

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

**SECTION 2. 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, civil, equitable or criminal action permitted by a state's laws that is imposed by a licensing authority or other authority against a regulated social worker, including an action against a person's license or multistate authorization to practice, such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, issuance of a cease and desist action or any other

1 encumbrance on licensure affecting a regulated social
2 worker's authorization to practice;

3 C. "alternative program" means a non-disciplinary
4 monitoring or practice remediation process approved by a
5 licensing authority to address practitioners with an
6 impairment;

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

11 E. "compact" means the Social Work Interstate
12 Licensure Compact;

13 F. "compact commission" or "commission" means the
14 joint government agency whose membership consists of all
15 states that have enacted this compact, which is known as the
16 social work licensure compact commission, as described in
17 Section 10 of this compact, and which shall operate as an
18 instrumentality of the member states;

19 G. "current significant investigative information"
20 means:

21 (1) investigative information that a
22 licensing authority, after a preliminary inquiry that
23 includes notification and an opportunity for the regulated
24 social worker to respond, has reason to believe is not
25 groundless and, if proved true, would indicate more than a

1 minor infraction as may be defined by the commission; or

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

7 H. "data system" means a repository of information
8 about licensees, including continuing education, examination,
9 licensure, current significant investigative information,
10 disqualifying events, multistate licenses, adverse action
11 information or other information as required by the
12 commission;

13 I. "disqualifying event" means any adverse action
14 or incident that results in an encumbrance that disqualifies
15 or makes the licensee ineligible to either obtain, retain or
16 renew a multistate license;

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

19 K. "encumbrance" means a revocation or suspension
20 of, or any limitation on, the full and unrestricted practice
21 of social work licensed and regulated by a licensing
22 authority;

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

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

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

9 O. "licensee" means a person who currently holds a
10 license from a member state to practice as a regulated social
11 worker;

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

15 Q. "member state" means a state, commonwealth,
16 district or territory of the United States that has enacted
17 this compact;

18 R. "multistate authorization to practice" means a
19 legally authorized privilege to practice, which is equivalent
20 to a license, associated with a multistate license permitting
21 the practice of social work in a remote state;

22 S. "multistate license" means a license to
23 practice as a regulated social worker issued by a home state
24 licensing authority that authorizes the regulated social
25 worker to practice in all member states under multistate

authorization to practice;

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

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

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

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

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

Y. "social work" or "social work services" means the application of social work theory, knowledge, methods and ethics and the professional use of self to restore or enhance social, psychosocial or biopsychosocial functioning of persons, couples, families, groups, organizations or communities through the care and services provided by a regulated social worker as set forth in the member state's statutes and regulations in the state where the services are being provided;

Z. "state" means any state, commonwealth, district

1 or territory of the United States that regulates the practice
2 of social work; and

3 AA. "unencumbered license" means a license that
4 authorizes a regulated social worker to engage in the full
5 and unrestricted practice of social work.

6 SECTION 3. STATE PARTICIPATION IN THE COMPACT.--

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

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

11 (2) require applicants for licensure to
12 graduate from a program that:

13 (a) is operated by a college or
14 university recognized by the licensing authority;

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

20 (c) corresponds to the level of
21 licensure sought by the applicant;

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

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

1 B. To maintain membership in the compact, a member
2 state shall:

3 (1) require that applicants for a multistate
4 license pass a qualifying national exam for the corresponding
5 category of multistate license sought;

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

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

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

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

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

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

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

C. A member state meeting the requirements of Subsections A and B of this section shall designate the categories of social work licensure that are eligible for issuance of a multistate license for applicants in the member state. To the extent that a member state does not meet the requirements for participation in this compact at any particular category of social work licensure, the member state may, but is not obligated to, issue a multistate license to applicants that otherwise meet the requirements of Section 4 of the Social Work Licensure Interstate Compact for issuance of a multistate license in that category or categories of licensure.

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

**SECTION 4. SOCIAL WORKER PARTICIPATION IN THE
COMPACT.--**

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

- (1) hold or be eligible for an active unencumbered license in the home state;
- (2) pay any applicable fees, including any state fee, for the multistate license;
- (3) submit, in connection with an application for a multistate license, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) the substantial equivalency of the

1 practice requirements established in this paragraph, which
2 the commission may determine by rule.

3 C. An applicant for a master's-category multistate
4 license shall:

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

7 (a) passage of a master's-category
8 qualifying national exam;

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

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

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

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

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

1 department of education.

2 D. An applicant for a bachelor's-category
3 multistate license shall:

4 (1) fulfill a competency requirement, which
5 shall be satisfied by:

6 (a) passage of a bachelor's-category
7 qualifying national exam;

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

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

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

19 (a) operated by a college or university
20 recognized by the licensing authority; and

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

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

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

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

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

23 SECTION 5. ISSUANCE OF A MULTISTATE LICENSE.--

24 A. Upon receipt of an application for a multistate
25 license, the home state licensing authority shall determine

1 an applicant's eligibility for a multistate license in
2 accordance with Section 4 of the Social Work Licensure
3 Interstate Compact.

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

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

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

18 SECTION 6. AUTHORITY OF COMPACT COMMISSION AND MEMBER
19 STATE LICENSING AUTHORITIES.--

20 A. Nothing in the Social Work Licensure Interstate
21 Compact, nor any rule of the commission, shall be construed
22 to limit, restrict or in any way reduce the ability of a
23 member state to enact and enforce laws, regulations or other
24 rules related to the practice of social work in that state,
25 where those laws, regulations or other rules are not

1 inconsistent with the provisions of the Social Work Licensure
2 Interstate Compact.

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

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

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

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

22 SECTION 7. REISSUANCE OF A MULTISTATE LICENSE BY A NEW
23 HOME STATE.--

24 A. A licensee can hold a multistate license issued
25 by the licensee's home state in only one member state at any

1 given time.

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

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

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

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

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

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

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

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

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

SECTION 8. MILITARY FAMILIES.--An active military

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

6 **SECTION 9. ADVERSE ACTIONS.--**

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

1 located. Only the home state shall have the power to take
2 adverse action against a regulated social worker's multistate
3 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
7 conduct had occurred within the home state. The home state
8 shall apply its own state laws to determine the appropriate
9 action.

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

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

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

1 adverse action.

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

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

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

1 I. Nothing in the Social Work Licensure Interstate
2 Compact shall override a member state's decision that
3 participation in an alternative program may be used in lieu
4 of adverse action.

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

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

15 SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE
16 COMPACT COMMISSION.--

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

1 B. The commission shall satisfy each of the
2 following requirements with respect to membership, voting and
3 meetings:

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

7 (a) a current member of the state
8 licensing authority at the time of appointment who is a
9 regulated social worker or public member of the state
10 licensing authority; or

11 (b) an administrator of the state
12 licensing authority or the administrator's designee;

13 (2) the commission shall by rule or bylaw
14 establish a term of office for delegates and may by rule or
15 bylaw establish term limits;

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

18 (4) a member state's licensing authority
19 shall fill any vacancy of its delegate within sixty days of
20 the vacancy;

21 (5) each delegate shall be entitled to one
22 vote on all matters before the commission requiring a vote by
23 commission delegates;

24 (6) a delegate shall vote in person or by
25 other means as provided by the commission's bylaws. The

commission may allow delegates to meet by telecommunication, video conference or other means of communication; and

(7) the commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the commission's bylaws. The commission may meet by telecommunication, video conference or other similar electronic means.

C. The commission shall have the power to:

(1) establish the fiscal year of the commission;

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

(3) establish and amend rules and bylaws;

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

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

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

(7) maintain and certify records and information provided to a member state as the authenticated business records of the commission and designate an agent to

1 do so on the commission's behalf;

2 (8) purchase and maintain insurance and
3 bonds;

4 (9) borrow, accept or contract for services
5 of personnel, including employees of a member state;

6 (10) conduct an annual financial review;

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

13 (12) assess and collect fees;

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

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

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

- (16) establish a budget and make expenditures;
- (17) borrow money;
- (18) appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives, consumer representatives and other interested persons as may be designated in this compact and the commission's bylaws;

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

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

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

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

D. The executive committee established by the commission shall:

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

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

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

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

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

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

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

(g) establishing additional committees as necessary;

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

(i) other duties as provided in the

1 rules or bylaws of the commission;

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

4 (a) the chair and vice chair of the
5 commission shall be voting members of the executive
6 committee;

7 (b) the commission shall elect five
8 voting members from the current membership of the commission;

9 (c) up to four ex-officio, nonvoting
10 members from four recognized social work organizations. The
11 ex-officio members shall be selected by their respective
12 organizations; and

13 (d) the commission may remove any
14 member of the executive committee as provided in the
15 commission's bylaws; and

16 (3) meet at least annually, and:

17 (a) executive committee meetings shall
18 be open to the public, except that the executive committee
19 may meet in a closed, nonpublic meeting as provided in
20 Subsection G of this section;

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

25 (c) the executive committee may hold a

1 special meeting in accordance with Paragraph (2) of
2 Subsection F of this section.

3 E. The commission shall adopt and provide an
4 annual report to the member states.

5 F. All meetings of the commission shall be open to
6 the public, except that the commission may meet in a closed,
7 nonpublic meeting as provided in Subsection G of this
8 section. The commission:

9 (1) shall provide public notice for all
10 meetings in the same manner as required for notice of
11 rulemaking under the provisions of Section 12 of the Social
12 Work Licensure Interstate Compact, except that the commission
13 may hold a special meeting as provided in Paragraph (2) of
14 this subsection; and

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

21 G. The commission, executive committee or other
22 committees of the commission may convene in a closed,
23 nonpublic meeting for the commission, executive committee or
24 other committee of the commission to receive legal advice or
25 to discuss:

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

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

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

(4) current, threatened or reasonably anticipated litigation;

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

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

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

(8) investigative records compiled for law enforcement purposes;

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

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

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

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

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

J. With respect to financing, the commission:

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

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

(3) may levy on and collect an annual assessment from each member state and impose fees on

1 licensees of member states to whom it grants a multistate
2 license to cover the cost of the operations and activities of
3 the commission and its staff, which shall be in a total
4 amount sufficient to cover the commission's annual budget for
5 which revenue is not provided by other sources. The
6 aggregate annual assessment amount for member states shall be
7 allocated based upon a formula that the commission shall
8 promulgate by rule;

9 (4) shall not incur obligations of any kind
10 prior to securing the funds adequate to meet the obligations;
11 nor shall the commission pledge the credit of any of the
12 member states, except by and with the authority of the member
13 state; and

14 (5) shall keep accurate accounts of all
15 receipts and disbursements. The receipts and disbursements
16 of the commission shall be subject to the financial review
17 and accounting procedures established under the commission's
18 bylaws. All receipts and disbursements of funds shall be
19 subject to an annual financial review by a certified or
20 licensed public accountant, and the report of the financial
21 review shall be included in and become part of the annual
22 report of the commission.

23 K. With respect to defense and indemnification:

24 (1) the commission shall defend any member,
25 officer, executive director, employee and representative of

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

13 (2) the commission shall indemnify and hold
14 harmless any member, officer, executive director, employee
15 and representative of the commission for the amount of any
16 settlement or judgment obtained against that person arising
17 out of any actual or alleged act, error or omission that
18 occurred within the scope of commission employment, duties or
19 responsibilities, or that such person had a reasonable basis
20 for believing occurred within the scope of commission
21 employment, duties or responsibilities; provided that the
22 actual or alleged act, error or omission did not result from
23 the intentional or willful or wanton misconduct of that
24 person;

25 (3) nothing in this compact shall be

1 construed as a limitation on the liability of any licensee
2 for professional malpractice or misconduct, which shall be
3 governed solely by any other applicable state laws;

4 (4) nothing in this compact shall be
5 interpreted to waive or otherwise abrogate a member state's
6 state action immunity or state action affirmative defense
7 with respect to antitrust claims under the federal Sherman
8 Act, the federal Clayton Act or any other state or federal
9 antitrust or anticompetitive law or regulation; and

10 (5) nothing in this compact shall be
11 construed to be a waiver of sovereign immunity by the member
12 states or by the commission.

13 SECTION 11. DATA SYSTEM.--

14 A. The commission shall provide for the
15 development, maintenance, operation and utilization of a
16 coordinated data system.

17 B. The commission shall assign each applicant for
18 a multistate license a unique identifier, as determined by
19 the rules of the commission.

20 C. Notwithstanding any other provision of state
21 law to the contrary, a member state shall submit a uniform
22 data set to the data system on all persons to whom this
23 compact is applicable as required by the rules of the
24 commission, including:

25 (1) identifying information;

- (2) licensure data;
- (3) adverse actions against a license and information related to the adverse actions;
- (4) non-confidential information related to alternative program participation, the beginning and ending dates of the alternative program participation and other information related to alternative program participation not made confidential under member state law;
- (5) any denial of application for licensure and the reasons for the denial;
- (6) the presence of current significant investigative information; and
- (7) other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.

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

E. Current significant investigative information pertaining to a licensee in any member state will only be available to other member states. It is the responsibility of the member states to report any adverse action against a licensee and to monitor the database to determine whether

1 adverse action has been taken against a licensee. Adverse
2 action information pertaining to a licensee in any member
3 state will be available to any other member state.

4 F. Member states contributing information to the
5 data system may designate information that may not be shared
6 with the public without the express permission of the
7 contributing state.

8 G. Any information submitted to the data system
9 that is subsequently expunged pursuant to federal law or the
10 laws of the member state contributing the information shall
11 be removed from the data system.

12 SECTION 12. RULEMAKING.--

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

22 B. Where the rules of the commission conflict with
23 the laws of the member state that establish the member
24 state's laws, regulations and applicable standards that
25 govern the practice of social work as held by a court of

competent jurisdiction, the rules of the commission shall be ineffective in that state to the extent of the conflict.

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

D. If a majority of the legislatures of member states rejects a rule or portion of a rule by enactment of a statute or resolution in the same manner used to adopt this compact within four years of the date of adoption of the rule, then the rule shall have no further force or effect in any member state.

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

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

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

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

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

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

H. The notice of proposed rulemaking shall include:

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

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

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

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

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

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

1 J. Nothing in this section shall be construed as
2 requiring a separate hearing on each rule. Rules may be
3 grouped for the convenience of the commission at hearings
4 required by this section.

5 K. The commission shall, by majority vote of all
6 members, take final action on a proposed rule based on the
7 rulemaking record and the full text of the rule. The
8 commission:

9 (1) may adopt changes to the proposed rule;
10 provided that the changes do not enlarge the original purpose
11 of the proposed rule;

12 (2) shall provide an explanation of the
13 reasons for substantive changes made to the proposed rule as
14 well as reasons for substantive changes not made that were
15 recommended by commenters; and

16 (3) shall determine a reasonable effective
17 date for the rule. Except for an emergency as provided in
18 Subsection L of this section, the effective date of the rule
19 shall be no sooner than thirty days after issuing the notice
20 that the commission adopted or amended the rule.

21 L. Upon determination that an emergency exists,
22 the commission may consider and adopt an emergency rule with
23 forty-eight-hours' notice, with opportunity to comment;
24 provided that the usual rulemaking procedures provided in
25 this compact and in this section shall be retroactively

1 applied to the rule as soon as reasonably possible, in no
2 event later than ninety days after the effective date of the
3 rule. For the purposes of this provision, an emergency rule
4 is one that must be adopted immediately in order to:

5 (1) meet an imminent threat to public
6 health, safety or welfare;

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

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

11 (4) protect public health and safety.

12 M. The commission or an authorized committee of
13 the commission may direct revisions to a previously adopted
14 rule for purposes of correcting typographical errors, errors
15 in format, errors in consistency or grammatical errors.

16 Public notice of any revisions shall be posted on the
17 commission's website. The revision shall be subject to
18 challenge by any person for a period of thirty days after
19 posting. The revision may be challenged only on grounds that
20 the revision results in a material change to a rule. A
21 challenge shall be made in writing and delivered to the
22 commission prior to the end of the notice period. If no
23 challenge is made, the revision shall take effect without
24 further action. If the revision is challenged, the revision
25 shall not take effect without the approval of the commission.

1 N. No member state's rulemaking requirements shall
2 apply under this compact.

3 **SECTION 13. OVERSIGHT, DISPUTE RESOLUTION AND**
4 **ENFORCEMENT.--**

5 A. The executive and judicial branches of state
6 government in each member state shall enforce this compact
7 and take all actions necessary and appropriate to implement
8 the compact.

9 B. Except as to judicial proceedings for the
10 enforcement of this compact among member states, individuals
11 may pursue judicial proceedings related to this compact in
12 any state or federal court in this state that would otherwise
13 have competent jurisdiction. The commission may waive venue
14 and jurisdictional defenses to the extent that it adopts or
15 consents to participate in an alternative dispute resolution
16 proceeding. Nothing in this section shall affect or limit
17 the selection or propriety of venue in any action against a
18 licensee for professional malpractice, misconduct or any
19 similar matter.

20 C. The commission shall be entitled to receive
21 service of process in any proceeding regarding the
22 enforcement or interpretation of the compact and shall have
23 standing to intervene in the proceeding for all purposes.
24 Failure to provide the commission service of process shall
25 render a judgment or order void as to the commission, this

1 compact or promulgated rules.

2 D. If the commission determines that a member
3 state has defaulted in the performance of its obligation or
4 responsibilities under this compact or the promulgated rules,
5 the commission shall provide written notice to the defaulting
6 state. The notice of default shall describe the default, the
7 proposed means of curing the default and any other action
8 that the commission may take and shall offer training and
9 specific technical assistance regarding the default. The
10 commission shall provide a copy of the notice of default to
11 the other member states.

12 E. If a member state in default fails to cure the
13 default, the defaulting state may be terminated from the
14 compact upon an affirmative vote of a majority of the
15 delegates of the member states, and all rights, privileges
16 and benefits conferred on that state by this compact may be
17 terminated on the effective date of termination. A cure of
18 the default does not relieve the offending state of
19 obligations or liabilities incurred during the period of
20 default.

21 F. Termination of membership in this compact shall
22 be imposed only after all other means of securing compliance
23 have been exhausted. Notice of intent to suspend or
24 terminate shall be given by the commission to the governor,
25 the majority and minority floor leaders of the defaulting

1 state's legislature, the defaulting state's licensing
2 authority and each of the member states' licensing authority.

3 G. A state that has been terminated is responsible
4 for all assessments, obligations and liabilities incurred
5 through the effective date of termination, including
6 obligations that extend beyond the effective date of the
7 termination.

8 H. Upon the termination of a state's membership
9 from this compact, that state shall immediately provide
10 notice to all licensees within that state of the termination.
11 The terminated state shall continue to recognize all licenses
12 granted pursuant to this compact for a minimum of six months
13 after the date of termination.

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

18 J. A defaulting member state may appeal an action
19 of the commission by petitioning the United States district
20 court for the District of Columbia or the federal district
21 where the commission has its principal offices or state or
22 federal court of New Mexico.

23 K. Upon request by a member state, the commission
24 shall attempt to resolve disputes related to the compact that
25 arise among member states and between member and non-member

1 states. The commission shall promulgate a rule providing for
2 both mediation and binding dispute resolution for disputes as
3 appropriate.

4 L. By majority vote as provided by rule, the
5 commission may initiate legal action against a member state
6 in default in the United States district court for the
7 District of Columbia or the federal district where the
8 commission has its principal offices to enforce compliance
9 with the provisions of this compact and the commission's
10 promulgated rules. The relief sought may include both
11 injunctive relief and damages. The remedies herein shall not
12 be the exclusive remedies of the commission. The commission
13 may pursue any other remedies available under federal or the
14 defaulting member state's law.

15 M. A member state may initiate legal action
16 against the commission in the United States district court
17 for the District of Columbia or the federal district where
18 the commission has its principal offices or a state or
19 federal court of New Mexico to enforce compliance with the
20 provisions of this compact and the commission's promulgated
21 rules. The relief sought may include both injunctive relief
22 and damages.

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

25 SECTION 14. EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT.--

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1 A. This compact shall come into effect on the date
2 on which the compact statute is enacted into law in the
3 seventh member state.

4 B. On or after the effective date of this compact,
5 the commission shall convene and review the enactment of each
6 of the first seven member states to determine if the statute
7 enacted by each charter member state is materially different
8 than the model compact statute.

9 C. A charter member state whose enactment is found
10 to be materially different from the model compact statute
11 shall be entitled to the default process set forth in Section
12 14 of the Social Work Licensure Interstate Compact. If a
13 member state is later found to be in default, or is
14 terminated or withdraws from the compact, the commission
15 shall remain in existence, and the compact shall remain in
16 effect even if the number of member states is less than
17 seven.

18 D. Member states enacting this compact subsequent
19 to the seven initial charter member states shall be subject
20 to the process set forth in Paragraph (21) of Subsection C of
21 Section 10 of the Social Work Licensure Interstate Compact to
22 determine if the enactments are materially different from the
23 model compact statute and whether the states qualify for
24 participation in this compact.

25 E. All action taken for the benefit of the

1 commission or in furtherance of the purposes of the
2 administration of the compact prior to the effective date of
3 the compact or the commission coming into existence shall be
4 considered to be actions of the commission unless
5 specifically repudiated by the commission.

6 F. Any state that joins the compact subsequent to
7 the commission's initial adoption of the rules and bylaws
8 shall be subject to the rules and bylaws as they exist on the
9 date on which the compact becomes law in that state. Any
10 rule that has been previously adopted by the commission shall
11 have the full force and effect of law on the day the compact
12 becomes law in that state.

13 G. Any member state may withdraw from this compact
14 by enacting a statute repealing the compact statute. A
15 member state's withdrawal shall not take effect until one
16 hundred eighty days after enactment of the repealing statute.

17 H. Withdrawal shall not affect the continuing
18 requirement of the withdrawing state's licensing authority to
19 comply with the investigative and adverse action reporting
20 requirements of this compact prior to the effective date of
21 withdrawal.

22 I. Upon the enactment of a statute withdrawing
23 from this compact, a state shall immediately provide notice
24 of the withdrawal to all licensees with that state.

25 Notwithstanding any subsequent statutory enactment to the

1 contrary, the withdrawing state shall continue to recognize
2 all licenses granted pursuant to this compact for a minimum
3 of one hundred eighty days after the date of the notice of
4 withdrawal.

5 J. Nothing contained in this compact shall be
6 construed to invalidate or prevent any licensure agreement or
7 other cooperative arrangement between a member state and a
8 non-member state that does not conflict with the provisions
9 of this compact.

10 K. This compact may be amended by the member
11 states. No amendment to this compact shall become effective
12 and binding upon any member state until it is enacted into
13 the laws of all member states.

14 **SECTION 15. CONSTRUCTION AND SEVERABILITY.--**

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

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

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

8 C. Notwithstanding Subsection B of this section,
9 the commission may deny a state's participation in the
10 compact or, in accordance with the requirements of Section 13
11 of the Social Work Licensure Interstate Compact, terminate a
12 member state's participation in the compact if the commission
13 determines that a constitutional requirement of a member
14 state is a material departure from the compact. Otherwise,
15 if this compact shall be held to be contrary to the
16 constitution of any member state, the compact shall remain in
17 full force and effect as to the remaining member states and
18 in full force and effect as to the member state affected as
19 to all severable matters.

20 SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER
21 STATE LAWS.--

22 A. A licensee providing services in a remote state
23 under a multistate authorization to practice shall adhere to
24 the laws and regulations, including laws, regulations and
25 applicable standards, of the remote state where a client is

1 located at the time care is rendered.

2 B. Nothing in the Social Work Licensure Interstate
3 Compact shall prevent or inhibit the enforcement of any other
4 law of a member state that is not inconsistent with the
5 compact.

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

9 D. All permissible agreements between the
10 commission and the member states are binding in accordance
11 with the terms of those agreements.

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

14 "61-31-6. SCOPE OF PRACTICE.--

15 A. For the purposes of the Social Work Practice
16 Act, a person is practicing social work if the person
17 advertises, offers to practice, is employed in a position
18 described as social work or holds out to the public or
19 represents in any manner that the person is licensed to
20 practice social work in this state.

21 B. Social work practice means a professional
22 service and emphasizes the use of specialized knowledge of
23 social resources, social systems, human capabilities and New
24 Mexico cultures to effect change in human behavior, emotional
25 responses and social conditions. Services may be rendered

1 through direct assistance to individuals, couples, families,
2 groups and community organizations. Social work practice
3 focuses on both direct and indirect services to facilitate
4 change on the intrapersonal, interpersonal and systemic
5 levels. Areas of specialization that address these include
6 the following:

7 (1) clinical social work practice, which is
8 the professional application of social work theory and
9 methods in the diagnosis, treatment and prevention of
10 psychosocial dysfunction, disability or impairment, including
11 emotional and mental disorders. It is based on knowledge of
12 one or more theories of human development within a
13 psychosocial context. Clinical social work includes
14 interventions directed to interpersonal interactions,
15 intrapsychic dynamics or life support and management issues.
16 Clinical social work services consist of assessment,
17 diagnosis and treatment, including psychotherapy and
18 counseling, client-centered advocacy, consultation and
19 evaluation;

20 (2) social work research practice, which is
21 the professional study of human capabilities and practice of
22 social work specialties, including direct and indirect
23 practice, through the formal organization and the methodology
24 of data collection and the analysis and evaluation of social
25 work data;

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

15 (4) social work administration, which is the
16 practice that is concerned primarily with translating laws,
17 technical knowledge and administrative rulings into
18 organizational goals and operational policies to guide
19 organizational behavior; designing organizational structure
20 and procedures or processes through which social work goals
21 can be achieved; and securing resources in the form of
22 material, staff, clients and societal legitimization necessary
23 for goal attainment and organizational survival; and

1 identified areas of content; prepares graduates to practice
2 in a range of geographic areas with diverse populations; and
3 establishes the foundation for practitioners' professional
4 futures, exposing them to the best of current knowledge and
5 developing in them the ability to continue questioning and
6 learning, as well as an awareness of their responsibility to
7 continue this professional development."

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

10 "61-31-8. BOARD'S AUTHORITY.--In addition to any
11 authority provided by law, the board shall have the authority
12 to:

13 A. adopt and file, in accordance with the State
14 Rules Act, rules necessary to carry out the provisions of the
15 Social Work Practice Act, in accordance with the provisions
16 of the Uniform Licensing Act, including the procedures for an
17 appeal of an examination failure;

18 B. select, prepare and administer, at least
19 annually, examinations for licensure;

20 C. adopt a current professional code of ethics or
21 professional standards promulgated by a national organization
22 of social work professionals that provides guidance,
23 research, advocacy and other services to social workers;

24 D. appoint advisory committees pursuant to Section
25 61-31-19 NMSA 1978;

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

5 F. require and establish criteria for continuing
6 education;

7 G. issue subpoenas, statements of charges,
8 statements of intent to deny licenses and orders and delegate
9 in writing to a designee the authority to issue subpoenas,
10 statements of charges and statements of intent to deny
11 licenses and establish procedures for receiving,
12 investigating and conducting hearings on complaints;

13 H. request that an individual who is violating the
14 Social Work Practice Act:

15 (1) voluntarily stop violating the Social
16 Work Practice Act; and

17 (2) meet with the board. If the board's
18 requests to an individual pursuant to this subsection are
19 unsuccessful or in a situation that the board deems to be an
20 emergency, the board may apply for an injunction in district
21 court to enjoin any person from committing any act prohibited
22 by the Social Work Practice Act;

23 I. develop criteria to approve appropriate
24 supervision for a person seeking licensure as a licensed
25 independent social worker or a licensed clinical social

1 worker based upon the prospective supervisor's:

2 (1) education;

3 (2) experience; and

4 (3) level of training;

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

8 K. determine qualifications for licensure,
9 including the requirement to demonstrate an awareness and
10 knowledge of New Mexico cultures;

11 L. set fees for licenses as authorized by the
12 Social Work Practice Act and authorize all disbursements
13 necessary to carry out the provisions of the Social Work
14 Practice Act;

15 M. keep a record and provide notice of all
16 proceedings in accordance with the Open Meetings Act and
17 shall make an annual report to the governor;

18 N. determine the appropriate application of
19 technology to social work practice, including video
20 teleconferencing, for appropriate supervision and client
21 contact;

22 O. prescribe the procedures, forms and manner of
23 submitting an applicant's full set of fingerprints for state
24 and federal criminal history background reports that the
25 board uses to evaluate the applicant's qualification for

1 licensure; and

2 P. require an applicant, as a condition of
3 eligibility for initial licensure, to submit a full set of
4 fingerprints to the department of public safety to obtain
5 state and national criminal history record information on the
6 applicant. State and national criminal history record reports
7 are confidential and not public records. The board shall not
8 disseminate criminal history record information across state
9 lines."

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