ninety days  
17 after the effective date of the rule. For the purposes of this  
18 provision, an emergency rule is one that must be adopted  
19 immediately in order to:

20 (1) meet an imminent threat to public health,  
21 safety or welfare;

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

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

1 (4) protect public health and safety.

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

16 N. No member state's rulemaking requirements shall  
17 apply under this compact.

18 SECTION 13. [NEW MATERIAL] OVERSIGHT, DISPUTE RESOLUTION  
19 AND ENFORCEMENT.--

20 A. The executive and judicial branches of state  
21 government in each member state shall enforce this compact and  
22 take all actions necessary and appropriate to implement the  
23 compact.

24 B. Except as to judicial proceedings for the  
25 enforcement of this compact among member states, individuals

.233044.1

1 may pursue judicial proceedings related to this compact in any  
2 state or federal court in this state that would otherwise have  
3 competent jurisdiction. The commission may waive venue and  
4 jurisdictional defenses to the extent that it adopts or  
5 consents to participate in an alternative dispute resolution  
6 proceeding. Nothing in this section shall affect or limit the  
7 selection or propriety of venue in any action against a  
8 licensee for professional malpractice, misconduct or any  
9 similar matter.

10 C. The commission shall be entitled to receive  
11 service of process in any proceeding regarding the enforcement  
12 or interpretation of the compact and shall have standing to  
13 intervene in the proceeding for all purposes. Failure to  
14 provide the commission service of process shall render a  
15 judgement or order void as to the commission, this compact or  
16 promulgated rules.

17 D. If the commission determines that a member state  
18 has defaulted in the performance of its obligation or  
19 responsibilities under this compact or the promulgated rules,  
20 the commission shall provide written notice to the defaulting  
21 state. The notice of default shall describe the default, the  
22 proposed means of curing the default and any other action that  
23 the commission may take and shall offer training and specific  
24 technical assistance regarding the default. The commission  
25 shall provide a copy of the notice of default to the other



1 member states.

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

10 F. Termination of membership in this compact shall  
11 be imposed only after all other means of securing compliance  
12 have been exhausted. Notice of intent to suspend or terminate  
13 shall be given by the commission to the governor, the majority  
14 and minority floor leaders of the defaulting state's  
15 legislature, the defaulting state's licensing authority and  
16 each of the member states' licensing authority.

17 G. A state that has been terminated is responsible  
18 for all assessments, obligations and liabilities incurred  
19 through the effective date of termination, including  
20 obligations that extend beyond the effective date of the  
21 termination.

22 H. Upon the termination of a state's membership  
23 from this compact, that state shall immediately provide notice  
24 to all licensees within that state of the termination. The  
25 terminated state shall continue to recognize all licenses

.233044.1

1 granted pursuant to this compact for a minimum of six months  
2 after the date of termination.

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

7 J. A defaulting member state may appeal an action  
8 of the commission by petitioning the United States district  
9 court for the District of Columbia or the federal district  
10 where the commission has its principal offices or state or  
11 federal court of New Mexico.

12 K. Upon request by a member state, the commission  
13 shall attempt to resolve disputes related to the compact that  
14 arise among member states and between member and non-member  
15 states. The commission shall promulgate a rule providing for  
16 both mediation and binding dispute resolution for disputes as  
17 appropriate.

18 L. By majority vote as provided by rule, the  
19 commission may initiate legal action against a member state in  
20 default in the United States district court for the District of  
21 Columbia or the federal district where the commission has its  
22 principal offices to enforce compliance with the provisions of  
23 this compact and the commission's promulgated rules. The  
24 relief sought may include both injunctive relief and damages.  
25 The remedies herein shall not be the exclusive remedies of the

.233044.1

1 commission. The commission may pursue any other remedies  
2 available under federal or the defaulting member state's law.

3 M. A member state may initiate legal action against  
4 the commission in the United States district court for the  
5 District of Columbia or the federal district where the  
6 commission has its principal offices or a state or federal  
7 court of New Mexico to enforce compliance with the provisions  
8 of this compact and the commission's promulgated rules. The  
9 relief sought may include both injunctive relief and damages.

10 N. No entity other than a member state shall  
11 enforce this compact against the commission.

12 SECTION 14. [NEW MATERIAL] EFFECTIVE DATE, WITHDRAWAL AND  
13 AMENDMENT.--

14 A. This compact shall come into effect on the date  
15 on which the compact statute is enacted into law in the seventh  
16 member state.

17 B. On or after the effective date of this compact,  
18 the commission shall convene and review the enactment of each  
19 of the first seven member states to determine if the statute  
20 enacted by each charter member state is materially different  
21 than the model compact statute.

22 C. A charter member state whose enactment is found  
23 to be materially different from the model compact statute shall  
24 be entitled to the default process set forth in Section 14 of  
25 the Social Work Licensure Interstate Compact. If a member

.233044.1

1 state is later found to be in default, or is terminated or  
2 withdraws from the compact, the commission shall remain in  
3 existence, and the compact shall remain in effect even if the  
4 number of member states is less than seven.

5 D. Member states enacting this compact subsequent  
6 to the seven initial charter member state shall be subject to  
7 the process set forth in Paragraph (21) of Subsection C of  
8 Section 10 of the Social Work Licensure Interstate Compact to  
9 determine if the enactments are materially different from the  
10 model compact statute and whether the states qualify for  
11 participation in this compact.

12 E. All action taken for the benefit of the  
13 commission or in furtherance of the purposes of the  
14 administration of the compact prior to the effective date of  
15 the compact or the commission coming into existence shall be  
16 considered to be actions of the commission unless specifically  
17 repudiated by the commission.

18 F. Any state that joins the compact subsequent to  
19 the commission's initial adoption of the rules and bylaws shall  
20 be subject to the rules and bylaws as they exist on the date on  
21 which the compact becomes law in that state. Any rule that has  
22 been previously adopted by the commission shall have the full  
23 force and effect of law on the day the compact becomes law in  
24 that state.

25 G. Any member state may withdraw from this compact

.233044.1

1 by enacting a statute repealing the compact statute. A member  
2 state's withdrawal shall not take effect until one hundred  
3 eighty days after enactment of the repealing statute.

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

9 I. Upon the enactment of a statute withdrawing from  
10 this compact, a state shall immediately provide notice of the  
11 withdrawal to all licensees with that state. Notwithstanding  
12 any subsequent statutory enactment to the contrary, the  
13 withdrawing state shall continue to recognize all licenses  
14 granted pursuant to this compact for a minimum of one hundred  
15 eighty days after the date of the notice of withdrawal.

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

21 K. This compact may be amended by the member  
22 states. No amendment to this compact shall become effective  
23 and binding upon any member state until it is enacted into the  
24 laws of all member states.

25 SECTION 15. [NEW MATERIAL] CONSTRUCTION AND

.233044.1

1 SEVERABILITY.--

2 A. This compact and the commission's rulemaking  
3 authority shall be liberally construed so as to effectuate the  
4 purposes, implementation and administration of this compact.  
5 Provisions of this compact expressly authorizing or requiring  
6 the promulgation of rules shall not be construed to limit the  
7 commission's rulemaking authority solely for those purposes.

8 B. The provisions of this compact shall be  
9 severable, and if any phrase, clause, sentence or provision of  
10 this compact is held by a court of competent jurisdiction to be  
11 contrary to the constitution of any member state, a state  
12 seeking participation in the compact or the United States, or  
13 the applicability thereof to any government, agency, person or  
14 circumstance is held to be unconstitutional by a court of  
15 competent jurisdiction, the validity of the remainder of this  
16 compact and the applicability thereof to any other government,  
17 agency, person or circumstance shall not be affected.

18 C. Notwithstanding Subsection B of this section,  
19 the commission may deny a state's participation in the compact  
20 or, in accordance with the requirements of Section 13 of the  
21 Social Work Licensure Interstate Compact, terminate a member  
22 state's participation in the compact if the commission  
23 determines that a constitutional requirement of a member state  
24 is a material departure from the compact. Otherwise, if this  
25 compact shall be held to be contrary to the constitution of any

.233044.1

1 member state, the compact shall remain in full force and effect  
2 as to the remaining member states and in full force and effect  
3 as to the member state affected as to all severable matters.

4 SECTION 16. [NEW MATERIAL] CONSISTENT EFFECT AND CONFLICT  
5 WITH OTHER STATE LAWS.--

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

11 B. Nothing in the Social Work Licensure Interstate  
12 Compact shall prevent or inhibit the enforcement of any other  
13 law of a member state that is not inconsistent with the  
14 compact.

15 C. Any laws, statutes, regulation or other legal  
16 requirements in a member state in conflict with the compact are  
17 superseded to the extent of the conflict.

18 D. All permissible agreements between the  
19 commission and the member states are binding in accordance with  
20 the terms of those agreements.

21 SECTION 17. Section 61-31-6 NMSA 1978 (being Laws 1989,  
22 Chapter 51, Section 6, as amended) is amended to read:

23 "61-31-6. SCOPE OF PRACTICE.--

24 A. For the purposes of the Social Work Practice  
25 Act, a person is practicing social work if [~~he~~] the person

.233044.1

1 advertises, offers [~~himself~~] to practice, is employed in a  
2 position described as social work or holds out to the public or  
3 represents in any manner that [~~he~~] the person is licensed to  
4 practice social work in this state.

5 B. Social work practice means a professional  
6 service and emphasizes the use of specialized knowledge of  
7 social resources, social systems, [~~and~~] human capabilities and  
8 New Mexico cultures to effect change in human behavior,  
9 emotional responses and social conditions. Services may be  
10 rendered through direct assistance to individuals, couples,  
11 families, groups and community organizations. Social work  
12 practice focuses on both direct and indirect services to  
13 facilitate change on the intrapersonal, interpersonal and  
14 systemic levels. Areas of specialization that address these  
15 include [~~but are not limited to~~] the following:

16 (1) clinical social work practice, which is  
17 the professional application of social work theory and methods  
18 in the diagnosis, treatment and prevention of psychosocial  
19 dysfunction, disability or impairment, including [~~but not~~  
20 ~~limited to~~] emotional and mental disorders. It is based on  
21 knowledge of one or more theories of human development within a  
22 psychosocial context. Clinical social work includes  
23 interventions directed to interpersonal interactions,  
24 intrapsychic dynamics or life support and management issues.  
25 Clinical social work services consist of assessment, diagnosis



1 and treatment, including psychotherapy and counseling, client-  
2 centered advocacy, consultation and evaluation;

3 (2) social work research practice, which is  
4 the professional study of human capabilities and practice of  
5 social work specialties, including direct and indirect  
6 practice, through the formal organization and the methodology  
7 of data collection and the analysis and evaluation of social  
8 work data;

9 (3) social work community organization,  
10 planning and development practice, which is a conscious process  
11 of social interaction and method of social work concerned with  
12 the meeting of broad needs and bringing about and maintaining  
13 adjustment between needs and resources in a community or other  
14 areas; helping people to deal more effectively with their  
15 problems and objectives by helping them develop, strengthen and  
16 maintain qualities of participation, self-direction and  
17 cooperation; and bringing about changes in community and group  
18 relationships and in the distribution of decision-making power.  
19 The community is the primary client in community organizations.  
20 The community may be an organization, neighborhood, city,  
21 county, state or national entity;

22 (4) social work administration, which is the  
23 practice that is concerned primarily with translating laws,  
24 technical knowledge and administrative rulings into  
25 organizational goals and operational policies to guide

.233044.1

1 organizational behavior; designing organizational structure and  
2 procedures or processes through which social work goals can be  
3 achieved; and securing resources in the form of material,  
4 staff, clients and societal legitimation necessary for goal  
5 attainment and organizational survival; and

6 (5) university social work faculty, which  
7 provides an equal quality of social work education in  
8 identified areas of content; prepares graduates to practice in  
9 a range of geographic areas with diverse populations; and  
10 establishes the foundation for practitioners' professional  
11 futures, exposing them to the best of current knowledge and  
12 developing in them the ability to continue questioning and  
13 learning, as well as an awareness of their responsibility to  
14 continue this professional development."

15 SECTION 18. Section 61-31-8 NMSA 1978 (being Laws 1989,  
16 Chapter 51, Section 8, as amended) is amended to read:

17 "61-31-8. BOARD'S AUTHORITY.--In addition to any  
18 authority provided by law, the board shall have the authority  
19 to:

20 A. adopt and file, in accordance with the State  
21 Rules Act, rules necessary to carry out the provisions of the  
22 Social Work Practice Act, in accordance with the provisions of  
23 the Uniform Licensing Act, including the procedures for an  
24 appeal of an examination failure;

25 B. select, prepare and administer, at least

1 annually, examinations for licensure;

2 C. adopt a current professional code of ethics or  
3 professional standards promulgated by a national organization  
4 of social work professionals that provides guidance, research,  
5 advocacy and other services to social workers;

6 D. appoint advisory committees pursuant to Section  
7 61-31-19 NMSA 1978;

8 E. conduct hearings on an appeal of a denial of a  
9 license based on the applicant's failure to meet the minimum  
10 qualifications for licensure. The hearing shall be conducted  
11 pursuant to the Uniform Licensing Act;

12 F. require and establish criteria for continuing  
13 education;

14 G. issue subpoenas, statements of charges,  
15 statements of intent to deny licenses and orders and delegate  
16 in writing to a designee the authority to issue subpoenas,  
17 statements of charges and statements of intent to deny licenses  
18 and establish procedures for receiving, investigating and  
19 conducting hearings on complaints;

20 H. request that an individual who is violating the  
21 Social Work Practice Act:

22 (1) voluntarily stop violating the Social Work  
23 Practice Act; and

24 (2) meet with the board. If the board's  
25 requests to an individual pursuant to this subsection are

.233044.1

1 unsuccessful or in a situation that the board deems to be an  
2 emergency, the board may apply for an injunction in district  
3 court to enjoin any person from committing any act prohibited  
4 by the Social Work Practice Act;

5 I. develop criteria to approve appropriate  
6 supervision for a person seeking licensure as a licensed  
7 independent social worker or a licensed clinical social worker  
8 based upon the prospective supervisor's:

9 (1) education;

10 (2) experience; and

11 (3) level of training;

12 J. issue provisional licenses, temporary licenses  
13 and licenses based on credentials to persons meeting the  
14 requirements set forth in the Social Work Practice Act;

15 K. determine qualifications for licensure,  
16 including the requirement to demonstrate an awareness and  
17 knowledge of New Mexico cultures;

18 L. set fees for licenses as authorized by the  
19 Social Work Practice Act and authorize all disbursements  
20 necessary to carry out the provisions of the Social Work  
21 Practice Act;

22 M. keep a record and provide notice of all  
23 proceedings in accordance with the Open Meetings Act and shall  
24 make an annual report to the governor; ~~and~~

25 N. determine the appropriate application of

.233044.1

1 technology to social work practice, including video  
2 teleconferencing, for appropriate supervision and client  
3 contact;

4 O. prescribe the procedures, forms and manner of  
5 submitting an applicant's full set of fingerprints for state  
6 and federal criminal history background reports that the board  
7 uses to evaluate the applicant's qualification for licensure;  
8 and

9 P. require an applicant, as a condition of  
10 eligibility for initial licensure, to submit a full set of  
11 fingerprints to the department of public safety to obtain state  
12 and national criminal history record information on the  
13 applicant. State and national criminal history record reports  
14 are confidential and not public records. The board shall not  
15 disseminate criminal history record information across state  
16 lines."