

# SOCIAL WORK LICENSURE COMPACT

## SECTION 1: PURPOSE

The purpose of this Compact is to facilitate interstate practice of regulated Social Workers with the goal of improving public access to competent Social Work services. The Compact seeks to preserve the regulatory authority of States to protect public health and safety through the current system of State licensure.

This Compact is designed to achieve the following objectives:

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

## SECTION 2. DEFINITIONS

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

- A. **“Active Duty Military”** means any individual in full-time duty status in the active uniformed service of the United States including members of the National Guard and Reserve.
- B. **“Adverse Action”** means any administrative, civil, equitable or criminal action permitted by a State's laws which is imposed by a Licensing Authority or other authority against a Regulated Social Worker, including actions against an individual's license or Multistate Authorization to Practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's

- 36 practice, or any other Encumbrance on licensure affecting a Regulated Social  
37 Worker's authorization to practice, including issuance of a cease and desist  
38 action.
- 39 C. **“Alternative Program”** means a non-disciplinary monitoring or practice  
40 remediation process approved by a Social Work Licensing Authority to address  
41 Impaired Practitioners
- 42 D. **“Compact Commission” or “Commission”** means the national administrative  
43 body whose membership consists of all Member States that have enacted the  
44 Compact.
- 45 E. **“Current Significant Investigative Information”** means:
- 46 1. Investigative information that a Licensing Authority, after a preliminary  
47 inquiry that includes notification and an opportunity for the Regulated  
48 Social Worker to respond has reason to believe is not groundless and, if  
49 proved true, would indicate more than a minor infraction as may be  
50 defined by the Commission; or
- 51 2. Investigative information that indicates that the Regulated Social Worker  
52 represents an immediate threat to public health and safety, as may be  
53 defined by the Commission, regardless of whether the Regulated Social  
54 Worker has been notified and has had an opportunity to respond.
- 55 F. **“Data System”** means a repository of information about Licensees, including,  
56 but not limited to, continuing education, examination, licensure, Current  
57 Significant Investigative Information, Disqualifying Event, Interstate Compact  
58 License(s) and Adverse Action information or other information as required by  
59 the Commission.
- 60 G. **“Domicile”** means the jurisdiction in which the licensee resides and intends to  
61 remain indefinitely.
- 62 H. **“Disqualifying Event”** means any Adverse Action or incident which results in an  
63 encumbrance that disqualifies or makes the Licensee ineligible to either obtain,  
64 retain or renew an Interstate Compact License.
- 65 I. **“Encumbered License”** means a license in which an Adverse Action restricts  
66 the practice of Social Work by the Licensee and said Adverse Action and is  
67 reportable to the National Practitioners Data Bank (NPDB).
- 68 J. **“Encumbrance”** means a revocation or suspension of, or any limitation on, the  
69 full and unrestricted practice of Social Work licensed and regulated by a  
70 Licensing Authority.
- 71 K. **“Executive Committee”** means a group of directors elected or appointed to act  
72 on behalf of, and within the powers granted to them by, the compact and  
73 Commission.

- 74 L. **“Home State”** means the Member State that is the Licensee’s primary Domicile.
- 75 M. **“Impaired Practitioner”** means an individual who has a condition(s) that may  
76 impair their ability to engage in full and unrestricted practice as a Regulated  
77 Social Worker without some type of intervention and may include, but are not  
78 limited to, alcohol and drug dependence, mental health impairment, and  
79 neurological or physical impairments.
- 80 N. **“Licensee(s)”** means an individual who currently holds an authorization from the  
81 State to practice as a Regulated Social Worker.
- 82 O. **“Licensing Authority”** means the board or agency of a Member State, or  
83 equivalent, that is responsible for the licensing and regulation of Regulated  
84 Social Workers.
- 85 P. **“Member State”** means a state, commonwealth, district, or territory of the United  
86 States of America that has enacted the Compact.
- 87 Q. **“Multistate Authorization to Practice”** means a legal authorization, which is  
88 equivalent to a license, associated with an Interstate Compact License permitting  
89 the practice of Social Work in a Remote State.
- 90 R. **“Interstate Compact License”** means a license to practice as a Regulated  
91 Social Worker issued by a Home State Licensing Authority that authorizes the  
92 Regulated Social Worker to practice in all party states under a Multistate  
93 Authorization to Practice.
- 94 S. **“Qualifying National Exam”** means a national licensing examination developed  
95 and administered by a national association of Social Work Licensing Authorities  
96 or other competency assessment approved by the Commission.
- 97 T. **“Regulated Social Worker”** means any clinical, master’s or bachelor’s Social  
98 Worker licensed by a Member State regardless of the title used by that Member  
99 State.
- 100 U. **“Remote State”** means a Member State other than the Home State, where a  
101 Licensee is exercising or seeking to exercise the Multistate Authorization to  
102 Practice.
- 103 V. **“Rule(s) of the Commission”** means a regulation or regulations duly  
104 promulgated by the Commission, as authorized by the compact, that has the  
105 force of law.
- 106 W. **“Scope of Practice”** means the procedures, actions, and processes a  
107 Regulated Social Worker in a state is permitted to undertake in that state and the  
108 circumstances under which the Regulated Social Worker is permitted to  
109 undertake those procedures, actions and processes. Such procedures, actions  
110 and processes and the circumstances under which they may be undertaken may  
111 be established through official means, including, but not limited to, statute, rules

112 and regulations, case law, and other processes available to the State Regulatory  
113 Authority or other government agency.

114 X. **“Single State License”** means a Social Work license issued by any state that  
115 authorizes practice only within the issuing State and does not include a Multistate  
116 Authorization to Practice in any Member State.

117 Y. **“Social Work” or “Social Work Services”** means the application of social work  
118 theory, knowledge, methods, ethics, and the professional use of self to restore or  
119 enhance social, psychosocial, or biopsychosocial functioning of individuals,  
120 couples, families, groups, organizations, and communities through the care and  
121 services provided by a Regulated Social Worker as set forth in the Member  
122 State’s statutes and regulations in the State where the services are being  
123 provided.

124 Z. **“State”** means any state, commonwealth, district, or territory of the United States  
125 of America that regulates the practice of Social Work

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

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### SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

132 1. License and regulate clinical, master’s, or bachelor’s categories of Social  
133 Work practice.

134 2. Require applicants for licensure to pass a corresponding Qualifying  
135 National Exam for the category of licensure sought as outlined in Section  
136 4.

137 3. Require applicants for licensure to graduate from a program that is  
138 accredited by an accrediting agency recognized by the Council for Higher  
139 Education Accreditation, or its successor, or by the United States  
140 Department of Education and operated by a college or university  
141 recognized by the Licensing Authority and that corresponds to the  
142 licensure sought as outlined in Section 4.

143 4. Require applicants for clinical licensure to complete a period of  
144 supervised practice.

145 5. Have a mechanism in place for receiving, investigating, and adjudicating  
146 complaints about Licensees.

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

148 1. Participate fully in the Commission’s Data System, including using the  
149 Commission’s unique identifier as defined in Rules;

150 2. Notify the Commission, in compliance with the terms of the Compact and

- 151 rules, of any Adverse Action or the availability of Current Significant  
152 Investigative Information regarding a Licensee;
- 153 3. Implement or utilize procedures for considering the criminal history  
154 records of applicants for an initial Interstate Compact License. These  
155 procedures shall include the submission of fingerprints or other biometric-  
156 based information by applicants for the purpose of obtaining an  
157 applicant's criminal history record information from the Federal Bureau of  
158 Investigation and the agency responsible for retaining that State's criminal  
159 records for the sole purpose of affirming or denying eligibility for  
160 participation in the Compact;
- 161 a. A member state must utilize or fully implement a criminal  
162 background check requirement, within a time frame  
163 established by rule of the Commission, by receiving the results  
164 of the Federal Bureau of Investigation record search and shall  
165 use the results in making licensure decisions/determining  
166 eligibility for participation in the Compact.
- 167 b. Communication between a Member State, the Commission  
168 and among Member States, through the Data System or  
169 otherwise, regarding the verification of any information  
170 received from the Federal Bureau of Investigation relating to a  
171 federal criminal records check performed by a Member State  
172 under Public Law 92-544.
- 173 4. Comply with the Rules of the Commission;
- 174 5. Require an applicant to obtain or retain a license in the Home State and  
175 meet the Home State's qualifications for licensure or renewal of licensure,  
176 as well as all other applicable Home State laws;
- 177 6. Authorize a Licensee holding an Interstate Compact License in any  
178 Member State to practice in accordance with the terms of the Compact  
179 and Rules of the Commission; and
- 180 7. Designate a delegate to participate in the Commission meetings.
- 181 C. Home States may charge a fee for granting the Interstate Compact License.
- 182 D. An Interstate Compact License issued by a Home State to a resident in that State  
183 shall be recognized by all Compact Member States as authorizing Social Work  
184 Practice under a Multistate Authorization to Practice corresponding to each  
185 category of licensure regulated in the Member State.
- 186

187 **SECTION 4. REGULATED SOCIAL WORKER PARTICIPATION IN THE**  
188 **COMPACT**

- 189 A. To be eligible for an Interstate Compact License under the terms and provisions of  
190 the compact, a Regulated Social Worker, regardless of category must:

- 191 1. Hold an active, Unencumbered License in the Home State;
  - 192 2. Have an active United States Social Security Number, Qualifying National
  - 193 Exam Number, or an identifier as determined by the Commission;
  - 194 3. Pay any applicable fees, including any State fee, for the Interstate Compact
  - 195 License;
  - 196 4. Meet any continuing competence requirements established by the Home
  - 197 State;
  - 198 5. Notify the Home State of any Adverse Action, Encumbrance, or restriction on
  - 199 any professional license taken by any Member State or non-Member State
  - 200 within 30 days from the date the action is taken.
  - 201 6. Abide by the laws, regulations, and Scope of Practice in the Member State
  - 202 where the client is located at the time care is rendered.
- 203 B. A Regulated Social Worker who is a clinical-category Social Worker must meet the
- 204 following requirements:
- 205 1. Passed a clinical-category Qualifying National Exam. Regulated Social Workers
  - 206 holding an active and unencumbered license, who were licensed in a state
  - 207 before a qualifying national exam was required, may be exempted from this
  - 208 requirement, as provided for by the Rules of the Commission; and
  - 209 2. Graduated with a master's degree, or higher, in Social Work, from a program that
  - 210 is accredited by an accrediting agency recognized by the Council for Higher
  - 211 Education Accreditation, or its successor, or by the United States Department of
  - 212 Education and operated by a college or university recognized by the Licensing
  - 213 Authority; and
  - 214 3. Completed a period of three thousand hours or two years of full-time
  - 215 postgraduate supervised clinical practice.
- 216 C. For a Regulated Social Worker who is a master's-category Social Worker:
- 217 1. Passed a master's-category Qualifying National Exam. Regulated Social
  - 218 Workers holding an active and unencumbered license, who were licensed in a
  - 219 state before a qualifying national exam was required, may be exempted from this
  - 220 requirement, as provided for by the Rules of the Commission; and
  - 221 2. Graduated with a master's degree, or higher, in Social Work, from a program that
  - 222 is accredited by an accrediting agency recognized by the Council for Higher
  - 223 Education Accreditation, or its successor, or by the United States Department of
  - 224 Education and operated by a college or university recognized by the Licensing
  - 225 Authority.
- 226 D. For a Regulated Social Worker who is a bachelor's-category Social Worker:
- 227 1. Passed a bachelor's-category Qualifying National Exam. Regulated Social
  - 228 Workers holding an active and unencumbered license, who were licensed in a
  - 229 state before a qualifying national exam was required, may be exempted from this
  - 230 requirement, as provided for by the Rules of the Commission; and

- 231 2. Graduated with a bachelor's degree, or higher, in Social Work, from a program  
232 that is accredited by an accrediting agency recognized by the Council for Higher  
233 Education Accreditation, or its successor, or by the United States Department of  
234 Education and operated by a college or university recognized by the Licensing  
235 Authority.
- 236 E. The Interstate Compact License for a Regulated Social Worker is subject to the  
237 renewal requirements of the Home State. The Regulated Social Worker must  
238 maintain compliance with the requirements of Section 4(A).
- 239 F. The Regulated Social Worker's services in a Remote State are subject to that  
240 Member State's regulatory authority. A Remote State may, in accordance with due  
241 process and that Member State's laws, remove a Regulated Social Worker's  
242 Multistate Authorization to Practice in the Remote State for a specific period of  
243 time, impose fines, and/or take any other necessary actions to protect the health  
244 and safety of its citizens.
- 245 G. If a Home State license is encumbered, the regulated Social Worker's Multistate  
246 Authorization to Practice shall be deactivated in all Remote States until the Home  
247 State license is no longer encumbered.
- 248 H. If a Multistate Authorization to Practice is encumbered in a Remote State, the  
249 regulated Social Worker's Multistate Authorization to Practice may be deactivated  
250 in that State until the Multistate Authorization to Practice is no longer encumbered.
- 251 I. Nothing in this Compact shall affect the requirements established by a Member  
252 State for the issuance of a Single State License.  
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254 **SECTION 5: OBTAINING A NEW HOME STATE LICENSE BASED ON AN**  
255 **INTERSTATE COMPACT LICENSE**

- 256 A. If qualified, a Regulated Social Worker may hold an Interstate Compact License  
257 issued by a Home State Licensing Authority, which authorizes the Regulated Social  
258 Worker to practice in all Member States under a Multistate Authorization to Practice.
- 259 B. If an Interstate Compact License holder with Multistate Authorization to Practice  
260 changes primary State of Domicile by moving between two Member States:
- 261 1. The Interstate Compact License holder shall file an application for  
262 obtaining a new Home State license based on their Interstate Compact  
263 License which grants a Multistate Authorization to Practice, pay all  
264 applicable fees, and notify the current and new Home Member State in  
265 accordance with applicable Rules adopted by the Commission.
- 266 2. Upon receipt of an application for obtaining a new Home State license  
267 based on the Interstate Compact License which grants a Multistate  
268 Authorization to Practice, the new Home Member State may verify that  
269 the Regulated Social Worker meets the pertinent criteria outlined in  
270 Section 4 via the Data System, without need for primary source  
271 verification except for:

- 272 i. a Federal Bureau of Investigation fingerprint based criminal  
273 background check if not previously performed or updated pursuant  
274 to applicable rules adopted by the Commission in accordance with  
275 Public Law 92-544;
- 276 ii. other criminal background check as required by the new Home  
277 State; and
- 278 iii. completion of any requisite jurisprudence requirements of the new  
279 Home State.
- 280 3. The former Home State may convert the former Home State license into a  
281 Multistate Authorization to Practice once the new Home State has  
282 activated the new Home State license in accordance with applicable  
283 Rules adopted by the Commission.
- 284 4. Notwithstanding any other provision of this Compact, if the Regulated  
285 Social Worker cannot meet the criteria in Section 4, the new Home State  
286 may apply its requirements for issuing a new Single State License.
- 287 5. The Regulated Social Worker shall pay all applicable fees to the new  
288 Home State in order to be issued a new Home State license.
- 289 C. If a Regulated Social Worker changes primary State of Domicile by moving from  
290 a Member State to a non-Member State, the non-member State criteria shall  
291 apply for issuance of a Single State License in the new non-Member State.
- 292 D. Nothing in this Compact shall interfere with a Regulated Social Worker's ability to  
293 hold a Single State License in multiple States, however for the purposes of this  
294 Compact, a Regulated Social Worker shall have only one Home State license.
- 295 E. Nothing in this Compact shall affect the requirements established by a Member  
296 State for the issuance of a Single State License.

297 **SECTION 6. MILITARY FAMILIES**

298 Active Duty Military personnel, or their spouse, shall designate a Home State where the  
299 individual has a current license in good standing. The individual may retain the Home  
300 State designation during the period the service member is on active duty. Subsequent to  
301 designating a Home State, the individual may only change their Home State through  
302 application for licensure in the new State, or through the process outlined in Section 5.

303 **SECTION 7. ADVERSE ACTIONS**

- 304 A. In addition to the other powers conferred by State law, a Remote State shall have  
305 the authority, in accordance with existing State due process law, to:
- 306 1. Take Adverse Action against a Regulated Social Worker's Multistate  
307 Authorization to Practice within that Member State, and issue subpoenas for  
308 both hearings and investigations that require the attendance and testimony of  
309 witnesses as well as the production of evidence. Subpoenas issued by a  
310 Licensing Authority in a Member State for the attendance and testimony of

311 witnesses or the production of evidence from another Member State shall be  
312 enforced in the latter State by any court of competent jurisdiction, according to  
313 the practice and procedure of that court applicable to subpoenas issued in  
314 proceedings pending before it. The issuing authority shall pay any witness  
315 fees, travel expenses, mileage, and other fees required by the service statutes  
316 of the State in which the witnesses or evidence are located.

317 2. Only the Home State shall have the power to take Adverse Action against a  
318 Regulated Social Worker's Home State license

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

323 C. The Home State shall complete any pending investigations of a Regulated Social  
324 Worker who changes primary State of Domicile during the course of the  
325 investigations. The Home State shall also have the authority to take appropriate  
326 action(s) and shall promptly report the conclusions of the investigations to the  
327 administrator of the Data System. The administrator of the Data System shall  
328 promptly notify the new Home State of any Adverse Actions.

329 D. A Member State, if otherwise permitted by State law, may recover from the  
330 affected Regulated Social Worker the costs of investigations and dispositions of  
331 cases resulting from any Adverse Action taken against that Regulated Social  
332 Worker.

333 E. A Member State may take Adverse Action based on the factual findings of another  
334 Member State, provided that the Member State follows its own procedures for  
335 taking the Adverse Action.

336 F. Joint Investigations:

337 1. In addition to the authority granted to a Member State by its respective  
338 Regulated Social Work practice act or other applicable State law, any Member  
339 State may participate with other Member States in joint investigations of  
340 Licensees.

341 2. Member States shall share any investigative, litigation, or compliance  
342 materials in furtherance of any joint or individual investigation initiated under  
343 the Compact.

344 G. If Adverse Action is taken by the Home State against the Interstate Compact  
345 License of a Regulated Social Worker, the Regulated Social Worker's Multistate  
346 Authorization to Practice in all other Member States shall be deactivated until all  
347 Encumbrances have been removed from the Interstate Compact License. All Home  
348 State disciplinary orders that impose Adverse Action against the license of a  
349 Regulated Social Worker shall include a statement that the Regulated Social  
350 Worker's Multistate Authorization to Practice is deactivated in all Member States  
351 until all conditions of the decision, order or agreement are satisfied.

- 352 H. If a Member State takes Adverse Action, it shall promptly notify the administrator of  
353 the Data System. The administrator of the Data System shall promptly notify the  
354 Home State and all other Member State's of any Adverse Actions by Remote  
355 States.
- 356 I. Nothing in this Compact shall override a Member State's decision that participation  
357 in an Alternative Program may be used in lieu of Adverse Action.

358 **SECTION 8. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT**  
359 **COMMISSION**

- 360 A. The Compact Member States hereby create and establish a joint government  
361 agency whose membership consists of all member states that have enacted the  
362 compact known as the Social Work Compact Commission. The Commission is an  
363 instrumentality of the Compact States acting jointly and not an instrumentality of  
364 any one state. The Commission shall come into existence on or after the effective  
365 date of the Compact as set forth in Section 12.
- 366 B. Membership, Voting, and Meetings
- 367 1. Each Member State shall have and be limited to one (1) delegate selected by  
368 that Member State's Licensing Authority.
- 369 2. The delegate shall be either:
- 370 a. A current member of the State Licensing Authority at the time of  
371 appointment, who is a Regulated Social Worker or public member of the  
372 Licensing Authority; or
- 373 b. An administrator of the Licensing Authority or their designee.
- 374 3. The Commission shall by Rule or bylaw establish a term of office for delegates  
375 and may by Rule or bylaw establish term limits.
- 376 4. The Commission may recommend removal or suspension of any delegate  
377 from office.
- 378 5. A Member State's State Licensing Authority shall fill any vacancy of its  
379 delegate occurring on the Commission within 60 days of the vacancy.
- 380 6. Each delegate shall be entitled to one vote on all matters before the  
381 Commission requiring a vote by Commission delegates.
- 382 7. A delegate shall vote in person or by such other means as provided in the  
383 bylaws. The bylaws may provide for delegates' to meet by telecommunication,  
384 videoconference or other means of communication.
- 385 8. The Commission shall meet at least once during each calendar year.  
386 Additional meetings may be held as set forth in the bylaws. The Commission  
387 may meet by telecommunication, video conference or other similar electronic  
388 means.
- 389 C. The Commission shall have the following powers and duties:
- 390 1. Establish the fiscal year of the Commission;

- 391 2. Establish code of conduct and conflict of interest policies
- 392 3. Establish and amend Rules and bylaws;
- 393 4. Maintain its financial records in accordance with the bylaws;
- 394 5. Meet and take such actions as are consistent with the provisions of this
- 395 Compact, the Commission's rules and the bylaws;
- 396 6. Initiate and conclude legal proceedings or actions in the name of the
- 397 Commission, provided that the standing of any State Licensing Board to sue
- 398 or be sued under applicable law shall not be affected;
- 399 7. Maintain and certify records and information provided to a Member State as
- 400 the authenticated business records of the Commission and designate an
- 401 agent to do so on the Commission's behalf;
- 402 8. Purchase and maintain insurance and bonds;
- 403 9. Borrow, accept, or contract for services of personnel, including, but not limited
- 404 to, employees of a Member State;
- 405 10. Conduct an annual financial review;
- 406 11. Hire employees, elect or appoint officers, fix compensation, define duties,
- 407 grant such individuals appropriate authority to carry out the purposes of the
- 408 Compact, and establish the Commission's personnel policies and programs
- 409 relating to conflicts of interest, qualifications of personnel, and other related
- 410 personnel matters;
- 411 12. Assess and collect fees;
- 412 13. Accept any and all appropriate gifts, donations, grants of money, other
- 413 sources of revenue, equipment, supplies, materials, and services, and to
- 414 receive, utilize, and dispose of the same; provided that at all times the
- 415 Commission shall avoid any appearance of impropriety or conflict of interest;
- 416 14. Lease, purchase, retain, or otherwise to own, hold, improve or use, any
- 417 property, real, personal or mixed; or any undivided interest therein;
- 418 15. Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise
- 419 dispose of any property real, personal, or mixed;
- 420 16. Establish a budget and make expenditures;
- 421 17. Borrow money;
- 422 18. Appoint committees, including standing committees composed of members,
- 423 State regulators, State legislators or their representatives, and consumer
- 424 representatives, and such other interested persons as may be designated in
- 425 this Compact and the bylaws;
- 426 19. Provide and receive information from, and cooperate with, law enforcement
- 427 agencies;
- 428 20. Establish and elect an Executive Committee, including chair and a vice chair;

429 21. Determine whether a State's adopted language is materially different from the  
430 model compact language such that the State would not qualify for participation  
431 in the Compact; and

432 22. Perform such other functions as may be necessary or appropriate to achieve  
433 the purposes of this Compact.

434 D. The Executive Committee

435 1. The Executive Committee shall have the power to act on behalf of the  
436 Commission according to the terms of this Compact. The powers, duties, and  
437 responsibilities of the Executive Committee shall include:

438 a. Oversee the day-to-day activities of the administration of the compact  
439 including enforcement and compliance with the provisions of the compact,  
440 its Rules and bylaws, and other duties as deemed necessary;

441 b. Recommend to the Commission changes to the Rules or bylaws,  
442 changes to this Compact legislation, fees charged to Compact Member  
443 States such as fees charged to licensees, and other fees;

444 c. Ensure Compact administration services are appropriately provided,  
445 including by contract;

446 d. Prepare and recommend the budget

447 e. Maintain financial records on behalf of the Commission;

448 f. Monitor Compact compliance of Member States and provide compliance  
449 reports to the Commission;

450 g. Establish additional committees as necessary;

451 h. Exercise the powers and duties of the Commission during the interim  
452 between Commission meetings, except for adopting or amending Rules,  
453 adopting or amending bylaws, and exercising any other powers and  
454 duties expressly reserved to the Commission by Rule or bylaw; and

455 i. Other duties as provided in the Rules or bylaws of the Commission.

456 2. The Executive Committee shall be composed of up to nine (9) members:

457 a. The chair and vice chair of the Commission shall be voting members of  
458 the Executive Committee

459 b. Five voting members who are elected by the Commission from the  
460 current membership of the Commission; and

461 c. Up to two (2) ex-officio, nonvoting members from two (2) recognized  
462 national social worker organizations.

463 d. The ex-officio members will be selected by their respective organizations  
464 (and which will rotate terms in alphabetical order of the organizations).

465 3. The Commission may remove any member of the Executive Committee as  
466 provided in the Commission's bylaws.

- 467 4. The Executive Committee shall meet at least annually.
- 468 a. Executive Committee meetings shall be open to the public, except that
- 469 the Executive Committee may meet in a closed, non-public meeting as
- 470 provided in subsection F-2 below.
- 471 b. The Executive Committee shall give seven days' notice of its meetings,
- 472 posted on its website and as determined to provide notice to persons with
- 473 an interest in the business of the Commission.
- 474 c. The Executive Committee may hold a special meeting in accordance with
- 475 subsection F-1-b below.
- 476 E. The Commission shall adopt and provide to the Member States an annual report.
- 477 F. Meetings of the Commission
- 478 1. All meetings shall be open to the public, except that the Commission may meet
- 479 in a closed, non-public meeting as provided in subsection F-2 below.
- 480 a. Public notice for all meetings of the full Commission of meetings shall be
- 481 given in the same manner as required under the Rulemaking provisions in
- 482 Section 11, except that the Commission may hold a special meeting as
- 483 provided in subsection F-1-b below.
- 484 b. The Commission may hold a special meeting when it must meet to
- 485 conduct emergency business by giving 48 hours' notice to all
- 486 commissioners, on the Commission's website, and other means as
- 487 provided in the Commission's rules. The Commission's legal counsel
- 488 shall certify that the Commission's need to meet qualifies as an
- 489 emergency.
- 490 2. The Commission or the Executive Committee or other committees of the
- 491 Commission may convene in a closed, non-public meeting for the Commission
- 492 or Executive Committee or other committees of the Commission to receive
- 493 legal advice or to discuss:
- 494 a. Non-compliance of a Member State with its obligations under the
- 495 Compact;
- 496 b. The employment, compensation, discipline or other matters, practices or
- 497 procedures related to specific employees;
- 498 c. Current or threatened discipline of a Licensee by the Commission or by a
- 499 Member State's Licensing Authority;
- 500 d. Current, threatened, or reasonably anticipated litigation;
- 501 e. Negotiation of contracts for the purchase, lease, or sale of goods,
- 502 services, or real estate;
- 503 f. Accusing any person of a crime or formally censuring any person;
- 504 g. Trade secrets or commercial or financial information that is privileged or
- 505 confidential;

- 506 h. Information of a personal nature where disclosure would constitute a  
507 clearly unwarranted invasion of personal privacy;
- 508 i. Investigative records compiled for law enforcement purposes;
- 509 j. Information related to any investigative reports prepared by or on behalf  
510 of or for use of the Commission or other committee charged with  
511 responsibility of investigation or determination of compliance issues  
512 pursuant to the Compact; or
- 513 k. Matters specifically exempted from disclosure by federal or Member State  
514 law; or
- 515 l. Other matters as promulgated by the Commission by Rule.
- 516 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state  
517 that the meeting will be closed and reference each relevant exempting  
518 provision, and such reference shall be recorded in the minutes.
- 519 4. The Commission shall keep minutes that fully and clearly describe all matters  
520 discussed in a meeting and shall provide a full and accurate summary of  
521 actions taken, and the reasons therefore, including a description of the views  
522 expressed. All documents considered in connection with an action shall be  
523 identified in such minutes. All minutes and documents of a closed meeting shall  
524 remain under seal, subject to release only by a majority vote of the  
525 Commission or order of a court of competent jurisdiction.
- 526 G. Financing of the Commission
- 527 1. The Commission shall pay, or provide for the payment of, the reasonable  
528 expenses of its establishment, organization, and ongoing activities.
- 529 2. The Commission may accept any and all appropriate revenue sources, as  
530 provided in C-12.
- 531 3. The Commission may levy on and collect an annual assessment from each  
532 Member State and impose fees on licensees of Member States to whom it  
533 grants an Interstate Compact License to cover the cost of the operations and  
534 activities of the Commission and its staff, which must be in a total amount  
535 sufficient to cover its annual budget as approved each year for which revenue  
536 is not provided by other sources. The aggregate annual assessment amount  
537 for Member States shall be allocated based upon a formula that the  
538 Commission, shall promulgate by Rule.
- 539 4. The Commission shall not incur obligations of any kind prior to securing the  
540 funds adequate to meet the same; nor shall the Commission pledge the credit  
541 of any of the Member States, except by and with the authority of the Member  
542 State.
- 543 5. The Commission shall keep accurate accounts of all receipts and  
544 disbursements. The receipts and disbursements of the Commission shall be  
545 subject to the financial review and accounting procedures established under its

546 bylaws. However, all receipts and disbursements of funds handled by the  
547 Commission shall be subject to an annual financial review by a certified or  
548 licensed public accountant, and the report of the financial review shall be  
549 included in and become part of the annual report of the Commission.

550 H. Qualified Immunity, Defense, and Indemnification

- 551 1. The members, officers, executive director, employees and representatives of  
552 the Commission shall be immune from suit and liability, both personally and in  
553 their official capacity, for any claim for damage to or loss of property or  
554 personal injury or other civil liability caused by or arising out of any actual or  
555 alleged act, error or omission that occurred, or that the person against whom  
556 the claim is made had a reasonable basis for believing occurred within the  
557 scope of Commission employment, duties or responsibilities; provided that  
558 nothing in this paragraph shall be construed to protect any such person from  
559 suit or liability for any damage, loss, injury, or liability caused by the intentional  
560 or willful or wanton misconduct of that person. The procurement of insurance  
561 of any type by the Commission shall not in any way compromise or limit the  
562 immunity granted hereunder
- 563 2. The Commission shall defend any member, officer, executive director,  
564 employee and representative of the Commission in any civil action seeking to  
565 impose liability arising out of any actual or alleged act, error, or omission that  
566 occurred within the scope of Commission employment, duties, or  
567 responsibilities, or as determined by the Commission that the person against  
568 whom the claim is made had a reasonable basis for believing occurred within  
569 the scope of Commission employment, duties, or responsibilities; provided that  
570 nothing herein shall be construed to prohibit that person from retaining their  
571 own counsel at their own expense; and provided further, that the actual or  
572 alleged act, error, or omission did not result from that person's intentional or  
573 willful or wanton misconduct.
- 574 3. The Commission shall indemnify and hold harmless any member, officer,  
575 executive director, employee, and representative of the Commission for the  
576 amount of any settlement or judgment obtained against that person arising out  
577 of any actual or alleged act, error, or omission that occurred within the scope of  
578 Commission employment, duties, or responsibilities, or that such person had a  
579 reasonable basis for believing occurred within the scope of Commission  
580 employment, duties, or responsibilities, provided that the actual or alleged act,  
581 error, or omission did not result from the intentional or willful or wanton  
582 misconduct of that person.
- 583 4. Nothing herein shall be construed as a limitation on the liability of any licensee  
584 for professional malpractice or misconduct, which shall be governed solely by  
585 any other applicable state laws.
- 586 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a  
587 Member State's state action immunity or state action affirmative defense with

588 respect to antitrust claims under the Sherman Act, Clayton Act, or any other  
589 state or federal antitrust or anticompetitive law or regulation.

590 6. Nothing in this Compact shall be construed to be a waiver of sovereign  
591 immunity by the Member States or by the Commission.  
592

## 593 **SECTION 9. DATA SYSTEM**

594 A. The Commission shall provide for the development, maintenance, operation, and  
595 utilization of a coordinated database and reporting system containing licensure,  
596 Adverse Action, and the presence of Current Significant Investigative Information on  
597 all licensed individuals in Member States.

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

601 1. Identifying information;

602 2. Licensure data;

603 3. Adverse Actions against a license or an Interstate Compact License and  
604 information related thereto;

605 4. Non-confidential information related to Alternative Program participation, the  
606 beginning and end dates of such participation, and other information related to  
607 such participation not made confidential under Member State law;

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

609 6. The presence of Current Significant Investigative Information; and

610 7. Other information that may facilitate the administration of this Compact or the  
611 protection of the public, as determined by the Rules of the Commission.

612 C. The records and information provided to a Member State pursuant to this Compact  
613 or through the Data System, when certified by the Commission or an agent thereof,  
614 shall constitute the authenticated business records of the Commission, and shall be  
615 entitled to any associated hearsay exception in any relevant judicial, quasi-judicial  
616 or administrative proceedings in a Member State.

617 D. Current Significant Investigative Information pertaining to a Licensee in any Member  
618 State will only be available to other Member States.

619 E. It is the responsibility of the Member States to report any Adverse Action against a  
620 Licensee and to monitor the database to determine whether Adverse Action has  
621 been taken against a Licensee. Adverse Action information pertaining to a Licensee  
622 in any Member State will be available to any other Member State.

623 F. Member States contributing information to the Data System may designate  
624 information that may not be shared with the public without the express permission of  
625 the contributing State.

626 G. Any information submitted to the Data System that is subsequently expunged

627                   pursuant to federal law or the laws of the Member State contributing the information  
628                   shall be removed from the Data System.  
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630                   **SECTION 10. RULEMAKING**  
631

- 632                   A. The Commission shall promulgate reasonable Rules in order to effectively and  
633                   efficiently implement and administer the purposes and provisions of the Compact. A  
634                   Rule shall be invalid and have no force or effect only if a court of competent  
635                   jurisdiction holds that the Rule is invalid because the Commission exercised its  
636                   rulemaking authority in a manner that is beyond the scope and purposes of the  
637                   Compact, or the powers granted hereunder, or based upon another applicable  
638                   standard of review.
- 639                   B. The Rules of the Commission shall have the force of law in each Member State,  
640                   provided however that where the Rules of the Commission conflict with the laws of  
641                   the Member State that establish the Member State's Scope of Practice as held by a  
642                   court of competent jurisdiction, the Rules of the Commission shall be ineffective in  
643                   that State to the extent of the conflict.
- 644                   C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set  
645                   forth in this Section and the Rules adopted thereunder. Rules shall become binding  
646                   as of the date specified in each Rule.
- 647                   D. If a majority of the legislatures of the Member States rejects a Rule or portion of a  
648                   Rule, by enactment of a statute or resolution in the same manner used to adopt the  
649                   Compact within four (4) years of the date of adoption of the Rule, then such Rule  
650                   shall have no further force and effect in any Member State.
- 651                   E. Rules shall be adopted at a regular or special meeting of the Commission.
- 652                   F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing  
653                   and allow persons to provide oral and written comments, data, facts, opinions, and  
654                   arguments.
- 655                   G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30)  
656                   days in advance of the meeting at which the Commission will hold a public hearing  
657                   on the proposed Rule, the Commission shall provide a Notice of Proposed  
658                   Rulemaking:
- 659                   1. On the website of the Commission or other publicly accessible platform;
  - 660                   2. To persons who have requested notice of the Commission's notices of proposed  
661                   rulemaking, and
  - 662                   3. In such other way(s) as the Commission may by Rule specify.
- 663                   H. The Notice of Proposed Rulemaking shall include:
- 664                   1. The time, date, and location of the public hearing at which the Commission will  
665                   hear public comments on the proposed Rule and, if different, the time, date, and  
666                   location of the meeting where the Commission will consider and vote on the

- 667 proposed Rule;
- 668 2. If the hearing is held via telecommunication, video conference, or other electronic  
669 means, the Commission shall include the mechanism for access to the hearing in  
670 the Notice of Proposed Rulemaking;
- 671 3. The text of the proposed Rule and the reason therefor;
- 672 4. A request for comments on the proposed Rule from any interested person; and
- 673 5. The manner in which interested persons may submit written comments.
- 674 I. All hearings will be recorded. A copy of the recording and all written comments and  
675 documents received by the Commission in response to the proposed Rule shall be  
676 available to the public.
- 677 J. Nothing in this section shall be construed as requiring a separate hearing on each  
678 Rule. Rules may be grouped for the convenience of the Commission at hearings  
679 required by this section.
- 680 K. The Commission shall, by majority vote of all members, take final action on the  
681 proposed Rule based on the Rulemaking record and the full text of the Rule.
- 682 1. The Commission may adopt changes to the proposed Rule provided the changes  
683 do not enlarge the original purpose of the proposed Rule.
- 684 2. The Commission shall provide an explanation of the reasons for substantive  
685 changes made to the proposed Rule as well as reasons for substantive changes  
686 not made that were recommended by commenters.
- 687 3. The Commission shall determine a reasonable effective date for the Rule. Except  
688 for an emergency as provided in Section 11.L, the effective date of the rule shall  
689 be no sooner than 30 days after issuing the notice that it adopted or amended  
690 the Rule.
- 691 L. Upon determination that an emergency exists, the Commission may consider and  
692 adopt an emergency Rule with [24 or 48] hours' notice, with opportunity to  
693 comment, provided that the usual Rulemaking procedures provided in the Compact  
694 and in this section shall be retroactively applied to the Rule as soon as reasonably  
695 possible, in no event later than ninety (90) days after the effective date of the Rule.  
696 For the purposes of this provision, an emergency Rule is one that must be adopted  
697 immediately in order to:
- 698 1. Meet an imminent threat to public health, safety, or welfare;
- 699 2. Prevent a loss of Commission or Member State funds;
- 700 3. Meet a deadline for the promulgation of a Rule that is established by federal law  
701 or rule; or
- 702 4. Protect public health and safety.
- 703 M. The Commission or an authorized committee of the Commission may direct  
704 revisions to a previously adopted Rule for purposes of correcting typographical  
705 errors, errors in format, errors in consistency, or grammatical errors. Public notice of

706 any revisions shall be posted on the website of the Commission. The revision shall  
707 be subject to challenge by any person for a period of thirty (30) days after posting.  
708 The revision may be challenged only on grounds that the revision results in a  
709 material change to a Rule. A challenge shall be made in writing and delivered to the  
710 Commission prior to the end of the notice period. If no challenge is made, the  
711 revision will take effect without further action. If the revision is challenged, the  
712 revision may not take effect without the approval of the Commission.

713 N. No Member State’s rulemaking requirements shall apply under this compact.  
714

715 **SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**  
716

717 A. Oversight

- 718 1. The executive and judicial branches of State government in each Member State  
719 shall enforce this Compact and take all actions necessary and appropriate to  
720 implement the compact.
- 721 2. Venue is proper and judicial proceedings by or against the Commission shall be  
722 brought solely and exclusively in a court of competent jurisdiction where the  
723 principal office of the Commission is located. The Commission may waive  
724 venue and jurisdictional defenses to the extent it adopts or consents to  
725 participate in alternative dispute resolution proceedings. Nothing herein shall  
726 affect or limit the selection or propriety of venue in any action against a licensee  
727 for professional malpractice, misconduct or any such similar matter
- 728 3. The Commission shall be entitled to receive service of process in any  
729 proceeding regarding the enforcement or interpretation of the Compact and  
730 shall have standing to intervene in such a proceeding for all purposes. Failure  
731 to provide the Commission service of process shall render a judgment or order  
732 void as to the Commission, this Compact, or promulgated Rules.

733 B. Default, Technical Assistance, and Termination

- 734 1. If the Commission determines that a Member State has defaulted in the  
735 performance of its obligations or responsibilities under this Compact or the  
736 promulgated Rules, the Commission shall provide written notice to the  
737 defaulting State. The notice of default shall describe the default, the proposed  
738 means of curing the default, and any other action that the Commission may  
739 take, and shall offer training and specific technical assistance regarding the  
740 default.
- 741 2. The Commission shall provide a copy of the notice of default to the other  
742 Member States.

743 C. If a State in default fails to cure the default, the defaulting State may be terminated  
744 from the Compact upon an affirmative vote of a majority of the delegates of the  
745 Member States, and all rights, privileges and benefits conferred on that State by  
746 this Compact may be terminated on the effective date of termination. A cure of the  
747 default does not relieve the offending State of obligations or liabilities incurred

- 748 during the period of default.
- 749 D. Termination of membership in the Compact shall be imposed only after all other  
750 means of securing compliance have been exhausted. Notice of intent to suspend  
751 or terminate shall be given by the Commission to the governor, the majority and  
752 minority leaders of the defaulting State's legislature, the defaulting State's State  
753 Licensing Authority and each of the Member States' State Licensing Authority.
- 754 E. A State that has been terminated is responsible for all assessments, obligations,  
755 and liabilities incurred through the effective date of termination, including  
756 obligations that extend beyond the effective date of termination.
- 757 F. Upon the termination of a State's membership from this Compact, that State shall  
758 immediately provide notice to all Licensees within that State of such termination.  
759 The terminated State shall continue to recognize all licenses granted pursuant to  
760 this Compact for a minimum of six (6) months after the date of said notice of  
761 termination.
- 762 G. The Commission shall not bear any costs related to a State that is found to be in  
763 default or that has been terminated from the Compact, unless agreed upon in  
764 writing between the Commission and the defaulting State.
- 765 H. The defaulting State may appeal the action of the Commission by petitioning the  
766 U.S. District Court for the District of Columbia or the federal district where the  
767 Commission has its principal offices. The prevailing party shall be awarded all  
768 costs of such litigation, including reasonable attorney's fees.
- 769 I. Dispute Resolution
- 770 1. Upon request by a Member State, the Commission shall attempt to resolve  
771 disputes related to the Compact that arise among Member States and between  
772 Member and non-Member States.
- 773 2. The Commission shall promulgate a Rule providing for both mediation and  
774 binding dispute resolution for disputes as appropriate.
- 775 J. Enforcement
- 776 1. By majority vote as provided by Rule, the Commission may initiate legal action  
777 against a Member State in default in the United States District Court for the  
778 District of Columbia or the federal district where the Commission has its  
779 principal offices to enforce compliance with the provisions of the Compact and  
780 its promulgated Rules. The relief sought may include both injunctive relief and  
781 damages. In the event judicial enforcement is necessary, the prevailing party  
782 shall be awarded all costs of such litigation, including reasonable attorney's  
783 fees. The remedies herein shall not be the exclusive remedies of the  
784 Commission. The Commission may pursue any other remedies available under  
785 federal or the defaulting Member State's law.
- 786 2. A Member State may initiate legal action against the Commission in the U.S.  
787 District Court for the District of Columbia or the federal district where the

788 Commission has its principal offices to enforce compliance with the provisions  
789 of the Compact and its promulgated Rules. The relief sought may include both  
790 injunctive relief and damages. In the event judicial enforcement is necessary,  
791 the prevailing party shall be awarded all costs of such litigation, including  
792 reasonable attorney's fees.

793 3. No person other than a Member State shall enforce this compact against the  
794 Commission.

795

## 796 **SECTION 12. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

797

798 A. The Compact shall come into effect on the date on which the Compact statute is  
799 enacted into law in the seventh Member State. The provisions, which become  
800 effective at that time, shall be limited to the powers granted to the Commission  
801 relating to assembly and the promulgation of Rules. Thereafter, the Commission  
802 shall meet and exercise Rulemaking powers necessary to the implementation  
803 and administration of the Compact. All actions taken for the benefit of the  
804 Commission and/or in furtherance of the purposes of the administration of the  
805 Compact prior to the effective date of the Compact and/or the Commission  
806 coming into existence shall be considered to be actions of the Commission  
807 unless specifically repudiated by the Commission.

808 B. Any State that joins the Compact subsequent to the Commission's initial  
809 adoption of the Rules and bylaws shall be subject to the Rules and bylaws as  
810 they exist on the date on which the Compact becomes law in that State. Any  
811 Rule that has been previously adopted by the Commission shall have the full  
812 force and effect of law on the day the Compact becomes law in that State.

813 C. Any Member State may withdraw from this Compact by enacting a statute  
814 repealing the same.

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

817 2. Withdrawal shall not affect the continuing requirement of the withdrawing  
818 State's Licensing Authority to comply with the investigative and Adverse  
819 Action reporting requirements of this Compact prior to the effective date of  
820 withdrawal.

821 D. Upon the enactment of a statute withdrawing from this compact, a State shall  
822 immediately provide notice of such withdrawal to all Licensees within that State.  
823 Notwithstanding any subsequent statutory enactment to the contrary, such

824 withdrawing State shall be continue to recognize all licenses granted pursuant to  
825 this compact for a minimum of six (6) months after the date of such notice of  
826 withdrawal.

827 E. Nothing contained in this Compact shall be construed to invalidate or prevent any  
828 Social Work licensure agreement or other cooperative arrangement between a  
829 Member State and a non-Member State that does not conflict with the provisions  
830 of this Compact.

831 F. This Compact may be amended by the Member States. No amendment to this  
832 Compact shall become effective and binding upon any Member State until it is  
833 enacted into the laws of all Member States.

834

### 835 **SECTION 13. CONSTRUCTION AND SEVERABILITY**

836 A. This Compact and the Commission's rulemaking authority shall be liberally  
837 construed so as to effectuate the purposes, and the implementation and  
838 administration of the Compact. Provisions of the Compact expressly authorizing or  
839 requiring the promulgation of Rules shall not be construed to limit the  
840 Commission's rulemaking authority solely for those purposes.

841 B. The provisions of this Compact shall be severable and if any phrase, clause,  
842 sentence or provision of this Compact is held by a court of competent jurisdiction  
843 to be contrary to the constitution of any Member State, a State seeking  
844 participation in the Compact, or of the United States, or the applicability thereof to  
845 any government, agency, person or circumstance is held to be unconstitutional by  
846 a court of competent jurisdiction, the validity of the remainder of this Compact and  
847 the applicability thereof to any other government, agency, person or circumstance  
848 shall not be affected thereby.

849 C. Notwithstanding subsection B of this section, the Commission may deny a State's  
850 participation in the Compact or, in accordance with the requirements of Section  
851 12.B, terminate a Member State's participation in the Compact, if it determines  
852 that a constitutional requirement of a Member State is, or would be with respect to  
853 a State seeking to participate in the Compact, a material departure from the  
854 Compact. Otherwise, if this Compact shall be held to be contrary to the  
855 constitution of any Member State, the Compact shall remain in full force and effect  
856 as to the remaining Member States and in full force and effect as to the Member  
857 State affected as to all severable matters.

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**SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS**

- A. A Licensee providing services in a Remote State under a Multistate Authorization to Practice shall adhere to the laws and regulations, including Scope of Practice, of the Remote State where the client is located at the time care is rendered.
- B. Nothing herein prevents the enforcement of any other law of a Member State that is not inconsistent with the Compact.
- C. Any laws in a Member State in conflict with the Compact are superseded to the extent of the conflict.
- D. Any lawful actions of the Commission, including all Rules and bylaws properly promulgated by the Commission, are binding upon the Member States.
- E. All permissible agreements between the Commission and the Member States are binding in accordance with their terms.
- F. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any Member State, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that Member State.