



South Dakota  
Department of  
**Social Services**

**South Dakota Board of  
Social Work Examiners**  
810 N. Main Street, Suite 298  
Spearfish, SD 57783  
**Phone:** 605.642.1600

**Email:** [office@sdlicensing.com](mailto:office@sdlicensing.com)

**Web:** <https://dss.sd.gov/licensingboards/socialwork/social.aspx>

**DRAFT MEETING AGENDA  
In-Person Meeting**

**South Dakota Board of Social Work Examiners  
June 26, 2023-11:00AM CDT/10:00AM MDT**

**The public is invited to attend the meeting at the following location:**  
**Capital Area Counseling**  
**2001 Eastgate Dr.**  
**Pierre, SD 57501**

**If members of the public would like to join the meeting via teleconference  
they may do so by calling the teleconference number at 1-866-705-2554.  
Key in the passcode: 263756**

**Member Listing:**

1. Karen Chesley, CSW-PIP, President
2. Michael Forg, CSW-PIP, Secretary/Treasurer
3. Jennifer Gray, CSW-PIP, Member
4. Sharon Stratman, SW, Member
5. Susan Kornder, CSW-PIP, Member
6. Kim Brakke, Lay Member
7. Bonnie Untereiner-Bjork, Lay Member
8. Vicki Isler, Ed.D., BCBA-D-Applied Behavior Analyst Committee
9. Amber Bruns, MS, BCBA-Applied Behavior Analyst Committee
10. Lisa Stanley, DVM, Lay Member-Applied Behavior Analyst Committee

**Purpose:** The Board protects the health and safety of the consumer public by licensure of qualified persons, enforcement of the statutes, rules and regulations governing the practice of social work, including the appropriate resolution of complaints.

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1. Call to Order/Welcome
  2. Roll Call
  3. Corrections or additions to the agenda
  4. Approval of the agenda
  5. Public Comment at 12:05 p.m.- *5 minutes for the public to address the Board*
  6. Approval of the minutes from April 14, 2023
  7. FY Financial Update
  8. ABA Updates

9. ASWB Education Meeting, New Orleans April 21-22, 2023- Gray
10. ASWB 2023 Annual Meeting of the Delegate Assembly, Memphis, TN, November 3-4, 2023
11. Social Work Licensure Compact Discussion
12. CSW-PIP Supervision Discussion
13. Schedule next meetings(s)
14. Any other business coming in between date of mailing and date of meeting
15. Executive Session Pursuant to SDCL 1-25-2
  - a. Complaints/investigations  
#286;
  - b. CSW-PIP Contract approvals
  - c. Out-of-State PIP Report
16. CSW-PIP Contract Approvals
17. Adjourn



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**OFFICIAL BOARD MINUTES**

**Videoconference**

**April 14, 2023-12:00PM CDT / 11:00 AM MDT**

**Members Present:**

Karen Chesley, President  
Michael Forg, Secretary/Treasurer  
Jennifer Gray, Member  
Sharon Stratman, Member  
Kim Brakke, Lay Member

**Members Absent:**

Susan Kornder, Member  
Bonnie Untereiner-Bjork, Lay Member

**Others Present:** Carol Tellinghuisen, Executive Secretary; Brooke Tellinghuisen-Geddes, Executive Assistant; Katie Funke, Administrative Assistant; Amber Bruns, Vicki Isler, Lisa Stanley, ABA Advisory Committee Members; Tracy Mercer, Special Projects Coordinator, DSS; Amanda Miiller, Assistant Attorney General, SD Office of the Attorney General.

**Call to Order/Welcome:** Chesley called the meeting to order at 12:01 p.m. CDT.

**Roll Call:** Chesley requested Tellinghuisen-Geddes call the roll. Chesley, yes; Forg, yes; Gray, yes; Kornder, absent; Stratman, yes; Brakke, yes; Bjork, absent. A quorum was present.

**Corrections or additions to the agenda:** Chesley congratulated Gray on her lifetime achievement award with NASW. Forg also asked that the ASWB Compact and potential legislation be added to the June meeting agenda.

**Approval of the agenda:** Gray made a motion to approve the agenda. Stratman seconded the motion. **MOTION PASSED** by unanimous voice vote.

**Public Comment:** None.

**Approval of the Minutes from Board meeting February 10, 2023** Stratman made a motion to approve the minutes from February 10, 2023. Forg seconded the motion. **MOTION PASSED** by unanimous voice vote.

**FY Financial Update:** Tellinghuisen-Geddes reported fiscal year-to-date figures as of February 28, 2023: expenses of \$87,955.45; revenue of \$131,562.59 and a cash balance of \$366,953.05.

**ABA Updates:** Isler advised that due to the popularity of the Behavior Analyst program at USD, they have now gone to a hybrid program and will be offering online courses starting fall of 2023.

**ASWB Education Meeting, New Orleans April 21-22, 2023:** Gray is scheduled to attend this meeting and will report at the next board meeting.

**CSW-PIP Out-of-State Supervisor Discussion:** Discussion was held on the appropriateness of out-of-state supervisors for CSW-PIP candidates. The Board decided that an in-depth review of the supervision requirements for these candidates would be appropriate as administrative rules changes may be needed.

**Schedule Next Meeting:** The next meeting is scheduled for June 26, 2022 in Pierre, SD.

**Any other business coming in between date of mailing and date of meeting:** No other business was reported.

**Executive Session Pursuant to SDCL 1-25-2:** Gray made a motion to enter executive session at 12:25 p.m. CDT. Stratman seconded the motion. **MOTION PASSED** by unanimous voice vote. Bruns, Isler, Stanley, and Mercer exited the meeting. The Board exited executive session at 12:47 p.m. CDT.

**Complaints/Investigations:** Forgy recommended the Board accept the stipulation as presented with Willis as the supervisor for complaints #277, #278, #279, #281, and #285. Chesley moved to accept Forgy's recommendation. Gray seconded the motion. **MOTION PASSED** by roll call vote: Chesley, yes; Forgy, abstain; Gray, yes; Stratman, yes; Brakke, yes.

**Applicant 2023-1:** The Board asked that the Board office reach out to ASWB to ask for additional accommodations such as a reader or interpreter for applicant 2023-1 if that is a available option.

**CSW-PIP Supervision Contracts:** Stratman made a motion to approve the following contracts. Gray seconded the motion. **MOTION PASSED** by unanimous voice vote.

Evensen, C.: Supervision with Satterwhite beginning March 13, 2023;

Bradley, M.: Supervision with Laidlaw beginning March 10, 2023;

Giomo-James, E.: Supervision with Patzlaff beginning February 7, 2023;

Gayer, M.: Supervision with Sjaarda beginning March 1, 2023;

Cassanova, T.: Supervision with Hodge beginning February 8, 2023;

Pravecek, M.: Supervision with Hamilton beginning February 6, 2023;

Mueller, B.: Supervision with Patzlaff beginning February 16, 2023;

Hahne, S.: Supervision with Finn beginning November 29, 2022;

Ballard, J.: Supervision with Krueger beginning February 10, 2023;

Harter Shutt, J.: Supervision with Stegenga beginning October 21, 2022;

Claeys, L.: Supervision with Krueger beginning January 30, 2023;

Kegler, S.: Supervision with Durkin beginning February 1, 2023;

Larson Silva, W.: Supervision with Wise-Vander Lee beginning January 23, 2023;

Moreno, K.: Supervision with Soulek beginning February 1, 2023;

Glazier, L.: Supervision with Urlacher beginning March 1, 2023;

Seten, M.: Supervision with Hamilton beginning February 7, 2023;

Bond, S.; Supervision with Madigan beginning January 27, 2023;

**CSW-PIP Applicant Approval Report:** Tellinghuisen Geddes reported that the following individuals have been licensed by endorsement as CSW-PIP's: Judith Elling Przybilla; Hailey Killen; and William Latimer.

Gray made a motion to adjourn at 12:51 p.m. CDT. Stratman seconded the motion. **MOTION PASSED** by unanimous voice vote

Respectfully submitted,



Carol Tellinghuisen  
Executive Secretary

1-27-1.17. Draft minutes of public meeting to be available--Exceptions--Violation as misdemeanor. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

BOARD OF SOCIAL WORK EXAMINERS  
 REVENUE SUMMARY  
 FOR MONTH ENDING 04/30/23

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	4293000	0	0	0893000	719		2023	10	\$ 139,655.00	\$ 6,320.00
6503	4920045			0893000	719		2023	10	\$ 2,437.59	\$ -
									\$ 142,092.59	\$ 6,320.00

EXPENDITURE SUMMARY REPORT  
FOR MONTH ENDING 04/30/23

(2)

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	ACCOUNT DESCRIPTION	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	5101030	0	0	BOARD & COMM MBRS FEES	0893000	719		2023	10	\$ 1,260.00	\$ -
6503	5102010	0	0	OASI-EMPLOYER'S SHARE	0893000	719		2023	10	\$ 96.39	\$ -
6503	5203030	0	0	AUTO-PRIV (IN-ST.) H/RTE	0893000	719		2023	10	\$ 228.18	\$ -
6503	5203100	0	0	LODGING/IN-STATE	0893000	719		2023	10	\$ 114.28	\$ -
6503	5203150	0	0	NON-TAXABLE MEALS/IN-ST	0893000	719		2023	10	\$ 54.00	\$ -
6503	5204020	0	0	DUES & MEMBERSHIP FEES	0893000	719		2023	10	\$ 250.00	\$ -
6503	5204090	0	0	MANAGEMENT CONSULTANT	0893000	719		2023	10	\$ 84,220.60	\$ 7,205.00✓
6503	5204130	0	0	OTHER CONSULTING	0893000	719		2023	10	\$ 6,205.00	\$ 647.50✓
6503	5204201	0	0	BFM CENTRAL SERVICES	0893000	719		2023	10	\$ 2,020.64	\$ -
6503	5204204	0	0	RECORDS MGMT SERVICES	0893000	719		2023	10	\$ 267.50	\$ 72.50
6503	5204207	0	0	HUMAN RESOURCES SERVICES	0893000	719		2023	10	\$ 592.60	\$ 267.64
6503	5204510	0	0	RENTS-OTHER	0893000	719		2023	10	\$ 3,300.00	\$ 300.00✓
6503	5204530	0	0	TELECOMMUNICATIONS SRVCS	0893000	719		2023	10	\$ 375.61	\$ -
6503	5204740	0	0	BANK FEES AND CHARGES	0893000	719		2023	10	\$ 9.23	\$ 0.39
6503	5205320	0	0	PRINTING-COMMERCIAL	0893000	719		2023	10	\$ 1,217.48	\$ 322.04
										\$ 100,211.51	\$ 8,815.07

**BOARD OF SOCIAL WORK EXAMINERS**

CASH CENTER BALANCE

FOR MONTH ENDING 04/30/23

[illegible]



## **Social Work Licensure Compact Model Legislation**

This project is funded by the Department of Defense.

The following language must be enacted into law by a state to officially join the Social Work Licensure Compact.

**No substantive changes should be made to the model language. Any substantive changes may jeopardize the enacting state's participation in the Compact.**

The Council of State Governments National Center for Interstate Compacts reviews state compact legislation to ensure consistency with the model language. Please direct inquiries to Jessica Thomas at [jthomas@csg.org](mailto:jthomas@csg.org).

# SOCIAL WORK LICENSURE COMPACT

## SECTION 1: PURPOSE

The purpose of this Compact is to facilitate interstate practice of Regulated Social Workers by improving public access to competent Social Work Services. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure.

This Compact is designed to achieve the following objectives:

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

## SECTION 2. DEFINITIONS

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

- A. **"Active Military Member"** means any individual with full-time duty status in the active armed forces of the United States including members of the National Guard and Reserve.
- B. **"Adverse Action"** means any administrative, civil, equitable or criminal action permitted by a State's laws which is imposed by a Licensing Authority or other authority against a Regulated Social Worker, including actions against an individual's license or Multistate Authorization to Practice such as revocation,

suspension, probation, monitoring of the Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure affecting a Regulated Social Worker's authorization to practice, including issuance of a cease and desist action.

C. **"Alternative Program"** means a non-disciplinary monitoring or practice remediation process approved by a Licensing Authority to address practitioners with an Impairment.

D. **"Charter Member States"** - Member States who have enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact as described in Section 14.

E. **"Compact Commission" or "Commission"** means the government agency whose membership consists of all States that have enacted this Compact, which is known as the Social Work Licensure Compact Commission, as described in Section 10, and which shall operate as an instrumentality of the Member States.

F. **"Current Significant Investigative Information"** means:

1. Investigative information that a Licensing Authority, after a preliminary inquiry that includes notification and an opportunity for the Regulated Social Worker to respond has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction as may be defined by the Commission; or
2. Investigative information that indicates that the Regulated Social Worker represents an immediate threat to public health and safety, as may be defined by the Commission, regardless of whether the Regulated Social Worker has been notified and has had an opportunity to respond.

G. **"Data System"** means a repository of information about Licensees, including, continuing education, examination, licensure, Current Significant Investigative Information, Disqualifying Event, Multistate License(s) and Adverse Action information or other information as required by the Commission.

H. **"Domicile"** means the jurisdiction in which the Licensee resides and intends to remain indefinitely.

I. **"Disqualifying Event"** means any Adverse Action or incident which results in an Encumbrance that disqualifies or makes the Licensee ineligible to either obtain, retain or renew a Multistate License.

J. **"Encumbrance"** means a revocation or suspension of, or any limitation on, the full and unrestricted practice of Social Work licensed and regulated by a Licensing Authority.

- 72 K. **“Executive Committee”** means a group of delegates elected or appointed to act  
73 on behalf of, and within the powers granted to them by, the compact and  
74 Commission.
- 75 L. **“Home State”** means the Member State that is the Licensee’s primary Domicile.
- 76 M. **“Impairment”** means a condition(s) that may impair a practitioner’s ability to  
77 engage in full and unrestricted practice as a Regulated Social Worker without  
78 some type of intervention and may include alcohol and drug dependence, mental  
79 health impairment, and neurological or physical impairments.
- 80 N. **“Licensee(s)”** means an individual who currently holds a license from a State to  
81 practice as a Regulated Social Worker.
- 82 O. **“Licensing Authority”** means the board or agency of a Member State, or  
83 equivalent, that is responsible for the licensing and regulation of Regulated  
84 Social Workers.
- 85 P. **“Member State”** means a state, commonwealth, district, or territory of the United  
86 States of America that has enacted this Compact.
- 87 Q. **“Multistate Authorization to Practice”** means a legally authorized privilege to  
88 practice, which is equivalent to a license, associated with a Multistate License  
89 permitting the practice of Social Work in a Remote State.
- 90 R. **“Multistate License”** means a license to practice as a Regulated Social Worker  
91 issued by a Home State Licensing Authority that authorizes the Regulated Social  
92 Worker to practice in all Member States under Multistate Authorization to  
93 Practice.
- 94 S. **“Qualifying National Exam”** means a national licensing examination approved  
95 by the Commission.
- 96 T. **“Regulated Social Worker”** means any clinical, master’s or bachelor’s Social  
97 Worker licensed by a Member State regardless of the title used by that Member  
98 State.
- 99 U. **“Remote State”** means a Member State other than the Licensee’s Home State.
- 100 V. **“Rule(s)” or “Rule(s) of the Commission”** means a regulation or regulations  
101 duly promulgated by the Commission, as authorized by the Compact, that has  
102 the force of law.
- 103 W. **“Single State License”** means a Social Work license issued by any State that  
104 authorizes practice only within the issuing State and does not include Multistate  
105 Authorization to Practice in any Member State.
- 106 X. **“Social Work” or “Social Work Services”** means the application of social work  
107 theory, knowledge, methods, ethics, and the professional use of self to restore or  
108 enhance social, psychosocial, or biopsychosocial functioning of individuals,

couples, families, groups, organizations, and communities through the care and services provided by a Regulated Social Worker as set forth in the Member State's statutes and regulations in the State where the services are being provided.

Y. **"State"** means any state, commonwealth, district, or territory of the United States of America that regulates the practice of Social Work.

Z. **"Unencumbered License"** means a license that authorizes a Regulated Social Worker to engage in the full and unrestricted practice of Social Work.

### SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

1. License and regulate the practice of Social Work at either the clinical, master's, or bachelor's category.
2. Require applicants for licensure to graduate from a program that is:
  - a. Operated by a college or university recognized by the Licensing Authority;
  - b. Accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either:
    - i. the Council for Higher Education Accreditation, or its successor; or
    - ii. the United States Department of Education; and
  - c. Corresponds to the licensure sought as outlined in Section 4.
3. Require applicants for clinical licensure to complete a period of supervised practice.
4. Have a mechanism in place for receiving, investigating, and adjudicating complaints about Licensees.

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

1. Require that applicants for a Multistate License pass a Qualifying National Exam for the corresponding category of Multistate License sought as outlined in Section 4.
2. Participate fully in the Commission's Data System, including using the Commission's unique identifier as defined in Rules;
3. Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Current Significant Investigative Information regarding a Licensee;

- 144 4. Implement procedures for considering the criminal history records of  
145 applicants for a Multistate License. Such procedures shall include the  
146 submission of fingerprints or other biometric-based information by  
147 applicants for the purpose of obtaining an applicant's criminal history  
148 record information from the Federal Bureau of Investigation and the  
149 agency responsible for retaining that State's criminal records.
- 150 5. Comply with the Rules of the Commission;
- 151 6. Require an applicant to obtain or retain a license in the Home State and  
152 meet the Home State's qualifications for licensure or renewal of  
153 licensure, as well as all other applicable Home State laws;
- 154 7. Authorize a Licensee holding a Multistate License in any Member State  
155 to practice in accordance with the terms of the Compact and Rules of the  
156 Commission; and
- 157 8. Designate a delegate to participate in the Commission meetings.
- 158 C. A Member State meeting the requirements of Section 3.A. and 3.B of this  
159 Compact shall designate the categories of Social Work licensure that are eligible  
160 for issuance of a Multistate License for applicants in such Member State. To the  
161 extent that any Member State does not meet the requirements for participation in  
162 the Compact at any particular category of Social Work licensure, such Member  
163 State may choose, but is not obligated to, issue a Multistate License to applicants  
164 that otherwise meet the requirements of Section 4 for issuance of a Multistate  
165 License in such category or categories of licensure.
- 166 D. The Home State may charge a fee for granting the Multistate License.

#### 167 **SECTION 4. SOCIAL WORKER PARTICIPATION IN THE COMPACT**

- 168 A. To be eligible for a Multistate License under the terms and provisions of the  
169 Compact, an applicant, regardless of category must:
- 170 1. Hold or be eligible for an active, Unencumbered License in the Home  
171 State;
- 172 2. Pay any applicable fees, including any State fee, for the Multistate  
173 License;
- 174 3. Submit, in connection with an application for a Multistate License,  
175 fingerprints or other biometric data for the purpose of obtaining criminal  
176 history record information from the Federal Bureau of Investigation and  
177 the agency responsible for retaining that State's criminal records.
- 178 4. Notify the Home State of any Adverse Action, Encumbrance, or  
179 restriction on any professional license taken by any Member State or  
180 non-Member State within 30 days from the date the action is taken.

- 181 5. Meet any continuing competence requirements established by the Home  
182 State;
- 183 6. Abide by the laws, regulations, and applicable standards in the Member  
184 State where the client is located at the time care is rendered.
- 185 B. An applicant for a clinical-category Multistate License must meet all of the  
186 following requirements:
- 187 2. Fulfill a competency requirement, which shall be satisfied by either:
- 188 a. Passage of a clinical-category Qualifying National Exam; or
- 189 b. Licensure of the applicant in their Home State at the clinical  
190 category, beginning prior to such time as a Qualifying National Exam  
191 was required by the Home State and accompanied by a period of  
192 continuous Social Work licensure thereafter, all of which may be  
193 further governed by the Rules of the Commission; or
- 194 c. The substantial equivalency of the foregoing competency  
195 requirements which the Commission may determine by Rule.
- 196 3. Attain at least a master's degree in Social Work from a program that is:
- 197 a. Operated by a college or university recognized by the Licensing  
198 Authority; and
- 199 b. Accredited, or in candidacy that subsequently becomes accredited,  
200 by an accrediting agency recognized by either:
- 201 i. the Council for Higher Education Accreditation or its successor; or
- 202 ii. the United States Department of Education.
- 203 4. Fulfill a practice requirement, which shall be satisfied by demonstrating  
204 completion of either:
- 205 a. A period of postgraduate supervised clinical practice equal to a  
206 minimum of three thousand hours; or
- 207 b. A minimum of two years of full-time postgraduate supervised clinical  
208 practice; or
- 209 c. The substantial equivalency of the foregoing practice requirements  
210 which the Commission may determine by Rule.
- 211 C. An applicant for a master's-category Multistate License must meet all of the  
212 following requirements:
- 213 1. Fulfill a competency requirement, which shall be satisfied by either:
- 214 a. Passage of a masters-category Qualifying National Exam;

- 215 b. Licensure of the applicant in their Home State at the master's  
216 category, beginning prior to such time as a Qualifying National Exam  
217 was required by the Home State at the master's category and  
218 accompanied by a continuous period of Social Work licensure  
219 thereafter, all of which may be further governed by the Rules of the  
220 Commission; or
- 221 c. The substantial equivalency of the foregoing competency  
222 requirements which the Commission may determine by Rule.
- 223 2. Attain at least a master's degree in Social Work from a program that is:
- 224 a. Operated by a college or university recognized by the Licensing  
225 Authority; and
- 226 b. Accredited, or in candidacy that subsequently becomes accredited,  
227 by an accrediting agency recognized by either:
- 228 i. the Council for Higher Education Accreditation or its  
229 successor; or
- 230 ii. the United States Department of Education.
- 231 D. An applicant for a bachelor's-category Multistate License must meet all of the  
232 following requirements:
- 233 1. Fulfill a competency requirement, which shall be satisfied by either:
- 234 a. Passage of a bachelor's-category Qualifying National Exam;
- 235 b. Licensure of the applicant in their Home State at the bachelor's  
236 category, beginning prior to such time as a Qualifying National Exam  
237 was required by the Home State and accompanied by a period of  
238 continuous Social Work licensure thereafter, all of which may be  
239 further governed by the Rules of the Commission; or
- 240 c. The substantial equivalency of the foregoing competency  
241 requirements which the Commission may determine by Rule.
- 242 2. Attain at least a bachelor's degree in Social Work from a program that is:
- 243 a. Operated by a college or university recognized by the Licensing  
244 Authority; and
- 245 b. Accredited, or in candidacy that subsequently becomes accredited,  
246 by an accrediting agency recognized by either:
- 247 i. the Council for Higher Education Accreditation or its  
248 successor; or
- 249 ii. the United States Department of Education.

- 250 E. The Multistate License for a Regulated Social Worker is subject to the renewal  
251 requirements of the Home State. The Regulated Social Worker must maintain  
252 compliance with the requirements of Section 4(A) to be eligible to renew a  
253 Multistate License.
- 254 F. The Regulated Social Worker's services in a Remote State are subject to that  
255 Member State's regulatory authority. A Remote State may, in accordance with  
256 due process and that Member State's laws, remove a Regulated Social Worker's  
257 Multistate Authorization to Practice in the Remote State for a specific period of  
258 time, impose fines, and take any other necessary actions to protect the health  
259 and safety of its citizens.
- 260 G. If a Multistate License is encumbered, the Regulated Social Worker's Multistate  
261 Authorization to Practice shall be deactivated in all Remote States until the  
262 Multistate License is no longer encumbered.
- 263 H. If a Multistate Authorization to Practice is encumbered in a Remote State, the  
264 regulated Social Worker's Multistate Authorization to Practice may be  
265 deactivated in that State until the Multistate Authorization to Practice is no longer  
266 encumbered.

#### 267 **SECTION 5: ISSUANCE OF A MULTISTATE LICENSE**

- 268 A. Upon receipt of an application for Multistate License, the Home State Licensing  
269 Authority shall determine the applicant's eligibility for a Multistate License in  
270 accordance with Section 4 of this Compact.
- 271 B. If such applicant is eligible pursuant to Section 4 of this Compact, the Home  
272 State Licensing Authority shall issue a Multistate License that authorizes the  
273 applicant or Regulated Social Worker to practice in all Member States under a  
274 Multistate Authorization to Practice.
- 275 C. Upon issuance of a Multistate License, the Home State Licensing Authority shall  
276 designate whether the Regulated Social Worker holds a Multistate License in the  
277 Bachelors, Masters, or Clinical category of Social Work.
- 278 D. A Multistate License issued by a Home State to a resident in that State shall be  
279 recognized by all Compact Member States as authorizing Social Work Practice  
280 under a Multistate Authorization to Practice corresponding to each category of  
281 licensure regulated in each Member State.

#### 282 **SECTION 6: AUTHORITY OF INTERSTATE COMPACT COMMISSION AND MEMBER** 283 **STATE LICENSING AUTHORITIES**

- 284 A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to  
285 limit, restrict, or in any way reduce the ability of a Member State to enact and  
286 enforce laws, regulations, or other rules related to the practice of Social Work in  
287 that State, where those laws, regulations, or other rules are not inconsistent with  
288 the provisions of this Compact.

- 289 B. Nothing in this Compact shall affect the requirements established by a Member  
290 State for the issuance of a Single State License.
- 291 C. Nothing in this Compact, nor any Rule of the Commission, shall be construed to  
292 limit, restrict, or in any way reduce the ability of a Member State to take Adverse  
293 Action against a Licensee's Single State License to practice Social Work in that  
294 State.
- 295 D. Nothing in this Compact, nor any Rule of the Commission, shall be construed to  
296 limit, restrict, or in any way reduce the ability of a Remote State to take Adverse  
297 Action against a Licensee's Multistate Authorization to Practice in that State.
- 298 E. Nothing in this Compact, nor any Rule of the Commission, shall be construed to  
299 limit, restrict, or in any way reduce the ability of a Licensee's Home State to take  
300 Adverse Action against a Licensee's Multistate License based upon information  
301 provided by a Remote State.

302 **SECTION 7: REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE**

- 303 A. A Licensee can hold a Multistate License, issued by their Home State, in only  
304 one Member State at any given time.
- 305 B. If a Licensee changes their Home State by moving between two Member States:
- 306 1. The Licensee shall immediately apply for the reissuance of their  
307 Multistate License in their new Home State. The Licensee shall pay all  
308 applicable fees and notify the prior Home State in accordance with the  
309 Rules of the Commission.
- 310 2. Upon receipt of an application to reissue a Multistate License, the new  
311 Home State shall verify that the Multistate License is active,  
312 unencumbered and eligible for reissuance under the terms of the  
313 Compact and the Rules of the Commission. The Multistate License  
314 issued by the prior Home State will be deactivated and all Member  
315 States notified in accordance with the applicable Rules adopted by the  
316 Commission.
- 317 3. Prior to the reissuance of the Multistate License, the new Home State  
318 shall conduct procedures for considering the criminal history records of  
319 the Licensee. Such procedures shall include the submission of  
320 fingerprints or other biometric-based information by applicants for the  
321 purpose of obtaining an applicant's criminal history record information  
322 from the Federal Bureau of Investigation and the agency responsible for  
323 retaining that State's criminal records.
- 324 4. If required for initial licensure, the new Home State may require  
325 completion of jurisprudence requirements in the new Home State.
- 326 5. Notwithstanding any other provision of this Compact, if a Licensee does  
327 not meet the requirements set forth in this Compact for the reissuance of  
328 a Multistate License by the new Home State, then the Licensee shall be

329 subject to the new Home State requirements for the issuance of a Single  
330 State License in that State.

331 C. If a Licensee changes their primary State of residence by moving from a Member  
332 State to a non-Member State, or from a non-Member State to a Member State,  
333 then the Licensee shall be subject to the State requirements for the issuance of a  
334 Single State License in the new Home State.

335 D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single  
336 State License in multiple States; however, for the purposes of this Compact, a  
337 Licensee shall have only one Home State, and only one Multistate License.

338 E. Nothing in this Compact shall interfere with the requirements established by a  
339 Member State for the issuance of a Single State License.

#### 340 **SECTION 8. MILITARY FAMILIES**

341 An Active Military Member or their spouse shall designate a Home State where the individual  
342 has a Multistate License. The individual may retain their Home State designation during the  
343 period the service member is on active duty.

#### 344 **SECTION 9. ADVERSE ACTIONS**

345 A. In addition to the other powers conferred by State law, a Remote State shall have  
346 the authority, in accordance with existing State due process law, to:

347 1. Take Adverse Action against a Regulated Social Worker's Multistate  
348 Authorization to Practice only within that Member State, and issue  
349 subpoenas for both hearings and investigations that require the  
350 attendance and testimony of witnesses as well as the production of  
351 evidence. Subpoenas issued by a Licensing Authority in a Member State  
352 for the attendance and testimony of witnesses or the production of  
353 evidence from another Member State shall be enforced in the latter State  
354 by any court of competent jurisdiction, according to the practice and  
355 procedure of that court applicable to subpoenas issued in proceedings  
356 pending before it. The issuing Licensing Authority shall pay any witness  
357 fees, travel expenses, mileage, and other fees required by the service  
358 statutes of the State in which the witnesses or evidence are located.

359 2. Only the Home State shall have the power to take Adverse Action  
360 against a Regulated Social Worker's Multistate License.

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

365 C. The Home State shall complete any pending investigations of a Regulated Social  
366 Worker who changes their Home State during the course of the investigations.  
367 The Home State shall also have the authority to take appropriate action(s) and  
368 shall promptly report the conclusions of the investigations to the administrator of

- 369 the Data System. The administrator of the Data System shall promptly notify the  
370 new Home State of any Adverse Actions.
- 371 D. A Member State, if otherwise permitted by State law, may recover from the  
372 affected Regulated Social Worker the costs of investigations and dispositions of  
373 cases resulting from any Adverse Action taken against that Regulated Social  
374 Worker.
- 375 E. A Member State may take Adverse Action based on the factual findings of  
376 another Member State, provided that the Member State follows its own  
377 procedures for taking the Adverse Action.
- 378 F. Joint Investigations:
- 379 1. In addition to the authority granted to a Member State by its respective  
380 Social Work practice act or other applicable State law, any Member  
381 State may participate with other Member States in joint investigations of  
382 Licensees.
- 383 2. Member States shall share any investigative, litigation, or compliance  
384 materials in furtherance of any joint or individual investigation initiated  
385 under the Compact.
- 386 G. If Adverse Action is taken by the Home State against the Multistate License of a  
387 Regulated Social Worker, the Regulated Social Worker's Multistate Authorization  
388 to Practice in all other Member States shall be deactivated until all  
389 Encumbrances have been removed from the Multistate License. All Home State  
390 disciplinary orders that impose Adverse Action against the license of a Regulated  
391 Social Worker shall include a statement that the Regulated Social Worker's  
392 Multistate Authorization to Practice is deactivated in all Member States until all  
393 conditions of the decision, order or agreement are satisfied.
- 394 H. If a Member State takes Adverse Action, it shall promptly notify the administrator  
395 of the Data System. The administrator of the Data System shall promptly notify  
396 the Home State and all other Member State's of any Adverse Actions by Remote  
397 States.
- 398 I. Nothing in this Compact shall override a Member State's decision that  
399 participation in an Alternative Program may be used in lieu of Adverse Action.
- 400 J. Nothing in this Compact shall authorize a Member State to demand the issuance  
401 of subpoenas for attendance and testimony of witnesses or the production of  
402 evidence from another Member State for lawful actions within that Member State.
- 403 K. Nothing in this Compact shall authorize a Member State to impose discipline  
404 against a Regulated Social Worker who holds a Multistate Authorization to  
405 Practice for lawful actions within another Member State.

406

**SECTION 10. ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT  
COMMISSION**

A. The Compact Member States hereby create and establish a joint government agency whose membership consists of all Member States that have enacted the compact known as the Social Work Licensure Compact Commission. The Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one State. The Commission shall come into existence on or after the effective date of the Compact as set forth in Section 14.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's State Licensing Authority.
2. The delegate shall be either:
  - a. A current member of the State Licensing Authority at the time of appointment, who is a Regulated Social Worker or public member of the State Licensing Authority; or
  - b. An administrator of the State Licensing Authority or their designee.
3. The Commission shall by Rule or bylaw establish a term of office for delegates and may by Rule or bylaw establish term limits.
4. The Commission may recommend removal or suspension any delegate from office.
5. A Member State's State Licensing Authority shall fill any vacancy of its delegate occurring on the Commission within 60 days of the vacancy.
6. Each delegate shall be entitled to one vote on all matters before the Commission requiring a vote by Commission delegates.
7. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates to meet by telecommunication, videoconference, or other means of communication.
8. The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Commission may meet by telecommunication, video conference or other similar electronic means.

C. The Commission shall have the following powers:

1. Establish the fiscal year of the Commission;
2. Establish code of conduct and conflict of interest policies;
3. Establish and amend Rules and bylaws;

- 442 4. Maintain its financial records in accordance with the bylaws;
- 443 5. Meet and take such actions as are consistent with the provisions of this
- 444 Compact, the Commission's Rules, and the bylaws;
- 445 6. Initiate and conclude legal proceedings or actions in the name of the
- 446 Commission, provided that the standing of any State Licensing Board to
- 447 sue or be sued under applicable law shall not be affected;
- 448 7. Maintain and certify records and information provided to a Member State
- 449 as the authenticated business records of the Commission, and designate
- 450 an agent to do so on the Commission's behalf;
- 451 8. Purchase and maintain insurance and bonds;
- 452 9. Borrow, accept, or contract for services of personnel, including, but not
- 453 limited to, employees of a Member State;
- 454 10. Conduct an annual financial review
- 455 11. Hire employees, elect or appoint officers, fix compensation, define
- 456 duties, grant such individuals appropriate authority to carry out the
- 457 purposes of the Compact, and establish the Commission's personnel
- 458 policies and programs relating to conflicts of interest, qualifications of
- 459 personnel, and other related personnel matters;
- 460 12. Assess and collect fees;
- 461 13. Accept any and all appropriate gifts, donations, grants of money, other
- 462 sources of revenue, equipment, supplies, materials, and services, and
- 463 receive, utilize, and dispose of the same; provided that at all times the
- 464 Commission shall avoid any appearance of impropriety or conflict of
- 465 interest;
- 466 14. Lease, purchase, retain, own, hold, improve, or use any property, real,
- 467 personal, or mixed, or any undivided interest therein;
- 468 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
- 469 dispose of any property real, personal, or mixed;
- 470 16. Establish a budget and make expenditures;
- 471 17. Borrow money;
- 472 18. Appoint committees, including standing committees, composed of
- 473 members, State regulators, State legislators or their representatives, and
- 474 consumer representatives, and such other interested persons as may be
- 475 designated in this Compact and the bylaws;
- 476 19. Provide and receive information from, and cooperate with, law
- 477 enforcement agencies;

- 478 20. Establish and elect an Executive Committee, including a chair and a vice  
479 chair;
- 480 21. Determine whether a State's adopted language is materially different  
481 from the model compact language such that the State would not qualify  
482 for participation in the Compact; and
- 483 22. Perform such other functions as may be necessary or appropriate to  
484 achieve the purposes of this Compact.

485 D. The Executive Committee

- 486 1. The Executive Committee shall have the power to act on behalf of the  
487 Commission according to the terms of this Compact. The powers, duties,  
488 and responsibilities of the Executive Committee shall include:
- 489 a. Oversee the day-to-day activities of the administration of the compact  
490 including enforcement and compliance with the provisions of the  
491 compact, its Rules and bylaws, and other such duties as deemed  
492 necessary;
- 493 b. Recommend to the Commission changes to the Rules or bylaws,  
494 changes to this Compact legislation, fees charged to Compact  
495 Member States, fees charged to Licensees, and other fees;
- 496 c. Ensure Compact administration services are appropriately provided,  
497 including by contract;
- 498 d. Prepare and recommend the budget;
- 499 e. Maintain financial records on behalf of the Commission;
- 500 f. Monitor Compact compliance of Member States and provide  
501 compliance reports to the Commission;
- 502 g. Establish additional committees as necessary;
- 503 h. Exercise the powers and duties of the Commission during the interim  
504 between Commission meetings, except for adopting or amending  
505 Rules, adopting or amending bylaws, and exercising any other  
506 powers and duties expressly reserved to the Commission by Rule or  
507 bylaw; and
- 508 i. Other duties as provided in the Rules or bylaws of the Commission.
- 509 2. The Executive Committee shall be composed of up to eleven (11)  
510 members:
- 511 a. The chair and vice chair of the Commission shall be voting members  
512 of the Executive Committee; and

- 513                   b.   The Commission shall elect five voting members from the current  
514                   membership of the Commission.
- 515                   c.   Up to four (4) ex-officio, nonvoting members from four (4) recognized  
516                   national Social Work organizations.
- 517                   d.   The ex-officio members will be selected by their respective  
518                   organizations.
- 519           3.    The Commission may remove any member of the Executive Committee  
520           as provided in the Commission's bylaws.
- 521           4.    The Executive Committee shall meet at least annually.
- 522                   a.   Executive Committee meetings shall be open to the public, except  
523                   that the Executive Committee may meet in a closed, non-public  
524                   meeting as provided in subsection F.2 below.
- 525                   b.   The Executive Committee shall give seven (7) days' notice of its  
526                   meetings, posted on its website and as determined to provide notice  
527                   to persons with an interest in the business of the Commission.
- 528                   c.   The Executive Committee may hold a special meeting in accordance  
529                   with subsection F.1.b. below.
- 530   E.   The Commission shall adopt and provide to the Member States an annual report.
- 531   F.   Meetings of the Commission
- 532           1.    All meetings shall be open to the public, except that the Commission  
533           may meet in a closed, non-public meeting as provided in subsection F.2  
534           below.
- 535                   a.   Public notice for all meetings of the full Commission of meetings shall  
536                   be given in the same manner as required under the Rulemaking  
537                   provisions in Section 12, except that the Commission may hold a  
538                   special meeting as provided in subsection F.1.b below.
- 539                   b.   The Commission may hold a special meeting when it must meet to  
540                   conduct emergency business by giving 48 hours' notice to all  
541                   commissioners, on the Commission's website, and other means as  
542                   provided in the Commission's Rules. The Commission's legal  
543                   counsel shall certify that the Commission's need to meet qualifies as  
544                   an emergency.
- 545           2.    The Commission or the Executive Committee or other committees of the  
546           Commission may convene in a closed, non-public meeting for the  
547           Commission or Executive Committee or other committees of the  
548           Commission to receive legal advice or to discuss:

- 549 a. Non-compliance of a Member State with its obligations under the  
550 Compact;
- 551 b. The employment, compensation, discipline or other matters,  
552 practices or procedures related to specific employees;
- 553 c. Current or threatened discipline of a Licensee by the Commission or  
554 by a Member State's Licensing Authority;
- 555 d. Current, threatened, or reasonably anticipated litigation;
- 556 e. Negotiation of contracts for the purchase, lease, or sale of goods,  
557 services, or real estate;
- 558 f. Accusing any person of a crime or formally censuring any person;
- 559 g. Trade secrets or commercial or financial information that is privileged  
560 or confidential;
- 561 h. Information of a personal nature where disclosure would constitute a  
562 clearly unwarranted invasion of personal privacy;
- 563 i. Investigative records compiled for law enforcement purposes;
- 564 j. Information related to any investigative reports prepared by or on  
565 behalf of or for use of the Commission or other committee charged  
566 with responsibility of investigation or determination of compliance  
567 issues pursuant to the Compact;
- 568 k. Matters specifically exempted from disclosure by federal or Member  
569 State law; or
- 570 l. Other matters as promulgated by the Commission by Rule.
- 571 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall  
572 state that the meeting will be closed and reference each relevant  
573 exempting provision, and such reference shall be recorded in the  
574 minutes.
- 575 4. The Commission shall keep minutes that fully and clearly describe all  
576 matters discussed in a meeting and shall provide a full and accurate  
577 summary of actions taken, and the reasons therefore, including a  
578 description of the views expressed. All documents considered in  
579 connection with an action shall be identified in such minutes. All minutes  
580 and documents of a closed meeting shall remain under seal, subject to  
581 release only by a majority vote of the Commission or order of a court of  
582 competent jurisdiction.
- 583 G. Financing of the Commission

- 584 1. The Commission shall pay, or provide for the payment of, the reasonable  
585 expenses of its establishment, organization, and ongoing activities.
- 586 2. The Commission may accept any and all appropriate revenue sources  
587 as provided in subsection C(13).
- 588 3. The Commission may levy on and collect an annual assessment from  
589 each Member State and impose fees on Licensees of Member States to  
590 whom it grants a Multistate License to cover the cost of the operations  
591 and activities of the Commission and its staff, which must be in a total  
592 amount sufficient to cover its annual budget as approved each year for  
593 which revenue is not provided by other sources. The aggregate annual  
594 assessment amount for Member States shall be allocated based upon a  
595 formula that the Commission shall promulgate by Rule.
- 596 4. The Commission shall not incur obligations of any kind prior to securing  
597 the funds adequate to meet the same; nor shall the Commission pledge  
598 the credit of any of the Member States, except by and with the authority  
599 of the Member State.
- 600 5. The Commission shall keep accurate accounts of all receipts and  
601 disbursements. The receipts and disbursements of the Commission shall  
602 be subject to the financial review and accounting procedures established  
603 under its bylaws. However, all receipts and disbursements of funds  
604 handled by the Commission shall be subject to an annual financial  
605 review by a certified or licensed public accountant, and the report of the  
606 financial review shall be included in and become part of the annual  
607 report of the Commission.
- 608 H. Qualified Immunity, Defense, and Indemnification
- 609 1. The members, officers, executive director, employees and  
610 representatives of the Commission shall be immune from suit and  
611 liability, both personally and in their official capacity, for any claim for  
612 damage to or loss of property or personal injury or other civil liability  
613 caused by or arising out of any actual or alleged act, error, or omission  
614 that occurred, or that the person against whom the claim is made had a  
615 reasonable basis for believing occurred within the scope of Commission  
616 employment, duties or responsibilities; provided that nothing in this  
617 paragraph shall be construed to protect any such person from suit or  
618 liability for any damage, loss, injury, or liability caused by the intentional  
619 or willful or wanton misconduct of that person. The procurement of  
620 insurance of any type by the Commission shall not in any way  
621 compromise or limit the immunity granted hereunder.
- 622 2. The Commission shall defend any member, officer, executive director,  
623 employee, and representative of the Commission in any civil action

624 seeking to impose liability arising out of any actual or alleged act, error,  
625 or omission that occurred within the scope of Commission employment,  
626 duties, or responsibilities, or as determined by the Commission that the  
627 person against whom the claim is made had a reasonable basis for  
628 believing occurred within the scope of Commission employment, duties,  
629 or responsibilities; provided that nothing herein shall be construed to  
630 prohibit that person from retaining their own counsel at their own  
631 expense; and provided further, that the actual or alleged act, error, or  
632 omission did not result from that person's intentional or willful or wanton  
633 misconduct.

- 634 3. The Commission shall indemnify and hold harmless any member, officer,  
635 executive director, employee, and representative of the Commission for  
636 the amount of any settlement or judgment obtained against that person  
637 arising out of any actual or alleged act, error, or omission that occurred  
638 within the scope of Commission employment, duties, or responsibilities,  
639 or that such person had a reasonable basis for believing occurred within  
640 the scope of Commission employment, duties, or responsibilities,  
641 provided that the actual or alleged act, error, or omission did not result  
642 from the intentional or willful or wanton misconduct of that person.
- 643 4. Nothing herein shall be construed as a limitation on the liability of any  
644 Licensee for professional malpractice or misconduct, which shall be  
645 governed solely by any other applicable State laws.
- 646 5. Nothing in this Compact shall be interpreted to waive or otherwise  
647 abrogate a Member State's state action immunity or state action  
648 affirmative defense with respect to antitrust claims under the Sherman  
649 Act, Clayton Act, or any other State or federal antitrust or anticompetitive  
650 law or regulation.
- 651 6. Nothing in this Compact shall be construed to be a waiver of sovereign  
652 immunity by the Member States or by the Commission.

#### 653 **SECTION 11. DATA SYSTEM**

- 654 A. The Commission shall provide for the development, maintenance, operation, and  
655 utilization of a coordinated Data System.
- 656 B. The Commission shall assign each applicant for a Multistate License a unique  
657 identifier, as determined by the Rules of the Commission.
- 658 C. Notwithstanding any other provision of State law to the contrary, a Member State  
659 shall submit a uniform data set to the Data System on all individuals to whom this  
660 Compact is applicable as required by the Rules of the Commission, including:
- 661 1. Identifying information;
- 662 2. Licensure data;

- 663 3. Adverse Actions against a license and information related thereto;
- 664 4. Non-confidential information related to Alternative Program participation,
- 665 the beginning and ending dates of such participation, and other
- 666 information related to such participation not made confidential under
- 667 Member State law;
- 668 5. Any denial of application for licensure, and the reason(s) for such denial;
- 669 6. The presence of Current Significant Investigative Information; and
- 670 7. Other information that may facilitate the administration of this Compact
- 671 or the protection of the public, as determined by the Rules of the
- 672 Commission.
- 673 D. The records and information provided to a Member State pursuant to this
- 674 Compact or through the Data System, when certified by the Commission or an
- 675 agent thereof, shall constitute the authenticated business records of the
- 676 Commission, and shall be entitled to any associated hearsay exception in any
- 677 relevant judicial, quasi-judicial or administrative proceedings in a Member State.
- 678 E. Current Significant Investigative Information pertaining to a Licensee in any
- 679 Member State will only be available to other Member States.
- 680 1. It is the responsibility of the Member States to report any Adverse Action
- 681 against a Licensee and to monitor the database to determine whether
- 682 Adverse Action has been taken against a Licensee. Adverse Action
- 683 information pertaining to a Licensee in any Member State will be
- 684 available to any other Member State.
- 685 F. Member States contributing information to the Data System may designate
- 686 information that may not be shared with the public without the express
- 687 permission of the contributing State.
- 688 G. Any information submitted to the Data System that is subsequently expunged
- 689 pursuant to federal law or the laws of the Member State contributing the
- 690 information shall be removed from the Data System.

## 691 **SECTION 12. RULEMAKING**

- 692 A. The Commission shall promulgate reasonable Rules in order to effectively and
- 693 efficiently implement and administer the purposes and provisions of the
- 694 Compact. A Rule shall be invalid and have no force or effect only if a court of
- 695 competent jurisdiction holds that the Rule is invalid because the Commission
- 696 exercised its rulemaking authority in a manner that is beyond the scope and
- 697 purposes of the Compact, or the powers granted hereunder, or based upon
- 698 another applicable standard of review.
- 699 B. The Rules of the Commission shall have the force of law in each Member State,
- 700 provided however that where the Rules of the Commission conflict with the laws

701 of the Member State that establish the Member State's laws, regulations, and  
702 applicable standards that govern the practice of Social Work as held by a court of  
703 competent jurisdiction, the Rules of the Commission shall be ineffective in that  
704 State to the extent of the conflict.

705 C. The Commission shall exercise its Rulemaking powers pursuant to the criteria  
706 set forth in this Section and the Rules adopted thereunder. Rules shall become  
707 binding on the day following adoption or the date specified in the rule or  
708 amendment, whichever is later.

709 D. If a majority of the legislatures of the Member States rejects a Rule or portion of a  
710 Rule, by enactment of a statute or resolution in the same manner used to adopt  
711 the Compact within four (4) years of the date of adoption of the Rule, then such  
712 Rule shall have no further force and effect in any Member State.

713 E. Rules shall be adopted at a regular or special meeting of the Commission.

714 F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing  
715 and allow persons to provide oral and written comments, data, facts, opinions,  
716 and arguments.

717 G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30)  
718 days in advance of the meeting at which the Commission will hold a public  
719 hearing on the proposed Rule, the Commission shall provide a Notice of  
720 Proposed Rulemaking:

721 1. On the website of the Commission or other publicly accessible platform;  
722 2. To persons who have requested notice of the Commission's notices of  
723 proposed rulemaking, and  
724 3. In such other way(s) as the Commission may by Rule specify.

725 H. The Notice of Proposed Rulemaking shall include:

726 1. The time, date, and location of the public hearing at which the  
727 Commission will hear public comments on the proposed Rule and, if  
728 different, the time, date, and location of the meeting where the  
729 Commission will consider and vote on the proposed Rule;

730 2. If the hearing is held via telecommunication, video conference, or other  
731 electronic means, the Commission shall include the mechanism for  
732 access to the hearing in the Notice of Proposed Rulemaking;

733 3. The text of the proposed Rule and the reason therefor;

734 4. A request for comments on the proposed Rule from any interested  
735 person; and

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

- 737 I. All hearings will be recorded. A copy of the recording and all written comments  
738 and documents received by the Commission in response to the proposed Rule  
739 shall be available to the public.
- 740 J. Nothing in this section shall be construed as requiring a separate hearing on each  
741 Rule. Rules may be grouped for the convenience of the Commission at hearings  
742 required by this section.
- 743 K. The Commission shall, by majority vote of all members, take final action on the  
744 proposed Rule based on the Rulemaking record and the full text of the Rule.
- 745 1. The Commission may adopt changes to the proposed Rule provided the  
746 changes do not enlarge the original purpose of the proposed Rule.
- 747 2. The Commission shall provide an explanation of the reasons for  
748 substantive changes made to the proposed Rule as well as reasons for  
749 substantive changes not made that were recommended by commenters.
- 750 3. The Commission shall determine a reasonable effective date for the  
751 Rule. Except for an emergency as provided in Section 12.L, the effective  
752 date of the rule shall be no sooner than 30 days after issuing the notice  
753 that it adopted or amended the Rule.
- 754 L. Upon determination that an emergency exists, the Commission may consider and  
755 adopt an emergency Rule with 48 hours' notice, with opportunity to comment,  
756 provided that the usual Rulemaking procedures provided in the Compact and in  
757 this section shall be retroactively applied to the Rule as soon as reasonably  
758 possible, in no event later than ninety (90) days after the effective date of the  
759 Rule. For the purposes of this provision, an emergency Rule is one that must be  
760 adopted immediately in order to:
- 761 1. Meet an imminent threat to public health, safety, or welfare;  
762 2. Prevent a loss of Commission or Member State funds;  
763 3. Meet a deadline for the promulgation of a Rule that is established by  
764 federal law or rule; or  
765 4. Protect public health and safety.
- 766 M. The Commission or an authorized committee of the Commission may direct  
767 revisions to a previously adopted Rule for purposes of correcting typographical  
768 errors, errors in format, errors in consistency, or grammatical errors. Public notice  
769 of any revisions shall be posted on the website of the Commission. The revision  
770 shall be subject to challenge by any person for a period of thirty (30) days after  
771 posting. The revision may be challenged only on grounds that the revision results  
772 in a material change to a Rule. A challenge shall be made in writing and  
773 delivered to the Commission prior to the end of the notice period. If no challenge  
774 is made, the revision will take effect without further action. If the revision is

775 challenged, the revision may not take effect without the approval of the  
776 Commission.

777 N. No Member State's rulemaking requirements shall apply under this compact.

778 **SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

779 A. Oversight

780 1. The executive and judicial branches of State government in each  
781 Member State shall enforce this Compact and take all actions necessary  
782 and appropriate to implement the Compact.

783 2. Except as otherwise provided in this Compact, venue is proper and  
784 judicial proceedings by or against the Commission shall be brought  
785 solely and exclusively in a court of competent jurisdiction where the  
786 principal office of the Commission is located. The Commission may  
787 waive venue and jurisdictional defenses to the extent it adopts or  
788 consents to participate in alternative dispute resolution proceedings.  
789 Nothing herein shall affect or limit the selection or propriety of venue in  
790 any action against a Licensee for professional malpractice, misconduct  
791 or any such similar matter.

792 3. The Commission shall be entitled to receive service of process in any  
793 proceeding regarding the enforcement or interpretation of the Compact  
794 and shall have standing to intervene in such a proceeding for all  
795 purposes. Failure to provide the Commission service of process shall  
796 render a judgment or order void as to the Commission, this Compact, or  
797 promulgated Rules.

798 B. Default, Technical Assistance, and Termination

799 1. If the Commission determines that a Member State has defaulted in the  
800 performance of its obligations or responsibilities under this Compact or  
801 the promulgated Rules, the Commission shall provide written notice to  
802 the defaulting State. The notice of default shall describe the default, the  
803 proposed means of curing the default, and any other action that the  
804 Commission may take, and shall offer training and specific technical  
805 assistance regarding the default.

806 2. The Commission shall provide a copy of the notice of default to the other  
807 Member States.

808 C. If a State in default fails to cure the default, the defaulting State may be  
809 terminated from the Compact upon an affirmative vote of a majority of the  
810 delegates of the Member States, and all rights, privileges and benefits conferred  
811 on that State by this Compact may be terminated on the effective date of  
812 termination. A cure of the default does not relieve the offending State of  
813 obligations or liabilities incurred during the period of default.

- 814 D. Termination of membership in the Compact shall be imposed only after all other  
815 means of securing compliance have been exhausted. Notice of intent to suspend  
816 or terminate shall be given by the Commission to the governor, the majority and  
817 minority leaders of the defaulting State's legislature, the defaulting State's State  
818 Licensing Authority and each of the Member States' State Licensing Authority.
- 819 E. A State that has been terminated is responsible for all assessments, obligations,  
820 and liabilities incurred through the effective date of termination, including  
821 obligations that extend beyond the effective date of termination.
- 822 F. Upon the termination of a State's membership from this Compact, that State shall  
823 immediately provide notice to all Licensees within that State of such termination.  
824 The terminated State shall continue to recognize all licenses granted pursuant to  
825 this Compact for a minimum of six (6) months after the date of said notice of  
826 termination.
- 827 G. The Commission shall not bear any costs related to a State that is found to be in  
828 default or that has been terminated from the Compact, unless agreed upon in  
829 writing between the Commission and the defaulting State.
- 830 H. The defaulting State may appeal the action of the Commission by petitioning the  
831 U.S. District Court for the District of Columbia or the federal district where the  
832 Commission has its principal offices. The prevailing party shall be awarded all  
833 costs of such litigation, including reasonable attorney's fees.
- 834 I. Dispute Resolution
- 835 1. Upon request by a Member State, the Commission shall attempt to  
836 resolve disputes related to the Compact that arise among Member  
837 States and between Member and non-Member States.
- 838 2. The Commission shall promulgate a Rule providing for both mediation  
839 and binding dispute resolution for disputes as appropriate.
- 840 J. Enforcement
- 841 1. By majority vote as provided by Rule, the Commission may initiate legal  
842 action against a Member State in default in the United States District  
843 Court for the District of Columbia or the federal district where the  
844 Commission has its principal offices to enforce compliance with the  
845 provisions of the Compact and its promulgated Rules. The relief sought  
846 may include both injunctive relief and damages. In the event judicial  
847 enforcement is necessary, the prevailing party shall be awarded all costs  
848 of such litigation, including reasonable attorney's fees. The remedies  
849 herein shall not be the exclusive remedies of the Commission. The  
850 Commission may pursue any other remedies available under federal or  
851 the defaulting Member State's law.

- 852 2. A Member State may initiate legal action against the Commission in the  
853 U.S. District Court for the District of Columbia or the federal district  
854 where the Commission has its principal offices to enforce compliance  
855 with the provisions of the Compact and its promulgated Rules. The relief  
856 sought may include both injunctive relief and damages. In the event  
857 judicial enforcement is necessary, the prevailing party shall be awarded  
858 all costs of such litigation, including reasonable attorney's fees.
- 859 3. No person other than a Member State shall enforce this compact against  
860 the Commission.

861 **SECTION 14. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

- 862 A. The Compact shall come into effect on the date on which the Compact statute is  
863 enacted into law in the seventh Member State.
- 864 1. On or after the effective date of the Compact, the Commission shall  
865 convene and review the enactment of each of the first seven Member  
866 States ("Charter Member States") to determine if the statute enacted by  
867 each such Charter Member State is materially different than the model  
868 Compact statute.
- 869 a. A Charter Member State whose enactment is found to be  
870 materially different from the model Compact statute shall be  
871 entitled to the default process set forth in Section 13.
- 872 b. If any Member State is later found to be in default, or is  
873 terminated or withdraws from the Compact, the Commission  
874 shall remain in existence and the Compact shall remain in effect  
875 even if the number of Member States should be less than seven.
- 876 2. Member States enacting the Compact subsequent to the seven initial  
877 Charter Member States shall be subject to the process set forth in  
878 Section 10(C)(21) to determine if their enactments are materially  
879 different from the model Compact statute and whether they qualify for  
880 participation in the Compact.
- 881 3. All actions taken for the benefit of the Commission or in furtherance of  
882 the purposes of the administration of the Compact prior to the effective  
883 date of the Compact or the Commission coming into existence shall be  
884 considered to be actions of the Commission unless specifically  
885 repudiated by the Commission.
- 886 4. Any State that joins the Compact subsequent to the Commission's initial  
887 adoption of the Rules and bylaws shall be subject to the Rules and  
888 bylaws as they exist on the date on which the Compact becomes law in  
889 that State. Any Rule that has been previously adopted by the

890 Commission shall have the full force and effect of law on the day the  
891 Compact becomes law in that State.

892 B. Any Member State may withdraw from this Compact by enacting a statute  
893 repealing the same.

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

896 2. Withdrawal shall not affect the continuing requirement of the withdrawing  
897 State's Licensing Authority to comply with the investigative and Adverse  
898 Action reporting requirements of this Compact prior to the effective date  
899 of withdrawal.

900 3. Upon the enactment of a statute withdrawing from this compact, a State  
901 shall immediately provide notice of such withdrawal to all Licensees  
902 within that State. Notwithstanding any subsequent statutory enactment to  
903 the contrary, such withdrawing State shall continue to recognize all  
904 licenses granted pursuant to this compact for a minimum of 180 days  
905 after the date of such notice of withdrawal.

906 C. Nothing contained in this Compact shall be construed to invalidate or  
907 prevent any licensure agreement or other cooperative arrangement between  
908 a Member State and a non-Member State that does not conflict with the  
909 provisions of this Compact.

910 D. This Compact may be amended by the Member States. No amendment to  
911 this Compact shall become effective and binding upon any Member State  
912 until it is enacted into the laws of all Member States.

## 913 **SECTION 15. CONSTRUCTION AND SEVERABILITY**

914 A. This Compact and the Commission's rulemaking authority shall be liberally  
915 construed so as to effectuate the purposes, and the implementation and  
916 administration of the Compact. Provisions of the Compact expressly authorizing  
917 or requiring the promulgation of Rules shall not be construed to limit the  
918 Commission's rulemaking authority solely for those purposes.

919 B. The provisions of this Compact shall be severable and if any phrase, clause,  
920 sentence or provision of this Compact is held by a court of competent jurisdiction  
921 to be contrary to the constitution of any Member State, a State seeking  
922 participation in the Compact, or of the United States, or the applicability thereof to  
923 any government, agency, person or circumstance is held to be unconstitutional  
924 by a court of competent jurisdiction, the validity of the remainder of this Compact  
925 and the applicability thereof to any other government, agency, person or  
926 circumstance shall not be affected thereby.

927 C. Notwithstanding subsection B of this section, the Commission may deny a  
928 State's participation in the Compact or, in accordance with the requirements of

929 Section 13.B, terminate a Member State's participation in the Compact, if it  
930 determines that a constitutional requirement of a Member State is a material  
931 departure from the Compact. Otherwise, if this Compact shall be held to be  
932 contrary to the constitution of any Member State, the Compact shall remain in full  
933 force and effect as to the remaining Member States and in full force and effect as  
934 to the Member State affected as to all severable matters.

935 **SECTION 16. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS**

- 936 A. A Licensee providing services in a Remote State under a Multistate Authorization  
937 to Practice shall adhere to the laws and regulations, including laws, regulations,  
938 and applicable standards, of the Remote State where the client is located at the  
939 time care is rendered.
- 940 B. Nothing herein shall prevent or inhibit the enforcement of any other law of a  
941 Member State that is not inconsistent with the Compact.
- 942 C. Any laws, statutes, regulations, or other legal requirements in a Member State in  
943 conflict with the Compact are superseded to the extent of the conflict.
- 944 D. All permissible agreements between the Commission and the Member States are  
945 binding in accordance with their terms.
- 946

## CHAPTER 20:59:05

### SUPERVISION

#### Section

<a href="#"><u>20:59:05:01</u></a>	Supervision of a social work associate.
<a href="#"><u>20:59:05:02</u></a>	Supervision of a CSW-PIP candidate.
<a href="#"><u>20:59:05:03</u></a>	Qualifications of supervisor of a CSW-PIP candidate.
<a href="#"><u>20:59:05:04</u></a>	Supervisor of a CSW-PIP candidate -- Practice setting.
<a href="#"><u>20:59:05:05</u></a>	CSW-PIP candidate's supervisor's agreement requirements.
<a href="#"><u>20:59:05:06</u></a>	Out-of-state supervision of a CSW-PIP candidate.
<a href="#"><u>20:59:05:07</u></a>	Supervisor's reports and time of supervision.
<a href="#"><u>20:59:05:08</u></a>	Professional and legal responsibilities to clients.
<a href="#"><u>20:59:05:09</u></a>	Additional supervisor responsibilities.
<a href="#"><u>20:59:05:10</u></a>	Violation of supervisor responsibilities.
<a href="#"><u>20:59:05:11</u></a>	Repealed.

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**20:59:05:01. Supervision of a social work associate.** The supervision of a social work associate by a licensed social worker or licensed certified social worker must include at least four contact hours annually. The licensee is responsible for having the licensee's supervisor submit an annual report on a form approved by the board certifying the following:

- (1) The length and frequency of supervision;
- (2) The professional competence of the applicant; and
- (3) The applicant's adherence to the "NASW Code of Ethics" as approved by the 1996 NASW Delegate Assembly and revised by the NASW Delegate Assembly in 2017.

**Source:** 4 SDR 82, effective June 6, 1978; 12 SDR 186, effective May 25, 1986; 12 SDR 155, effective July 1, 1986; 22 SDR 57, effective October 16, 1995; 26 SDR 81, effective December 29, 1995; 29 SDR 92, effective December 24, 2002; 45 SDR 82, effective December 10, 2018.

**General Authority:** SDCL [36-26-29](#).

**Law Implemented:** SDCL [36-26-10](#), [36-26-32](#).

**Reference:** "NASW Code of Ethics," as approved by the 1996 NASW Delegate Assembly and the NASW Delegate Assembly in 2017, National Association of Social Workers, Washington, D.C. It may be obtained free of charge from the Board of Social Work Examiners, 810 N. Main Street #29, Des Moines, IA 50319-57783 or at <https://www.socialworkers.org/about/ethics/code-of-ethics>.

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**20:59:05:02. Supervision of a CSW-PIP candidate.** The provisions of §§ 20:59:05:03 to 20:59:05:10, inclusive, apply to the qualifications of the supervisor providing supervision of a CSW-PIP candidate. Supervisors shall at all times assess the relationship of the CSW-PIP candidate and the clients, and shall evaluate the degree of supervision necessary and provide it even if it exceeds the minimum supervision set forth in § 20:59:05:07.

**Source:** 26 SDR 81, effective December 12, 1999.

**General Authority:**SDCL [36-26-29](#).

**Law Implemented:**SDCL [36-26-17](#).

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**20:59:05:03. Qualifications of supervisor of a CSW-PIP candidate.** The supervisor of a CSW-PIP candidate must be a certified social worker-private, independent practice, psychologist, or psychiatrist authorized to perform their profession in South Dakota and in good standing with the supervisor's respective licensing boards. A supervisor may supervise any number of CSW-PIP candidates upon board authorization, if the board finds that adequate supervision will exist under the proposed supervision agreement. A holder of a temporary permit or license may not supervise a CSW-PIP candidate.

**Source:** 26 SDR 81, effective December 12, 1999; 29 SDR 92, effective December 24, 2002.

**General Authority:**SDCL [36-26-29](#).

**Law Implemented:**SDCL [36-26-17](#).

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**20:59:05:04. Supervisor of a CSW-PIP candidate -- Practice setting.** The supervisor of a candidate shall primarily practice in the same practice area in which the CSW-PIP candidate practices (e.g., psychotherapy, planning, community organization). However, an exception may be made

**Source:** 26 SDR 81, effective December 12, 1999; 33 SDR 50, effective September 1, 2000

**General Authority:** SDCL [36-26-29](#).

**Law Implemented:** SDCL [36-26-17](#).

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**20:59:05:05. CSW-PIP candidate's supervisor's agreement requirements.** A CSW-PIP candidate shall file with, and have approved by, the board a supervision agreement in the form specified by the board prior to beginning the supervision necessary to satisfy the requirements of SDCL subdivision [36-26-17\(2\)](#). The board will approve the agreement if the agreement provides for adequate supervision. If the board determines that additional supervision is necessary, the board shall set forth the terms of the additional supervision to be included in the terms in the agreement.

If the CSW-PIP candidate's practice status changes for any reason, a new or amended supervision agreement must be submitted to and approved by the board before the change is permitted.

The CSW-PIP candidate shall notify the board if the CSW-PIP candidate no longer wishes to use the supervision under the supervision agreement to qualify under SDCL [36-26-17](#).

**Source:** 26 SDR 81, effective December 12, 1999; 29 SDR 92, effective December 24, 2002.

**General Authority:**SDCL [36-26-29](#).

**Law Implemented:**SDCL [36-26-17](#).

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**20:59:05:06. Out-of-state supervision of a CSW-PIP candidate.** Out-of-state the supervisory requirements of SDCL [36-26-17](#) and these rules provided the out-of-state

(1) Was a licensed CSW-PIP, psychologist or psychiatrist, or its equivalent as determined by the board, and maintained good standing with the supervisor's respective state licensing board during the entire period of supervision;

(2) Provides evaluation forms or their equivalent and such other information as is required by the board for the period of supervision so that the board may determine the quality of supervision; and

(3) Provides evidence of supervision of at least as frequent contacts as set forth in SDCL [20:59:05:07](#) in the same practice area in which the CSW-PIP candidate will practice.

If an out-of-state CSW-PIP candidate has received the CSW-PIP license or its equivalent in a state other than South Dakota, the board may waive the supervision requirements upon a finding that the license received in the other state was substantially equivalent to that required under the rules for a CSW-PIP candidate.

**Source:** 26 SDR 81, effective December 12, 1999; 33 SDR 50, effective September 1, 2003.

**General Authority:** SDCL [36-26-29](#).

**Law Implemented:** SDCL [36-26-17](#).

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**20:59:05:07. Supervisor's reports and time of supervision.** After the supervision agreement is approved by the board as set forth in § 20:59:05:05, the supervisor shall submit reports every six months during the period of supervision to the board on a form supplied by the board. The CSW-PIP candidate shall work at least 30 hours per week. The reports shall document that the supervisor has provided a minimum of four hours of individual supervision per month of the CSW-PIP candidate, subject to the following:

(1) Group supervision or consultation may be allowed instead of individual supervision if such supervision does not exceed one-half of the total supervision time in each six-month period;

(2) Part-time work of at least 18 hours per week may satisfy the supervision requirement on the following schedule:

Hours Worked Per Week	Number of Years Required Supervision	Number of Monthly Hours
18-29	4	2
30 and above	2	4

(3) When the supervisor is not in direct person contact with the CSW-PIP candidate, the supervisor must be available by telecommunications or technology;

(4) The board may authorize those modifications in the method and frequency of supervision that the board determines appropriate based upon a finding of adequate supervision, training, and proficiency.

**Source:** 26 SDR 81, effective December 12, 1999; 29 SDR 92, effective December 24, 2002.

**General Authority:**SDCL [36-26-29](#).

**Law Implemented:**SDCL [36-26-17](#).

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**20:59:05:08. Professional and legal responsibilities to clients.** Nothing in these rules diminishes the professional and legal responsibilities of either the supervisor or the CSW-PIP candidate toward the clients served.

**Source:** 26 SDR 81, effective December 12, 1999.

**General Authority:**SDCL [36-26-29](#).

**Law Implemented:**SDCL [36-26-17](#).

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**20:59:05:09. Additional supervisor responsibilities.** A supervisor shall comply with ethical responsibilities as set forth in the "NASW Code of Ethics" as approved by the 1996 NASW Delegate Assembly and revised by the NASW Delegate Assembly in 2017. Each supervisor shall:

(1) Have the necessary knowledge and skill to supervise appropriately and should only supervise within supervisor's area of knowledge and competence;

(2) Set clear, appropriate, and culturally sensitive boundaries;

(3) Not engage in any dual or multiple relationships with a CSW-PIP candidate in which exploitation or potential harm to the CSW-PIP candidate;

(4) Evaluate a CSW-PIP candidate's performance in a manner that is fair, considerate, and based on clearly enunciated criteria and shared with the CSW-PIP candidate; and

(5) Ensure that each CSW-PIP candidate is familiar with the Code of Ethics of the NASW as approved by the 1996 NASW Delegate Assembly and revised by the NASW Delegate Assembly in 2017.

**Source:** 26 SDR 81, effective December 12, 1999; 29 SDR 92, effective December 24, 2018.

**General Authority:** SDCL [36-26-29](#).

**Law Implemented:** SDCL [36-26-17](#).

**Reference:** "NASW Code of Ethics," as approved by the 1996 NASW Delegate Assembly and revised by the NASW Delegate Assembly in 2017, National Association of Social Workers, Washington, can be obtained free of charge from the Board of Social Work Examiners, 810 N. Main Street #29 57783 or at <https://www.socialworkers.org/about/ethics/code-of-ethics>.

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**20:59:05:10. Violation of supervisor responsibilities.** A supervisor who willfully violates any of the supervisor's duties under these rules shall be subject to licensure discipline by the board. If the supervisor is licensed by another licensing board, the willful violation of the supervisor's responsibilities under these rules shall be reported to the supervisor's respective licensing board.

**Source:** 26 SDR 81, effective December 12, 1999.

**General Authority:** SDCL [36-26-29](#).

**Law Implemented:** SDCL [36-26-17](#), [36-26-32](#).

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**20:59:05:11. Transition rules.** Repealed.

**Source:** 26 SDR 81, effective December 12, 1999; repealed, 33 SDR 50, effective