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A BILL  
23-145

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To authorize the Mayor to execute, on behalf of the District of Columbia, a Psychology Interjurisdictional Compact for the purpose of increasing access to telepsychology and for temporary in-person practice of psychology, and to create requirements for home state licensure for psychologists, create standard requirements for education and training for participating compact psychologists, allow for the temporary face-to-face practice of participating compact psychologist, require conditions of telepsychological practice in a receiving state, establish requirements for states to conduct and report adverse actions and the consequences for psychologists receiving adverse action, provide for additional authority in a compact state’s psychology regulatory authority, require all compact states to share licensee information with other compact states, create a coordinated database on participating compact psychologists, establish the Psychology Interjurisdictional Compact Commission, establish the requirement for rules made to the compact once enacted by the first 7 states, provide for oversight and enforcement of the compact by participating states, and to provide that the compact shall become effective on the date of enactment in the 7th compact state.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Psychology Interjurisdictional Compact Act of 2020”.

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

ARTICLE I  
PURPOSE

32 (a) Whereas, states license psychologists, in order to protect the public through  
33 verification of education, training and experience and ensure accountability for professional  
34 practice.

35 (b) Whereas, this Compact is intended to regulate the day to day practice of  
36 telepsychology (i.e., the provision of psychological services using telecommunication  
37 technologies) by psychologists across state boundaries in the performance of their psychological  
38 practice as assigned by an appropriate authority.

39 (c) Whereas, this Compact is intended to regulate the temporary in-person, face-to-face  
40 practice of psychology by psychologists across state boundaries for 30 days within a calendar  
41 year in the performance of their psychological practice as assigned by an appropriate authority;

42 (d) Whereas, this Compact is intended to authorize state psychology regulatory  
43 authorities to afford legal recognition, in a manner consistent with the terms of the Compact, to  
44 psychologists licensed in another state.

45 (e) Whereas, this Compact recognizes that states have a vested interest in protecting the  
46 public's health and safety through their licensing and regulation of psychologists and that such  
47 state regulation will best protect public health and safety.

48 (f) Whereas, this Compact does not apply when a psychologist is licensed in both the  
49 home and receiving states.

50 (g) Whereas, this Compact does not apply to permanent in-person, face-to-face practice,  
51 it does allow for authorization of temporary psychological practice.

52 (h) Consistent with these principles, this Compact is designed to achieve the following  
53 purposes and objectives:

54 (1) Increase public access to professional psychological services by allowing for  
55 telepsychological practice across state lines as well as temporary in-person, face-to-face services  
56 into a state which the psychologist is not licensed to practice psychology;

57 (2) Enhance the states' ability to protect the public's health and safety, especially  
58 client/patient safety;

59 (3) Encourage the cooperation of compact states in the areas of psychology  
60 licensure and regulation;

61 (4) Facilitate the exchange of information between compact states regarding  
62 psychologist licensure, adverse actions, and disciplinary history;

63 (5) Promote compliance with the laws governing psychological practice in each  
64 compact state; and

65 (6) Invest all compact states with the authority to hold licensed psychologists  
66 accountable through the mutual recognition of compact state licenses.

67 **ARTICLE II**

68 **DEFINITIONS**

69 (a) "Adverse action" means any action taken by a state psychology regulatory authority  
70 that finds a violation of a statute or regulation that is identified by the state psychology  
71 regulatory authority as discipline and is a matter of public record.

72 (b) “Association of State and Provincial Psychology Boards” or “ASPPB” means the  
73 recognized membership organization composed of state and provincial psychology regulatory  
74 authorities responsible for the licensure and registration of psychologists throughout the United  
75 States and Canada.

76 (c) “Authority to practice interjurisdictional telepsychology” means a licensed  
77 psychologist’s authority to practice telepsychology, within the limits authorized under this  
78 Compact, in another compact state.

79 (d) “Bylaws” means those bylaws established by the Psychology Interjurisdictional  
80 Compact Commission pursuant to Article X for its governance, or for directing and controlling  
81 its actions and conduct.

82 (e) “Client/Patient” means the recipient of psychological services, whether psychological  
83 services are delivered in the context of healthcare, corporate, supervision, or consulting services.

84 (f) “Commissioner” means the voting representative appointed by each state psychology  
85 regulatory authority pursuant to Article X.

86 (g) “Compact state” means a state, the District of Columbia, or United States territory  
87 that has enacted this compact legislation and which has not withdrawn pursuant to Article XIII,  
88 Section C or been terminated pursuant to Article XII, Section B.

89 (h) “Coordinated licensure information system” or “Coordinated database” means an  
90 integrated process for collecting, storing, and sharing information on psychologists’ licensure  
91 and enforcement activities related to psychology licensure laws, which is administered by the

92 recognized membership organization composed of state and provincial psychology regulatory  
93 authorities.

94 (i) “Confidentiality” means the principle that data or information is not made available or  
95 disclosed to unauthorized persons or processes.

96 (j) “Day” means any part of a day in which psychological work is performed.

97 (k) “Distant state” means the compact state where a psychologist is physically present  
98 (not through the use of telecommunications technologies), to provide temporary in-person, face-  
99 to-face psychological services.

100 (l) “E.Passport” means a certificate issued by the Association of State and Provincial  
101 Psychology Boards (ASPPB) that promotes the standardization in the criteria of  
102 interjurisdictional telepsychology practice and facilitates the process for licensed psychologists  
103 to provide telepsychological services across state lines.

104 (m) “Executive board” means a group of directors elected or appointed to act on behalf  
105 of, and within the powers granted to them by, the Commission.

106 (n) “Home state” means a compact state where a psychologist is licensed to practice  
107 psychology. If the psychologist is licensed in more than one compact state and is practicing  
108 under the Authorization to Practice Interjurisdictional Telepsychology, the home state is the  
109 compact state where the psychologist is physically present when the telepsychological services  
110 are delivered. If the psychologist is licensed in more than one compact state and is practicing

111 under the temporary authorization to practice, the home state is any compact state where the  
112 psychologist is licensed.

113 (o) “Identity history summary” means a summary of information retained by the FBI, or  
114 other designee with similar authority, in connection with arrests and, in some instances, federal  
115 employment, naturalization, or military service.

116 (p) “In-person, face-to-face” means interactions in which the psychologist and the  
117 client/patient are in the same physical space and which does not include interactions that may  
118 occur through the use of telecommunication technologies.

119 (q) “Interjurisdictional Practice Certificate” or “IPC” means a certificate issued by the  
120 Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority  
121 to practice based on notification to the state psychology regulatory authority of the intention to  
122 practice temporarily, and verification of one’s qualifications for such practice.

123 (r) “License” means authorization by a state psychology regulatory authority to engage in  
124 the independent practice of psychology, which would be unlawful without the authorization.

125 (s) “Non-compact state” means a state which is not at the time a compact state.

126 (t) “Psychologist” means an individual licensed for the independent practice of  
127 psychology.

128 (u) “Psychology Interjurisdictional Compact Commission” or “Commission” means the  
129 national administration of which all compact states are members.

130 (v) "Receiving state" means a compact state where the client/patient is physically located  
131 when the telepsychological services are delivered.

132 (w) "Rule" means a written statement by the Psychology Interjurisdictional Compact  
133 Commission promulgated pursuant to Article XI of the Compact that is of general applicability,  
134 implements, interprets, or prescribes a policy or provision of the Compact, or an organizational,  
135 procedural, or practice requirement of the Commission and has the force and effect of statutory  
136 law in a compact state, and includes the amendment, repeal, or suspension of an existing rule.

137 (x) "Significant investigatory information" means:

138 (1) Investigative information that a state psychology regulatory authority, after a  
139 preliminary inquiry that includes notification and an opportunity to respond if required by state  
140 law, has reason to believe, if proven true, would indicate more than a violation of state statute or  
141 ethics code that would be considered more substantial than minor infraction; or

142 (2) Investigative information that indicates that the psychologist represents an  
143 immediate threat to public health and safety regardless of whether the psychologist has been  
144 notified or had an opportunity to respond.

145 (y) "State" means a state, commonwealth, territory, or possession of the United States,  
146 and the District of Columbia.

147 (z) "State psychology regulatory authority" means the board, office, or other agency with  
148 the legislative mandate to license and regulate the practice of psychology.

149 (aa) “Telepsychology” means the provision of psychological services using  
150 telecommunication technologies.

151 (bb) “Temporary authorization to practice” means a licensed psychologist’s authority to  
152 conduct temporary in-person, face-to-face practice, within the limits authorized under this  
153 Compact, in another compact state.

154 (cc) “Temporary in-person, face-to-face practice” means where a psychologist is  
155 physically present (not through the use of telecommunications technologies), in the distant state  
156 to provide for the practice of psychology for 30 days within a calendar year and based on  
157 notification to the distant state.

158 **ARTICLE III**

159 **HOME STATE LICENSURE**

160 (a) The home state shall be a compact state where a psychologist is licensed to practice  
161 psychology.

162 (b) A psychologist may hold one or more compact state licenses at a time. If the  
163 psychologist is licensed in more than one compact state, the home state is the compact state  
164 where the psychologist is physically present when the services are delivered as authorized by the  
165 authority to practice interjurisdictional telepsychology under the terms of this Compact.

166 (c) Any compact state may require a psychologist not previously licensed in a compact  
167 state to obtain and retain a license to be authorized to practice in the compact state under



168 circumstances not authorized by the authority to practice interjurisdictional telepsychology under  
169 the terms of this compact.

170 (d) Any compact state may require a psychologist to obtain and retain a license to be  
171 authorized to practice in a compact state under circumstances not authorized by temporary  
172 authorization to practice under the terms of this Compact.

173 (e) A home state's license authorizes a psychologist to practice in a receiving state under  
174 the authority to practice interjurisdictional telepsychology only if the compact state:

175 (1) Currently requires the psychologist to hold an active E.Passport;

176 (2) Has a mechanism in place for receiving and investigating complaints about  
177 licensed individuals;

178 (3) Notifies the Commission, in compliance with the terms herein, of any adverse  
179 action or significant investigatory information regarding a licensed individual;

180 (4) Requires an identity history summary of all applicants at initial licensure,  
181 including the use of the results of fingerprints or other biometric data checks compliant with the  
182 requirements of the Federal Bureau of Investigation, or other designee with similar authority, no  
183 later than 10 years after activation of the Compact; and

184 (5) Complies with the bylaws and rules of the Commission.

185 (f) A home state's license grants temporary authorization to practice to a psychologist in  
186 a distant state only if the compact state:

187 (1) Currently requires the psychologist to hold an active IPC;

188 (2) Has a mechanism in place for receiving and investigating complaints about  
189 licensed individuals;

190 (3) Notifies the Commission, in compliance with the terms herein, of any adverse  
191 action or significant investigatory information regarding a licensed individual;

192 (4) Requires an identity history summary of all applicants at initial licensure,  
193 including the use of the results of fingerprints or other biometric data checks compliant with the  
194 requirements of the Federal Bureau of Investigation, or other designee with similar authority, no  
195 later than 10 years after activation of the Compact; and

196 (5) Complies with the bylaws and rules of the Commission.

197 ARTICLE IV

198 COMPACT PRIVILEGE

199 (a) Compact states shall recognize the right of a psychologist, licensed in a compact state  
200 in conformance with Article III, to practice telepsychology in other compact states (receiving  
201 states) in which the psychologist is not licensed, under the authority to practice interjurisdictional  
202 telepsychology as provided in the Compact.

203 (b) To exercise the authority to practice interjurisdictional telepsychology under the terms  
204 and provisions of this Compact, a psychologist licensed to practice in a compact state must:

205 (1) Hold a graduate degree in psychology from an institute of higher education  
206 that was at the time the degree was awarded:

207 (A) Regionally accredited by an accrediting body recognized by the U.S.  
208 Department of Education to grant graduate degrees, or authorized by provincial statute or royal  
209 charter to grant doctoral degrees; or

210 (B) A foreign college or university deemed to be equivalent to paragraph  
211 (A) by a foreign credential evaluation service that is a member of the National Association of  
212 Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation  
213 service.

214 (2) Hold a graduate degree in psychology that meets the following criteria:

215 (A) The program, wherever it may be administratively housed, must be  
216 clearly identified and labeled as a psychology program. Such a program must specify in pertinent  
217 institutional catalogues and brochures its intent to educate and train professional psychologists.

218 (B) The psychology program must stand as a recognizable, coherent,  
219 organizational entity within the institution.

220 (C) There must be a clear authority and primary responsibility for the core  
221 and specialty areas whether or not the program cuts across administrative lines.

222 (D) The program must consist of an integrated, organized sequence of  
223 study.

224 (E) There must be an identifiable psychology faculty sufficient in size and  
225 breadth to carry out its responsibilities.

226 (F) The designated director of the program must be a psychologist and a  
227 member of the core faculty.

228 (G) The program must have an identifiable body of students who are  
229 matriculated in that program for a degree.

230 (H) The program must include supervised practicum, internship, or field  
231 training appropriate to the practice of psychology.

232 (I) The curriculum shall encompass a minimum of 3 academic years of  
233 full-time graduate study for doctoral degree and a minimum of one academic year of full-time  
234 graduate study for master's degree.

235 (J) The program shall include an acceptable residency as defined by the  
236 rules of the Commission.

237 (3) Possess a current, full, and unrestricted license to practice psychology in a  
238 home state that is a compact state;

239 (4) Have no history of adverse action that violates the rules of the Commission;

240 (5) Have no criminal record history reported on an identity history summary that  
241 violates the rules of the Commission;

242 (6) Possess a current, active E.Passport;

243 (7) Provide attestations in regard to areas of intended practice, conformity with  
244 standards of practice, competence in telepsychology technology, criminal background, and  
245 knowledge and adherence to legal requirements in the home and receiving states, and provide a

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

248 (8) Meet other criteria as defined by the rules of the Commission.

249 (c) The home state maintains authority over the license of any psychologist practicing  
250 into a receiving state under the authority to practice interjurisdictional telepsychology.

251 (d) A psychologist practicing into a receiving state under the authority to practice  
252 interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A  
253 receiving state may, in accordance with that state's due process law, limit or revoke a  
254 psychologist's authority to practice interjurisdictional telepsychology in the receiving state and  
255 may take any other necessary actions under the receiving state's applicable law to protect the  
256 health and safety of the receiving state's citizens. If a receiving state takes action, the state shall  
257 promptly notify the home state and the Commission.

258 (e) If a psychologist's license in any home state, another compact state, or any authority  
259 to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended, or  
260 otherwise limited, the E.Passport shall be revoked and the psychologist shall not be eligible to  
261 practice telepsychology in a compact state under the authority to practice interjurisdictional  
262 telepsychology.

263 ARTICLE V

264 TEMPORARY AUTHORIZATION TO PRACTICE

265 (a) Compact states shall also recognize the right of a psychologist, licensed in a compact  
266 state in conformance with Article III, to practice temporarily in other compact states (distant  
267 states) in which the psychologist is not licensed, as provided in the Compact.

268 (b) To exercise the temporary authorization to practice under the terms and provisions of  
269 this Compact, a psychologist licensed to practice in a compact state must:

270 (1) Hold a graduate degree in psychology from an institute of higher education  
271 that was at the time the degree was awarded:

272 (A) Regionally accredited by an accrediting body recognized by the U.S.  
273 Department of Education to grant graduate degrees, or authorized by provincial statute or royal  
274 charter to grant doctoral degrees; or

275 (B) A foreign college or university deemed to be equivalent to paragraph  
276 (A) by a foreign credential evaluation service that is a member of the National Association of  
277 Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation  
278 service.

279 (2) Hold a graduate degree in psychology that meets the following criteria:

280 (A) The program, wherever it may be administratively housed, must be  
281 clearly identified and labeled as a psychology program. Such a program must specify in pertinent  
282 institutional catalogues and brochures its intent to educate and train professional psychologists.

283 (B) The psychology program must stand as a recognizable, coherent,  
284 organizational entity within the institution.

**ENGROSSED ORIGINAL**

285 (C) There must be a clear authority and primary responsibility for the core  
286 and specialty areas whether or not the program cuts across administrative lines.

287 (D) The program must consist of an integrated, organized sequence of  
288 study.

289 (E) There must be an identifiable psychology faculty sufficient in size and  
290 breadth to carry out its responsibilities.

291 (F) The designated director of the program must be a psychologist and a  
292 member of the core faculty.

293 (G) The program must have an identifiable body of students who are  
294 matriculated in that program for a degree.

295 (H) The program must include supervised practicum, internship, or field  
296 training appropriate to the practice of psychology.

297 (I) The curriculum shall encompass a minimum of 3 academic years of  
298 full-time graduate study for doctoral degrees and a minimum of one academic year of full-time  
299 graduate study for master's degree.

300 (J) The program shall include an acceptable residency as defined by the  
301 rules of the Commission.

302 (3) Possess a current, full, and unrestricted license to practice psychology in a  
303 home state that is a compact state;

304 (4) No history of adverse action that violate the rules of the Commission;

305 (5) No criminal record history that violates the rules of the Commission;

306 (6) Possess a current, active IPC;

307 (7) Provide attestations in regard to areas of intended practice and work

308 experience and provide a release of information to allow for primary source verification in a

309 manner specified by the Commission; and

310 (8) Meet other criteria as defined by the rules of the Commission.

311 (c) A psychologist practicing into a distant state under the temporary authorization to

312 practice shall practice within the scope of practice authorized by the distant state.

313 (d) A psychologist practicing into a distant state under the temporary authorization to

314 practice will be subject to the distant state's authority and law. A distant state may, in accordance

315 with that state's due process law, limit or revoke a psychologist's temporary authorization to

316 practice in the distant state and may take any other necessary actions under the distant state's

317 applicable law to protect the health and safety of the distant state's citizens. If a distant state

318 takes action, the state shall promptly notify the home state and the Commission.

319 (e) If a psychologist's license in any home state, another compact state, or any temporary

320 authorization to practice in any distant state, is restricted, suspended, or otherwise limited, the

321 IPC shall be revoked and the psychologist shall not be eligible to practice in a compact state

322 under the temporary authorization to practice.

323 ARTICLE VI

324 CONDITIONS OF TELESYCHOLOGY PACTICE IN A RECEIVING STATE



325 A psychologist may practice in a receiving state under the authority to practice  
326 interjurisdictional telepsychology only in the performance of the scope of practice for  
327 psychology as assigned by an appropriate state psychology regulatory authority, as defined in the  
328 rules of the Commission, under the following circumstances:

329 (1) The psychologist initiates a client/patient contact in a home state via  
330 telecommunications technologies with a client/patient in a receiving state; and

331 (2) Other conditions regarding telepsychology as determined by rules  
332 promulgated by the Commission.

333 ARTICLE VII

334 ADVERSE ACTIONS

335 (a) A home state shall have the power to impose adverse action against a psychologist's  
336 license issued by the home state. A distant state shall have the power to take adverse action on a  
337 psychologist's temporary authorization to practice within that distant state.

338 (b) A receiving state may take adverse action on a psychologist's authority to practice  
339 interjurisdictional telepsychology within that receiving state. A home state may take adverse  
340 action against a psychologist based on an adverse action taken by a distant state regarding  
341 temporary in-person, face-to-face practice.

342 (c) If a home state takes adverse action against a psychologist's license, that  
343 psychologist's authority to practice interjurisdictional telepsychology is terminated and the

344 E.Passport is revoked. Furthermore, that psychologist's temporary authorization to practice is  
345 terminated and the IPC is revoked.

346 (1) All home state disciplinary orders that impose adverse action shall be reported  
347 to the Commission in accordance with rules promulgated by the Commission. A compact state  
348 shall report adverse actions in accordance with the rules of the Commission.

349 (2) In the event discipline is reported on a psychologist, the psychologist will not  
350 be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with  
351 the rules of the Commission.

352 (3) Other actions may be imposed as determined by rules promulgated by the  
353 Commission.

354 (d) A home state's psychology regulatory authority shall investigate and take appropriate  
355 action with respect to reported inappropriate conduct engaged in by a licensee that occurred in a  
356 receiving state as it would if such conduct had occurred by a licensee within the home state. In  
357 such cases, the home state's law shall control in determining any adverse action against a  
358 psychologist's license.

359 (e) A distant state's psychology regulatory authority shall investigate and take  
360 appropriate action with respect to reported inappropriate conduct engaged in by a psychologist  
361 practicing under temporary authorization to practice that occurred in that distant state as it would  
362 if such conduct had occurred by a licensee within the Home state. In such cases, distant state's

363 law shall control in determining any adverse action against a psychologist's temporary  
364 authorization to practice.

365 (f) Nothing in this Compact shall override a compact state's decision that a  
366 psychologist's participation in an alternative program may be used in lieu of adverse action and  
367 that such participation shall remain non-public if required by the compact state's law. Compact  
368 states must require psychologists who enter any alternative programs to not provide  
369 telepsychology services under the authority to practice interjurisdictional telepsychology or  
370 provide temporary psychological services under the temporary authorization to practice in any  
371 other compact state during the term of the alternative program.

372 (g) No other judicial or administrative remedies shall be available to a psychologist in the  
373 event a compact state imposes an adverse action pursuant to subsection (c).

374 ARTICLE VIII

375 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY  
376 REGULATOR AUTHORITY

377 In addition to any other powers granted under state law, a compact state's psychology  
378 regulatory authority shall have the authority under this Compact to:

379 (1) Issue subpoenas, for both hearings and investigations, which require the  
380 attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a  
381 compact state's psychology regulatory authority for the attendance and testimony of witnesses,  
382 and/or the production of evidence from another compact state shall be enforced in the latter state

383 by any court of competent jurisdiction, according to that court's practice and procedure in  
384 considering subpoenas issued in its own proceedings. The issuing state's psychology regulatory  
385 authority shall pay any witness fees, travel expenses, mileage, and other fees required by the  
386 service statutes of the state where the witnesses or evidence are located; and

387 (2) Issue cease and desist or injunctive relief orders to revoke a psychologist's  
388 authority to practice interjurisdictional telepsychology and/or temporary authorization to  
389 practice.

390 (3) During the course of any investigation, a psychologist may not change his or  
391 her home state licensure. A home state psychology regulatory authority is authorized to  
392 complete any pending investigations of a psychologist and to take any actions appropriate under  
393 its law. The home state psychology regulatory authority shall promptly report the conclusions of  
394 such investigations to the Commission. Once an investigation has been completed, and pending  
395 the outcome of said investigation, the psychologist may change his or her home state licensure.  
396 The Commission shall promptly notify the new Home state of any such decisions as provided in  
397 the rules of the Commission. All information provided to the Commission or distributed by  
398 compact states pursuant to the psychologist shall be confidential, filed under seal and used for  
399 investigatory or disciplinary matters. The Commission may create additional rules for mandated  
400 or discretionary sharing of information by compact states.

401 ARTICLE IX

402 COORDINATED LICENSURE INFORMATION SYSTEM

403 (a) The Commission shall provide for the development and maintenance of a coordinated  
404 licensure information system and reporting system containing licensure and disciplinary action  
405 information on all psychologists individuals to whom this Compact is applicable in all compact  
406 states as defined by rules of the Commission.

407 (b) Notwithstanding any other provision of state law to the contrary, a compact state shall  
408 submit a uniform data set to the coordinated licensure information system on all licensees as  
409 required by rules of the Commission, including:

410 (1) Identifying information;

411 (2) Licensure data;

412 (3) Significant investigatory information;

413 (4) Adverse actions against a psychologist's license;

414 (5) An indicator that a psychologist's authority to practice interjurisdictional  
415 telepsychology or temporary authorization to practice is revoked;

416 (6) Non-confidential information related to alternative program participation  
417 information;

418 (7) Any denial of application for licensure, and the reasons for such denial; and

419 (8) Other information which may facilitate the administration of this Compact, as  
420 determined by the rules of the Commission.

421 (c) The coordinated licensure information system administrator shall promptly notify all  
422 compact states of any adverse action taken against, or significant investigative information on,  
423 any licensee in a compact state.

424 (d) Compact states reporting information to the coordinated licensure information system  
425 may designate information that may not be shared with the public without the express permission  
426 of the compact state reporting the information.

427 (e) Any information submitted to the coordinated licensure information system that is  
428 subsequently required to be expunged by the law of the compact state reporting the information  
429 shall be removed from the coordinated licensure information system.

430 ARTICLE X

431 ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL  
432 COMPACT COMMISSION

433 (a) The compact states hereby create and establish a joint public agency known as the  
434 Psychology Interjurisdictional Compact Commission:

435 (1) The Commission is a body politic and an instrumentality of the Compact  
436 States.

437 (2) Venue is proper and judicial proceedings by or against the Commission shall  
438 be brought solely and exclusively in a court of competent jurisdiction where the principal office  
439 of the Commission is located. The Commission may waive venue and jurisdictional defenses to  
440 the extent it adopts or consents to participate in alternative dispute resolution proceedings.

441 (3) Nothing in this Compact shall be construed to be a waiver of sovereign  
442 immunity.

443 (b) Membership, voting, and meetings:

444 (1) The Commission shall consist of one voting representative appointed by each  
445 compact state who shall serve as that state's Commissioner. The state psychology regulatory  
446 authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the  
447 compact state. This delegate shall be limited to:

448 (A) An Executive Director, Executive Secretary or similar executive;

449 (B) A current member of the state psychology regulatory authority of a  
450 compact state; or

451 (C) A designee empowered with the appropriate delegate authority to act  
452 on behalf of the compact state.

453 (2) Any Commissioner may be removed or suspended from office as provided by  
454 the law of the state from which the Commissioner is appointed. A vacancy occurring in the  
455 Commission shall be filled in accordance with the laws of the compact state in which the  
456 vacancy exists.

457 (3) Each Commissioner shall be entitled to one vote with regard to the  
458 promulgation of rules and creation of bylaws and shall otherwise have an opportunity to  
459 participate in the business and affairs of the Commission. A Commissioner shall vote in person

460 or by such other means as provided in the bylaws. The bylaws may provide for Commissioners'  
461 participation in meetings by telephone or other means of communication.

462 (4) The Commission shall meet at least once during each calendar year.

463 Additional meetings shall be held as set forth in the bylaws.

464 (5) All meetings shall be open to the public, and public notice of meetings shall be  
465 given in the same manner as required under the rulemaking provisions in Article XI.

466 (6) The Commission may convene in a closed, non-public meeting if the  
467 Commission must discuss:

468 (A) Non-compliance of a compact state with its obligations under the  
469 Compact;

470 (B) The employment, compensation, discipline or other personnel matters,  
471 practices, or procedures related to specific employees or other matters related to the  
472 Commission's internal personnel practices and procedures;

473 (C) Current, threatened, or reasonably anticipated litigation against the  
474 Commission;

475 (D) Negotiation of contracts for the purchase or sale of goods, services, or  
476 real estate;

477 (E) Accusation against any person of a crime or formally censuring any  
478 person;



479 (F) Disclosure of trade secrets or commercial or financial information that  
480 is privileged or confidential;

481 (G) Disclosure of information of a personal nature where disclosure would  
482 constitute a clearly unwarranted invasion of personal privacy;

483 (H) Disclosure of investigatory records compiled for law enforcement  
484 purposes;

485 (I) Disclosure of information related to any investigatory reports prepared  
486 by or on behalf of or for use of the Commission or other committee charged with responsibility  
487 for investigation or determination of compliance issues pursuant to the Compact; or

488 (J) Matters specifically exempted from disclosure by federal and state  
489 statute.

490 (7) If a meeting, or portion of a meeting, is closed pursuant to this provision, the  
491 Commission's legal counsel or designee shall certify that the meeting may be closed and shall  
492 reference each relevant exempting provision. The Commission shall keep minutes that fully and  
493 clearly describe all matters discussed in a meeting and provide a full and accurate summary of  
494 actions taken, of any person participating in the meeting, and the reasons therefore, including a  
495 description of the views expressed. All documents considered in connection with an action shall  
496 be identified in the minutes. All minutes and documents of a closed meeting shall remain under  
497 seal, subject to release only by a majority vote of the Commission or order of a court of  
498 competent jurisdiction.

499 (c) The Commission shall, by a majority vote of the Commissioners, prescribe bylaws  
500 and rules to govern its conduct as may be necessary or appropriate to carry out the purposes and  
501 exercise the powers of the Compact, including:

502 (1) Establishing the fiscal year of the Commission;

503 (2) Providing reasonable standards and procedures for:

504 (A) The establishment and meetings of other committees; and

505 (B) Governing any general or specific delegation of any authority or  
506 function of the Commission;

507 (3) Providing reasonable procedures for calling and conducting meetings of the  
508 Commission, ensuring reasonable advance notice of all meetings and providing an opportunity  
509 for attendance of such meetings by interested parties, with enumerated exceptions designed to  
510 protect the public's interest, the privacy of individuals of such proceedings, and proprietary  
511 information, including trade secrets. The Commission may meet in closed session only after a  
512 majority of the Commissioners vote to close a meeting to the public in whole or in part. As soon  
513 as practicable, the Commission must make public a copy of the vote to close the meeting  
514 revealing the vote of each Commissioner with no proxy votes allowed;

515 (4) Establishing the titles, duties, and authority and reasonable procedures for the  
516 election of the officers of the Commission;

517 (5) Providing reasonable standards and procedures for the establishment of the  
518 personnel policies and programs of the Commission. Notwithstanding any civil service or other

519 similar law of any compact state, the bylaws shall exclusively govern the personnel policies and  
520 programs of the Commission;

521 (6) Promulgating a Code of Ethics to address permissible and prohibited activities  
522 of Commission members and employees;

523 (7) Providing a mechanism for concluding the operations of the Commission and  
524 the equitable disposition of any surplus funds that may exist after the termination of the Compact  
525 after the payment or reserving of all of its debts and obligations;

526 (8) The Commission shall publish its bylaws in a convenient form and file a copy  
527 thereof and a copy of any amendment thereto with the appropriate agency or officer in each of  
528 the compact states;

529 (9) The Commission shall maintain its financial records in accordance with the  
530 bylaws; and

531 (10) The Commission shall meet and take such actions as are consistent with the  
532 provisions of this Compact and the bylaws.

533 (d) The Commission shall have the authority to:

534 (1) Promulgate uniform rules to facilitate and coordinate implementation and  
535 administration of this Compact. The rule shall have the force and effect of law and shall be  
536 binding in all compact states;

537 (2) Bring and prosecute legal proceedings or actions in the name of the  
538 Commission; provided, that the standing of any state psychology regulatory authority or other

539 regulatory body responsible for psychology licensure to sue or be sued under applicable law shall  
540 not be affected;

541 (3) Purchase and maintain insurance and bonds;

542 (4) Borrow, accept, or contract for services of personnel, including employees of  
543 a compact state;

544 (5) Hire employees, elect, or appoint officers, fix compensation, define duties,  
545 grant such individuals appropriate authority to carry out the purposes of the Compact, and  
546 establish the Commission's personnel policies and programs relating to conflicts of interest,  
547 qualifications of personnel, and other related personnel matters;

548 (6) Accept all appropriate donations and grants of money, equipment, supplies,  
549 materials and services, and to receive, utilize, and dispose of the same; provided, that at all times  
550 the Commission shall strive to avoid any appearance of impropriety or conflict of interest;

551 (7) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own,  
552 hold, improve or use, any property, real, personal or mixed; provided, that at all times the  
553 Commission shall strive to avoid any appearance of impropriety;

554 (8) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
555 dispose of any property real, personal, or mixed;

556 (9) Establish a budget and make expenditures;

557 (10) Borrow money;

558 (11) Appoint committees, including advisory committees comprised of members,  
559 state regulators, state legislators or their representatives, consumer representatives, and such  
560 other interested persons as may be designated in this Compact or the bylaws;

561 (12) Provide and receive information from, and to cooperate with, law  
562 enforcement agencies;

563 (13) Adopt and use an official seal; and

564 (14) Perform such other functions as may be necessary or appropriate to achieve  
565 the purposes of this Compact consistent with the state regulation of psychology licensure,  
566 temporary in-person, face-to-face practice and telepsychology practice.

567 (e) The elected officers shall serve as the Executive Board, which shall have the power to  
568 act on behalf of the Commission according to the terms of this Compact.

569 (1) The Executive Board shall be comprised of 6 members:

570 (A) Five voting members who are elected from the current membership of  
571 the Commission by the Commission; and

572 (B) One ex-officio, nonvoting member from the recognized membership  
573 organization composed of state and provincial psychology regulatory authorities.

574 (2) The ex-officio member must have served as staff or member on a state  
575 psychology regulatory authority and will be selected by its respective organization.

576 (3) The Commission may remove any member of the Executive Board as  
577 provided in the bylaws.

578 (4) The Executive Board shall meet at least annually.

579 (5) The Executive Board shall have the following duties and responsibilities:

580 (A) Recommend to the entire Commission changes to the rules or bylaws,  
581 changes to this Compact legislation, fees paid by compact states such as annual dues, and any  
582 other applicable fees;

583 (B) Ensure Compact administration services are appropriately provided,  
584 contractual or otherwise;

585 (C) Prepare and recommend the budget;

586 (D) Maintain financial records on behalf of the Commission;

587 (E) Monitor compact compliance of member states and provide  
588 compliance reports to the Commission;

589 (F) Establish additional committees as necessary; and

590 (G) Other duties as provided in rules or bylaws.

591 (f)(1) The Commission shall pay, or provide for the payment of, the reasonable expenses  
592 of its establishment, organization, and ongoing activities.

593 (2) The Commission may accept from all appropriate revenue sources, donations  
594 and grants of money, equipment, supplies, materials, and services.

595 (3) The Commission may levy on and collect an annual assessment from each  
596 compact state or impose fees on other parties to cover the cost of the operations and activities of  
597 the Commission and its staff, which must be in a total amount sufficient to cover its annual

598 budget as approved each year for which revenue is not provided by other sources. The aggregate  
599 annual assessment amount shall be allocated based upon a formula to be determined by the  
600 Commission, which shall promulgate a rule binding upon all compact states.

601 (4) The Commission shall not incur obligations of any kind prior to securing the  
602 funds adequate to meet the same; nor shall the Commission pledge the credit of any of the  
603 compact states, except by and with the authority of the compact state.

604 (5) The Commission shall keep accurate accounts of all receipts and  
605 disbursements. The receipts and disbursements of the Commission shall be subject to the audit  
606 and accounting procedures established under its bylaws. However, all receipts and  
607 disbursements of funds handled by the Commission shall be audited yearly by a certified or  
608 licensed public accountant, and the report of the audit shall be included in and become part of the  
609 annual report of the Commission.

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

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

627                   (3) The Commission shall indemnify and hold harmless any member, officer,  
628 Executive Director, employee, or representative of the Commission for the amount of any  
629 settlement or judgment obtained against that person arising out of any actual or alleged act, error,  
630 or omission that occurred within the scope of Commission employment, duties, or  
631 responsibilities, or that such person had a reasonable basis for believing occurred within the  
632 scope of Commission employment, duties, or responsibilities; provided, that the actual or alleged  
633 act, error, or omission did not result from the intentional or willful or wanton misconduct of that  
634 person.

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636

**ARTICLE XI**

637

**RULEMAKING**



638 (a) The Commission shall exercise its rulemaking powers pursuant to the criteria set  
639 forth in this article and the rules adopted thereunder. Rules and amendments shall become  
640 binding as of the date specified in each rule or amendment.

641 (b) If a majority of the legislatures of the compact states rejects a rule, by enactment of a  
642 statute or resolution in the same manner used to adopt the Compact, then such rule shall have no  
643 further force and effect in any compact state.

644 (c) Rules or amendments to the rules shall be adopted at a regular or special meeting of  
645 the Commission.

646 (d) Prior to promulgation and adoption of a final rule or rules by the Commission, and at  
647 least 60 days in advance of the meeting at which the rule will be considered and voted upon, the  
648 Commission shall file a Notice of Proposed Rulemaking:

649 (1) On the website of the Commission; and

650 (2) On the website of each compact states' psychology regulatory authority or the  
651 publication in which each state would otherwise publish proposed rules.

652 (e) The Notice of Proposed Rulemaking shall include:

653 (1) The proposed time, date, and location of the meeting in which the rule will be  
654 considered and voted upon;

655 (2) The text of the proposed rule or amendment and the reason for the proposed  
656 rule;

657 (3) A request for comments on the proposed rule from any interested person; and

658 (4) The manner in which interested persons may submit notice to the  
659 Commission of their intention to attend the public hearing or submit written comments.

660 (f) Prior to adoption of a proposed rule, the Commission shall allow persons to submit  
661 written data, facts, opinions and arguments, which shall be made available to the public.

662 (g) The Commission shall grant an opportunity for a public hearing before it adopts a  
663 rule or amendment if a hearing is requested by:

664 (1) At least 25 persons who submit comments independently of each other;

665 (2) A governmental subdivision or agency; or

666 (3) A duly appointed person in an association that has having at least 25  
667 members.

668 (h)(1) If a hearing is held on the proposed rule or amendment, the Commission shall  
669 publish the place, time, and date of the scheduled public hearing.

670 (2) All persons wishing to be heard at the hearing shall notify the Executive  
671 Director of the Commission or other designated member in writing of their desire to appear and  
672 testify at the hearing not fewer than 5 business days before the scheduled date of the hearing.

673 (3) Hearings shall be conducted in a manner providing each person who wishes  
674 to comment a fair and reasonable opportunity to comment orally or in writing.

675 (4) No transcript of the hearing is required unless a written request for a  
676 transcript is made, in which case the person requesting the transcript shall bear the cost of  
677 producing the transcript. A recording may be made in lieu of a transcript under the same terms

678 and conditions as a transcript. This subsection shall not preclude the Commission from making a  
679 transcript or recording of the hearing if it so chooses.

680 (5) Nothing in this article shall be construed as requiring a separate hearing on  
681 each rule. Rules may be grouped for the convenience of the Commission at hearings required by  
682 this article.

683 (i) Following the scheduled hearing date, or by the close of business on the scheduled  
684 hearing date if the hearing was not held, the Commission shall consider all written and oral  
685 comments received.

686 (j) The Commission shall, by majority vote of all members, take final action on the  
687 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking  
688 record and the full text of the rule.

689 (k) If no written notice of intent to attend the public hearing by interested parties is  
690 received, the Commission may proceed with promulgation of the proposed rule without a public  
691 hearing.

692 (l) Upon determination that an emergency exists, the Commission may consider and  
693 adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided,  
694 that the usual rulemaking procedures provided in the Compact and in this article shall be  
695 retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days  
696 after the effective date of the rule. For the purposes of this provision, an emergency rule is one  
697 that must be adopted immediately to:

- 698 (1) Meet an imminent threat to public health, safety, or welfare;  
699 (2) Prevent a loss of Commission or compact state funds;  
700 (3) Meet a deadline for the promulgation of an administrative rule that is  
701 established by federal law or rule; or  
702 (4) Protect public health and safety.

703 (m) The Commission or an authorized committee of the Commission may direct  
704 revisions to a previously adopted rule or amendment for purposes of correcting typographical  
705 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any  
706 revisions shall be posted on the website of the Commission. The revision shall be subject to  
707 challenge by any person for a period of 30 days after posting. The revision may be challenged  
708 only on grounds that the revision results in a material change to a rule. A challenge shall be made  
709 in writing and delivered to the Chair of the Commission prior to the end of the notice period. If  
710 no challenge is made, the revision will take effect without further action. If the revision is  
711 challenged, the revision may not take effect without the approval of the Commission.

712 ARTICLE XII

713 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

714 (a)(1) The executive, legislative, and judicial branches of state government in each  
715 compact state shall enforce this Compact and take all actions necessary and appropriate to  
716 effectuate the Compact's purposes and intent. The provisions of this Compact and the rules  
717 promulgated hereunder shall have standing as statutory law.

718                   (2) All courts shall take judicial notice of the Compact and the rules in any  
719 judicial or administrative proceeding in a Compact State pertaining to the subject matter of this  
720 Compact, which may affect the powers, responsibilities, or actions of the Commission.

721                   (3) The Commission shall be entitled to receive service of process in any such  
722 proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to  
723 provide service of process to the Commission shall render a judgment or order void as to the  
724 Commission, this Compact, or rules promulgated pursuant to this Compact.

725                   (b)(1) If the Commission determines that a compact state has defaulted in the  
726 performance of its obligations or responsibilities under this Compact or the promulgated rules,  
727 the Commission shall:

728                                 (A) Provide written notice to the defaulting state and other compact states  
729 of the nature of the default, the proposed means of remedying the default, and any other action to  
730 be taken by the Commission; and

731                                 (B) Provide remedial training and specific technical assistance regarding  
732 the default.

733                   (2) If a state in default fails to remedy the default, the defaulting state may be  
734 terminated from the Compact upon an affirmative vote of a majority of the compact states, and  
735 all rights, privileges, and benefits conferred by this Compact shall be terminated on the effective  
736 date of termination. A remedy of the default does not relieve the offending state of obligations or  
737 liabilities incurred during the period of default.

738                   (3) Termination of membership in the Compact shall be imposed only after all  
739 other means of securing compliance have been exhausted. Notice of intent to suspend or  
740 terminate shall be submitted by the Commission to the Mayor, the Council, and each of the  
741 compact states.

742                   (4) A Compact State that has been terminated is responsible for all assessments,  
743 obligations, and liabilities incurred through the effective date of termination, including  
744 obligations that extend beyond the effective date of termination.

745                   (5) The Commission shall not bear any costs incurred by the state that is found to  
746 be in default, or which has been terminated from the Compact, unless agreed upon in writing  
747 between the Commission and the defaulting state.

748                   (6) The defaulting state may appeal the action of the Commission by petitioning  
749 the U.S. District Court for the District of Columbia or the federal district where the Compact has  
750 its principal offices. The prevailing member shall be awarded all costs of such litigation,  
751 including reasonable attorney's fees.

752                   (c)(1) Upon request by a compact state, the Commission shall attempt to resolve disputes  
753 related to the Compact that arise among compact states and between compact and non-compact  
754 states.

755                   (2) The Commission shall promulgate a rule providing for both mediation and  
756 binding dispute resolution for disputes that arise before the commission.

757 (d)(1) The Commission, in the reasonable exercise of its discretion, shall enforce the  
758 provisions and rules of this Compact.

759 (2) By majority vote, the Commission may initiate legal action in the United  
760 States District Court for the District of Columbia or the federal district where the Compact has its  
761 principal offices against a compact state in default to enforce compliance with the provisions of  
762 the Compact and its promulgated rules and bylaws. The relief sought may include both  
763 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing  
764 member shall be awarded all costs of such litigation, including reasonable attorney's fees.

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

767 ARTICLE XIII

768 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL  
769 COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND  
770 AMENDMENTS

771 (a) The Compact shall come into effect on the date on which the Compact is enacted into  
772 law in the 7th compact state. The provisions that become effective at that time shall be limited to  
773 the powers granted to the Commission relating to assembly and the promulgation of rules.  
774 Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the  
775 implementation and administration of the Compact.

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

780 (c) Any compact state may withdraw from this Compact by enacting a statute repealing  
781 the same.

782 (1) A compact state's withdrawal shall not take effect until 6 months after  
783 enactment of the repealing statute.

784 (2) Withdrawal shall not affect the continuing requirement of the withdrawing  
785 state's psychology regulatory authority to comply with the investigative and adverse action  
786 reporting requirements of this Compact prior to the effective date of withdrawal.

787 (d) Nothing contained in this Compact shall be construed to invalidate or prevent any  
788 psychology licensure agreement or other cooperative arrangement between a compact state and a  
789 non-compact state that does not conflict with the provisions of this Compact.

790 (e) This Compact may be amended by the compact states. No amendment to this  
791 Compact shall become effective and binding upon any compact state until it is enacted into the  
792 law of all compact states.

793 ARTICLE XIV

794 CONSTRUCTION AND SEVERABILITY



795           This Compact shall be liberally construed so as to effectuate the purposes thereof. If this  
796 Compact shall be held contrary to the constitution of any state member thereto, the Compact  
797 shall remain in full force and effect as to the remaining compact states.

798           Sec. 3. Applicability

799           (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved  
800 budget and financial plan.

801           (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in  
802 an approved budget and financial plan and provide notice to the Budget Director of the Council  
803 of the certification.

804           (c)(1) The Budget Director shall cause the notice of the certification to be published in  
805 the District of Columbia Register.

806           (2) The date of publication of the notice of the certification shall not affect the  
807 applicability of this act.

808           Sec. 4. Fiscal impact statement.

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

812           Sec. 4. Effective date.

813           This act shall take effect after approval by the Mayor (or in the event of veto by the  
814 Mayor, action by the Council to override the veto), a 30-day period of congressional review as

**ENGROSSED ORIGINAL**

815 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
816 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
817 Columbia Register.