

FINAL BILL REPORT

SHB 1939

C 176 L 24
Synopsis as Enacted

Brief Description: Adopting the social work licensure compact.

Sponsors: House Committee on Postsecondary Education & Workforce (originally sponsored by Representatives Orwall, Rule, Leavitt, Slatter, Bateman, Reed, Jacobsen, Callan, Macri, Donaghy, Doglio, Goodman, Reeves, Riccelli, Shavers and Hackney).

House Committee on Postsecondary Education & Workforce
Senate Committee on Health & Long Term Care
Senate Committee on Ways & Means

Background:

The state licenses two types of social workers: advanced social workers and independent clinical social workers. To become licensed as either type of social worker, an applicant must have: (1) graduated from an approved master's or doctorate level social work educational program; (2) passed an approved examination; and (3) completed a supervised experience requirement.

Summary:

Compact Establishment.

The Social Work Licensure Compact (Compact) is established, which allows licensed social workers to practice across state lines in Compact states.

Compact Commission.

The Compact is administered by a Compact Commission (Commission), which is a joint government agency established by the Compact's member states. The membership of the Commission consists of one delegate selected by each member state. The delegate must be either:

- a current member of the state licensing authority and a regulated social worker or public member of the state licensing authority; or

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- an administrator of the state licensing authority or their designee.

The Commission's enumerated powers include:

- establishing bylaws;
- establishing a code of conduct and conflict of interest policies;
- initiating and concluding legal proceedings or actions in the name of the Commission;
- appointing committees, including standing committees composed of members, state regulators, state legislators, consumer representatives, and other interested persons; and
- performing other functions necessary or appropriate to achieve the purposes of the Compact.

The Commission must establish an executive board to act on behalf of the Commission consisting of up to 11 members. The executive committee's duties include recommending changes to rules and bylaws, preparing and recommending a budget, monitoring Compact compliance, and other duties provided in the bylaws.

The Commission and executive committee must meet at least once a year. With limited exceptions, meetings must be open to the public. The Commission and executive committee may close meetings to the public to discuss certain matters, including noncompliance by member states, employment matters, litigation, disclosure of trade secrets, law enforcement investigative records, and matters specifically exempt from disclosure by federal or state law. The Commission must keep minutes of its meetings.

The Commission may levy an annual assessment on Compact states and levy fees on licensees to cover the costs of operations and activities.

The Commission must promulgate reasonable rules to effectively and efficiently achieve the purpose of the Compact. At least 30 days prior to voting on a rule, the Commission must file a notice of proposed rulemaking, conduct a public hearing, and allow the submission of written input. The Commission may enact emergency rules with 48 hours' notice that must undergo the full rulemaking process no later than 90 days after their effective dates. Rules adopted by the Commission may be rejected within four years of enactment by a majority of the legislatures of the Compact states through statute or resolution.

Other Compact provisions relating to the Commission include provisions relating to:

- judicial proceedings against the Commission;
- financing the Commission; and
- qualified immunity, defense, and indemnification of Commission members.

Data System.

The Commission must establish a coordinated data system. Member states must submit a uniform data set to the data system on all individuals to whom the Compact is applicable.

The data must include licensure data, identifying information, adverse actions against a

license, the presence of current significant investigative information, and nonconfidential information related to alternative program participation, among other things. It is the responsibility of a member state to monitor the database to determine whether adverse action has been taken against a licensee or license applicant. Member states may designate information that may not be shared without the states' permission. Any information that is subsequently required to be expunged by the laws of a member state must be removed from the system.

State Membership Requirements.

The Compact becomes effective when enacted by at least seven states. To be eligible for compact membership, a state must:

- license and regulate the practice of social work at the clinical, master's, or bachelor's category;
- require applicants for licensure to graduate from an accredited program;
- require applicants for clinical licensure to complete a period of supervised practice; and
- have a mechanism in place for investigating and adjudicating complaints about licensees.

To maintain membership in the compact, states must:

- require that applicants for a multistate license pass a qualifying national exam;
- participate fully in the Commission's data system;
- notify the Commission of any adverse action or the availability of current significant investigative information regarding a licensee;
- implement procedures for considering the criminal history records of applicants for multistate licenses;
- comply with rules of the Commission;
- require an applicant to obtain or retain a license in the home state;
- authorize a licensee holding a multistate license in any member state to practice in accordance with the terms of the Compact and rules of the Commission; and
- designate a delegate to participate in the Commission meetings.

Multistate License Requirements.

To be eligible for a multistate license under the Compact, an applicant must:

- hold or be eligible for an active, unencumbered license in the home state;
- pay any applicable fees;
- submit, with an application, fingerprints or biometric data with an application for a criminal history record;
- notify the home state of any adverse action or encumbrance on any professional license within 30 days from the date the action is taken; and
- meet any continuing competence requirements and abide by the laws and regulations of the member state where the client is located at the time care is rendered.

Applicants must fulfill all clinical, master's, and bachelor's requirements depending on

which license applicants apply for.

Social workers who have a multistate license under the Compact are subject to the regulatory authority of the member state. If a multistate licensee's license or authorization is encumbered, the licensee's license and authorization to practice in member states must be deactivated until the license is no longer encumbered.

Discipline.

A home state in which a licensee is licensed has exclusive power to impose adverse action against the qualified license. Member states may take adverse action against a licensee's multistate authorization to practice only within that member state. A member state may take adverse action based on factual findings of another member state. States may participate in joint investigations.

Oversight and Enforcement.

The executive and judicial branches of the member states must enforce the Compact. If the Commission determines a state is in default, it must provide written notice to that state and provide it with training and specific technical assistance regarding the default. In addition, the Commission may bring a legal action in federal court to enforce the Compact. After all other means of securing compliance have been exhausted, a defaulting state may be terminated from the Compact through a vote of the majority of Commission members.

Joining and Withdrawing.

The Compact comes into effect on the date when the seventh state joins. States that enact the Compact before the Compact comes into effect are subject to review after the effective date of the Compact. The Compact may be amended by enactments in all member states. A state may withdraw from the Compact by repealing its enacting statute, but the withdrawal is not effective until 180 days after the statute's repeal.

Conflict of Laws.

State laws in conflict with the Compact are superseded to the extent of the Compact. The Compact does not prevent the enforcement of any other law of a member state that is not inconsistent with the Compact. Permissible agreements between the Commission and the member states are binding. If the Compact conflicts with the constitution of a member state, the Compact is ineffective to the extent of that conflict. If the constitutional provision in question is a material departure from the Compact, the state may be terminated from the Compact.

Votes on Final Passage:

House	96	0
Senate	49	0

Effective: June 6, 2024