



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2490/1
MED:emw

2023 ASSEMBLY BILL 382

August 11, 2023 - Introduced by Representatives TITTL, SHELTON, C. ANDERSON, ANDRACA, BALDEH, CONSIDINE, DITTRICH, DOYLE, GOEBEN, GUSTAFSON, JACOBSON, JOERS, KITCHENS, MAGNAFICI, MOORE OMOKUNDE, MURSAU, OHNSTAD, ORTIZ-VELEZ, PALMERI, SINICKI, SNYDER, STUBBS, SUBECK and VINING, cosponsored by Senators STAFSHOLT, PFAFF, BALLWEG, CABRAL-GUEVARA, CARPENTER, JAMES, L. JOHNSON, LARSON, ROYS, SPREITZER, COWLES and HUTTON. Referred to Committee on Regulatory Licensing Reform.

1 **AN ACT** *to renumber* 457.25 (1); *to renumber and amend* 440.03 (13) (c); *to*
2 *amend* 15.405 (7c) (a) 1., 15.405 (7c) (a) 2., 15.405 (7c) (a) 3., 15.405 (7c) (a) 4.,
3 15.405 (7c) (am) 1., 15.405 (7c) (am) 3., 15.405 (7c) (c), 46.90 (4) (ab) 4., 48.56 (2),
4 48.561 (2), 49.45 (30j) (a) 1., 51.03 (6) (a), 55.043 (1m) (a) 4., 146.81 (1) (hg),
5 146.89 (1) (r) 6., 146.89 (1) (r) 7., 146.997 (1) (d) 11., 180.1901 (1m) (f), 252.14
6 (1) (ar) 7., 252.15 (1) (er), 253.10 (2) (f), 256.215 (2) (b), 257.01 (1) (a), 257.01 (1)
7 (b), 303.08 (1) (f), 440.03 (13) (b) (intro.), 440.03 (14) (am), 440.043 (1), 440.094
8 (1) (c) 14., 440.15, 446.01 (1v) (m), 448.08 (4), 448.67 (4), 450.10 (3) (a) 10.,
9 chapter 457 (title), 457.01 (intro.), 457.01 (1c), 457.01 (1g), 457.01 (1r), 457.01
10 (1w), 457.01 (2r), 457.01 (10), 457.02 (intro.), (1), (2), (3), (4), (5), (5m) and (6)
11 (c), 457.03 (1), (1m) and (2), 457.033, 457.035 (1) and (2), 457.04 (1), (2), (3), (4),
12 (5) (a) and (b), (6) and (7), 457.06 (intro.), 457.09 (2) (b) and (4) (b) 1. and 2.,
13 457.20 (1) and (2), 457.24 (1), 457.26 (1) and (2) (intro.) and (h), 632.89 (1) (e)
14 4., 800.035 (2m), 905.04 (1) (bm) and (dm) and 905.04 (1) (g); *to repeal and*

ASSEMBLY BILL 382

1 **recreate** 632.89 (1) (dm); and **to create** 14.897, 440.03 (11m) (c) 2u., 440.03 (13)
2 (c) 1. id., subchapter I (title) of chapter 457 [precedes 457.01], 457.01 (5g),
3 457.01 (5r), 457.01 (12), 457.08 (4m), 457.25 (1g) and subchapter III of chapter
4 457 [precedes 457.70] of the statutes; **relating to:** ratification of the Social
5 Work Licensure Compact.

Analysis by the Legislative Reference Bureau

This bill ratifies and enters Wisconsin into the Social Work Licensure Compact, which provides for the ability of a social worker to become eligible to practice in other compact states. Significant provisions of the compact include the following:

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

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

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

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

ASSEMBLY BILL 382

submit a uniform data set to the data system on all individuals to whom the compact is applicable as required by the rules of the commission.

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

The compact becomes effective in this state upon enactment by seven states. The compact provides that it may be amended upon enactment of an amendment by all member states. A state may withdraw from the compact by repealing the statute authorizing the compact, but the compact provides that a withdrawal does not take effect until 180 days after the effective date of that repeal.

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

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

1 **SECTION 1.** 14.897 of the statutes is created to read:

2 **14.897 Social work licensure compact.** There is created a social work
3 licensure compact commission as specified in s. 457.70. The delegate on the
4 commission representing this state shall be appointed by the marriage and family
5 therapy, professional counseling, and social work examining board as provided in s.
6 457.70 (10) (b) 1. and shall be an individual described in s. 457.70 (10) (b) 2. a. or b.
7 The commission has the powers and duties granted and imposed under s. 457.70.

8 **SECTION 2.** 15.405 (7c) (a) 1. of the statutes is amended to read:

9 15.405 (7c) (a) 1. Four social worker members who are certified or licensed
10 under subch. I of ch. 457.

11 **SECTION 3.** 15.405 (7c) (a) 2. of the statutes is amended to read:

12 15.405 (7c) (a) 2. Three marriage and family therapist members who are
13 licensed under subch. I of ch. 457.

14 **SECTION 4.** 15.405 (7c) (a) 3. of the statutes is amended to read:

ASSEMBLY BILL 382**SECTION 4**

1 15.405 (7c) (a) 3. Three professional counselor members who are licensed
2 under subch. I of ch. 457.

3 **SECTION 5.** 15.405 (7c) (a) 4. of the statutes is amended to read:

4 15.405 (7c) (a) 4. Three public members who represent groups that promote the
5 interests of consumers of services provided by persons who are certified or licensed
6 under subch. I of ch. 457.

7 **SECTION 6.** 15.405 (7c) (am) 1. of the statutes is amended to read:

8 15.405 (7c) (am) 1. At least one member who is certified under subch. I of ch.
9 457 as an advanced practice social worker.

10 **SECTION 7.** 15.405 (7c) (am) 3. of the statutes is amended to read:

11 15.405 (7c) (am) 3. At least one member who is licensed under subch. I of ch.
12 457 as a clinical social worker.

13 **SECTION 8.** 15.405 (7c) (c) of the statutes is amended to read:

14 15.405 (7c) (c) All matters pertaining to granting, denying, limiting,
15 suspending, or revoking a certificate or license under subch. I of ch. 457, and all other
16 matters of interest to either the social worker, marriage and family therapist, or
17 professional counselor section shall be acted upon solely by the interested section of
18 the examining board.

19 **SECTION 9.** 46.90 (4) (ab) 4. of the statutes is amended to read:

20 46.90 (4) (ab) 4. A social worker, professional counselor, or marriage and family
21 therapist certified, as those terms are defined under subch. I of ch. 457.

22 **SECTION 10.** 48.56 (2) of the statutes is amended to read:

23 48.56 (2) Each county department shall employ personnel who devote all or
24 part of their time to child welfare services. Whenever possible, these personnel shall
25 be social workers ~~certified under ch. 457,~~ as defined in s. 457.01 (10).

ASSEMBLY BILL 382

1 **SECTION 11.** 48.561 (2) of the statutes is amended to read:

2 48.561 (2) The department shall employ personnel in a county having a
3 population of 750,000 or more who devote all of their time directly or indirectly to
4 child welfare services. Whenever possible, these personnel shall be social workers
5 ~~certified under ch. 457, as defined in s. 457.01 (10).~~

6 **SECTION 12.** 49.45 (30j) (a) 1. of the statutes is amended to read:

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

22 **SECTION 13.** 51.03 (6) (a) of the statutes is amended to read:

23 51.03 (6) (a) In this subsection, “licensed treatment professional” means a
24 physician who has completed a residence in psychiatry; a psychologist; a private
25 practice school psychologist who is licensed under ch. 455; a marriage and family

ASSEMBLY BILL 382**SECTION 13**

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

11 **SECTION 14.** 55.043 (1m) (a) 4. of the statutes is amended to read:

12 55.043 **(1m)** (a) 4. A social worker, professional counselor, or marriage and
13 family therapist ~~certified, as those terms are defined under subch. I of ch. 457.~~

14 **SECTION 15.** 146.81 (1) (hg) of the statutes is amended to read:

15 146.81 **(1)** (hg) A social worker, marriage and family therapist, or professional
16 counselor ~~certified or licensed, as those terms are defined under subch. I of ch. 457.~~

17 **SECTION 16.** 146.89 (1) (r) 6. of the statutes is amended to read:

18 146.89 **(1)** (r) 6. A social worker ~~who holds a certificate granted under ch. 457,~~
19 as defined in s. 457.01 (10).

20 **SECTION 17.** 146.89 (1) (r) 7. of the statutes is amended to read:

21 146.89 **(1)** (r) 7. A marriage and family therapist ~~who is licensed under ch. 457,~~
22 as defined in s. 457.01 (3) or a professional counselor ~~who is licensed under ch. 457,~~
23 as defined in s. 457.01 (7).

24 **SECTION 18.** 146.997 (1) (d) 11. of the statutes is amended to read:

ASSEMBLY BILL 382

1 146.997 (1) (d) 11. A social worker, marriage and family therapist or
2 professional counselor ~~certified~~, as those terms are defined under subch. I of ch. 457.

3 **SECTION 19.** 180.1901 (1m) (f) of the statutes is amended to read:

4 180.1901 (1m) (f) Marriage and family therapy, professional counseling, and
5 social work examining board under subch. I of ch. 457.

6 **SECTION 20.** 252.14 (1) (ar) 7. of the statutes is amended to read:

7 252.14 (1) (ar) 7. A social worker, marriage and family therapist, or
8 professional counselor ~~certified or licensed~~, as those terms are defined under subch.
9 I of ch. 457.

10 **SECTION 21.** 252.15 (1) (er) of the statutes is amended to read:

11 252.15 (1) (er) “Social worker” means an individual who is ~~certified or licensed~~
12 as a social worker, advanced practice social worker, independent social worker, or
13 clinical social worker, as those terms are defined under subch. I of ch. 457.

14 **SECTION 22.** 253.10 (2) (f) of the statutes is amended to read:

15 253.10 (2) (f) “Qualified person assisting the physician” means a social worker
16 ~~certified under ch. 457, as defined in s. 457.01 (10)~~, a registered nurse or a physician
17 assistant to whom a physician who is to perform or induce an abortion has delegated
18 the responsibility, as the physician’s agent, for providing the information required
19 under sub. (3) (c) 2.

20 **SECTION 23.** 256.215 (2) (b) of the statutes is amended to read:

21 256.215 (2) (b) The emergency medical services provider establishes, submits
22 to the department, and maintains patient care protocols corresponding to the
23 appropriate service level to be used by a community paramedic or a community
24 emergency medical services practitioner. The emergency medical services provider
25 may include in a patient care protocol only those services that do not require a

ASSEMBLY BILL 382**SECTION 23**

1 license, certificate, or other credential under subch. II, III, IV, or VII of ch. 448, subch.
2 I of ch. 457, or ch. 441, 446, 447, 449, 450, 451, 455, 457, or 459 to provide.

3 **SECTION 24.** 257.01 (1) (a) of the statutes is amended to read:

4 257.01 (1) (a) An individual who, under ch. 455, is licensed as a psychologist
5 or, under subch. I of ch. 457, is certified as a social worker or licensed as a clinical
6 social worker, a marriage and family therapist, or a professional counselor.

7 **SECTION 25.** 257.01 (1) (b) of the statutes is amended to read:

8 257.01 (1) (b) An individual who was at any time within the previous 10 years,
9 but is not currently, licensed as a psychologist under ch. 455 or certified as a social
10 worker or licensed as a clinical social worker, a marriage and family therapist, or a
11 professional counselor under subch. I of ch. 457, if the individual's license or
12 certification was never revoked, limited, suspended, or denied renewal.

13 **SECTION 26.** 303.08 (1) (f) of the statutes is amended to read:

14 303.08 (1) (f) Obtaining counseling or therapy from an approved public
15 treatment facility, as defined in s. 51.45 (2) (c), an approved private treatment
16 facility, as defined in s. 51.45 (2) (b), a psychiatrist, a psychologist, a licensed clinical
17 social worker, as defined in s. 457.01 (1r), a professional counselor ~~licensed under ch.~~
18 ~~457, or a certified, as defined in s. 457.01 (7), an independent social worker, as defined~~
19 in s. 457.01 (2g), or an advanced practice social worker, as defined in s. 457.01 (1c),
20 who is authorized to practice psychotherapy under subch. I of ch. 457.

21 **SECTION 27.** 440.03 (11m) (c) 2u. of the statutes is created to read:

22 440.03 (11m) (c) 2u. The coordinated data system under s. 457.70 (11), if such
23 disclosure is required under the social work licensure compact under s. 457.70.

24 **SECTION 28.** 440.03 (13) (b) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 382

1 440.03 (13) (b) (intro.) The department may investigate whether an applicant
2 for or holder of any of the following credentials has been charged with or convicted
3 of a crime only pursuant to rules promulgated by the department under this
4 paragraph, including rules that establish the criteria that the department will use
5 to determine whether an investigation under this paragraph is necessary, except as
6 provided in par. (c) and ss. 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4.,
7 448.987 (3) (a) 5. a. and (5) (b) 2. a., ~~and 455.50 (3) (e) 4. and (f) 4., and 457.70 (3) (b)~~
8 ~~4. and (7) (b) 3.:~~

9 **SECTION 29.** 440.03 (13) (c) of the statutes is renumbered 440.03 (13) (c) 1.
10 (intro.) and amended to read:

11 440.03 (13) (c) 1. (intro.) The department shall require an all of the following
12 to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete
13 set of the person's fingerprints:

14 a. An applicant for a private detective license or a private security permit under
15 s. 440.26, ~~an.~~

16 b. An applicant for a juvenile martial arts instructor permit under sub. (17),
17 ~~an.~~

18 c. An applicant for a real estate appraiser certification under s. 458.06 or
19 license under s. 458.08, ~~an.~~

20 d. An applicant for a multistate license under s. 441.06 (1c) or 441.10 (1c), ~~an.~~

21 e. An applicant for a compact license under s. 448.05 (2) (f), ~~an.~~

22 f. An applicant for a physical therapist license under s. 448.53 or physical
23 therapist assistant license under s. 448.535, ~~an.~~

24 g. An applicant for an occupational therapist or occupational therapy assistant
25 compact privilege under s. 448.987 (4), and an applicant for an occupational

ASSEMBLY BILL 382**SECTION 29**

1 therapist or occupational therapy assistant license described in s. 448.987 (5) (b) 2.

2 a., an

3 h. An applicant for a psychologist license under s. 455.04, and a.

4 z. A person for whom the department conducts an investigation under par. (b),
5 to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete
6 set of the person's fingerprints.

7 2. The department of justice may submit the fingerprint cards, and the
8 department of justice shall submit the fingerprint cards of all applicants for a real
9 estate appraiser certification under s. 458.06 or license under s. 458.08, of all
10 applicants for a multistate license under s. 441.06 (1c) or 441.10 (1c), of all applicants
11 for a compact license under s. 448.05 (2) (f), of all applicants for a physical therapist
12 license under s. 448.53 or a physical therapist assistant license under s. 448.535, and
13 of all applicants for a psychologist license under s. 455.04 identified in subd. 1. c. to
14 i., to the federal bureau of investigation for the purpose of verifying the identity of
15 the persons fingerprinted and obtaining records of their criminal arrests and
16 convictions.

17 3. Information obtained from the federal bureau of investigation may be shared
18 with the department or the appropriate credentialing board, but shall otherwise be
19 kept confidential and is not subject to disclosure under s. 19.35.

20 **SECTION 30.** 440.03 (13) (c) 1. id. of the statutes is created to read:

21 440.03 (13) (c) 1. id. An applicant for any category of social worker multistate
22 license under s. 457.08 (4m) when required pursuant to the social work licensure
23 compact under s. 457.70.

24 **SECTION 31.** 440.03 (14) (am) of the statutes is amended to read:

ASSEMBLY BILL 382

1 440.03 (14) (am) The department may promulgate rules that establish
2 requirements for granting a license to practice psychotherapy to a person who is
3 registered under par. (a). Rules promulgated under this paragraph shall establish
4 requirements for obtaining such a license that are comparable to the requirements
5 for obtaining a clinical social worker, marriage and family therapist, or professional
6 counselor license under subch. I of ch. 457. If the department promulgates rules
7 under this paragraph, the department shall grant a license under this paragraph to
8 a person registered under par. (a) who pays the initial credential fee determined by
9 the department under s. 440.03 (9) (a) and provides evidence satisfactory to the
10 department that he or she satisfies the requirements established in the rules.

11 **SECTION 32.** 440.043 (1) of the statutes is amended to read:

12 440.043 (1) The secretary shall appoint an advisory committee under s.
13 440.042 to provide advice concerning behavioral health. The advisory committee
14 shall semiannually conduct a review of the requirements for obtaining a credential
15 under s. 440.88 or subch. I of ch. 457 or for other credentials related to behavioral
16 health.

17 **SECTION 33.** 440.094 (1) (c) 14. of the statutes is amended to read:

18 440.094 (1) (c) 14. A social worker, marriage and family therapist, or
19 professional counselor certified or licensed under subch. I of ch. 457 or a clinical
20 substance abuse counselor certified under s. 440.88.

21 **SECTION 34.** 440.15 of the statutes is amended to read:

22 **440.15 No fingerprinting.** Except as provided under ss. 440.03 (13) (c),
23 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b)
24 2. a., 450.071 (3) (c) 9., 450.075 (3) (c) 9., and 455.50 (3) (e) 4. and (f) 4., and 457.70
25 (3) (b) 4. and (7) (b) 3., the department or a credentialing board may not require that

ASSEMBLY BILL 382**SECTION 34**

1 an applicant for a credential or a credential holder be fingerprinted or submit
2 fingerprints in connection with the department's or the credentialing board's
3 credentialing.

4 **SECTION 35.** 446.01 (1v) (m) of the statutes is amended to read:

5 446.01 (1v) (m) Marriage and family therapy, professional counseling, and
6 social work examining board under subch. I of ch. 457. "Health care professional"
7 also includes an individual who is exercising a multistate authorization to practice,
8 as defined in s. 457.70 (2) (q), under any category of social worker multistate license,
9 as defined in s. 457.70 (2) (r), in this state.

10 **SECTION 36.** 448.08 (4) of the statutes is amended to read:

11 448.08 (4) PROFESSIONAL PARTNERSHIPS AND CORPORATIONS PERMITTED.
12 Notwithstanding any other provision in this section, it is lawful for 2 or more
13 physicians, who have entered into a bona fide partnership for the practice of
14 medicine, to render a single bill for such services in the name of such partnership,
15 and it also is lawful for a service corporation to render a single bill for services in the
16 name of the corporation, provided that each individual licensed, registered or
17 certified under this chapter, subch. I of ch. 457, or ch. 446, 449, 450, 455, 457 or 459
18 that renders billed services is individually identified as having rendered such
19 services.

20 **SECTION 37.** 448.67 (4) of the statutes is amended to read:

21 448.67 (4) BILLING BY PROFESSIONAL PARTNERSHIPS AND CORPORATIONS. If 2 or
22 more podiatrists have entered into a bona fide partnership or formed a service
23 corporation for the practice of podiatry, the partnership or corporation may not
24 render a single bill for podiatry services provided in the name of the partnership or
25 corporation unless each individual licensed, registered or certified under this

ASSEMBLY BILL 382

1 chapter, subch. I of ch. 457, or ch. 446, 449, 450, 455, 457 or 459, who provided
2 services is individually identified on the bill as having rendered those services.

3 **SECTION 38.** 450.10 (3) (a) 10. of the statutes is amended to read:

4 450.10 (3) (a) 10. A social worker, marriage and family therapist, or
5 professional counselor ~~certified or licensed under ch. 457~~, as those terms are defined
6 under subch. I of ch. 457.

7 **SECTION 39.** Chapter 457 (title) of the statutes is amended to read:

8 **CHAPTER 457**

9 **MARRIAGE AND FAMILY THERAPY,**

10 **PROFESSIONAL COUNSELING, AND**

11 **SOCIAL WORK EXAMINING BOARD**

12 **SECTION 40.** Subchapter I (title) of chapter 457 [precedes 457.01] of the statutes
13 is created to read:

14 **CHAPTER 457**

15 **SUBCHAPTER I**

16 **REGULATION OF MARRIAGE AND**

17 **FAMILY THERAPY, PROFESSIONAL**

18 **COUNSELING, AND SOCIAL WORK**

19 **SECTION 41.** 457.01 (intro.) of the statutes is amended to read:

20 **457.01 Definitions.** (intro.) In this ~~chapter~~ subchapter:

21 **SECTION 42.** 457.01 (1c) of the statutes is amended to read:

22 457.01 (1c) “Advanced practice social worker” means an individual who holds
23 an advanced practice social worker certificate granted by the social worker section
24 or who is exercising a multistate authorization to practice under a master’s-category
25 multistate license.

ASSEMBLY BILL 382**SECTION 43**

1 **SECTION 43.** 457.01 (1g) of the statutes is amended to read:

2 457.01 **(1g)** “Certificate holder” means an individual who is certified under this
3 ~~chapter~~ subchapter.

4 **SECTION 44.** 457.01 (1r) of the statutes is amended to read:

5 457.01 **(1r)** “Clinical social worker” means an individual who holds a license
6 to practice clinical social work granted by the social worker section or who is
7 exercising a multistate authorization to practice under a clinical-category
8 multistate license.

9 **SECTION 45.** 457.01 (1w) of the statutes is amended to read:

10 457.01 **(1w)** “Credential” means a license or certificate granted under this
11 ~~chapter~~ subchapter.

12 **SECTION 46.** 457.01 (2r) of the statutes is amended to read:

13 457.01 **(2r)** “Licensee” means a person who is licensed under this ~~chapter~~
14 subchapter.

15 **SECTION 47.** 457.01 (5g) of the statutes is created to read:

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

20 **SECTION 48.** 457.01 (5r) of the statutes is created to read:

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

22 **SECTION 49.** 457.01 (10) of the statutes is amended to read:

23 457.01 **(10)** “Social worker” means an individual who holds a social worker
24 certificate granted by the social worker section or who is exercising a multistate
25 authorization to practice under a bachelor’s-category multistate license.

ASSEMBLY BILL 382

1 **SECTION 50.** 457.01 (12) of the statutes is created to read:

2 457.01 (12) “Social work licensure compact” means the social work licensure
3 compact under s. 457.70.

4 **SECTION 51.** 457.02 (intro.), (1), (2), (3), (4), (5), (5m) and (6) (c) of the statutes
5 are amended to read:

6 **457.02 Applicability.** (intro.) This ~~chapter~~ subchapter does not do any of the
7 following:

8 (1) Require any individual to be certified or licensed under this ~~chapter~~
9 subchapter in order to use the title “pastoral counselor,” “investment counselor,”
10 “vocational counselor,” “career counselor,” “alcohol and drug counselor,” “chemical
11 dependency counselor,” or “employee assistance counselor,” or to engage in such
12 counseling, if the individual does not use any other title or designation that
13 represents or may tend to represent that he or she is certified or licensed under this
14 ~~chapter~~ subchapter, and does not represent himself or herself as an individual who
15 engages in social work, advanced practice social work, independent social work,
16 clinical social work, marriage and family therapy, or professional counseling.

17 (2) Require any individual who is licensed as a school social worker or school
18 counselor by the department of public instruction to be certified or licensed under
19 this ~~chapter~~ subchapter in order to use the title “school social worker” or “school
20 counselor.”

21 (3) Require a person who is a psychologist or a psychiatrist to be licensed under
22 this ~~chapter~~ subchapter in order to use the title “marriage and family therapist,”
23 “marriage and family counselor,” or “professional counselor” if the psychologist or
24 psychiatrist does not use the term “licensed,” “certified,” or “registered” or any

ASSEMBLY BILL 382**SECTION 51**

1 similar term in connection with the title “marriage and family therapist,” “marriage
2 and family counselor,” or “professional counselor.”

3 (4) Authorize any individual who is certified or licensed under this ~~chapter~~
4 subchapter to use the title “school social worker” or “school counselor” unless the
5 individual is licensed as a school social worker or school counselor by the department
6 of public instruction.

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

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

21 (6) (c) Provide a consultation or demonstration with an individual licensed
22 under this ~~chapter~~ subchapter if the person providing the consultation or
23 demonstration is licensed to practice marriage and family therapy, professional
24 counseling, or clinical social work in another state or territory of the United States.

25 **SECTION 52.** 457.03 (1), (1m) and (2) of the statutes are amended to read:

ASSEMBLY BILL 382

1 457.03 (1) Upon the advice of the social worker section, marriage and family
2 therapist section, and professional counselor section, promulgate rules establishing
3 minimum standards for educational programs that must be completed for
4 certification or licensure under this ~~chapter~~ subchapter and for supervised clinical
5 training that must be completed for licensure as a clinical social worker, marriage
6 and family therapist, or professional counselor under this ~~chapter~~ subchapter and
7 approve educational programs and supervised clinical training programs in
8 accordance with those standards.

9 **(1m)** Upon the advice of the social worker section, marriage and family
10 therapist section, and professional counselor section, and consistent with s. 457.16,
11 promulgate rules establishing examination requirements for certification and
12 licensure under this ~~chapter~~ subchapter.

13 **(2)** Upon the advice of the social worker section, marriage and family therapist
14 section, and professional counselor section, promulgate rules establishing a code of
15 ethics to govern the professional conduct of certificate holders ~~and~~, licensees, and
16 individuals exercising a multistate authorization to practice. The rules shall specify
17 the services included within the practice of social work, advanced practice social
18 work, or independent social work that ~~an individual who is certified under this~~
19 ~~chapter~~ as a social worker, advanced practice social worker, or independent social
20 worker may perform and the degree of supervision, if any, required to perform those
21 services.

22 **SECTION 53.** 457.033 of the statutes is amended to read:

23 **457.033 Psychometric testing.** The marriage and family therapy,
24 professional counseling, and social work examining board and the psychology
25 examining board shall jointly promulgate rules that specify the different levels of

ASSEMBLY BILL 382**SECTION 53**

1 psychometric testing that an individual who is certified or licensed under this
2 chapter subchapter, or an individual who is exercising a multistate authorization to
3 practice, is qualified to perform. Such rules shall be consistent with the guidelines
4 of the American Psychological Association, or other nationally recognized guidelines,
5 for performing psychometric testing. A certificate holder ~~or~~, licensee, or holder of a
6 multistate license may not engage in psychometric testing except as provided under
7 the rules promulgated under this section.

8 **SECTION 54.** 457.035 (1) and (2) of the statutes are amended to read:

9 457.035 (1) The individual is ~~licensed under this chapter~~ as a clinical social
10 worker, marriage and family therapist, or professional counselor.

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

14 **SECTION 55.** 457.04 (1), (2), (3), (4), (5) (a) and (b), (6) and (7) of the statutes are
15 amended to read:

16 457.04 (1) Use the title “social worker” unless the person is certified as a social
17 worker under this ~~chapter~~ subchapter or holds a bachelor’s-category multistate
18 license granted in another state that is a party to the social work licensure compact.

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

23 (3) Use the title “independent social worker” unless the person is certified as
24 an independent social worker under this ~~chapter~~ subchapter.

ASSEMBLY BILL 382

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

12 (5) (a) The person is licensed as a marriage and family therapist under this
13 ~~chapter~~ subchapter.

14 (b) The person is licensed as a clinical social worker under this ~~chapter~~
15 subchapter and initially became certified as an independent clinical social worker
16 under ch. 457, 1999 stats., on or before May 31, 1995.

17 (6) Practice professional counseling or designate himself or herself as a
18 professional counselor or use or assume the title “professional counselor,”
19 “professional rehabilitation counselor,” “vocational rehabilitation counselor,”
20 “rehabilitation counselor,” or any other title or designation that represents or may
21 tend to represent the person as a professional counselor unless the person is licensed
22 as a professional counselor under this ~~chapter~~ subchapter.

23 (7) Practice psychotherapy ~~unless the person is licensed under this chapter or~~
24 ~~unless the person is a certificate holder who may practice psychotherapy under~~
25 except in accordance with the rules promulgated under ss. 457.03 and 457.035.

ASSEMBLY BILL 382**SECTION 56**

1 **SECTION 56.** 457.06 (intro.) of the statutes is amended to read:

2 **457.06 General requirements for certification or licensure.** (intro.) The
3 social worker section, marriage and family therapist section, or professional
4 counselor section may not grant any certificate or license under this ~~chapter~~
5 subchapter unless the applicant does all of the following:

6 **SECTION 57.** 457.08 (4m) of the statutes is created to read:

7 **457.08 (4m) MULTISTATE SOCIAL WORK LICENSES.** (a) The social worker section
8 shall grant a clinical-category multistate license to any of the following:

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

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

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

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

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

ASSEMBLY BILL 382

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

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

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

10 **SECTION 58.** 457.09 (2) (b) and (4) (b) 1. and 2. of the statutes are amended to
11 read:

12 457.09 (2) (b) A social worker training certificate holder is a social worker
13 certified under this ~~chapter~~ subchapter for purposes of any law governing social
14 workers certified under this ~~chapter~~ subchapter.

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

18 2. One year of social work employment that involves direct practice with clients
19 and that is supervised by a social worker ~~certified under this chapter~~ who has a
20 bachelor's or master's degree in social work.

21 **SECTION 59.** 457.20 (1) and (2) of the statutes are amended to read:

22 457.20 (1) The department shall issue a certificate of certification or licensure
23 to each individual who is certified or licensed under this ~~chapter~~ subchapter.

ASSEMBLY BILL 382**SECTION 59**

1 (2) The renewal dates for certificates and licenses granted under this ~~chapter~~
2 subchapter, other than training certificates and licenses or temporary certificates or
3 licenses, are specified under s. 440.08 (2) (a).

4 **SECTION 60.** 457.24 (1) of the statutes is amended to read:

5 457.24 (1) Except as provided in sub. (2), a ~~person licensed as a~~ clinical social
6 worker, marriage and family therapist, or professional counselor ~~under this chapter~~
7 may not practice clinical social work, marriage and family therapy, or professional
8 counseling unless he or she has in effect professional liability insurance. The
9 examining board shall promulgate rules establishing the minimum amount of
10 insurance required under this subsection.

11 **SECTION 61.** 457.25 (1) of the statutes is renumbered 457.25 (1r).

12 **SECTION 62.** 457.25 (1g) of the statutes is created to read:

13 457.25 (1g) In this section, “credential holder” also includes an individual
14 practicing under a multistate authorization to practice.

15 **SECTION 63.** 457.26 (1) and (2) (intro.) and (h) of the statutes are amended to
16 read:

17 457.26 (1) Subject to the rules promulgated under s. 440.03 (1), the appropriate
18 section of the examining board may make investigations and conduct hearings to
19 determine whether a violation of this ~~chapter~~ subchapter or any rule promulgated
20 under this ~~chapter~~ subchapter has occurred.

21 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the appropriate
22 section of the examining board may reprimand a credential holder or an individual
23 practicing under a multistate authorization to practice or deny, limit, suspend, or
24 revoke a credential under this ~~chapter~~ subchapter or a multistate authorization to

ASSEMBLY BILL 382

1 ~~practice~~ if it finds that the ~~applicant or credential holder~~ individual has done any of
2 the following:

3 (h) Violated this ~~chapter~~ subchapter or any rule promulgated under this
4 ~~chapter~~ subchapter.

5 **SECTION 64.** Subchapter III of chapter 457 [precedes 457.70] of the statutes is
6 created to read:

7 **CHAPTER 457**

8 **SUBCHAPTER III**

9 **SOCIAL WORK LICENSURE COMPACT**

10 **457.70 Social work licensure compact. (1) PURPOSE.** The purpose of this
11 compact is to facilitate interstate practice of regulated social workers by improving
12 public access to competent social work services. The compact preserves the
13 regulatory authority of states to protect public health and safety through the current
14 system of state licensure. This compact is designed to achieve the following
15 objectives:

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

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

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

20 (d) Encourage the cooperation of member states in regulating multistate
21 practice;

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

25 (f) Support military families;

ASSEMBLY BILL 382**SECTION 64**

1 (g) Facilitate the exchange of licensure and disciplinary information among
2 member states;

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

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

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

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

14 (b) "Adverse action" means any administrative, civil, equitable or criminal
15 action permitted by a state's laws which is imposed by a licensing authority or other
16 authority against a regulated social worker, including actions against an individual's
17 license or multistate authorization to practice such as revocation, suspension,
18 probation, monitoring of the licensee, limitation on the licensee's practice, or any
19 other encumbrance on licensure affecting a regulated social worker's authorization
20 to practice, including issuance of a cease and desist action.

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

ASSEMBLY BILL 382

1 (d) “Charter member states” - member states who have enacted legislation to
2 adopt this compact where such legislation predates the effective date of this compact
3 as described in sub. (14).

4 (e) “Compact commission” or “commission” means the government agency
5 whose membership consists of all states that have enacted this compact, which is
6 known as the social work licensure compact commission, as described in sub. (10),
7 and which shall operate as an instrumentality of the member states.

8 (f) “Current significant investigative information” means:

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

13 2. Investigative information that indicates that the regulated social worker
14 represents an immediate threat to public health and safety, as may be defined by the
15 commission, regardless of whether the regulated social worker has been notified and
16 has had an opportunity to respond.

17 (g) “Data system” means a repository of information about licensees, including,
18 continuing education, examination, licensure, current significant investigative
19 information, disqualifying event, multistate license(s) and adverse action
20 information or other information as required by the commission.

21 (h) “Domicile” means the jurisdiction in which the licensee resides and intends
22 to remain indefinitely.

23 (i) “Disqualifying event” means any adverse action or incident which results
24 in an encumbrance that disqualifies or makes the licensee ineligible to either obtain,
25 retain or renew a multistate license.

ASSEMBLY BILL 382**SECTION 64**

1 (j) “Encumbrance” means a revocation or suspension of, or any limitation on,
2 the full and unrestricted practice of social work licensed and regulated by a licensing
3 authority.

4 (k) “Executive committee” means a group of delegates elected or appointed to
5 act on behalf of, and within the powers granted to them by, the compact and
6 commission.

7 (L) “Home state” means the member state that is the licensee’s primary
8 domicile.

9 (m) “Impairment” means a condition(s) that may impair a practitioner’s ability
10 to engage in full and unrestricted practice as a regulated social worker without some
11 type of intervention and may include alcohol and drug dependence, mental health
12 impairment, and neurological or physical impairments.

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

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

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

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

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

ASSEMBLY BILL 382

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

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

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

6 (v) “Rule(s)” or “rule(s) of the commission” means a regulation or regulations
7 duly promulgated by the commission, as authorized by the compact, that has the
8 force of law.

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

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

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

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

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

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

ASSEMBLY BILL 382**SECTION 64**

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

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

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

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

8 3. Require applicants for clinical licensure to complete a period of supervised
9 practice.

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

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

13 1. Require that applicants for a multistate license pass a qualifying national
14 exam for the corresponding category of multistate license sought as outlined in sub.
15 (4).

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

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

21 4. Implement procedures for considering the criminal history records of
22 applicants for a multistate license. Such procedures shall include the submission of
23 fingerprints or other biometric-based information by applicants for the purpose of
24 obtaining an applicant's criminal history record information from the federal bureau

ASSEMBLY BILL 382

1 of investigation and the agency responsible for retaining that state's criminal
2 records.

3 5. Comply with the rules of the commission;

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

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

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

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

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

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

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

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

24 3. Submit, in connection with an application for a multistate license,
25 fingerprints or other biometric data for the purpose of obtaining criminal history

ASSEMBLY BILL 382**SECTION 64**

1 record information from the federal bureau of investigation and the agency
2 responsible for retaining that state's criminal records.

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

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

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

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

12 2. Fulfill a competency requirement, which shall be satisfied by either:

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

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

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

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

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

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

ASSEMBLY BILL 382

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

3 a. A period of postgraduate supervised clinical practice equal to a minimum of
4 three thousand hours; or

5 b. A minimum of two years of full-time postgraduate supervised clinical
6 practice; or

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 382**SECTION 64**

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

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

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

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

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

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

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

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

16 (e) The multistate license for a regulated social worker is subject to the renewal
17 requirements of the home state. The regulated social worker must maintain
18 compliance with the requirements of par. (a) to be eligible to renew a multistate
19 license.

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

ASSEMBLY BILL 382

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

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

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

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

15 (c) Upon issuance of a multistate license, the home state licensing authority
16 shall designate whether the regulated social worker holds a multistate license in the
17 bachelor's, master's, or clinical category of social work.

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

22 **(6) AUTHORITY OF INTERSTATE COMPACT COMMISSION AND MEMBER STATE LICENSING**
23 **AUTHORITIES.** (a) Nothing in this compact, nor any rule of the commission, shall be
24 construed to limit, restrict, or in any way reduce the ability of a member state to enact
25 and enforce laws, regulations, or other rules related to the practice of social work in

ASSEMBLY BILL 382**SECTION 64**

1 that state, where those laws, regulations, or other rules are not inconsistent with the
2 provisions of this compact.

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

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

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

11 (e) Nothing in this compact, nor any rule of the commission, shall be construed
12 to limit, restrict, or in any way reduce the ability of a licensee's home state to take
13 adverse action against a licensee's multistate license based upon information
14 provided by a remote state.

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

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

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

23 2. Upon receipt of an application to reissue a multistate license, the new home
24 state shall verify that the multistate license is active, unencumbered and eligible for
25 reissuance under the terms of the compact and the rules of the commission. The

ASSEMBLY BILL 382

1 multistate license issued by the prior home state will be deactivated and all member
2 states notified in accordance with the applicable rules adopted by the commission.

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

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

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

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

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

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

24 **(8) MILITARY FAMILIES.** An active military member or their spouse shall
25 designate a home state where the individual has a multistate license. The individual

ASSEMBLY BILL 382**SECTION 64**

1 may retain their home state designation during the period the service member is on
2 active duty.

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

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

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

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

23 (c) The home state shall complete any pending investigations of a regulated
24 social worker who changes their home state during the course of the investigations.
25 The home state shall also have the authority to take appropriate action(s) and shall

ASSEMBLY BILL 382

1 promptly report the conclusions of the investigations to the administrator of the data
2 system. The administrator of the data system shall promptly notify the new home
3 state of any adverse actions.

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

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

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

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

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

ASSEMBLY BILL 382**SECTION 64**

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

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

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

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

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

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

23 2. The delegate shall be either:

ASSEMBLY BILL 382

- 1 a. A current member of the state licensing authority at the time of appointment,
2 who is a regulated social worker or public member of the state licensing authority;
3 or
4 b. An administrator of the state licensing authority or their designee.
- 5 3. The commission shall by rule or bylaw establish a term of office for delegates
6 and may by rule or bylaw establish term limits.
- 7 4. The commission may recommend removal or suspension any delegate from
8 office.
- 9 5. A member state's state licensing authority shall fill any vacancy of its
10 delegate occurring on the commission within 60 days of the vacancy.
- 11 6. Each delegate shall be entitled to one vote on all matters before the
12 commission requiring a vote by commission delegates.
- 13 7. A delegate shall vote in person or by such other means as provided in the
14 bylaws. The bylaws may provide for delegates to meet by telecommunication,
15 videoconference, or other means of communication.
- 16 8. The commission shall meet at least once during each calendar year.
17 Additional meetings may be held as set forth in the bylaws. The commission may
18 meet by telecommunication, video conference or other similar electronic means.
- 19 (c) The commission shall have the following powers:
- 20 1. Establish the fiscal year of the commission;
21 2. Establish code of conduct and conflict of interest policies;
22 3. Establish and amend rules and bylaws;
23 4. Maintain its financial records in accordance with the bylaws;
24 5. Meet and take such actions as are consistent with the provisions of this
25 compact, the commission's rules, and the bylaws;

ASSEMBLY BILL 382**SECTION 64**

1 6. Initiate and conclude legal proceedings or actions in the name of the
2 commission, provided that the standing of any state licensing board to sue or be sued
3 under applicable law shall not be affected;

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

7 8. Purchase and maintain insurance and bonds;

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

10 10. Conduct an annual financial review;

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

16 12. Assess and collect fees;

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

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

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

25 16. Establish a budget and make expenditures;

ASSEMBLY BILL 382

1 17. Borrow money;

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

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

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

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

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

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

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

21 b. Recommend to the commission changes to the rules or bylaws, changes to
22 this compact legislation, fees charged to compact member states, fees charged to
23 licensees, and other fees;

24 c. Ensure compact administration services are appropriately provided,
25 including by contract;

ASSEMBLY BILL 382**SECTION 64**

- 1 d. Prepare and recommend the budget;
- 2 e. Maintain financial records on behalf of the commission;
- 3 f. Monitor compact compliance of member states and provide compliance
- 4 reports to the commission;
- 5 g. Establish additional committees as necessary;
- 6 h. Exercise the powers and duties of the commission during the interim
- 7 between commission meetings, except for adopting or amending rules, adopting or
- 8 amending bylaws, and exercising any other powers and duties expressly reserved to
- 9 the commission by rule or bylaw; and
- 10 i. Other duties as provided in the rules or bylaws of the commission.
- 11 2. The executive committee shall be composed of up to eleven (11) members:
- 12 a. The chair and vice chair of the commission shall be voting members of the
- 13 executive committee; and
- 14 b. The commission shall elect five voting members from the current
- 15 membership of the commission.
- 16 c. Up to four (4) ex officio, nonvoting members from four (4) recognized national
- 17 social work organizations.
- 18 d. The ex officio members will be selected by their respective organizations.
- 19 3. The commission may remove any member of the executive committee as
- 20 provided in the commission's bylaws.
- 21 4. The executive committee shall meet at least annually.
- 22 a. Executive committee meetings shall be open to the public, except that the
- 23 executive committee may meet in a closed, nonpublic meeting as provided in par. (f)
- 24 2. below.

ASSEMBLY BILL 382

1 b. The executive committee shall give seven (7) days' notice of its meetings,
2 posted on its website and as determined to provide notice to persons with an interest
3 in the business of the commission.

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

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

8 (f) *Meetings of the commission.* 1. All meetings shall be open to the public,
9 except that the commission may meet in a closed, nonpublic meeting as provided in
10 par. (f) 2. below.

11 a. Public notice for all meetings of the full commission of meetings shall be
12 given in the same manner as required under the rule-making provisions in sub. (12),
13 except that the commission may hold a special meeting as provided in par. (f) 1. b.
14 below.

15 b. The commission may hold a special meeting when it must meet to conduct
16 emergency business by giving 48 hours' notice to all commissioners, on the
17 commission's website, and other means as provided in the commission's rules. The
18 commission's legal counsel shall certify that the commission's need to meet qualifies
19 as an emergency.

20 2. The commission or the executive committee or other committees of the
21 commission may convene in a closed, nonpublic meeting for the commission or
22 executive committee or other committees of the commission to receive legal advice
23 or to discuss:

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

ASSEMBLY BILL 382**SECTION 64**

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

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

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

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

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

9 g. Trade secrets or commercial or financial information that is privileged or
10 confidential;

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

13 i. Investigative records compiled for law enforcement purposes;

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

17 k. Matters specifically exempted from disclosure by federal or member state
18 law; or

19 L. Other matters as promulgated by the Commission by Rule.

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

23 4. The commission shall keep minutes that fully and clearly describe all
24 matters discussed in a meeting and shall provide a full and accurate summary of
25 actions taken, and the reasons therefore, including a description of the views

ASSEMBLY BILL 382

1 expressed. All documents considered in connection with an action shall be identified
2 in such minutes. All minutes and documents of a closed meeting shall remain under
3 seal, subject to release only by a majority vote of the commission or order of a court
4 of competent jurisdiction.

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

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

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

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

20 5. The commission shall keep accurate accounts of all receipts and
21 disbursements. The receipts and disbursements of the commission shall be subject
22 to the financial review and accounting procedures established under its bylaws.
23 However, all receipts and disbursements of funds handled by the commission shall
24 be subject to an annual financial review by a certified or licensed public accountant,

ASSEMBLY BILL 382**SECTION 64**

1 and the report of the financial review shall be included in and become part of the
2 annual report of the commission.

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

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

ASSEMBLY BILL 382

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

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

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

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

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

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

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

25 1. Identifying information;

ASSEMBLY BILL 382**SECTION 64**

- 1 2. Licensure data;
- 2 3. Adverse actions against a license and information related thereto;
- 3 4. Nonconfidential information related to alternative program participation,
- 4 the beginning and ending dates of such participation, and other information related
- 5 to such participation not made confidential under member state law;
- 6 5. Any denial of application for licensure, and the reason(s) for such denial;
- 7 6. The presence of current significant investigative information; and
- 8 7. Other information that may facilitate the administration of this compact or
- 9 the protection of the public, as determined by the rules of the commission.

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

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

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

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

ASSEMBLY BILL 382

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

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

11 (b) The rules of the commission shall have the force of law in each member state,
12 provided however that where the rules of the commission conflict with the laws of the
13 member state that establish the member state's laws, regulations, and applicable
14 standards that govern the practice of social work as held by a court of competent
15 jurisdiction, the rules of the commission shall be ineffective in that state to the extent
16 of the conflict.

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

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

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

ASSEMBLY BILL 382**SECTION 64**

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

4 (g) Prior to adoption of a proposed rule by the commission, and at least thirty
5 (30) days in advance of the meeting at which the commission will hold a public
6 hearing on the proposed rule, the commission shall provide a notice of proposed rule
7 making:

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

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

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

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

13 1. The time, date, and location of the public hearing at which the commission
14 will hear public comments on the proposed rule and, if different, the time, date, and
15 location of the meeting where the commission will consider and vote on the proposed
16 rule;

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

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

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

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

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

ASSEMBLY BILL 382

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

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

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

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

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

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

- 21 1. Meet an imminent threat to public health, safety, or welfare;
- 22 2. Prevent a loss of commission or member state funds;
- 23 3. Meet a deadline for the promulgation of a rule that is established by federal
24 law or rule; or
- 25 4. Protect public health and safety.

ASSEMBLY BILL 382**SECTION 64**

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

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

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

17 2. Except as otherwise provided in this compact, venue is proper and judicial
18 proceedings by or against the commission shall be brought solely and exclusively in
19 a court of competent jurisdiction where the principal office of the commission is
20 located. The commission may waive venue and jurisdictional defenses to the extent
21 it adopts or consents to participate in alternative dispute resolution proceedings.
22 Nothing herein shall affect or limit the selection or propriety of venue in any action
23 against a licensee for professional malpractice, misconduct or any such similar
24 matter.

ASSEMBLY BILL 382

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

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

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

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

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

ASSEMBLY BILL 382**SECTION 64**

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

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

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

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

16 (i) *Dispute resolution.* 1. Upon request by a member state, the commission
17 shall attempt to resolve disputes related to the compact that arise among member
18 states and between member and nonmember states.

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

21 (j) *Enforcement.* 1. By majority vote as provided by rule, the commission may
22 initiate legal action against a member state in default in the United States District
23 Court for the District of Columbia or the federal district where the commission has
24 its principal offices to enforce compliance with the provisions of the compact and its
25 promulgated rules. The relief sought may include both injunctive relief and

ASSEMBLY BILL 382

1 damages. In the event judicial enforcement is necessary, the prevailing party shall
2 be awarded all costs of such litigation, including reasonable attorney's fees. The
3 remedies herein shall not be the exclusive remedies of the commission. The
4 commission may pursue any other remedies available under federal or the defaulting
5 member state's law.

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

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

15 **(14) EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.** (a) The compact shall come
16 into effect on the date on which the compact statute is enacted into law in the seventh
17 member state.

18 1. On or after the effective date of the compact, the commission shall convene
19 and review the enactment of each of the first seven member states ("charter member
20 states") to determine if the statute enacted by each such charter member state is
21 materially different than the model compact statute.

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

ASSEMBLY BILL 382**SECTION 64**

1 b. If any member state is later found to be in default, or is terminated or
2 withdraws from the compact, the commission shall remain in existence and the
3 compact shall remain in effect even if the number of member states should be less
4 than seven.

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

9 3. All actions taken for the benefit of the commission or in furtherance of the
10 purposes of the administration of the compact prior to the effective date of the
11 compact or the commission coming into existence shall be considered to be actions
12 of the commission unless specifically repudiated by the commission.

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

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

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

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

ASSEMBLY BILL 382

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

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

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

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

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

ASSEMBLY BILL 382**SECTION 64**

1 (c) Notwithstanding par. (b), the commission may deny a state's participation
2 in the compact or, in accordance with the requirements of sub. (13) (b), terminate a
3 member state's participation in the compact, if it determines that a constitutional
4 requirement of a member state is a material departure from the compact. Otherwise,
5 if this compact shall be held to be contrary to the constitution of any member state,
6 the compact shall remain in full force and effect as to the remaining member states
7 and in full force and effect as to the member state affected as to all severable matters.

8 **(16) CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS.** (a) A licensee
9 providing services in a remote state under a multistate authorization to practice
10 shall adhere to the laws and regulations, including laws, regulations, and applicable
11 standards, of the remote state where the client is located at the time care is rendered.

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

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

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

18 **457.71 Implementation of the social work licensure compact. (1)** In this
19 section, "multistate authorization to practice" has the meaning given in s. 457.70 (2)
20 (q).

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

23 (b) Subject to s. 457.70 and any rules promulgated thereunder, ss. 440.20 to
24 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who

ASSEMBLY BILL 382

1 is exercising the multistate authorization to practice in this state in the same
2 manner that they apply to holders of certificates or licenses issued under subch. I.

3 **SECTION 65.** 632.89 (1) (dm) of the statutes is repealed and recreated to read:

4 632.89 (1) (dm) “Licensed mental health professional” means a clinical social
5 worker, a marriage and family therapist, or a professional counselor, as those terms
6 are defined in subch. I of ch. 457.

7 **SECTION 66.** 632.89 (1) (e) 4. of the statutes is amended to read:

8 632.89 (1) (e) 4. A licensed mental health professional practicing within the
9 scope of his or her license credential under subch. I of ch. 457 and applicable rules.

10 **SECTION 67.** 800.035 (2m) of the statutes is amended to read:

11 800.035 (2m) A municipal court shall appoint a guardian ad litem or social
12 worker certified or licensed under subch. I of ch. 457 for any defendant that the court
13 has reason to believe lacks substantial mental capacity to understand the
14 proceedings or assist in his or her defense. The person appointed under this
15 paragraph shall assist the court in making a determination concerning the
16 defendant’s mental capacity. If the court determines that the defendant lacks the
17 mental capacity to understand the proceedings or assist in his or her defense, the
18 court shall suspend the proceedings. The cost of the guardian ad litem or social
19 worker shall be paid by the municipality or municipalities that established the court.
20 The governing body may by ordinance or bylaw authorize the appointment of a
21 guardian ad litem by the municipal judge in any other matter within the jurisdiction
22 of the municipal court.

23 **SECTION 68.** 905.04 (1) (bm) and (dm) of the statutes are amended to read:

