CHAPTER 63

Social Workers

Article 1

General Provisions

**SECTION 40-63-5. Application of chapter; conflict of laws.**

Unless otherwise provided for in this chapter, Article 1, Chapter 1 of Title 40 applies to the Board of Social Work Examiners administered by the Department of Labor, Licensing and Regulation. If there is a conflict between this chapter and Article 1, Chapter 1 of Title 40, the provisions of this chapter control.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-10. State Board of Social Work Examiners; membership; oath; expense reimbursements.**

(A) There is created the State Board of Social Work Examiners to be composed of seven members appointed by the Governor, with the advice and consent of the Senate, including one lay member, two licensed baccalaureate social workers, two licensed master social workers, and two licensed independent social workers (clinical or advanced practice). All members must be residents of this State and the social workers must have been in the active practice of social work for at least five years before appointment. The terms of the members are for four years and until their successors are appointed and qualify. Members of the board are eligible for reappointment. The board shall have powers and duties as stated in Section 40-1-70. The board may promulgate regulations to carry out the provisions of this chapter. The Governor may remove a member in accordance with Section 1-3-240. No member may be removed without an opportunity to refute the charges filed against him. He must be given a copy of the charges at the time they are filed. Vacancies on the board must be filled in the manner of the original appointment for the unexpired portion of the term.

(B) The members of the board shall qualify by taking an oath of office before a notary public or other officer authorized to administer oaths in this State.

(C) Members may receive for their services mileage, expenses, subsistence, and per diem as provided by law for members of state boards, committees, and commissions.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-20. Definitions.**

As used in this chapter:

(1) "Advanced Practice Social Worker" means a person duly licensed to practice independent advanced practice social work under this act.

(2) "Advanced Practice Supervision" means an interactional professional and educational relationship between an advanced practice supervisor and a social worker that provides evaluation and direction over the supervisee's practice of advanced practice social work and promotes continued development of the social worker's knowledge, skills, and abilities to engage in the practice of advanced practice social work in an ethical and competent manner.

(3) "Approved Advanced Practice Supervisor" means a licensed advanced practice social worker who has met the qualifications as determined by the board.

(4) "Approved Clinical Supervisor" means a licensed clinical social worker who has met the qualifications as determined by the board.

(5) "Approved Provider of Continuing Education" means an individual, group, professional association, school, institution, organization, or agency approved by the board to conduct educational program(s).

(6) "Baccalaureate Social Worker" means a person duly licensed to practice baccalaureate social work under this act.

(7) "Board" means the South Carolina Board of Social Work Examiners.

(8) "Case Management" means a procedure to plan, provide, and monitor services from a variety of resources on behalf of and in collaboration with a client.

(9) "Client" means the individual, couple, family, group, organization, or community that seeks or receives social work services.

(10) "Clinical Social Worker" means a person duly licensed to practice clinical social work under this act.

(11) "Clinical Supervision" means an interactional professional and educational relationship between a clinical supervisor and a social worker that provides evaluation and direction over the supervisee's practice of clinical social work and promotes continued development of the social worker's knowledge, skills, and abilities to engage in the practice of clinical social work in an ethical and competent manner.

(12) "Consultation" means a problem solving process in which expertise is offered to an individual, group, organization, or community.

(13) "Continuing Education" means education and training, which are oriented to maintain, improve, or enhance social work practice.

(14) "Continuing Education Contact Hour" means a sixty ( 60) minute clock hour of instruction, not including breaks or meals.

(15) "Counseling" means a method used by social workers to assist individuals, couples, families, and groups in learning how to solve problems and make decisions about personal, health, social, educational, vocational, financial, and other interpersonal concerns.

(16) "Director" means the Director of the Department of Labor, Licensing and Regulation.

(17) "Examination" means a standardized test of social work knowledge, skills, and abilities approved by the board.

(18) "Independent Social Worker—Advanced Practice" means a person duly licensed to practice Independent Social Work—Advanced Practice under this act.

(19) "Independent Social Worker—Clinical Practice" means a person duly licensed to practice Independent Social Work—Clinical Practice under this act.

(20) "License" means an authorization to practice social work issued by the board pursuant to this chapter.

(21) "Licensee" means an individual who has met the requirements for licensure under this chapter and has been issued a license to practice as a social worker.

(22) "Masters Social Worker" means a person licensed to engage in the practice of Masters Social Work.

(23) "Practice of Baccalaureate Social Work" means the professional application of social work theory, knowledge, methods, principles, values, and ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. The practice of Baccalaureate Social Work is a basic generalist practice that includes assessment, planning, intervention, evaluation, mediation, case management, information and referral, counseling, advocacy, supervision of employees, consultation, client education, research, community organization, and the development, implementation, and administration of policies, programs, and activities. Baccalaureate Social Workers are not qualified to diagnose and treat mental illness nor provide psychotherapy services. Baccalaureate Social Work is practiced only in organized settings such as social, medical, or governmental agencies and may not be practiced independently or privately.

(24) "Practice of Independent Social Work—Advanced Practice" means the professional application of social work theory, knowledge, methods, principles, values, and ethics, and the professional use of self to community and organizational systems (systemic and macrocosm issues) and other indirect (nonclinical) services. The Advanced Practice of Social Work includes activities such as community organization and development, social planning and policy development, administration of social work policies, programs and activities, outcome evaluation, client education, research, nonclinical supervision of employees and nonclinical consultation, nonclinical assessment and referral, mediation, expert testimony, and advocacy. A Licensed Independent Social Worker—AP may not practice clinical social work independently. The Independent Social Worker—AP may engage in the activities included under the practice of Masters Social Work. The practice of Independent Social Work—Advanced Practice may include private practice.

(25) "Practice of Independent Social Work—Clinical Practice" means the professional application of social work theory, knowledge, methods, principles, values, and ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, and direct clinical needs of organizations and communities. The practice of Clinical Social Work requires the application of specialized clinical knowledge and advanced clinical skills in the areas of assessment, diagnosis, and treatment for mental, emotional, and behavioral disorders, and conditions. Treatment methods include the provision of individual, marital, couple, family, and group counseling and psychotherapy. The practice of independent clinical social work includes case management, information and referral, mediation, client education, supervision of employees, consultation, research, advocacy, outcome evaluation, and expert testimony. The practice of Independent Social Work—Clinical Practice may include private practice. A Licensed Independent Social Worker—CP may not practice advanced practice social work independently. The Independent Social Worker—CP may engage in the activities included under the practice of Masters Social Work.

(26) "Practice of Masters Social Work" means the application of social work theory, knowledge, methods, and ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. Masters Social Work Practice requires the application of specialized knowledge and advanced practice skills in the areas of assessment, treatment planning, implementation and evaluation, case management, information and referral, mediation, client education, counseling, advocacy, supervision of employees, consultation, research, community organization and development, administration of social work policies, programs and activities, and outcome evaluation. The practice of Masters Social Work may include the practice of Clinical Social Work under clinical supervision within a recognized, organized setting such as social, medical, and governmental agencies. LMSW's may engage only in supervised practice in such agencies and may not practice privately or independently.

(27) "Private Practice" means the provision of clinical or advanced social work services by a Licensed Independent Social Worker who assumes responsibility for the nature and quality of the services provided to the client in exchange for direct payment or third-party reimbursement.

(28) "Psychotherapy" means the use of treatment methods utilizing a specialized, formal interaction between an appropriately Licensed Social Worker and an individual, couple, family, or group in which a therapeutic relationship is established, maintained, and sustained to understand unconscious processes, intrapersonal, interpersonal, and psychosocial dynamics, and the diagnosis and treatment of mental, emotional, and behavioral disorders, conditions, and addictions.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-30. License as prerequisite to practice or offer to practice; providing social work services through telephone or electronic means.**

(A) No individual shall offer social work services or use the designation "Social Worker", "Licensed Baccalaureate Social Worker", "Licensed Masters Social Worker", "Licensed Independent Social Worker—Clinical Practice", "Licensed Independent Social Worker—Advanced Practice", or the initials "LBSW", "LMSW", or "LISW" or any other designation indicating licensure status or hold themselves out as practicing social work or as a Baccalaureate Social Worker, Masters Social Worker, or Independent Social Worker unless licensed in accordance with this chapter.

(B) A person providing social work services to a client in this State, through telephonic, electronic, or other means, regardless of the location of the social worker, who is not licensed or registered by this State, is practicing without a license. A social worker licensed by this State may provide services through these means to a client in this State within their appropriate scope of practice.

HISTORY: 2002 Act No. 189, § 1; 2022 Act No. 155 (S.1179), § 1, eff June 12, 2022.

**SECTION 40-63-32. Criminal history background check.**

In addition to other requirements established by law, a person applying for initial licensure as a social worker pursuant to this chapter or participation in the Social Work Interstate Compact set forth in Article 3 must undergo a state criminal records check, supported by fingerprints, by the South Carolina Law Enforcement Division (SLED), and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation (FBI). The results of these criminal records checks must be reported to the department. SLED and the FBI are authorized to retain the fingerprints for identification and certification purposes and for notification of the department regarding criminal charges. Costs of conducting a criminal history background check must be borne by the applicant. The department shall keep information received pursuant to this section confidential, except that information relied upon in denying licensure may be disclosed to the board as may be necessary to support the administrative action.

HISTORY: 2025 Act No. 66 (H.3752), § 3, eff May 22, 2025.

**SECTION 40-63-35. Out-of-state social workers authorized.**

(A) For purposes of this section, "behavioral telehealth" means the practice of Independent Social Work-CP using electronic communications, information technology, or other means between a registrant located outside this State and a client located in this State with or without an intervening practitioner. A behavioral telehealth provider has the duty to practice in a manner consistent with his scope of practice and the prevailing professional standard of practice for an Independent Social Work-CP who provides in-person social work services to clients in this State.

(B) An Independent Social Work-CP who holds an active license to provide independent social work services in another state or jurisdiction may provide independent social work services using behavioral telehealth to a client located in this State if the individual is registered with the board and provides the services within the applicable scope of practice established by this State.

(C) To be registered, the individual must:

(1) complete an application in the format prescribed by the board;

(2) be licensed with an active, unencumbered license that is issued by another state, the District of Columbia, or a possession or territory of the United States and that is substantially similar to a license issued by South Carolina to an Independent Social Worker-CP;

(3) have not been the subject of disciplinary action relating to his license during the five-year period immediately prior to the submission of the application; and

(4) pay a ten-dollar fee.

(D) The website of a behavioral telehealth registrant must prominently display a hyperlink to the board's website containing information required under subsection (F).

(E) The individual may not register under this section if his license to provide social work services is subject to a pending disciplinary investigation or action or has been revoked in any state or jurisdiction. A social worker registered under this section must notify the board of restrictions placed on his license to practice, or any disciplinary action taken or pending against him, in any state or jurisdiction. The notification must be provided within five business days after the restriction is placed or disciplinary action is initiated or taken.

(F) The board shall publish on its website a list of all registrants and include, to the extent applicable, each registrant's:

(1) name;

(2) address;

(3) out-of-state social work license type with the license number; and

(4) South Carolina behavioral telehealth registration number.

(G) The board may take disciplinary action against an out-of-state registrant registered under this section if the individual:

(1) fails to notify the board of any adverse actions taken against his license as required under subsection (E);

(2) has restrictions placed on or disciplinary action taken against his license in any state or jurisdiction;

(3) violates any of the requirements of this section; or

(4) commits any act that constitutes grounds for disciplinary action under the board's statutes or regulations.

(H) For the purposes of this section, the delivery of behavioral telehealth services by a registrant licensed by another state or jurisdiction to a client residing in this State is deemed to occur in this State, and the registrant consents, as a condition of registration, to the personal and subject matter jurisdiction and disciplinary authority of the board.

(I) Nothing in this section requires or authorizes an individual licensed by this State pursuant to this chapter to obtain a behavioral telehealth registration in order to provide behavioral telehealth services to a client residing in this State.

HISTORY: 2022 Act No. 155 (S.1179), § 2, eff June 12, 2022.

**SECTION 40-63-40. General public board members; nominations; appointments.**

Board members from the general public may be nominated by an individual, group, or association and must be appointed by the Governor in accordance with Section 40-1-45, the section encouraging public and consumer membership on the boards administered by the Department of Labor, Licensing and Regulation.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-50. Powers and duties of board.**

(A) In addition to the powers and duties enumerated in Section 40-1-50, the board shall:

(1) at the first meeting of the board in each calendar year, elect a president and vice-president from its membership. A majority of the appointed members of the board constitutes a quorum. Regular meetings must be held four times a year. Special meetings may be held upon the call of the president or any two members of the board.

(2) have a seal and the impression must be attached to all official documents issued by it. The board shall keep a full record of all its proceedings and maintain a complete registry of all Licensed Social Workers.

(B) The board may promulgate regulations necessary to carry out the provisions of this chapter.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-60. Adoption of rules governing board proceedings.**

The board may adopt rules governing its proceedings.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-70. Board promulgation of regulations.**

In addition to the powers and duties provided in this chapter, the board has those powers and duties set forth in Section 40-1-70.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-80. Power to subpoena witnesses, take evidence, and require production of documents.**

For the purpose of conducting an investigation or proceeding under this chapter, the board or a person designated by the board may subpoena witnesses, take evidence, and require the production of any documents or records which the board considers relevant to the inquiry.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-90. Investigation and hearing for violation or unfitness to practice; notice; rights to license; privileged communications.**

(A) If the Department of Labor, Licensing and Regulation or the board has reason to believe that a person has violated a provision of this article or a regulation promulgated under this article or that a licensee has become unfit to practice as a social worker or if a person files a written complaint with the board or the director, the director of the department may initiate an investigation. The results of an investigation must be presented to the board. If it appears that a violation has occurred or that a licensee has become unfit to practice as a Licensed Social Worker, the board may, in accordance with the Administrative Procedures Act, take action as authorized by law. The board may designate a hearing officer or panel to conduct hearings or take other action as may be necessary.

(B) The board shall notify the accused licensee in writing not less than thirty days before the hearing and a copy of the accusation must be attached to the notice. The notice must be served personally or sent to the accused licensee by registered mail, return receipt requested, directed to his last mailing address furnished to the board. The post office registration receipt signed by the accused licensee, his agent, or a responsible member of his household or office staff, or, if not accepted by the person to whom addressed, the postal authority stamp showing the notice refused, is prima facie evidence of service of the notice.

(C) The accused licensee has the right to be present and present evidence and argument on all issues involved, to present and to cross-examine witnesses, and to be represented by counsel, at the accused licensee's expense. For the purpose of these hearings, the board may require by subpoena the attendance of witnesses and the production of documents and other evidence and may administer oaths and hear testimony, either oral or documentary, for and against the accused licensee. All investigations, inquiries, and proceedings undertaken under this chapter must be confidential, except as hereinafter provided.

(D) Every communication, whether oral or written, made by or on behalf of any complainant to the board or its agents or any hearing panel or member, pursuant to this chapter, whether by way of complaint or testimony, is privileged and no action or proceeding, civil or criminal, lies against any person by whom or on whose behalf such communication has been made, except upon proof that such communication was made with malice.

(E) No person connected with a complaint, investigation, or other proceeding before the board including, but not limited to, any witness, counsel, counsel's secretary, board member, board employee, court reporter, or investigator may mention the existence of the complaint, investigation, or other proceeding or disclose any information pertaining to the complaint, investigation, or proceeding, except to persons involved and having a direct interest in the complaint, investigation, or other proceeding, and then only to the extent necessary for the proper disposition of the complaint, investigation, or other proceeding. However, when the board receives information in a complaint, investigation, or other proceeding before it indicating a violation of a state or federal law, the board may provide that information, to the extent the board considers necessary, to the appropriate state or federal law enforcement agency or regulatory body. Nothing contained in this section may be construed to prevent the board from making public a copy of its final order in any proceeding, as authorized or required by law.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-100. Equitable relief; cease and desist order; temporary restraining order.**

(A) In addition to other remedies provided for in this chapter or Chapter 1, Title 40, the board in accordance with Section 40-1-100 may issue a cease and desist order or may petition an administrative law judge for a temporary restraining order or other equitable relief to enjoin a violation of this chapter.

(B) If the board has reason to believe that a person is violating or intends to violate a provision of this chapter, it may, in addition to all other remedies, order the person to desist immediately and refrain from the conduct. The board may apply to an administrative law judge, as provided under Article 5 of Chapter 23 of Title 1, for an injunction restraining the person from the conduct. The judge may issue a temporary injunction ex parte not to exceed ten days and, upon notice and full hearing, may issue any other order in the matter it considers proper. No bond may be required of the board by the judge as a condition to the issuance of an injunction or order contemplated by the provisions of this section.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-110. Grounds for disciplinary action; misconduct; mental incompetence.**

(A) The board may revoke, suspend, publicly reprimand, or otherwise restrict the practice or discipline a licensee when it is established that the licensee is guilty of misconduct as defined in this chapter.

(B) Misconduct, which constitutes grounds for revocation, suspension, or restriction of practice or limitation on, reprimand, or other discipline of a licensee is a satisfactory showing to the board that:

(1) a false, fraudulent, or forged statement or document has been used or a fraudulent, deceitful, or dishonest act has been practiced by the licensee in connection with a license requirement;

(2) the licensee has been convicted of a felony or any other crime involving moral turpitude. Forfeiture of a bond or a plea of nolo contendere is considered the equivalent of a conviction;

(3) the licensee violated a regulation, directive, or order of the board;

(4) the licensee has knowingly performed an act which in any way assists a person to practice social work illegally;

(5) the licensee has caused to be published or circulated directly or indirectly a fraudulent, false, or misleading statement as to the skill or methods of practice of a social worker;

(6) the licensee practiced social work while under either the influence of alcohol or drugs to such a degree as to adversely affect his ability to practice;

(7) the licensee uses alcohol or drugs to such a degree as to adversely affect the licensee's ability to practice social work;

(8) the licensee has sustained any physical or mental impairment or disability which renders further practice by the licensee dangerous to the public;

(9) the licensee has violated the principles of professional ethics or standards of conduct as adopted by the board and promulgated in regulations;

(10) the licensee is guilty of obtaining fees or assisting in obtaining fees under deceptive, false, or fraudulent circumstances;

(11) the licensee is guilty of the use of any intentionally false or fraudulent statement in any document connected with the practice of social work;

(12) the licensee has been found by the board to lack the professional competence to practice social work;

(13) the licensee has engaged in sexual contact with a current client or with a former client during a period of three years after the termination of the therapeutic relationship;

(14) the licensee has compromised the validity or security of licensure examinations required or recognized by the board;

(15) the licensee has engaged in unprofessional conduct as determined by the board.

(C) In addition to all other remedies and actions incorporated in this chapter, the license of a social worker adjudged mentally incompetent by a court of competent jurisdiction is automatically suspended by the board until the licensee is adjudged competent by a court of competent jurisdiction.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-120. Revocation or suspension of license; fines.**

Upon a determination by the board that one or more of the grounds for discipline of a licensee exists, as provided for in Section 40-63-100 or 40-1-110, the board may impose sanctions as provided in Section 40-1-120, including suspension, restriction, or revocation of a license and may impose a fine of not more than five thousand dollars for each violation.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-130. Licensure denial; grounds.**

As provided for in Section 40-1-130, the board may deny licensure to an applicant based on the same grounds for which the board may take disciplinary action against a licensee.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-140. Prior criminal record.**

As provided for in Section 40-1-140, a license may not be denied based solely on a person's prior criminal record.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-150. Voluntary surrender of license.**

As provided for in Section 40-1-150, a licensee under investigation for a violation of this chapter or a regulation promulgated under this chapter may voluntarily surrender the license.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-160. Appeal.**

As provided for in Section 40-1-160, a person aggrieved by a final action of the board may seek review of the decision.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-170. Costs of investigation and prosecution.**

As provided for in Section 40-1-170, a person found in violation of this chapter or regulations promulgated under this chapter may be required to pay costs associated with the investigation and prosecution of the case.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-180. Costs and fines; collection and enforcement.**

All costs and fines imposed pursuant to this chapter must be paid in accordance with and are subject to the collection and enforcement provisions of Section 40-1-180.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-190. Disclosure of client information.**

No licensee, or any of his or her employees or associates, shall disclose information which he or she may have acquired during the course of service, except:

(1) as mandated by Section 63-7-310, requiring certain professionals to report suspected child abuse and neglect, and Section 43-35-85, requiring certain professionals to report suspected abuse, neglect, or exploitation of a vulnerable adult;

(2) to prevent a clear and immediate danger to a person or persons, in cases where the information is necessary to prevent the client from causing harm to himself or herself or to others;

(3) where the licensee is a defendant in a civil, criminal, or disciplinary action arising from the course of service to the client in which case confidences may be disclosed only in the course of that action;

(4) where the client is a party in a criminal or civil proceeding, and the client introduces his mental condition as an element of a claim or defense;

(5) where there is a waiver of confidentiality previously obtained in writing, such information may be disclosed in accordance with the terms of the waiver. Competent clients, or their personal representatives, may consent to the release of confidences. In circumstances where more than one person receives services conjointly, each client who is legally competent to execute a waiver must agree to the waiver referred to in this subsection. Without a waiver from each client legally competent to execute a waiver, no confidences may be disclosed under this subsection;

(6) where otherwise required by law or an order signed by a judge of a court of competent jurisdiction.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-200. Unauthorized practice; penalty.**

(A) A person who practices or offers to practice as a social worker in this State in violation of this chapter or a regulation promulgated under this chapter or who knowingly submits false information to the board for the purpose of obtaining a license is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both.

(B) A person violating any other provision of this chapter or a regulation promulgated under this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-210. Civil penalties; injunctive relief.**

In addition to initiating a criminal proceeding for a violation of this chapter, the board may seek civil penalties and injunctive relief in accordance with Section 40-1-210, providing for civil actions through the Administrative Law Court for injunctive relief as provided in other sections of this chapter.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-220. Licensure requirements; Baccalaureate Social Worker.**

To be licensed as a Baccalaureate Social Worker, an applicant must:

(1) have submitted a written application in the form prescribed by the board;

(2) be at least twenty-one years of age;

(3) be of good moral character;

(4) have received a baccalaureate degree in social work from a program accredited by a nationally recognized accrediting body for social work programs, or from a social work program whose standards are at least equivalent to the minimum standards required by the nationally recognized accrediting body approved by the board;

(5) have successfully passed an examination prescribed by the board;

(6) have paid all applicable fees specified by the board.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-230. Licensure requirements; Masters Social Worker.**

To be licensed as a Masters Social Worker, an applicant must:

(1) have submitted a written application in the form prescribed by the board;

(2) be at least twenty-one years of age;

(3) be of good moral character;

(4) have received a masters or doctorate degree in social work from a program accredited by a nationally recognized accrediting body for social work programs, or from a social work program whose standards are at least equivalent to the minimum standards required by the nationally recognized accrediting body as approved by the board;

(5) have successfully passed an examination prescribed by the board;

(6) have paid all applicable fees specified by the board.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-240. Licensure requirements; Independent Social Worker-Clinical Practice.**

(A) To be licensed as an Independent Social Worker—Clinical Practice, an applicant must:

(1) have submitted a written application in the form prescribed by the board;

(2) be at least twenty-one years of age;

(3) be of good moral character;

(4) have received a masters or doctorate degree in social work from a program accredited by a nationally recognized accrediting body for social work programs, or from a social work program whose standards are at least equivalent to the minimum standards required by the nationally recognized accrediting body as approved by the board;

(5) course work content from a program accredited by a nationally recognized accrediting body for social work programs or from a social work program whose standards are at least equivalent to the minimum standards required by the nationally recognized accrediting body as approved by the board shall include forty-five academic contact hours each of:

(a) psychopathology;

(b) psychodiagnostics;

(6) demonstrate to the board the satisfactory completion of three thousand hours of social work practice under clinical supervision, which meets the following criteria, or demonstrate to the board's satisfaction equivalent supervised experience in the practice of Clinical Social Work. The board may review extraordinary circumstances related to supervised practice. Supervised practice under clinical supervision shall meet the following requirements:

(a) must have occurred after licensure as a Masters Social Worker and over a minimum two-year and maximum four-year period;

(b) must include face-to-face meetings between the approved clinical supervisor and the supervisee for a minimum of one hundred hours of direct clinical supervision equitably distributed;

(c) be documented by a plan for clinical supervision, filed with the board before beginning the period of supervision, (properly amended by submission of a notice of the end of supervision and a termination evaluation if a supervisory change is made) and submitted to the board with a termination evaluation at the end of the supervisory period;

(7) have obtained fifteen academic contact hours or twenty continuing education contact hours in professional ethics during the course of the professional supervision period, or have completed a board sponsored specialty course in professional ethics;

(8) have successfully passed an examination prescribed by the board;

(9) have paid all applicable fees specified by the board.

(B) To be licensed as an Independent Social Worker—Advanced Practice, an applicant must:

(1) have submitted a written application in the form prescribed by the board;

(2) be at least twenty-one years of age;

(3) be of good moral character;

(4) have received a masters or doctorate degree in social work from a program accredited by a nationally recognized accrediting body for social work programs, or from a social work program whose standards are at least equivalent to the minimum standards required by the nationally recognized accrediting body as approved by the board;

(5) course work content shall include ninety academic contact hours of course work in advanced social work practice with communities and organizations;

(6) demonstrate to the board the satisfactory completion of three thousand hours of social work practice under advanced practice supervision, which meets the following criteria, or demonstrate to the board's satisfaction equivalent supervised experience in the practice of advanced practice social work. The board may review extraordinary circumstances related to supervised practice. Supervised practice under advanced practice supervision shall meet the following requirements:

(a) must have occurred after licensure as a Masters Social Worker and over a minimum two-year and maximum four-year period;

(b) must include face-to-face meetings between the approved advanced practice supervisor and the supervisee for a minimum of one hundred hours of direct advanced practice supervision equitably distributed;

(c) be documented by a plan for advanced practice supervision, filed with the board before beginning the period of supervision, (properly amended by submission of a notice of the end of supervision and a termination evaluation if a supervisory change is made) and submitted to the board with a termination evaluation at the end of the supervisory period;

(7) have obtained fifteen academic contact hours or twenty continuing education contact hours in professional ethics during the course of the professional supervision period, or have completed a board sponsored specialty course in professional ethics;

(8) have successfully passed an examination prescribed by the board;

(9) have paid all applicable fees specified by the board.

(C) The qualifications for an Approved Advanced Practice Supervisor are that the licensee must:

(1) be a Licensed Independent Social Worker—Advanced Practice;

(2) have successfully passed an examination prescribed by the board;

(3) have a minimum of four thousand five hundred hours of advanced practice earned over a period of not less than three years beyond receipt of an LISW-AP;

(4) have obtained forty-five academic contact hours or forty-five continuing education contact hours in supervision.

(D) The qualifications for a Clinical Practice Supervisor are that the licensee must:

(1) be a Licensed Independent Social Worker—Clinical Practice;

(2) have successfully passed an examination prescribed by the board;

(3) have a minimum of four thousand five hundred hours of clinical practice earned over a period of not less than three years beyond receipt of an LISW-CP;

(4) have obtained forty-five academic contact hours or forty-five continuing education contact hours in supervision.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-250. Issuance of license; display; indication of title on documents; renewal; lapse.**

(A) If an applicant satisfies all licensure requirements required in this chapter, the board may issue a license to the applicant. A license is a personal right and not transferable, and the issuance of a license is evidence that the person is entitled to all rights and privileges of a licensed social worker while the license remains current and unrestricted. However, the license is the property of the State and upon suspension or revocation immediately must be returned to the board.

(B) A licensee under this chapter must display the license in a prominent and conspicuous place in the primary place of practice.

(C) A licensee under this chapter must indicate his or her category of licensure following his or her name or signature on all professional documents.

(D) Licenses issued under this chapter must be renewed every two years upon the payment of a renewal fee and upon the fulfillment of continuing education as determined by the board in regulation.

(E) A person licensed under this chapter must receive at least one contact hour of continuing education in suicide assessment, treatment, and management treatment, which may be completed virtually, as a portion of the total continuing education requirement for license renewal as determined by the board in regulation.

(F) Any licensee who allows his license to lapse by failing to renew the license as provided in this section may be reinstated by the board upon satisfactory explanation by the licensee of his failure to renew his license and upon payment of a reinstatement fee and the current renewal fee to be determined by the board. If a license has lapsed for more than one year, the board may impose further educational requirements for reinstatement. If a license has lapsed for more than two years, the person must reapply for licensure. Any person practicing as a social worker during the time that his license has lapsed has engaged in unlicensed practice and is subject to penalties provided for in Section 40-63-30.

HISTORY: 2002 Act No. 189, § 1; 2024 Act No. 158 (S.408), § 3, eff May 20, 2024.

**SECTION 40-63-260. Applicants licensed in another jurisdiction; licensure; equivalent designations recognized.**

(A) In order for a social worker currently licensed in another jurisdiction to obtain a license as a social worker in this State, the applicant must:

(1) have submitted a written application in the form prescribed by the board;

(2) be at least twenty-one years of age;

(3) be of good moral character;

(4) have received a baccalaureate, masters, or doctorate degree in social work from a program accredited by a nationally recognized accrediting body for social work programs, or from a social work program whose standards are at least equivalent to the minimum standards required by the nationally recognized accrediting body as approved by the board;

(5) have successfully passed an examination prescribed by the board;

(6) have presented to the board evidence that all social work licenses possessed by the applicant are current and in good standing;

(7) have presented to the board proof that no professional licenses granted to the applicant in any other state have been suspended, revoked, or restricted for any reason except nonrenewal or for the failure to obtain the required continuing education; and

(8) have paid all applicable fees specified by the board.

(B) An applicant for licensure under this section is only eligible for licensure at the equivalent designation recognized in the jurisdiction in which he or she is currently licensed.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-270. Patient notification; professional disclosure and statement of rights; prescribing or dispensing medications.**

(A) A licensee shall make available to each client a copy of a statement of professional disclosure. The statement of professional disclosure shall include the licensee's address and telephone number, fee schedule, educational training, and areas of specialization. All social workers subject to this chapter must provide the client with a statement of their rights and procedures to file a complaint prescribed by the board.

(B) No licensee may engage in prescribing or in dispensing medications.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-280. Promulgation of regulations; standards of conduct; practice of impaired licensees.**

The Board of Social Work Examiners may promulgate regulations setting forth standards of conduct for persons licensed by the board and may establish regulations pertaining to the practice of impaired licensees.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-290. Persons exempt from licensure requirement.**

Nothing in this chapter prevents:

(1) members of the clergy and licensed, registered, certified, or qualified professionals including, but not limited to, physicians, elementary or secondary teachers, nurses, psychologists, licensed professional counselors, licensed marriage and family therapists, and licensed psychoeducation specialists and attorneys from practicing their professions and delivering similar services within the scope of their respective practices provided they do not hold themselves out to the public by any title or description as being social workers;

(2) employees of licensed hospitals in this State from performing services commonly within the definition of social work if the services are performed within the course of and scope of their employment as an employee of the hospital, and the employee is not identified in any way as a social worker;

(3) persons from rendering services that are the same as or similar to those within the scope of practice provided for in this chapter if the person receives no remuneration from any source for the rendering of the service and the person is not identified in any way as a social worker;

(4) students who are engaged in field placements or other closely supervised practice while enrolled in accredited programs of study leading to social work degrees from practicing social work;

(5) employees of the State of South Carolina from performing services commonly within the definition of social work if the services are performed within the course of and scope of their employment with the State, and if he has been specifically trained to perform these services and the employee is not identified in any way as a social worker;

(6) social workers so licensed in another jurisdiction may, after notice to the board, practice within the scope of their licenses during or immediately following a declared or recognized emergency for a period not to exceed sixty days.

HISTORY: 2002 Act No. 189, § 1.

**SECTION 40-63-300. Severability.**

If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this chapter is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this chapter, the General Assembly hereby declaring that it would have passed this chapter, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

HISTORY: 2002 Act No. 189, § 1.

Article 3

Social Work Interstate Compact

**SECTION 40-63-510. Purpose.**

(A) 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.

(B) This compact is designed to achieve the following objectives:

(1) increase public access to social work services by providing for the mutual recognition of other member state licenses;

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

(3) encourage the cooperation of member states in regulating multistate practice;

(4) support military families;

(5) facilitate the exchange of licensure and disciplinary information among member states;

(6) 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;

(7) allow for the use of telehealth to facilitate increased access to regulated social work services;

(8) support the uniformity of social work licensure requirements throughout the states to promote public safety and access to services; and

(9) promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple states.

HISTORY: 2025 Act No. 66 (H.3752), § 2, eff May 22, 2025.

**SECTION 40-63-520. Definitions.**

(A) As used in this compact, and except as otherwise provided, the following definitions shall apply:

(1) "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.

(2) "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 practice, or any other encumbrance on licensure affecting a regulated social worker's authorization to practice, including issuance of a cease and desist action.

(3) "Alternative Program" means a nondisciplinary monitoring or practice remediation process approved by a social work licensing authority to address impaired practitioners.

(4) "Compact Commission" or "Commission" means the national administrative body whose membership consists of all member states that have enacted the compact.

(5) "Current Significant Investigative Information" means:

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

(b) investigative information that indicates that the regulated social worker represents an immediate threat to public health and safety, as may be defined by the commission, regardless of whether the regulated social worker has been notified and has had an opportunity to respond.

(6) "Data System" means a repository of information about licensees, including, but not limited to, continuing education, examination, licensure, current significant investigative information, disqualifying event, interstate compact license and adverse action information or other information as required by the commission.

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

(8) "Disqualifying Event" means any adverse action or incident which results in an encumbrance that disqualifies or makes the licensee ineligible to either obtain, retain or renew an interstate compact license.

(9) "Encumbered License" means a license in which an adverse action restricts the practice of social work by the licensee and said adverse action is reportable to the National Practitioners Data Bank (NPDB).

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

(11) "Executive Committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the compact and commission.

(12) "Home State" means the member state that is the licensee's primary domicile.

(13) "Impaired Practitioner" means an individual who has a condition that may impair their ability to engage in full and unrestricted practice as a regulated social worker without some type of intervention and may include, but are not limited to, alcohol and drug dependence, mental health impairment, and neurological or physical impairments.

(14) "Licensee" means an individual who currently holds an authorization from the state to practice as a regulated social worker.

(15) "Licensing Authority" means the board or agency of a member state, or equivalent, that is responsible for the licensing and regulation of regulated social workers.

(16) "Member State" means a state, commonwealth, district, or territory of the United States of America that has enacted the compact.

(17) "Multistate Authorization to Practice" means a legal authorization, which is equivalent to a license, associated with an interstate compact license permitting the practice of social work in a remote state.

(18) "Interstate Compact License" means a license to practice as a regulated social worker issued by a home state licensing authority that authorizes the regulated social worker to practice in all party states under a multistate authorization to practice.

(19) "Qualifying National Exam" means a national licensing examination developed and administered by a national association of social work licensing authorities or other competency assessment approved by the commission.

(20) "Regulated Social Worker" means any clinical, master's or bachelor's social worker licensed by a member state regardless of the title used by that member state.

(21) "Remote State" means a member state other than the home state, where a licensee is exercising or seeking to exercise the multistate authorization to practice.

(22) "Rule of the Commission" means a regulation or regulations duly promulgated by the commission, as authorized by the compact, that has the force of law.

(23) "Scope of Practice" means the procedures, actions, and processes a regulated social worker in a state is permitted to undertake in that state and the circumstances under which the regulated social worker is permitted to undertake those procedures, actions and processes. Such procedures, actions and processes and the circumstances under which they may be undertaken may be established through official means, including, but not limited to, statute, rules and regulations, case law, and other processes available to the state regulatory authority or other government agency.

(24) "Single State License" means a social work license issued by any state that authorizes practice only within the issuing state and does not include a multistate authorization to practice in any member state.

(25) "Social Work" or "Social Work Services" means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities through the care and services provided by a regulated social worker as set forth in the member state's statutes and regulations in the state where the services are being provided.

(26) "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of social work.

(27) "Unencumbered License" means a license that authorizes a regulated social worker to engage in the full and unrestricted practice of social work.

HISTORY: 2025 Act No. 66 (H.3752), § 2, eff May 22, 2025.

**SECTION 40-63-530. Participation eligibility and membership.**

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

(1) License and regulate clinical, master's, or bachelor's categories of social work practice.

(2) Require applicants for licensure to pass a corresponding qualifying national exam for the category of licensure sought as outlined in Section 40-63-540.

(3) Require applicants for licensure to graduate from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university recognized by the licensing authority and that corresponds to the licensure sought as outlined in Section 40-63-540.

(4) Require applicants for clinical licensure to complete a period of supervised practice.

(5) Have a mechanism in place for receiving, investigating, and adjudicating complaints about licensees.

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

(1) participate fully in the commission's data system, including using the commission's unique identifier as defined in rules;

(2) notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of current significant investigative information regarding a licensee;

(3) implement or utilize procedures for considering the criminal history records of applicants for an initial interstate compact license. These procedures shall include the submission of fingerprints or other biometric based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records for the sole purpose of affirming or denying eligibility for participation in the compact; provided:

(a) a member state must utilize or fully implement a criminal background check requirement, within a time frame established by rule of the commission, by receiving the results of the Federal Bureau of Investigation record search and shall use the results in making licensure decisions determining eligibility for participation in the compact; and

(b) communication between a member state, the commission and among member states, through the data system or otherwise, regarding the verification of any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under Public Law 92-544;

(4) comply with the rules of the commission;

(5) require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable home state laws;

(6) authorize a licensee holding an interstate compact license in any member state to practice in accordance with the terms of the compact and rules of the commission; and

(7) designate a delegate to participate in the commission meetings.

(C) Home states may charge a fee for granting the interstate compact license.

(D) An interstate compact license issued by a home state to a resident in that state shall be recognized by all compact member states as authorizing social work practice under a multistate authorization to practice corresponding to each category of licensure regulated in the member state.

HISTORY: 2025 Act No. 66 (H.3752), § 2, eff May 22, 2025.

**SECTION 40-63-540. Eligibility for licensure.**

(A) To be eligible for an interstate compact license under the terms and provisions of the compact, a regulated social worker, regardless of category must:

(1) hold an active, unencumbered license in the home state;

(2) have an active United States social security number, qualifying national exam number, or an identifier as determined by the commission;

(3) pay any applicable fees, including any state fee, for the interstate compact license;

(4) meet any continuing competence requirements established by the home state;

(5) notify the home state of any adverse action, encumbrance, or restriction on any professional license taken by any member state or nonmember state within thirty days from the date the action is taken; and

(6) abide by the laws, regulations, and scope of practice in the member state where the client is located at the time care is rendered.

(B) A regulated social worker who is a clinical category social worker must meet the following requirements:

(1) passed a clinical-category qualifying national exam. Regulated social workers holding an active and unencumbered license, who were licensed in a state before a qualifying national exam was required, may be exempted from this requirement, as provided for by the rules of the commission; and

(2) graduated with a master's degree, or higher, in social work, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university recognized by the licensing authority; and

(3) completed a period of three thousand hours or two years of full-time postgraduate supervised clinical practice.

(C) A regulated social worker who is a master's category social worker must have:

(1) passed a master's-category qualifying national exam. Regulated social workers holding an active and unencumbered license, who were licensed in a state before a qualifying national exam was required, may be exempted from this requirement, as provided for by the rules of the commission; and

(2) graduated with a master's degree, or higher, in social work, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university recognized by the licensing authority.

(D) A regulated social worker who is a bachelor's-category social worker must have:

(1) passed a bachelor's-category qualifying national exam. Regulated social workers holding an active and unencumbered license, who were licensed in a state before a qualifying national exam was required, may be exempted from this requirement, as provided for by the rules of the commission; and

(2) graduated with a bachelor's degree, or higher, in social work, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university recognized by the licensing authority.

(E) The interstate compact license for a regulated social worker is subject to the renewal requirements of the home state. The regulated social worker must maintain compliance with the requirements of subsection (A).

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

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

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

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

HISTORY: 2025 Act No. 66 (H.3752), § 2, eff May 22, 2025.

**SECTION 40-63-550. Multistate authorization to practice.**

(A) If qualified, a regulated social worker may hold an interstate compact license issued by a home state licensing authority, which authorizes the regulated social worker to practice in all member states under a multistate authorization to practice.

(B) If an interstate compact license holder with multistate authorization to practice changes primary state of domicile by moving between two member states:

(1) the interstate compact license holder shall file an application for obtaining a new home state license based on their interstate compact license which grants a multistate authorization to practice, pay all applicable fees, and notify the current and new home member state in accordance with applicable rules adopted by the commission; and

(2) upon receipt of an application for obtaining a new home state license based on the interstate compact license which grants a multistate authorization to practice, the new home member state may verify that the regulated social worker meets the pertinent criteria outlined in Section 40-63-540 via the data system, without need for primary source verification except for:

(i) a Federal Bureau of Investigation fingerprint-based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the commission in accordance with Public Law 92-544;

(ii) other criminal background check as required by the new home state; and

(iii) completion of any requisite jurisprudence requirements of the new home state.

(3) The former home state may convert the former home state license into a multistate authorization to practice once the new home state has activated the new home state license in accordance with applicable rules adopted by the commission.

(4) Notwithstanding any other provision of this compact, if the regulated social worker cannot meet the criteria in Section 40-63-540, the new home state may apply its requirements for issuing a new single state license.

(5) The regulated social worker shall pay all applicable fees to the new home state in order to be issued a new home state license.

(C) If a regulated social worker changes primary state of domicile by moving from a member state to a nonmember state, the nonmember state criteria shall apply for issuance of a single state license in the new nonmember state.

(D) Nothing in this compact shall interfere with a regulated social worker's ability to hold a single state license in multiple states, however for the purposes of this compact, a regulated social worker shall have only one home state license.

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

HISTORY: 2025 Act No. 66 (H.3752), § 2, eff May 22, 2025.

**SECTION 40-63-560. Active duty military personnel and spouses; home state.**

Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual may only change their home state through application for licensure in the new state, or through the process outlined in Section 40-63-550.

HISTORY: 2025 Act No. 66 (H.3752), § 2, eff May 22, 2025.

**SECTION 40-63-570. Authority of remote states.**

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

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

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

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

(C) The home state shall complete any pending investigations of a regulated social worker who changes primary state of domicile during the course of the investigations. The home state shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the data system shall promptly notify the new home state of any adverse actions.

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

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

(F) Joint investigations:

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

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

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

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

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

HISTORY: 2025 Act No. 66 (H.3752), § 2, eff May 22, 2025.

§ 40-63-580. Social Work Compact Commission

(A) The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the Social Work Compact Commission. The commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in Section 40-63-620.

(B) Membership, voting, and meetings:

(1) Each member state shall have and be limited to one delegate selected by that member state's licensing authority.

(2) The delegate shall be either:

(a) a current member of the state licensing authority at the time of appointment, who is a regulated social worker or public member of the licensing authority; or

(b) an administrator of the licensing authority or their designee.

(3) The commission shall by rule or bylaws establish a term of office for delegates and may by rule or bylaws establish term limits.

(4) The commission may recommend removal or suspension of any delegate from office.

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

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

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

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

(C) The commission shall have the following powers and duties:

(1) establish the fiscal year of the commission;

(2) establish code of conduct and conflict of interest policies;

(3) establish and amend rules and bylaws;

(4) maintain its financial records in accordance with the bylaws;

(5) meet and take such actions as are consistent with the provisions of this compact, the commission's rules and the bylaws;

(6) initiate and conclude legal proceedings or actions in the name of the commission, provided that the standing of any state licensing board to sue or be sued under applicable law shall not be affected;

(7) maintain and certify records and information provided to a member state as the authenticated business records of the commission and designate an agent to do so on the commission's behalf;

(8) purchase and maintain insurance and bonds;

(9) borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

(10) conduct an annual financial review;

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

(12) assess and collect fees;

(13) accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest;

(14) lease, purchase, retain, or otherwise to own, hold, improve or use, any property real, personal, or mixed; or any undivided interest therein;

(15) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

(16) establish a budget and make expenditures;

(17) borrow money;

(18) appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(19) provide and receive information from, and cooperate with, law enforcement agencies;

(20) establish and elect an executive committee, including a chair and vice chair;

(21) determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and

(22) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.

(D) The executive committee:

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

(a) oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its rules and bylaws, and other duties as deemed necessary;

(b) recommend to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member states such as fees charged to licensees, and other fees;

(c) ensure compact administration services are appropriately provided, including by contract;

(d) prepare and recommend the budget;

(e) maintain financial records on behalf of the commission;

(f) monitor compact compliance of member states and provide compliance reports to the commission;

(g) establish additional committees as necessary;

(h) exercise the powers and duties of the commission during the interim between commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the commission by rules or bylaws; and

(i) other duties as provided in the rules or bylaws of the commission.

(2) The executive committee shall be composed of up to nine members:

(a) the chair and vice chair of the commission shall be voting members of the executive committee;

(b) five voting members who are elected by the commission from the current membership of the commission; and

(c) up to two ex-officio, nonvoting members from two recognized national social worker organizations.

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

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

(4) The executive committee shall meet at least annually.

(a) Executive committee meetings shall be open to the public, except that the executive committee may meet in a closed, nonpublic meeting as provided in subsection (F)(2).

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

(c) The executive committee may hold a special meeting in accordance with subsection (F)(1)(b).

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

(F) Meetings of the commission:

(1) All meetings shall be open to the public, except that the commission may meet in a closed, nonpublic meeting as provided in subsection (F)(2):

(a) public notice for all meetings of the full commission of meetings shall be given in the same manner as required under the rulemaking provisions in Section 40-63-610, except that the commission may hold a special meeting as provided in subsection (F)(1)(b).

(b) the commission may hold a special meeting when it must meet to conduct emergency business by giving forty-eight hours' notice to all commissioners, on the commission's website, and other means as provided in the commission's rules. The commission's legal counsel shall certify that the commission's need to meet qualifies as an emergency.

(2) The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting for the commission or executive committee or other committees of the commission to receive legal advice or to discuss:

(a) noncompliance of a member state with its obligations under the compact;

(b) the employment, compensation, discipline or other matters, practices or procedures related to specific employees;

(c) current or threatened discipline of a licensee by the commission or by a member state's licensing authority;

(d) current, threatened, or reasonably anticipated litigation;

(e) negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(f) accusing any person of a crime or formally censuring any person;

(g) trade secrets or commercial or financial information that is privileged or confidential;

(h) information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(i) investigative records compiled for law enforcement purposes;

(j) information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

(k) matters specifically exempted from disclosure by federal or member state law; or

(l) other matters as promulgated by the commission by rule.

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

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

(G) Financing of the commission:

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, as provided in subsection(C)(12).

(3) The commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants an interstate compact license to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states shall be allocated based upon a formula that the commission, shall promulgate by rule.

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

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

(H) Qualified immunity, defense, and indemnification:

(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or wilful or wanton misconduct of that person. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder.

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

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

(4) Nothing herein shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

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

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

HISTORY: 2025 Act No. 66 (H.3752), § 2, eff May 22, 2025.

**SECTION 40-63-590. Coordinated database and reporting system.**

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

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

(1) identifying information;

(2) licensure data;

(3) adverse actions against a license or an interstate compact license and information related thereto;

(4) nonconfidential information related to alternative program participation, the beginning and end dates of such participation, and other information related to such participation not made confidential under member state law;

(5) any denial of application for licensure, and the reason for such denial;

(6) the presence of current significant investigative information; and

(7) other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.

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

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

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

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

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

HISTORY: 2025 Act No. 66 (H.3752), § 2, eff May 22, 2025.

**SECTION 40-63-600. Rulemaking.**

(A) The commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the compact. A rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the compact, or the powers granted hereunder, or based upon another applicable standard of review.

(B) The rules of the commission shall have the force of law in each member state, provided however that where the rules of the commission conflict with the laws of the member state that establish the member state's scope of practice as held by a court of competent jurisdiction, the rules of the commission shall be ineffective in that state to the extent of the conflict.

(C) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules shall become binding as of the date specified in each rule.

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

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

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

(G) Prior to adoption of a proposed rule by the commission, and at least thirty days in advance of the meeting at which the commission will hold a public hearing on the proposed rule, the commission shall provide a notice of proposed rulemaking:

(1) on the website of the commission or other publicly accessible platform;

(2) to persons who have requested notice of the commission's notices of proposed rulemaking; and

(3) in such other way as the commission may by rule specify.

(H) The notice of proposed rulemaking shall include:

(1) the time, date, and location of the public hearing at which the commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the commission will consider and vote on the proposed rule;

(2) if the hearing is held via telecommunication, video conference, or other electronic means, the commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;

(3) the text of the proposed rule and the reason therefore;

(4) a request for comments on the proposed rule from any interested person; and

(5) the manner in which interested persons may submit written comments.

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

(J) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

(K) The commission shall, by majority vote of all members, take final action on the proposed rule based on the rulemaking record and the full text of the rule. The commission also:

(1) may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule;

(2) shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters; and

(3) shall determine a reasonable effective date for the rule. Except for an emergency as provided in Section 40-63-610(L), the effective date of the rule shall be no sooner than thirty days after issuing the notice that it adopted or amended the rule.

(L) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with twenty-four or forty-eight hours' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) meet an imminent threat to public health, safety, or welfare;

(2) prevent a loss of commission or member state funds;

(3) meet a deadline for the promulgation of a rule that is established by federal law or rule; or

(4) protect public health and safety.

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

(N) No member state's rulemaking requirements shall apply under this compact.

HISTORY: 2025 Act No. 66 (H.3752), § 2, eff May 22, 2025.

**SECTION 40-63-610. Oversight; default; termination; dispute resolution; enforcement.**

(A) Oversight:

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

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.

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

(B) Default, technical assistance, and termination:

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

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

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

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

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

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

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

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

(I) Dispute resolution:

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

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

(J) Enforcement:

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

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

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

HISTORY: 2025 Act No. 66 (H.3752), § 2, eff May 22, 2025.

**SECTION 40-63-620. Effectiveness of compact; withdrawal; amendment.**

(A) The compact shall come into effect on the date on which the compact statute is enacted into law in the seventh member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact. All actions taken for the benefit of the commission and/or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact and/or the commission coming into existence shall be considered to be actions of the commission unless specifically repudiated by the commission.

(B) Any state that joins the compact subsequent to the commission's initial adoption of the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

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

(1) A member state's withdrawal shall not take effect until one hundred eighty days after enactment of the repealing statute.

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

(D) Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a minimum of six months after the date of such notice of withdrawal.

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

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

HISTORY: 2025 Act No. 66 (H.3752), § 2, eff May 22, 2025.

**SECTION 40-63-630. Construction and severability.**

(A) This compact and the commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the commission's rulemaking authority solely for those purposes.

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

(C) Notwithstanding subsection (B), the commission may deny a state's participation in the compact or, in accordance with the requirements of Section 40-63-620(B), terminate a member state's participation in the compact, if it determines that a constitutional requirement of a member state is, or would be with respect to a state seeking to participate in the compact, a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

HISTORY: 2025 Act No. 66 (H.3752), § 2, eff May 22, 2025.

**SECTION 40-63-640. 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.

HISTORY: 2025 Act No. 66 (H.3752), § 2, eff May 22, 2025.