

HOUSE BILL 970

J2

1r1977
CF SB 500

By: **Delegate Johnson**

Introduced and read first time: February 5, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Psychology Interjurisdictional Compact**

3 FOR the purpose of entering into the Psychology Interjurisdictional Compact; stating the
4 purpose of the Compact; establishing certain criteria and duties for compact states;
5 requiring certain psychologists to hold a certain license from a home state and meet
6 certain eligibility requirements to exercise certain authority to practice
7 interjurisdictional telepsychology; requiring certain psychologists to hold a certain
8 license from a home state and meet certain eligibility requirements to exercise
9 certain temporary authority to practice in-person, face-to-face psychology in certain
10 compact states; establishing certain requirements for certain psychologists
11 practicing into certain receiving states under the authority to practice
12 interjurisdictional telepsychology; establishing certain requirements for certain
13 psychologists practicing into certain distant states under certain temporary
14 authorization to practice; authorizing a psychologist to practice telepsychology in
15 certain receiving states in the performance of certain scope of practice and under
16 certain circumstances; establishing certain authority of home states and distant
17 states with regard to certain adverse action; establishing certain authority for
18 certain compact states' psychology regulatory authority to investigate and take
19 certain action with respect to certain conduct and to issue certain subpoenas and
20 orders under certain circumstances; providing for the development and maintenance
21 of a coordinated licensure information system; requiring that certain data be sent to
22 the coordinated licensure information system; establishing the Psychology
23 Interjurisdictional Compact Commission and its duties and powers; providing for the
24 membership, meetings, and voting of the Commission; providing for the membership
25 and duties of the Executive Board of the Commission; providing for the financing of
26 the Commission; providing qualified immunity, legal defense, and indemnification
27 to certain individuals affiliated with the Commission under certain circumstances;
28 authorizing the Commission to adopt certain rules and amendments in a certain
29 manner; providing for certain oversight, dispute resolution, and enforcement of the
30 Compact; providing for the implementation of the Compact; establishing certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 requirements for withdrawal by compact states from the Compact; establishing a
2 certain procedure for amending the Compact; making the Compact severable;
3 defining certain terms; and generally relating to the Psychology Interjurisdictional
4 Compact.

5 BY adding to

6 Article – Health Occupations

7 Section 18–3A–01 to be under the new subtitle “Subtitle 3A. Psychology
8 Interjurisdictional Compact”

9 Annotated Code of Maryland

10 (2014 Replacement Volume and 2020 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That the Laws of Maryland read as follows:

13 **Article – Health Occupations**

14 **SUBTITLE 3A. PSYCHOLOGY INTERJURISDICTIONAL COMPACT.**

15 **18–3A–01.**

16 **THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT IS ENACTED INTO LAW**
17 **AND ENTERED INTO WITH ALL OTHER STATES LEGALLY JOINING IN IT IN THE FORM**
18 **SUBSTANTIALLY AS IT APPEARS IN THIS SECTION AS FOLLOWS:**

19 **ARTICLE I.**

20 **PURPOSE.**

21 **(A) THIS COMPACT IS BASED ON THE FOLLOWING PRINCIPLES:**

22 **(1) STATES LICENSE PSYCHOLOGISTS IN ORDER TO PROTECT THE**
23 **PUBLIC THROUGH VERIFICATION OF EDUCATION, TRAINING, AND EXPERIENCE AND**
24 **ENSURE ACCOUNTABILITY FOR PROFESSIONAL PRACTICE; AND**

25 **(2) STATES HAVE A VESTED INTEREST IN PROTECTING THE PUBLIC’S**
26 **HEALTH AND SAFETY THROUGH THEIR LICENSING AND REGULATION OF**
27 **PSYCHOLOGISTS AND THAT SUCH STATE REGULATION WILL BEST PROTECT PUBLIC**
28 **HEALTH AND SAFETY.**

29 **(B) THIS COMPACT IS INTENDED TO:**

30 **(1) REGULATE THE DAY–TO–DAY PRACTICE OF TELEPSYCHOLOGY**
31 **(I.E., THE PROVISION OF PSYCHOLOGICAL SERVICES USING TELECOMMUNICATION**
32 **TECHNOLOGIES) BY PSYCHOLOGISTS ACROSS STATE BOUNDARIES IN THE**

1 PERFORMANCE OF THEIR PSYCHOLOGICAL PRACTICE AS ASSIGNED BY AN
2 APPROPRIATE AUTHORITY;

3 (2) REGULATE THE TEMPORARY IN-PERSON, FACE-TO-FACE
4 PRACTICE OF PSYCHOLOGY BY PSYCHOLOGISTS ACROSS STATE BOUNDARIES FOR 30
5 DAYS WITHIN A CALENDAR YEAR IN THE PERFORMANCE OF THEIR PSYCHOLOGICAL
6 PRACTICE AS ASSIGNED BY AN APPROPRIATE AUTHORITY; AND

7 (3) AUTHORIZE STATE PSYCHOLOGICAL REGULATORY AUTHORITIES
8 TO AFFORD LEGAL RECOGNITION, IN A MANNER CONSISTENT WITH THE TERMS OF
9 THE COMPACT, TO PSYCHOLOGISTS LICENSED IN ANOTHER STATE.

10 (c) (1) THIS COMPACT DOES NOT APPLY WHEN A PSYCHOLOGIST IS
11 LICENSED IN BOTH THE HOME AND RECEIVING STATES.

12 (2) THIS COMPACT DOES NOT APPLY TO PERMANENT, IN-PERSON,
13 FACE-TO-FACE PRACTICE BUT DOES ALLOW FOR TEMPORARY AUTHORIZATION TO
14 PRACTICE.

15 (d) THIS COMPACT IS DESIGNED TO ACHIEVE THE FOLLOWING PURPOSES
16 AND OBJECTIVES:

17 (1) INCREASE PUBLIC ACCESS TO PROFESSIONAL PSYCHOLOGICAL
18 SERVICES BY ALLOWING FOR TELEPSYCHOLOGICAL PRACTICE ACROSS STATE LINES
19 AS WELL AS TEMPORARY, IN-PERSON, FACE-TO-FACE SERVICES INTO A STATE IN
20 WHICH THE PSYCHOLOGIST IS NOT LICENSED TO PRACTICE PSYCHOLOGY;

21 (2) ENHANCE STATES' ABILITY TO PROTECT THE PUBLIC'S HEALTH
22 AND SAFETY, ESPECIALLY CLIENT/PATIENT SAFETY;

23 (3) ENCOURAGE THE COOPERATION OF COMPACT STATES IN THE
24 AREAS OF PSYCHOLOGY LICENSURE AND REGULATION;

25 (4) FACILITATE THE EXCHANGE OF INFORMATION BETWEEN
26 COMPACT STATES REGARDING PSYCHOLOGIST LICENSURE, ADVERSE ACTIONS, AND
27 DISCIPLINARY HISTORY;

28 (5) PROMOTE COMPLIANCE WITH THE LAWS GOVERNING
29 PSYCHOLOGICAL PRACTICE IN EACH COMPACT STATE; AND

30 (6) INVEST ALL COMPACT STATES WITH THE AUTHORITY TO HOLD
31 LICENSED PSYCHOLOGISTS ACCOUNTABLE THROUGH THE MUTUAL RECOGNITION
32 OF COMPACT STATE LICENSES.

ARTICLE II.

DEFINITIONS.

(A) "ADVERSE ACTION" MEANS ANY ACTION TAKEN BY A STATE PSYCHOLOGY REGULATORY AUTHORITY THAT FINDS A VIOLATION OF A STATUTE OR REGULATION THAT IS IDENTIFIED BY THE STATE PSYCHOLOGY REGULATORY AUTHORITY AS DISCIPLINE AND IS A MATTER OF PUBLIC RECORD.

(B) "ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY BOARDS" OR "ASPPB" MEANS THE RECOGNIZED MEMBERSHIP ORGANIZATION COMPOSED OF STATE AND PROVINCIAL PSYCHOLOGY REGULATORY AUTHORITIES RESPONSIBLE FOR THE LICENSURE AND REGISTRATION OF PSYCHOLOGISTS THROUGHOUT THE UNITED STATES AND CANADA.

(C) "AUTHORITY TO PRACTICE INTERJURISDICTIONAL TELEPSYCHOLOGY" MEANS A LICENSED PSYCHOLOGIST'S AUTHORITY TO PRACTICE TELEPSYCHOLOGY, WITHIN THE LIMITS AUTHORIZED UNDER THIS COMPACT, IN ANOTHER COMPACT STATE.

(D) "BYLAWS" MEANS THE BYLAWS ESTABLISHED BY THE COMMISSION PURSUANT TO ARTICLE X OF THIS COMPACT FOR ITS GOVERNANCE, OR FOR DIRECTING AND CONTROLLING ITS ACTIONS AND CONDUCT.

(E) "CLIENT/PATIENT" MEANS THE RECIPIENT OF PSYCHOLOGICAL SERVICES, WHETHER PSYCHOLOGICAL SERVICES ARE DELIVERED IN THE CONTEXT OF HEALTH CARE, CORPORATE, SUPERVISION, AND/OR CONSULTING SERVICES.

(F) "COMMISSIONER" MEANS THE VOTING REPRESENTATIVE APPOINTED BY EACH STATE PSYCHOLOGY REGULATORY AUTHORITY PURSUANT TO ARTICLE X OF THIS COMPACT.

(G) "COMPACT STATE" MEANS A STATE, THE DISTRICT OF COLUMBIA, OR A TERRITORY OF THE UNITED STATES THAT HAS ENACTED THIS COMPACT AND HAS NOT WITHDRAWN PURSUANT TO ARTICLE XIII(C) OF THIS COMPACT OR BEEN TERMINATED PURSUANT TO ARTICLE XII(B) OF THIS COMPACT.

(H) "COORDINATED LICENSURE INFORMATION SYSTEM" OR "COORDINATED DATABASE" MEANS AN INTEGRATED PROCESS FOR COLLECTING, STORING, AND SHARING INFORMATION ON PSYCHOLOGISTS' LICENSURE AND ENFORCEMENT ACTIVITIES RELATED TO PSYCHOLOGY LICENSURE LAWS THAT IS ADMINISTERED BY THE RECOGNIZED MEMBERSHIP ORGANIZATION COMPOSED OF

1 STATE AND PROVINCIAL PSYCHOLOGY REGULATORY AUTHORITIES.

2 (I) "CONFIDENTIALITY" MEANS THE PRINCIPLE THAT DATA OR
3 INFORMATION IS NOT MADE AVAILABLE OR DISCLOSED TO UNAUTHORIZED
4 PERSONS AND/OR PROCESSES.

5 (J) "DAY" MEANS ANY PART OF A DAY IN WHICH PSYCHOLOGICAL WORK IS
6 PERFORMED.

7 (K) "DISTANT STATE" MEANS THE COMPACT STATE WHERE A
8 PSYCHOLOGIST IS PHYSICALLY PRESENT (NOT THROUGH THE USE OF
9 TELECOMMUNICATIONS TECHNOLOGIES), TO PROVIDE TEMPORARY IN-PERSON,
10 FACE-TO-FACE PSYCHOLOGICAL SERVICES.

11 (L) "E.PASSPORT" MEANS A CERTIFICATE ISSUED BY ASPPB THAT
12 PROMOTES THE STANDARDIZATION IN THE CRITERIA OF INTERJURISDICTIONAL
13 TELEPSYCHOLOGY PRACTICE AND FACILITATES THE PROCESS FOR LICENSED
14 PSYCHOLOGISTS TO PROVIDE TELEPSYCHOLOGICAL SERVICES ACROSS STATE
15 LINES.

16 (M) "EXECUTIVE BOARD" MEANS A GROUP OF DIRECTORS ELECTED OR
17 APPOINTED TO ACT ON BEHALF OF, AND WITHIN THE POWERS GRANTED TO THEM
18 BY, THE COMMISSION.

19 (N) "HOME STATE" MEANS A COMPACT STATE WHERE A PSYCHOLOGIST IS
20 LICENSED TO PRACTICE PSYCHOLOGY. IF THE PSYCHOLOGIST IS LICENSED IN MORE
21 THAN ONE COMPACT STATE AND IS PRACTICING UNDER THE AUTHORIZATION TO
22 PRACTICE INTERJURISDICTIONAL TELEPSYCHOLOGY, THE HOME STATE IS THE
23 COMPACT STATE WHERE THE PSYCHOLOGIST IS PHYSICALLY PRESENT WHEN THE
24 TELEPSYCHOLOGICAL SERVICES ARE DELIVERED. IF THE PSYCHOLOGIST IS
25 LICENSED IN MORE THAN ONE COMPACT STATE AND IS PRACTICING UNDER THE
26 TEMPORARY AUTHORIZATION TO PRACTICE, THE HOME STATE IS ANY COMPACT
27 STATE WHERE THE PSYCHOLOGIST IS LICENSED.

28 (O) "IDENTITY HISTORY SUMMARY" MEANS A SUMMARY OF INFORMATION
29 RETAINED BY THE FEDERAL BUREAU OF INVESTIGATION, OR OTHER DESIGNEE
30 WITH SIMILAR AUTHORITY, IN CONNECTION WITH ARRESTS AND, IN SOME
31 INSTANCES, FEDERAL EMPLOYMENT, NATURALIZATION, OR MILITARY SERVICE.

32 (P) "IN-PERSON, FACE-TO-FACE" MEANS INTERACTIONS IN WHICH THE
33 PSYCHOLOGIST AND THE CLIENT/PATIENT ARE IN THE SAME PHYSICAL SPACE AND
34 THAT DO NOT INCLUDE INTERACTIONS THAT MAY OCCUR THROUGH THE USE OF
35 TELECOMMUNICATION TECHNOLOGIES.

1 (Q) "INTERJURISDICTIONAL PRACTICE CERTIFICATE" OR "IPC" MEANS A
2 CERTIFICATE ISSUED BY ASPPB THAT GRANTS TEMPORARY AUTHORITY TO
3 PRACTICE BASED ON NOTIFICATION TO THE STATE PSYCHOLOGY REGULATORY
4 AUTHORITY OF INTENTION TO PRACTICE TEMPORARILY AND VERIFICATION OF
5 ONE'S QUALIFICATIONS FOR SUCH PRACTICE.

6 (R) "LICENSE" MEANS AUTHORIZATION BY A STATE PSYCHOLOGY
7 REGULATORY AUTHORITY TO ENGAGE IN THE INDEPENDENT PRACTICE OF
8 PSYCHOLOGY, WHICH WOULD BE UNLAWFUL WITHOUT THE AUTHORIZATION.

9 (S) "NON-COMPACT STATE" MEANS ANY STATE WHICH IS NOT AT THE TIME
10 A COMPACT STATE.

11 (T) "PSYCHOLOGIST" MEANS AN INDIVIDUAL LICENSED FOR THE
12 INDEPENDENT PRACTICE OF PSYCHOLOGY.

13 (U) "PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION" OR
14 "COMMISSION" MEANS THE NATIONAL ADMINISTRATION OF WHICH ALL COMPACT
15 STATES ARE MEMBERS.

16 (V) "RECEIVING STATE" MEANS A COMPACT STATE WHERE THE
17 CLIENT/PATIENT IS PHYSICALLY LOCATED WHEN THE TELEPSYCHOLOGICAL
18 SERVICES ARE DELIVERED.

19 (W) "RULE" MEANS A WRITTEN STATEMENT BY THE COMMISSION
20 PROMULGATED PURSUANT TO ARTICLE XI OF THIS COMPACT THAT IS OF GENERAL
21 APPLICABILITY, IMPLEMENTS, INTERPRETS, OR PRESCRIBES A POLICY OR
22 PROVISION OF THE COMPACT, OR AN ORGANIZATIONAL, PROCEDURAL, OR
23 PRACTICE REQUIREMENT OF THE COMMISSION AND HAS THE FORCE AND EFFECT
24 OF STATUTORY LAW IN A COMPACT STATE, AND INCLUDES THE AMENDMENT,
25 REPEAL, OR SUSPENSION OF AN EXISTING RULE.

26 (X) "SIGNIFICANT INVESTIGATORY INFORMATION" MEANS:

27 (1) INVESTIGATIVE INFORMATION THAT A STATE PSYCHOLOGY
28 REGULATORY AUTHORITY, AFTER A PRELIMINARY INQUIRY THAT INCLUDES
29 NOTIFICATION AND AN OPPORTUNITY TO RESPOND IF REQUIRED BY STATE LAW, HAS
30 REASON TO BELIEVE, IF PROVEN TRUE, WOULD INDICATE MORE THAN A VIOLATION
31 OF STATE STATUTE OR ETHICS CODE THAT WOULD BE CONSIDERED MORE
32 SUBSTANTIAL THAN MINOR INFRACTION; OR

33 (2) INVESTIGATIVE INFORMATION THAT INDICATES THAT THE

1 PSYCHOLOGIST REPRESENTS AN IMMEDIATE THREAT TO PUBLIC HEALTH AND
2 SAFETY REGARDLESS OF WHETHER THE PSYCHOLOGIST HAS BEEN NOTIFIED
3 AND/OR HAD AN OPPORTUNITY TO RESPOND.

4 (Y) "STATE" MEANS A STATE, COMMONWEALTH, TERRITORY, OR
5 POSSESSION OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA.

6 (Z) "STATE PSYCHOLOGY REGULATORY AUTHORITY" MEANS THE BOARD,
7 OFFICE, OR OTHER AGENCY WITH THE LEGISLATIVE MANDATE TO LICENSE AND
8 REGULATE THE PRACTICE OF PSYCHOLOGY.

9 (AA) "TELEPSYCHOLOGY" MEANS THE PROVISION OF PSYCHOLOGICAL
10 SERVICES USING TELECOMMUNICATION TECHNOLOGIES.

11 (BB) "TEMPORARY AUTHORIZATION TO PRACTICE" MEANS A LICENSED
12 PSYCHOLOGIST'S AUTHORITY TO CONDUCT TEMPORARY IN-PERSON,
13 FACE-TO-FACE PRACTICE, WITHIN THE LIMITS AUTHORIZED UNDER THIS
14 COMPACT, IN ANOTHER COMPACT STATE.

15 (CC) "TEMPORARY IN-PERSON, FACE-TO-FACE PRACTICE" MEANS WHERE A
16 PSYCHOLOGIST IS PHYSICALLY PRESENT (NOT THROUGH THE USE OF
17 TELECOMMUNICATIONS TECHNOLOGIES), IN THE DISTANT STATE TO PROVIDE FOR
18 THE PRACTICE OF PSYCHOLOGY FOR 30 DAYS WITHIN A CALENDAR YEAR AND BASED
19 ON NOTIFICATION IN THE DISTANT STATE.

20 ARTICLE III.

21 HOME STATE LICENSURE.

22 (A) THE HOME STATE SHALL BE A COMPACT STATE WHERE A
23 PSYCHOLOGIST IS LICENSED TO PRACTICE PSYCHOLOGY.

24 (B) A PSYCHOLOGIST MAY HOLD ONE OR MORE COMPACT STATE LICENSES
25 AT A TIME. IF THE PSYCHOLOGIST IS LICENSED IN MORE THAN ONE COMPACT STATE,
26 THE HOME STATE IS THE COMPACT STATE WHERE THE PSYCHOLOGIST IS
27 PHYSICALLY PRESENT WHEN THE SERVICES ARE DELIVERED AS AUTHORIZED BY
28 THE AUTHORITY TO PRACTICE INTERJURISDICTIONAL TELEPSYCHOLOGY UNDER
29 THE TERMS OF THIS COMPACT.

30 (C) ANY COMPACT STATE MAY REQUIRE A PSYCHOLOGIST NOT PREVIOUSLY
31 LICENSED IN A COMPACT STATE TO OBTAIN AND RETAIN A LICENSE TO BE
32 AUTHORIZED TO PRACTICE IN THE COMPACT STATE UNDER CIRCUMSTANCES NOT
33 AUTHORIZED BY THE AUTHORITY TO PRACTICE INTERJURISDICTIONAL

1 TELEPSYCHOLOGY UNDER THE TERMS OF THIS COMPACT.

2 (D) ANY COMPACT STATE MAY REQUIRE A PSYCHOLOGIST TO OBTAIN AND
3 RETAIN A LICENSE TO BE AUTHORIZED TO PRACTICE IN A COMPACT STATE UNDER
4 CIRCUMSTANCES NOT AUTHORIZED BY TEMPORARY AUTHORIZATION TO PRACTICE
5 UNDER THE TERMS OF THIS COMPACT.

6 (E) A HOME STATE'S LICENSE AUTHORIZES A PSYCHOLOGIST TO PRACTICE
7 IN A RECEIVING STATE UNDER THE AUTHORITY TO PRACTICE
8 INTERJURISDICTIONAL TELEPSYCHOLOGY ONLY IF THE COMPACT STATE:

9 (1) CURRENTLY REQUIRES THE PSYCHOLOGIST TO HOLD AN ACTIVE
10 E.PASSPORT;

11 (2) HAS A MECHANISM IN PLACE FOR RECEIVING AND
12 INVESTIGATING COMPLAINTS ABOUT LICENSED INDIVIDUALS;

13 (3) NOTIFIES THE COMMISSION, IN COMPLIANCE WITH THE TERMS
14 HEREIN, OF ANY ADVERSE ACTION OR SIGNIFICANT INVESTIGATORY INFORMATION
15 REGARDING A LICENSED INDIVIDUAL;

16 (4) REQUIRES AN IDENTITY HISTORY SUMMARY OF ALL APPLICANTS
17 AT INITIAL LICENSURE, INCLUDING THE USE OF THE RESULTS OF FINGERPRINTS OR
18 OTHER BIOMETRIC DATA CHECKS COMPLIANT WITH THE REQUIREMENTS OF THE
19 FEDERAL BUREAU OF INVESTIGATION, OR OTHER DESIGNEE WITH SIMILAR
20 AUTHORITY, NO LATER THAN 10 YEARS AFTER ACTIVATION OF THIS COMPACT; AND

21 (5) COMPLIES WITH THE BYLAWS AND RULES OF THE COMMISSION.

22 (F) A HOME STATE'S LICENSE GRANTS TEMPORARY AUTHORIZATION TO
23 PRACTICE TO A PSYCHOLOGIST IN A DISTANT STATE ONLY IF THE COMPACT STATE:

24 (1) CURRENTLY REQUIRES THE PSYCHOLOGIST TO HOLD AN ACTIVE
25 IPC;

26 (2) HAS A MECHANISM IN PLACE FOR RECEIVING AND
27 INVESTIGATING COMPLAINTS ABOUT LICENSED INDIVIDUALS;

28 (3) NOTIFIES THE COMMISSION, IN COMPLIANCE WITH THE TERMS
29 HEREIN, OF ANY ADVERSE ACTION OR SIGNIFICANT INVESTIGATORY INFORMATION
30 REGARDING A LICENSED INDIVIDUAL;

31 (4) REQUIRES AN IDENTITY HISTORY SUMMARY OF ALL APPLICANTS

1 AT INITIAL LICENSURE, INCLUDING THE USE OF THE RESULTS OF FINGERPRINTS OR
2 OTHER BIOMETRIC DATA CHECKS COMPLIANT WITH THE REQUIREMENTS OF THE
3 FEDERAL BUREAU OF INVESTIGATION, OR OTHER DESIGNEE WITH SIMILAR
4 AUTHORITY, NO LATER THAN 10 YEARS AFTER ACTIVATION OF THIS COMPACT; AND

5 (5) COMPLIES WITH THE BYLAWS AND RULES OF THE COMMISSION.

6 ARTICLE IV.

7 COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY.

8 (A) COMPACT STATES SHALL RECOGNIZE THE RIGHT OF A PSYCHOLOGIST,
9 LICENSED IN A COMPACT STATE IN CONFORMANCE WITH ARTICLE III OF THIS
10 COMPACT, TO PRACTICE TELEPSYCHOLOGY IN OTHER COMPACT STATES
11 (RECEIVING STATES) IN WHICH THE PSYCHOLOGIST IS NOT LICENSED, UNDER THE
12 AUTHORITY TO PRACTICE INTERJURISDICTIONAL TELEPSYCHOLOGY AS PROVIDED
13 IN THIS COMPACT.

14 (B) TO EXERCISE THE AUTHORITY TO PRACTICE INTERJURISDICTIONAL
15 TELEPSYCHOLOGY UNDER THE TERMS AND PROVISIONS OF THIS COMPACT, A
16 PSYCHOLOGIST LICENSED TO PRACTICE IN A COMPACT STATE MUST:

17 (1) HOLD A GRADUATE DEGREE IN PSYCHOLOGY FROM AN INSTITUTE
18 OF HIGHER EDUCATION THAT WAS, AT THE TIME THE DEGREE WAS AWARDED:

19 (I) REGIONALLY ACCREDITED BY AN ACCREDITING BODY
20 RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION TO GRANT
21 GRADUATE DEGREES, OR AUTHORIZED BY PROVINCIAL STATUTE OR ROYAL
22 CHARTER TO GRANT DOCTORAL DEGREES; OR

23 (II) A FOREIGN COLLEGE OR UNIVERSITY DEEMED TO BE
24 EQUIVALENT TO ITEM (1)(I) OF THIS PARAGRAPH BY A FOREIGN CREDENTIAL
25 EVALUATION SERVICE THAT IS A MEMBER OF THE NATIONAL ASSOCIATION OF
26 CREDENTIAL EVALUATION SERVICES (NACES) OR BY A RECOGNIZED FOREIGN
27 CREDENTIAL EVALUATION SERVICE;

28 (2) HOLD A GRADUATE DEGREE IN PSYCHOLOGY FROM A PROGRAM
29 THAT MEETS THE FOLLOWING CRITERIA:

30 (I) THE PROGRAM, WHEREVER IT MAY BE ADMINISTRATIVELY
31 HOUSED, MUST BE CLEARLY IDENTIFIED AND LABELED AS A PSYCHOLOGY
32 PROGRAM. SUCH A PROGRAM MUST SPECIFY IN PERTINENT INSTITUTIONAL
33 CATALOGUES AND BROCHURES ITS INTENT TO EDUCATE AND TRAIN PROFESSIONAL

1 PSYCHOLOGISTS;

2 (II) THE PSYCHOLOGY PROGRAM MUST STAND AS A
3 RECOGNIZABLE, COHERENT, ORGANIZATIONAL ENTITY WITHIN THE INSTITUTION;

4 (III) THERE MUST BE A CLEAR AUTHORITY AND PRIMARY
5 RESPONSIBILITY FOR THE CORE AND SPECIALTY AREAS WHETHER OR NOT THE
6 PROGRAM CUTS ACROSS ADMINISTRATIVE LINES;

7 (IV) THE PROGRAM MUST CONSIST OF AN INTEGRATED,
8 ORGANIZED SEQUENCE OF STUDY;

9 (V) THERE MUST BE AN IDENTIFIABLE PSYCHOLOGY FACULTY
10 SUFFICIENT IN SIZE AND BREADTH TO CARRY OUT ITS RESPONSIBILITIES;

11 (VI) THE DESIGNATED DIRECTOR OF THE PROGRAM MUST BE A
12 PSYCHOLOGIST AND A MEMBER OF THE CORE FACULTY;

13 (VII) THE PROGRAM MUST HAVE AN IDENTIFIABLE BODY OF
14 STUDENTS WHO ARE MATRICULATED IN THAT PROGRAM FOR A DEGREE;

15 (VIII) THE PROGRAM MUST INCLUDE SUPERVISED PRACTICUM,
16 INTERNSHIP, OR FIELD TRAINING APPROPRIATE TO THE PRACTICE OF
17 PSYCHOLOGY;

18 (IX) THE CURRICULUM SHALL ENCOMPASS A MINIMUM OF
19 THREE ACADEMIC YEARS OF FULL-TIME GRADUATE STUDY FOR DOCTORAL DEGREE
20 AND A MINIMUM OF ONE ACADEMIC YEAR OF FULL-TIME GRADUATE STUDY FOR
21 MASTER'S DEGREE; AND

22 (X) THE PROGRAM INCLUDES AN ACCEPTABLE RESIDENCY AS
23 DEFINED BY THE RULES OF THE COMMISSION;

24 (3) POSSESS A CURRENT, FULL, AND UNRESTRICTED LICENSE TO
25 PRACTICE PSYCHOLOGY IN A HOME STATE WHICH IS A COMPACT STATE;

26 (4) HAVE NO HISTORY OF ADVERSE ACTION THAT VIOLATES THE
27 RULES OF THE COMMISSION;

28 (5) HAVE NO CRIMINAL RECORD HISTORY REPORTED ON AN
29 IDENTITY HISTORY SUMMARY THAT VIOLATES THE RULES OF THE COMMISSION;

30 (6) POSSESS A CURRENT, ACTIVE E.PASSPORT;

1 **(B) TO EXERCISE THE TEMPORARY AUTHORIZATION TO PRACTICE UNDER**
2 **THE TERMS AND PROVISIONS OF THIS COMPACT, A PSYCHOLOGIST LICENSED TO**
3 **PRACTICE IN A COMPACT STATE MUST:**

4 **(1) HOLD A GRADUATE DEGREE IN PSYCHOLOGY FROM AN INSTITUTE**
5 **OF HIGHER EDUCATION THAT WAS, AT THE TIME THE DEGREE WAS AWARDED:**

6 **(I) REGIONALLY ACCREDITED BY AN ACCREDITING BODY**
7 **RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION TO GRANT**
8 **GRADUATE DEGREES, OR AUTHORIZED BY PROVINCIAL STATUTE OR ROYAL**
9 **CHARTER TO GRANT DOCTORAL DEGREES; OR**

10 **(II) A FOREIGN COLLEGE OR UNIVERSITY DEEMED TO BE**
11 **EQUIVALENT TO ITEM (1)(I) OF THIS PARAGRAPH BY A FOREIGN CREDENTIAL**
12 **EVALUATION SERVICE THAT IS A MEMBER OF THE NATIONAL ASSOCIATION OF**
13 **CREDENTIAL EVALUATION SERVICES (NACES) OR BY A RECOGNIZED FOREIGN**
14 **CREDENTIAL EVALUATION SERVICE;**

15 **(2) HOLD A GRADUATE DEGREE IN PSYCHOLOGY FROM A PROGRAM**
16 **THAT MEETS THE FOLLOWING CRITERIA:**

17 **(I) THE PROGRAM, WHEREVER IT MAY BE ADMINISTRATIVELY**
18 **HOUSED, MUST BE CLEARLY IDENTIFIED AND LABELED AS A PSYCHOLOGY**
19 **PROGRAM. SUCH A PROGRAM MUST SPECIFY IN PERTINENT INSTITUTIONAL**
20 **CATALOGUES AND BROCHURES ITS INTENT TO EDUCATE AND TRAIN PROFESSIONAL**
21 **PSYCHOLOGISTS;**

22 **(II) THE PSYCHOLOGY PROGRAM MUST STAND AS A**
23 **RECOGNIZABLE, COHERENT, ORGANIZATIONAL ENTITY WITHIN THE INSTITUTION;**

24 **(III) THERE MUST BE A CLEAR AUTHORITY AND PRIMARY**
25 **RESPONSIBILITY FOR THE CORE AND SPECIALTY AREAS WHETHER OR NOT THE**
26 **PROGRAM CUTS ACROSS ADMINISTRATIVE LINES;**

27 **(IV) THE PROGRAM MUST CONSIST OF AN INTEGRATED,**
28 **ORGANIZED SEQUENCE OF STUDY;**

29 **(V) THERE MUST BE AN IDENTIFIABLE PSYCHOLOGY FACULTY**
30 **SUFFICIENT IN SIZE AND BREADTH TO CARRY OUT ITS RESPONSIBILITIES;**

31 **(VI) THE DESIGNATED DIRECTOR OF THE PROGRAM MUST BE A**
32 **PSYCHOLOGIST AND A MEMBER OF THE CORE FACULTY;**

1 (VII) THE PROGRAM MUST HAVE AN IDENTIFIABLE BODY OF
2 STUDENTS WHO ARE MATRICULATED IN THAT PROGRAM FOR A DEGREE;

3 (VIII) THE PROGRAM MUST INCLUDE SUPERVISED PRACTICUM,
4 INTERNSHIP, OR FIELD TRAINING APPROPRIATE TO THE PRACTICE OF
5 PSYCHOLOGY;

6 (IX) THE CURRICULUM SHALL ENCOMPASS A MINIMUM OF
7 THREE ACADEMIC YEARS OF FULL-TIME GRADUATE STUDY FOR DOCTORAL
8 DEGREES AND A MINIMUM OF ONE ACADEMIC YEAR OF FULL-TIME GRADUATE
9 STUDY FOR A MASTER'S DEGREE; AND

10 (X) THE PROGRAM INCLUDES AN ACCEPTABLE RESIDENCY AS
11 DEFINED BY THE RULES OF THE COMMISSION;

12 (3) POSSESS A CURRENT, FULL, AND UNRESTRICTED LICENSE TO
13 PRACTICE PSYCHOLOGY IN A HOME STATE WHICH IS A COMPACT STATE;

14 (4) HAVE NO HISTORY OF ADVERSE ACTION THAT VIOLATES THE
15 RULES OF THE COMMISSION;

16 (5) HAVE NO CRIMINAL RECORD HISTORY THAT VIOLATES THE RULES
17 OF THE COMMISSION;

18 (6) POSSESS A CURRENT, ACTIVE IPC;

19 (7) PROVIDE ATTESTATIONS IN REGARD TO AREAS OF INTENDED
20 PRACTICE AND WORK EXPERIENCE AND PROVIDE A RELEASE OF INFORMATION TO
21 ALLOW FOR PRIMARY SOURCE VERIFICATION IN A MANNER SPECIFIED BY THE
22 COMMISSION; AND

23 (8) MEET OTHER CRITERIA AS DEFINED BY THE RULES OF THE
24 COMMISSION.

25 (C) A PSYCHOLOGIST PRACTICING INTO A DISTANT STATE UNDER THE
26 TEMPORARY AUTHORIZATION TO PRACTICE SHALL PRACTICE WITHIN THE SCOPE OF
27 PRACTICE AUTHORIZED BY THE DISTANT STATE.

28 (D) A PSYCHOLOGIST PRACTICING INTO A DISTANT STATE UNDER THE
29 TEMPORARY AUTHORIZATION TO PRACTICE WILL BE SUBJECT TO THE DISTANT
30 STATE'S AUTHORITY AND LAW. A DISTANT STATE MAY, IN ACCORDANCE WITH THAT
31 STATE'S DUE PROCESS LAW, LIMIT OR REVOKE A PSYCHOLOGIST'S TEMPORARY

1 AUTHORIZATION TO PRACTICE IN THE DISTANT STATE AND MAY TAKE ANY OTHER
2 NECESSARY ACTIONS UNDER THE DISTANT STATE'S APPLICABLE LAW TO PROTECT
3 THE HEALTH AND SAFETY OF THE DISTANT STATE'S CITIZENS. IF A DISTANT STATE
4 TAKES ACTION, THE STATE SHALL PROMPTLY NOTIFY THE HOME STATE AND THE
5 COMMISSION.

6 (E) IF A PSYCHOLOGIST'S LICENSE IN ANY HOME STATE OR ANOTHER
7 COMPACT STATE, OR ANY TEMPORARY AUTHORIZATION TO PRACTICE IN ANY
8 DISTANT STATE, IS RESTRICTED, SUSPENDED, OR OTHERWISE LIMITED, THE IPC
9 SHALL BE REVOKED AND THEREFORE THE PSYCHOLOGIST SHALL NOT BE ELIGIBLE
10 TO PRACTICE IN A COMPACT STATE UNDER THE TEMPORARY AUTHORIZATION TO
11 PRACTICE.

12 ARTICLE VI.

13 CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE.

14 A PSYCHOLOGIST MAY PRACTICE IN A RECEIVING STATE UNDER THE
15 AUTHORITY TO PRACTICE INTERJURISDICTIONAL TELEPSYCHOLOGY ONLY IN THE
16 PERFORMANCE OF THE SCOPE OF PRACTICE FOR PSYCHOLOGY AS ASSIGNED BY AN
17 APPROPRIATE STATE PSYCHOLOGY REGULATORY AUTHORITY, AS DEFINED IN THE
18 RULES OF THE COMMISSION, AND UNDER THE FOLLOWING CIRCUMSTANCES:

19 (1) THE PSYCHOLOGIST INITIATES A CLIENT/PATIENT CONTACT IN A
20 HOME STATE VIA A TELECOMMUNICATIONS TECHNOLOGY WITH A CLIENT/PATIENT
21 IN A RECEIVING STATE; AND

22 (2) OTHER CONDITIONS REGARDING TELEPSYCHOLOGY AS
23 DETERMINED BY RULES PROMULGATED BY THE COMMISSION.

24 ARTICLE VII.

25 ADVERSE ACTIONS.

26 (A) A HOME STATE SHALL HAVE THE POWER TO IMPOSE ADVERSE ACTION
27 AGAINST A PSYCHOLOGIST'S LICENSE ISSUED BY THE HOME STATE. A DISTANT
28 STATE SHALL HAVE THE POWER TO TAKE ADVERSE ACTION ON A PSYCHOLOGIST'S
29 TEMPORARY AUTHORIZATION TO PRACTICE WITHIN THAT DISTANT STATE.

30 (B) A RECEIVING STATE MAY TAKE ADVERSE ACTION ON A PSYCHOLOGIST'S
31 AUTHORITY TO PRACTICE INTERJURISDICTIONAL TELEPSYCHOLOGY WITHIN THAT
32 RECEIVING STATE. A HOME STATE MAY TAKE ADVERSE ACTION AGAINST A
33 PSYCHOLOGIST BASED ON AN ADVERSE ACTION TAKEN BY A DISTANT STATE

1 REGARDING TEMPORARY IN-PERSON, FACE-TO-FACE PRACTICE.

2 (C) (1) IF A HOME STATE TAKES ADVERSE ACTION AGAINST A
3 PSYCHOLOGIST'S LICENSE, THAT PSYCHOLOGIST'S AUTHORITY TO PRACTICE
4 INTERJURISDICTIONAL TELEPSYCHOLOGY IS TERMINATED AND THE E.PASSPORT IS
5 REVOKED. FURTHERMORE, THAT PSYCHOLOGIST'S TEMPORARY AUTHORIZATION
6 TO PRACTICE IS TERMINATED AND THE IPC IS REVOKED.

7 (2) ALL HOME STATE DISCIPLINARY ORDERS THAT IMPOSE ADVERSE
8 ACTION SHALL BE REPORTED TO THE COMMISSION IN ACCORDANCE WITH THE
9 RULES PROMULGATED BY THE COMMISSION. A COMPACT STATE SHALL REPORT
10 ADVERSE ACTIONS IN ACCORDANCE WITH THE RULES OF THE COMMISSION.

11 (3) IN THE EVENT DISCIPLINE IS REPORTED ON A PSYCHOLOGIST,
12 THE PSYCHOLOGIST WILL NOT BE ELIGIBLE FOR TELEPSYCHOLOGY OR TEMPORARY
13 IN-PERSON, FACE-TO-FACE PRACTICE IN ACCORDANCE WITH THE RULES OF THE
14 COMMISSION.

15 (4) OTHER ACTIONS MAY BE IMPOSED AS DETERMINED BY THE RULES
16 PROMULGATED BY THE COMMISSION.

17 (D) A HOME STATE'S PSYCHOLOGY REGULATORY AUTHORITY SHALL
18 INVESTIGATE AND TAKE APPROPRIATE ACTION WITH RESPECT TO REPORTED
19 INAPPROPRIATE CONDUCT ENGAGED IN BY A LICENSEE THAT OCCURRED IN A
20 RECEIVING STATE AS IT WOULD IF SUCH CONDUCT HAD OCCURRED BY A LICENSEE
21 WITHIN THE HOME STATE. IN SUCH CASES, THE HOME STATE'S LAW SHALL CONTROL
22 IN DETERMINING ANY ADVERSE ACTION AGAINST A PSYCHOLOGIST'S LICENSE.

23 (E) A DISTANT STATE'S PSYCHOLOGY REGULATORY AUTHORITY SHALL
24 INVESTIGATE AND TAKE APPROPRIATE ACTION WITH RESPECT TO REPORTED
25 INAPPROPRIATE CONDUCT ENGAGED IN BY A PSYCHOLOGIST PRACTICING UNDER
26 TEMPORARY AUTHORIZATION TO PRACTICE THAT OCCURRED IN THAT DISTANT
27 STATE AS IT WOULD IF SUCH CONDUCT HAD OCCURRED BY A LICENSEE WITHIN THE
28 HOME STATE. IN SUCH CASES, THE DISTANT STATE'S LAW SHALL CONTROL IN
29 DETERMINING ANY ADVERSE ACTION AGAINST A PSYCHOLOGIST'S TEMPORARY
30 AUTHORIZATION TO PRACTICE.

31 (F) NOTHING IN THIS COMPACT SHALL OVERRIDE A COMPACT STATE'S
32 DECISION THAT A PSYCHOLOGIST'S PARTICIPATION IN AN ALTERNATIVE PROGRAM
33 MAY BE USED IN LIEU OF ADVERSE ACTION AND THAT SUCH PARTICIPATION SHALL
34 REMAIN NON-PUBLIC IF REQUIRED BY THE COMPACT STATE'S LAW. COMPACT
35 STATES MUST REQUIRE PSYCHOLOGISTS WHO ENTER ANY ALTERNATIVE PROGRAMS
36 TO NOT PROVIDE TELEPSYCHOLOGY SERVICES UNDER THE AUTHORITY TO

1 PRACTICE INTERJURISDICTIONAL TELEPSYCHOLOGY OR PROVIDE TEMPORARY
2 PSYCHOLOGICAL SERVICES UNDER THE TEMPORARY AUTHORIZATION TO PRACTICE
3 IN ANY OTHER COMPACT STATE DURING THE TERM OF THE ALTERNATIVE PROGRAM.

4 (G) NO OTHER JUDICIAL OR ADMINISTRATIVE REMEDIES SHALL BE
5 AVAILABLE TO A PSYCHOLOGIST IN THE EVENT A COMPACT STATE IMPOSES AN
6 ADVERSE ACTION PURSUANT TO SUBSECTION (C) OF THIS ARTICLE.

7 ARTICLE VIII.

8 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY
9 REGULATORY AUTHORITY.

10 (A) IN ADDITION TO ANY OTHER POWERS GRANTED UNDER STATE LAW, A
11 COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY SHALL HAVE THE
12 AUTHORITY UNDER THIS COMPACT TO:

13 (1) ISSUE SUBPOENAS, FOR BOTH HEARINGS AND INVESTIGATIONS,
14 WHICH REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE
15 PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY A COMPACT STATE'S
16 PSYCHOLOGY REGULATORY AUTHORITY FOR THE ATTENDANCE AND TESTIMONY OF
17 WITNESSES, AND/OR THE PRODUCTION OF EVIDENCE FROM ANOTHER COMPACT
18 STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT OF COMPETENT
19 JURISDICTION, ACCORDING TO THAT COURT'S PRACTICE AND PROCEDURE IN
20 CONSIDERING SUBPOENAS ISSUED IN ITS OWN PROCEEDINGS. THE ISSUING STATE
21 PSYCHOLOGY REGULATORY AUTHORITY SHALL PAY ANY WITNESS FEES, TRAVEL
22 EXPENSES, MILEAGE, AND OTHER FEES REQUIRED BY THE SERVICE STATUTES OF
23 THE STATE WHERE THE WITNESSES AND/OR EVIDENCE ARE LOCATED; AND

24 (2) ISSUE CEASE AND DESIST AND/OR INJUNCTIVE RELIEF ORDERS
25 TO REVOKE A PSYCHOLOGIST'S AUTHORITY TO PRACTICE INTERJURISDICTIONAL
26 TELEPSYCHOLOGY AND/OR TEMPORARY AUTHORIZATION TO PRACTICE.

27 (B) DURING THE COURSE OF ANY INVESTIGATION, A PSYCHOLOGIST MAY
28 NOT CHANGE HIS/HER HOME STATE LICENSURE. A HOME STATE PSYCHOLOGY
29 REGULATORY AUTHORITY IS AUTHORIZED TO COMPLETE ANY PENDING
30 INVESTIGATIONS OF A PSYCHOLOGIST AND TO TAKE ANY ACTIONS APPROPRIATE
31 UNDER ITS LAW. THE HOME STATE PSYCHOLOGY REGULATORY AUTHORITY SHALL
32 PROMPTLY REPORT THE CONCLUSIONS OF SUCH INVESTIGATIONS TO THE
33 COMMISSION. ONCE AN INVESTIGATION HAS BEEN COMPLETED, AND PENDING THE
34 OUTCOME OF SAID INVESTIGATION, THE PSYCHOLOGIST MAY CHANGE HIS/HER
35 HOME STATE LICENSURE. THE COMMISSION SHALL PROMPTLY NOTIFY THE NEW
36 HOME STATE OF ANY SUCH DECISIONS AS PROVIDED IN THE RULES OF THE

1 COMMISSION. ALL INFORMATION PROVIDED TO THE COMMISSION OR DISTRIBUTED
2 BY COMPACT STATES PURSUANT TO THE PSYCHOLOGIST SHALL BE CONFIDENTIAL,
3 FILED UNDER SEAL AND USED FOR INVESTIGATORY OR DISCIPLINARY MATTERS.
4 THE COMMISSION MAY CREATE ADDITIONAL RULES FOR MANDATED OR
5 DISCRETIONARY SHARING OF INFORMATION BY COMPACT STATES.

6 ARTICLE IX.

7 COORDINATED LICENSURE INFORMATION SYSTEM.

8 (A) THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT AND
9 MAINTENANCE OF A COORDINATED LICENSURE INFORMATION SYSTEM AND
10 REPORTING SYSTEM CONTAINING LICENSURE AND DISCIPLINARY ACTION
11 INFORMATION ON ALL LICENSEES TO WHOM THIS COMPACT IS APPLICABLE IN ALL
12 COMPACT STATES AS DEFINED BY THE RULES OF THE COMMISSION.

13 (B) NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE
14 CONTRARY, A COMPACT STATE SHALL SUBMIT A UNIFORM DATA SET TO THE
15 COORDINATED DATABASE ON ALL LICENSEES AS REQUIRED BY THE RULES OF THE
16 COMMISSION, INCLUDING:

17 (1) IDENTIFYING INFORMATION;

18 (2) LICENSURE DATA;

19 (3) SIGNIFICANT INVESTIGATORY INFORMATION;

20 (4) ADVERSE ACTIONS AGAINST A PSYCHOLOGIST'S LICENSE;

21 (5) AN INDICATOR THAT A PSYCHOLOGIST'S AUTHORITY TO
22 PRACTICE INTERJURISDICTIONAL TELEPSYCHOLOGY AND/OR TEMPORARY
23 AUTHORIZATION TO PRACTICE IS REVOKED;

24 (6) NON-CONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE
25 PROGRAM PARTICIPATION INFORMATION;

26 (7) ANY DENIAL OF APPLICATION FOR LICENSURE, AND THE REASONS
27 FOR SUCH DENIAL; AND

28 (8) OTHER INFORMATION WHICH MAY FACILITATE THE
29 ADMINISTRATION OF THIS COMPACT, AS DETERMINED BY THE RULES OF THE
30 COMMISSION.

1 (C) THE COORDINATED DATABASE ADMINISTRATOR SHALL PROMPTLY
2 NOTIFY ALL COMPACT STATES OF ANY ADVERSE ACTION TAKEN AGAINST, OR
3 SIGNIFICANT INVESTIGATIVE INFORMATION ON, ANY LICENSEE IN A COMPACT
4 STATE.

5 (D) COMPACT STATES REPORTING INFORMATION TO THE COORDINATED
6 DATABASE MAY DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH THE
7 PUBLIC WITHOUT THE EXPRESS PERMISSION OF THE COMPACT STATE REPORTING
8 THE INFORMATION.

9 (E) ANY INFORMATION SUBMITTED TO THE COORDINATED DATABASE THAT
10 IS SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY THE LAW OF THE COMPACT
11 STATE REPORTING THE INFORMATION SHALL BE REMOVED FROM THE
12 COORDINATED DATABASE.

13 ARTICLE X.

14 ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT 15 COMMISSION.

16 (A) (1) THE COMPACT STATES HEREBY CREATE AND ESTABLISH A JOINT
17 PUBLIC AGENCY KNOWN AS THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT
18 COMMISSION.

19 (2) THE COMMISSION IS A BODY POLITIC AND AN INSTRUMENTALITY
20 OF THE COMPACT STATES.

21 (3) VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST
22 THE COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A COURT OF
23 COMPETENT JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS
24 LOCATED. THE COMMISSION MAY WAIVE VENUE AND JURISDICTIONAL DEFENSES
25 TO THE EXTENT IT ADOPTS OR CONSENTS TO PARTICIPATE IN ALTERNATIVE
26 DISPUTE RESOLUTION PROCEEDINGS.

27 (4) NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A
28 WAIVER OF SOVEREIGN IMMUNITY.

29 (B) (1) THE COMMISSION SHALL CONSIST OF ONE VOTING
30 REPRESENTATIVE APPOINTED BY EACH COMPACT STATE WHO SHALL SERVE AS
31 THAT STATE'S COMMISSIONER. THE STATE PSYCHOLOGY REGULATORY AUTHORITY
32 SHALL APPOINT ITS DELEGATE. THIS DELEGATE SHALL BE EMPOWERED TO ACT ON
33 BEHALF OF THE COMPACT STATE. THIS DELEGATE SHALL BE LIMITED TO:

1 **(I) AN EXECUTIVE DIRECTOR, AN EXECUTIVE SECRETARY, OR**
2 **A SIMILAR EXECUTIVE;**

3 **(II) A CURRENT MEMBER OF THE STATE PSYCHOLOGY**
4 **REGULATORY AUTHORITY OF A COMPACT STATE; OR**

5 **(III) A DESIGNEE EMPOWERED WITH THE APPROPRIATE**
6 **DELEGATE AUTHORITY TO ACT ON BEHALF OF THE COMPACT STATE.**

7 **(2) ANY COMMISSIONER MAY BE REMOVED OR SUSPENDED FROM**
8 **OFFICE AS PROVIDED BY THE LAW OF THE STATE FROM WHICH THE COMMISSIONER**
9 **IS APPOINTED. ANY VACANCY OCCURRING IN THE COMMISSION SHALL BE FILLED IN**
10 **ACCORDANCE WITH THE LAWS OF THE COMPACT STATE IN WHICH THE VACANCY**
11 **EXISTS.**

12 **(3) EACH COMMISSIONER SHALL BE ENTITLED TO ONE VOTE WITH**
13 **REGARD TO THE PROMULGATION OF RULES AND CREATION OF BYLAWS AND SHALL**
14 **OTHERWISE HAVE AN OPPORTUNITY TO PARTICIPATE IN THE BUSINESS AND**
15 **AFFAIRS OF THE COMMISSION. A COMMISSIONER SHALL VOTE IN PERSON OR BY**
16 **SUCH OTHER MEANS AS PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE FOR**
17 **COMMISSIONERS' PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS**
18 **OF COMMUNICATION.**

19 **(4) THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH**
20 **CALENDAR YEAR. ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN THE**
21 **BYLAWS.**

22 **(5) ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC**
23 **NOTICE OF MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER**
24 **THE RULEMAKING PROVISIONS IN ARTICLE XI OF THIS COMPACT.**

25 **(6) THE COMMISSION MAY CONVENE IN A CLOSED, NON-PUBLIC**
26 **MEETING IF THE COMMISSION MUST DISCUSS:**

27 **(I) NON-COMPLIANCE OF A COMPACT STATE WITH ITS**
28 **OBLIGATIONS UNDER THIS COMPACT;**

29 **(II) THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER**
30 **PERSONNEL MATTERS, PRACTICES, OR PROCEDURES RELATED TO SPECIFIC**
31 **EMPLOYEES, OR OTHER MATTERS RELATED TO THE COMMISSION'S INTERNAL**
32 **PERSONNEL PRACTICE AND PROCEDURES;**

33 **(III) CURRENT, THREATENED, OR REASONABLY ANTICIPATED**

1 LITIGATION AGAINST THE COMMISSION;

2 (IV) NEGOTIATION OF CONTRACTS FOR THE PURCHASE OR SALE
3 OF GOODS, SERVICES, OR REAL ESTATE;

4 (V) ACCUSATION AGAINST ANY PERSON OF A CRIME OR
5 FORMALLY CENSURING ANY PERSON;

6 (VI) DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR
7 FINANCIAL INFORMATION WHICH IS PRIVILEGED OR CONFIDENTIAL;

8 (VII) DISCLOSURE OF INFORMATION OF A PERSONAL NATURE
9 WHERE DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF
10 PERSONAL PRIVACY;

11 (VIII) DISCLOSURE OF INVESTIGATORY RECORDS COMPILED FOR
12 LAW ENFORCEMENT PURPOSES;

13 (IX) DISCLOSURE OF INFORMATION RELATED TO ANY
14 INVESTIGATORY REPORTS PREPARED BY OR ON BEHALF OF OR FOR USE OF THE
15 COMMISSION OR OTHER COMMITTEE CHARGED WITH RESPONSIBILITY FOR
16 INVESTIGATION OR DETERMINATION OF COMPLIANCE ISSUES PURSUANT TO THIS
17 COMPACT; OR

18 (X) MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY
19 FEDERAL AND STATE STATUTE.

20 (7) IF A MEETING, OR PORTION OF A MEETING, IS CLOSED PURSUANT
21 TO THIS PROVISION, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE SHALL
22 CERTIFY THAT THE MEETING MAY BE CLOSED AND SHALL REFERENCE EACH
23 RELEVANT EXEMPTING PROVISION. THE COMMISSION SHALL KEEP MINUTES WHICH
24 FULLY AND CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL
25 PROVIDE A FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN, OF ANY PERSON
26 PARTICIPATING IN THE MEETING, AND THE REASONS THEREFORE, INCLUDING A
27 DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED IN
28 CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN SUCH MINUTES. ALL
29 MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL,
30 SUBJECT TO RELEASE ONLY BY A MAJORITY VOTE OF THE COMMISSION OR ORDER
31 OF A COURT OF COMPETENT JURISDICTION.

32 (C) THE COMMISSION SHALL, BY A MAJORITY VOTE OF THE
33 COMMISSIONERS, PRESCRIBE BYLAWS AND/OR RULES TO GOVERN ITS CONDUCT AS
34 MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES AND EXERCISE

1 THE POWERS OF THIS COMPACT, INCLUDING BUT NOT LIMITED TO:

2 (1) ESTABLISHING THE FISCAL YEAR OF THE COMMISSION;

3 (2) PROVIDING REASONABLE STANDARDS AND PROCEDURES:

4 (I) FOR THE ESTABLISHMENT AND MEETINGS OF OTHER
5 COMMITTEES; AND

6 (II) GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF
7 ANY AUTHORITY OR FUNCTION OF THE COMMISSION;

8 (3) PROVIDING REASONABLE PROCEDURES FOR CALLING AND
9 CONDUCTING MEETINGS OF THE COMMISSION, ENSURING REASONABLE ADVANCE
10 NOTICE OF ALL MEETINGS AND PROVIDING AN OPPORTUNITY FOR ATTENDANCE OF
11 SUCH MEETINGS BY INTERESTED PARTIES, WITH ENUMERATED EXCEPTIONS
12 DESIGNED TO PROTECT THE PUBLIC'S INTEREST, THE PRIVACY OF INDIVIDUALS
13 PARTICIPATING IN SUCH PROCEEDINGS, AND PROPRIETARY INFORMATION,
14 INCLUDING TRADE SECRETS. THE COMMISSION MAY MEET IN CLOSED SESSION
15 ONLY AFTER A MAJORITY OF THE COMMISSIONERS VOTE TO CLOSE A MEETING TO
16 THE PUBLIC IN WHOLE OR IN PART. AS SOON AS PRACTICABLE, THE COMMISSION
17 MUST MAKE PUBLIC A COPY OF THE VOTE TO CLOSE THE MEETING REVEALING THE
18 VOTE OF EACH COMMISSIONER WITH NO PROXY VOTES ALLOWED;

19 (4) ESTABLISHING THE TITLES, DUTIES, AND AUTHORITY AND
20 REASONABLE PROCEDURES FOR THE ELECTION OF THE OFFICERS OF THE
21 COMMISSION;

22 (5) PROVIDING REASONABLE STANDARDS AND PROCEDURES FOR
23 THE ESTABLISHMENT OF THE PERSONNEL POLICIES AND PROGRAMS OF THE
24 COMMISSION. NOTWITHSTANDING ANY CIVIL SERVICE OR OTHER SIMILAR LAW OF
25 ANY COMPACT STATE, THE BYLAWS SHALL EXCLUSIVELY GOVERN THE PERSONNEL
26 POLICIES AND PROGRAMS OF THE COMMISSION;

27 (6) PROMULGATING A CODE OF ETHICS TO ADDRESS PERMISSIBLE
28 AND PROHIBITED ACTIVITIES OF COMMISSION MEMBERS AND EMPLOYEES;

29 (7) PROVIDING A MECHANISM FOR CONCLUDING THE OPERATIONS
30 OF THE COMMISSION AND THE EQUITABLE DISPOSITION OF ANY SURPLUS FUNDS
31 THAT MAY EXIST AFTER THE TERMINATION OF THIS COMPACT AFTER THE PAYMENT
32 AND/OR RESERVING OF ALL OF ITS DEBTS AND OBLIGATIONS;

33 (8) PUBLISHING ITS BYLAWS IN A CONVENIENT FORM AND FILING A

1 COPY THEREOF AND A COPY OF ANY AMENDMENT THERETO, WITH THE
2 APPROPRIATE AGENCY OR OFFICER IN EACH OF THE COMPACT STATES;

3 (9) MAINTAINING ITS FINANCIAL RECORDS IN ACCORDANCE WITH
4 THE BYLAWS; AND

5 (10) MEETING AND TAKING SUCH ACTIONS AS ARE CONSISTENT WITH
6 THE PROVISIONS OF THIS COMPACT AND THE BYLAWS.

7 (D) THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

8 (1) TO PROMULGATE UNIFORM RULES TO FACILITATE AND
9 COORDINATE IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT. THE
10 RULES SHALL HAVE THE FORCE AND EFFECT OF LAW AND SHALL BE BINDING IN ALL
11 COMPACT STATES;

12 (2) TO BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN
13 THE NAME OF THE COMMISSION, PROVIDED THAT THE STANDING OF ANY STATE
14 PSYCHOLOGY REGULATORY AUTHORITY OR OTHER REGULATORY BODY
15 RESPONSIBLE FOR PSYCHOLOGY LICENSURE TO SUE OR BE SUED UNDER
16 APPLICABLE LAW SHALL NOT BE AFFECTED;

17 (3) TO PURCHASE AND MAINTAIN INSURANCE AND BONDS;

18 (4) TO BORROW, ACCEPT, OR CONTRACT FOR SERVICES OF
19 PERSONNEL, INCLUDING, BUT NOT LIMITED TO, EMPLOYEES OF A COMPACT STATE;

20 (5) TO HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX
21 COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE
22 AUTHORITY TO CARRY OUT THE PURPOSES OF THIS COMPACT, AND ESTABLISH THE
23 COMMISSION'S PERSONNEL POLICIES AND PROGRAMS RELATING TO CONFLICTS OF
24 INTEREST, QUALIFICATIONS OF PERSONNEL, AND OTHER RELATED PERSONNEL
25 MATTERS;

26 (6) TO ACCEPT ANY AND ALL APPROPRIATE DONATIONS AND GRANTS
27 OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES, AND TO RECEIVE,
28 UTILIZE, AND DISPOSE OF THE SAME; PROVIDED THAT AT ALL TIMES THE
29 COMMISSION SHALL STRIVE TO AVOID ANY APPEARANCE OF IMPROPRIETY AND/OR
30 CONFLICT OF INTEREST;

31 (7) TO LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR
32 DONATIONS OF, OR OTHERWISE TO OWN, HOLD, IMPROVE, OR USE ANY PROPERTY,
33 REAL, PERSONAL, OR MIXED; PROVIDED THAT AT ALL TIMES THE COMMISSION

1 SHALL STRIVE TO AVOID ANY APPEARANCE OF IMPROPRIETY;

2 (8) TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
3 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY REAL, PERSONAL, OR MIXED;

4 (9) TO ESTABLISH A BUDGET AND MAKE EXPENDITURES;

5 (10) TO BORROW MONEY;

6 (11) TO APPOINT COMMITTEES, INCLUDING ADVISORY COMMITTEES
7 COMPOSED OF MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR THEIR
8 REPRESENTATIVES, AND CONSUMER REPRESENTATIVES, AND SUCH OTHER
9 INTERESTED PERSONS AS MAY BE DESIGNATED IN THIS COMPACT AND THE BYLAWS;

10 (12) TO PROVIDE AND RECEIVE INFORMATION FROM, AND TO
11 COOPERATE WITH, LAW ENFORCEMENT AGENCIES;

12 (13) TO ADOPT AND USE AN OFFICIAL SEAL; AND

13 (14) TO PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY OR
14 APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT CONSISTENT WITH
15 THE STATE REGULATION OF PSYCHOLOGY LICENSURE, TEMPORARY IN-PERSON,
16 FACE-TO-FACE PRACTICE, AND TELEPSYCHOLOGY PRACTICE.

17 (E) (1) THE ELECTED OFFICERS SHALL SERVE AS THE EXECUTIVE
18 BOARD, WHICH SHALL HAVE THE POWER TO ACT ON BEHALF OF THE COMMISSION
19 ACCORDING TO THE TERMS OF THIS COMPACT.

20 (2) THE EXECUTIVE BOARD SHALL BE COMPOSED OF SIX MEMBERS:

21 (I) FIVE VOTING MEMBERS WHO ARE ELECTED FROM THE
22 CURRENT MEMBERSHIP OF THE COMMISSION BY THE COMMISSION; AND

23 (II) ONE EX-OFFICIO, NONVOTING MEMBER FROM THE
24 RECOGNIZED MEMBERSHIP ORGANIZATION COMPOSED OF ASPPB.

25 (3) THE EX-OFFICIO MEMBER MUST HAVE SERVED AS STAFF OR
26 MEMBER ON A STATE PSYCHOLOGY REGULATORY AUTHORITY AND WILL BE
27 SELECTED BY ASPPB.

28 (4) THE COMMISSION MAY REMOVE ANY MEMBER OF THE EXECUTIVE
29 BOARD AS PROVIDED IN THE BYLAWS.

1 **(5) THE EXECUTIVE BOARD SHALL MEET AT LEAST ANNUALLY.**

2 **(6) THE EXECUTIVE BOARD SHALL HAVE THE FOLLOWING DUTIES**
3 **AND RESPONSIBILITIES:**

4 **(I) RECOMMEND TO THE ENTIRE COMMISSION CHANGES TO**
5 **THE RULES OR BYLAWS, CHANGES TO THIS COMPACT LEGISLATION, FEES PAID BY**
6 **COMPACT STATES SUCH AS ANNUAL DUES, AND ANY OTHER APPLICABLE FEES;**

7 **(II) ENSURE ADMINISTRATION SERVICES FOR THIS COMPACT**
8 **ARE APPROPRIATELY PROVIDED, CONTRACTUAL OR OTHERWISE;**

9 **(III) PREPARE AND RECOMMEND THE BUDGET;**

10 **(IV) MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE**
11 **COMMISSION;**

12 **(V) MONITOR MEMBER STATES' COMPLIANCE WITH THIS**
13 **COMPACT AND PROVIDE COMPLIANCE REPORTS TO THE COMMISSION;**

14 **(VI) ESTABLISH ADDITIONAL COMMITTEES AS NECESSARY; AND**

15 **(VII) OTHER DUTIES AS PROVIDED IN RULES OR BYLAWS.**

16 **(F) (1) THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT**
17 **OF, THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION, AND**
18 **ONGOING ACTIVITIES.**

19 **(2) THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE**
20 **REVENUE SOURCES, DONATIONS, AND GRANTS OF MONEY, EQUIPMENT, SUPPLIES,**
21 **MATERIALS, AND SERVICES.**

22 **(3) THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL**
23 **ASSESSMENT FROM EACH COMPACT STATE OR IMPOSE FEES ON OTHER PARTIES TO**
24 **COVER THE COST OF THE OPERATIONS AND ACTIVITIES OF THE COMMISSION AND**
25 **ITS STAFF WHICH MUST BE IN A TOTAL AMOUNT SUFFICIENT TO COVER ITS ANNUAL**
26 **BUDGET AS APPROVED EACH YEAR FOR WHICH REVENUE IS NOT PROVIDED BY**
27 **OTHER SOURCES. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT SHALL BE**
28 **ALLOCATED BASED UPON A FORMULA TO BE DETERMINED BY THE COMMISSION**
29 **WHICH SHALL PROMULGATE A RULE BINDING UPON ALL COMPACT STATES.**

30 **(4) THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND**
31 **PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME; NOR SHALL THE**

1 COMMISSION PLEDGE THE CREDIT OF ANY OF THE COMPACT STATES, EXCEPT BY
2 AND WITH THE AUTHORITY OF THE COMPACT STATE.

3 (5) THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL
4 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE
5 COMMISSION SHALL BE SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES
6 ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS AND DISBURSEMENTS
7 OF FUNDS HANDLED BY THE COMMISSION SHALL BE AUDITED YEARLY BY A
8 CERTIFIED OR LICENSED PUBLIC ACCOUNTANT AND THE REPORT OF THE AUDIT
9 SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT OF THE
10 COMMISSION.

11 (G) (1) THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES,
12 AND REPRESENTATIVES OF THE COMMISSION SHALL BE IMMUNE FROM SUIT AND
13 LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM
14 FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL
15 LIABILITY CAUSED BY OR ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR,
16 OR OMISSION THAT OCCURRED, OR THAT THE PERSON AGAINST WHOM THE CLAIM
17 IS MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE
18 OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES; PROVIDED THAT
19 NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PROTECT ANY SUCH
20 PERSON FROM SUIT AND/OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY, OR
21 LIABILITY CAUSED BY THE INTENTIONAL, WILLFUL, OR WANTON MISCONDUCT OF
22 THAT PERSON.

23 (2) THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER,
24 EXECUTIVE DIRECTOR, EMPLOYEE, OR REPRESENTATIVE OF THE COMMISSION IN
25 ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR
26 ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF
27 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT THE PERSON
28 AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING
29 OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR
30 RESPONSIBILITIES; PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO
31 PROHIBIT THAT PERSON FROM RETAINING HIS OR HER OWN COUNSEL; AND
32 PROVIDED FURTHER, THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION
33 DID NOT RESULT FROM THAT PERSON'S INTENTIONAL, WILLFUL, OR WANTON
34 MISCONDUCT.

35 (3) THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY
36 MEMBER, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE, OR REPRESENTATIVE OF
37 THE COMMISSION FOR THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED
38 AGAINST THAT PERSON ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR
39 OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT,

1 DUTIES, OR RESPONSIBILITIES, OR THAT SUCH PERSON HAD A REASONABLE BASIS
2 FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT,
3 DUTIES, OR RESPONSIBILITIES; PROVIDED THAT THE ACTUAL OR ALLEGED ACT,
4 ERROR, OR OMISSION DID NOT RESULT FROM THE INTENTIONAL, WILLFUL, OR
5 WANTON MISCONDUCT OF THAT PERSON.

6 ARTICLE XI.

7 RULEMAKING.

8 (A) THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS
9 PURSUANT TO THE CRITERIA SET FORTH IN THIS ARTICLE AND THE RULES ADOPTED
10 THEREUNDER. RULES AND AMENDMENTS SHALL BECOME BINDING AS OF THE DATE
11 SPECIFIED IN EACH RULE OR AMENDMENT.

12 (B) IF A MAJORITY OF THE LEGISLATURES OF THE COMPACT STATES
13 REJECTS A RULE, BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE SAME
14 MANNER USED TO ADOPT THIS COMPACT, THEN SUCH RULE SHALL HAVE NO
15 FURTHER FORCE AND EFFECT IN ANY COMPACT STATE.

16 (C) RULES OR AMENDMENTS TO THE RULES SHALL BE ADOPTED AT A
17 REGULAR OR SPECIAL MEETING OF THE COMMISSION.

18 (D) PRIOR TO PROMULGATION AND ADOPTION OF A FINAL RULE OR RULES
19 BY THE COMMISSION, AND AT LEAST 60 DAYS IN ADVANCE OF THE MEETING AT
20 WHICH THE RULE WILL BE CONSIDERED AND VOTED UPON, THE COMMISSION SHALL
21 FILE A NOTICE OF PROPOSED RULEMAKING:

22 (1) ON THE WEBSITE OF THE COMMISSION; AND

23 (2) ON THE WEBSITE OF EACH COMPACT STATE'S PSYCHOLOGY
24 REGULATORY AUTHORITY OR THE PUBLICATION IN WHICH EACH STATE WOULD
25 OTHERWISE PUBLISH PROPOSED RULES.

26 (E) THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:

27 (1) THE PROPOSED TIME, DATE, AND LOCATION OF THE MEETING IN
28 WHICH THE RULE WILL BE CONSIDERED AND VOTED UPON;

29 (2) THE TEXT OF THE PROPOSED RULE OR AMENDMENT AND THE
30 REASON FOR THE PROPOSED RULE;

31 (3) A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY

1 INTERESTED PERSON; AND

2 (4) THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT
3 NOTICE TO THE COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC
4 HEARING AND ANY WRITTEN COMMENTS.

5 (F) PRIOR TO ADOPTION OF A PROPOSED RULE, THE COMMISSION SHALL
6 ALLOW PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS, AND ARGUMENTS,
7 WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC.

8 (G) THE COMMISSION SHALL GRANT AN OPPORTUNITY FOR A PUBLIC
9 HEARING BEFORE IT ADOPTS A RULE OR AMENDMENT IF A HEARING IS REQUESTED
10 BY:

11 (1) AT LEAST 25 PERSONS WHO SUBMIT COMMENTS INDEPENDENTLY
12 OF EACH OTHER;

13 (2) A GOVERNMENTAL SUBDIVISION OR AGENCY; OR

14 (3) A DULY APPOINTED PERSON IN AN ASSOCIATION THAT HAS AT
15 LEAST 25 MEMBERS.

16 (H) (1) IF A HEARING IS HELD ON THE PROPOSED RULE OR AMENDMENT,
17 THE COMMISSION SHALL PUBLISH THE PLACE, TIME, AND DATE OF THE SCHEDULED
18 PUBLIC HEARING.

19 (2) ALL PERSONS WISHING TO BE HEARD AT THE HEARING SHALL
20 NOTIFY THE EXECUTIVE DIRECTOR OF THE COMMISSION OR OTHER DESIGNATED
21 MEMBER IN WRITING OF THEIR DESIRE TO APPEAR AND TESTIFY AT THE HEARING
22 NOT LESS THAN FIVE BUSINESS DAYS BEFORE THE SCHEDULED DATE OF THE
23 HEARING.

24 (3) HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH
25 PERSON WHO WISHES TO COMMENT A FAIR AND REASONABLE OPPORTUNITY TO
26 COMMENT ORALLY OR IN WRITING.

27 (4) NO TRANSCRIPT OF THE HEARING IS REQUIRED, UNLESS A
28 WRITTEN REQUEST FOR A TRANSCRIPT IS MADE, IN WHICH CASE THE PERSON
29 REQUESTING THE TRANSCRIPT SHALL BEAR THE COST OF PRODUCING THE
30 TRANSCRIPT. A RECORDING MAY BE MADE IN LIEU OF A TRANSCRIPT UNDER THE
31 SAME TERMS AND CONDITIONS AS A TRANSCRIPT. THIS SUBSECTION SHALL NOT
32 PRECLUDE THE COMMISSION FROM MAKING A TRANSCRIPT OR RECORDING OF THE
33 HEARING IF IT SO CHOOSES.

1 **(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING**
2 **A SEPARATE HEARING ON EACH RULE. RULES MAY BE GROUPED FOR THE**
3 **CONVENIENCE OF THE COMMISSION AT HEARINGS REQUIRED BY THIS SECTION.**

4 **(I) FOLLOWING THE SCHEDULED HEARING DATE, OR BY THE CLOSE OF**
5 **BUSINESS ON THE SCHEDULED HEARING DATE IF THE HEARING WAS NOT HELD, THE**
6 **COMMISSION SHALL CONSIDER ALL WRITTEN AND ORAL COMMENTS RECEIVED.**

7 **(J) THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL MEMBERS, TAKE**
8 **FINAL ACTION ON THE PROPOSED RULE AND SHALL DETERMINE THE EFFECTIVE**
9 **DATE OF THE RULE, IF ANY, BASED ON THE RULEMAKING RECORD AND THE FULL**
10 **TEXT OF THE RULE.**

11 **(K) IF NO WRITTEN NOTICE OF INTENT TO ATTEND THE PUBLIC HEARING BY**
12 **INTERESTED PARTIES IS RECEIVED, THE COMMISSION MAY PROCEED WITH**
13 **PROMULGATION OF THE PROPOSED RULE WITHOUT A PUBLIC HEARING.**

14 **(L) UPON DETERMINATION THAT AN EMERGENCY EXISTS, THE**
15 **COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT PRIOR**
16 **NOTICE, OPPORTUNITY FOR COMMENT, OR HEARING, PROVIDED THAT THE USUAL**
17 **RULEMAKING PROCEDURES PROVIDED IN THIS COMPACT AND IN THIS SECTION**
18 **SHALL BE RETROACTIVELY APPLIED TO THE RULE AS SOON AS REASONABLY**
19 **POSSIBLE, IN NO EVENT LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THE**
20 **RULE. FOR THE PURPOSES OF THIS PROVISION, AN EMERGENCY RULE IS ONE THAT**
21 **MUST BE ADOPTED IMMEDIATELY IN ORDER TO:**

22 **(1) MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY, OR**
23 **WELFARE;**

24 **(2) PREVENT A LOSS OF COMMISSION OR COMPACT STATE FUNDS;**

25 **(3) MEET A DEADLINE FOR THE PROMULGATION OF AN**
26 **ADMINISTRATIVE RULE THAT IS ESTABLISHED BY FEDERAL LAW OR RULE; OR**

27 **(4) PROTECT PUBLIC HEALTH AND SAFETY.**

28 **(M) THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE**
29 **COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR**
30 **AMENDMENT FOR PURPOSES OF CORRECTING TYPOGRAPHICAL ERRORS, ERRORS IN**
31 **FORMAT, ERRORS IN CONSISTENCY, OR GRAMMATICAL ERRORS. PUBLIC NOTICE OF**
32 **ANY REVISIONS SHALL BE POSTED ON THE WEBSITE OF THE COMMISSION. THE**
33 **REVISION SHALL BE SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD OF 30**

1 DAYS AFTER POSTING. THE REVISION MAY BE CHALLENGED ONLY ON GROUNDS
2 THAT THE REVISION RESULTS IN A MATERIAL CHANGE TO A RULE. A CHALLENGE
3 SHALL BE MADE IN WRITING, AND DELIVERED TO THE CHAIR OF THE COMMISSION
4 PRIOR TO THE END OF THE NOTICE PERIOD. IF NO CHALLENGE IS MADE, THE
5 REVISION WILL TAKE EFFECT WITHOUT FURTHER ACTION. IF THE REVISION IS
6 CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE APPROVAL OF
7 THE COMMISSION.

8 ARTICLE XII.

9 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

10 (A) (1) THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF
11 STATE GOVERNMENT IN EACH COMPACT STATE SHALL ENFORCE THIS COMPACT
12 AND TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THIS
13 COMPACT'S PURPOSES AND INTENT.

14 (2) ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THIS COMPACT
15 AND THE RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A COMPACT
16 STATE PERTAINING TO THE SUBJECT MATTER OF THIS COMPACT WHICH MAY
17 AFFECT THE POWERS, RESPONSIBILITIES, OR ACTIONS OF THE COMMISSION.

18 (3) THE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE OF
19 PROCESS IN ANY SUCH PROCEEDING, AND SHALL HAVE STANDING TO INTERVENE IN
20 SUCH A PROCEEDING FOR ALL PURPOSES. FAILURE TO PROVIDE SERVICE OF
21 PROCESS TO THE COMMISSION SHALL RENDER A JUDGMENT OR ORDER VOID AS TO
22 THE COMMISSION, THIS COMPACT, OR PROMULGATED RULES.

23 (B) (1) IF THE COMMISSION DETERMINES THAT A COMPACT STATE HAS
24 DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES
25 UNDER THIS COMPACT OR THE PROMULGATED RULES, THE COMMISSION SHALL:

26 (I) PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE
27 AND OTHER COMPACT STATES OF THE NATURE OF THE DEFAULT, THE PROPOSED
28 MEANS OF REMEDYING THE DEFAULTS, AND/OR ANY OTHER ACTION TO BE TAKEN BY
29 THE COMMISSION; AND

30 (II) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL
31 ASSISTANCE REGARDING THE DEFAULT.

32 (2) IF A STATE IN DEFAULT FAILS TO REMEDY THE DEFAULT, THE
33 DEFAULTING STATE MAY BE TERMINATED FROM THIS COMPACT UPON AN
34 AFFIRMATIVE VOTE OF A MAJORITY OF THE COMPACT STATES, AND ALL RIGHTS,

1 PRIVILEGES, AND BENEFITS CONFERRED BY THIS COMPACT SHALL BE TERMINATED
2 ON THE EFFECTIVE DATE OF TERMINATION. A REMEDY OF THE DEFAULT DOES NOT
3 RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR LIABILITIES INCURRED
4 DURING THE PERIOD OF DEFAULT.

5 (3) TERMINATION OF MEMBERSHIP IN THIS COMPACT SHALL BE
6 IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN
7 EXHAUSTED. NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL BE SUBMITTED
8 BY THE COMMISSION TO THE GOVERNOR, THE MAJORITY AND MINORITY LEADERS
9 OF THE DEFAULTING STATE'S LEGISLATURE, AND EACH OF THE COMPACT STATES.

10 (4) A COMPACT STATE WHICH HAS BEEN TERMINATED IS
11 RESPONSIBLE FOR ALL ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED
12 THROUGH THE EFFECTIVE DATE OF TERMINATION, INCLUDING OBLIGATIONS
13 WHICH EXTEND BEYOND THE EFFECTIVE DATE OF TERMINATION.

14 (5) THE COMMISSION SHALL NOT BEAR ANY COSTS INCURRED BY THE
15 STATE WHICH IS FOUND TO BE IN DEFAULT OR WHICH HAS BEEN TERMINATED FROM
16 THIS COMPACT, UNLESS AGREED UPON IN WRITING BETWEEN THE COMMISSION
17 AND THE DEFAULTING STATE.

18 (6) THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE
19 COMMISSION BY PETITIONING THE UNITED STATES DISTRICT COURT FOR THE
20 STATE OF GEORGIA OR THE FEDERAL DISTRICT WHERE THE COMPACT HAS ITS
21 PRINCIPAL OFFICES. THE PREVAILING MEMBER SHALL BE AWARDED ALL COSTS OF
22 SUCH LITIGATION, INCLUDING REASONABLE ATTORNEY'S FEES.

23 (c) (1) UPON REQUEST BY A COMPACT STATE, THE COMMISSION SHALL
24 ATTEMPT TO RESOLVE DISPUTES RELATED TO THIS COMPACT WHICH ARISE AMONG
25 COMPACT STATES AND BETWEEN COMPACT AND NON-COMPACT STATES.

26 (2) THE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR
27 BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES THAT ARISE
28 BEFORE THE COMMISSION.

29 (d) (1) THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS
30 DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THIS COMPACT.

31 (2) BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL
32 ACTION IN THE UNITED STATES DISTRICT COURT FOR THE STATE OF GEORGIA OR
33 THE FEDERAL DISTRICT WHERE THIS COMPACT HAS ITS PRINCIPAL OFFICE
34 AGAINST A COMPACT STATE IN DEFAULT TO ENFORCE COMPLIANCE WITH THE
35 PROVISIONS OF THIS COMPACT AND ITS PROMULGATED RULES AND BYLAWS. THE

1 RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE
2 EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE PREVAILING MEMBER SHALL
3 BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE
4 ATTORNEY'S FEES.

5 (3) THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES
6 OF THE COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER REMEDIES
7 AVAILABLE UNDER FEDERAL OR STATE LAW.

8 ARTICLE XIII.

9 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL 10 COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND 11 AMENDMENTS.

12 (A) THIS COMPACT SHALL COME INTO EFFECT ON THE DATE ON WHICH
13 THIS COMPACT IS ENACTED INTO LAW IN THE SEVENTH COMPACT STATE. THE
14 PROVISIONS WHICH BECOME EFFECTIVE AT THAT TIME SHALL BE LIMITED TO THE
15 POWERS GRANTED TO THE COMMISSION RELATING TO ASSEMBLY AND THE
16 PROMULGATION OF RULES. THEREAFTER, THE COMMISSION SHALL MEET AND
17 EXERCISE RULEMAKING POWERS NECESSARY TO THE IMPLEMENTATION AND
18 ADMINISTRATION OF THIS COMPACT.

19 (B) ANY STATE WHICH JOINS THIS COMPACT SUBSEQUENT TO THE
20 COMMISSION'S INITIAL ADOPTION OF THE RULES SHALL BE SUBJECT TO THE RULES
21 AS THEY EXIST ON THE DATE ON WHICH THIS COMPACT BECOMES LAW IN THAT
22 STATE. ANY RULE WHICH HAS BEEN PREVIOUSLY ADOPTED BY THE COMMISSION
23 SHALL HAVE THE FULL FORCE AND EFFECT OF LAW ON THE DAY THIS COMPACT
24 BECOMES LAW IN THAT STATE.

25 (C) (1) ANY COMPACT STATE MAY WITHDRAW FROM THIS COMPACT BY
26 ENACTING A STATUTE REPEALING THE SAME.

27 (2) A COMPACT STATE'S WITHDRAWAL SHALL NOT TAKE EFFECT
28 UNTIL SIX MONTHS AFTER ENACTMENT OF THE REPEALING STATUTE.

29 (3) WITHDRAWAL SHALL NOT AFFECT THE CONTINUING
30 REQUIREMENT OF THE WITHDRAWING STATE'S PSYCHOLOGY REGULATORY
31 AUTHORITY TO COMPLY WITH THE INVESTIGATIVE AND ADVERSE ACTION
32 REPORTING REQUIREMENT OF THIS ACT PRIOR TO THE EFFECTIVE DATE OF
33 WITHDRAWAL.

34 (D) NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED TO

1 INVALIDATE OR PREVENT ANY PSYCHOLOGY LICENSURE AGREEMENT OR OTHER
2 COOPERATIVE ARRANGEMENT BETWEEN A COMPACT STATE AND A NON-COMPACT
3 STATE WHICH DOES NOT CONFLICT WITH THE PROVISIONS OF THIS COMPACT.

4 (E) THIS COMPACT MAY BE AMENDED BY THE COMPACT STATES. NO
5 AMENDMENT TO THIS COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON
6 ANY COMPACT STATE UNTIL IT IS ENACTED INTO THE LAW OF ALL COMPACT STATES.

7 ARTICLE XIV.

8 CONSTRUCTION AND SEVERABILITY.

9 THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE
10 PURPOSES THEREOF. IF THIS COMPACT SHALL BE HELD CONTRARY TO THE
11 CONSTITUTION OF ANY STATE MEMBER THERETO, THIS COMPACT SHALL REMAIN IN
12 FULL FORCE AND EFFECT AS TO THE REMAINING COMPACT STATES.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2021.