

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

FILED SENATE  
Apr 6, 2023  
S.B. 718  
PRINCIPAL CLERK

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SENATE BILL DRS35249-NBf-127

Short Title: Social Work Interstate Licensure Compact. (Public)

Sponsors: Senators Krawiec, Burgin, and Corbin (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH AND ENTER INTO AN INTERSTATE COMPACT FOR THE  
3 PRACTICE OF OCCUPATIONAL THERAPY.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** Chapter 90B of the General Statutes is amended by adding a new  
6 Article 1 to be titled the "Social Worker Certification and Licensure Act." The following statutes  
7 constitute the new Article 1: G.S. 90B-1, 90B-2, 90B-3, 90B-4, 90B-5, 90B-6, 90B-6.1, 90B-6.2,  
8 90B-7, 90B-8, 90B-9, 90B-9.1, 90B-10, 90B-11, 90B-12, 90B-13, 90B-14, 90B-15, and 90B-16.

9 **SECTION 1.(b)** Chapter 90B of the General Statutes is retitled as "Social Worker  
10 Certification and Licensure."

11 **SECTION 1.(c)** G.S. 90B-1 reads as rewritten:

12 "**§ 90B-1. Short title.**

13 This Chapter Article shall be known as the "Social Worker Certification and Licensure Act.""

14 **SECTION 2.** Chapter 90B of the General Statutes is amended by adding a new  
15 Article to read:

16 "Article 2.

17 "Social Work Licensure Compact.

18 "**§ 90B-20. Purpose.**

19 The purpose of this Compact is to facilitate interstate practice of regulated social workers by  
20 improving public access to social work services. The Compact preserves the regulatory authority  
21 of states to protect public health and safety through the current system of state licensure. This  
22 Compact is designed to achieve the following objectives:

- 23 (1) Increase public access to social work services.  
24 (2) Reduce overly burdensome and duplicative requirements associated with  
25 holding multiple licenses.  
26 (3) Enhance the member states' ability to protect the public's health and safety.  
27 (4) Encourage the cooperation of member states in regulating multistate practice.  
28 (5) Promote mobility and address workforce shortages by eliminating the  
29 necessity for licenses in multiple states by providing for the mutual  
30 recognition of other member state licenses.  
31 (6) Support military families.  
32 (7) Facilitate the exchange of licensure and disciplinary information among  
33 member states.  
34 (8) Authorize all member states to hold a regulated social worker accountable for  
35 abiding by the member state's laws, regulations, and applicable professional



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1 standards in the member state in which the client is located at the time care is  
2 rendered.

- 3 (9) Allow for the use of telehealth to facilitate increased access to social work  
4 services.

5 **"§ 90B-21. Definitions.**

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

- 8 (1) Active military member. – Any individual in full-time duty status in the active  
9 armed forces of the United States, including members of the National Guard  
10 and Reserve.
- 11 (2) Adverse action. – Any administrative, civil, equitable or criminal action  
12 permitted by a state's laws which is imposed by a licensing authority or other  
13 authority against a regulated social worker, including actions against an  
14 individual's license or multistate authorization to practice such as revocation,  
15 suspension, probation, monitoring of the licensee, limitation on the licensee's  
16 practice, or any other encumbrance on licensure affecting a regulated social  
17 worker's authorization to practice, including issuance of a cease and desist  
18 action.
- 19 (3) Alternative program. – A nondisciplinary monitoring process or practice  
20 remediation process approved by a licensing authority to address practitioners  
21 with an impairment.
- 22 (4) Charter member states. – Member states who have enacted legislation to adopt  
23 this Compact where such legislation predates the effective date of this  
24 Compact, as defined in this Article.
- 25 (5) Compact Commission or Commission. – The government agency whose  
26 membership consists of all states that have enacted this Compact which is  
27 known as the Social Work Licensure Compact Commission, as defined in this  
28 Article, and which shall operate as an instrumentality of the member states.
- 29 (6) Current significant investigative information. – Investigative information that  
30 (i) a licensing authority, after a preliminary inquiry that includes notification  
31 and an opportunity for the regulated social worker to respond has reason to  
32 believe is not groundless and, if proved true, would indicate more than a minor  
33 infraction, as may be defined by the Commission; or (ii) indicates that the  
34 regulated social worker represents an immediate threat to public health and  
35 safety, as may be defined by the Commission, regardless of whether the  
36 regulated social worker has been notified and has had an opportunity to  
37 respond.
- 38 (7) Data system. – A repository of information about licensees, including, but not  
39 limited to, continuing education, examination, licensure, current significant  
40 investigative information, disqualifying events, multistate license or licenses,  
41 and adverse action information or other information as required by the  
42 Commission.
- 43 (8) Domicile. – The jurisdiction in which the licensee resides and intends to  
44 remain indefinitely.
- 45 (9) Disqualifying event. – Any adverse action or incident which results in an  
46 encumbrance that disqualifies or makes the licensee ineligible to either obtain,  
47 retain, or renew a multistate license.
- 48 (10) Encumbrance. – A revocation or suspension of, or any limitation on, the full  
49 and unrestricted practice of social work licensed and regulated by a licensing  
50 authority

- 1           (11) Executive Committee. – A group of delegates elected or appointed to act on  
2           behalf of, and within the powers granted to them by, the Compact and  
3           Commission.
- 4           (12) Home state. – The member state that is the licensee's primary state of domicile.
- 5           (13) Impairment. – A condition that may impair a practitioner's ability to engage  
6           in full and unrestricted practice as a regulated social worker without some type  
7           of intervention and may include, but are not limited to, alcohol and drug  
8           dependence, mental health impairment, and neurological or physical  
9           impairments.
- 10          (14) Licensee. – An individual who currently holds a license from the state to  
11          practice as a regulated social worker.
- 12          (15) Licensing authority. – The board or agency of a member state, or equivalent,  
13          that is responsible for the licensing and regulation of regulated social workers.
- 14          (16) Member state. – A state, commonwealth, district, or territory of the United  
15          States of America that has enacted this Compact.
- 16          (17) Multistate authorization to practice. – A legally authorized privilege to  
17          practice, which is equivalent to a license, associated with a multistate license  
18          permitting the practice of social work in a remote state.
- 19          (18) Multistate license. – A license to practice as a regulated social worker issued  
20          by a home state licensing authority that authorizes the regulated social worker  
21          to practice in all member states under multistate authorization to practice.
- 22          (19) Qualifying national exam. – A national licensing examination approved by the  
23          Commission.
- 24          (20) Regulated social worker. – Any clinical, master's or bachelor's social worker  
25          licensed by a member state regardless of the title used by that member state.
- 26          (21) Remote state. – A member state other than the licensee's home state.
- 27          (22) Rule or rule of the Commission. – A regulation promulgated by the  
28          Commission, as authorized by the Compact, that has the force of law.
- 29          (23) Single-state license. – A social work license issued by any state that authorizes  
30          practice only within the issuing state and does not include multistate  
31          authorization to practice in any member state.
- 32          (24) Social work or social work services. – The application of social work theory,  
33          knowledge, methods, ethics, and the professional use of self to restore or  
34          enhance social, psychosocial, or biopsychosocial functioning of individuals,  
35          couples, families, groups, organizations, and communities through the care  
36          and services provided by a regulated social worker as set forth in the member  
37          state's statutes and regulations in the state where the services are being  
38          provided.
- 39          (25) State. – Any state, commonwealth, district, or territory of the United States of  
40          America that regulates the practice of social work.
- 41          (26) Unencumbered license. – A license that authorizes a regulated social worker  
42          to engage in the full and unrestricted practice of social work.

43 **"§ 90B-22. State participation in Compact.**

44       (a) To be eligible to participate in the Compact, a potential member state must currently  
45 meet all of the following criteria:

- 46           (1) License and regulate the practice of social work at either the clinical, master's,  
47           or bachelor's category.
- 48           (2) Require applicants for licensure to graduate from a program that (i)  
49           corresponds to the licensure sought as outlined in G.S. 90B-23, (ii) operated  
50           by a college or university recognized by the licensing authority, and (iii)

- 1 accredited, or in candidacy by an institution that subsequently becomes  
2 accredited, by an accrediting agency recognized by either of the following:  
3 a. The Council for Higher Education Accreditation, or its successor.  
4 b. The United States Department of Education.  
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 meet all of the  
10 following:  
11 (1) Require applicants for a multistate license pass a qualifying national exam for  
12 the corresponding category of multistate license sought as outlined in  
13 G.S. 90B-23.  
14 (2) Participate fully in the Commission's data system, including using the  
15 Commission's unique identifier as defined in rules.  
16 (3) Notify the Commission, in compliance with the terms of the Compact and  
17 rules, of any adverse action or the availability of current significant  
18 Investigative Information regarding a licensee.  
19 (4) Implement procedures for considering the criminal history records of  
20 applicants for a multistate license. Such procedures shall include the  
21 submission of fingerprints or other biometric-based information by applicants  
22 for the purpose of obtaining an applicant's criminal history record information  
23 from the Federal Bureau of Investigation and the agency responsible for  
24 retaining that state's criminal records.  
25 (5) Comply with the Rules of the Commission.  
26 (6) Require an applicant to obtain or retain a license in the home state and meet  
27 the home state's qualifications for licensure or renewal of licensure, as well as  
28 all other applicable home state laws.  
29 (7) Authorize a licensee holding a multistate license in any member state to  
30 practice in accordance with the terms of the Compact and Rules of the  
31 Commission.  
32 (8) Designate a delegate to participate in the Commission meetings.  
33 (c) A Member State meeting the requirements of subsections (a) and (b) of this section  
34 of this Compact shall designate the categories of social work licensure that are eligible for  
35 issuance of a multistate license for applicants in such member state. To the extent that any  
36 member state does not meet the requirements for participation in the Compact at any particular  
37 category of social work licensure, such member state may choose, but is not obligated to, issue a  
38 multistate license to applicants that otherwise meet the requirements of G.S. 90B-23 for issuance  
39 of a multistate license in such category or categories of licensure.  
40 (d) The Home State may charge a fee for granting the multistate license.  
41 **"§ 90B-23. Social Worker Participation in the Compact.**  
42 (a) To be eligible for a multistate license under the terms and provisions of the Compact,  
43 an applicant, regardless of category must do all of the following:  
44 (1) Hold or be eligible for an active, unencumbered license in the home state.  
45 (2) Pay any applicable fees, including any state fee, for the multistate license.  
46 (3) Submit, in connection with an application for a multistate license, fingerprints  
47 or other biometric data for the purpose of obtaining criminal history record  
48 information from the Federal Bureau of Investigation and the agency  
49 responsible for retaining that state's criminal records.

- 1           (4)   Notify the home state of any adverse action, encumbrance, or restriction on  
2           any professional license taken by any member state or non-member state  
3           within 30 days from the date the action is taken.
- 4           (5)   Meet any continuing competence requirements established by the home state.
- 5           (6)   Abide by the laws, regulations, and applicable standards in the member state  
6           where the client is located at the time care is rendered.
- 7       (b)   An applicant for a clinical-category multistate license must meet all of the following  
8       requirements.
- 9           (1)   Fulfill a competency requirement, which shall be satisfied by either of the  
10          following:
- 11          a.   Passage of a clinical category qualifying national exam.
- 12          b.   Licensure of the applicant in their home state at the clinical category,  
13          beginning prior to such time as a qualifying national exam was  
14          required by the home state and accompanied by a period of continuous  
15          social work licensure thereafter, all of which may be further governed  
16          by the rules of the Commission.
- 17          c.   The substantial equivalency of the foregoing competency  
18          requirements which the Commission may determine by rule.
- 19          (2)   Attain at least a master's degree in social work from a program that is both of  
20          the following:
- 21          a.   Operated by a college or university recognized by the licensing  
22          authority.
- 23          b.   Accredited, or in candidacy that subsequently becomes accredited, by  
24          an accrediting agency recognized by either of the following:
- 25                1.   The Council for Higher Education Accreditation, or its  
26                successor.
- 27                2.   The United States Department of Education.
- 28          (3)   Fulfill a practice requirement, which shall be satisfied by demonstrating  
29          completion of either of the following:
- 30          a.   A period of postgraduate supervised clinical practice equal to a  
31          minimum of three thousand hours.
- 32          b.   A minimum of two years of full-time postgraduate supervised clinical  
33          practice.
- 34          c.   The substantial equivalency of the foregoing practice requirements  
35          which the Commission may determine by rule.
- 36       (c)   An applicant for a master's category multistate license must meet all of the following  
37       requirements:
- 38           (1)   Fulfill a competency requirement, which shall be satisfied by either of the  
39           following:
- 40           a.   Passage of a masters category qualifying national exam.
- 41           b.   Licensure of the applicant in their home state at the masters category,  
42           beginning prior to such time as a qualifying national exam was  
43           required by the home state and accompanied by a period of continuous  
44           social work licensure thereafter, all of which may be further governed  
45           by the rules of the Commission.
- 46           c.   The substantial equivalency of the foregoing competency  
47           requirements which the Commission may determine by rule.
- 48           (2)   Attain at least a master's degree in social work from a program that is both of  
49           the following:
- 50           a.   Operated by a college or university recognized by the licensing  
51           authority.

- 1                    b. Accredited, or in candidacy that subsequently becomes accredited, by  
2                    an accrediting agency recognized by either of the following:  
3                    1. The Council for Higher Education Accreditation, or its  
4                    successor.  
5                    2. The United States Department of Education.
- 6            (d) An applicant for a bachelor's category multistate license must meet all of the  
7            following requirements:
- 8                    (1) Fulfill a competency requirement, which shall be satisfied by either of the  
9                    following:
- 10                   a. Passage of a bachelor's category qualifying national exam.  
11                   b. Licensure of the applicant in their home state at the bachelor's  
12                   category, beginning prior to such time as a qualifying national exam  
13                   was required by the home state and accompanied by a period of  
14                   continuous social work licensure thereafter, all of which may be  
15                   further governed by the rules of the Commission.  
16                   c. The substantial equivalency of the foregoing competency  
17                   requirements which the Commission may determine by rule.
- 18                   (2) Attain at least a bachelor's degree in social work from a program that is both  
19                   of the following:
- 20                   a. Operated by a college or university recognized by the licensing  
21                   authority.  
22                   b. Accredited, or in candidacy that subsequently becomes accredited, by  
23                   an accrediting agency recognized by either of the following:  
24                   1. The Council for Higher Education Accreditation, or its  
25                   successor.  
26                   2. The United States Department of Education.
- 27            (e) The multistate license for a regulated social worker is subject to the renewal  
28            requirements of the home State. The regulated social worker must maintain compliance with the  
29            requirements of this section.
- 30            (f) The regulated social worker's services in a remote state are subject to that member  
31            state's regulatory authority. A remote state may, in accordance with due process and that member  
32            state's laws, remove a regulated social worker's multistate authorization to practice in the remote  
33            state for a specific period of time, impose fines, and take any other necessary actions to protect  
34            the health and safety of its citizens.
- 35            (g) If a multistate license is encumbered, the regulated social worker's multistate  
36            authorization to practice shall be deactivated in all remote states until the multistate license is no  
37            longer encumbered.
- 38            (h) If a multistate authorization to practice is encumbered in a remote state, the regulated  
39            social worker's multistate authorization to practice may be deactivated in that state until the  
40            multistate authorization to practice is no longer encumbered.
- 41            **§ 90B-24. Issuance of a multistate license.**
- 42            (a) Upon receipt of an application for multistate license, the home state licensing  
43            authority shall determine the applicant's eligibility for a Multistate License in accordance with  
44            this Compact.
- 45            (b) If such applicant is eligible pursuant to G.S. 90B-23 of this Compact, the home state  
46            licensing authority shall issue a multistate license that authorizes the applicant or regulated social  
47            worker to practice in all member states under a multistate authorization to practice.
- 48            (c) Upon issuance of a multistate license, the home state licensing authority shall  
49            designate whether the regulated social worker holds a multistate license in the bachelor's,  
50            master's, or clinical category of social work.

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

5 **"§ 90B-25. Authority of Interstate Compact Commission and member state licensing**  
6 **authorities.**

7        (a) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,  
8 restrict, or in any way reduce the ability of a member state to enact and enforce laws, regulations,  
9 or other rules related to the practice of social work in that State, where those laws, regulations,  
10 or other rules are not inconsistent with the provisions of this Compact.

11        (b) Nothing in this Compact, shall affect the requirements established by a member state  
12 for the issuance of a single state license.

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

16        (d) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,  
17 restrict, or in any way reduce the ability of a remote state to take adverse action against a  
18 licensee's authorization to practice in that state.

19        (e) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,  
20 restrict, or in any way reduce the ability of a licensee's home state to take adverse action against  
21 a licensee's multistate license based upon information provided by a remote state.

22 **"§ 90B-26. Reissuance of a multistate license by a new home state.**

23        (a) A licensee may hold a multistate license, issued by their home state, in only one  
24 member state at any given time.

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

26            (1) The licensee shall immediately apply for the reissuance of their multistate  
27 license in their new home state. The licensee shall pay all applicable fees and  
28 notify the prior home state in accordance with the rules of the Commission.

29            (2) Upon receipt of an application to reissue a multistate license, the new home  
30 state shall verify that the multistate license is active, unencumbered and  
31 eligible for reissuance under the terms of the Compact and the rules of the  
32 Commission. The multistate license issued by the prior home state will be  
33 deactivated and all member states notified in accordance with the applicable  
34 rules adopted by the Commission.

35            (3) Prior to the reissuance of the multistate license, the new home state shall  
36 conduct procedures for considering the criminal history records of the  
37 licensee. Such procedures shall include the submission of fingerprints or other  
38 biometric-based information by applicants for the purpose of obtaining an  
39 applicant's criminal history record information from the Federal Bureau of  
40 Investigation and the agency responsible for retaining that state's criminal  
41 records.

42            (4) If required for initial licensure, the new home state may require completion of  
43 jurisprudence requirements in the new home state.

44            (5) Notwithstanding any other provision of this Compact, if a licensee does not  
45 meet the requirements set forth in this Compact for the reissuance of a  
46 multistate license by the new home state, then the licensee shall be subject to  
47 the new home state requirements for the issuance of a single state license in  
48 that state.

49        (c) If a licensee changes their primary state of residence by moving from a member state  
50 to a non-member state, or from a non-member state to a member state, then the licensee shall be  
51 subject to the state requirements for the issuance of a single state license in the new home state.

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

4        (e) Nothing in this Compact shall interfere with the requirements established by a  
5 member state for the issuance of a single state license.

6 **"§ 90B-27. Military families.**

7        An active military member or their spouses shall designate a home state where the individual  
8 has a multistate license. The individual may retain their home state designation during the period  
9 the service member is on active duty.

10 **"§ 90B-28. Adverse action.**

11        (a) In addition to the other powers conferred by state law, a remote state shall have the  
12 authority, in accordance with existing state due process law, to do the following:

13            (1) Take adverse action against a regulated social worker's multistate  
14 authorization to practice only within that member state, and issue subpoenas  
15 for both hearings and investigations that require the attendance and testimony  
16 of witnesses as well as the production of evidence. Subpoenas issued by a  
17 licensing authority in a member state for the attendance and testimony of  
18 witnesses or the production of evidence from another member state shall be  
19 enforced in the latter state by any court of competent jurisdiction, according  
20 to the practice and procedure of that court applicable to subpoenas issued in  
21 proceedings pending before it. The issuing authority shall pay any witness  
22 fees, travel expenses, mileage, and other fees required by the service statutes  
23 of the state in which the witnesses or evidence are located.

24            (2) Only the home state shall have the power to take adverse action against a  
25 regulated social worker's multistate license.

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

30        (c) The home state shall complete any pending investigations of a regulated social worker  
31 who changes their home state during the course of the investigations. The home state shall also  
32 have the authority to take appropriation action and shall promptly report the conclusions of the  
33 investigations to the administrator of the data system. The administrator of the data system shall  
34 promptly notify the new home state of any adverse actions.

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

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

41        (f) Joint investigations:

42            (1) In addition to the authority granted to a member state by its respective social  
43 work practice act or other applicable state law, any member state may  
44 participate with other member states in joint investigations of licensees.

45            (2) Member states shall share any investigative, litigation, or compliance  
46 materials in furtherance of any joint or individual investigation initiated under  
47 the Compact.

48        (g) If adverse action is taken by the home state against the multistate license of a regulated  
49 social worker, the regulated social worker's multistate authorization to practice in all other  
50 member states shall be deactivated until all encumbrances have been removed from the multistate  
51 license. All home state disciplinary orders that impose adverse action against the license of a



1 regulated social worker shall include a statement that the regulated social worker's multistate  
2 authorization to practice is deactivated in all member states until all conditions of the decision,  
3 order, or agreement are satisfied.

4 (h) If a member state takes adverse action, it shall promptly notify the administrator of  
5 the data system. The administrator of the data system shall promptly notify the home state an all  
6 other member states of any adverse actions by remote states.

7 (i) Nothing in this Compact shall override a member state's decision that participation in  
8 an alternative program may be used in lieu of adverse action. Nothing in this Compact shall  
9 authorize a member state to demand the issuance of subpoenas for attendance and testimony of  
10 witnesses or the production of evidence from another member state for lawful actions within that  
11 member state.

12 (j) Nothing in this Compact shall authorize a member state to impose discipline against  
13 a regulated social worker who holds a multistate authorization to practice for lawful actions  
14 within another member state.

15 **"§ 90B-29. Establishment of Social Work Licensure Compact Commission.**

16 (a) Establishment. – The Compact member states hereby create and establish a joint  
17 government agency whose membership consists of all member states that have enacted the  
18 Compact known as the Occupational Therapy Compact Commission. The Commission is an  
19 instrumentality of the Compact states acting jointly and not an instrumentality of any one state.  
20 The Commission shall come into existence on or after the effective of the Compact as set forth  
21 in this Article.

22 (b) Membership; Voting; Meetings. – Each member state shall have and be limited to one  
23 delegate selected by that member state's licensing authority. The delegate shall be either (i) a  
24 current member of the state licensing authority, who is a regulated social worker or public  
25 member of the state licensing authority or (ii) an administrator of the state licensing authority or  
26 their designee. The Commission shall by rule or bylaw establish a term of office for delegates  
27 any may by rule or bylaw establish term limits. The Commission may recommend removal or  
28 suspension of any delegate from office. The member state board shall fill any vacancy occurring  
29 in the Commission within 60 days of the vacancy. Each delegate shall be entitled to one vote on  
30 all matters before the Commission requiring a vote by Commission delegates.

31 A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws  
32 may provide for delegates to meet by telecommunication, video conference, or other means of  
33 communication. The Commission shall meet at least once during each calendar year. Additional  
34 meetings shall be held as set forth in the bylaws. The Commission may meet by  
35 telecommunication, video conference or other similar electronic means.

36 (c) Powers; Duties. – The Commission shall have the following powers and duties:

37 (1) Establish a code of conduct and conflict of interest policies.

38 (2) Establish the fiscal year of the Commission.

39 (3) Establish rules and bylaws.

40 (4) Maintain its financial records in accordance with the bylaws.

41 (5) Meet and take such actions as are consistent with the provisions of this  
42 Compact and the bylaws.

43 (6) Maintain and certify records and information provided to a member state as  
44 the authenticated business records of the Commission, and designate an agent  
45 to do so on the Commission's behalf.

46 (7) Initiate legal proceedings or actions in the name of the Commission, provided  
47 that the standing of any state occupational therapy licensing board to sue or  
48 be sued under applicable law shall not be affected.

49 (8) Purchase and maintain insurance and bonds.

50 (9) Borrow, accept, or contract for services of personnel, including, but not  
51 limited to, employees of a member state.

- 1           (10) Conduct an annual financial review.  
2           (11) Hire employees, elect or appoint officers, fix compensation, define duties,  
3           grant such individuals appropriate authority to carry out the purposes of the  
4           Compact, and establish the Commission's personnel policies and programs  
5           relating to conflicts of interest, qualifications of personnel, and other related  
6           personnel matters.  
7           (12) Assess and collect fees.  
8           (13) Accept any and all appropriate gifts, donations, grants of money, other sources  
9           of revenue, equipment, supplies, materials and services, and receive, utilize,  
10           and dispose of the same, provided that at all times the Commission shall avoid  
11           any appearance of impropriety and conflict of interest.  
12           (14) Lease, purchase, accept appropriate gifts or donations of, or otherwise own,  
13           hold, improve, or use, any property, real, personal, or mixed, or any undivided  
14           interest therein.  
15           (15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
16           dispose of any property, real, personal, or mixed.  
17           (16) Establish a budget and make expenditures.  
18           (17) Borrow money.  
19           (18) Appoint committees, including standing committees composed of members,  
20           state regulators, state legislators or their representatives, and consumer  
21           representatives, and such other interested persons as may be designated in this  
22           Compact and the bylaws.  
23           (19) Provide and receive information from, and cooperate with, law enforcement  
24           agencies.  
25           (20) Establish and elect an Executive Committee, including a chair and vice-chair.  
26           (21) Determine whether a state's adopted language is materially different from the  
27           model compact language such that the State would not qualify for  
28           participation in the Compact.  
29           (22) Perform such other functions as may be necessary or appropriate to achieve  
30           the purposes of this Compact.  
31        (d) Executive Committee. – The Executive Committee shall have the power to act on  
32        behalf of the Commission according to the terms of this Compact.  
33           (1) The Executive Committee shall be composed of eleven members, as follows:  
34           a. The chair and vice chair of the Commission shall be voting members  
35           of the Executive Committee.  
36           b. Five voting members who are elected by the Commission from the  
37           current membership of the Commission.  
38           c. Up to four ex officio, nonvoting members from four recognized  
39           national social work organizations, selected by their respective  
40           organizations.  
41           (3) The Commission may remove any member of the Executive Committee as  
42           provided in bylaws.  
43           (4) The Executive Committee shall meet at least annually.  
44           (5) Executive Committee meetings shall be open to the public, except that the  
45           Executive Committee may meet in a closed, non-public meeting as provided  
46           by this Article. The Executive Committee shall give seven days' notice of its  
47           meetings, posted on its website and as determined to provide notice to persons  
48           with an interest in the business of the Commission. The Executive Committee  
49           may hold a special meeting in accordance with this Article.

1           (6) The Executive Committee shall have the power to act on behalf of the  
2 Commission according to the terms of the Compact. The Commission shall  
3 have the following powers, duties, and responsibilities:

- 4           a. Oversee the day-to-day activities of the administration of the Compact,  
5 including enforcement and compliance with the provisions of the  
6 Compact, its Rules and bylaws, and other such duties as deemed  
7 necessary.
- 8           b. Recommend to the Commission changes to the rules or bylaws,  
9 changes to this Compact legislation, fees charged to Compact member  
10 states, fees charged to licensees, and other fees.
- 11           c. Ensure Compact administration services are appropriately provided,  
12 including by contract.
- 13           d. Prepare and recommend the budget.
- 14           e. Maintain financial records on behalf of the Commission.
- 15           f. Monitor Compact compliance of member states and provide  
16 compliance reports to the Commission.
- 17           g. Establish additional committees as necessary.
- 18           h. Exercise the powers and duties of the Commission during the interim  
19 between Commission meetings, except for adopting or amending  
20 rules, adopted or amending bylaws, and exercising any other powers  
21 and duties expressly reserved to the Commission by rule or bylaw.
- 22           i. Perform other duties as provided in rules or bylaws of the  
23 Commission.

24           (e) Meetings of the Commission. – All meetings shall be open to the public, and public  
25 notice of meetings shall be given in the same manner as required under the rulemaking provisions  
26 in G.S. 90B-31. The Commission may hold a special meeting when it must meet to conduct  
27 emergency business by giving 48 hours' notice to all commissioners, on the Commission's  
28 website, and other means as provided in the Commission's rules. The Commission's legal counsel  
29 shall certify that the Commission's need to meet qualifies as an emergency. The Commission or  
30 the Executive Committee or other committees of the Commission may convene in a closed,  
31 nonpublic meeting if the Commission or Executive Committee or other committees of the  
32 Commission must receive legal advice or discuss any of the following:

- 33           (1) Noncompliance of a member state with its obligations under the Compact.
- 34           (2) The employment, compensation, discipline or other matters, practices or  
35 procedures related to specific employees or other matters related to the  
36 Commission's internal personnel practices and procedures.
- 37           (3) Current, threatened, or reasonably anticipated litigation.
- 38           (4) Negotiation of contracts for the purchase, lease, or sale of goods, services, or  
39 real estate.
- 40           (5) Accusation of any person of a crime or formally censuring any person.
- 41           (6) Disclosure of trade secrets or commercial or financial information that is  
42 privileged or confidential.
- 43           (7) Disclosure of information of a personal nature where disclosure would  
44 constitute a clearly unwarranted invasion of personal privacy.
- 45           (8) Disclosure of investigative records compiled for law enforcement purposes.
- 46           (9) Disclosure of information related to any investigative reports prepared by or  
47 on behalf of or for use of the Commission or other committee charged with  
48 responsibility of investigation or determination of compliance issues pursuant  
49 to the Compact.
- 50           (10) Matters specifically exempted from disclosure by federal or member state  
51 statute.

1           (11) Current of threatened discipline of a licensee by the Commission or by a  
2           member state's licensing authority.

3           (12) Other matters as promulgated by the Commission by rule.

4           If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's  
5           presiding officer shall state that the meeting will be closed and shall reference each relevant  
6           exempting provision, and such reference shall be recorded in the minutes. The Commission shall  
7           keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide  
8           a full and accurate summary of actions taken, and the reasons therefore, including a description  
9           of the views expressed. All documents considered in connection with an action shall be identified  
10           in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject  
11           to release by a majority vote of the Commission or order of a court of competent jurisdiction.

12           (f) Financing of the Commission. – The Commission shall pay, or provide for the  
13           payment of, the reasonable expenses of its establishment, organization, and ongoing activities.  
14           The Commission may accept any and all appropriate revenue sources, donations, and grants of  
15           money, equipment, supplies, materials, and services.

16           The Commission may levy on and collect an annual assessment from each member state and  
17           impose fees on other licensees of member states to whom it grants a multistate license to cover  
18           the cost of the operations and activities of the Commission and its staff, which must be in a total  
19           amount sufficient to cover its annual budget as approved by the Commission each year for which  
20           revenue is not provided by other sources. The aggregate annual assessment amount shall be  
21           allocated based upon a formula to be determined by the Commission, which shall be promulgated  
22           by rule. The Commission shall not incur obligations of any kind prior to securing the funds  
23           adequate to meet the same; nor shall the Commission pledge the credit of any of the member  
24           states, except by and with the authority of the member state.

25           The Commission shall keep accurate accounts of all receipts and disbursements. The receipts  
26           and disbursements of the Commission shall be subject to the audit and accounting procedures  
27           established under its bylaws. However, all receipts and disbursements of funds handled by the  
28           Commission shall be audited yearly by a certified or licensed public accountant, and the report  
29           of the audit shall be included in and become part of the annual report of the Commission.

30           (g) Qualified Immunity; Defense; Indemnification. – The members, officers, executive  
31           director, employees, and representatives of the Commission shall be immune from suit and  
32           liability, either personally or in their official capacity, for any claim for damage to or loss of  
33           property or personal injury or other civil liability caused by or arising out of any actual or alleged  
34           act, error, or omission that occurred, or that the person against whom the claim is made had a  
35           reasonable basis for believing occurred within the scope of Commission employment, duties, or  
36           responsibilities, provided that nothing in this paragraph shall be construed to protect any such  
37           person from suit or liability for any damage, loss, injury, or liability caused by the intentional or  
38           willful or wanton misconduct of that person. The procurement of insurance of any type by the  
39           Commission shall not in any way compromise or limit the immunity granted hereunder.

40           The Commission shall defend any member, officer, executive director, employee, or  
41           representative of the Commission in any civil action seeking to impose liability arising out of  
42           any actual or alleged act, error, or omission that occurred within the scope of Commission  
43           employment, duties, or responsibilities, or that the person against whom the claim is made had a  
44           reasonable basis for believing occurred within the scope of Commission employment, duties, or  
45           responsibilities; provided that nothing herein shall be construed to prohibit that person from  
46           retaining his or her own counsel at their own expense; and provided further, that the actual or  
47           alleged act, error, or omission did not result from that person's intentional or willful or wanton  
48           misconduct.

49           The Commission shall indemnify and hold harmless any member, officer, executive director,  
50           employee, or representative of the Commission for the amount of any settlement or judgment  
51           obtained against that person arising out of any actual or alleged act, error, or omission that

1 occurred within the scope of Commission employment, duties, or responsibilities, or that such  
2 person had a reasonable basis for believing occurred within the scope of Commission  
3 employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission  
4 did not result from the intentional or willful or wanton misconduct of that person.

5 Nothing herein shall be construed as a limitation on the liability of any licensee for  
6 professional malpractice or misconduct, which shall be governed solely by any other applicable  
7 state laws. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a member  
8 state's state action immunity or state action affirmative defense with respect to antitrust claims  
9 under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law  
10 or regulation. Nothing in this Compact shall be construed to be a waiver of sovereign immunity  
11 by the member states or by the Commission.

12 **"§ 90B-30. Data system.**

13 (a) The Commission shall provide for the development, maintenance, operation, and  
14 utilization of a coordinated database and reporting system containing licensure, adverse action,  
15 and the presence of current significant investigative information on all licensed individuals in  
16 member states.

17 (b) The Commission shall assign each applicant for a multistate license a unique  
18 identifier, as determined by the rules of the Commission.

19 (c) Notwithstanding any other provision of state law to the contrary, a member state shall  
20 submit a uniform data set to the data system on all individuals to whom this Compact is  
21 applicable, as required by the rules of the Commission, including all of the following:

22 (1) Identifying information.

23 (2) Licensure data.

24 (3) Adverse actions against a license and information related thereto.

25 (4) Nonconfidential information related to alternative program participation, the  
26 beginning and ending dates of such participation, and other information  
27 related to such participation not made confidential under member state law.

28 (5) Any denial of application for licensure and the reasons for such denial.

29 (6) Other information that may facilitate the administration of this Compact, as  
30 determined by the rules of the Commission.

31 (7) Current significant investigative information.

32 (d) The records and information provided to a member state pursuant to this Compact or  
33 through the data system, when certified by the Commission or an agent thereof, shall constitute  
34 the authenticated business records of the Commission, and shall be entitled to any associated  
35 hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a  
36 member state.

37 (e) Current significant investigative information and other investigative information  
38 pertaining to a licensee in any member state will only be available to other member states. It is  
39 the responsibility of the member states to report any adverse action against a licensee and to  
40 monitor the database to determine whether adverse action has been taken against a licensee.  
41 Adverse action information pertaining to a licensee in any member state will be available to any  
42 other member state.

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

45 (g) Any information submitted to the data system that is subsequently required to be  
46 expunged by federal law or the laws of the member state contributing the information shall be  
47 removed from the data system.

48 **"§ 90B-31. Rulemaking.**

49 (a) The Commission shall promulgate reasonable rules in order to achieve the purposes  
50 of the Compact effectively and efficiently. A rule shall be invalid and have no force or effect  
51 only if a court of competent jurisdiction holds that the rule is invalid because the Commission

- 1 exercised its rulemaking authority in a manner that is beyond the scope and purposes of the  
2 Compact, or the powers granted hereunder, or based upon another applicable standard of review.
- 3 (b) The rules of the Commission shall have the force of law in each member state,  
4 provided however that where the rules of the Commission conflict with the laws of the member  
5 state that establish the member state's laws, regulations, and applicable standards as held by a  
6 court of competent jurisdiction, the rules of the Commission shall be ineffective in that state to  
7 the extent of the conflict.
- 8 (c) The Commission shall exercise its rulemaking powers pursuant to the criteria set forth  
9 in this section and the rules adopted thereunder. Rules shall become binding on the day following  
10 adoption or the date specified in the rule or amendment, whichever is later.
- 11 (d) If a majority of the legislatures of the member states rejects a rule, by enactment of a  
12 statute or resolution in the same manner used to adopt the Compact within four years of the date  
13 of adoption of the rule, then such rule shall have no further force and effect in any member state.
- 14 (e) Rules or amendments to the rules shall be adopted at a regular or special meeting of  
15 the Commission.
- 16 (f) Prior to adoption of a proposed rule, the Commission shall hold a public hearing and  
17 allow persons to provide oral and written comments, data, facts, opinions, and arguments.
- 18 (g) Prior to promulgation and adoption of rule by the Commission, and at least 30 days  
19 in advance of the meeting at which the Commission will hold a public hearing on the proposed  
20 rule, the Commission shall provide a notice of proposed rulemaking (i) on the website of the  
21 Commission or other publicly accessible platform; (ii) to persons who have requested notice of  
22 the Commission's notices of proposed rulemaking; and (iii) in such other ways as the  
23 Commission may, by rule, specify.
- 24 (h) The notice of proposed rulemaking shall include all of the following:
- 25 (1) The time, date, and location of the public hearing at which the Commission  
26 will hear public comments on the proposed rule and, if different, the proposed  
27 time, date, and location of the meeting in which the rule will be considered  
28 and voted upon.
- 29 (2) If the hearing is held via telecommunication, video conference, or other  
30 electronic means, the Commission shall include the mechanism for access to  
31 the hearing in the notice of proposed rulemaking.
- 32 (3) The text of the proposed rule or amendment and the reason for the proposed  
33 rule.
- 34 (4) A request for comments on the proposed rule from any interested person.
- 35 (5) The manner in which interested persons may submit written comments.
- 36 (i) All hearings will be recorded. A copy of the recording and all written comments and  
37 documents received by the Commission in response to the proposed rule shall be available to the  
38 public.
- 39 (j) Nothing in this section shall be construed as requiring a separate hearing on each rule.  
40 Rules may be grouped for the convenience of the Commission at hearings required by this  
41 section.
- 42 (k) The Commission shall, by majority vote of all members, take final action on the  
43 proposed rule based on the rulemaking record and the full text of the rule.
- 44 (1) The Commission may adopt changes to the proposed rule provided the  
45 changes do not enlarge the original purpose of the proposed rule.
- 46 (2) The Commission shall provide an explanation of the reasons for substantive  
47 changes made to the proposed rule as well as reasons for substantive changes  
48 not made that were recommended by commenters.
- 49 (3) The Commission shall determine a reasonable effective date for the rule.  
50 Except for an emergency as provided in this section, the effective date of the

1 rule shall be no sooner than 30 days after issuing the notice that it adopted or  
2 amended the rule.

3 (l) Upon determination that an emergency exists, the Commission may consider and  
4 adopt an emergency rule with 48 hours' notice, with opportunity for comment, provided that the  
5 usual rulemaking procedures provided in the Compact and in this section shall be retroactively  
6 applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective  
7 date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted  
8 immediately in order to (i) meet an imminent threat to public health, safety, or welfare, (ii)  
9 prevent a loss of Commission or member state funds, (iii) meet a deadline for the promulgation  
10 of an administrative rule that is established by federal law or rule, or (iv) protect public health  
11 and safety.

12 (m) The Commission or an authorized committee of the Commission may direct revisions  
13 to a previously adopted rule or amendment for purposes of correcting typographical errors, errors  
14 in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be  
15 posted on the website of the Commission. The revision shall be subject to challenge by any  
16 person for a period of 30 days after posting. The revision may be challenged only on grounds  
17 that the revision results in a material change to a rule. A challenge shall be made in writing and  
18 delivered to the chair of the Commission prior to the end of the notice period. If no challenge is  
19 made, the revision will take effect without further action. If the revision is challenged, the  
20 revision may not take effect without the approval of the Commission.

21 (n) No member state's rulemaking requirements shall apply under this Compact.

22 **§ 90B-32. Oversight; dispute resolution; enforcement.**

23 (a) The executive and judicial branches of state government in each member state shall  
24 enforce this Compact and take all actions necessary and appropriate to implement the Compact.

25 (b) Except as otherwise provided in this Compact, venue is proper and judicial  
26 proceedings by or against the Commission shall be brought solely and exclusively in a court of  
27 competent jurisdiction where the principal office of the Commission is located. The Commission  
28 may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in  
29 alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or  
30 propriety of venue in any action against a licensee for professional malpractice, misconduct or  
31 any such similar matter.

32 (c) The Commission shall be entitled to receive service of process in any proceeding  
33 regarding the enforcement or interpretation of the Compact and shall have standing to intervene  
34 in such a proceeding for all purposes. Failure to provide service of process to the Commission  
35 shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

36 (d) If the Commission determines that a member state has defaulted in the performance  
37 of its obligations or responsibilities under this Compact or the promulgated rules, the  
38 Commission shall do all of the following:

39 (1) Provide written notice to the defaulting state and other member states of the  
40 nature of default, the proposed means of curing the default, and any other  
41 action to be taken by the Commission.

42 (2) Provide remedial training and specific technical assistance regarding the  
43 default.

44 (e) If a state in default fails to cure the default, the defaulting state may be terminated  
45 from the Compact upon an affirmative vote of a majority of delegates of the member states, and  
46 all rights, privileges, and benefits conferred by this Compact may be terminated on the effective  
47 date of termination. A cure of the default does not relieve the offending state of obligations or  
48 liabilities incurred during the period of default.

49 (f) Termination of membership in the Compact shall be imposed only after all other  
50 means of securing compliance have been exhausted. Notice of intent to suspend or terminate  
51 shall be given by the Commission to the governor, the majority and minority leaders of the

1 defaulting state's legislature, the defaulting state's state licensing authority and each of the  
2 member states' state licensing authority. A state that has been terminated is responsible for all  
3 assessments, obligations, and liabilities incurred through the effective date of termination,  
4 including obligations that extend beyond the effective date of termination.

5 (g) Upon the termination of a state's membership from this Compact, that state shall  
6 immediately provide notice to all licensees within that state of such termination. The terminated  
7 state shall continue to recognize all licenses granted pursuant to this Compact for a minimum of  
8 six months after the date of said notice of termination.

9 (h) The Commission shall not bear any costs related to a state that is found to be in default  
10 or that has been terminated from the Compact, unless agreed upon in writing between the  
11 Commission and the defaulting state.

12 (i) The defaulting state may appeal the action of the Commission by petitioning the U.S.  
13 District Court for the District of Columbia or the federal district where the Commission has its  
14 principal offices. The prevailing member shall be awarded all costs of such litigation, including  
15 reasonable attorneys' fees.

16 (j) Upon request by a member state, the Commission shall attempt to resolve disputes  
17 related to the Compact that arise among member states and between member and nonmember  
18 states. The Commission shall promulgate a rule providing for both mediation and binding dispute  
19 resolution for disputes as appropriate.

20 (k) By majority vote, the Commission may initiate legal action in the U.S. District Court  
21 for the District of Columbia or the federal district where the Commission has its principal offices  
22 against a member state in default to enforce compliance with the provisions of the Compact and  
23 its promulgated rules and bylaws. The relief sought may include both injunctive relief and  
24 damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded  
25 all costs of such litigation, including reasonable attorneys' fees. The remedies herein shall not be  
26 the exclusive remedies of the Commission. The Commission may pursue any other remedies  
27 available under federal or state law.

28 (l) A member state may initiate legal action in the U.S. District Court for the District of  
29 Columbia or the federal district where the Commission has its principal offices against the  
30 Commission to enforce compliance with the provisions of the Compact and its promulgated rules  
31 and bylaws. The relief sought may include both injunctive relief and damages. In the event  
32 judicial enforcement is necessary, the prevailing member shall be awarded all costs of such  
33 litigation, including reasonable attorneys' fees.

34 (m) No person other than a member state shall enforce this Compact against the  
35 Commission.

36 **"§ 90B-33. Effective date; withdrawal; amendment.**

37 (a) The Compact shall come into effect on the date on which the Compact statute is  
38 enacted into law in the seventh member state. On or after the effective of the Compact, the  
39 Commission shall convene and review the enactment of each of the first seven member states  
40 ("charter member states") to determine if the statute enacted by each such charter member state  
41 is materially different than the model Compact statute.

42 (b) A charter member state whose enactment is found to be materially different from the  
43 model Compact statute shall be entitled to the default process set forth in this Article. If any  
44 member state is found to be in default, or is terminated or withdraws from the Compact, the  
45 Commission shall remain in existence and the Compact shall remain in effect even if the number  
46 of member states should be less than seven.

47 (c) Member states enacting the Compact subsequent to the seven initial charter member  
48 states shall be subject to the process set forth in this Article to determine if their enactments are  
49 materially different from the model Compact statute and whether they qualify for participation  
50 in the Compact.



1        (d) All actions taken for the benefit of the Commission or in furtherance of the purposes  
2 of the administration of the Compact prior to the effective date of the Compact or the Commission  
3 coming into existence shall be considered to be actions of the Commission unless specifically  
4 repudiated by the Commission.

5        (e) Any state that joins the Compact subsequent to the Commission's initial adoption of  
6 the rules shall be subject to the rules as they exist on the date on which the Compact becomes  
7 law in that state. Any rule that has been previously adopted by the Commission shall have the  
8 full force and effect of law on the day the Compact becomes law in that state.

9        (f) Any member state may withdraw from this Compact by enacting a statute repealing  
10 the same. A member state's withdrawal shall not take effect until six months after enactment of  
11 the repealing statute. Withdrawal shall not affect the continuing requirement of the withdrawing  
12 state's licensing authority to comply with the investigative and adverse action reporting  
13 requirements of this act prior to the effective date of withdrawal. Upon the enactment of a statute  
14 withdrawing from this Compact, a state shall immediately provide notice of such withdrawal to  
15 all licensees within that state. Notwithstanding any subsequent statutory enactment to the  
16 contrary, such withdrawing state shall continue to recognize all licenses granted pursuant to this  
17 Compact for a minimum of six months after the date of such notice of withdrawal.

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

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

24 **"§ 90B-34. Construction and severability.**

25        This Compact and the Commission's rulemaking authority shall be liberally construed so as  
26 to effectuate the purposes, and the implementation and administration of the Compact. Provisions  
27 of the Compact expressly authorizing or requiring the promulgation of rules shall not be  
28 construed to limit the Commission's rulemaking authority solely for those purposes. The  
29 provisions of this Compact shall be severable, and if any phrase, clause, sentence, or provision  
30 of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of  
31 any member state, a state seeking participation in the Compact, or the United States, or the  
32 applicability thereof to any government, agency, person, or circumstance is held to be  
33 unconstitutional by a court of competent jurisdiction, the validity of the remainder of this  
34 Compact and the applicability thereof to any other government, agency, person, or circumstance  
35 shall not be affected thereby.

36        Notwithstanding this section, the Commission may deny a state's participation in the Compact  
37 or, in accordance with the requirements of this Article, terminate a member state's participation  
38 in the Compact, if it determines that a constitutional requirement of a member state is a material  
39 departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the  
40 constitution of any member state, the Compact shall remain in full force and effect as to the  
41 remaining member states and in full force and effect as to the member state affected as to all  
42 severable matters.

43 **"§ 90B-35. Consistent effect and conflict with other state laws.**

44        A licensee providing services in a remote state under a multistate authorization to practice  
45 shall adhere to the laws and regulations, including laws, regulations, and applicable standards, of  
46 the remote state where the client is located at the time care is rendered. Nothing herein prevents  
47 the enforcement of any other law of a member state that is not inconsistent with the Compact.  
48 Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the  
49 Compact are superseded to the extent of the conflict. All permissible agreements between the  
50 Commission and the member states are binding in accordance with their terms."

1           **SECTION 3.** Sections 1 and 2 of this act become effective when at least seven states  
2 have enacted the Social Work Licensure Compact set forth in Section 1 of this act. The North  
3 Carolina Social Work Certification and Licensure Board shall report to the Revisor of Statutes  
4 when the Compact set forth in Section 1 of this act has been enacted by the seven member states.  
5 The remainder of this act is effective when it becomes law.