

10:00 a.m . Call to Order – Canek Aguirre, Board Chairperson

- Welcome/Introductions
- Establishment of a Quorum
- Mission of the Board/Evacuation Procedures -----Page 3
- Adoption of Agenda

Public Comment

The Board will receive public comment related to agenda items at this time. The Board will not receive comment on any pending regulation process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.

Approval of Minutes

December 9, 2022 Board Meeting* ----- Page 5

Agency Director Report (Verbal Report) - Arne Owens

Chair Report (Verbal Report) – Mr. Aguirre

- Update from the Association of Social Work Boards (ASWB) Education Conference

Presentation

ASWB CEO Stacey D. Hardy-Chandler, Ph.D., J.D., LCSW, and legal counsel Dale Atkinson, Esq., will discuss the exam pass rate data published in August of 2022. The presentation will include information on ASWB's initiatives as it collaborates with the entire social work community and develops exams for the future of social work.

Legislation and Regulatory Report – Erin Barrett, JD, Department of Health Professions (DHP) Director of Legislative and Regulatory Affairs

- Chart of Regulatory Actions -----Page 10
- Consideration of exempt regulatory changes to 18VAC140-20-50 * -----Page 11
- Consideration of exempt regulatory changes to 18VAC140-20-171* -----Page 17

Staff Reports

- Executive Director's Report – Jaime Hoyle, JD, Executive Director, Boards of Counseling, Psychology, and Social Work (Verbal Report)
 - Financials-----Page 21
 - Board Appointments
 - ASWB Updates
 - Outreach
 - Right Help Right Now

-
- Deputy Executive Director’s Report – Jennifer Lang, Deputy Executive Director, Boards of Counseling, Psychology, and Social Work-----Page 23
 - Deputy Executive Director’s Report, Licensing - Charlotte Lenart, Boards of Counseling, Psychology, and Social Work-----Page 41
-

Committee Reports

- Regulatory Committee - No report
 - Board of Health Professions – No report
 - Ad Hoc Committee (Verbal Report) – Sherwood Randolph, Jr., LCSW and Eboni C. Bugg, LCSW
 - Nominating Committee (Verbal Report) – Gloria Manns, LCSW and Sherwood Randolph -----Page 44
-

Unfinished Business

- Social Worker Licensure Compact* - Jaime Hoyle
 - Fact Sheet -----Page 50
 - FAQs -----Page 52
 - Benefits for Military Families-----Page 58
 - Development Process-----Page 59
 - Section Summary -----Page 62
 - Compact Legislation -----Page 69
-

New Business

- The Use of Naloxone -----Page 96
-

Meeting Dates

- Remaining 2023 Meeting Dates and 2024 Meeting Dates (Handout)
 - Next Full Board Meeting: August 18, 2023
-

Meeting Adjournment

*Indicates a Board vote is required.

This information is in **DRAFT** form and is subject to change. The official agenda and packet will be approved by the Board at the meeting. One printed copy of the agenda and packet will be available for the public to view at the meeting pursuant to Virginia Code Section 2.2-3707(F).



Virginia Department of
Health Professions
Board of Psychology

MISSION STATEMENT

Our mission is to ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public.

EMERGENCY EGRESS

Please listen to the following instructions about exiting these premises in the event of an emergency.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by the Security staff.

Board Room 1

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door **(Point)**, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. **(Point)** Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.



Virginia Board of Social Work
Quarterly Board Meeting Minutes
Friday, December 9, 2022, at 10:00 a.m.
9960 Mayland Drive, Henrico, VA 23233
Board Room 4

- PRESIDING OFFICERS:** Canek Aguirre, Citizen Member, Board Chairperson (*left the meeting at 10:56am*)
 Jamie Clancey, MSW, LCSW, Board Vice-Chairperson
- BOARD MEMBERS PRESENT:** Angelia Allen, Citizen Member (*arrived at 10:25 am*)
 Eboni Bugg, MSW, LCSW
 Elke Cox, MSW, LCSW
 Gloria Manns, MSW, LCSW (*arrived at 10:10am*)
 Denise Purgold, MSW, LCSW (*virtually- via webex from Henrico, VA – Ms. Purgold was not in physical attendance due to health reasons*)
 Sherwood Randolph, MSW, LCSW
 Teresa Reynolds, MSW, LCSW (*left meeting at 1:52pm*)
- BOARD MEMBERS ABSENT:** none
- BOARD STAFF PRESENT:** Latasha Austin, Licensing & Operations Manager (*virtually- via webex*)
 Jaime Hoyle, JD, Executive Director
 Sharniece Vaughan, Licensing Specialist
- DHP STAFF PRESENT:** Erin Barrett, JD, Senior Policy Analyst, Department of Health Professions
 James Jenkins, Agency Deputy Director, Department of Health Professions
 Arne Owens, Agency Director, Department of Health Professions
- BOARD COUNSEL PRESENT:** James Rutkowski, Assistant Attorney General
- PRESENTATION SPEAKERS:** Dr. Stacy Hardy-Chandler, CEO, ASWB (*virtually- via webex*)
 Lavina Harless, LCSW, Senior Director of Examination Services, ASWB (*via webex*)
- PUBLIC ATTENDEES:** Shenita Williams
 Deneen Evans, PhD, LCSW
 Sue Rowland
 Kevin Holder
 Denise Konrad
- CALL TO ORDER:** Mr. Aguirre called the Board Meeting to order at 10:03 a.m.
- ROLL CALL/ESTABLISHMENT OF A QUORUM:** An introduction was done of all Board members and staff. Seven members of the Board were present at roll call (6 in person and 1 virtual); therefore, a quorum was established.
- MISSION STATEMENT:** Ms. Hoyle read the mission statement of the Department of Health Professions, which was also the mission statement of the Board.
- ADOPTION OF AGENDA:** **Motion:** Ms. Clancey made a motion, which Ms. Cox properly seconded, to adopt the agenda as edited to move presentation after public comment. The motion passed unanimously.

PUBLIC COMMENT: No public comment was provided.

PRESENTATION:

- **Association of Social Work Boards (ASWB) Examination Presentation**
The ASWB provided a virtual PowerPoint presentation on the overview of the examination item development process and answered questions from Board members.

APPROVAL OF MINUTES: The meeting minutes from the Board Meeting held on September 23, 2022, were approved as presented.

The Board took a break at 11:23am. The meeting reconvened at 11:30am.

AGENCY REPORT:

Mr. Jenkins provided an agency report on behalf of Mr. Owens. As the new Agency Director and new Agency Deputy Director, Mr. Jenkins provided some background on Mr. Owens and himself. Mr. Jenkins thanked the Board for the hard work they are doing and appreciation of work they are doing.

LEGISLATION & REGULATORY REPORT:

- **Chart of Regulatory Actions**
Ms. Barrett reviewed with the Board the current Social Work Regulatory Actions that are underway. The chart was excluded from the Agenda Packet, so a copy was provided to everyone at the meeting. (*See Attachment 1*)

The requirement for an initial supervisor contract as well as the requirement to apply for an addition or a change to supervision. The need for the supervisor contract needs further discussion.

Motion: Ms. Clancey made a motion, which was properly seconded, to withdraw NOIRA and reconsider it at the next regulatory meeting.

- **Consideration of Amendments to Guidance Document 140-3**
The Board reviewed and discussed the recommended changes to Guidance Document 140-3 regarding Guidance on Technology-Assisted Therapy and the Use of Social Media. A copy of the recommended changes was included in the agenda packet.

Motion: Ms. Manns made a motion, which was properly seconded to adopt the amendments to Guidance Document 140-3. The motion passed unanimously.

- **Consideration of Amendments to Guidance Document 140-5**
The Board reviewed and discussed the recommendation to repeal Guidance Document 140-5 regarding possible disciplinary actions for non-compliance with continuing education requirements. The Department of Health Professions adopted Guidance Document 76-10.01, which applies to all Boards. Individual Board guidance documents on this topic are no longer necessary. A copy of both Guidance Documents was included in the agenda packet.

Motion: Mr. Randolph made a motion, which was properly seconded to repeal Guidance Document 140-5. The motion passed unanimously.

- **Conversion therapy 140-12**

The Board reviewed and discussed the recommendation to repeal Guidance Document 140-12 regarding Guidance on the Practice of Conversion Therapy. This Guidance Document, which states that certain conversion therapy practices may violate Board unprofessional conduct regulations, is outdated with the codification of Virginia Code 54.1-2409.5 in 2020. The language in this Guidance Document related to unprofessional conduct is no longer accurate or needed. A copy of the Guidance Document and Code were included in the agenda packet.

Motion: Ms. Reynolds made a motion, which was properly seconded to repeal Guidance Document 140-5. The motion passed unanimously.

- **Propose Regulatory Amendments following Periodic Review**

The Board reviewed and discussed the draft amendments to 18VAC140-20 following periodic review. No public comments were received. A copy of the draft amendments was included in the agenda packet.

Motion: Ms. Manns made a motion, which was properly seconded to adopt the proposed regulations following periodic review of Chapter 20. The motion passed unanimously.

The Board took a break at 12:31pm. The meeting reconvened at 12:43pm.

EXECUTIVE DIRECTOR'S REPORT:

Ms. Hoyle reported on the finances for the Board of Social Work. A copy of the financial report given was included in the agenda packet.

Ms. Hoyle also informed the Board that if any Board member is interested in joining the Regulatory Committee or Nominating Committee to let her know. Ms. Hoyle also reported on the last ASWB meeting she attended.

DISCIPLINE REPORT:

Ms. Hoyle reported on the disciplinary statistics for the Board of Social Work from September 1, 2022, through November 11, 2022. A copy of the report was included in the agenda packet.

LICENSING REPORT:

Ms. Vaughan reported on the satisfaction survey results for the Board of Social Work for the 2023 1st Quarter and the licensure statistics for the Board from July 2022- November 2022. A copy of the report given was included in the agenda packet.

UNFINISHED BUSINESS:

- **Discussion of Association of Social Work (ASWB) Examination Data**

The Board reviewed and discussed the ASWB Examination Pass Rate Data. Before the next meeting, Mr. Randolph will work with Mr. Aguirre to form an Ad Hoc Committee to determine what if anything is currently being done to address these issues and identify what further role the Board should take to ensure competency and fairness.

Ms. Reynolds left the meeting at 1:52pm

RECOMMENDED DECISIONS:

RESPONDENT: Kathryn Webb, LCSW
Case No.: 183074
Registration #: 0904008604

CLOSED MEETING: Upon a motion by Ms. Allen, and duly seconded by Ms. Clancey, the Board voted to convene in Closed Meeting pursuant to Section 2.2-

3711(A)(7) of the Code of Virginia to discuss the recommended decision of the Agency Subordinate. It was further moved that James Rutkowski, Jaime Hoyle, Latasha Austin, and Sharniece Vaughan attend the Closed Meeting because their presence is deemed necessary and will aid the Board in its deliberations.

RECONVENE: Having certified that the matters discussed in the preceding closed session met the requirements of § 2.2-3712 of the Code of Virginia, the Board reconvened in open session and announced its decision.

DECISION: Upon a motion by Mr. Randolph, and duly seconded by Ms. Clancey, the Board voted to modify the recommendation and recommended that the license of Kathryn Webb, LCSW be revoked. The motion passed unanimously.

NEXT MEETING DATES:

Ms. Hoyle announced that the next Regulatory Committee Meeting is scheduled for Thursday, March 9, 2023, and the next Board meeting is scheduled for Friday, March 10, 2023.

ADJOURNMENT:

Ms. Clancey adjourned the December 9, 2022, Board meeting at 1:58 p.m.

DRAFT

Board of Social Work
Current Regulatory Actions

VAC	Stage	Subject Matter	Date submitted*	Office; Time in office	Notes
18VAC140-20	NOIRA	Amendments resulting from 2022 periodic review	6/7/2022		Comment period ended 10/26/2022; at Board for consideration of proposed regulations
18VAC140-20	Final	Reduction in CE hours for continuation of approval to be a supervisor	6/3/2022	HHR; 169 days	
18VAC140-20	Fast-Track	Regulatory reduction 2022	9/26/2022	DPB; 32 days	DPB has issues with this submission – will provide additional information
18VAC140-30	Proposed	Initial regulations for licensure of music therapists	1/19/2022	HHR; 210 days	

* Date submitted to current location

Board of Social Work
Current Regulatory Actions
As of June 1, 2023

In the Governor's office

None.

In the Secretary's office

VAC	Stage	Subject Matter	Date submitted*	Office; time in office	Notes
18VAC140-30	Proposed	Initial regulations for licensure of music therapists	1/19/2022	HHR; 384 days	Implements licensure of music therapists pursuant to directive by the General Assembly
18VAC140-20	Final	Reduction in CE hours for continuation of approval to be a supervisor	6/3/2022	HHR; 343 days	Amendment following recommendation of Regulatory Committee to eliminate a burdensome requirement.

*Date submitted for executive branch review

At DPB/OAG

VAC	Stage	Subject Matter	Date submitted*	Office; time in office	Notes
18VAC140-20	Proposed	Amendments resulting from 2022 periodic review	12/19/2022	OAG 164 days	Amendments from 2022 periodic review for needed changes.

Regulations set for publication or recently effective:

None.

Agenda Item: Consideration of exempt regulatory changes to 18VAC140-20-50

Included in your agenda packet are:

- Changes to 18VAC140-20-50 to remove the notification requirement to the Board when an applicant changes or adds a supervisor previously approved by the Board;
- HB2231

Action Needed:

- Motion to amend 18VAC140-20-50 as presented by exempt action effective July 1, 2023.

Project 7588 - Exempt Final

Board of Social Work

Exempt action to allow change of supervisors without notification to the Board under 18VAC140-20-50. Experience requirements for a licensed clinical social worker.

A. Supervised experience. Supervised post-master's degree experience without prior written board approval will not be accepted toward licensure, except supervision obtained in another United States jurisdiction may be accepted if it met the requirements of that jurisdiction. Prior to registration for supervised experience, a person shall satisfactorily complete the educational requirements of 18VAC140-20-49.

1. Registration. An individual who proposes to obtain supervised post-master's degree experience in Virginia shall, prior to the onset of such supervision, or whenever there is an addition or change of a supervisor to a supervisor not currently approved by the board:

- a. Register on a form provided by the board;
- b. Submit a copy of a supervisory contract completed by the supervisor and the supervisee;
- c. Submit an official transcript documenting a graduate degree and clinical practicum as specified in 18VAC140-20-49; and
- d. Pay the registration of supervision fee set forth in 18VAC140-20-30.

2. Hours. The applicant shall have completed a minimum of 3,000 hours of supervised post-master's degree experience in the delivery of clinical social work services and in ancillary services that support such delivery. A minimum of one hour and a maximum of four hours of face-to-face supervision shall be provided per 40 hours of work experience for a total of at least 100 hours. No more than 50 of the 100 hours may be obtained in

group supervision, nor shall there be more than six persons being supervised in a group unless approved in advance by the board. The board may consider alternatives to face-to-face supervision if the applicant can demonstrate an undue burden due to hardship, disability or geography.

a. Supervised experience shall be acquired in no less than two nor more than four consecutive years.

b. Supervisees shall obtain throughout their hours of supervision a minimum of 1,380 hours of supervised experience in face-to-face client contact in the delivery of clinical social work services. The remaining hours may be spent in ancillary services supporting the delivery of clinical social work services.

3. An individual who does not complete the supervision requirement after four consecutive years of supervised experience may request an extension of up to 12 months. The request for an extension shall include evidence that demonstrates extenuating circumstances that prevented completion of the supervised experience within four consecutive years.

B. Requirements for supervisors.

1. The supervisor shall hold an active, unrestricted license as a licensed clinical social worker in the jurisdiction in which the clinical services are being rendered with at least two years of post-licensure clinical social work experience. The board may consider supervisors with commensurate qualifications if the applicant can demonstrate an undue burden due to geography or disability or if supervision was obtained in another United States jurisdiction.

2. The supervisor shall have received professional training in supervision, consisting of a three credit-hour graduate course in supervision or at least 14 hours of continuing education offered by a provider approved under 18VAC140-20-105. The graduate course

or hours of continuing education in supervision shall be obtained by a supervisor within five years immediately preceding registration of supervision.

3. The supervisor shall not provide supervision for a family member or provide supervision for anyone with whom he has a dual relationship.

4. The board may consider supervisors from jurisdictions outside of Virginia who provided clinical social work supervision if they have commensurate qualifications but were either (i) not licensed because their jurisdiction did not require licensure or (ii) were not designated as clinical social workers because the jurisdiction did not require such designation.

C. Responsibilities of supervisors. The supervisor shall:

1. Be responsible for the social work activities of the supervisee as set forth in this subsection once the supervisory arrangement is accepted;

2. Review and approve the diagnostic assessment and treatment plan of a representative sample of the clients assigned to the applicant during the course of supervision. The sample should be representative of the variables of gender, age, diagnosis, length of treatment and treatment method within the client population seen by the applicant. It is the applicant's responsibility to assure the representativeness of the sample that is presented to the supervisor;

3. Provide supervision only for those social work activities for which the supervisor has determined the applicant is competent to provide to clients;

4. Provide supervision only for those activities for which the supervisor is qualified by education, training and experience;

5. Evaluate the supervisee's knowledge and document minimal competencies in the areas of an identified theory base, application of a differential diagnosis, establishing and

monitoring a treatment plan, development and appropriate use of the professional relationship, assessing the client for risk of imminent danger, understanding the requirements of law for reporting any harm or risk of harm to self or others, and implementing a professional and ethical relationship with clients;

6. Be available to the applicant on a regularly scheduled basis for supervision;
7. Maintain documentation, for five years post-supervision, of which clients were the subject of supervision; and
8. Ensure that the board is notified of any change in supervision or if supervision has ended or been terminated by the supervisor.

D. Responsibilities of supervisees.

1. Supervisees may not directly bill for services rendered or in any way represent themselves as independent, autonomous practitioners, or licensed clinical social workers.
2. During the supervised experience, supervisees shall use their names and the initials of their degree, and the title "Supervisee in Social Work" in all written communications.
3. Clients shall be informed in writing of the supervisee's status and the supervisor's name, professional address, and phone number.
4. Supervisees shall not supervise the provision of clinical social work services provided by another person.
5. While providing clinical social work services, a supervisee shall remain under board approved supervision until licensed in Virginia as a licensed clinical social worker.

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 489

An Act to amend and reenact § 54.1-3705 of the Code of Virginia, relating to Board of Social Work; powers and duties.

[H 2231]

Approved March 24, 2023

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3705 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3705. Specific powers and duties of the Board.

In addition to the powers granted in § 54.1-2400, the Board shall have the following specific powers and duties:

1. To cooperate with and maintain a close liaison with other professional boards and the community to ensure that regulatory systems stay abreast of community and professional needs.
2. To conduct inspections to ensure that licensees conduct their practices in a competent manner and in conformance with the relevant regulations.
3. To designate specialties within the profession.
4. Expired.
5. To license baccalaureate social workers, master's social workers, and clinical social workers to practice consistent with the requirements of the chapter and regulations of the Board.
6. To register persons proposing to obtain supervised post-degree experience in the practice of social work required by the Board for licensure as a clinical social worker.
7. To pursue the establishment of reciprocal agreements with jurisdictions that are contiguous with the Commonwealth for the licensure of baccalaureate social workers, master's social workers, and clinical social workers. Reciprocal agreements shall require that a person hold a comparable, current, unrestricted license in the other jurisdiction and that no grounds exist for denial based on the Code of Virginia and regulations of the Board.
8. *To maintain on the Board's website a list of the names and contact information of persons currently approved by the Board to supervise candidates for licensure as a clinical social worker.*
9. *To allow supervisees pursuing licensure as a clinical social worker to change or add a supervisor from the Board's list of currently approved supervisors without prior approval from the Board.*

Agenda Item: Consideration of exempt regulatory changes to 18VAC140-20-171

Included in your agenda packet are:

- Changes to 18VAC140-20-171 to allow agency subordinates to hear credentials cases;
- HB1622

Staff Note: Due to regulatory review timelines, these changes will be effective November 22, 2023 or sooner.

Action Needed:

- Motion to amend 18VAC140-20-171 as presented by exempt action effective July 1, 2023.

Project 7587 - Exempt Final

Board of Social Work

Exempt regulatory action to allow agency subordinates to hear credentials cases

18VAC140-20-171. Criteria for delegation of informal fact-finding proceedings to an agency subordinate.

A. Decision to delegate. In accordance with § 54.1-2400 (10) of the Code of Virginia, the board may delegate an informal fact-finding proceeding to an agency subordinate ~~upon determination that probable cause exists that a practitioner may be subject to a disciplinary action.~~

B. Criteria for delegation. Cases that may not be delegated to an agency subordinate include violations of standards of practice as set forth in 18VAC140-20-150, except as may otherwise be determined by the probable cause committee in consultation with the board chair.

C. Criteria for an agency subordinate.

1. An agency subordinate authorized by the board to conduct an informal fact-finding proceeding may include board members and professional staff or other persons deemed knowledgeable by virtue of their training and experience in administrative proceedings involving the regulation and discipline of health professionals.
2. The executive director shall maintain a list of appropriately qualified persons to whom an informal fact-finding proceeding may be delegated.
3. The board may delegate to the executive director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being heard.

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 191

An Act to amend and reenact § 54.1-2400 of the Code of Virginia, relating to health regulatory boards; delegation of authority to conduct informal fact-finding proceedings.

[H 1622]

Approved March 22, 2023

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2400 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2400. General powers and duties of health regulatory boards.

The general powers and duties of health regulatory boards shall be:

1. To establish the qualifications for registration, certification, licensure, permit, or the issuance of a multistate licensure privilege in accordance with the applicable law which are necessary to ensure competence and integrity to engage in the regulated professions.

2. To examine or cause to be examined applicants for certification, licensure, or registration. Unless otherwise required by law, examinations shall be administered in writing or shall be a demonstration of manual skills.

3. To register, certify, license, or issue a multistate licensure privilege to qualified applicants as practitioners of the particular profession or professions regulated by such board.

4. To establish schedules for renewals of registration, certification, licensure, permit, and the issuance of a multistate licensure privilege.

5. To levy and collect fees for application processing, examination, registration, certification, permitting, or licensure or the issuance of a multistate licensure privilege and renewal that are sufficient to cover all expenses for the administration and operation of the Department of Health Professions, the Board of Health Professions, and the health regulatory boards.

6. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) that are reasonable and necessary to administer effectively the regulatory system, which shall include provisions for the satisfaction of board-required continuing education for individuals registered, certified, licensed, or issued a multistate licensure privilege by a health regulatory board through delivery of health care services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those health services. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ 54.1-100 et seq.) and Chapter 25 (§ 54.1-2500 et seq.).

7. To revoke, suspend, restrict, or refuse to issue or renew a registration, certificate, license, permit, or multistate licensure privilege which such board has authority to issue for causes enumerated in applicable law and regulations.

8. To appoint designees from their membership or immediate staff to coordinate with the Director and the Health Practitioners' Monitoring Program Committee and to implement, as is necessary, the provisions of Chapter 25.1 (§ 54.1-2515 et seq.). Each health regulatory board shall appoint one such designee.

9. To take appropriate disciplinary action for violations of applicable law and regulations, and to accept, in their discretion, the surrender of a license, certificate, registration, permit, or multistate licensure privilege in lieu of disciplinary action.

10. To appoint a special conference committee, composed of not less than two members of a health regulatory board or, when required for special conference committees of the Board of Medicine, not less than two members of the Board and one member of the relevant advisory board, or, when required for special conference committees of the Board of Nursing, not less than one member of the Board and one member of the relevant advisory board, to act in accordance with § 2.2-4019 upon receipt of information that a practitioner or permit holder of the appropriate board may be subject to disciplinary action or to consider an application for a license, certification, registration, permit or multistate licensure privilege in nursing. The special conference committee may (i) exonerate; (ii) reinstate; (iii) place the practitioner or permit holder on probation with such terms as it may deem appropriate; (iv) reprimand; (v) modify a previous order; (vi) impose a monetary penalty pursuant to § 54.1-2401, (vii) deny or grant an application for licensure, certification, registration, permit, or multistate licensure privilege; and (viii) issue a restricted license, certification, registration, permit or multistate licensure privilege subject to terms and conditions. The order of the special conference committee shall become final 30 days after service of the order unless a written request to the board for a hearing is received within such time. If service of the decision to a party is accomplished by mail, three days shall be added to the 30-day period. Upon receiving a timely written request for a hearing, the board or a panel of the board shall then proceed with a hearing as provided in § 2.2-4020, and the action of the committee shall be vacated.

This subdivision shall not be construed to limit the authority of a board to delegate to an appropriately qualified agency subordinate, as defined in § 2.2-4001, the authority to conduct informal fact-finding proceedings in accordance with § 2.2-4019; ~~upon receipt of information that a practitioner may be subject to a disciplinary action.~~ The recommendation of such subordinate may be considered by a panel consisting of at least five board members, or, if a quorum of the board is less than five members, consisting of a quorum of the members, convened for the purpose of issuing a case decision. Criteria for the appointment of an agency subordinate shall be set forth in regulations adopted by the board.

11. To convene, at their discretion, a panel consisting of at least five board members or, if a quorum of the board is less than five members, consisting of a quorum of the members to conduct formal proceedings pursuant to § 2.2-4020, decide the case, and issue a final agency case decision. Any decision rendered by majority vote of such panel shall have the same effect as if made by the full board and shall be subject to court review in accordance with the Administrative Process Act. No member who participates in an informal proceeding conducted in accordance with § 2.2-4019 shall serve on a panel conducting formal proceedings pursuant to § 2.2-4020 to consider the same matter.

12. To issue inactive licenses or certificates and promulgate regulations to carry out such purpose. Such regulations shall include, but not be limited to, the qualifications, renewal fees, and conditions for reactivation of licenses or certificates.

13. To meet by telephone conference call to consider settlement proposals in matters pending before special conference committees convened pursuant to this section, or matters referred for formal proceedings pursuant to § 2.2-4020 to a health regulatory board or a panel of the board or to consider modifications of previously issued board orders when such considerations have been requested by either of the parties.

14. To request and accept from a certified, registered, or licensed practitioner; a facility holding a license, certification, registration, or permit; or a person holding a multistate licensure privilege to practice nursing, in lieu of disciplinary action, a confidential consent agreement. A confidential consent agreement shall be subject to the confidentiality provisions of § 54.1-2400.2 and shall not be disclosed by a practitioner or facility. A confidential consent agreement shall include findings of fact and may include an admission or a finding of a violation. A confidential consent agreement shall not be considered either a notice or order of any health regulatory board, but it may be considered by a board in future disciplinary proceedings. A confidential consent agreement shall be entered into only in cases involving minor misconduct where there is little or no injury to a patient or the public and little likelihood of repetition by the practitioner or facility. A board shall not enter into a confidential consent agreement if there is probable cause to believe the practitioner or facility has (i) demonstrated gross negligence or intentional misconduct in the care of patients or (ii) conducted his practice in such a manner as to be a danger to the health and welfare of his patients or the public. A certified, registered, or licensed practitioner, a facility holding a license, certification, registration, or permit, or a person holding a multistate licensure privilege to practice nursing who has entered into two confidential consent agreements involving a standard of care violation, within the 10-year period immediately preceding a board's receipt of the most recent report or complaint being considered, shall receive public discipline for any subsequent violation within the 10-year period unless the board finds there are sufficient facts and circumstances to rebut the presumption that the disciplinary action be made public.

15. When a board has probable cause to believe a practitioner is unable to practice with reasonable skill and safety to patients because of excessive use of alcohol or drugs or physical or mental illness, the board, after preliminary investigation by an informal fact-finding proceeding, may direct that the practitioner submit to a mental or physical examination. Failure to submit to the examination shall constitute grounds for disciplinary action. Any practitioner affected by this subsection shall be afforded reasonable opportunity to demonstrate that he is competent to practice with reasonable skill and safety to patients. For the purposes of this subdivision, "practitioner" shall include any person holding a multistate licensure privilege to practice nursing.

	5015410 Agency Service Charges	-	-	-	-	-	-	-	-	-	-	-	-	0	0%
	5022180 Computer Software Purchases	-	-	-	-	-	-	-	-	-	-	-	-	0	0%
	5022230 Exhibit Equipment	-	-	-	-	-	-	-	-	-	-	-	-	0	0%
	5022240 Reference Equipment	43	-	-	-	-	-	-	-	-	-	-	-	43	100%
	5022320 Photographic Equipment	-	-	-	-	-	-	-	-	-	-	-	-	0	0%
	5022330 Voice and Data Transmission Equipment	-	-	-	-	-	-	-	-	-	-	-	-	0	0%
	5022380 Electronic and Photographic Equipment Improvements	-	-	-	-	-	-	-	-	-	-	-	-	0	0%
	5022610 Office Appurtenances	21	-	-	-	-	-	-	-	-	-	-	-	21	100%
	5022620 Office Furniture	5,000	-	-	173	-	-	-	-	-	-	-	173	4,827	97%
	5022630 Office Incidentals	-	-	-	-	-	-	-	-	-	-	-	-	0	0%
	5022640 Office Machines	-	-	-	-	-	-	-	-	9	-	9	-	(9)	0%
	5022680 Office Equipment Improvements	-	-	-	-	-	-	-	-	-	-	-	-	0	0%
	5022710 Household Equipment	-	-	-	-	-	-	-	-	-	-	-	-	0	0%
Base Budget Total		28,696	1,529	122	1,377	1,971	1,749	1,337	2,407	1,364	1,054	1,022	13,932	14,764	51%
Other Budget															
	5012160 Telecommunications Services (provided by VITA)	550	29	30	31	22	26	23	24	23	25	23	256	294	53%
	5012420 Fiscal Services	12,300	9,972	993	-	294	75	39	34	33	20	27	11,488	812	7%
	5012660 Manual Labor Services	188	-	-	-	-	-	-	31	31	-	-	62	126	67%
	5012670 Production Services	2,405	507	-	-	-	-	11	41	14	73	22	669	1,737	72%
	5012680 Skilled Services (Includes HPMP)	3,815	-	-	-	-	-	-	-	-	-	-	-	3,815	100%
	5012810 Moving and Relocation Services	-	-	-	34	-	-	-	-	26	-	-	60	(60)	0%
	5013120 Office Supplies	1,776	260	127	156	24	69	41	538	149	-	239	1,604	172	10%
	5013130 Stationery and Forms	41	-	-	-	-	-	-	-	-	-	-	-	41	100%
	5013420 Medical and Dental Supplies	-	-	-	-	-	-	-	-	-	-	-	-	0	0%
	5014150 Unemployment Compensation Reimbursements	-	-	-	-	-	-	-	-	-	-	-	-	0	0%
	5015160 Property Insurance	26	-	-	-	-	19	-	-	-	-	-	19	7	29%
	5015340 Equipment Rentals	540	49	46	46	51	46	46	51	46	138	51	572	(32)	-6%
	5015350 Building Rentals	-	-	1	-	-	-	-	-	-	1	-	4	(4)	0%
	5015390 Building Rentals – Non-State Owned Facilities - New	13,884	1,170	1,330	1,160	1,174	-	2,463	1,166	1,295	1,160	1,190	12,107	1,777	13%
	5015470 Private Vendor Service Charges	-	-	-	-	-	-	-	-	-	-	-	-	0	0%
	5015510 General Liability Insurance	97	-	-	-	-	278	-	-	-	-	-	278	(181)	-187%
	5015540 Surety Bonds	6	-	-	-	-	9	-	-	-	-	-	9	(3)	-57%
	5022170 Other Computer Equipment	-	6	5	5	1,035	-	5	-	-	-	7	1,401	(1,401)	0%
	5022740 Non-Power Repair and Maintenance Equipment	-	-	-	(5)	-	-	-	-	-	-	-	(5)	5	0%
Other Budget Total		35,628	11,993	2,533	1,393	2,635	524	2,629	1,885	1,954	1,417	1,560	28,521	7,107	20%
Salary/Benefit Budget															
	Employer Retirement Contributions – VRS Defined Benefits program	13,117	1,730	1,211	1,211	605	1,253	1,905	617	1,261	1,878	626	12,298	820	6%
	Federal Old-Age Insurance for Salaried State Employees	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	5011120 (Salaried Social Security and Medicare)	6,955	1,241	1,172	1,159	500	859	1,493	529	885	1,229	538	9,605	(2,651)	-38%
	5011140 Group Life Insurance	1,275	171	119	119	60	124	188	63	126	188	63	1,221	54	4%
	Medical/Hospitalization Insurance (Annual Employer Health Insurance Premium)	17,016	2,127	1,418	1,418	709	1,418	2,127	709	1,418	2,127	709	14,180	2,836	17%
	Retiree Health (Medical/Hospitalization) Insurance Credit Premium	1,066	143	100	100	50	104	157	52	105	157	52	1,021	45	4%
	5011170 VSDP and Long-term Disability Insurance	580	78	54	54	27	56	86	29	57	86	29	556	24	4%
	5011230 Salaries, Classified	95,170	12,943	8,912	8,912	4,456	9,259	14,060	4,687	9,374	14,060	4,687	91,349	3,821	4%
	5011310 Bonuses and Incentives	5,500	-	-	-	-	-	2,700	-	-	-	-	2,700	2,800	51%
	5011380 Deferred Compensation Match Payments	240	42	28	28	14	28	42	14	28	42	14	280	(40)	-17%
	5011410 Wages, General	49,956	3,789	6,757	6,586	2,254	2,309	3,283	2,380	2,530	2,515	2,506	34,911	15,045	30%
	5011530 Short-term Disability Benefits	-	-	-	-	-	-	-	-	-	-	-	-	0	0%
	5011620 Salaries, Annual Leave Balances	-	-	-	-	-	-	-	-	-	-	-	-	0	0%
	5011640 Salaries, Compensatory Leave Balances	-	-	-	-	-	-	-	-	-	-	-	-	0	0%
	5011660 Defined Contribution Match - VRS Hybrid Retirement Plan	644	111	78	78	39	86	128	61	103	146	52	881	(236)	-37%
Salary/Benefit Budget Total		191,520	22,374	19,849	19,665	8,714	15,497	26,171	9,140	15,887	22,429	9,276	169,002	22,518	12%
Grand Total		255,844	35,896	22,503	22,435	13,320	17,770	30,136	13,432	19,206	24,900	11,858	211,455	44,389	17%

Staff Discipline Reports

11/12/2022 - 05/31/2023

NEW CASES RECEIVED BY BOARD 11/12/2022 - 05/31/2023
71

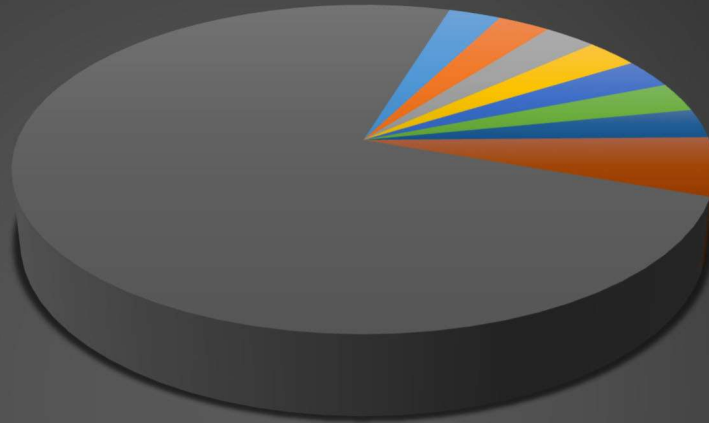
TOTAL OPEN INVESTIGATIONS (ENFORCEMENT)
37

OPEN CASE STAGES As of 05/31/2023	
Probable Cause Review	85
Scheduled for Informal Conferences	2
Scheduled for Formal Hearings	0
Other (pending CCA, PHCO, hold, etc.)	4
Cases with APD for processing (IFC, FH, Consent Order)	18
TOTAL CASES AT BOARD LEVEL	109

UPCOMING CONFERENCES AND HEARINGS	
Informal Conferences	Conferences Held: n/a Scheduled Conferences: TBD
Formal Hearings	Hearings Held: n/a Scheduled Hearings: Following scheduled board meetings, as necessary

CASES CLOSED (11/12/2022 - 05/31/2023)	
Closed – no violation	29
Closed – undetermined	2
Closed – violation	4
Credentials/Reinstatement – Denied	0
Credentials/Reinstatement – Approved	0
TOTAL CASES CLOSED	35

Closed Case Categories



■ Abuse/Abandonment/Neglect (1)

■ Business Practice Issues (1)

■ CE Noncompliance (1)
1 violation (LCSW)

■ Criminal Activity (1)
1 violation (LCSW)

■ Diagnosis/Treatment (1)

■ Eligibility (1)

■ Inability to Safely Practice (1)

■ Inappropriate Relationship (2)
2 violations (LCSW)

■ No jurisdiction (26)

AVERAGE CASE PROCESSING TIMES (counted on closed cases)

Average time for case closures	128.5
Avg. time in Enforcement (investigations)	50
Avg. time in APD (IFC/FH preparation)	132.5
Avg. time in Board (includes hearings, reviews, etc).	63.5

BEFORE THE VIRGINIA BOARD OF SOCIAL WORK

IN RE: SHARON M. BIXBY, L.C.S.W.
License Number: 0904-007826
Case Number: 224282

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Social Work (“Board”) and Sharon M. Bixby, L.C.S.W., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Ms. Bixby’s license to practice clinical social work in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Sharon M. Bixby, L.C.S.W., was issued License Number 0904-007826 to practice clinical social work on January 10, 2012, which is scheduled to expire on June 30, 2023.
2. Ms. Bixby violated 18 VAC 140-20-105(A) and 18 VAC 140-20-160(2) and (7) of the Regulations Governing the Practice of Social Work in that on June 26, 2022, when she renewed her license for the period July 1, 2022-June 30, 2024, she attested that she had completed 30 continuing education hours (“CE”) between July 1, 2020 and June 30, 2022. However, in response to a random audit of her CE documentation by the Board, Ms. Bixby acknowledged on October 2, 2022 that she had failed to complete the required CE between July 1, 2020 and June 30, 2022.

CONSENT

Sharon M. Bixby, L.C.S.W., by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;

Sharon M. Bixby, L.C.S.W.

CONSENT ORDER

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3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;

4. I waive my right to an informal conference;

5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;

6. I consent to the entry of the following Order affecting my license to practice clinical social work in the Commonwealth of Virginia.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Social Work hereby ORDERS as follows:

1. Sharon M. Bixby, L.C.S.W., is assessed a MONETARY PENALTY of \$1,000.00. This penalty shall be paid to the Board by certified check or money order made payable to the Treasurer of Virginia within 30 days from the date of entry of this Order. Failure to pay the full monetary penalty by the due date may cause the matter to be sent for collection and constitutes grounds for an administrative proceeding and further discipline.

2. Within 30 days from the date of entry of this Order, Ms. Bixby shall provide written proof satisfactory to the Board of completion of 30 contact hours of continuing education, a minimum of six hours of which shall pertain to ethics. Continuing education obtained through compliance with this term shall not be used toward the next renewal of the license.

3. Ms. Bixby shall comply with all laws and regulations governing the practice of clinical social work in the Commonwealth of Virginia.

Sharon M. Bixby, L.C.S.W.

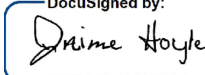
CONSENT ORDER

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4. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of clinical social work shall constitute grounds for further disciplinary action.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

DocuSigned by:

E858AEB08A9F4A4...

Jaime Hoyle, J.D.
Executive Director
Virginia Board of Social Work

ENTERED: 11/23/2022

SEEN AND AGREED TO:

DocuSigned by:

6E6588587C604AB...

Sharon M. Bixby, L.C.S.W.

11/22/2022

Date

BEFORE THE VIRGINIA BOARD OF SOCIAL WORK

IN RE: VALERIE MCDONNELL, L.C.S.W.
License Number: 0904-010813
Case Number: 203231

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Social Work (“Board”) and Valerie McDonnell, L.C.S.W., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Ms. McDonnell’s license to practice clinical social work in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Valerie McDonnell, L.C.S.W., was issued Registration Number 0906-006507 to practice as a supervisee of social work on June 14, 2016. On November 26, 2018, Ms. McDonnell was issued License Number 0904-010813 to practice clinical social work, at which time Registration Number 0906-006507 became null and void. Ms. McDonnell’s license to practice clinical social work is scheduled to expire on June 30, 2023.

2. Ms. McDonnell violated 18 VAC 140-20-150(B)(1) and (11) and (D)(1) and 18 VAC 140-20-160(3), (5), and (8) of the Regulations Governing the Practice of Social Work in that between January 2017 and April 2018, while providing therapy services to Client A as a supervisee of social work, an adult male client with a diagnosis of schizoaffective disorder, depressive type who sought services for anxiety and depression relating to his diagnosis, she failed to maintain appropriate boundaries, engaged in excessive self-disclosure, and engaged in a dual therapeutic relationship and personal friendship that caused harm to Client A. In addition, after termination of the therapeutic relationship, including after becoming licensed to practice clinical social work, she failed to acknowledge and respect Client A’s

Valerie McDonnell, L.C.S.W.

CONSENT ORDER

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boundaries and repeatedly contacted him in an effort to force him to communicate with her due to her own negative emotions about the termination of the relationship. Specifically:

a. During the course of the therapeutic relationship, and for several months after the termination of the therapeutic relationship, Ms. McDonnell and Client A exchanged regular text messages. The text messages were often unrelated to scheduling and were often not therapeutic in nature. In the text messages, Ms. McDonnell engaged in excessive self-disclosure, including discussing her family, baking, movies, and television shows she enjoyed, and her relationship with her parents and its impact on her relationship with her religion, without a clear therapeutic purpose.

b. In an interview with an investigator for the Virginia Department of Health Professions (“DHP Investigator”) on May 4, 2020, Client A stated that Ms. McDonnell’s contacts with him became more “personal, like friends” and that he was confused about their relationship.

c. Between April 12 and 18, 2018, Client A was voluntarily admitted to the inpatient psychiatric unit at Virginia Baptist Hospital, Lynchburg, Virginia, due to self-report of worsening psychotic symptoms and depression and suicidal ideation, including a failed suicide attempt three weeks prior to admission. In his interview with the DHP Investigator, Client A stated that he reflected on the nature of the text messages with Ms. McDonnell and realized that it was inappropriate for a therapist to interact in this manner with a client.

d. On April 19, 2018, following his discharge from the hospital, Client A and Ms. McDonnell met at her office. In a written statement to the DHP Investigator dated April 13, 2020, Ms. McDonnell stated that Client A’s emotional state had been more fragile than she had understood and that she became overwhelmed and emotional. She further stated that she reminded Client A of a Bible verse he had tattooed on his arm that brought him strength, but that Client A became quiet and stated that he felt she called him a bad Christian. She stated that she assured him that was not her intention but that she intended to remind him of his faith. In his interview with the DHP Investigator, Client A stated that during

Valerie McDonnell, L.C.S.W.

CONSENT ORDER

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the meeting, Ms. McDonnell expressed confusion about his suicidal ideation and was crying. Client A further stated that he told Ms. McDonnell that he wanted to terminate therapy with her, but he retracted the statement when she became emotional. Client A stated that the meeting was frustrating for him because Ms. McDonnell focused on her own emotions during the session and made him feel guilty.

e. Following the meeting on April 19, 2018, Client A became less communicative in his text messages and did not engage with Ms. McDonnell beyond short replies to her messages. In a text message dated April 24, 2018, Client A told Ms. McDonnell that he wanted a referral and that he “[felt] really awkward about stuff and a little uncomfortable.” Although Client A communicated that he wanted to terminate the therapeutic relationship, Ms. McDonnell continued to send text messages to Client A asking him how he was doing, checking on his safety, and telling him that she was praying for him. Ms. McDonnell continued to send these messages for several months after Client A stopped responding to her.

f. In June 2019, after Client A reached out to request his treatment records, Ms. McDonnell asked Client A if he was ready to discuss what happened at the end of their therapeutic relationship and stated that the conversation would bring “a great deal of closure” to her. Although she acknowledged that he had no obligation to discuss the matter, she stated that it had been “such a thorn in [her] side,” that the conversation would bring her “a great deal of closure,” and that she was haunted by thoughts that he hated her. The messages focused on how the conversation would benefit her and did not indicate any therapeutic benefit she expected him to derive from the experience.

g. In his interview with the DHP Investigator, Client A stated that he and Ms. McDonnell discussed her loss of faith and that his openness about his beliefs helped her embrace her Christian faith again. Client A stated that he felt responsible for Ms. McDonnell’s faith and that he worried if he reported her to the Board, it would affect her and her spirituality and that he became closed off about his faith after his experience with Ms. McDonnell.

Valerie McDonnell, L.C.S.W.

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3. In a written statement to the Board dated March 11, 2022 (“written statement”), Ms. McDonnell stated when she was treating Client A, she was still working as a supervisee in social work and that she did not realize at the time that she was “in over [her] head.” She stated that she has learned that texting is not an effective tool for communication for therapy interactions and for managing mental health crises. Ms. McDonnell stated that she has not had a similar incident with a client since she treated Client A.

4. In her written statement, Ms. McDonnell stated that over the past four years, she had developed a small solo therapy practice primarily for clients who have experienced sexual trauma and/or are experiencing post-traumatic stress disorder. She stated that she spent approximately three to seven hours per week providing therapy to clients. Ms. McDonnell stated that until January 2022, she regularly consulted with a psychologist on a routine bases regarding her care for her clients. Ms. McDonnell stated that she also provides non-clinical coaching services.

5. In a supplemental letter to the Board, Ms. Mc. Donnell stated that she made a mistake by continuing to try to contact Client A after he began drawing away. She stated that in her inexperience at the time, she had established a dual relationship and that she was hoping for closure for herself. Ms. McDonnell stated that she now understands that this sort of relationship has the potential to put pressure and responsibility on the client.

CONSENT

Valerie McDonnell, L.C.S.W., by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document and am represented by Eileen Talamante, Esq.;

2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;

Valerie McDonnell, L.C.S.W.

CONSENT ORDER

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3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;

4. I waive my right to an informal conference;

5. I neither admit nor deny the Findings of Fact and Conclusions of Law contained herein but waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;

6. I consent to the entry of the following Order affecting my license to practice clinical social work in the Commonwealth of Virginia.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Social Work hereby ORDERS that Valerie McDonnell, L.C.S.W., shall be placed on INDEFINITE PROBATION for not less than 12 months of active clinical practice subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall continue INDEFINITELY. Ms. McDonnell may request that the Board terminate her probation after not less than 12 months from the date this Order is entered. Upon receipt of evidence that Ms. McDonnell has complied with the terms and conditions of this Order for no less than 12 months of active clinical practice, the Board authorizes the Executive Director of the Board to terminate the probation imposed on Ms. McDonnell's license. In the alternative, the Executive Director may refer the matter to a Special Conference Committee of the Board for further administrative proceedings.

2. All reports required by this Order shall be submitted in writing to the Board office with the first report being received no later than 40 days following the date that this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December

Valerie McDonnell, L.C.S.W.

CONSENT ORDER

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until the period of probation ends. Ms. McDonnell is fully responsible for ensuring that all required reports are properly submitted and received by the Board in a timely manner.

3. Within 12 months of the date of entry of this Order, Ms. McDonnell shall successfully complete, and submit certification, or other evidence satisfactory to the Board, of completion of 12 hours of Board-approved social work continuing education credits (“CE”), 6 hours on the topic of boundaries and 6 hours on the topic of transference and countertransference. These CE shall be completed through face-to-face, interactive sessions either in-person or via the use of technology that provides real-time, visual contact among the individuals involved (i.e., no home study, pre-recorded videos, or journal). All CE shall be approved in advance of registration by the Executive Director of the Board. Ms. McDonnell shall submit the course descriptions for courses she intends to complete to the fulfillment of this requirement to the Board at least 15 days prior to enrollment in order to obtain Board approval. CE hours completed in order to fulfill this requirement shall not be counted toward the CE hours required for the renewal of Ms. McDonnell’s license.

4. Within 40 days of the date of entry of this Order, Ms. McDonnell shall enter into individual supervision of her practice with a Board-approved supervisor, under the following terms:

a. Said supervisor shall be a licensee of the jurisdiction in which Ms. McDonnell is providing clinical services and shall hold a current, active, and unrestricted license to practice clinical social work in Virginia or an equivalent license in the jurisdiction where Ms. McDonnell is providing clinical services. Said supervisor shall not be a practitioner who provided supervision to Ms. McDonnell during her the residency she completed as a prerequisite requirement for licensure. Said supervisor shall submit his/her resume, qualifications and credentials to the Board for approval, and shall act as a duly constituted agent of the Board. Ms. McDonnell shall meet with the supervisor within 15 days of the date of approval for the purpose of beginning supervision. Ms. McDonnell will ensure that the Board-approved

Valerie McDonnell, L.C.S.W.

CONSENT ORDER

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supervisor receives a copy of this Order prior to supervision commencing. Prior to any change of supervision, Ms. McDonnell must obtain Board approval.

b. Ms. McDonnell and her supervisor shall meet in person at least two hours per month during the period of probation, in a supervisory session for the purpose of engaging in continuous audit and monitoring of Ms. McDonnell's practice. The supervisory meetings will occur in-person or via the use of technology that provides real-time, visual contact among the individuals involved. Upon the request of her supervisor, Ms. McDonnell shall provide her supervisor with a list of her clients and with individual client records for review.

c. Ms. McDonnell's supervisor shall submit a detailed review of the supervisory activities in addition to any supervisory recommendations to the Board. These reviews shall be sent to the Board office quarterly as stated in Term No. 2 of this Order. Should Ms. McDonnell or her practice supervisor request modification of the terms of this Order, said request shall be proffered in writing to the Board.

d. Ms. McDonnell shall bear all reasonable expenses of her supervisor including a per hour charge for the supervision, report writing and information gathering of the supervisor at his/her hourly fee.

e. Should Ms. McDonnell and/or her supervisor terminate supervision, within 10 days of the termination of supervision, Ms. McDonnell shall notify the Board of the termination, the date(s) of the termination and the last supervisory session, and the reason for the termination of the supervisory relationship. In addition, within 15 days of the date of termination of supervision, Ms. McDonnell shall submit the name and curriculum vitae of a new supervisor for approval by the Board. If Ms. McDonnell fails to submit the name and curriculum vitae of a new supervisor to the Board within 15 days of termination of supervision, Ms. McDonnell shall discontinue clinical practice until such time as she is able to submit the name and curriculum vitae of a new supervisor and obtain approval of the new

Valerie McDonnell, L.C.S.W.

CONSENT ORDER

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supervisor from the Board. Supervision with any new supervisor shall be subject to the terms and conditions of this Consent Order.

5. Ms. McDonnell shall sign all required authorization forms within 40 days of the date of entry of this Order or, where applicable, within 10 days of the Board's approval of a practice supervisor, allowing for unrestricted communication between and among the Board and Ms. McDonnell's practice supervisor.

6. Ms. McDonnell shall terminate supervision of any students, interns, residents, and/or supervisees whom she currently supervises within 45 days from the date this Order is entered and shall not supervise any applicant for licensure and/or mental health practitioner during the probation period.

7. Ms. McDonnell shall submit "Self-Reports" quarterly as stated in Term No. 2 of this Order. These reports shall include a current address, telephone number, and verification of any and all current practice employment, as well as any changes in practice employment status. Self-Reports must be submitted whether Ms. McDonnell has current practice employment or not.

8. Ms. McDonnell shall notify the Board within ten days, in writing, of any changes in the location of her practice; additional practice locations; change in employment, including termination, suspension, separation, or other interruption in practice (including the name and address of any new employer and the date of employment); change in address, telephone number, or e-mail address; and/or criminal charges or convictions.

9. Ms. McDonnell shall bear any costs associated with the terms and conditions of this Order.

10. Ms. McDonnell shall comply with all laws and regulations governing the practice of clinical social work in the Commonwealth of Virginia.

11. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of clinical social work shall constitute grounds for further disciplinary action.

Valerie McDonnell, L.C.S.W.

CONSENT ORDER

Page 9 of 9

12. Failure to comply with all terms and conditions of this Order within five years of the date of entry of the Order may be reason for revoking or suspending the license of Valerie McDonnell, L.C.S.W., and an administrative proceeding shall be held to determine whether to impose such action.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD

DocuSigned by:
Jaime Hoyle

E858AEB08A9F4A4...

Jaime Hoyle, J.D.

Executive Director

Virginia Board of Social Work

ENTERED: January 27, 2023

SEEN AND AGREED TO:

DocuSigned by:
Valerie McDonnell

F301A7150F7C4D2...

Valerie McDonnell, L.C.S.W.

1/25/2023

Date

BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS

IN RE: KEVIN M. TROUT, L.C.S.W.
License Number: 0904-008404
Case Number: 226309


ORDER OF MANDATORY SUSPENSION

In accordance with Virginia Code § 54.1-2409, the Director of the Virginia Department of Health Professions received evidence that Kevin M. Trout, L.C.S.W., was convicted of a felony offense, to wit: one count of unlawful creation of a videographic/still image of a minor, in the Circuit Court of York County-City of Poquoson, Virginia. A copy of the Order of Conviction and Sentencing is attached hereto as Commonwealth's Exhibit 1.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the license of Kevin M. Trout, L.C.S.W., to practice clinical social work in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of Kevin M. Trout, L.C.S.W., will be recorded as suspended. Should Mr. Trout seek reinstatement of his license pursuant to Virginia Code § 54.1-2409, he shall be responsible for any fees that may be required for the reinstatement of the license prior to issuance of the license to resume practice.

Pursuant to Virginia Code § 2.2-4023 and § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection or copying on request.



Arne W. Owens, Director
Virginia Department of Health Professions

ENTERED:

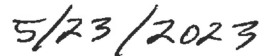


CERTIFICATION OF DUPLICATE RECORDS

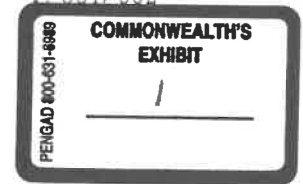
As Director of the Department of Health Professions, I hereby certify that the attached Order of Conviction and Sentencing entered May 5, 2023, regarding Kevin M. Trout, L.C.S.W., is a true copy of the records received from the Circuit Court of York County-City of Poquoson, Virginia.



Arne W. Owens



Date



ORDER OF CONVICTION AND SENTENCING

VIRGINIA: IN THE CIRCUIT COURT OF YORK COUNTY-CITY OF POQUOSON
FEDERAL INFORMATION PROCESSING STANDARDS CODE: 199

Hearing Date: **April 13, 2023**
Judge: **Honorable Richard H. Rizk**

COMMONWEALTH OF VIRGINIA

v.

KEVIN MICHAEL TROUT, DEFENDANT

This case came before the Court for sentencing of the defendant, who appeared in person with counsel, Rebecca Lawrence. The Commonwealth was represented by Donna Maw.

On January 3, 2023, the Court found the evidence sufficient to find the defendant guilty of Unlawful creation of videographic/still image of a minor (F), Virginia Code §18.2-386.1, withheld a finding of guilt, and directed the Probation Officer of this Court to thoroughly investigate and report to the Court as provided by law.

And having heard evidence and argument of counsel, the Court finds the defendant Guilty of the following offense:

CASE NUMBER	OFFENSE DESCRIPTION AND INDICATOR	OFFENSE DATE	VA. CODE SECTION	VA. CRIME CODE REFERENCE
CR22-1792-01	Unlawful creation of videographic/still image of a minor (F)	05/10/2022	18.2-386.1	OBS-3705-F6

The presentence report was considered and is ordered filed as a part of the record in this case in accordance with the provisions of Code § 19.2-299.

Pursuant to the provisions of Code § 19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guidelines worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as a part of the record in this case.

Before pronouncing the sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

The Court **SENTENCES** the defendant to:

Incarceration with the **Virginia Department of Corrections** for the term of **5 YEARS** for Unlawful creation of videographic/still image of a minor. The total sentence imposed is **5 YEARS**.

This sentence shall run consecutively with any other sentences imposed.

The Court **SUSPENDS 4 YEARS AND 6 MONTHS** of the 5 YEAR sentence, for a total suspension of 4 YEARS AND 6 MONTHS, upon the following conditions:

Good behavior. The defendant shall be of good behavior for 5 years from the date hereof.

Supervised probation. 4 YEARS AND 6 MONTHS of the sentence of incarceration is suspended. The defendant is placed on probation to commence upon release from incarceration under the supervision of a Probation Officer, not to exceed 5 years or unless sooner released by the court or by the Probation Officer. The defendant shall comply with all the rules and requirements set by the Probation Officer. Probation shall include substance abuse counseling and/or testing as prescribed by the Probation Officer. The defendant shall be evaluated, enter and successfully complete mental health treatment deemed appropriate by the Probation Officer. The defendant shall remain nonprescription drug free and alcohol free, including THC and submit to random drug and alcohol screens.

Sex Offender Treatment. The defendant shall enter and successfully complete sex offender treatment, consistency of both individual and group therapy as directed by the Probation Officer.

Costs. The defendant shall pay Costs of this Court in monthly installments of \$50.00 beginning 120 days after release from confinement.

DNA and Fingerprints. The defendant shall provide a DNA sample and legible fingerprints as directed.

Special Conditions.

- The defendant shall have no unsupervised contact with any minors except his biological children.
- The defendant is prohibited from possessing or viewing any pornography.

No Contact. The defendant shall have no contact, direct or indirect, with the Barnes Family, the victims in this matter.

Credit for time served. The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Virginia Code §53.1-187.

And the defendant is remanded to jail.

5/5/23
ENTER: R. J. [Signature]

DATE
JUDGE

DEFENDANT IDENTIFICATION:

Name: KEVIN MICHAEL TROUT Sex: M

SSN: [redacted] DOB: 02/06/1980

SENTENCING SUMMARY:

TOTAL INCARCERATION SENTENCE IMPOSED: **5 YEARS**

TOTAL SENTENCE SUSPENDED: **4 YEARS AND 6 MONTHS**

TOTAL SUPERVISED PROBATION TERM: **5 YEARS**

TOTAL POSTRELEASE TERM IMPOSED AND SUSPENDED: N/A

TOTAL FINE IMPOSED: \$0.00

TOTAL FINE SUSPENDED: \$0.00



DEPUTY EXECUTIVE DIRECTOR OF LICENSING REPORT

Satisfaction Survey Results	
2023 2nd Quarter (October 1 – December 31, 2022)	92.5%
2023 3rd Quarter (January 1 – March 31, 2023)	92.4%

Total as of June 1, 2023*

Current Licenses	
Associate Social Worker	1
Licensed Baccalaureate Social Worker	53
Licensed Clinical Social Work	9,864
Licensed Master's Social Worker	1,256
Registered Social Worker	6
Supervisees in Social Work	3,222
Total	14,402

*Unofficial numbers (for informational purposes only)



Virginia Department of
Health Professions
Board of Social Work

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, VA 23233-1463

Email: socialwork@dhp.virginia.gov
Phone: (804) 367-4441
E-Fax: (804) 977-9915
Website: www.dhp.virginia.gov/social

Licenses and Registrations Issued

Licenses and Registrations Issued	January 2023	February 2023	March 2023	April 2023	May 2023*
Licensed Baccalaureate Social Worker (LBSW)	0	2	2	1	0
Licensed Clinical Social Worker (LCSW)	144	114	173	131	144
Licensed Master's Social Worker (LMSW)	13	27	29	39	42
Supervisees in Social Work	103	113	113	83	108
Total	260	256	439	254	294

Applications Received

Licenses and Registrations Issued	January 2023*	February 2023*	March 2023*	April 2023*	May 2023*
Licensed Baccalaureate Social Worker (LBSW)	5	3	3	5	5
Licensed Clinical Social Worker (LCSW)	132	108	145	132	134
Licensed Master's Social Worker (LMSW)	42	31	44	49	67
Supervisees in Social Work	136	95	132	103	153
Total	315	237	324	289	359

*Unofficial numbers (for informational purposes only)



Additional Information:

• Board of Social Work Staffing Information:

- The Board currently has two full-time and two part-time staff members to answer phone calls, emails and to process applications across all license types.
 - Licensing Staff:
 - Latasha Austin – Licensing Manager (Full-Time)
 - Sharniece Vaughan – Licensing Specialist (Full-Time)
 - Vacant – Licensing Specialist (Full-Time) **New Position**
 - Darlene Graham – Licensing Administration Assistant (Part-Time)
 - Gabriella Smith – Licensing Administration Assistant (Part-Time)
 -

• New Technology

- Updated Board Website (New look-same content)
- BOT technology sending standardized emails.
- Ability for applicants to upload documents during the application process.

• Renewal Notices

- The Board emailed renewal notifications on May 5, 2023. All licensees are required to complete continuing education and renew their license on or before June 30, 2023.

VIRGINIA BOARD OF SOCIAL WORK BYLAWS

ARTICLE I: AUTHORIZATION

A. Statutory Authority

The Virginia Board of Social Work (“Board”) is established and operates pursuant to Va. Code §§ 54.1-2400 *et seq.* and 54.1-3700 *et seq.* Regulations promulgated by the Virginia Board of Social Work may be found in 18VAC140-20-10 *et seq.*, Regulations Governing the Practice of Social Work.

B. Duties

The Virginia Board of Social Work is charged with promulgating and enforcing regulations governing the licensure and practice of social work and clinical social work in the Commonwealth of Virginia. This includes, but is not limited to: setting fees; creating requirements for and issuing licenses, certificates, or registrations; setting standards of practice; and implementing a system of disciplinary action.

C. Mission

To ensure the delivery of safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to healthcare practitioners and the public.

ARTICLE II: THE BOARD

A. Membership

1. The Board shall consist of nine (9) members, appointed by the Governor pursuant to Va. Code § [54.1-3703](#).
2. The terms of the members of the Board shall be four (4) years.
3. Members of the Board of Social Work holding a voting office in any related professional association or one that takes a policy position on the regulations of the Board shall abstain from voting on issues where there may be a conflict of interest present.

B. Officers

1. The Chairperson or designee shall preserve order and conduct all proceedings according to parliamentary rules, the Virginia Freedom of Information Act, Va. Code § 2.2-3700 *et seq.*, and the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* Roberts Rules of Order will guide parliamentary procedure for the meetings. Except where specifically provided otherwise by the law or as otherwise ordered by the Board, the Chairperson shall appoint all committees, and shall sign as Chairperson to the certificates authorized to be signed by the Chairperson.
2. The Vice-Chairperson shall act as Chairperson in the absence of the Chairperson and assume the duties of Chairperson in the event of an unexpired term.

3. In the absences of the Chairperson and Vice-Chairperson, the Chairperson shall appoint another board member to preside at the meeting or formal administrative hearing.

C. Duties of Members

1. Each member shall participate in all matters before the Board.
2. Members shall attend all regular and special meetings of the Board unless prevented by illness or similar unavoidable cause. In the event of two (2) consecutive unexcused absences at any meeting of the Board or its committees, the Chairperson shall make a recommendation to the Director of the Department of Health Professions for referral to the Secretary of Health and Human Resources and Secretary of the Commonwealth.
3. The Governor may remove any Board member for cause, and the Governor shall be sole judge of the sufficiency of the cause for removal pursuant to Va. Code § [2.2-108](#).

D. Election of Officers

1. The Nomination Committee shall present a slate of officers for Chairman and Vice-Chairman prior to the meeting at which the election of officers is held. The election of officers shall occur at the first scheduled Board meeting following July 1 of each year, and elected officers shall assume their duties at the end of the meeting.
2. Officers shall be elected at a meeting of the Board with a quorum present.
3. The Chairperson shall ask for additional nominations from the floor by office.
4. Voting shall be by voice vote, roll call, or show of hands. A simple majority shall prevail with the current Chairperson casting a vote only to break a tie.
5. Special elections shall be held in the same manner in the event of a vacancy of a position to fill the unexpired term.
6. The election shall occur in the following order: Chairperson, Vice-Chairperson.
7. All officers shall be elected for a term of one year, and may serve no more than two consecutive terms.

E. Meetings

1. The full Board shall meet quarterly, unless a meeting is not required to conduct Board business.
2. Order of business at meetings:
 - a. Public Comment;
 - b. Approval of Minutes of preceding regular Board meeting(s) and any called meeting since the last regular meeting of the Board;
 - c. Reports of officers and staff;
 - d. Reports of committees;
 - e. Election of officers (as needed);
 - f. Unfinished business; and
 - g. New business.
3. The order of business may be changed at any meeting by a majority vote.

ARTICLE III: COMMITTEES

A. Duties and Frequency of Meetings.

1. Members appointed to a committee shall faithfully perform the duties assigned to the committee.
2. All standing committees shall meet as necessary to conduct the business of the Board.

B. Standing Committees

Standing committees of the Board shall consist of the following:

Regulatory/Legislative Committee;
Special Conference Committee;
Credentials Committee;
Nomination Committee; and
Any other standing committees created by the Board.

1. Regulatory/Legislative Committee

- a. The Regulatory/Legislative Committee shall consist of at least two (2) Board members appointed by the Chairperson of the Board.
- b. The Chairperson of the Committee shall be appointed by the Chairperson of the Board.
- c. The Committee shall consider all questions bearing upon state legislation and regulation governing the professions regulated by the Board.
- d. The Committee shall recommend to the Board changes in law and regulations as it may deem advisable and, at the direction of the Board, shall take such steps as may further the desire of the Board in matters of legislation and regulation.
- e. The Chairperson of the Committee shall submit proposed changes in applicable laws and regulations in writing to the Board prior to any scheduled meeting.

2. Special Conference Committee

- a. The Special Conference Committee shall consist of two (2) Board members.
- b. The Special Conference Committee shall conduct informal conferences pursuant to §§ [2.2-4019](#), [2.2-4021](#), and [54.1-2400](#) of the *Code of Virginia* as necessary to adjudicate cases in a timely manner in accordance with the agency standards for case resolution.
- c. The Special Conference Committee shall hold informal conferences at the request of the applicant or licensee to determine if Board requirements have been met.
- d. The Chairperson of the Board shall designate another board member as an alternate on this committee in the event one of the standing committee members becomes ill or is unable to attend a scheduled conference date.
- e. Should the caseload increase to the level that additional special conference committees are needed, the Chairperson of the Board may appoint additional committees.

3. Credentials Committee

- a. The Credentials Committee shall consist of at least two (2) Board members appointed by the Chairman of the Board, with the Chairman of the Committee to be appointed by the Chairman of the Board.
- b. The members of the committee shall review non-routine licensure applications to determine the credentials of the applicant and the applicability of the statutes and regulations.
- c. The Committee member who conducted the initial review shall provide guidance to staff on action to be taken.
- d. The Credentials Committee shall not be required to meet collectively to conduct initial reviews.

4. Nomination Committee

- a. The Nomination Committee shall be composed of at least two members of the Board appointed by the Chairman of the Board, with the Chairman of the Committee to be appointed by the Chairman of the Board.
- b. The Nomination Committee shall consult with Board members and staff to recommend nominee(s) for the Board positions of Chairman and Vice-Chairman.
- c. Sitting officers shall not serve on the Nomination Committee.

ARTICLE IV: GENERAL DELEGATION OF AUTHORITY

The Board delegates the following functions:

1. The Board delegates to Board staff the authority to issue and renew licenses, certificates, or registrations and to approve supervision applications for which regulatory and statutory qualifications have been met. If there is basis upon which the Board could refuse to issue or renew the license or certification or to deny the supervision application, the Executive Director may only issue a license, certificate, or registration upon consultation with a member of the Credentials Committee, or in accordance with delegated authority provided in a guidance document of the Board.
2. The Board delegates to Board staff the authority to develop and approve any and all forms used in the daily operations of Board business, including, but limited to, licensure and registration applications, renewal forms, and documents used in the disciplinary process.
3. The Executive Director shall be the custodian of all Board records. He or she shall preserve a correct list of all applicants and licensees, shall manage the correspondence of the Board, and shall perform all such other duties as naturally pertain to this position.

4. The Board delegates to the Executive Director the authority to grant an accommodation of additional testing time or other requests for accommodation to candidates for Board-required examinations pursuant to the Americans with Disabilities Act, provided the candidate provides documentation that supports such an accommodation.
5. The Board delegates to the Executive Director authority to grant an extension for good cause of up to one (1) renewal cycle for the completion of continuing education requirements upon written request from the licensee prior to the renewal date.
6. The Board delegates to the Executive Director authority to grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee or certificate holder, such as temporary disability, mandatory military service, or officially declared disasters.
7. The Board delegates to the Executive Director the authority to reinstate a license or certificate when the reinstatement is due to the lapse of the license or certificate rather than a disciplinary action and there is no basis upon which the Board could refuse to reinstate.
8. The Board delegates to the Executive Director the authority to sign as entered any Order or Consent Order resulting from the disciplinary process or other administrative proceeding.
9. The Board delegates to the Executive Director, who may consult with a member of the Special Conference Committee, the authority to provide guidance to the agency's Enforcement Division in situations wherein a complaint is of questionable jurisdiction and an investigation may not be necessary.
10. The Board delegates authority to the Executive Director to close non-jurisdictional cases and fee dispute cases without review by a Board member.
11. The Board delegates to the Executive Director the authority to review alleged violations of law or regulations with a Board member to make a determination as to whether probable cause exists to proceed with possible disciplinary action.
12. The Board delegates to the Executive Director the authority to assign the determination of probable cause for disciplinary action to a board member or to the staff disciplinary review coordinator, who, in consultation with Board staff, may offer a confidential consent agreement, offer a pre-hearing consent order, cause the scheduling of an informal conference, request additional information, or close the case.
13. In accordance with established Board guidance documents, the Board delegates to the Executive Director the determination of probable cause, for the purpose of offering a confidential consent agreement, a pre-hearing consent order, or for scheduling an informal conference.

14. The Board delegates to the Executive Director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being convened.
15. The Board delegates to the Executive Director the convening of a quorum of the Board by telephone conference call, for the purpose of considering the summary suspension of a license or for the purpose of considering settlement proposals.
16. The Board delegates to the Chairperson the authority to represent the Board in instances where Board consultation or review may be requested where a vote of the Board is not required and a meeting is not feasible.
17. The Board delegates authority to the Executive Director to issue an Advisory Letter to the person who is the subject of a complaint pursuant to Virginia Code § 54.1-2400.2(F) when a probable cause review indicates a disciplinary proceeding will not be instituted.
18. The Board delegates authority to the Executive Director to delegate tasks to the Deputy Executive Director, as necessary.

ARTICLE V: AMENDMENTS

Proposed amendments to these bylaws shall be presented in writing to all Board members, the Executive Director of the Board, and the Board's legal counsel prior to any scheduled Board meeting. Amendments to the bylaws shall be adopted by a favorable vote of at least two-thirds of the members present at that regular meeting.



National Center for Interstate Compacts
THE COUNCIL OF STATE GOVERNMENTS

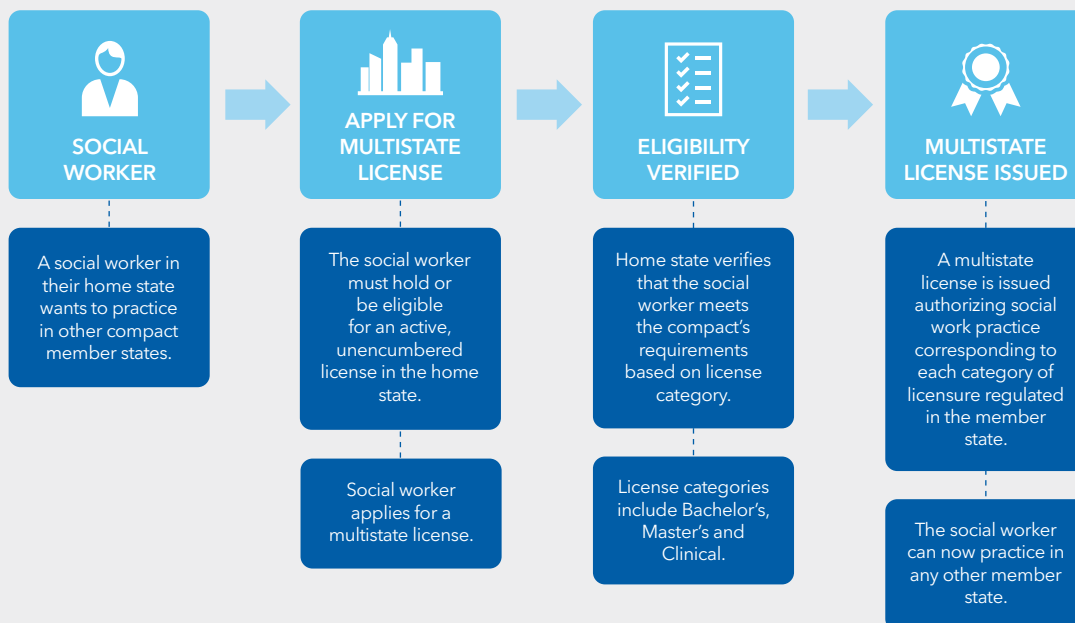
SW SOCIALWORK LICENSURE COMPACT

This project is funded by the Department of Defense

What is the Social Work Licensure Compact?

The Social Work Licensure Compact is an interstate occupational licensure compact. Interstate compacts are constitutionally authorized, legislatively enacted, legally binding agreements among states. This compact will enable regulated social workers with bachelor's, master's and clinical licenses to serve clients in every state that joins the compact, rather than going through the licensure process in every state where they want to practice. Like the compact for a driver's license, each Social Work Licensure Compact member state agrees to mutually recognize the licenses issued by every other member state.

How does the Social Work Licensure Compact work?



What other professions have an interstate compact?

Interstate Medical Licensure Compact (IMLC)

Nurse Licensure Compact (NLC) and Advanced Practice Nurse Compact (APRN Compact)

Emergency Medical Service Officials Licensure Compact (EMS Compact)

Physical Therapists Licensure Compact (PT Compact)

Psychology Interjurisdictional Compact (PSYPACT)

Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC)

Occupational Therapy Interstate Licensure Compact (OT Compact)

Counseling Interstate Licensure Compact

Who can use the Social Work Licensure Compact?

To qualify for a multistate license, a social worker who lives in a compact member state must hold or be eligible for an active, unencumbered license in their home state.

Social workers must also satisfy the requirements associated with their category of license. Bachelor's social workers, master's social workers, and clinical social workers have access to the compact.

A social worker using the Social Work Licensure Compact to practice in another compact member state must abide by that state's laws and regulations related to the practice of social work.

BENEFITS OF THE SOCIAL WORK LICENSURE COMPACT FOR LICENSEES



Eases mobility for licensees



Expands employment opportunities into new markets



Allows social workers to continue caring for clients who are moving to a new jurisdiction or who frequently relocate



Leverages technological innovations like telehealth



Supports relocating military spouses and families

BENEFITS OF THE SOCIAL WORK LICENSURE COMPACT FOR REGULATORS



Reduces application processing time



Provides access to investigative and disciplinary information about licensees



Expands cooperation among state licensure boards on investigations and disputes



Enhances public safety

BENEFITS OF THE SOCIAL WORK LICENSURE COMPACT FOR STATES



Provides a tool for addressing workforce shortages and strengthening labor markets



Expands consumer access to highly qualified social workers



Preserves state sovereignty

What's Next?

The Council of State Governments (CSG) has facilitated the development of the Social Work Licensure Compact model legislation. This legislation has been finalized for introduction.

Each state must enact the model legislation to join the compact. Supporters of the compact can contact the state chapter or national office of their professional membership association and state legislature to advocate for the interstate compact.

To get involved or learn about advocating for the interstate compact, please visit swcompact.org.

FREQUENTLY ASKED QUESTIONS

What is an interstate compact?

An interstate compact is a contract among two or more states creating an agreement on a particular policy issue, adopting a certain standard or cooperating on regional or national matters. Compacts are powerful, durable and adaptive tools for ensuring cooperative action among states. In recent years, professions have been using interstate compacts to facilitate occupational licensing reciprocity among states.

How many professions use interstate compacts for occupational licensing mobility?

Occupational licensure compacts exist for the following professions:

- Advanced Practice Nursing
- Audiology and Speech Language Pathology
- Counseling
- Cosmetology
- Dentistry and Dental Hygiene
- Emergency Medical Services
- Massage Therapy
- Medicine
- Nursing
- Occupational Therapy
- Physical Therapy
- Psychology
- K-12 Teaching

Are all occupational licensure compacts the same?

No, but all are similar in form and function. Most licensure compacts utilize a mutual recognition model, whereby a practitioner's valid, unrestricted home state license is "mutually recognized" by other compact member states. Mutual recognition compacts allow a professional to practice in the compact member states without having to go through each individual state's licensure process.

How does the Social Work Licensure Compact work?

The Social Work Licensure Compact allows social workers who have or are eligible for an active, unencumbered license in the compact member state where they reside to apply for a multistate license. After verifying eligibility, the social worker is granted a multistate license which authorizes practice in all other compact member states.

What are the advantages of the Social Work Licensure Compact?

The Social Work Licensure Compact allows eligible social workers to practice in all states that join the compact. The goal is to eliminate barriers to practice and to client care along with ensuring public protection. The Social Work Licensure Compact will also enhance a state's ability to protect public safety.

Other benefits include:

- Enhancing the mobility of social workers
- Improving access to professional social work services
- Improving continuity of care when clients travel or relocate
- Supporting relocating military spouses
- Enhancing public safety
- Creating a data system of information about licensees including license status, investigative information and adverse actions

What is a "multistate license"?

A social worker who wishes to use the compact to practice in other states will apply for a multistate license. To be eligible, a social worker must be eligible for or hold a license in their primary state of residence (which must be a member of the compact) and meet other eligibility criteria. When eligibility is verified and all fees are paid, the social worker receives the multistate license and may begin legally working in any compact member state.

Does this establish a national license for social workers?

The Social Work Licensure Compact does not establish a national license. It establishes an optional, additional pathway for practitioners to practice in states where they do not hold a license. States retain control over their licensing requirements and scope of practice.

How can a social worker apply for a multistate license?

To apply for a multistate license, a social worker's home state where they live must first join the compact. After the social worker's home state has joined the compact, the

social worker can apply for a multistate license through the state's social work licensing board.

Do social workers need to continue to apply for licenses in each state where they want to practice social work?

No. The multistate license allows social workers to practice in all compact member states. Social workers need only apply for one multistate license rather than continuing to apply to each individual state. However, if a state is not a member of the compact, the social worker will still need to apply for that individual state's license.

How can a state/jurisdiction become a member of the Social Work Licensure Compact?

To join the compact, a state must enact the model compact legislation and meet eligibility criteria.

As stated in section 3 of the compact, to be eligible to participate in the compact, a potential member state must meet all of the following criteria:

- License and regulate the practice of social work at either the clinical, master's, or bachelor's category.
- Required accredited social work education for licensure
- Require applicants for clinical licensure to complete a period of supervised practice.
- Require applicants for a Multistate License pass a Qualifying National Exam.
- Require applicants for a Multistate License undergo a FBI criminal background check

If a state meets this threshold, the state legislature must pass the Social Work Licensure Compact model legislation and the governor must sign it into law for that state to become a member of the compact.

What are the primary eligibility requirements for a multistate license?

A social worker regardless of category must:

- Hold or be eligible for an active, unencumbered license in their home state;
- Pay any applicable fees;
- Pass a background check conducted by the home state

Category Specific Requirements

Clinical Social Workers	Masters Social Workers	Bachelors Social Workers
<ul style="list-style-type: none"> - Pass Qualifying National Exam - Accredited MSW degree or higher - 3,000 hours or 2-years post graduate supervised clinical practice 	<ul style="list-style-type: none"> - Pass Qualifying National Exam - MSW degree or higher 	<ul style="list-style-type: none"> - Pass Qualifying National Exam - BSW degree or higher

What is the Qualifying National Exam?

As stated in Section 2 of the compact, the Qualifying National Exam is a national social work licensure examination that is approved by the compact commission. Currently the only national social work licensing examination available to states is the Association of Social Work Boards (ASWB) exam.

The compact specifies that licensees who wish to use the compact must pass the Qualifying National Exam that corresponds to their category of licensure. This does not mean that states must require the exam in statute for all their licensees, only those that wish to use the compact.

Section 4 also allows for the commission to create rules that would “grandparent” those who were licensed prior to their state’s adoption of the ASWB exam as well as a substantial equivalency provision that allows the commission to approve other competency-based assessments in the future should they arise.

What is the compact commission?

As established in Section 10 of the compact, the commission is the governing body made up of the participating states who have joined the compact. This is a supra-state, sub-federal government entity that serves as an instrumentality of the collective member states. The commission is responsible for creating regulations that administer and govern the compact. The commission’s delegates will be representatives from each state’s licensing board. Up to four, national social work organizations will be ex officio members of the commission’s executive committee.

Will the state be delegating regulatory authority over to the commission?

States have full authority over their own licensing laws and how they license social workers. By joining the compact, states agree to accept social workers who receive a multistate license in other compact states. States continue to determine licensing requirements and scope of practice for themselves.

What does a multistate license allow a social worker to do in a remote state?

A licensee providing social work services in a remote state under a multistate license will function within the scope of practice as individuals who are licensed in that state. It is the responsibility of the social worker to understand the laws and rules in the state where they are practicing. Social workers must abide by the scope of practice, laws, and rules of the remote state where the client is located at the time care is rendered.

Do social workers have to complete continuing education requirements in every state where they are practicing?

No. Social workers using the compact are only responsible for completing continuing education requirements for their home state license.

Is the Social Work Licensure Compact available to U.S. territories?

Yes, all 50 states, Washington D.C. and all U.S. territories can become a member of the Social Work Licensure Compact as long as they meet the state requirements outlined in the compact.

Why is the Social Work Licensure Compact important to consumers?

Through the Social Work Licensure Compact, consumers have greater access to social work services. The compact allows social workers to ensure continuity of care when clients relocate.

Additionally, states gain a supplementary layer of oversight of social workers who may enter their state to practice. The data system will allow member states to verify instantaneously that social workers based in other states have met defined standards and competencies and are in good standing with other states' regulatory boards. The compact data system will help states better protect the public.

How is the compact different from other military spouse licensure solutions?

The compact covers all licensees, not only military spouses. The compact creates two-way reciprocity. Current endorsement laws might help spouses moving to your state, but they don't provide value for current residents who wish to work in multiple jurisdictions or change residence. Licensees are still needing to re-test in some instances, provide transcripts, wait on the application to be processed. All of that is

costly and time out of the workforce. DoD prefers interstate compacts as a long-term solution for spouses. They like the regulatory certainty that a compact provides.

How can I get involved?

Social workers can contact the state chapter or national office of their professional membership association, their state's licensing board or state legislature to advocate for the licensure compact. To learn more about advocating for the licensure compact, please visit swcompact.org.



Benefits for Military Families

The Basics

Military families are highly mobile and are reassigned to a new duty station every 2-3 years on average. This level of mobility creates barriers to employment and career development for military spouses in licensed professions.

"I've talked to people in different careers, and it's taken them sometimes two years to reenter the workforce."
– **Oklahoma Sen. Adam Pugh, Air Force Veteran**

To recruit and retain military personnel and maintain readiness, the Department of Defense (DoD) believes interstate compacts are the best solution for occupational license portability for military spouses.

The Department of Defense is committed to supporting military spouses as an essential component of supporting military families. DoD takes care of military families to ensure the retention of the force. Maintaining the retention of the force is essential for military readiness.

The Bottom Line for Military Spouses

The Social Work Licensure Compact allows active duty military personnel or their spouse to designate a Home State and keep that designation as long as the service member is on active duty.

1. If a military family gets assigned to a new duty station in a compact member state, the service member or their spouse can continue to work with their current compact license.
2. If the family gets assigned to a new duty station that is not in a compact member state, the service member or their spouse do not lose access to the compact but would need to get a single-state license in their new state if they wish to continue working in that state.

"The most frustrating part of getting multiple licenses over time is the process of having to obtain a number of verifications and documents from all states in which you were licensed previously. It's an incredible amount of time, money and coordination that often requires repeated steps as documents are lost in travel from state to state."

If there were already a compact, my husband and I wouldn't think twice about how we rank our duty stations and where we beg the detailer to assign us. It would be life changing for us in many ways."
– **Dr. Christine Hammer, licensed pediatric dentist and military spouse**



Compact Development Process

The Department of Defense has sought to support the development of interstate compacts as a mechanism for ensuring the professional licenses of military spouses are easily portable. In September 2020, the Department of Defense entered into a cooperative agreement with The Council of State Governments to fund the creation of new interstate compacts designed to strengthen occupational licensing portability. In collaboration with the Department of Defense, CSG developed and administered a competitive application process to select the professions for initial compact development in late 2020 and early 2021. Eligible applicants included professional associations, associations or federations of state licensing boards and national credentialing bodies for professions licensed in at least 30 states.

In March 2021, the Department of Defense and CSG announced the selection of social work as one of the first-round professions and partnered with the Association of Social Work Boards (ASWB) with support from the Clinical Social Work Association (CSWA) and the National Association of Social Workers (NASW) for the development process. CSG and ASWB convened a Technical Assistance Group that included a state legislator who is a licensed social worker, industry-leading practitioners, licensure board members, staff and administrators of state licensing boards, representatives of professional associations and social work educators. The group met regularly over the course of several months to determine the mobility needs of the profession, analyze current licensure requirements in the states, identify the preferred compact license model and the develop policy recommendations for the initial draft of the compact.

Technical Assistance Group Members:

- Alex Zamora, Idaho Board of Social Work Examiners
- Cara Sanner, Association of Social Work Boards
- Caren Ex, Licensed Clinical Social Worker, Certified Master Forensic Social Worker
- Darrel Spinks, Texas Behavioral Health Executive Council
- Dawn Ellis-Murray, National Association of Social Workers – Alabama Chapter
- Dwight Hymans, Association of Social Work Boards
- Ebony Sloan Clarke, Oregon Board of Licensed Social Workers
- Jacqueline Lowe, South Carolina Board of Social Work Examiners



- Jaime Hoyle, Virginia Boards of Counseling, Psychology, and Social Work
- Jennifer Henkel, Association of Social Work Boards
- Kendra Roberson, Clinical Social Work Association
- Laura Groshong, Clinical Social Work Association
- Lauren Layman, Vermont Social Work Advisory Board
- Assemblywoman Mathylde Frontus, New York Assembly
- Mumbi Mwaura, Council on Social Work Education
- Rhonda Edwards, Maryland Board of Social Work Examiners
- Stephen Wanczyk-Karp, National Association of Social Workers – Connecticut Chapter
- Steven Pharris, National Association of Social Workers – Oklahoma Chapter
- Susanna Sung, National Institute of Mental Health
- Tanya Smith Bryce, Council on Social Work Education
- Tobi Zavala, Arizona Board of Behavioral Health Examiners
- Tony Alden, Iowa Board of Social Work
- Yvette Gosline, North Carolina Social Work Certification and Licensure Board

A smaller Document Team of legislative drafting experts, licensure board attorneys and social work practice specialists took the recommendations from the Technical Assistance Group and created an initial draft of the Social Work Licensure Compact model legislation.

Document Team Group Members:

- Cara Sanner, Association of Social Work Boards
- Darrel Spinks, Texas Behavioral Health Executive Council
- Dwight Hymans, Association of Social Work Boards
- Jaime Hoyle, Virginia Boards of Counseling, Psychology, and Social Work
- Jennifer Henkel, Association of Social Work Boards
- Karen Goodenough, National Association of Social Workers – Minnesota Chapter
- Lindsey B. Courtney, New Hampshire Office of Professional Licensing and Certification
- Nathaniel Flinchbaugh, Tennessee Department of Health



To gather public comment on the draft legislation, CSG facilitated a stakeholder review process throughout the summer and fall of 2022. This included holding virtual presentations open to the public at which CSG staff led attendees through the draft legislation and addressed questions and concerns. CSG and development team leaders also attended conferences and meetings to present the compact to interested stakeholder groups. After gathering feedback, CSG reconvened the Technical Assistance Group with the Document Team to review the feedback and make changes, leading to a final draft.

Groups who participated in the development of the Social Work Licensure Compact are listed below. Please note that this does not signify an endorsement of the compact:



Summary of Key Provisions

Section 1: Purpose

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

This Compact is designed to achieve the following objectives:

- Increase public access to Social Work Services;
- Reduce overly burdensome and duplicative requirements associated with holding multiple licenses.
- Enhance the Member States' ability to protect the public's health and safety;
- Encourage the cooperation of Member States in regulating multistate practice;
- Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple States by providing for the mutual recognition of other Member State licenses;
- Support military families;
- Facilitate the exchange of licensure and disciplinary information among Member States;
- Authorize all Member States to hold a Regulated Social Worker accountable for abiding by the Member State's laws, regulations, and applicable professional standards in the Member State in which the client is located at the time care is rendered; and
- Allow for the use of telehealth to facilitate increased access to regulated Social Work Services.

Section 2: Definitions

This section establishes the definitions of key terms and concepts as used throughout the compact to provide uniform understanding on the part of regulatory jurisdictions and practitioners. Defined terms are capitalized throughout the document.

Key Definitions:

“Home State” means the Member State that is the Licensee's primary Domicile.



“Multistate License” means a license to practice as a Regulated Social Worker issued by a Home State Licensing Authority that authorizes the Regulated Social Worker to practice in all Member States under a Multistate Authorization to Practice.

“Multistate Authorization to Practice” means a legally authorized privilege to practice, which is equivalent to a license, associated with a Multistate License permitting the practice of Social Work in a Remote State.

“Qualifying National Exam” means a national licensing examination approved by the Commission.

“Regulated Social Worker” means any clinical, master’s or bachelor’s Social Worker licensed by a Member State regardless of the title used by that Member State.

Section 3: State Participation in the Compact

This section establishes the foundational requirements for states to be eligible to join the compact and what is required of compact member states to remain compliant.

To enact the compact, a state must:

- License and regulate the practice of Social Work at either the clinical, master’s, or bachelor’s category.
- Require applicants for licensure to graduate from a program that is accredited, or in candidacy by an institution that subsequently becomes accredited and that corresponds to the licensure sought.
- Require applicants for clinical licensure to complete a period of supervised practice.

To maintain membership in the compact, a state must:

- Require applicants for a Multistate License pass a Qualifying National Exam corresponding to the category of Multistate License sought.
- Implement procedures for considering the criminal history records of applicants for a Multistate License.

Section 4: Social Worker Participation in the Compact

This section describes the requirements for a social worker to participate in the compact. Member states are obligated to accept multistate licenses from other compact member states as authorized to practice in each member state.

To be eligible for a multistate license, all social workers in a member state must:



- Hold, or be eligible for, an active, unencumbered license to practice social work in the compact member state in which they are domiciled.
- Agree to abide by the laws, regulations and rules of the state in which the client is located at the time service is provided.
- Submit to a review of criminal history, including a background check (disqualifying events are subject to the discretion of the member state)
- Pay all required fees related to the application and process, and any other fees which the Social Work Licensure Compact Commission may require by rule.

To be eligible for a clinical-category multistate license a social worker must:

1. Fulfill a competency requirement, which shall be satisfied by either:
 - a. Passing a clinical-category Qualifying National Exam; or
 - b. Hold and continuously maintain a clinical-category social work license in their Home State prior to a Qualifying National Exam being required by the Home State as further governed by the Rules of the Commission; or
 - c. Prove clinical competency through a substantially equivalent standard which the Commission may determine by Rule.
2. Attain at least a master's degree in social work from a program that is accredited, or in candidacy by an institution that subsequently becomes accredited.
3. Fulfill a supervised practice requirement, which shall be satisfied by demonstrating completion of either:
 - a. Three thousand (3,000) or more hours of postgraduate supervised clinical practice; or
 - b. Two years or more of full-time postgraduate supervised clinical practice; or
 - c. Be found to have proven clinical competency through a substantially equivalent standard which the Commission may determine by Rule.

To be eligible for a master's-category multistate license a social worker must:

1. Fulfill a competency requirement, which shall be satisfied by either:
 - a. Passing a master's-category Qualifying National Exam; or
 - b. Hold and continuously maintain a master's-category social work license in their Home State prior to a Qualifying National Exam being required by the Home State as further governed by the Rules of the Commission; or
 - c. Prove master's-category competency through a substantially equivalent standard which the Commission may determine by Rule.
2. Attain at least a master's degree in social work from a program that is accredited, or in candidacy by an institution that subsequently becomes accredited.

To be eligible for a bachelor's-category multistate license a social worker must:

1. Fulfill a competency requirement, which shall be satisfied by either:
 - a. Passing a bachelor's-category Qualifying National Exam; or



- b. Hold and continuously maintain a bachelor's-category social work license in their Home State prior to a Qualifying National Exam being required by the Home State as further governed by the Rules of the Commission; or
 - c. Prove bachelor's-category competency through a substantially equivalent standard which the Commission may determine by Rule.
2. Attain at least a bachelor's degree in social work from a program that is accredited, or in candidacy by an institution that subsequently becomes accredited.

To maintain a multistate license a social worker must meet the renewal requirements of the Home State.

Section 5: Issuance of a Multistate License

This section describes the multistate license issuance process and directs compact member states to issue a bachelors, masters or clinical-category multistate license according to the qualifications of a Regulated Social Worker.

Section 6: Authority of the Social Work Compact Commission and Member State Licensing Authorities

This section delineates between the commission's rulemaking ability vs. what the state retains control over.

Section 7: Reissuance of a Multistate License by a New Home State

This section outlines the process whereby multistate licensees who move to another compact member state apply for expedited reissuance of their multistate license to the new home state without the need for repeated primary source verification.

The compact provides for the new home state to subject the applicant to a background check and/or jurisprudence exam if required for licensure.

Section 8: Active Military Members and their Spouses

This section allows an active military member or their spouse to designate a home state where the individual has a current license in good standing. This state then serves as the individual's home state for as long as the service member is on active duty.

Section 9: Adverse Actions



This section clarifies that only a licensee's home state may take adverse action against a multistate license.

However, a remote state may take adverse action against the multistate authorization to practice in that state and may issue enforceable subpoenas for witnesses and evidence from other member states.

Home states can take reported adverse action from any member state into account when considering discipline on a multistate license in accordance with the home state's own laws.

Member states must share the presence of significant investigative information to other member states via the compact's data system.

Member states must report any adverse action to the compact data system, which then promptly alerts the home state of this adverse action. Any member state may take adverse action based on the factual findings of a remote state. Member states retain the right to require a licensee to participate in an alternative program for health-related concerns in lieu of adverse action.

Section 10: Establishment of the Social Work Licensure Compact Commission

This section outlines the composition and powers of the compact commission and executive committee.

- Each member state is entitled to one delegate.
 - The delegate must be a Regulated Social Worker who is current member or public member of the member state's licensing authority at the time of appointment; or
 - The administrator, executive director or equivalent of the member state's licensing authority or their designee.
- Each delegate has one vote on commission rules and bylaws.
- The commission may establish a term of office, code of ethics, bylaws, rules, a budget and financial records to fulfill the purpose of the compact.
- The commission must meet at least once per calendar year
- The commission shall elect an executive committee composed of seven (7) voting members.
- The executive committee shall include up to four (4) ex-officio, nonvoting members from four (4) national social work organizations.
- All commission and executive committee meetings shall be open to the public unless confidential or privileged information must be discussed.



Section 11: Data System

This section requires the sharing of licensee information by all member states.

Member states shall submit a uniform dataset to the data system on all social workers to whom the compact applies, as required by the rules of the commission. This database will allow for the expedited sharing of licensee, investigative and disciplinary information.

Investigative information pertaining to a licensee in any member state will only be available to other member states.

A member state may designate information submitted to the data system that may not be shared with the public without the express permission of that member state.

Section 12: Rulemaking

The Social Work Licensure Compact Commission may promulgate rules to effectively administer the compact.

Rules carry the force of law in all member states.

A simple majority of member state legislatures may veto a rule of the compact commission.

Changes to rules require a 30-day notice of proposed rulemaking, with an opportunity for a public hearing.

If the commission takes an action that is beyond the scope of the compact, the action is invalid and has no force and effect.

Section 13: Oversight, Dispute Resolution and Enforcement

Ensures compliance with the compact by member states and details the procedures to be followed in the event a member state fails to comply with the compact, including:

- A period of technical assistance in remedying the situation.
- Dispute resolution, including mediation and binding processes.
- Termination from the compact if no other means of compliance is successful.
- The compact commission shall attempt to resolve any compact-related disputes that may arise between states.

Section 14: Effective Date, Withdrawal and Amendment



The compact takes effect on the date of enactment by the seventh (7th) state.

States that join after the initial convening of the Social Work Licensure Compact Commission are subject to the rules of the commission as they exist on the date when the compact becomes law in that state.

Member states may enact a law to repeal their membership in the compact. A state's withdrawal takes effect 180 days after enactment of such law.

Section 15: Construction and Severability

The compact is to be liberally construed to effectuate its purposes.

The compact's provisions are severable, meaning that:

- If a provision is declared to conflict with the United States Constitution, all other provisions remain valid for all member states.
- If a provision is held contrary to a member state's constitution, the compact retains its full force in all other states, and all other provisions remain valid in the affected state.

Section 16: Consistent Effect and Conflict with Other State Laws

Member states retain sovereignty over all laws, and nothing shall inhibit or prohibit enforcement of laws that are not in conflict with the compact.

Any laws, statutes, regulations or other legal requirements in a member state that conflict with the compact are superseded to the extent of the conflict.



Social Work Licensure Compact Model Legislation

This project is funded by the Department of Defense.

The following language must be enacted into law by a state to officially join the Social Work Licensure Compact.

No substantive changes should be made to the model language. Any substantive changes may jeopardize the enacting state's participation in the Compact.

The Council of State Governments National Center for Interstate Compacts reviews state compact legislation to ensure consistency with the model language. Please direct inquiries to Kaitlyn Bison at kbison@csg.org.

SOCIAL WORK LICENSURE COMPACT

SECTION 1: PURPOSE

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

This Compact is designed to achieve the following objectives:

- A. Increase public access to Social Work Services;
- B. Reduce overly burdensome and duplicative requirements associated with holding multiple licenses;
- C. Enhance the Member States' ability to protect the public's health and safety;
- D. Encourage the cooperation of Member States in regulating multistate practice;
- E. Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple States by providing for the mutual recognition of other Member State licenses;
- F. Support military families;
- G. Facilitate the exchange of licensure and disciplinary information among Member States;
- H. Authorize all Member States to hold a Regulated Social Worker accountable for abiding by a Member State's laws, regulations, and applicable professional standards in the Member State in which the client is located at the time care is rendered; and
- I. Allow for the use of telehealth to facilitate increased access to regulated Social Work Services.

SECTION 2. DEFINITIONS

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

- A. **"Active Military Member"** means any individual 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 which is imposed by a Licensing Authority or other authority against a Regulated Social Worker, including actions against an individual's license or Multistate Authorization to Practice such as revocation,

- 36 suspension, probation, monitoring of the Licensee, limitation on the Licensee's
37 practice, or any other Encumbrance on licensure affecting a Regulated Social
38 Worker's authorization to practice, including issuance of a cease and desist
39 action.
- 40 C. **"Alternative Program"** means a non-disciplinary monitoring or practice
41 remediation process approved by a Licensing Authority to address practitioners
42 with an Impairment.
- 43 D. **"Charter Member States"** - Member States who have enacted legislation to
44 adopt this Compact where such legislation predates the effective date of this
45 Compact as described in Section 14.
- 46 E. **"Compact Commission" or "Commission"** means the government agency
47 whose membership consists of all States that have enacted this Compact, which
48 is known as the Social Work Licensure Compact Commission, as described in
49 Section 10, and which shall operate as an instrumentality of the Member States.
- 50 F. **"Current Significant Investigative Information"** means:
- 51 1. Investigative information that a Licensing Authority, after a preliminary
52 inquiry that includes notification and an opportunity for the Regulated
53 Social Worker to respond has reason to believe is not groundless and, if
54 proved true, would indicate more than a minor infraction as may be
55 defined by the Commission; or
- 56 2. Investigative information that indicates that the Regulated Social Worker
57 represents an immediate threat to public health and safety, as may be
58 defined by the Commission, regardless of whether the Regulated Social
59 Worker has been notified and has had an opportunity to respond.
- 60 G. **"Data System"** means a repository of information about Licensees, including,
61 continuing education, examination, licensure, Current Significant Investigative
62 Information, Disqualifying Event, Multistate License(s) and Adverse Action
63 information or other information as required by the Commission.
- 64 H. **"Domicile"** means the jurisdiction in which the Licensee resides and intends to
65 remain indefinitely.
- 66 I. **"Disqualifying Event"** means any Adverse Action or incident which results in an
67 Encumbrance that disqualifies or makes the Licensee ineligible to either obtain,
68 retain or renew a Multistate License.
- 69 J. **"Encumbrance"** means a revocation or suspension of, or any limitation on, the
70 full and unrestricted practice of Social Work licensed and regulated by a
71 Licensing Authority.

- 72 K. **“Executive Committee”** means a group of delegates elected or appointed to act
73 on behalf of, and within the powers granted to them by, the compact and
74 Commission.
- 75 L. **“Home State”** means the Member State that is the Licensee’s primary Domicile.
- 76 M. **“Impairment”** means a condition(s) that may impair a practitioner’s ability to
77 engage in full and unrestricted practice as a Regulated Social Worker without
78 some type of intervention and may include alcohol and drug dependence, mental
79 health impairment, and neurological or physical impairments.
- 80 N. **“Licensee(s)”** means an individual who currently holds a license from a State to
81 practice as a Regulated Social Worker.
- 82 O. **“Licensing Authority”** means the board or agency of a Member State, or
83 equivalent, that is responsible for the licensing and regulation of Regulated
84 Social Workers.
- 85 P. **“Member State”** means a state, commonwealth, district, or territory of the United
86 States of America that has enacted this Compact.
- 87 Q. **“Multistate Authorization to Practice”** means a legally authorized privilege to
88 practice, which is equivalent to a license, associated with a Multistate License
89 permitting the practice of Social Work in a Remote State.
- 90 R. **“Multistate License”** means a license to practice as a Regulated Social Worker
91 issued by a Home State Licensing Authority that authorizes the Regulated Social
92 Worker to practice in all Member States under Multistate Authorization to
93 Practice.
- 94 S. **“Qualifying National Exam”** means a national licensing examination approved
95 by the Commission.
- 96 T. **“Regulated Social Worker”** means any clinical, master’s or bachelor’s Social
97 Worker licensed by a Member State regardless of the title used by that Member
98 State.
- 99 U. **“Remote State”** means a Member State other than the Licensee’s Home State.
- 100 V. **“Rule(s)” or “Rule(s) of the Commission”** means a regulation or regulations
101 duly promulgated by the Commission, as authorized by the Compact, that has
102 the force of law.
- 103 W. **“Single State License”** means a Social Work license issued by any State that
104 authorizes practice only within the issuing State and does not include Multistate
105 Authorization to Practice in any Member State.
- 106 X. **“Social Work” or “Social Work Services”** means the application of social work
107 theory, knowledge, methods, ethics, and the professional use of self to restore or
108 enhance social, psychosocial, or biopsychosocial functioning of individuals,

109 couples, families, groups, organizations, and communities through the care and
110 services provided by a Regulated Social Worker as set forth in the Member
111 State’s statutes and regulations in the State where the services are being
112 provided.

113 Y. **“State”** means any state, commonwealth, district, or territory of the United States
114 of America that regulates the practice of Social Work.

115 Z. **“Unencumbered License”** means a license that authorizes a Regulated Social
116 Worker to engage in the full and unrestricted practice of Social Work.

117 **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

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

120 1. License and regulate the practice of Social Work at either the clinical,
121 master’s, or bachelor’s category.

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

123 a. Operated by a college or university recognized by the Licensing
124 Authority;

125 b. Accredited, or in candidacy by an institution that subsequently
126 becomes accredited, by an accrediting agency recognized by either:

127 i. the Council for Higher Education Accreditation, or its successor;
128 or

129 ii. the United States Department of Education; and

130 c. Corresponds to the licensure sought as outlined in Section 4.

131 3. Require applicants for clinical licensure to complete a period of
132 supervised practice.

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

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

136 1. Require that applicants for a Multistate License pass a Qualifying
137 National Exam for the corresponding category of Multistate License
138 sought as outlined in Section 4.

139 2. Participate fully in the Commission’s Data System, including using the
140 Commission’s unique identifier as defined in Rules;

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

- 144 4. Implement procedures for considering the criminal history records of
145 applicants for a Multistate License. Such procedures shall include the
146 submission of fingerprints or other biometric-based information by
147 applicants for the purpose of obtaining an applicant's criminal history
148 record information from the Federal Bureau of Investigation and the
149 agency responsible for retaining that State's criminal records.
- 150 5. Comply with the Rules of the Commission;
- 151 6. Require an applicant to obtain or retain a license in the Home State and
152 meet the Home State's qualifications for licensure or renewal of
153 licensure, as well as all other applicable Home State laws;
- 154 7. Authorize a Licensee holding a Multistate License in any Member State
155 to practice in accordance with the terms of the Compact and Rules of the
156 Commission; and
- 157 8. Designate a delegate to participate in the Commission meetings.
- 158 C. A Member State meeting the requirements of Section 3.A. and 3.B of this
159 Compact shall designate the categories of Social Work licensure that are eligible
160 for issuance of a Multistate License for applicants in such Member State. To the
161 extent that any Member State does not meet the requirements for participation in
162 the Compact at any particular category of Social Work licensure, such Member
163 State may choose, but is not obligated to, issue a Multistate License to applicants
164 that otherwise meet the requirements of Section 4 for issuance of a Multistate
165 License in such category or categories of licensure.
- 166 D. The Home State may charge a fee for granting the Multistate License.

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

- 168 A. To be eligible for a Multistate License under the terms and provisions of the
169 Compact, an applicant, regardless of category must:
- 170 1. Hold or be eligible for an active, Unencumbered License in the Home
171 State;
- 172 2. Pay any applicable fees, including any State fee, for the Multistate
173 License;
- 174 3. Submit, in connection with an application for a Multistate License,
175 fingerprints or other biometric data for the purpose of obtaining criminal
176 history record information from the Federal Bureau of Investigation and
177 the agency responsible for retaining that State's criminal records.
- 178 4. Notify the Home State of any Adverse Action, Encumbrance, or
179 restriction on any professional license taken by any Member State or
180 non-Member State within 30 days from the date the action is taken.

- 181 5. Meet any continuing competence requirements established by the Home
182 State;
- 183 6. Abide by the laws, regulations, and applicable standards in the Member
184 State where the client is located at the time care is rendered.
- 185 B. An applicant for a clinical-category Multistate License must meet all of the
186 following requirements:
- 187 1. Fulfill a competency requirement, which shall be satisfied by either:
- 188 a. Passage of a clinical-category Qualifying National Exam; or
- 189 b. Licensure of the applicant in their Home State at the clinical category,
190 beginning prior to such time as a Qualifying National Exam was
191 required by the Home State and accompanied by a period of
192 continuous Social Work licensure thereafter, all of which may be
193 further governed by the Rules of the Commission; or
- 194 c. The substantial equivalency of the foregoing competency
195 requirements which the Commission may determine by Rule.
- 196 2. Attain at least a master's degree in Social Work from a program that is:
- 197 a. Operated by a college or university recognized by the Licensing
198 Authority; and
- 199 b. Accredited, or in candidacy that subsequently becomes accredited,
200 by an accrediting agency recognized by either:
- 201 i. the Council for Higher Education Accreditation or its successor; or
- 202 ii. the United States Department of Education.
- 203 3. Fulfill a practice requirement, which shall be satisfied by demonstrating
204 completion of either:
- 205 a. A period of postgraduate supervised clinical practice equal to a
206 minimum of three thousand hours; or
- 207 b. A minimum of two years of full-time postgraduate supervised clinical
208 practice; or
- 209 c. The substantial equivalency of the foregoing practice requirements
210 which the Commission may determine by Rule.
- 211 C. An applicant for a master's-category Multistate License must meet all of the
212 following requirements:
- 213 1. Fulfill a competency requirement, which shall be satisfied by either:
- 214 a. Passage of a masters-category Qualifying National Exam;

- 215 b. Licensure of the applicant in their Home State at the master's
216 category, beginning prior to such time as a Qualifying National Exam
217 was required by the Home State at the master's category and
218 accompanied by a continuous period of Social Work licensure
219 thereafter, all of which may be further governed by the Rules of the
220 Commission; or
- 221 c. The substantial equivalency of the foregoing competency
222 requirements which the Commission may determine by Rule.
- 223 2. Attain at least a master's degree in Social Work from a program that is:
- 224 a. Operated by a college or university recognized by the Licensing
225 Authority; and
- 226 b. Accredited, or in candidacy that subsequently becomes accredited,
227 by an accrediting agency recognized by either:
- 228 i. the Council for Higher Education Accreditation or its
229 successor; or
- 230 ii. the United States Department of Education.
- 231 D. An applicant for a bachelor's-category Multistate License must meet all of the
232 following requirements:
- 233 1. Fulfill a competency requirement, which shall be satisfied by either:
- 234 a. Passage of a bachelor's-category Qualifying National Exam;
- 235 b. Licensure of the applicant in their Home State at the bachelor's
236 category, beginning prior to such time as a Qualifying National Exam
237 was required by the Home State and accompanied by a period of
238 continuous Social Work licensure thereafter, all of which may be
239 further governed by the Rules of the Commission; or
- 240 c. The substantial equivalency of the foregoing competency
241 requirements which the Commission may determine by Rule.
- 242 2. Attain at least a bachelor's degree in Social Work from a program that is:
- 243 a. Operated by a college or university recognized by the Licensing
244 Authority; and
- 245 b. Accredited, or in candidacy that subsequently becomes accredited,
246 by an accrediting agency recognized by either:
- 247 i. the Council for Higher Education Accreditation or its
248 successor; or
- 249 ii. the United States Department of Education.

- 250 E. The Multistate License for a Regulated Social Worker is subject to the renewal
251 requirements of the Home State. The Regulated Social Worker must maintain
252 compliance with the requirements of Section 4(A) to be eligible to renew a
253 Multistate License.
- 254 F. The Regulated Social Worker's services in a Remote State are subject to that
255 Member State's regulatory authority. A Remote State may, in accordance with
256 due process and that Member State's laws, remove a Regulated Social Worker's
257 Multistate Authorization to Practice in the Remote State for a specific period of
258 time, impose fines, and take any other necessary actions to protect the health
259 and safety of its citizens.
- 260 G. If a Multistate License is encumbered, the Regulated Social Worker's Multistate
261 Authorization to Practice shall be deactivated in all Remote States until the
262 Multistate License is no longer encumbered.
- 263 H. If a Multistate Authorization to Practice is encumbered in a Remote State, the
264 regulated Social Worker's Multistate Authorization to Practice may be
265 deactivated in that State until the Multistate Authorization to Practice is no longer
266 encumbered.

267 **SECTION 5: ISSUANCE OF A MULTISTATE LICENSE**

- 268 A. Upon receipt of an application for Multistate License, the Home State Licensing
269 Authority shall determine the applicant's eligibility for a Multistate License in
270 accordance with Section 4 of this Compact.
- 271 B. If such applicant is eligible pursuant to Section 4 of this Compact, the Home
272 State Licensing Authority shall issue a Multistate License that authorizes the
273 applicant or Regulated Social Worker to practice in all Member States under a
274 Multistate Authorization to Practice.
- 275 C. Upon issuance of a Multistate License, the Home State Licensing Authority shall
276 designate whether the Regulated Social Worker holds a Multistate License in the
277 Bachelors, Masters, or Clinical category of Social Work.
- 278 D. A Multistate License issued by a Home State to a resident in that State shall be
279 recognized by all Compact Member States as authorizing Social Work Practice
280 under a Multistate Authorization to Practice corresponding to each category of
281 licensure regulated in each Member State.

282 **SECTION 6: AUTHORITY OF INTERSTATE COMPACT COMMISSION AND MEMBER**
283 **STATE LICENSING AUTHORITIES**

- 284 A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
285 limit, restrict, or in any way reduce the ability of a Member State to enact and
286 enforce laws, regulations, or other rules related to the practice of Social Work in
287 that State, where those laws, regulations, or other rules are not inconsistent with
288 the provisions of this Compact.

- 289 B. Nothing in this Compact shall affect the requirements established by a Member
290 State for the issuance of a Single State License.
- 291 C. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
292 limit, restrict, or in any way reduce the ability of a Member State to take Adverse
293 Action against a Licensee's Single State License to practice Social Work in that
294 State.
- 295 D. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
296 limit, restrict, or in any way reduce the ability of a Remote State to take Adverse
297 Action against a Licensee's Multistate Authorization to Practice in that State.
- 298 E. Nothing in this Compact, nor any Rule of the Commission, shall be construed to
299 limit, restrict, or in any way reduce the ability of a Licensee's Home State to take
300 Adverse Action against a Licensee's Multistate License based upon information
301 provided by a Remote State.

302 **SECTION 7: REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE**

- 303 A. A Licensee can hold a Multistate License, issued by their Home State, in only
304 one Member State at any given time.
- 305 B. If a Licensee changes their Home State by moving between two Member States:
- 306 1. The Licensee shall immediately apply for the reissuance of their
307 Multistate License in their new Home State. The Licensee shall pay all
308 applicable fees and notify the prior Home State in accordance with the
309 Rules of the Commission.
- 310 2. Upon receipt of an application to reissue a Multistate License, the new
311 Home State shall verify that the Multistate License is active,
312 unencumbered and eligible for reissuance under the terms of the
313 Compact and the Rules of the Commission. The Multistate License
314 issued by the prior Home State will be deactivated and all Member
315 States notified in accordance with the applicable Rules adopted by the
316 Commission.
- 317 3. Prior to the reissuance of the Multistate License, the new Home State
318 shall conduct procedures for considering the criminal history records of
319 the Licensee. Such procedures shall include the submission of
320 fingerprints or other biometric-based information by applicants for the
321 purpose of obtaining an applicant's criminal history record information
322 from the Federal Bureau of Investigation and the agency responsible for
323 retaining that State's criminal records.
- 324 4. If required for initial licensure, the new Home State may require
325 completion of jurisprudence requirements in the new Home State.
- 326 5. Notwithstanding any other provision of this Compact, if a Licensee does
327 not meet the requirements set forth in this Compact for the reissuance of
328 a Multistate License by the new Home State, then the Licensee shall be

329 subject to the new Home State requirements for the issuance of a Single
330 State License in that State.

331 C. If a Licensee changes their primary State of residence by moving from a Member
332 State to a non-Member State, or from a non-Member State to a Member State,
333 then the Licensee shall be subject to the State requirements for the issuance of a
334 Single State License in the new Home State.

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

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

340 **SECTION 8. MILITARY FAMILIES**

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

344 **SECTION 9. ADVERSE ACTIONS**

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

347 1. Take Adverse Action against a Regulated Social Worker's Multistate
348 Authorization to Practice only within that Member State, and issue
349 subpoenas for both hearings and investigations that require the
350 attendance and testimony of witnesses as well as the production of
351 evidence. Subpoenas issued by a Licensing Authority in a Member State
352 for the attendance and testimony of witnesses or the production of
353 evidence from another Member State shall be enforced in the latter State
354 by any court of competent jurisdiction, according to the practice and
355 procedure of that court applicable to subpoenas issued in proceedings
356 pending before it. The issuing Licensing Authority shall pay any witness
357 fees, travel expenses, mileage, and other fees required by the service
358 statutes of the State in which the witnesses or evidence are located.

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

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

365 C. The Home State shall complete any pending investigations of a Regulated Social
366 Worker who changes their Home State during the course of the investigations.
367 The Home State shall also have the authority to take appropriate action(s) and
368 shall promptly report the conclusions of the investigations to the administrator of

- 369 the Data System. The administrator of the Data System shall promptly notify the
370 new Home State of any Adverse Actions.
- 371 D. A Member State, if otherwise permitted by State law, may recover from the
372 affected Regulated Social Worker the costs of investigations and dispositions of
373 cases resulting from any Adverse Action taken against that Regulated Social
374 Worker.
- 375 E. A Member State may take Adverse Action based on the factual findings of
376 another Member State, provided that the Member State follows its own
377 procedures for taking the Adverse Action.
- 378 F. Joint Investigations:
- 379 1. In addition to the authority granted to a Member State by its respective
380 Social Work practice act or other applicable State law, any Member
381 State may participate with other Member States in joint investigations of
382 Licensees.
- 383 2. Member States shall share any investigative, litigation, or compliance
384 materials in furtherance of any joint or individual investigation initiated
385 under the Compact.
- 386 G. If Adverse Action is taken by the Home State against the Multistate License of a
387 Regulated Social Worker, the Regulated Social Worker's Multistate Authorization
388 to Practice in all other Member States shall be deactivated until all
389 Encumbrances have been removed from the Multistate License. All Home State
390 disciplinary orders that impose Adverse Action against the license of a Regulated
391 Social Worker shall include a statement that the Regulated Social Worker's
392 Multistate Authorization to Practice is deactivated in all Member States until all
393 conditions of the decision, order or agreement are satisfied.
- 394 H. If a Member State takes Adverse Action, it shall promptly notify the administrator
395 of the Data System. The administrator of the Data System shall promptly notify
396 the Home State and all other Member State's of any Adverse Actions by Remote
397 States.
- 398 I. Nothing in this Compact shall override a Member State's decision that
399 participation in an Alternative Program may be used in lieu of Adverse Action.
- 400 J. Nothing in this Compact shall authorize a Member State to demand the issuance
401 of subpoenas for attendance and testimony of witnesses or the production of
402 evidence from another Member State for lawful actions within that Member State.
- 403 K. Nothing in this Compact shall authorize a Member State to impose discipline
404 against a Regulated Social Worker who holds a Multistate Authorization to
405 Practice for lawful actions within another Member State.
- 406

407 **SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT**
408 **COMMISSION**

409 A. The Compact Member States hereby create and establish a joint government
410 agency whose membership consists of all Member States that have enacted the
411 compact known as the Social Work Licensure Compact Commission. The
412 Commission is an instrumentality of the Compact States acting jointly and not an
413 instrumentality of any one State. The Commission shall come into existence on
414 or after the effective date of the Compact as set forth in Section 14.

415 B. Membership, Voting, and Meetings

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

418 2. The delegate shall be either:

419 a. A current member of the Licensing Authority at the time of
420 appointment, who is a Regulated Social Worker or public member
421 of the State Licensing Authority; or

422 b. An administrator of the Licensing Authority or their designee.

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

425 4. The Commission may recommend removal or suspension of any
426 delegate from office.

427 5. A Member State's Licensing Authority shall fill any vacancy of its
428 delegate occurring on the Commission within 60 days of the vacancy.

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

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

434 8. The Commission shall meet at least once during each calendar year.
435 Additional meetings may be held as set forth in the bylaws. The
436 Commission may meet by telecommunication, video conference or other
437 similar electronic means.

438 C. The Commission shall have the following powers:

439 1. Establish the fiscal year of the Commission;

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

441 3. Establish and amend Rules and bylaws;

- 442 4. Maintain its financial records in accordance with the bylaws;
- 443 5. Meet and take such actions as are consistent with the provisions of this
444 Compact, the Commission's Rules, and the bylaws;
- 445 6. Initiate and conclude legal proceedings or actions in the name of the
446 Commission, provided that the standing of any Licensing Authority to sue
447 or be sued under applicable law shall not be affected;
- 448 7. Maintain and certify records and information provided to a Member State
449 as the authenticated business records of the Commission, and designate
450 an agent to do so on the Commission's behalf;
- 451 8. Purchase and maintain insurance and bonds;
- 452 9. Borrow, accept, or contract for services of personnel, including, but not
453 limited to, employees of a Member State;
- 454 10. Conduct an annual financial review
- 455 11. Hire employees, elect or appoint officers, fix compensation, define
456 duties, grant such individuals appropriate authority to carry out the
457 purposes of the Compact, and establish the Commission's personnel
458 policies and programs relating to conflicts of interest, qualifications of
459 personnel, and other related personnel matters;
- 460 12. Assess and collect fees;
- 461 13. Accept any and all appropriate gifts, donations, grants of money, other
462 sources of revenue, equipment, supplies, materials, and services, and
463 receive, utilize, and dispose of the same; provided that at all times the
464 Commission shall avoid any appearance of impropriety or conflict of
465 interest;
- 466 14. Lease, purchase, retain, own, hold, improve, or use any property, real,
467 personal, or mixed, or any undivided interest therein;
- 468 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
469 dispose of any property real, personal, or mixed;
- 470 16. Establish a budget and make expenditures;
- 471 17. Borrow money;
- 472 18. Appoint committees, including standing committees, composed of
473 members, State regulators, State legislators or their representatives, and
474 consumer representatives, and such other interested persons as may be
475 designated in this Compact and the bylaws;
- 476 19. Provide and receive information from, and cooperate with, law
477 enforcement agencies;

- 478 20. Establish and elect an Executive Committee, including a chair and a vice
479 chair;
- 480 21. Determine whether a State's adopted language is materially different
481 from the model compact language such that the State would not qualify
482 for participation in the Compact; and
- 483 22. Perform such other functions as may be necessary or appropriate to
484 achieve the purposes of this Compact.

485 D. The Executive Committee

- 486 1. The Executive Committee shall have the power to act on behalf of the
487 Commission according to the terms of this Compact. The powers, duties,
488 and responsibilities of the Executive Committee shall include:
- 489 a. Oversee the day-to-day activities of the administration of the compact
490 including enforcement and compliance with the provisions of the
491 compact, its Rules and bylaws, and other such duties as deemed
492 necessary;
- 493 b. Recommend to the Commission changes to the Rules or bylaws,
494 changes to this Compact legislation, fees charged to Compact
495 Member States, fees charged to Licensees, and other fees;
- 496 c. Ensure Compact administration services are appropriately provided,
497 including by contract;
- 498 d. Prepare and recommend the budget;
- 499 e. Maintain financial records on behalf of the Commission;
- 500 f. Monitor Compact compliance of Member States and provide
501 compliance reports to the Commission;
- 502 g. Establish additional committees as necessary;
- 503 h. Exercise the powers and duties of the Commission during the interim
504 between Commission meetings, except for adopting or amending
505 Rules, adopting or amending bylaws, and exercising any other
506 powers and duties expressly reserved to the Commission by Rule or
507 bylaw; and
- 508 i. Other duties as provided in the Rules or bylaws of the Commission.
- 509 2. The Executive Committee shall be composed of up to eleven (11)
510 members:
- 511 a. The chair and vice chair of the Commission shall be voting members
512 of the Executive Committee; and

- 513 b. The Commission shall elect five voting members from the current
514 membership of the Commission.
- 515 c. Up to four (4) ex-officio, nonvoting members from four (4) recognized
516 national Social Work organizations.
- 517 d. The ex-officio members will be selected by their respective
518 organizations.
- 519 3. The Commission may remove any member of the Executive Committee
520 as provided in the Commission's bylaws.
- 521 4. The Executive Committee shall meet at least annually.
- 522 a. Executive Committee meetings shall be open to the public, except
523 that the Executive Committee may meet in a closed, non-public
524 meeting as provided in subsection F.2 below.
- 525 b. The Executive Committee shall give seven (7) days' notice of its
526 meetings, posted on its website and as determined to provide notice
527 to persons with an interest in the business of the Commission.
- 528 c. The Executive Committee may hold a special meeting in accordance
529 with subsection F.1.b. below.
- 530 E. The Commission shall adopt and provide to the Member States an annual report.
- 531 F. Meetings of the Commission
- 532 1. All meetings shall be open to the public, except that the Commission
533 may meet in a closed, non-public meeting as provided in subsection F.2
534 below.
- 535 a. Public notice for all meetings of the full Commission of meetings shall
536 be given in the same manner as required under the Rulemaking
537 provisions in Section 12, except that the Commission may hold a
538 special meeting as provided in subsection F.1.b below.
- 539 b. The Commission may hold a special meeting when it must meet to
540 conduct emergency business by giving 48 hours' notice to all
541 commissioners, on the Commission's website, and other means as
542 provided in the Commission's Rules. The Commission's legal
543 counsel shall certify that the Commission's need to meet qualifies as
544 an emergency.
- 545 2. The Commission or the Executive Committee or other committees of the
546 Commission may convene in a closed, non-public meeting for the
547 Commission or Executive Committee or other committees of the
548 Commission to receive legal advice or to discuss:

- 549 a. Non-compliance of a Member State with its obligations under the
550 Compact;
- 551 b. The employment, compensation, discipline or other matters,
552 practices or procedures related to specific employees;
- 553 c. Current or threatened discipline of a Licensee by the Commission or
554 by a Member State's Licensing Authority;
- 555 d. Current, threatened, or reasonably anticipated litigation;
- 556 e. Negotiation of contracts for the purchase, lease, or sale of goods,
557 services, or real estate;
- 558 f. Accusing any person of a crime or formally censuring any person;
- 559 g. Trade secrets or commercial or financial information that is privileged
560 or confidential;
- 561 h. Information of a personal nature where disclosure would constitute a
562 clearly unwarranted invasion of personal privacy;
- 563 i. Investigative records compiled for law enforcement purposes;
- 564 j. Information related to any investigative reports prepared by or on
565 behalf of or for use of the Commission or other committee charged
566 with responsibility of investigation or determination of compliance
567 issues pursuant to the Compact;
- 568 k. Matters specifically exempted from disclosure by federal or Member
569 State law; or
- 570 l. Other matters as promulgated by the Commission by Rule.
- 571 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall
572 state that the meeting will be closed and reference each relevant
573 exempting provision, and such reference shall be recorded in the
574 minutes.
- 575 4. The Commission shall keep minutes that fully and clearly describe all
576 matters discussed in a meeting and shall provide a full and accurate
577 summary of actions taken, and the reasons therefore, including a
578 description of the views expressed. All documents considered in
579 connection with an action shall be identified in such minutes. All minutes
580 and documents of a closed meeting shall remain under seal, subject to
581 release only by a majority vote of the Commission or order of a court of
582 competent jurisdiction.
- 583 G. Financing of the Commission

- 584 1. The Commission shall pay, or provide for the payment of, the reasonable
585 expenses of its establishment, organization, and ongoing activities.
- 586 2. The Commission may accept any and all appropriate revenue sources
587 as provided in subsection C(13).
- 588 3. The Commission may levy on and collect an annual assessment from
589 each Member State and impose fees on Licensees of Member States to
590 whom it grants a Multistate License to cover the cost of the operations
591 and activities of the Commission and its staff, which must be in a total
592 amount sufficient to cover its annual budget as approved each year for
593 which revenue is not provided by other sources. The aggregate annual
594 assessment amount for Member States shall be allocated based upon a
595 formula that the Commission shall promulgate by Rule.
- 596 4. The Commission shall not incur obligations of any kind prior to securing
597 the funds adequate to meet the same; nor shall the Commission pledge
598 the credit of any of the Member States, except by and with the authority
599 of the Member State.
- 600 5. The Commission shall keep accurate accounts of all receipts and
601 disbursements. The receipts and disbursements of the Commission shall
602 be subject to the financial review and accounting procedures established
603 under its bylaws. However, all receipts and disbursements of funds
604 handled by the Commission shall be subject to an annual financial
605 review by a certified or licensed public accountant, and the report of the
606 financial review shall be included in and become part of the annual
607 report of the Commission.

608 H. Qualified Immunity, Defense, and Indemnification

- 609 1. The members, officers, executive director, employees and
610 representatives of the Commission shall be immune from suit and
611 liability, both personally and in their official capacity, for any claim for
612 damage to or loss of property or personal injury or other civil liability
613 caused by or arising out of any actual or alleged act, error, or omission
614 that occurred, or that the person against whom the claim is made had a
615 reasonable basis for believing occurred within the scope of Commission
616 employment, duties or responsibilities; provided that nothing in this
617 paragraph shall be construed to protect any such person from suit or
618 liability for any damage, loss, injury, or liability caused by the intentional
619 or willful or wanton misconduct of that person. The procurement of
620 insurance of any type by the Commission shall not in any way
621 compromise or limit the immunity granted hereunder.
- 622 2. The Commission shall defend any member, officer, executive director,
623 employee, and representative of the Commission in any civil action

624 seeking to impose liability arising out of any actual or alleged act, error,
625 or omission that occurred within the scope of Commission employment,
626 duties, or responsibilities, or as determined by the Commission that the
627 person against whom the claim is made had a reasonable basis for
628 believing occurred within the scope of Commission employment, duties,
629 or responsibilities; provided that nothing herein shall be construed to
630 prohibit that person from retaining their own counsel at their own
631 expense; and provided further, that the actual or alleged act, error, or
632 omission did not result from that person's intentional or willful or wanton
633 misconduct.

634 3. The Commission shall indemnify and hold harmless any member, officer,
635 executive director, employee, and representative of the Commission for
636 the amount of any settlement or judgment obtained against that person
637 arising out of any actual or alleged act, error, or omission that occurred
638 within the scope of Commission employment, duties, or responsibilities,
639 or that such person had a reasonable basis for believing occurred within
640 the scope of Commission employment, duties, or responsibilities,
641 provided that the actual or alleged act, error, or omission did not result
642 from the intentional or willful or wanton misconduct of that person.

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

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

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

653 **SECTION 11. DATA SYSTEM**

654 A. The Commission shall provide for the development, maintenance, operation, and
655 utilization of a coordinated Data System.

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

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

661 1. Identifying information;

662 2. Licensure data;

- 663 3. Adverse Actions against a license and information related thereto;
664 4. Non-confidential information related to Alternative Program participation,
665 the beginning and ending dates of such participation, and other
666 information related to such participation not made confidential under
667 Member State law;
668 5. Any denial of application for licensure, and the reason(s) for such denial;
669 6. The presence of Current Significant Investigative Information; and
670 7. Other information that may facilitate the administration of this Compact
671 or the protection of the public, as determined by the Rules of the
672 Commission.

673 D. The records and information provided to a Member State pursuant to this
674 Compact or through the Data System, when certified by the Commission or an
675 agent thereof, shall constitute the authenticated business records of the
676 Commission, and shall be entitled to any associated hearsay exception in any
677 relevant judicial, quasi-judicial or administrative proceedings in a Member State.

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

680 1. It is the responsibility of the Member States to report any Adverse Action
681 against a Licensee and to monitor the database to determine whether
682 Adverse Action has been taken against a Licensee. Adverse Action
683 information pertaining to a Licensee in any Member State will be
684 available to any other Member State.

685 F. Member States contributing information to the Data System may designate
686 information that may not be shared with the public without the express
687 permission of the contributing State.

688 G. Any information submitted to the Data System that is subsequently expunged
689 pursuant to federal law or the laws of the Member State contributing the
690 information shall be removed from the Data System.

691 **SECTION 12. RULEMAKING**

692 A. The Commission shall promulgate reasonable Rules in order to effectively and
693 efficiently implement and administer the purposes and provisions of the
694 Compact. A Rule shall be invalid and have no force or effect only if a court of
695 competent jurisdiction holds that the Rule is invalid because the Commission
696 exercised its rulemaking authority in a manner that is beyond the scope and
697 purposes of the Compact, or the powers granted hereunder, or based upon
698 another applicable standard of review.

699 B. The Rules of the Commission shall have the force of law in each Member State,
700 provided however that where the Rules of the Commission conflict with the laws

- 701 of the Member State that establish the Member State's laws, regulations, and
702 applicable standards that govern the practice of Social Work as held by a court of
703 competent jurisdiction, the Rules of the Commission shall be ineffective in that
704 State to the extent of the conflict.
- 705 C. The Commission shall exercise its Rulemaking powers pursuant to the criteria
706 set forth in this Section and the Rules adopted thereunder. Rules shall become
707 binding on the day following adoption or the date specified in the rule or
708 amendment, whichever is later.
- 709 D. If a majority of the legislatures of the Member States rejects a Rule or portion of a
710 Rule, by enactment of a statute or resolution in the same manner used to adopt
711 the Compact within four (4) years of the date of adoption of the Rule, then such
712 Rule shall have no further force and effect in any Member State.
- 713 E. Rules shall be adopted at a regular or special meeting of the Commission.
- 714 F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing
715 and allow persons to provide oral and written comments, data, facts, opinions,
716 and arguments.
- 717 G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30)
718 days in advance of the meeting at which the Commission will hold a public
719 hearing on the proposed Rule, the Commission shall provide a Notice of
720 Proposed Rulemaking:
- 721 1. On the website of the Commission or other publicly accessible platform;
 - 722 2. To persons who have requested notice of the Commission's notices of
723 proposed rulemaking, and
 - 724 3. In such other way(s) as the Commission may by Rule specify.
- 725 H. The Notice of Proposed Rulemaking shall include:
- 726 1. The time, date, and location of the public hearing at which the
727 Commission will hear public comments on the proposed Rule and, if
728 different, the time, date, and location of the meeting where the
729 Commission will consider and vote on the proposed Rule;
 - 730 2. If the hearing is held via telecommunication, video conference, or other
731 electronic means, the Commission shall include the mechanism for
732 access to the hearing in the Notice of Proposed Rulemaking;
 - 733 3. The text of the proposed Rule and the reason therefor;
 - 734 4. A request for comments on the proposed Rule from any interested
735 person; and
 - 736 5. The manner in which interested persons may submit written comments.

- 737 I. All hearings will be recorded. A copy of the recording and all written comments
738 and documents received by the Commission in response to the proposed Rule
739 shall be available to the public.
- 740 J. Nothing in this section shall be construed as requiring a separate hearing on each
741 Rule. Rules may be grouped for the convenience of the Commission at hearings
742 required by this section.
- 743 K. The Commission shall, by majority vote of all members, take final action on the
744 proposed Rule based on the Rulemaking record and the full text of the Rule.
- 745 1. The Commission may adopt changes to the proposed Rule provided the
746 changes do not enlarge the original purpose of the proposed Rule.
- 747 2. The Commission shall provide an explanation of the reasons for
748 substantive changes made to the proposed Rule as well as reasons for
749 substantive changes not made that were recommended by commenters.
- 750 3. The Commission shall determine a reasonable effective date for the
751 Rule. Except for an emergency as provided in Section 12.L, the effective
752 date of the rule shall be no sooner than 30 days after issuing the notice
753 that it adopted or amended the Rule.
- 754 L. Upon determination that an emergency exists, the Commission may consider and
755 adopt an emergency Rule with 48 hours' notice, with opportunity to comment,
756 provided that the usual Rulemaking procedures provided in the Compact and in
757 this section shall be retroactively applied to the Rule as soon as reasonably
758 possible, in no event later than ninety (90) days after the effective date of the
759 Rule. For the purposes of this provision, an emergency Rule is one that must be
760 adopted immediately in order to:
- 761 1. Meet an imminent threat to public health, safety, or welfare;
- 762 2. Prevent a loss of Commission or Member State funds;
- 763 3. Meet a deadline for the promulgation of a Rule that is established by
764 federal law or rule; or
- 765 4. Protect public health and safety.
- 766 M. The Commission or an authorized committee of the Commission may direct
767 revisions to a previously adopted Rule for purposes of correcting typographical
768 errors, errors in format, errors in consistency, or grammatical errors. Public notice
769 of any revisions shall be posted on the website of the Commission. The revision
770 shall be subject to challenge by any person for a period of thirty (30) days after
771 posting. The revision may be challenged only on grounds that the revision results
772 in a material change to a Rule. A challenge shall be made in writing and
773 delivered to the Commission prior to the end of the notice period. If no challenge
774 is made, the revision will take effect without further action. If the revision is

775 challenged, the revision may not take effect without the approval of the
776 Commission.

777 N. No Member State’s rulemaking requirements shall apply under this compact.

778 **SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

779 A. Oversight

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

783 2. Except as otherwise provided in this Compact, venue is proper and
784 judicial proceedings by or against the Commission shall be brought
785 solely and exclusively in a court of competent jurisdiction where the
786 principal office of the Commission is located. The Commission may
787 waive venue and jurisdictional defenses to the extent it adopts or
788 consents to participate in alternative dispute resolution proceedings.
789 Nothing herein shall affect or limit the selection or propriety of venue in
790 any action against a Licensee for professional malpractice, misconduct
791 or any such similar matter.

792 3. The Commission shall be entitled to receive service of process in any
793 proceeding regarding the enforcement or interpretation of the Compact
794 and shall have standing to intervene in such a proceeding for all
795 purposes. Failure to provide the Commission service of process shall
796 render a judgment or order void as to the Commission, this Compact, or
797 promulgated Rules.

798 B. Default, Technical Assistance, and Termination

799 1. If the Commission determines that a Member State has defaulted in the
800 performance of its obligations or responsibilities under this Compact or
801 the promulgated Rules, the Commission shall provide written notice to
802 the defaulting State. The notice of default shall describe the default, the
803 proposed means of curing the default, and any other action that the
804 Commission may take, and shall offer training and specific technical
805 assistance regarding the default.

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

808 C. If a State in default fails to cure the default, the defaulting State may be
809 terminated from the Compact upon an affirmative vote of a majority of the
810 delegates of the Member States, and all rights, privileges and benefits conferred
811 on that State by this Compact may be terminated on the effective date of
812 termination. A cure of the default does not relieve the offending State of
813 obligations or liabilities incurred during the period of default.

- 814 D. Termination of membership in the Compact shall be imposed only after all other
815 means of securing compliance have been exhausted. Notice of intent to suspend
816 or terminate shall be given by the Commission to the governor, the majority and
817 minority leaders of the defaulting State's legislature, the defaulting State's State
818 Licensing Authority and each of the Member States' Licensing Authority.
- 819 E. A State that has been terminated is responsible for all assessments, obligations,
820 and liabilities incurred through the effective date of termination, including
821 obligations that extend beyond the effective date of termination.
- 822 F. Upon the termination of a State's membership from this Compact, that State shall
823 immediately provide notice to all Licensees within that State of such termination.
824 The terminated State shall continue to recognize all licenses granted pursuant to
825 this Compact for a minimum of six (6) months after the date of said notice of
826 termination.
- 827 G. The Commission shall not bear any costs related to a State that is found to be in
828 default or that has been terminated from the Compact, unless agreed upon in
829 writing between the Commission and the defaulting State.
- 830 H. The defaulting State may appeal the action of the Commission by petitioning the
831 U.S. District Court for the District of Columbia or the federal district where the
832 Commission has its principal offices. The prevailing party shall be awarded all
833 costs of such litigation, including reasonable attorney's fees.

834 I. Dispute Resolution

- 835 1. Upon request by a Member State, the Commission shall attempt to
836 resolve disputes related to the Compact that arise among Member
837 States and between Member and non-Member States.
- 838 2. The Commission shall promulgate a Rule providing for both mediation
839 and binding dispute resolution for disputes as appropriate.

840 J. Enforcement

- 841 1. By majority vote as provided by Rule, the Commission may initiate legal
842 action against a Member State in default in the United States District
843 Court for the District of Columbia or the federal district where the
844 Commission has its principal offices to enforce compliance with the
845 provisions of the Compact and its promulgated Rules. The relief sought
846 may include both injunctive relief and damages. In the event judicial
847 enforcement is necessary, the prevailing party shall be awarded all costs
848 of such litigation, including reasonable attorney's fees. The remedies
849 herein shall not be the exclusive remedies of the Commission. The
850 Commission may pursue any other remedies available under federal or
851 the defaulting Member State's law.

- 852 2. A Member State may initiate legal action against the Commission in the
853 U.S. District Court for the District of Columbia or the federal district
854 where the Commission has its principal offices to enforce compliance
855 with the provisions of the Compact and its promulgated Rules. The relief
856 sought may include both injunctive relief and damages. In the event
857 judicial enforcement is necessary, the prevailing party shall be awarded
858 all costs of such litigation, including reasonable attorney's fees.
- 859 3. No person other than a Member State shall enforce this compact against
860 the Commission.

861 **SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

- 862 A. The Compact shall come into effect on the date on which the Compact statute is
863 enacted into law in the seventh Member State.
- 864 1. On or after the effective date of the Compact, the Commission shall
865 convene and review the enactment of each of the first seven Member
866 States ("Charter Member States") to determine if the statute enacted by
867 each such Charter Member State is materially different than the model
868 Compact statute.
- 869 a. A Charter Member State whose enactment is found to be
870 materially different from the model Compact statute shall be
871 entitled to the default process set forth in Section 13.
- 872 b. If any Member State is later found to be in default, or is
873 terminated or withdraws from the Compact, the Commission
874 shall remain in existence and the Compact shall remain in effect
875 even if the number of Member States should be less than seven.
- 876 2. Member States enacting the Compact subsequent to the seven initial
877 Charter Member States shall be subject to the process set forth in
878 Section 10(C)(21) to determine if their enactments are materially
879 different from the model Compact statute and whether they qualify for
880 participation in the Compact.
- 881 3. All actions taken for the benefit of the Commission or in furtherance of
882 the purposes of the administration of the Compact prior to the effective
883 date of the Compact or the Commission coming into existence shall be
884 considered to be actions of the Commission unless specifically
885 repudiated by the Commission.
- 886 4. Any State that joins the Compact subsequent to the Commission's initial
887 adoption of the Rules and bylaws shall be subject to the Rules and
888 bylaws as they exist on the date on which the Compact becomes law in
889 that State. Any Rule that has been previously adopted by the

890 Commission shall have the full force and effect of law on the day the
891 Compact becomes law in that State.

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

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

896 2. Withdrawal shall not affect the continuing requirement of the withdrawing
897 State's Licensing Authority to comply with the investigative and Adverse
898 Action reporting requirements of this Compact prior to the effective date
899 of withdrawal.

900 3. Upon the enactment of a statute withdrawing from this compact, a State
901 shall immediately provide notice of such withdrawal to all Licensees
902 within that State. Notwithstanding any subsequent statutory enactment to
903 the contrary, such withdrawing State shall continue to recognize all
904 licenses granted pursuant to this compact for a minimum of 180 days
905 after the date of such notice of withdrawal.

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

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

913 **SECTION 15. CONSTRUCTION AND SEVERABILITY**

914 A. This Compact and the Commission's rulemaking authority shall be liberally
915 construed so as to effectuate the purposes, and the implementation and
916 administration of the Compact. Provisions of the Compact expressly authorizing
917 or requiring the promulgation of Rules shall not be construed to limit the
918 Commission's rulemaking authority solely for those purposes.

919 B. The provisions of this Compact shall be severable and if any phrase, clause,
920 sentence or provision of this Compact is held by a court of competent jurisdiction
921 to be contrary to the constitution of any Member State, a State seeking
922 participation in the Compact, or of the United States, or the applicability thereof to
923 any government, agency, person or circumstance is held to be unconstitutional
924 by a court of competent jurisdiction, the validity of the remainder of this Compact
925 and the applicability thereof to any other government, agency, person or
926 circumstance shall not be affected thereby.

927 C. Notwithstanding subsection B of this section, the Commission may deny a
928 State's participation in the Compact or, in accordance with the requirements of

929 Section 13.B, terminate a Member State's participation in the Compact, if it
930 determines that a constitutional requirement of a Member State is a material
931 departure from the Compact. Otherwise, if this Compact shall be held to be
932 contrary to the constitution of any Member State, the Compact shall remain in full
933 force and effect as to the remaining Member States and in full force and effect as
934 to the Member State affected as to all severable matters.

935 **SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS**

936 A. A Licensee providing services in a Remote State under a Multistate Authorization
937 to Practice shall adhere to the laws and regulations, including laws, regulations,
938 and applicable standards, of the Remote State where the client is located at the
939 time care is rendered.

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

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

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

946

To the State Board Governing Social Work Practice:

The Veteran's Health Administration (VHA) National Social Work Program is seeking information from State Licensing Boards on the ability of licensed social workers within the State's jurisdiction to carry and administer Narcan/Naloxone.

Background: According to the [CDC](#), the national number of drug overdose deaths per month has continued to rise, from over 47,000 in Jan 2015 to over 108,000 in Feb 2022. Most states continue to see increased percentages in deaths from drug overdoses. The CDC predicts drug overdose deaths in most states to increase between approximately 3% and 25% depending on the state.

In 2018 the Surgeon General of the United States, issued an [Advisory on Naloxone and Opioid Overdose](#) in which states "knowing how to use naloxone and keeping it within reach can save a life" and "increasing the availability and targeted distribution of naloxone is a critical component of our efforts to reduce opioid-related overdose deaths." In March 2023, the [Food and Drug Administration](#), "approved Narcan, 4 milligram naloxone hydrochloride nasal spray for over-the-counter, nonprescription, use" which "paves the way for the life-saving medication to reverse an opioid overdose to be sold directly to consumers."

Point of Contact: Please direct questions to the VHA National Social Work Program Office, through email to [VHA SW Naloxone](#).

Request:

1. Complete only one of the following statements and sign below to include the date and title of the signer (the Director, President or other Board leadership).
2. Return the signed document to [VHA SW Naloxone](#).

- The State of _____ Social Work Licensing Board concurs, social workers in this state can carry and administer Narcan/Naloxone.
- The State of _____ Social Work Licensing Board concurs, social workers in this state can carry and administer Narcan/Naloxone, only if the social worker has completed education and training in order to do so.
- The State of _____ Social Work Licensing Board does not concur social workers in this state can carry and administer Narcan/Naloxone under any circumstances.

Signature: _____ Date: _____

Printed Name: _____

Title: _____, State Board Governing Social Work Practice