
OLR Bill Analysis

HB 5197

AN ACT CONCERNING SOCIAL WORKERS.

SUMMARY

This bill enters Connecticut into the Social Work Licensure Compact. The compact creates a process for social workers to obtain a multistate license, allowing them to practice in any member state (including by telehealth). Member states must grant a multistate license in one of three categories (clinical, master's, or bachelor's) to social workers who meet the compact's eligibility requirements. The Social Work Licensure Compact Commission administers the compact, and Connecticut joins the commission under the bill.

Among other provisions, the compact:

1. sets eligibility criteria for states to join the compact and for social workers to practice under it,
2. addresses several matters related to disciplinary actions for licensees practicing under the compact,
3. allows the commission to levy an annual assessment on member states and fees on multistate licensees to cover its operational costs,
4. only allows amendments to the compact to take effect if all member states adopt them into law, and
5. has a process for states to withdraw from it.

In practice, the compact has not yet taken effect. Two states have adopted it; by its terms, the compact takes effect after seven states do so. Below is a broad overview of the compact.

Additionally, under the bill, the public health commissioner must require anyone applying for social worker licensure to submit to a state and national fingerprint-based criminal history records check by the Department of Emergency Services and Public Protection (§ 2). This corresponds to a compact requirement (see *State Participation in the Compact* and *Social Worker Participation in the Compact*, below).

EFFECTIVE DATE: Upon passage

SOCIAL WORK LICENSURE COMPACT

Compact Overview

The Social Work Licensure Compact creates a process for social workers to obtain a multistate license from their home state, allowing them to practice in any member state (including by telehealth) under a multistate authorization to practice. A licensee providing services in a remote state under this authorization must follow the laws of the remote state where the client is located.

Under the compact, a “member state” is a state that has enacted the compact. A “home state” is the member state that is the licensee’s primary domicile. A “remote state” is a member state, other than the licensee’s home state. A “state” is a U.S. state, commonwealth, district, or territory that regulates social work.

State Participation in the Compact (§ 1(3))

To be eligible to participate in the compact, a state must do the following:

1. license and regulate social work at the clinical, master’s, or bachelor’s category;
2. require licensure applicants to graduate from a program meeting specified requirements (e.g., related to accreditation);
3. require clinical licensure applicants to complete a supervised practice period; and
4. have a way to receive, investigate, and adjudicate complaints

about licensees.

To maintain compact membership, a member state must also do the following:

1. require applicants for a multistate license to pass a qualifying national exam corresponding to their licensure category;
2. participate fully in the commission's licensee data system, including using the commission's unique identifier;
3. notify the commission, in compliance with the compact's terms and rules, about any adverse action (e.g., license revocation or suspension) or the availability of current significant investigative information about a licensee (e.g., information that the licensee represents an immediate threat to public health and safety);
4. implement procedures for considering the criminal history records of multistate license applicants, including the applicants' submission of fingerprints or other biometric-based information to obtain these records from the FBI and the state agency that keeps criminal records;
5. comply with the commission's rules;
6. require applicants to be licensed in the home state and meet the home state's qualifications for licensure or licensure renewal and other applicable state laws;
7. authorize a multistate licensee in any member state to practice according to the compact and rules; and
8. designate a delegate to participate in the commission's meetings.

Under the compact, a member state meeting the above requirements must designate which multistate licensure categories it will issue. (A state is not required to use particular titles.) If a member state does not meet the participation requirements for a particular license category, the state may choose to issue a multistate license to applicants that

otherwise meet the licensure requirements for that category or categories.

The compact allows home states to charge a fee for the multistate license.

Social Worker Participation in the Compact (§ 1(4))

To be eligible for a multistate license under the compact, an applicant (in any category) must meet the following requirements:

1. hold or be eligible for an active, unencumbered license in the home state;
2. pay any state fees or other applicable fees for the multistate license;
3. submit fingerprints or other biometric data;
4. notify the home state within 30 days after being subject to any adverse action, encumbrance, or restriction on any professional license by any member or non-member state;
5. meet the home state's continuing competence requirements, if any; and
6. comply with the laws, regulations, and standards in the member state where a client is located.

The compact also sets specific requirements for the three licensure categories, as follows. For all categories, the compact requires a social worker to complete one of the following:

1. passage of a qualifying national exam in the clinical, master's, or bachelor's category, as applicable;
2. licensure in the home state in the applicable category, beginning before the home state required a national exam and followed by a period of continuous social work licensure since then; or
3. substantial equivalency of the above as the commission

determines by rule.

The compact requires a social worker to have a master's degree in social work for the clinical or master's category, or a bachelor's for that category, from a school meeting specified criteria (e.g., related to accreditation).

For the clinical category only, the compact requires a social worker to complete one of the following:

1. 3,000 hours of postgraduate supervised clinical practice,
2. two years of full-time postgraduate supervised clinical practice, or
3. substantial equivalency of the above as the commission determines by rule.

License Renewal. The compact provides that a multistate license is subject to the home state's renewal requirements. To be eligible to renew, the social worker must maintain compliance with the above requirements.

Issuance of a Multistate License (§ 1(5))

Under the compact, upon receiving an application for a multistate license, the home state's licensing authority must determine whether the applicant is eligible for the license. If so, it must issue a multistate license (in one of the three categories) authorizing the person to practice in all member states under a multistate authorization to practice. All member states must recognize the license.

Reissuance of a Multistate License by a New Home State (§ 1(7))

Under the compact, a licensee may hold a multistate license, issued by his or her home state, in only one member state at a time.

The compact sets a process for social workers who move from one member state to another to obtain a reissued multistate license in the new home state (e.g., payment of applicable fees and verification by the new home state that the person meets specified requirements).

For social workers who change their primary state of residence from a member state to a nonmember state or vice versa, the new state's criteria apply to the issuance of a single state license.

The compact specifies that it does not prevent licensees from holding single state licenses in multiple states, but they may have only one home state license for purposes of the compact and one multiple state license. It also does not interfere with a member state's requirements for issuing a single state license.

Military Families (§ 1(8))

The compact requires an active-duty military member, or their spouse, to designate a home state where the person has a multistate license. The person may keep this designation while the service member is on active duty.

Respective States' Authority and Adverse Actions (§ 1(4), (6) & (9))

The compact addresses several matters related to states' authority to investigate and discipline social workers practicing under its procedures. It maintains member states' authority to regulate social work in a way that is consistent with the compact, and a social worker's services in a remote state are subject to that state's regulatory authority.

The following are examples of the regulatory structure under the compact:

1. a home state has exclusive authority to take adverse action against a social worker's multistate license, but a remote state may take adverse action against a social worker's multistate authorization to practice within that state and may issue subpoenas, impose fines, and take other necessary action to protect its citizens;
2. for taking adverse action, a licensee's home state must give the same priority to conduct reported from other member states as it would to conduct within the home state;

3. if a social worker's multistate license is encumbered or subject to adverse action, his or her multistate authorization to practice is deactivated in all remote states until the encumbrance is lifted;
4. if allowed by that state's law, a member state may recover from a social worker the investigation and disposition costs for cases resulting from adverse actions;
5. if a member state takes adverse action, it must promptly notify the data system administrator (see below), and the administrator must promptly notify the home state and all member states of any adverse actions by remote states;
6. a member state may allow licensees to participate in an alternative program for impaired practitioners rather than imposing an adverse action; and
7. the compact does not authorize a member state to discipline a social worker with a multistate authorization to practice for lawful actions within another member state.

Social Work Licensure Compact Commission (§ 1(10) & (12))

The Social Work Licensure Compact Commission administers the compact and it consists of one delegate appointed by each member state's social worker licensing authority. (The commission comes into existence once the compact takes effect.) The compact sets several powers, duties, and procedures for the commission. For example, the commission:

1. must make reasonable rules to implement and administer the compact, which are generally subject to public hearing and comment (a rule has no further effect if a majority of the member states' legislatures reject it within four years of the rule's adoption);
2. may levy and collect an annual assessment from each member state and impose fees on social workers with multistate licenses to cover the costs of its operations; and

3. must have its receipts and disbursements financially reviewed yearly and the review included in its required annual report.

The compact addresses several other matters regarding the commission and its operations, such as setting conditions under which its members, officers, and employees are immune from civil liability.

By adopting the compact, Connecticut joins the commission.

Data System (§ 1(11))

Member states must submit specified licensee information for inclusion in a database the commission creates. The compact addresses several matters related to this data system, such as establishing the following:

1. current significant investigative information about a licensee in any member state is only available to other member states;
2. adverse action information about a licensee in any member state is available to other member states, and member states must report any adverse action against licensees and monitor the database to determine whether these actions were taken; and
3. member states that contribute information to the data system may designate information that may not be shared publicly without the state's express permission.

Compact Oversight, Enforcement, Member Withdrawal, and Related Matters (§ 1(13)-(16))

Among other related provisions, the compact:

1. requires each member state's executive and judicial branches to enforce the compact and take all necessary and appropriate steps to implement it;
2. requires the commission to take specified steps if a member state defaults on its obligations under the compact, and after exhausting all other means of securing compliance, allows a defaulting state to be terminated from the compact upon a

- majority vote of delegates of the member states;
3. requires the commission, upon a member state's request, to try to resolve a compact-related dispute among member states and between member and non-member states;
 4. allows the commission to bring legal action to enforce compliance against a defaulting member state upon a majority vote (the case may be brought in the U.S. District Court for the District of Columbia or the federal district where the commission's principal offices are located);
 5. requires the commission, after the compact takes effect (through enactment by seven states), to review the enactment of the charter member states to determine if their enacted law is materially different than the model compact, and if so, entitles that state to the compact's default process (e.g., an opportunity to cure before possible termination);
 6. allows a member state to withdraw from the compact by passing a law to do so, but withdrawal does not take effect until 180 days after the law's enactment;
 7. allows member states to amend the compact, but an amendment does not take effect until all member states enact it into law;
 8. makes its provisions severable and requires that they be liberally construed to carry out its purposes, and if any compact provision is held unconstitutional (as to a state constitution or the U.S. constitution), the rest of the compact's validity is unaffected; and
 9. supersedes any conflicting laws or other legal requirements in member states, to the extent of the conflict.

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 36 Nay 1 (03/04/2024)