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12 A BILL

17 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

21
22 To authorize the Mayor to execute, on behalf of the District of Columbia, an Psychology
23 interjurisdictional Compact for the purpose of increasing access to authorizes both
24 telepsychology and for temporary in-person practice of psychology; to create
25 requirements for home state licensure for psychologists to practice; to create standard
26 requirements for education and training for participating compact psychologists; to allow
27 for the temporary face-to-face practice of participating compact psychologist; to require
28 conditions of telepsychological practice in a receiving state; to establish requirements for
29 states to conduct and report adverse actions and the consequences for psychologists
30 receiving adverse action; to provide for additional authority in a compact state's
31 psychology regulatory authority; to require all compact states share licensee information
32 with compact states and create a coordinated database on participating compact
33 psychologists; to establish the Psychology Interjurisdictional Compact Commission; to
34 establish the requirement for rules made to the compact once enacted by the first seven
35 states; to provide for oversight and enforcement of the compact by participating states; to
36 provide that the compact become effective on the date of enactment in the seventh
37 compact state.
38

39 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
40 act may be cited as the "District of Columbia Psychology Interjurisdictional Compact Act of
41 2019".

42 Sec. 2. The Mayor is authorized to execute, on behalf of the District of Columbia, a
43 Psychology Interjurisdictional Compact (PSYPACT) in the form substantially as follows:

44 “PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)

45 “ARTICLE I

46 “PURPOSE

47 “Whereas, states license psychologists, in order to protect the public through verification
48 of education, training and experience and ensure accountability for professional practice; and

49 “Whereas, this Compact is intended to regulate the day to day practice of telepsychology
50 (i.e. the provision of psychological services using telecommunication technologies) by
51 psychologists across state boundaries in the performance of their psychological practice as
52 assigned by an appropriate authority; and

53 “Whereas, this Compact is intended to regulate the temporary in-person, face-to-face
54 practice of psychology by psychologists across state boundaries for 30 days within a calendar
55 year in the performance of their psychological practice as assigned by an appropriate authority;

56 “Whereas, this Compact is intended to authorize State Psychology Regulatory Authorities
57 to afford legal recognition, in a manner consistent with the terms of the Compact, to
58 psychologists licensed in another state;

59 “Whereas, this Compact recognizes that states have a vested interest in protecting the
60 public’s health and safety through their licensing and regulation of psychologists and that such
61 state regulation will best protect public health and safety;

62 “Whereas, this Compact does not apply when a psychologist is licensed in both the Home
63 and Receiving States; and

86 “(B) “Association of State and Provincial Psychology Boards (ASPPB)” means: the
87 recognized membership organization composed of State and Provincial Psychology Regulatory
88 Authorities responsible for the licensure and registration of psychologists throughout the United
89 States and Canada.

90 “C. “Authority to Practice Interjurisdictional Telepsychology” means: a licensed
91 psychologist’s authority to practice telepsychology, within the limits authorized under this
92 Compact, in another Compact State.

93 “D. “Bylaws” means: those Bylaws established by the Psychology Interjurisdictional
94 Compact Commission pursuant to Article X for its governance, or for directing and controlling
95 its actions and conduct.

96 “E. “Client/Patient” means: the recipient of psychological services, whether
97 psychological services are delivered in the context of healthcare, corporate, supervision, and/or
98 consulting services.

99 “F. “Commissioner” means: the voting representative appointed by each State
100 Psychology Regulatory Authority pursuant to Article X.

101 “G. “Compact State” means: a state, the District of Columbia, or United States territory
102 that has enacted this Compact legislation and which has not withdrawn pursuant to Article XIII,
103 Section C or been terminated pursuant to Article XII, Section B.

104 “H. “Coordinated Licensure Information System” also referred to as “Coordinated
105 Database” means: an integrated process for collecting, storing, and sharing information on
106 psychologists’ licensure and enforcement activities related to psychology licensure laws, which
107 is administered by the recognized membership organization composed of State and Provincial
108 Psychology Regulatory Authorities.

109 “I. “Confidentiality” means: the principle that data or information is not made available
110 or disclosed to unauthorized persons and/or processes.

111 “J. “Day” means: any part of a day in which psychological work is performed.

112 “K. “Distant State” means: the Compact State where a psychologist is physically present
113 (not through the use of telecommunications technologies), to provide temporary in-person, face-
114 to-face psychological services.

115 “L. “E.Passport” means: a certificate issued by the Association of State and Provincial
116 Psychology Boards (ASPPB) that promotes the standardization in the criteria of
117 interjurisdictional telepsychology practice and facilitates the process for licensed psychologists
118 to provide telepsychological services across state lines.

119 “M. “Executive Board” means: a group of directors elected or appointed to act on behalf
120 of, and within the powers granted to them by, the Commission.

121 “N. “Home State” means: a Compact State where a psychologist is licensed to practice
122 psychology. If the psychologist is licensed in more than one Compact State and is practicing
123 under the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the
124 Compact State where the psychologist is physically present when the telepsychological services
125 are delivered. If the psychologist is licensed in more than one Compact State and is practicing
126 under the Temporary Authorization to Practice, the Home State is any Compact State where the
127 psychologist is licensed.

128 “O. “Identity History Summary” means: a summary of information retained by the FBI,
129 or other designee with similar authority, in connection with arrests and, in some instances,
130 federal employment, naturalization, or military service.

131 “P. “In-Person, Face-to-Face” means: interactions in which the psychologist and the
132 client/patient are in the same physical space and which does not include interactions that may
133 occur through the use of telecommunication technologies.

134 “Q. “Interjurisdictional Practice Certificate (IPC)” means: a certificate issued by the
135 Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority
136 to practice based on notification to the State Psychology Regulatory Authority of intention to
137 practice temporarily, and verification of one’s qualifications for such practice.

138 “R. “License” means: authorization by a State Psychology Regulatory Authority to
139 engage in the independent practice of psychology, which would be unlawful without the
140 authorization.

141 “S. “Non-Compact State” means: any State which is not at the time a Compact State.

142 “T. “Psychologist” means: an individual licensed for the independent practice of
143 psychology.

144 “U. “Psychology Interjurisdictional Compact Commission” also referred to as
145 “Commission” means: the national administration of which all Compact States are members.

146 “V. “Receiving State” means: a Compact State where the client/patient is physically
147 located when the telepsychological services are delivered.

148 “W. “Rule” means: a written statement by the Psychology Interjurisdictional Compact
149 Commission promulgated pursuant to Article XI of the Compact that is of general applicability,
150 implements, interprets, or prescribes a policy or provision of the Compact, or an organizational,
151 procedural, or practice requirement of the Commission and has the force and effect of statutory
152 law in a Compact State, and includes the amendment, repeal or suspension of an existing rule.

153 “X. “Significant Investigatory Information” means:

154 “1. investigative information that a State Psychology Regulatory Authority, after
155 a preliminary inquiry that includes notification and an opportunity to respond if required by state
156 law, has reason to believe, if proven true, would indicate more than a violation of state statute or
157 ethics code that would be considered more substantial than minor infraction; or

158 “2. investigative information that indicates that the psychologist represents an
159 immediate threat to public health and safety regardless of whether the psychologist has been
160 notified and/or had an opportunity to respond.

161 “Y. “State” means: a state, commonwealth, territory, or possession of the United States,
162 the District of Columbia.

163 “Z. “State Psychology Regulatory Authority” means: the Board, office or other agency
164 with the legislative mandate to license and regulate the practice of psychology.

165 “AA. “Telepsychology” means: the provision of psychological services using
166 telecommunication technologies.

167 “BB. “Temporary Authorization to Practice” means: a licensed psychologist’s authority
168 to conduct temporary in-person, face-to-face practice, within the limits authorized under this
169 Compact, in another Compact State.

170 “CC. “Temporary In-Person, Face-to-Face Practice” means: where a psychologist is
171 physically present (not through the use of telecommunications technologies), in the Distant State
172 to provide for the practice of psychology for 30 days within a calendar year and based on
173 notification to the Distant State.

174 “ARTICLE III

175 “HOME STATE LICENSURE

176 “A. The Home State shall be a Compact State where a psychologist is licensed to
177 practice psychology.

178 “B. A psychologist may hold one or more Compact State licenses at a time. If the
179 psychologist is licensed in more than one Compact State, the Home State is the Compact State
180 where the psychologist is physically present when the services are delivered as authorized by the
181 Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

182 “C. Any Compact State may require a psychologist not previously licensed in a Compact
183 State to obtain and retain a license to be authorized to practice in the Compact State under
184 circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology
185 under the terms of this Compact.

186 “D. Any Compact State may require a psychologist to obtain and retain a license to be
187 authorized to practice in a Compact State under circumstances not authorized by Temporary
188 Authorization to Practice under the terms of this Compact.

189 “E. A Home State’s license authorizes a psychologist to practice in a Receiving State
190 under the Authority to Practice Interjurisdictional Telepsychology only if the Compact State:

191 “1. Currently requires the psychologist to hold an active E.Passport;

192 “2. Has a mechanism in place for receiving and investigating complaints about
193 licensed individuals;

194 “3. Notifies the Commission, in compliance with the terms herein, of any adverse
195 action or significant investigatory information regarding a licensed individual;

196 “4. Requires an Identity History Summary of all applicants at initial licensure,
197 including the use of the results of fingerprints or other biometric data checks compliant with the

requirements of the Federal Bureau of Investigation FBI, or other designee with similar authority, no later than ten years after activation of the Compact; and

“5. Complies with the Bylaws and Rules of the Commission.

“F. A Home State’s license grants Temporary Authorization to Practice to a psychologist in a Distant State only if the Compact State:

“1. Currently requires the psychologist to hold an active IPC;

“2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;

“3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;

“4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation FBI, or other designee with similar authority, no later than ten years after activation of the Compact; and

“5. Complies with the Bylaws and Rules of the Commission.

“ARTICLE IV

“COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

“A. Compact States shall recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice telepsychology in other Compact States (Receiving States) in which the psychologist is not licensed, under the Authority to Practice Interjurisdictional Telepsychology as provided in the Compact.

219 “B. To exercise the Authority to Practice Interjurisdictional Telepsychology under the
220 terms and provisions of this Compact, a psychologist licensed to practice in a Compact State
221 must:

222 “1. Hold a graduate degree in psychology from an institute of higher education
223 that was, at the time the degree was awarded:

224 “a. Regionally accredited by an accrediting body recognized by the U.S.
225 Department of Education to grant graduate degrees, OR authorized by Provincial Statute or
226 Royal Charter to grant doctoral degrees; OR

227 “b. A foreign college or university deemed to be equivalent to 1 (a) above
228 by a foreign credential evaluation service that is a member of the National Association of
229 Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation
230 service; AND

231 “2. Hold a graduate degree in psychology that meets the following criteria:

232 “a. The program, wherever it may be administratively housed, must be
233 clearly identified and labeled as a psychology program. Such a program must specify in pertinent
234 institutional catalogues and brochures its intent to educate and train professional psychologists;

235 “b. The psychology program must stand as a recognizable, coherent,
236 organizational entity within the institution;

237 “c. There must be a clear authority and primary responsibility for the core
238 and specialty areas whether or not the program cuts across administrative lines;

239 “d. The program must consist of an integrated, organized sequence of
240 study;

241 “e. There must be an identifiable psychology faculty sufficient in size and
242 breadth to carry out its responsibilities;

243 “f. The designated director of the program must be a psychologist and a
244 member of the core faculty;

245 “g. The program must have an identifiable body of students who are
246 matriculated in that program for a degree;

247 “h. The program must include supervised practicum, internship, or field
248 training appropriate to the practice of psychology;

249 “i. The curriculum shall encompass a minimum of three academic years
250 of full- time graduate study for doctoral degree and a minimum of one academic year of full-time
251 graduate study for master’s degree;

252 “j. The program includes an acceptable residency as defined by the Rules
253 of the Commission.

254 “3. Possess a current, full and unrestricted license to practice psychology in a
255 Home State which is a Compact State;

256 “4. Have no history of adverse action that violate the Rules of the Commission;

257 “5. Have no criminal record history reported on an Identity History Summary that
258 violates the Rules of the Commission;

259 “6. Possess a current, active E.Passport;

260 “7. Provide attestations in regard to areas of intended practice, conformity with
261 standards of practice, competence in telepsychology technology; criminal background; and
262 knowledge and adherence to legal requirements in the home and receiving states, and provide a

release of information to allow for primary source verification in a manner specified by the Commission; and

“8. Meet other criteria as defined by the Rules of the Commission.

“A. The Home State maintains authority over the license of any psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology.

“B. A psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology will be subject to the Receiving State’s scope of practice. A Receiving State may, in accordance with that state’s due process law, limit or revoke a psychologist’s Authority to Practice Interjurisdictional Telepsychology in the Receiving State and may take any other necessary actions under the Receiving State’s applicable law to protect the health and safety of the Receiving State’s citizens. If a Receiving State takes action, the state shall promptly notify the Home State and the Commission.

“C. If a psychologist’s license in any Home State, another Compact State, or any Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a Compact State under the Authority to Practice Interjurisdictional Telepsychology.

“ARTICLE V

“COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

“A. Compact States shall also recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice temporarily in other Compact States (Distant States) in which the psychologist is not licensed, as provided in the Compact.

285 “B. To exercise the Temporary Authorization to Practice under the terms and provisions
286 of this Compact, a psychologist licensed to practice in a Compact State must:

287 “1. Hold a graduate degree in psychology from an institute of higher education
288 that was, at the time the degree was awarded:

289 “a. Regionally accredited by an accrediting body recognized by the U.S.
290 Department of Education to grant graduate degrees, OR authorized by Provincial Statute or
291 Royal Charter to grant doctoral degrees; OR

292 “b. A foreign college or university deemed to be equivalent to 1 (a) above
293 by a foreign credential evaluation service that is a member of the National Association of
294 Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation
295 service; AND

296 “2. Hold a graduate degree in psychology that meets the following criteria:

297 “a. The program, wherever it may be administratively housed, must be
298 clearly identified and labeled as a psychology program. Such a program must specify in pertinent
299 institutional catalogues and brochures its intent to educate and train professional psychologists;

300 “b. The psychology program must stand as a recognizable, coherent,
301 organizational entity within the institution;

302 “c. There must be a clear authority and primary responsibility for the core
303 and specialty areas whether or not the program cuts across administrative lines;

304 “d. The program must consist of an integrated, organized sequence of
305 study;

306 “e. There must be an identifiable psychology faculty sufficient in size and
307 breadth to carry out its responsibilities;

308 “f. The designated director of the program must be a psychologist and a
309 member of the core faculty;

310 “g. The program must have an identifiable body of students who are
311 matriculated in that program for a degree;

312 “h. The program must include supervised practicum, internship, or field
313 training appropriate to the practice of psychology;

314 “i. The curriculum shall encompass a minimum of three academic years
315 of full- time graduate study for doctoral degrees and a minimum of one academic year of full-
316 time graduate study for master’s degree;

317 “j. The program includes an acceptable residency as defined by the Rules
318 of the Commission.”

319 “3. Possess a current, full and unrestricted license to practice psychology in a
320 Home State which is a Compact State;

321 “4. No history of adverse action that violate the Rules of the Commission;

322 “5. No criminal record history that violates the Rules of the Commission;

323 “6. Possess a current, active IPC;

324 “7. Provide attestations in regard to areas of intended practice and work
325 experience and provide a release of information to allow for primary source verification in a
326 manner specified by the Commission; and

327 “8. Meet other criteria as defined by the Rules of the Commission.

328 “C. A psychologist practicing into a Distant State under the Temporary Authorization to
329 Practice shall practice within the scope of practice authorized by the Distant State.

“D. A psychologist practicing into a Distant State under the Temporary Authorization to Practice will be subject to the Distant State’s authority and law. A Distant State may, in accordance with that state’s due process law, limit or revoke a psychologist’s Temporary Authorization to Practice in the Distant State and may take any other necessary actions under the Distant State’s applicable law to protect the health and safety of the Distant State’s citizens. If a Distant State takes action, the state shall promptly notify the Home State and the Commission.

“E. If a psychologist’s license in any Home State, another Compact State, or any Temporary Authorization to Practice in any Distant State, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a Compact State under the Temporary Authorization to Practice.

“ARTICLE VI

“CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

“A. A psychologist may practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate State Psychology Regulatory Authority, as defined in the Rules of the Commission, and under the following circumstances:

“1. The psychologist initiates a client/patient contact in a Home State via telecommunications technologies with a client/patient in a Receiving State;

“2. Other conditions regarding telepsychology as determined by Rules promulgated by the Commission.

“ARTICLE VII

“ADVERSE ACTIONS

352 “A. A Home State shall have the power to impose adverse action against a
353 psychologist’s license issued by the Home State. A Distant State shall have the power to take
354 adverse action on a psychologist’s Temporary Authorization to Practice within that Distant State.

355 “B. A Receiving State may take adverse action on a psychologist’s Authority to Practice
356 Interjurisdictional Telepsychology within that Receiving State. A Home State may take adverse
357 action against a psychologist based on an adverse action taken by a Distant State regarding
358 temporary in-person, face-to-face practice.

359 “C. If a Home State takes adverse action against a psychologist’s license, that
360 psychologist’s Authority to Practice Interjurisdictional Telepsychology is terminated and the
361 E.Passport is revoked. Furthermore, that psychologist’s Temporary Authorization to Practice is
362 terminated and the IPC is revoked.

363 “1. All Home State disciplinary orders which impose adverse action shall be
364 reported to the Commission in accordance with the Rules promulgated by the Commission. A
365 Compact State shall report adverse actions in accordance with the Rules of the Commission.

366 “2. In the event discipline is reported on a psychologist, the psychologist will not
367 be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with
368 the Rules of the Commission.

369 “3. Other actions may be imposed as determined by the Rules promulgated by the
370 Commission.

371 “D. A Home State’s Psychology Regulatory Authority shall investigate and take
372 appropriate action with respect to reported inappropriate conduct engaged in by a licensee which
373 occurred in a Receiving State as it would if such conduct had occurred by a licensee within the

374 Home State. In such cases, the Home State's law shall control in determining any adverse action
375 against a psychologist's license.

376 "E. A Distant State's Psychology Regulatory Authority shall investigate and take
377 appropriate action with respect to reported inappropriate conduct engaged in by a psychologist
378 practicing under Temporary Authorization Practice which occurred in that Distant State as it
379 would if such conduct had occurred by a licensee within the Home State. In such cases, Distant
380 State's law shall control in determining any adverse action against a psychologist's Temporary
381 Authorization to Practice.

382 "F. Nothing in this Compact shall override a Compact State's decision that a
383 psychologist's participation in an alternative program may be used in lieu of adverse action and
384 that such participation shall remain non-public if required by the Compact State's law. Compact
385 States must require psychologists who enter any alternative programs to not provide
386 telepsychology services under the Authority to Practice Interjurisdictional Telepsychology or
387 provide temporary psychological services under the Temporary Authorization to Practice in any
388 other Compact State during the term of the alternative program.

389 "G. No other judicial or administrative remedies shall be available to a psychologist in
390 the event a Compact State imposes an adverse action pursuant to subsection C, above.

391 "ARTICLE VIII

392 "ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY 393 REGULATORY AUTHORITY

394 "A. In addition to any other powers granted under state law, a Compact State's
395 Psychology Regulatory Authority shall have the authority under this Compact to:

396 “1. Issue subpoenas, for both hearings and investigations, which require the
397 attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a
398 Compact State’s Psychology Regulatory Authority for the attendance and testimony of
399 witnesses, and/or the production of evidence from another Compact State shall be enforced in the
400 latter state by any court of competent jurisdiction, according to that court’s practice and
401 procedure in considering subpoenas issued in its own proceedings. The issuing State Psychology
402 Regulatory Authority shall pay any witness fees, travel expenses, mileage and other fees required
403 by the service statutes of the state where the witnesses and/or evidence are located; and

404 “2. Issue cease and desist and/or injunctive relief orders to revoke a
405 psychologist’s Authority to Practice Interjurisdictional Telepsychology and/or Temporary
406 Authorization to Practice.

407 “3. During the course of any investigation, a psychologist may not change his/her
408 Home State licensure. A Home State Psychology Regulatory Authority is authorized to
409 complete any pending investigations of a psychologist and to take any actions appropriate under
410 its law. The Home State Psychology Regulatory Authority shall promptly report the conclusions
411 of such investigations to the Commission. Once an investigation has been completed, and
412 pending the outcome of said investigation, the psychologist may change his/her Home State
413 licensure. The Commission shall promptly notify the new Home State of any such decisions as
414 provided in the Rules of the Commission. All information provided to the Commission or
415 distributed by Compact States pursuant to the psychologist shall be confidential, filed under seal
416 and used for investigatory or disciplinary matters. The Commission may create additional rules
417 for mandated or discretionary sharing of information by Compact States.

418 “ARTICLE IX

419 "COORDINATED LICENSURE INFORMATION SYSTEM

420 "A. The Commission shall provide for the development and maintenance of a
421 Coordinated Licensure Information System (Coordinated Database) and reporting system
422 containing licensure and disciplinary action information on all psychologists individuals to
423 whom this Compact is applicable in all Compact States as defined by the Rules of the
424 Commission.

425 "B. Notwithstanding any other provision of state law to the contrary, a Compact State
426 shall submit a uniform data set to the Coordinated Database on all licensees as required by the
427 Rules of the Commission, including:

- 428 "1. Identifying information;
- 429 "2. Licensure data;
- 430 "3. Significant investigatory information;
- 431 "4. Adverse actions against a psychologist's license;
- 432 "5. An indicator that a psychologist's Authority to Practice Interjurisdictional
433 Telepsychology and/or Temporary Authorization to Practice is revoked;
- 434 "6. Non-confidential information related to alternative program participation
435 information;
- 436 "7. Any denial of application for licensure, and the reasons for such denial; and
- 437 "8. Other information which may facilitate the administration of this Compact, as
438 determined by the Rules of the Commission.

439 "C. The Coordinated Database administrator shall promptly notify all Compact States of
440 any adverse action taken against, or significant investigative information on, any licensee in a
441 Compact State.

442 “D. Compact States reporting information to the Coordinated Database may designate
443 information that may not be shared with the public without the express permission of the
444 Compact State reporting the information.

445 “E. Any information submitted to the Coordinated Database that is subsequently
446 required to be expunged by the law of the Compact State reporting the information shall be
447 removed from the Coordinated Database.

448 “ARTICLE X

449 “ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT

450 COMMISSION

451 “A. The Compact States hereby create and establish a joint public agency known as the
452 Psychology Interjurisdictional Compact Commission.

453 “1. The Commission is a body politic and an instrumentality of the Compact
454 States.

455 “2. Venue is proper and judicial proceedings by or against the Commission shall
456 be brought solely and exclusively in a court of competent jurisdiction where the principal office
457 of the Commission is located. The Commission may waive venue and jurisdictional defenses to
458 the extent it adopts or consents to participate in alternative dispute resolution proceedings.

459 “3. Nothing in this Compact shall be construed to be a waiver of sovereign
460 immunity.

461 “B. Membership, Voting, and Meetings

462 “1. The Commission shall consist of one voting representative appointed by each
463 Compact State who shall serve as that state’s Commissioner. The State Psychology Regulatory
464 Authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the
465 Compact State. This delegate shall be limited to:

466 “a. Executive Director, Executive Secretary or similar executive;

467 “b. Current member of the State Psychology Regulatory Authority of a
468 Compact State; OR

469 “c. Designee empowered with the appropriate delegate authority to act on
470 behalf of the Compact State.

471 “2. Any Commissioner may be removed or suspended from office as provided by
472 the law of the state from which the Commissioner is appointed. Any vacancy occurring in the
473 Commission shall be filled in accordance with the laws of the Compact State in which the
474 vacancy exists.

475 “3. Each Commissioner shall be entitled to one (1) vote with regard to the
476 promulgation of Rules and creation of Bylaws and shall otherwise have an opportunity to
477 participate in the business and affairs of the Commission. A Commissioner shall vote in person
478 or by such other means as provided in the Bylaws. The Bylaws may provide for Commissioners’
479 participation in meetings by telephone or other means of communication.

480 “4. The Commission shall meet at least once during each calendar year.
481 Additional meetings shall be held as set forth in the Bylaws.

482 “5. All meetings shall be open to the public, and public notice of meetings shall
483 be given in the same manner as required under the rulemaking provisions in Article XI.

484 “6. The Commission may convene in a closed, non-public meeting if the
485 Commission must discuss:

486 “a. Non-compliance of a Compact State with its obligations under the
487 Compact;

488 “b. The employment, compensation, discipline or other personnel matters,
489 practices or procedures related to specific employees or other matters related to the
490 Commission’s internal personnel practices and procedures;

491 “c. Current, threatened, or reasonably anticipated litigation against the
492 Commission;

493 “d. Negotiation of contracts for the purchase or sale of goods, services or
494 real estate;

495 “e. Accusation against any person of a crime or formally censuring any
496 person;

497 “f. Disclosure of trade secrets or commercial or financial information
498 which is privileged or confidential;

499 “g. Disclosure of information of a personal nature where disclosure would
500 constitute a clearly unwarranted invasion of personal privacy;

501 “h. Disclosure of investigatory records compiled for law enforcement
502 purposes;

503 “i. Disclosure of information related to any investigatory reports prepared
504 by or on behalf of or for use of the Commission or other committee charged with responsibility
505 for investigation or determination of compliance issues pursuant to the Compact; or

506 “j. Matters specifically exempted from disclosure by federal and state
507 statute.

508 “7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
509 Commission’s legal counsel or designee shall certify that the meeting may be closed and shall
510 reference each relevant exempting provision. The Commission shall keep minutes which fully
511 and clearly describe all matters discussed in a meeting and shall provide a full and accurate
512 summary of actions taken, of any person participating in the meeting, and the reasons therefore,
513 including a description of the views expressed. All documents considered in connection with an
514 action shall be identified in such minutes. All minutes and documents of a closed meeting shall

515 remain under seal, subject to release only by a majority vote of the Commission or order of a
516 court of competent jurisdiction. `

517 “C. The Commission shall, by a majority vote of the Commissioners, prescribe Bylaws
518 and/or Rules to govern its conduct as may be necessary or appropriate to carry out the purposes
519 and exercise the powers of the Compact, including but not limited to:

520 “1. Establishing the fiscal year of the Commission;

521 “2. Providing reasonable standards and procedures:

522 “a. for the establishment and meetings of other committees; and

523 “b. governing any general or specific delegation of any authority or
524 function of the Commission;

525 “3. Providing reasonable procedures for calling and conducting meetings of the
526 Commission, ensuring reasonable advance notice of all meetings and providing an opportunity
527 for attendance of such meetings by interested parties, with enumerated exceptions designed to
528 protect the public’s interest, the privacy of individuals of such proceedings, and proprietary
529 information, including trade secrets. The Commission may meet in closed session only after a
530 majority of the Commissioners vote to close a meeting to the public in whole or in part. As soon
531 as practicable, the Commission must make public a copy of the vote to close the meeting
532 revealing the vote of each Commissioner with no proxy votes allowed;

533 “4. Establishing the titles, duties and authority and reasonable procedures for the
534 election of the officers of the Commission;

535 “5. Providing reasonable standards and procedures for the establishment of the
536 personnel policies and programs of the Commission. Notwithstanding any civil service or other

537 similar law of any Compact State, the Bylaws shall exclusively govern the personnel policies and
538 programs of the Commission;

539 “6. Promulgating a Code of Ethics to address permissible and prohibited
540 activities of Commission members and employees;

541 “7. Providing a mechanism for concluding the operations of the Commission and
542 the equitable disposition of any surplus funds that may exist after the termination of the Compact
543 after the payment and/or reserving of all of its debts and obligations;

544 “8. The Commission shall publish its Bylaws in a convenient form and file a
545 copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in
546 each of the Compact States;

547 “9. The Commission shall maintain its financial records in accordance with the
548 Bylaws; and

549 “10. The Commission shall meet and take such actions as are consistent with the
550 provisions of this Compact and the Bylaws.

551 “D. The Commission shall have the following powers:

552 “1. The authority to promulgate uniform rules to facilitate and coordinate
553 implementation and administration of this Compact. The rule shall have the force and effect of
554 law and shall be binding in all Compact States;

555 “2. To bring and prosecute legal proceedings or actions in the name of the
556 Commission, provided that the standing of any State Psychology Regulatory Authority or other
557 regulatory body responsible for psychology licensure to sue or be sued under applicable law shall
558 not be affected;

559 “3. To purchase and maintain insurance and bonds;

560 “4. To borrow, accept or contract for services of personnel, including, but not
561 limited to, employees of a Compact State;

562 “5. To hire employees, elect or appoint officers, fix compensation, define duties,
563 grant such individuals appropriate authority to carry out the purposes of the Compact, and to
564 establish the Commission’s personnel policies and programs relating to conflicts of interest,
565 qualifications of personnel, and other related personnel matters;

566 “6. To accept any and all appropriate donations and grants of money, equipment,
567 supplies, materials and services, and to receive, utilize and dispose of the same; provided that at
568 all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of
569 interest;

570 “7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to
571 own, hold, improve or use, any property, real, personal or mixed; provided that at all times the
572 Commission shall strive to avoid any appearance of impropriety;

573 “8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise
574 dispose of any property real, personal or mixed;

575 “9. To establish a budget and make expenditures;

576 “10. To borrow money;

577 “11. To appoint committees, including advisory committees comprised of
578 Members, State regulators, State legislators or their representatives, and consumer
579 representatives, and such other interested persons as may be designated in this Compact and the
580 Bylaws;

581 “12. To provide and receive information from, and to cooperate with, law
582 enforcement agencies;

583 “13. To adopt and use an official seal; and

584 “14. To perform such other functions as may be necessary or appropriate to
585 achieve the purposes of this Compact consistent with the state regulation of psychology
586 licensure, temporary in-person, face-to-face practice and telepsychology practice.

587 “E. The Executive Board

588 “The elected officers shall serve as the Executive Board, which shall have the power to
589 act on behalf of the Commission according to the terms of this Compact.

590 “1. The Executive Board shall be comprised of six members:

591 “a. Five voting members who are elected from the current membership of
592 the Commission by the Commission;

593 “b. One ex-officio, nonvoting member from the recognized membership
594 organization composed of State and Provincial Psychology Regulatory Authorities.

595 “2. The ex-officio member must have served as staff or member on a State
596 Psychology Regulatory Authority and will be selected by its respective organization.

597 “3. The Commission may remove any member of the Executive Board as
598 provided in Bylaws.

599 “4. The Executive Board shall meet at least annually.

600 “5. The Executive Board shall have the following duties and responsibilities:

601 “a. Recommend to the entire Commission changes to the Rules or
602 Bylaws, changes to this Compact legislation, fees paid by Compact States such as annual dues,
603 and any other applicable fees;

604 “b. Ensure Compact administration services are appropriately provided,
605 contractual or otherwise;

606 “c. Prepare and recommend the budget;

607 “d. Maintain financial records on behalf of the Commission;

608 “e. Monitor Compact compliance of member states and provide
609 compliance reports to the Commission;

610 “f. Establish additional committees as necessary; and

611 “g. Other duties as provided in Rules or Bylaws.

612 “F. Financing of the Commission

613 “1. The Commission shall pay, or provide for the payment of the reasonable
614 expenses of its establishment, organization and ongoing activities.

615 “2. The Commission may accept any and all appropriate revenue sources,
616 donations and grants of money, equipment, supplies, materials and services.

617 “3. The Commission may levy on and collect an annual assessment from each
618 Compact State or impose fees on other parties to cover the cost of the operations and activities of
619 the Commission and its staff which must be in a total amount sufficient to cover its annual
620 budget as approved each year for which revenue is not provided by other sources. The aggregate
621 annual assessment amount shall be allocated based upon a formula to be determined by the
622 Commission which shall promulgate a rule binding upon all Compact States.

623 “4. The Commission shall not incur obligations of any kind prior to securing the
624 funds adequate to meet the same; nor shall the Commission pledge the credit of any of the
625 Compact States, except by and with the authority of the Compact State.

626 “5. The Commission shall keep accurate accounts of all receipts and
627 disbursements. The receipts and disbursements of the Commission shall be subject to the audit
628 and accounting procedures established under its Bylaws. However, all receipts and

disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.

“G. Qualified Immunity, Defense, and Indemnification

“1. The members, officers, Executive Director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

“2. The Commission shall defend any member, officer, Executive Director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person’s intentional or willful or wanton misconduct.

“3. The Commission shall indemnify and hold harmless any member, officer, Executive Director, employee or representative of the Commission for the amount of any

652 settlement or judgment obtained against that person arising out of any actual or alleged act, error
653 or omission that occurred within the scope of Commission employment, duties or
654 responsibilities, or that such person had a reasonable basis for believing occurred within the
655 scope of Commission employment, duties or responsibilities, provided that the actual or alleged
656 act, error or omission did not result from the intentional or willful or wanton misconduct of that
657 person.

658 "ARTICLE XI

659 "RULEMAKING

660 "A. The Commission shall exercise its rulemaking powers pursuant to the criteria set
661 forth in this Article and the Rules adopted thereunder. Rules and amendments shall become
662 binding as of the date specified in each rule or amendment.

663 "B. If a majority of the legislatures of the Compact States rejects a rule, by enactment of
664 a statute or resolution in the same manner used to adopt the Compact, then such rule shall have
665 no further force and effect in any Compact State.

666 "C. Rules or amendments to the rules shall be adopted at a regular or special meeting of
667 the Commission.

668 "D. Prior to promulgation and adoption of a final rule or Rules by the Commission, and
669 at least sixty (60) days in advance of the meeting at which the rule will be considered and voted
670 upon, the Commission shall file a Notice of Proposed Rulemaking:

671 "1. On the website of the Commission; and

672 "2. On the website of each Compact States' Psychology Regulatory Authority or
673 the publication in which each state would otherwise publish proposed rules.

674 "E. The Notice of Proposed Rulemaking shall include:

675 “1. The proposed time, date, and location of the meeting in which the rule will be
676 considered and voted upon;

677 “2. The text of the proposed rule or amendment and the reason for the proposed
678 rule;

679 “3. A request for comments on the proposed rule from any interested person; and

680 “4. The manner in which interested persons may submit notice to the
681 Commission of their intention to attend the public hearing and any written comments.

682 “F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit
683 written data, facts, opinions and arguments, which shall be made available to the public.

684 “G. The Commission shall grant an opportunity for a public hearing before it adopts a
685 rule or amendment if a hearing is requested by:

686 “1. At least twenty-five (25) persons who submit comments independently of
687 each other;

688 “2. A governmental subdivision or agency; or

689 “3. A duly appointed person in an association that has having at least twenty-five
690 (25) members.

691 “H. If a hearing is held on the proposed rule or amendment, the Commission shall
692 publish the place, time, and date of the scheduled public hearing.

693 “1. All persons wishing to be heard at the hearing shall notify the Executive
694 Director of the Commission or other designated member in writing of their desire to appear and
695 testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

696 “2. Hearings shall be conducted in a manner providing each person who wishes
697 to comment a fair and reasonable opportunity to comment orally or in writing.

698 “3. No transcript of the hearing is required, unless a written request for a
699 transcript is made, in which case the person requesting the transcript shall bear the cost of
700 producing the transcript. A recording may be made in lieu of a transcript under the same terms
701 and conditions as a transcript. This subsection shall not preclude the Commission from making a
702 transcript or recording of the hearing if it so chooses.

703 “4. Nothing in this section shall be construed as requiring a separate hearing on
704 each rule. Rules may be grouped for the convenience of the Commission at hearings required by
705 this section.

706 “I. Following the scheduled hearing date, or by the close of business on the scheduled
707 hearing date if the hearing was not held, the Commission shall consider all written and oral
708 comments received.

709 “J. The Commission shall, by majority vote of all members, take final action on the
710 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking
711 record and the full text of the rule.

712 “K. If no written notice of intent to attend the public hearing by interested parties is
713 received, the Commission may proceed with promulgation of the proposed rule without a public
714 hearing.

715 “L. Upon determination that an emergency exists, the Commission may consider and
716 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that
717 the usual rulemaking procedures provided in the Compact and in this section shall be
718 retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90)
719 days after the effective date of the rule. For the purposes of this provision, an emergency rule is
720 one that must be adopted immediately in order to:

- 721 “1. Meet an imminent threat to public health, safety, or welfare;
722 “2. Prevent a loss of Commission or Compact State funds;
723 “3. Meet a deadline for the promulgation of an administrative rule that is
724 established by federal law or rule; or
725 “4. Protect public health and safety.

726 “M. The Commission or an authorized committee of the Commission may direct
727 revisions to a previously adopted rule or amendment for purposes of correcting typographical
728 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any
729 revisions shall be posted on the website of the Commission. The revision shall be subject to
730 challenge by any person for a period of thirty (30) days after posting. The revision may be
731 challenged only on grounds that the revision results in a material change to a rule. A challenge
732 shall be made in writing, and delivered to the Chair of the Commission prior to the end of the
733 notice period. If no challenge is made, the revision will take effect without further action. If the
734 revision is challenged, the revision may not take effect without the approval of the Commission.

735 “ARTICLE XII

736 “OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

737 “A. Oversight

738 “1. The Executive, Legislative and Judicial branches of state government in each
739 Compact State shall enforce this Compact and take all actions necessary and appropriate to
740 effectuate the Compact’s purposes and intent. The provisions of this Compact and the rules
741 promulgated hereunder shall have standing as statutory law.

742 “2. All courts shall take judicial notice of the Compact and the rules in any
743 judicial or administrative proceeding in a Compact State pertaining to the subject matter of this
744 Compact which may affect the powers, responsibilities or actions of the Commission.

745 “3. The Commission shall be entitled to receive service of process in any such
746 proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to
747 provide service of process to the Commission shall render a judgment or order void as to the
748 Commission, this Compact or promulgated rules.

749 “B. Default, Technical Assistance, and Termination

750 “1. If the Commission determines that a Compact State has defaulted in the
751 performance of its obligations or responsibilities under this Compact or the promulgated rules,
752 the Commission shall:

753 “a. Provide written notice to the defaulting state and other Compact States
754 of the nature of the default, the proposed means of remedying the default and/or any other action
755 to be taken by the Commission; and

756 “b. Provide remedial training and specific technical assistance regarding
757 the default.

758 “2. If a state in default fails to remedy the default, the defaulting state may be
759 terminated from the Compact upon an affirmative vote of a majority of the Compact States, and
760 all rights, privileges and benefits conferred by this Compact shall be terminated on the effective
761 date of termination. A remedy of the default does not relieve the offending state of obligations or
762 liabilities incurred during the period of default.

763 “3. Termination of membership in the Compact shall be imposed only after all
764 other means of securing compliance have been exhausted. Notice of intent to suspend or

765 terminate shall be submitted by the Commission to the Governor, the majority and minority
766 leaders of the defaulting state's legislature, and each of the Compact States.

767 “4. A Compact State which has been terminated is responsible for all
768 assessments, obligations and liabilities incurred through the effective date of termination,
769 including obligations which extend beyond the effective date of termination.

770 “5. The Commission shall not bear any costs incurred by the state which is found
771 to be in default or which has been terminated from the Compact, unless agreed upon in writing
772 between the Commission and the defaulting state.

773 “6. The defaulting state may appeal the action of the Commission by petitioning
774 the U.S. District Court for the state of Georgia or the federal district where the Compact has its
775 principal offices. The prevailing member shall be awarded all costs of such litigation, including
776 reasonable attorney's fees.

777 “C. Dispute Resolution

778 “1. Upon request by a Compact State, the Commission shall attempt to resolve
779 disputes related to the Compact which arise among Compact States and between Compact and
780 Non-Compact States.

781 “2. The Commission shall promulgate a rule providing for both mediation and
782 binding dispute resolution for disputes that arise before the commission.

783 “D. Enforcement

784 “1. The Commission, in the reasonable exercise of its discretion, shall enforce the
785 provisions and Rules of this Compact.

786 “2. By majority vote, the Commission may initiate legal action in the United
787 States District Court for the State of Georgia or the federal district where the Compact has its

principal offices against a Compact State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and Bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

“3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

“ARTICLE XIII
DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL
COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND
AMENDMENTS

“A. The Compact shall come into effect on the date on which the Compact is enacted into law in the seventh Compact State. The provisions which become effective at that time shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

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

“C. Any Compact State may withdraw from this Compact by enacting a statute repealing the same.

“1. Compact State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

811 “2. Withdrawal shall not affect the continuing requirement of the withdrawing
812 State’s Psychology Regulatory Authority to comply with the investigative and adverse action
813 reporting requirements of this act prior to the effective date of withdrawal.

814 “D. Nothing contained in this Compact shall be construed to invalidate or prevent any
815 psychology licensure agreement or other cooperative arrangement between a Compact State and
816 a Non-Compact State which does not conflict with the provisions of this Compact.

817 “E. This Compact may be amended by the Compact States. No amendment to this
818 Compact shall become effective and binding upon any Compact State until it is enacted into the
819 law of all Compact States.

820 “ARTICLE XIV

821 “CONSTRUCTION AND SEVERABILITY

822 “This Compact shall be liberally construed so as to effectuate the purposes thereof. If this
823 Compact shall be held contrary to the constitution of any state member thereto, the Compact
824 shall remain in full force and effect as to the remaining Compact States.

825 Sec. 3. Fiscal impact statement.

826 The Council adopts the fiscal impact statement in the committee report as the fiscal
827 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
828 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).”

829 Sec. 4. Effective date.

830 This act shall take effect after approval by the Mayor (or in the event of veto by the
831 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
832 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

833 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
834 Columbia Register.