



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-1704/1

MED:emw

2025 ASSEMBLY BILL 80

February 28, 2025 - Introduced by Representatives VANDERMEER, TITTL, ANDERSON, BARE, DITTRICH, DOYLE, EMERSON, FRANKLIN, GREEN, GUNDRUM, J. JACOBSON, JOERS, JOHNSON, KNODL, MELOTIK, MIRESSE, MOORE OMOKUNDE, MURSAU, NOVAK, O'CONNOR, PHELPS, ROE, SINICKI, SNYDER, STUBBS, UDELL and VINING, cosponsored by Senators STAFSHOLT, CABRAL-GUEVARA, CARPENTER, DASSLER-ALFHEIM, DRAKE, JAMES, KEYESKI, LARSON, PFAFF, SPREITZER, WALL and RATCLIFF. Referred to Committee on Children and Families.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber* 457.25 (1); *to amend* 46.90 (4) (ab) 4., 48.56 (2), 48.561
2 (2), 49.45 (30j) (a) 1., 51.03 (6) (a), 55.043 (1m) (a) 4., 146.81 (1) (hg), 146.89 (1)
3 (r) 6., 146.89 (1) (r) 7., 146.997 (1) (d) 11., 252.14 (1) (ar) 7., 252.15 (1) (er),
4 253.10 (2) (f), 303.08 (1) (f), 440.03 (13) (b) (intro.), 440.15, 446.01 (1v) (m),
5 450.10 (3) (a) 10., 457.01 (1c), 457.01 (1r), 457.01 (10), 457.02 (5) and (5m),
6 457.03 (2), 457.033, 457.035 (2), 457.04 (1), 457.04 (2), 457.04 (4), 457.04 (7),
7 457.09 (4) (b) 1., 457.09 (4) (b) 2., 457.24 (1), 457.26 (2) (intro.) and 905.04 (1)
8 (g); *to repeal and recreate* 632.89 (1) (dm); *to create* 14.898, 440.03 (11m) (c)
9 2v., 440.03 (13) (c) 1. id., 457.01 (5g), 457.01 (5j), 457.01 (12), 457.08 (4m),
10 457.25 (1g) and subchapter III of chapter 457 [precedes 457.70] of the statutes;
11 **relating to:** ratification of the Social Work Licensure Compact.

Analysis by the Legislative Reference Bureau

This bill ratifies and enters Wisconsin into the Social Work Licensure Compact, which provides for the ability of a social worker to become eligible to

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practice in other compact states. Significant provisions of the compact include the following:

1. The creation of a Social Work Licensure Compact Commission, which includes one member or administrator of the licensure authorities of each member state. The commission has various powers and duties granted in the compact, including establishing bylaws, promulgating binding rules for the compact, hiring officers, electing or appointing employees, and establishing and electing an executive committee. The commission may levy on and collect an annual assessment from each member state or impose fees on licensees of member states to cover the cost of the operations and activities of the commission and its staff.

2. The ability for a social worker who is licensed in a home state and satisfies certain other criteria to obtain a multistate license, which allows a social worker to practice social work in all other compact states (remote states) under a multistate authorization to practice. The compact specifies a number of requirements in order for an individual to obtain a social worker multistate license, including holding or being eligible for a social worker license in a home state, paying any required fees, and satisfying a number of criteria that are specific to the category of social work license the individual is seeking—bachelor's, master's, or clinical. A regulated social worker's services in a remote state are subject to that member state's regulatory authority. A remote state may take actions against a social worker's multistate authorization to practice within that remote state, and if any adverse action is taken by a home state against a licensee's multistate license, the social worker's multistate authorization to practice in all other member states is deactivated until all encumbrances have been removed from the multistate license.

3. The ability of member states to issue subpoenas that are enforceable in other states.

4. The creation of a coordinated data system containing licensure and disciplinary action information on social workers. The compact requires all home state disciplinary orders that impose adverse actions against the license of a regulated social worker to include a statement that the regulated social worker's multistate authorization to practice is deactivated in all member states until all conditions of the decision, order, or agreement are satisfied. A member state must submit a uniform data set to the data system on all individuals to whom the compact is applicable as required by the rules of the commission.

5. Provisions regarding resolutions of disputes among member states and between member and nonmember states, including a process for termination of a state's membership in the compact if the state defaults on its obligations under the compact.

Since the compact has already been enacted by the minimum number of states required for it to become active, the compact becomes effective in this state upon enactment of the bill. The compact provides that it may be amended upon enactment of an amendment by all member states. A state may withdraw from the compact by repealing the statute authorizing the compact, but the compact provides

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that a withdrawal does not take effect until 180 days after the effective date of that repeal.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 14.898 of the statutes is created to read:

2 **14.898 Social work licensure compact.** There is created a social work
3 licensure compact commission as specified in s. 457.70. The delegate on the
4 commission representing this state shall be appointed by the marriage and family
5 therapy, professional counseling, and social work examining board as provided in s.
6 457.70 (10) (b) 1. and shall be an individual described in s. 457.70 (10) (b) 2. a. or b.
7 The commission has the powers and duties granted and imposed under s. 457.70.

8 **SECTION 2.** 46.90 (4) (ab) 4. of the statutes is amended to read:

9 46.90 (4) (ab) 4. A social worker, professional counselor, or marriage and
10 family therapist ~~certified under, as those terms are defined in subch. I of ch. 457 or~~
11 ~~a professional counselor who is exercising the privilege to practice, as defined in s.~~
12 ~~457.50 (2) (s), in this state.~~

13 **SECTION 3.** 48.56 (2) of the statutes is amended to read:

14 48.56 (2) Each county department shall employ personnel who devote all or
15 part of their time to child welfare services. Whenever possible, these personnel
16 shall be social workers ~~certified under subch. I of ch. 457, as defined in s. 457.01~~
17 (10).

18 **SECTION 4.** 48.561 (2) of the statutes is amended to read:

19 48.561 (2) The department shall employ personnel in a county having a

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1 population of 750,000 or more who devote all of their time directly or indirectly to
2 child welfare services. Whenever possible, these personnel shall be social workers
3 ~~certified under subch. I of ch. 457, as defined in s. 457.01 (10).~~

4 **SECTION 5.** 49.45 (30j) (a) 1. of the statutes is amended to read:

5 49.45 **(30j)** (a) 1. “Competent mental health professional” means a physician
6 who has completed a residence in psychiatry; a psychologist; a private practice
7 school psychologist who is licensed under ch. 455; a marriage and family therapist
8 who is licensed under s. 457.10 or 457.11; a professional counselor ~~who is licensed~~
9 ~~under s. 457.12 or 457.13 or who is exercising the professional counselor privilege to~~
10 ~~practice, as defined in s. 457.50 (2) (s) 457.01 (7), in this state; an advanced practice~~
11 ~~social worker who holds a certificate under s. 457.08 (2), as defined in s. 457.01 (1c);~~
12 ~~an independent social worker who holds a certificate under s. 457.08 (3), as defined~~
13 ~~in s. 457.01 (2g); a clinical social worker who is licensed under s. 457.08 (4), as~~
14 ~~defined in s. 457.01 (1r); a clinical substance abuse counselor or independent~~
15 ~~clinical supervisor who is certified under s. 440.88, or any of these individuals who~~
16 ~~is practicing under a currently valid training or temporary license or certificate~~
17 ~~granted under applicable provisions of ch. 457. “Competent mental health~~
18 ~~professional” does not include an individual whose license, certificate, or privilege~~
19 ~~is suspended, revoked, or voluntarily surrendered, or whose license, certificate, or~~
20 ~~privilege is limited or restricted, when practicing in areas prohibited by the~~
21 ~~limitation or restriction.~~

22 **SECTION 6.** 51.03 (6) (a) of the statutes is amended to read:

23 51.03 **(6)** (a) In this subsection, “licensed treatment professional” means a
24 physician who has completed a residence in psychiatry; a psychologist; a private

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1 practice school psychologist who is licensed under ch. 455; a marriage and family
2 therapist ~~who is licensed under s. 457.10 or 457.11, as defined in s. 457.01 (3); a~~
3 professional counselor ~~who is licensed under s. 457.12 or 457.13 or who is exercising~~
4 ~~the professional counselor privilege to practice, as defined in s. 457.50 (2) (s), in this~~
5 ~~state, as defined in s. 457.01 (7); an advanced practice social worker who holds a~~
6 ~~certificate under s. 457.08 (2), as defined in s. 457.01 (1c); an independent social~~
7 ~~worker who is licensed under s. 457.08 (3), as defined in s. 457.01 (2g); a clinical~~
8 ~~social worker who is licensed under s. 457.08 (4), as defined in s. 457.01 (1r); or any~~
9 of these individuals who is practicing under a currently valid training or temporary
10 license or certificate granted under applicable provisions of ch. 457. “Licensed
11 treatment professional” does not include an individual whose license, certificate, or
12 privilege is suspended, revoked, or voluntarily surrendered, or whose license,
13 certificate, or privilege is limited or restricted, when practicing in areas prohibited
14 by the limitation or restriction.

15 **SECTION 7.** 55.043 (1m) (a) 4. of the statutes is amended to read:

16 55.043 (1m) (a) 4. A social worker, professional counselor, or marriage and
17 family therapist ~~certified under, as those terms are defined in subch. I of ch. 457 or~~
18 ~~a professional counselor who is exercising the privilege to practice, as defined in s.~~
19 ~~457.50 (2) (s), in this state.~~

20 **SECTION 8.** 146.81 (1) (hg) of the statutes is amended to read:

21 146.81 (1) (hg) A social worker, marriage and family therapist, or professional
22 counselor ~~certified or licensed under, as those terms are defined in subch. I of ch.~~
23 ~~457 or a professional counselor who is exercising the privilege to practice, as defined~~
24 ~~in s. 457.50 (2) (s), in this state.~~

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SECTION 9. 146.89 (1) (r) 6. of the statutes is amended to read:

146.89 (1) (r) 6. A social worker ~~who holds a certificate granted under subch. I of ch. 457,~~ as defined in s. 457.01 (10).

SECTION 10. 146.89 (1) (r) 7. of the statutes is amended to read:

146.89 (1) (r) 7. A marriage and family therapist ~~who is licensed under subch. I of ch. 457,~~ as defined in s. 457.01 (3) or a professional counselor ~~who is licensed under subch. I of ch. 457,~~ as defined in s. 457.01 (7).

SECTION 11. 146.997 (1) (d) 11. of the statutes is amended to read:

146.997 (1) (d) 11. A social worker, marriage and family therapist or professional counselor ~~certified under, as those terms are defined in subch. I of ch. 457 or a professional counselor who is exercising the privilege to practice, as defined in s. 457.50 (2) (s), in this state.~~

SECTION 12. 252.14 (1) (ar) 7. of the statutes is amended to read:

252.14 (1) (ar) 7. A social worker, marriage and family therapist, or professional counselor ~~certified or licensed under, as those terms are defined in subch. I of ch. 457 or a professional counselor who is exercising the privilege to practice, as defined in s. 457.50 (2) (s), in this state.~~

SECTION 13. 252.15 (1) (er) of the statutes is amended to read:

252.15 (1) (er) “Social worker” means an individual who is ~~certified or licensed as~~ a social worker, advanced practice social worker, independent social worker, or clinical social worker ~~under,~~ as those terms are defined in subch. I of ch. 457.

SECTION 14. 253.10 (2) (f) of the statutes is amended to read:

253.10 (2) (f) “Qualified person assisting the physician” means a social

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1 worker ~~certified under subch. I of ch. 457~~, as defined in s. 457.01 (10), a registered
2 nurse or a physician assistant to whom a physician who is to perform or induce an
3 abortion has delegated the responsibility, as the physician's agent, for providing the
4 information required under sub. (3) (c) 2.

5 **SECTION 15.** 303.08 (1) (f) of the statutes is amended to read:

6 303.08 (1) (f) Obtaining counseling or therapy from an approved public
7 treatment facility, as defined in s. 51.45 (2) (c), an approved private treatment
8 facility, as defined in s. 51.45 (2) (b), a psychiatrist, a psychologist, a ~~licensed~~
9 clinical social worker, as defined in s. 457.01 (1r), a professional counselor, as
10 defined in s. 457.01 (7), or ~~a certified~~ an independent social worker, as defined in s.
11 457.01 (2g), or an advanced practice social worker, as defined in s. 457.01 (1c), who
12 is authorized to practice psychotherapy under subch. I of ch. 457.

13 **SECTION 16.** 440.03 (11m) (c) 2v. of the statutes is created to read:

14 440.03 (11m) (c) 2v. The coordinated data system under s. 457.70 (11), if such
15 disclosure is required under the social work licensure compact under s. 457.70.

16 **SECTION 17.** 440.03 (13) (b) (intro.) of the statutes is amended to read:

17 440.03 (13) (b) (intro.) The department may investigate whether an applicant
18 for or holder of any of the following credentials has been charged with or convicted
19 of a crime only pursuant to rules promulgated by the department under this
20 paragraph, including rules that establish the criteria that the department will use
21 to determine whether an investigation under this paragraph is necessary, except as
22 provided in par. (c) and ss. 441.51 (5) (a) 5., 447.50 (3) (a) 5., 448.980 (5) (b) 3.,
23 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b) 2. a., 448.988 (3) (a) 5., 455.50 (3) (e)

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1 4. and (f) 4., 457.50 (3) (b) 3. and (5) (b) 2. a., 457.70 (3) (b) 4. and (7) (b) 3., and
2 459.70 (3) (b) 2.:

3 **SECTION 18.** 440.03 (13) (c) 1. id. of the statutes is created to read:

4 440.03 (13) (c) 1. id. An applicant for any category of social worker multistate
5 license under s. 457.08 (4m) when required pursuant to the social work licensure
6 compact under s. 457.70.

7 **SECTION 19.** 440.15 of the statutes is amended to read:

8 **440.15 No fingerprinting.** Except as provided under ss. 440.03 (13) (c),
9 441.51 (5) (a) 5., 447.50 (3) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a)
10 5. a. and (5) (b) 2. a., 448.988 (3) (a) 5., 450.071 (3) (c) 9., 450.075 (3) (c) 9., 455.50 (3)
11 (e) 4. and (f) 4., 457.50 (3) (b) 3. and (5) (b) 2. a., 457.70 (3) (b) 4. and (7) (b) 3., and
12 459.70 (3) (b) 1., the department or a credentialing board may not require that an
13 applicant for a credential or a credential holder be fingerprinted or submit
14 fingerprints in connection with the department's or the credentialing board's
15 credentialing.

16 **SECTION 20.** 446.01 (1v) (m) of the statutes is amended to read:

17 446.01 (1v) (m) Marriage and family therapy, professional counseling, and
18 social work examining board under subch. I of ch. 457. "Health care professional"
19 also includes an individual who is exercising the professional counselor privilege to
20 practice, as defined in s. 457.50 (2) (s), in this state and an individual who is
21 exercising a multistate authorization to practice, as defined in s. 457.70 (2) (q),
22 under any category of social worker multistate license, as defined in s. 457.70 (2) (r),
23 in this state.

24 **SECTION 21.** 450.10 (3) (a) 10. of the statutes is amended to read:

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1 450.10 (3) (a) 10. A social worker, marriage and family therapist, or
2 professional counselor ~~certified or licensed under, as those terms are defined in~~
3 subch. I of ch. 457 ~~or a professional counselor who is exercising the privilege to~~
4 ~~practice, as defined in s. 457.50 (2) (s), in this state.~~

5 **SECTION 22.** 457.01 (1c) of the statutes is amended to read:

6 457.01 (1c) “Advanced practice social worker” means an individual who holds
7 an advanced practice social worker certificate granted by the social worker section
8 or who is exercising a multistate authorization to practice under a master’s-
9 category multistate license.

10 **SECTION 23.** 457.01 (1r) of the statutes is amended to read:

11 457.01 (1r) “Clinical social worker” means an individual who holds a license
12 to practice clinical social work granted by the social worker section or who is
13 exercising a multistate authorization to practice under a clinical-category
14 multistate license.

15 **SECTION 24.** 457.01 (5g) of the statutes is created to read:

16 457.01 (5g) “Multistate authorization to practice” means the multistate
17 authorization to practice, as defined in s. 457.70 (2) (q), of an individual to practice
18 the appropriate category of social work in this state under a multistate license
19 granted by another state that is a party to the social work licensure compact.

20 **SECTION 25.** 457.01 (5j) of the statutes is created to read:

21 457.01 (5j) “Multistate license” has the meaning given in s. 457.70 (2) (r).

22 **SECTION 26.** 457.01 (10) of the statutes is amended to read:

23 457.01 (10) “Social worker” means an individual who holds a social worker

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1 certificate granted by the social worker section or who is exercising a multistate
2 authorization to practice under a bachelor's-category multistate license.

3 **SECTION 27.** 457.01 (12) of the statutes is created to read:

4 457.01 (12) "Social work licensure compact" means the social work licensure
5 compact under s. 457.70.

6 **SECTION 28.** 457.02 (5) and (5m) of the statutes are amended to read:

7 457.02 (5) Authorize any individual who is certified under s. 457.08 (1),
8 457.09 (1), or 457.14 (1) (a) to (c) or who is exercising a multistate authorization to
9 practice to use the title "alcohol and drug counselor" or "chemical dependency
10 counselor" unless the individual is certified as an alcohol and drug counselor or as
11 a chemical dependency counselor through a process recognized by the department.

12 (5m) Authorize any individual who is certified under s. 457.08 (1), 457.09 (1),
13 or 457.14 (1) (a) to (c) or who is exercising a multistate authorization to practice to
14 treat substance use disorder as a specialty unless the individual is a certified
15 substance abuse counselor, clinical supervisor, or prevention specialist under s.
16 440.88, or unless the individual satisfies educational and supervised training
17 requirements established in rules promulgated by the examining board. In
18 promulgating rules under this subsection, the examining board shall consider the
19 requirements for qualifying as a certified substance abuse counselor, clinical
20 supervisor, or prevention specialist under s. 440.88.

21 **SECTION 29.** 457.03 (2) of the statutes is amended to read:

22 457.03 (2) Upon the advice of the social worker section, marriage and family
23 therapist section, and professional counselor section, promulgate rules establishing

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SECTION 29

1 a code of ethics to govern the professional conduct of ~~certificate~~ credential holders
2 and ~~licensees~~ individuals exercising a multistate authorization to practice. The
3 rules shall specify the services included within the practice of social work, advanced
4 practice social work, or independent social work that ~~an individual who is certified~~
5 ~~under this subchapter as~~ a social worker, advanced practice social worker, or
6 independent social worker may perform and the degree of supervision, if any,
7 required to perform those services.

8 **SECTION 30.** 457.033 of the statutes is amended to read:

9 **457.033 Psychometric testing.** The marriage and family therapy,
10 professional counseling, and social work examining board and the psychology
11 examining board shall jointly promulgate rules that specify the different levels of
12 psychometric testing that ~~an individual who is certified or licensed under this~~
13 ~~subchapter~~ a credential holder, or an individual who ~~holds a valid professional~~
14 ~~counselor privilege to practice in this state~~ is exercising a multistate authorization
15 to practice, is qualified to perform. Such rules shall be consistent with the
16 guidelines of the American Psychological Association, or other nationally
17 recognized guidelines, for performing psychometric testing. A ~~certificate~~ credential
18 ~~holder, licensee, or holder of a professional counselor privilege~~ or individual who is
19 exercising a multistate authorization to practice may not engage in psychometric
20 testing except as provided under the rules promulgated under this section.

21 **SECTION 31.** 457.035 (2) of the statutes is amended to read:

22 457.035 (2) The individual is ~~certified as~~ an advanced practice social worker
23 or independent social worker and ~~the individual~~ engages in psychotherapy only
24 under the supervision of an individual specified in s. 457.08 (4) (c) 1., 2., 3., or 4.

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SECTION 32. 457.04 (1) of the statutes is amended to read:

457.04 (1) Use the title “social worker” unless the person is certified as a social worker under this subchapter or holds a bachelor’s-category multistate license granted in another state that is a party to the social work licensure compact.

SECTION 33. 457.04 (2) of the statutes is amended to read:

457.04 (2) Use the title “advanced practice social worker” unless the person is certified as an advanced practice social worker under this subchapter or holds a master’s-category multistate license granted in another state that is a party to the social work licensure compact.

SECTION 34. 457.04 (4) of the statutes is amended to read:

457.04 (4) Practice clinical social work or designate himself or herself as a clinical social worker or use or assume the title “clinical social worker” or any other title or designation that represents or may tend to represent the person as a clinical social worker unless the person is licensed as a clinical social worker under this subchapter or holds a clinical-category multistate license granted in another state that is a party to the social work licensure compact or unless the person is certified under this subchapter as an advanced practice social worker or independent social worker or holds a master’s-category multistate license granted in another state that is a party to the social work licensure compact, and the person practices clinical social work under the supervision of a ~~person who is licensed as a~~ clinical social worker ~~under this subchapter.~~

SECTION 35. 457.04 (7) of the statutes is amended to read:

457.04 (7) Practice psychotherapy ~~unless the person is licensed under this subchapter, holds a valid professional counselor privilege to practice in this state, or~~

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1 ~~is a certificate holder who may practice psychotherapy under~~ except in accordance
2 with the rules promulgated under ss. 457.03 and 457.035.

3 **SECTION 36.** 457.08 (4m) of the statutes is created to read:

4 457.08 (4m) MULTISTATE SOCIAL WORK LICENSES. (a) The social worker
5 section shall grant a clinical-category multistate license to any of the following:

6 1. An individual who holds or is eligible for a clinical social worker license
7 under sub. (4), satisfies the requirements under s. 457.70 (4) (a) and (b), and pays
8 the fee specified in s. 440.05 (1).

9 2. An individual who holds a clinical-category multistate license in another
10 state that is a party to the social work licensure compact, has changed his or her
11 state of primary domicile to this state, satisfies the requirements under s. 457.70 (7)
12 (b), and pays the fee specified in s. 440.05 (1).

13 (b) The social worker section shall grant a master's-category multistate
14 license to any of the following:

15 1. An individual who holds or is eligible for an advanced practice social worker
16 certificate under sub. (2), satisfies the requirements under s. 457.70 (4) (a) and (c),
17 and pays the fee specified in s. 440.05 (1).

18 2. An individual who holds a master's-category multistate license in another
19 state that is a party to the social work licensure compact, has changed his or her
20 state of primary domicile to this state, satisfies the requirements under s. 457.70 (7)
21 (b), and pays the fee specified in s. 440.05 (1).

22 (c) The social worker section shall grant a bachelor's-category multistate
23 license to any of the following:

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1 1. An individual who holds or is eligible for a social worker certificate under
2 sub. (1), satisfies the requirements under s. 457.70 (4) (a) and (d), and pays the fee
3 specified in s. 440.05 (1).

4 2. An individual who holds a bachelor's-category multistate license in another
5 state that is a party to the social work licensure compact, has changed his or her
6 state of primary domicile to this state, satisfies the requirements under s. 457.70 (7)
7 (b), and pays the fee specified in s. 440.05 (1).

8 **SECTION 37.** 457.09 (4) (b) 1. of the statutes is amended to read:

9 457.09 (4) (b) 1. A human services internship that involves direct practice
10 with clients and that is supervised by a social worker ~~certified under this~~
11 ~~subchapter~~ who has a bachelor's or master's degree in social work.

12 **SECTION 38.** 457.09 (4) (b) 2. of the statutes is amended to read:

13 457.09 (4) (b) 2. One year of social work employment that involves direct
14 practice with clients and that is supervised by a social worker ~~certified under this~~
15 ~~subchapter~~ who has a bachelor's or master's degree in social work.

16 **SECTION 39.** 457.24 (1) of the statutes is amended to read:

17 457.24 (1) Except as provided in sub. (2), a ~~person licensed as a~~ clinical social
18 worker, marriage and family therapist, or professional counselor ~~under this~~
19 ~~subchapter or who is exercising the professional counselor privilege to practice in~~
20 ~~this state~~ may not practice clinical social work, marriage and family therapy, or
21 professional counseling unless he or she has in effect professional liability
22 insurance. The examining board shall promulgate rules establishing the minimum
23 amount of insurance required under this subsection.

24 **SECTION 40.** 457.25 (1) of the statutes is renumbered 457.25 (1r).

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1 **SECTION 41.** 457.25 (1g) of the statutes is created to read:

2 457.25 **(1g)** In this section, “credential holder” includes an individual
3 practicing under a multistate authorization to practice.

4 **SECTION 42.** 457.26 (2) (intro.) of the statutes is amended to read:

457.26 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the appropriate section of the examining board may reprimand a credential holder or an individual practicing under a multistate authorization to practice or deny, limit, suspend, or revoke a credential under this subchapter or a multistate authorization to practice if it finds that the ~~applicant or~~ credential holder or individual has done any of the following:

11 **SECTION 43.** Subchapter III of chapter 457 [precedes 457.70] of the statutes is
12 created to read:

13 CHAPTER 457

14 SUBCHAPTER III

15 SOCIAL WORK LICENSURE COMPACT

16 **457.70 Social work licensure compact.** (1) PURPOSE. The purpose of this
17 compact is to facilitate interstate practice of regulated social workers by improving
18 public access to competent social work services. The compact preserves the
19 regulatory authority of states to protect public health and safety through the
20 current system of state licensure. This compact is designed to achieve the following
21 objectives:

22 (a) Increase public access to social work services;

(b) Reduce overly burdensome and duplicative requirements associated with holding multiple licenses;

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1 (c) Enhance the member states' ability to protect the public's health and
2 safety;

3 (d) Encourage the cooperation of member states in regulating multistate
4 practice;

5 (e) Promote mobility and address workforce shortages by eliminating the
6 necessity for licenses in multiple states by providing for the mutual recognition of
7 other member state licenses;

8 (f) Support military families;

9 (g) Facilitate the exchange of licensure and disciplinary information among
10 member states;

11 (h) Authorize all member states to hold a regulated social worker accountable
12 for abiding by a member state's laws, regulations, and applicable professional
13 standards in the member state in which the client is located at the time care is
14 rendered; and

15 (i) Allow for the use of telehealth to facilitate increased access to regulated
16 social work services.

17 **(2) DEFINITIONS.** As used in this compact, and except as otherwise provided,
18 the following definitions shall apply:

19 (a) "Active military member" means any individual with full-time duty status
20 in the active armed forces of the United States including members of the national
21 guard and reserve.

22 (b) "Adverse action" means any administrative, civil, equitable or criminal
23 action permitted by a state's laws which is imposed by a licensing authority or other

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1 authority against a regulated social worker, including actions against an
2 individual's license or multistate authorization to practice such as revocation,
3 suspension, probation, monitoring of the licensee, limitation on the licensee's
4 practice, or any other encumbrance on licensure affecting a regulated social
5 worker's authorization to practice, including issuance of a cease and desist action.

6 (c) "Alternative program" means a nondisciplinary monitoring or practice
7 remediation process approved by a licensing authority to address practitioners with
8 an impairment.

9 (d) "Charter member states" means member states who have enacted
10 legislation to adopt this compact where such legislation predates the effective date
11 of this compact as described in sub. (14).

12 (e) "Compact commission" or "commission" means the government agency
13 whose membership consists of all states that have enacted this compact, which is
14 known as the social work licensure compact commission, as described in sub. (10),
15 and which shall operate as an instrumentality of the member states.

16 (f) "Current significant investigative information" means:

17 1. Investigative information that a licensing authority, after a preliminary
18 inquiry that includes notification and an opportunity for the regulated social
19 worker to respond has reason to believe is not groundless and, if proved true, would
20 indicate more than a minor infraction as may be defined by the commission; or

21 2. Investigative information that indicates that the regulated social worker
22 represents an immediate threat to public health and safety, as may be defined by

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1 the commission, regardless of whether the regulated social worker has been notified
2 and has had an opportunity to respond.

3 (g) "Data system" means a repository of information about licensees,
4 including, continuing education, examination, licensure, current significant
5 investigative information, disqualifying event, multistate license(s) and adverse
6 action information or other information as required by the commission.

7 (h) "Disqualifying event" means any adverse action or incident which results
8 in an encumbrance that disqualifies or makes the licensee ineligible to either
9 obtain, retain or renew a multistate license.

10 (i) "Domicile" means the jurisdiction in which the licensee resides and
11 intends to remain indefinitely.

12 (j) "Encumbrance" means a revocation or suspension of, or any limitation on,
13 the full and unrestricted practice of social work licensed and regulated by a
14 licensing authority.

15 (k) "Executive committee" means a group of delegates elected or appointed to
16 act on behalf of, and within the powers granted to them by, the compact and
17 commission.

18 (L) "Home state" means the member state that is the licensee's primary
19 domicile.

20 (m) "Impairment" means a condition(s) that may impair a practitioner's
21 ability to engage in full and unrestricted practice as a regulated social worker
22 without some type of intervention and may include alcohol and drug dependence,
23 mental health impairment, and neurological or physical impairments.

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1 (n) “Licensee(s)” means an individual who currently holds a license from a
2 state to practice as a regulated social worker.

3 (o) “Licensing authority” means the board or agency of a member state, or
4 equivalent, that is responsible for the licensing and regulation of regulated social
5 workers.

6 (p) “Member state” means a state, commonwealth, district, or territory of the
7 United States of America that has enacted this compact.

8 (q) “Multistate authorization to practice” means a legally authorized privilege
9 to practice, which is equivalent to a license, associated with a multistate license
10 permitting the practice of social work in a remote state.

11 (r) “Multistate license” means a license to practice as a regulated social
12 worker issued by a home state licensing authority that authorizes the regulated
13 social worker to practice in all member states under multistate authorization to
14 practice.

15 (s) “Qualifying national exam” means a national licensing examination
16 approved by the commission.

17 (t) “Regulated social worker” means any clinical, master’s or bachelor’s social
18 worker licensed by a member state regardless of the title used by that member
19 state.

20 (u) “Remote state” means a member state other than the licensee’s home
21 state.

22 (v) “Rule(s)” or “rule(s) of the commission” means a regulation or regulations

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1 duly promulgated by the commission, as authorized by the compact, that has the
2 force of law.

3 (w) “Single state license” means a social work license issued by any state that
4 authorizes practice only within the issuing state and does not include multistate
5 authorization to practice in any member state.

6 (x) “Social work” or “social work services” means the application of social
7 work theory, knowledge, methods, ethics, and the professional use of self to restore
8 or enhance social, psychosocial, or biopsychosocial functioning of individuals,
9 couples, families, groups, organizations, and communities through the care and
10 services provided by a regulated social worker as set forth in the member state’s
11 statutes and regulations in the state where the services are being provided.

12 (y) “State” means any state, commonwealth, district, or territory of the
13 United States of America that regulates the practice of social work.

14 (z) “Unencumbered license” means a license that authorizes a regulated
15 social worker to engage in the full and unrestricted practice of social work.

16 **(3) STATE PARTICIPATION IN THE COMPACT.** (a) To be eligible to participate in
17 the compact, a potential member state must currently meet all of the following
18 criteria:

19 1. License and regulate the practice of social work at either the clinical,
20 master’s, or bachelor’s category.

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

22 a. Operated by a college or university recognized by the licensing authority;

23 b. Accredited, or in candidacy by an institution that subsequently becomes

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1 accredited, by an accrediting agency recognized by either the Council for Higher
2 Education Accreditation, or its successor; or the United States department of
3 education; and

4 c. Corresponds to the licensure sought as outlined in sub. (4).

5 3. Require applicants for clinical licensure to complete a period of supervised
6 practice.

7 4. Have a mechanism in place for receiving, investigating, and adjudicating
8 complaints about licensees.

9 (b) To maintain membership in the compact a member state shall:

10 1. Require that applicants for a multistate license pass a qualifying national
11 exam for the corresponding category of multistate license sought as outlined in sub.
12 (4).

13 2. Participate fully in the commission's data system, including using the
14 commission's unique identifier as defined in rules;

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

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

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1 5. Comply with the rules of the commission;

2 6. Require an applicant to obtain or retain a license in the home state and
3 meet the home state's qualifications for licensure or renewal of licensure, as well as
4 all other applicable home state laws;

5 7. Authorize a licensee holding a multistate license in any member state to
6 practice in accordance with the terms of the compact and rules of the commission;
7 and

8 8. Designate a delegate to participate in the commission meetings.

9 (c) A member state meeting the requirements of pars. (a) and (b) shall
10 designate the categories of social work licensure that are eligible for issuance of a
11 multistate license for applicants in such member state. To the extent that any
12 member state does not meet the requirements for participation in the compact at
13 any particular category of social work licensure, such member state may choose, but
14 is not obligated to, issue a multistate license to applicants that otherwise meet the
15 requirements of sub. (4) for issuance of a multistate license in such category or
16 categories of licensure.

17 (d) The home state may charge a fee for granting the multistate license.

18 (4) SOCIAL WORKER PARTICIPATION IN THE COMPACT. (a) To be eligible for a
19 multistate license under the terms and provisions of the compact, an applicant,
20 regardless of category must:

21 1. Hold or be eligible for an active, unencumbered license in the home state;

22 2. Pay any applicable fees, including any state fee, for the multistate license;

23 3. Submit, in connection with an application for a multistate license,

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1 fingerprints or other biometric data for the purpose of obtaining criminal history
2 record information from the federal bureau of investigation and the agency
3 responsible for retaining that state's criminal records.

4 4. Notify the home state of any adverse action, encumbrance, or restriction on
5 any professional license taken by any member state or nonmember state within 30
6 days from the date the action is taken.

7 5. Meet any continuing competence requirements established by the home
8 state;

9 6. Abide by the laws, regulations, and applicable standards in the member
10 state where the client is located at the time care is rendered.

11 (b) An applicant for a clinical-category multistate license must meet all of the
12 following requirements:

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

14 a. Passage of a clinical-category qualifying national exam; or

15 b. Licensure of the applicant in their home state at the clinical category,
16 beginning prior to such time as a qualifying national exam was required by the
17 home state and accompanied by a period of continuous social work licensure
18 thereafter, all of which may be further governed by the rules of the commission; or

19 c. The substantial equivalency of the foregoing competency requirements
20 which the commission may determine by rule.

21 2 Attain at least a master's degree in social work from a program that is:

22 a. Operated by a college or university recognized by the licensing authority;

23 and

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1 b. Accredited, or in candidacy that subsequently becomes accredited, by an
2 accrediting agency recognized by either the Council for Higher Education
3 Accreditation or its successor; or the United States department of education.

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

6 a. A period of postgraduate supervised clinical practice equal to a minimum of
7 3,000 hours; or

8 b. A minimum of 2 years of full-time postgraduate supervised clinical
9 practice; or

10 c. The substantial equivalency of the foregoing practice requirements which
11 the commission may determine by rule.

12 (c) An applicant for a master's-category multistate license must meet all of
13 the following requirements:

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

15 a. Passage of a masters-category qualifying national exam;

16 b. Licensure of the applicant in their home state at the master's category,
17 beginning prior to such time as a qualifying national exam was required by the
18 home state at the master's category and accompanied by a continuous period of
19 social work licensure thereafter, all of which may be further governed by the rules of
20 the commission; or

21 c. The substantial equivalency of the foregoing competency requirements
22 which the commission may determine by rule.

23 2. Attain at least a master's degree in social work from a program that is:

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1 a. Operated by a college or university recognized by the licensing authority;

2 and

3 b. Accredited, or in candidacy that subsequently becomes accredited, by an
4 accrediting agency recognized by either the Council for Higher Education
5 Accreditation or its successor; or the United States department of education.

6 (d) An applicant for a bachelor's-category multistate license must meet all of
7 the following requirements:

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

9 a. Passage of a bachelor's-category qualifying national exam;

10 b. Licensure of the applicant in their home state at the bachelor's category,
11 beginning prior to such time as a qualifying national exam was required by the
12 home state and accompanied by a period of continuous social work licensure
13 thereafter, all of which may be further governed by the rules of the commission; or

14 c. The substantial equivalency of the foregoing competency requirements
15 which the commission may determine by rule.

16 2. Attain at least a bachelor's degree in social work from a program that is:

17 a. Operated by a college or university recognized by the licensing authority;

18 and

19 b. Accredited, or in candidacy that subsequently becomes accredited, by an
20 accrediting agency recognized by either the Council for Higher Education
21 Accreditation or its successor; or the United States department of education.

22 (e) The multistate license for a regulated social worker is subject to the
23 renewal requirements of the home state. The regulated social worker must

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1 maintain compliance with the requirements of par. (a) to be eligible to renew a
2 multistate license.

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

9 (g) If a multistate license is encumbered, the regulated social worker's
10 multistate authorization to practice shall be deactivated in all remote states until
11 the multistate license is no longer encumbered.

12 (h) If a multistate authorization to practice is encumbered in a remote state,
13 the regulated social worker's multistate authorization to practice may be
14 deactivated in that state until the multistate authorization to practice is no longer
15 encumbered.

16 **(5) ISSUANCE OF A MULTISTATE LICENSE.** (a) Upon receipt of an application for
17 multistate license, the home state licensing authority shall determine the
18 applicant's eligibility for a multistate license in accordance with sub. (4).

19 (b) If such applicant is eligible pursuant to sub. (4), the home state licensing
20 authority shall issue a multistate license that authorizes the applicant or regulated
21 social worker to practice in all member states under a multistate authorization to
22 practice.

23 (c) Upon issuance of a multistate license, the home state licensing authority

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1 shall designate whether the regulated social worker holds a multistate license in
2 the bachelor's, master's, or clinical category of social work.

3 (d) A multistate license issued by a home state to a resident in that state shall
4 be recognized by all compact member states as authorizing social work practice
5 under a multistate authorization to practice corresponding to each category of
6 licensure regulated in each member state.

7 **(6) AUTHORITY OF INTERSTATE COMPACT COMMISSION AND MEMBER STATE**
8 **LICENSING AUTHORITIES.** (a) Nothing in this compact, nor any rule of the
9 commission, shall be construed to limit, restrict, or in any way reduce the ability of
10 a member state to enact and enforce laws, regulations, or other rules related to the
11 practice of social work in that state, where those laws, regulations, or other rules
12 are not inconsistent with the provisions of this compact.

13 (b) Nothing in this compact shall affect the requirements established by a
14 member state for the issuance of a single state license.

15 (c) Nothing in this compact, nor any rule of the commission, shall be construed
16 to limit, restrict, or in any way reduce the ability of a member state to take adverse
17 action against a licensee's single state license to practice social work in that state.

18 (d) Nothing in this compact, nor any rule of the commission, shall be
19 construed to limit, restrict, or in any way reduce the ability of a remote state to take
20 adverse action against a licensee's multistate authorization to practice in that
21 state.

22 (e) Nothing in this compact, nor any rule of the commission, shall be
23 construed to limit, restrict, or in any way reduce the ability of a licensee's home

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1 state to take adverse action against a licensee's multistate license based upon
2 information provided by a remote state.

3 (7) REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE. (a) A
4 licensee can hold a multistate license, issued by their home state, in only one
5 member state at any given time.

6 (b) If a licensee changes their home state by moving between 2 member states:

7 1. The licensee shall immediately apply for the reissuance of their multistate
8 license in their new home state. The licensee shall pay all applicable fees and notify
9 the prior home state in accordance with the rules of the commission.

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

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

22 4. If required for initial licensure, the new home state may require completion
23 of jurisprudence requirements in the new home state.

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1 5. Notwithstanding any other provision of this compact, if a licensee does not
2 meet the requirements set forth in this compact for the reissuance of a multistate
3 license by the new home state, then the licensee shall be subject to the new home
4 state requirements for the issuance of a single state license in that state.

5 (c) If a licensee changes their primary state of residence by moving from a
6 member state to a nonmember state, or from a nonmember state to a member state,
7 then the licensee shall be subject to the state requirements for the issuance of a
8 single state license in the new home state.

9 (d) Nothing in this compact shall interfere with a licensee's ability to hold a
10 single state license in multiple states; however, for the purposes of this compact, a
11 licensee shall have only one home state, and only one multistate license.

12 (e) Nothing in this compact shall interfere with the requirements established
13 by a member state for the issuance of a single state license.

14 **(8) MILITARY FAMILIES.** An active military member or their spouse shall
15 designate a home state where the individual has a multistate license. The
16 individual may retain their home state designation during the period the service
17 member is on active duty.

18 **(9) ADVERSE ACTIONS.** (a) In addition to the other powers conferred by state
19 law, a remote state shall have the authority, in accordance with existing state due
20 process law, to:

21 1. Take adverse action against a regulated social worker's multistate
22 authorization to practice only within that member state, and issue subpoenas for
23 both hearings and investigations that require the attendance and testimony of

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1 witnesses as well as the production of evidence. Subpoenas issued by a licensing
2 authority in a member state for the attendance and testimony of witnesses or the
3 production of evidence from another member state shall be enforced in the latter
4 state by any court of competent jurisdiction, according to the practice and procedure
5 of that court applicable to subpoenas issued in proceedings pending before it. The
6 issuing licensing authority shall pay any witness fees, travel expenses, mileage, and
7 other fees required by the service statutes of the state in which the witnesses or
8 evidence are located.

9 2. Only the home state shall have the power to take adverse action against a
10 regulated social worker's multistate license.

11 (b) For purposes of taking adverse action, the home state shall give the same
12 priority and effect to reported conduct received from a member state as it would if
13 the conduct had occurred within the home state. In so doing, the home state shall
14 apply its own state laws to determine appropriate action.

15 (c) The home state shall complete any pending investigations of a regulated
16 social worker who changes their home state during the course of the investigations.
17 The home state shall also have the authority to take appropriate action(s) and shall
18 promptly report the conclusions of the investigations to the administrator of the
19 data system. The administrator of the data system shall promptly notify the new
20 home state of any adverse actions.

21 (d) A member state, if otherwise permitted by state law, may recover from the
22 affected regulated social worker the costs of investigations and dispositions of cases
23 resulting from any adverse action taken against that regulated social worker.

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1 (e) A member state may take adverse action based on the factual findings of
2 another member state, provided that the member state follows its own procedures
3 for taking the adverse action.

4 (f) *Joint investigations.* 1. In addition to the authority granted to a member
5 state by its respective social work practice act or other applicable state law, any
6 member state may participate with other member states in joint investigations of
7 licensees.

8 2. Member states shall share any investigative, litigation, or compliance
9 materials in furtherance of any joint or individual investigation initiated under the
10 compact.

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

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

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1 (i) Nothing in this compact shall override a member state's decision that
2 participation in an alternative program may be used in lieu of adverse action.

3 (j) Nothing in this compact shall authorize a member state to demand the
4 issuance of subpoenas for attendance and testimony of witnesses or the production
5 of evidence from another member state for lawful actions within that member state.

6 (k) Nothing in this compact shall authorize a member state to impose
7 discipline against a regulated social worker who holds a multistate authorization to
8 practice for lawful actions within another member state.

9 **(10) ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT COMMISSION.** (a)
10 The compact member states hereby create and establish a joint government agency
11 whose membership consists of all member states that have enacted the compact
12 known as the social work licensure compact commission. The commission is an
13 instrumentality of the compact states acting jointly and not an instrumentality of
14 any one state. The commission shall come into existence on or after the effective
15 date of the compact as set forth in sub. (14).

16 (b) *Membership, voting, and meetings.* 1. Each member state shall have and
17 be limited to one delegate selected by that member state's state licensing authority.

18 2. The delegate shall be either:

19 a. A current member of the state licensing authority at the time of
20 appointment, who is a regulated social worker or public member of the state
21 licensing authority; or

22 b. An administrator of the state licensing authority or their designee.

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1 3. The commission shall by rule or bylaw establish a term of office for
2 delegates and may by rule or bylaw establish term limits.

3 4. The commission may recommend removal or suspension any delegate from
4 office.

5 5. A member state's state licensing authority shall fill any vacancy of its
6 delegate occurring on the commission within 60 days of the vacancy.

7 6. Each delegate shall be entitled to one vote on all matters before the
8 commission requiring a vote by commission delegates.

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

12 8. The commission shall meet at least once during each calendar year.
13 Additional meetings may be held as set forth in the bylaws. The commission may
14 meet by telecommunication, video conference or other similar electronic means.

15 (c) The commission shall have the following powers:

16 1. Establish the fiscal year of the commission;

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

18 3. Establish and amend rules and bylaws;

19 4. Maintain its financial records in accordance with the bylaws;

20 5. Meet and take such actions as are consistent with the provisions of this
21 compact, the commission's rules, and the bylaws;

22 6. Initiate and conclude legal proceedings or actions in the name of the

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1 commission, provided that the standing of any state licensing board to sue or be
2 sued under applicable law shall not be affected;

3 7. Maintain and certify records and information provided to a member state
4 as the authenticated business records of the commission, and designate an agent to
5 do so on the commission's behalf;

6 8. Purchase and maintain insurance and bonds;

7 9. Borrow, accept, or contract for services of personnel, including, but not
8 limited to, employees of a member state;

9 10. Conduct an annual financial review;

10 11. Hire employees, elect or appoint officers, fix compensation, define duties,
11 grant such individuals appropriate authority to carry out the purposes of the
12 compact, and establish the commission's personnel policies and programs relating
13 to conflicts of interest, qualifications of personnel, and other related personnel
14 matters;

15 12. Assess and collect fees;

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

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

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

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1 16. Establish a budget and make expenditures;

2 17. Borrow money;

3 18. Appoint committees, including standing committees, composed of
4 members, state regulators, state legislators or their representatives, and consumer
5 representatives, and such other interested persons as may be designated in this
6 compact and the bylaws;

7 19. Provide and receive information from, and cooperate with, law
8 enforcement agencies;

9 20. Establish and elect an executive committee, including a chair and a vice
10 chair;

11 21. Determine whether a state's adopted language is materially different from
12 the model compact language such that the state would not qualify for participation
13 in the compact; and

14 22. Perform such other functions as may be necessary or appropriate to
15 achieve the purposes of this compact.

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

19 a. Oversee the day-to-day activities of the administration of the compact
20 including enforcement and compliance with the provisions of the compact, its rules
21 and bylaws, and other such duties as deemed necessary;

22 b. Recommend to the commission changes to the rules or bylaws, changes to

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1 this compact legislation, fees charged to compact member states, fees charged to
2 licensees, and other fees;

3 c. Ensure compact administration services are appropriately provided,
4 including by contract;

5 d. Prepare and recommend the budget;

6 e. Maintain financial records on behalf of the commission;

7 f. Monitor compact compliance of member states and provide compliance
8 reports to the commission;

9 g. Establish additional committees as necessary;

10 h. Exercise the powers and duties of the commission during the interim
11 between commission meetings, except for adopting or amending rules, adopting or
12 amending bylaws, and exercising any other powers and duties expressly reserved to
13 the commission by rule or bylaw; and

14 i. Other duties as provided in the rules or bylaws of the commission.

15 2. The executive committee shall be composed of up to 11 members:

16 a. The chair and vice chair of the commission shall be voting members of the
17 executive committee; and

18 b. The commission shall elect 5 voting members from the current membership
19 of the commission.

20 c. Up to 4 ex officio, nonvoting members from 4 recognized national social
21 work organizations.

22 d. The ex officio members will be selected by their respective organizations.

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1 3. The commission may remove any member of the executive committee as
2 provided in the commission's bylaws.

3 4. The executive committee shall meet at least annually.

4 a. Executive committee meetings shall be open to the public, except that the
5 executive committee may meet in a closed, nonpublic meeting as provided in par. (f)
6 2. below.

7 b. The executive committee shall give 7 days' notice of its meetings, posted on
8 its website and as determined to provide notice to persons with an interest in the
9 business of the commission.

10 c. The executive committee may hold a special meeting in accordance with
11 par. (f) 1. b. below.

12 (e) The commission shall adopt and provide to the member states an annual
13 report.

14 (f) *Meetings of the commission.* 1. All meetings shall be open to the public,
15 except that the commission may meet in a closed, nonpublic meeting as provided in
16 subd. 2. below.

17 a. Public notice for all meetings of the full commission of meetings shall be
18 given in the same manner as required under the rule-making provisions in sub.
19 (12), except that the commission may hold a special meeting as provided in subd. 1.
20 b. below.

21 b. The commission may hold a special meeting when it must meet to conduct
22 emergency business by giving 48 hours' notice to all commissioners, on the
23 commission's website, and other means as provided in the commission's rules. The

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1 commission's legal counsel shall certify that the commission's need to meet
2 qualifies as an emergency.

3 2. The commission or the executive committee or other committees of the
4 commission may convene in a closed, nonpublic meeting for the commission or
5 executive committee or other committees of the commission to receive legal advice
6 or to discuss:

7 a. Noncompliance of a member state with its obligations under the compact;

8 b. The employment, compensation, discipline or other matters, practices or
9 procedures related to specific employees;

10 c. Current or threatened discipline of a licensee by the commission or by a
11 member state's licensing authority;

12 d. Current, threatened, or reasonably anticipated litigation;

13 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or
14 real estate;

15 f. Accusing any person of a crime or formally censuring any person;

16 g. Trade secrets or commercial or financial information that is privileged or
17 confidential;

18 h. Information of a personal nature where disclosure would constitute a
19 clearly unwarranted invasion of personal privacy;

20 i. Investigative records compiled for law enforcement purposes;

21 j. Information related to any investigative reports prepared by or on behalf of
22 or for use of the commission or other committee charged with responsibility of
23 investigation or determination of compliance issues pursuant to the compact;

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1 k. Matters specifically exempted from disclosure by federal or member state
2 law; or

3 L. Other matters as promulgated by the commission by rule.

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

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

14 (g) *Financing of the commission.* 1. The commission shall pay, or provide for
15 the payment of, the reasonable expenses of its establishment, organization, and
16 ongoing activities.

17 2. The commission may accept any and all appropriate revenue sources as
18 provided in par. (c) 13.

19 3. The commission may levy on and collect an annual assessment from each
20 member state and impose fees on licensees of member states to whom it grants a
21 multistate license to cover the cost of the operations and activities of the
22 commission and its staff, which must be in a total amount sufficient to cover its
23 annual budget as approved each year for which revenue is not provided by other

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1 sources. The aggregate annual assessment amount for member states shall be
2 allocated based upon a formula that the commission shall promulgate by rule.

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

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

13 (h) *Qualified immunity, defense, and indemnification.* 1. The members,
14 officers, executive director, employees and representatives of the commission shall
15 be immune from suit and liability, both personally and in their official capacity, for
16 any claim for damage to or loss of property or personal injury or other civil liability
17 caused by or arising out of any actual or alleged act, error, or omission that
18 occurred, or that the person against whom the claim is made had a reasonable basis
19 for believing occurred within the scope of commission employment, duties or
20 responsibilities; provided that nothing in this subdivision shall be construed to
21 protect any such person from suit or liability for any damage, loss, injury, or liability
22 caused by the intentional or willful or wanton misconduct of that person. The

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1 procurement of insurance of any type by the commission shall not in any way
2 compromise or limit the immunity granted hereunder.

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

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

22 4. Nothing herein shall be construed as a limitation on the liability of any

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1 licensee for professional malpractice or misconduct, which shall be governed solely
2 by any other applicable state laws.

3 5. Nothing in this compact shall be interpreted to waive or otherwise abrogate
4 a member state's state action immunity or state action affirmative defense with
5 respect to antitrust claims under the Sherman Act, Clayton Act, or any other state
6 or federal antitrust or anticompetitive law or regulation.

7 6. Nothing in this compact shall be construed to be a waiver of sovereign
8 immunity by the member states or by the commission.

9 (11) DATA SYSTEM. (a) The commission shall provide for the development,
10 maintenance, operation, and utilization of a coordinated data system.

11 (b) The commission shall assign each applicant for a multistate license a
12 unique identifier, as determined by the rules of the commission.

13 (c) Notwithstanding any other provision of state law to the contrary, a
14 member state shall submit a uniform data set to the data system on all individuals
15 to whom this compact is applicable as required by the rules of the commission,
16 including:

17 1. Identifying information;

18 2. Licensure data;

19 3. Adverse actions against a license and information related thereto;

20 4. Nonconfidential information related to alternative program participation,
21 the beginning and ending dates of such participation, and other information related
22 to such participation not made confidential under member state law;

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

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1 6. The presence of current significant investigative information; and

2 7. Other information that may facilitate the administration of this compact or
3 the protection of the public, as determined by the rules of the commission.

4 (d) The records and information provided to a member state pursuant to this
5 compact or through the data system, when certified by the commission or an agent
6 thereof, shall constitute the authenticated business records of the commission, and
7 shall be entitled to any associated hearsay exception in any relevant judicial, quasi-
8 judicial or administrative proceedings in a member state.

9 (e) Current significant investigative information pertaining to a licensee in
10 any member state will only be available to other member states.

11 1. It is the responsibility of the member states to report any adverse action
12 against a licensee and to monitor the database to determine whether adverse action
13 has been taken against a licensee. Adverse action information pertaining to a
14 licensee in any member state will be available to any other member state.

15 (f) Member states contributing information to the data system may designate
16 information that may not be shared with the public without the express permission
17 of the contributing state.

18 (g) Any information submitted to the data system that is subsequently
19 expunged pursuant to federal law or the laws of the member state contributing the
20 information shall be removed from the data system.

21 **(12) RULE MAKING.** (a) The commission shall promulgate reasonable rules in
22 order to effectively and efficiently implement and administer the purposes and
23 provisions of the compact. A rule shall be invalid and have no force or effect only if

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1 a court of competent jurisdiction holds that the rule is invalid because the
2 commission exercised its rule-making authority in a manner that is beyond the
3 scope and purposes of the compact, or the powers granted hereunder, or based upon
4 another applicable standard of review.

5 (b) The rules of the commission shall have the force of law in each member
6 state, provided however that where the rules of the commission conflict with the
7 laws of the member state that establish the member state's laws, regulations, and
8 applicable standards that govern the practice of social work as held by a court of
9 competent jurisdiction, the rules of the commission shall be ineffective in that state
10 to the extent of the conflict.

11 (c) The commission shall exercise its rule-making powers pursuant to the
12 criteria set forth in this subsection and the rules adopted thereunder. Rules shall
13 become binding on the day following adoption or the date specified in the rule or
14 amendment, whichever is later.

15 (d) If a majority of the legislatures of the member states rejects a rule or
16 portion of a rule, by enactment of a statute or resolution in the same manner used
17 to adopt the compact within 4 years of the date of adoption of the rule, then such
18 rule shall have no further force and effect in any member state.

19 (e) Rules shall be adopted at a regular or special meeting of the commission.

20 (f) Prior to adoption of a proposed rule, the commission shall hold a public
21 hearing and allow persons to provide oral and written comments, data, facts,
22 opinions, and arguments.

23 (g) Prior to adoption of a proposed rule by the commission, and at least 30

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1 days in advance of the meeting at which the commission will hold a public hearing
2 on the proposed rule, the commission shall provide a notice of proposed rule
3 making:

4 1. On the website of the commission or other publicly accessible platform;

5 2. To persons who have requested notice of the commission's notices of
6 proposed rule making, and

7 3. In such other way(s) as the commission may by rule specify.

8 (h) The notice of proposed rule making shall include:

9 1. The time, date, and location of the public hearing at which the commission
10 will hear public comments on the proposed rule and, if different, the time, date, and
11 location of the meeting where the commission will consider and vote on the
12 proposed rule;

13 2. If the hearing is held via telecommunication, video conference, or other
14 electronic means, the commission shall include the mechanism for access to the
15 hearing in the notice of proposed rule making;

16 3. The text of the proposed rule and the reason therefor;

17 4. A request for comments on the proposed rule from any interested person;
18 and

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

20 (i) All hearings will be recorded. A copy of the recording and all written
21 comments and documents received by the commission in response to the proposed
22 rule shall be available to the public.

23 (j) Nothing in this subsection shall be construed as requiring a separate

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1 hearing on each rule. Rules may be grouped for the convenience of the commission
2 at hearings required by this subsection.

3 (k) The commission shall, by majority vote of all members, take final action on
4 the proposed rule based on the rule-making record and the full text of the rule.

5 1. The commission may adopt changes to the proposed rule provided the
6 changes do not enlarge the original purpose of the proposed rule.

7 2. The commission shall provide an explanation of the reasons for substantive
8 changes made to the proposed rule as well as reasons for substantive changes not
9 made that were recommended by commenters.

10 3. The commission shall determine a reasonable effective date for the rule.
11 Except for an emergency as provided in par. (L), the effective date of the rule shall
12 be no sooner than 30 days after issuing the notice that it adopted or amended the
13 rule.

14 (L) Upon determination that an emergency exists, the commission may
15 consider and adopt an emergency rule with 48 hours' notice, with opportunity to
16 comment, provided that the usual rule-making procedures provided in the compact
17 and in this subsection shall be retroactively applied to the rule as soon as
18 reasonably possible, in no event later than 90 days after the effective date of the
19 rule. For the purposes of this provision, an emergency rule is one that must be
20 adopted immediately in order to:

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

22 2. Prevent a loss of commission or member state funds;

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1 3. Meet a deadline for the promulgation of a rule that is established by federal
2 law or rule; or

3 4. Protect public health and safety.

4 (m) The commission or an authorized committee of the commission may direct
5 revisions to a previously adopted rule for purposes of correcting typographical
6 errors, errors in format, errors in consistency, or grammatical errors. Public notice
7 of any revisions shall be posted on the website of the commission. The revision shall
8 be subject to challenge by any person for a period of 30 days after posting. The
9 revision may be challenged only on grounds that the revision results in a material
10 change to a rule. A challenge shall be made in writing and delivered to the
11 commission prior to the end of the notice period. If no challenge is made, the
12 revision will take effect without further action. If the revision is challenged, the
13 revision may not take effect without the approval of the commission.

14 (n) No member state's rule-making requirements shall apply under this
15 compact.

16 **(13) OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.** (a) *Oversight.* 1.
17 The executive and judicial branches of state government in each member state shall
18 enforce this compact and take all actions necessary and appropriate to implement
19 the compact.

20 2. Except as otherwise provided in this compact, venue is proper and judicial
21 proceedings by or against the commission shall be brought solely and exclusively in
22 a court of competent jurisdiction where the principal office of the commission is
23 located. The commission may waive venue and jurisdictional defenses to the extent

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1 it adopts or consents to participate in alternative dispute resolution proceedings.
2 Nothing herein shall affect or limit the selection or propriety of venue in any action
3 against a licensee for professional malpractice, misconduct or any such similar
4 matter.

5 3. The commission shall be entitled to receive service of process in any
6 proceeding regarding the enforcement or interpretation of the compact and shall
7 have standing to intervene in such a proceeding for all purposes. Failure to provide
8 the commission service of process shall render a judgment or order void as to the
9 commission, this compact, or promulgated rules.

10 (b) *Default, technical assistance, and termination.* 1. If the commission
11 determines that a member state has defaulted in the performance of its obligations
12 or responsibilities under this compact or the promulgated rules, the commission
13 shall provide written notice to the defaulting state. The notice of default shall
14 describe the default, the proposed means of curing the default, and any other action
15 that the commission may take, and shall offer training and specific technical
16 assistance regarding the default.

17 2. The commission shall provide a copy of the notice of default to the other
18 member states.

19 (c) If a state in default fails to cure the default, the defaulting state may be
20 terminated from the compact upon an affirmative vote of a majority of the delegates
21 of the member states, and all rights, privileges and benefits conferred on that state
22 by this compact may be terminated on the effective date of termination. A cure of

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1 the default does not relieve the offending state of obligations or liabilities incurred
2 during the period of default.

3 (d) Termination of membership in the compact shall be imposed only after all
4 other means of securing compliance have been exhausted. Notice of intent to
5 suspend or terminate shall be given by the commission to the governor, the majority
6 and minority leaders of the defaulting state's legislature, the defaulting state's
7 state licensing authority and each of the member states' state licensing authority.

8 (e) A state that has been terminated is responsible for all assessments,
9 obligations, and liabilities incurred through the effective date of termination,
10 including obligations that extend beyond the effective date of termination.

11 (f) Upon the termination of a state's membership from this compact, that
12 state shall immediately provide notice to all licensees within that state of such
13 termination. The terminated state shall continue to recognize all licenses granted
14 pursuant to this compact for a minimum of 6 months after the date of said notice of
15 termination.

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

19 (h) The defaulting state may appeal the action of the commission by
20 petitioning the U.S. District Court for the District of Columbia or the federal
21 district where the commission has its principal offices. The prevailing party shall
22 be awarded all costs of such litigation, including reasonable attorney's fees.

23 (i) *Dispute resolution.* 1. Upon request by a member state, the commission

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1 shall attempt to resolve disputes related to the compact that arise among member
2 states and between member and nonmember states.

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

5 (j) *Enforcement.* 1. By majority vote as provided by rule, the commission may
6 initiate legal action against a member state in default in the United States District
7 Court for the District of Columbia or the federal district where the commission has
8 its principal offices to enforce compliance with the provisions of the compact and its
9 promulgated rules. The relief sought may include both injunctive relief and
10 damages. In the event judicial enforcement is necessary, the prevailing party shall
11 be awarded all costs of such litigation, including reasonable attorney's fees. The
12 remedies herein shall not be the exclusive remedies of the commission. The
13 commission may pursue any other remedies available under federal or the
14 defaulting member state's law.

15 2. A member state may initiate legal action against the commission in the
16 U.S. District Court for the District of Columbia or the federal district where the
17 commission has its principal offices to enforce compliance with the provisions of the
18 compact and its promulgated rules. The relief sought may include both injunctive
19 relief and damages. In the event judicial enforcement is necessary, the prevailing
20 party shall be awarded all costs of such litigation, including reasonable attorney's
21 fees.

22 3. No person other than a member state shall enforce this compact against the
23 commission.

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1 **(14) EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.** (a) The compact shall
2 come into effect on the date on which the compact statute is enacted into law in the
3 7th member state.

4 1. On or after the effective date of the compact, the commission shall convene
5 and review the enactment of each of the first 7 member states (“charter member
6 states”) to determine if the statute enacted by each such charter member state is
7 materially different than the model compact statute.

8 a. A charter member state whose enactment is found to be materially
9 different from the model compact statute shall be entitled to the default process set
10 forth in sub. (13).

11 b. If any member state is later found to be in default, or is terminated or
12 withdraws from the compact, the commission shall remain in existence and the
13 compact shall remain in effect even if the number of member states should be less
14 than 7.

15 2. Member states enacting the compact subsequent to the 7 initial charter
16 member states shall be subject to the process set forth in sub. (10) (c) 21. to
17 determine if their enactments are materially different from the model compact
18 statute and whether they qualify for participation in the compact.

19 3. All actions taken for the benefit of the commission or in furtherance of the
20 purposes of the administration of the compact prior to the effective date of the
21 compact or the commission coming into existence shall be considered to be actions
22 of the commission unless specifically repudiated by the commission.

23 4. Any state that joins the compact subsequent to the commission’s initial

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1 adoption of the rules and bylaws shall be subject to the rules and bylaws as they
2 exist on the date on which the compact becomes law in that state. Any rule that has
3 been previously adopted by the commission shall have the full force and effect of law
4 on the day the compact becomes law in that state.

5 (b) Any member state may withdraw from this compact by enacting a statute
6 repealing the same.

7 1. A member state's withdrawal shall not take effect until 180 days after
8 enactment of the repealing statute.

9 2. Withdrawal shall not affect the continuing requirement of the withdrawing
10 state's licensing authority to comply with the investigative and adverse action
11 reporting requirements of this compact prior to the effective date of withdrawal.

12 3. Upon the enactment of a statute withdrawing from this compact, a state
13 shall immediately provide notice of such withdrawal to all licensees within that
14 state. Notwithstanding any subsequent statutory enactment to the contrary, such
15 withdrawing state shall continue to recognize all licenses granted pursuant to this
16 compact for a minimum of 180 days after the date of such notice of withdrawal.

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

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

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1 **(15) CONSTRUCTION AND SEVERABILITY.** (a) This compact and the
2 commission's rule-making authority shall be liberally construed so as to effectuate
3 the purposes, and the implementation and administration of the compact.
4 Provisions of the compact expressly authorizing or requiring the promulgation of
5 rules shall not be construed to limit the commission's rule-making authority solely
6 for those purposes.

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

15 (c) Notwithstanding par. (b), the commission may deny a state's participation
16 in the compact or, in accordance with the requirements of sub. (13) (b), terminate a
17 member state's participation in the compact, if it determines that a constitutional
18 requirement of a member state is a material departure from the compact.
19 Otherwise, if this compact shall be held to be contrary to the constitution of any
20 member state, the compact shall remain in full force and effect as to the remaining
21 member states and in full force and effect as to the member state affected as to all
22 severable matters.

23 **(16) CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS.** (a) A

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1 licensee providing services in a remote state under a multistate authorization to
2 practice shall adhere to the laws and regulations, including laws, regulations, and
3 applicable standards, of the remote state where the client is located at the time care
4 is rendered.

5 (b) Nothing herein shall prevent or inhibit the enforcement of any other law of
6 a member state that is not inconsistent with the compact.

7 (c) Any laws, statutes, regulations, or other legal requirements in a member
8 state in conflict with the compact are superseded to the extent of the conflict.

9 (d) All permissible agreements between the commission and the member
10 states are binding in accordance with their terms.

11 **457.71 Implementation of the social work licensure compact.** (1) In
12 this section, “multistate authorization to practice ” has the meaning given in s.
13 457.70 (2) (q).

14 (2) (a) An individual who is exercising the multistate authorization to practice
15 in this state shall comply with s. 440.03 (13) (am).

16 (b) Subject to s. 457.70 and any rules promulgated thereunder, ss. 440.20 to
17 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual
18 who is exercising the multistate authorization to practice in this state in the same
19 manner that they apply to holders of certificates or licenses issued under subch. I.

20 **SECTION 44.** 632.89 (1) (dm) of the statutes is repealed and recreated to read:

21 632.89 (1) (dm) “Licensed mental health professional” means a clinical social
22 worker, a marriage and family therapist, or a professional counselor, as those terms
23 are defined in subch. I of ch. 457.

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SECTION 45

1 **SECTION 45.** 905.04 (1) (g) of the statutes is amended to read:

2 905.04 (1) (g) “Social worker” means ~~an individual who is certified or licensed~~
3 as a social worker, advanced practice social worker, independent social worker, or
4 clinical social worker ~~under~~, as those terms are defined in subch. I of ch. 457, or an
5 individual reasonably believed by the patient to be a social worker, advanced
6 practice social worker, independent social worker, or clinical social worker.

7 (END)