



March 25, 2021

ENGROSSED SENATE BILL No. 36

DIGEST OF SB 36 (Updated March 24, 2021 3:54 pm - DI 133)

Citations Affected: IC 25-33.5; IC 34-30.

Synopsis: Psychology interjurisdictional compact. Establishes the psychology interjurisdictional compact concerning interjurisdictional telepsychology and the temporary authorization to practice psychology in another compact state. Sets forth requirements of a compact state. Sets forth the duties of the psychology interjurisdictional compact commission.

Effective: July 1, 2021.

Becker, Leising, Melton, Buck, Randolph Lonnie M

(HOUSE SPONSORS — CLERE, ZIEMKE, VERMILION, SHACKLEFORD)

January 4, 2021, read first time and referred to Committee on Health and Provider Services.

January 28, 2021, reported favorably — Do Pass.

February 1, 2021, read second time, ordered engrossed. Engrossed.

February 2, 2021, read third time, passed. Yeas 46, nays 1.

HOUSE ACTION

February 23, 2021, read first time and referred to Committee on Public Health.

March 25, 2021, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

ES 36—LS 6242/DI 104



March 25, 2021

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 36

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-33.5 IS ADDED TO THE INDIANA CODE AS
2 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2021]:
4 **ARTICLE 33.5. PSYCHOLOGY INTERJURISDICTIONAL**
5 **COMPACT**
6 **Chapter 1. Purpose and Applicability**
7 **Sec. 1. The party states make the following findings:**
8 **(1) States license psychologists in order to protect the public**
9 **through verification of education, training, and experience,**
10 **and to ensure accountability for professional practice.**
11 **(2) The compact under this article is intended to regulate the**
12 **following:**
13 **(A) The day to day practice of telepsychology by**
14 **psychologists across state boundaries in the performance**
15 **of the practice of psychology, as assigned by an**
16 **appropriate authority.**
17 **(B) The temporary in-person, face-to-face practice of**

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1 psychology by psychologists across state boundaries for
2 not more than thirty (30) days within a calendar year in
3 the performance of the practice of psychology, as assigned
4 by an appropriate authority.

5 (3) The compact under this article is intended to authorize the
6 state psychology regulatory authorities to afford legal
7 recognition, in a manner consistent with the terms of the
8 compact under this article, to psychologists licensed in
9 another state.

10 (4) States have a vested interest in protecting the public's
11 health and safety through licensing and regulating
12 psychologists and that state regulation best protects public
13 health and safety.

14 **Sec. 2. The compact set forth in this article does not apply to the**
15 **following:**

16 (1) When a psychologist is licensed in both the home and
17 receiving state.

18 (2) Permanent in-person, face-to-face practice.

19 However, the compact does allow for the authorization of a
20 temporary psychological practice.

21 **Sec. 3. The compact set forth in this article is designed to**
22 **achieve the following purposes and objectives:**

23 (1) Increase public access to professional psychological
24 services by allowing for telepsychological practice across state
25 lines as well as temporary in-person, face-to-face services into
26 a state in which the psychologist is not licensed to practice
27 psychology.

28 (2) Enhance the states' ability to protect the public's health
29 and safety, especially client and patient safety.

30 (3) Encourage the cooperation of compact states in the area of
31 psychology licensure and regulation.

32 (4) Facilitate the exchange of information between compact
33 states concerning psychologist licensure, adverse actions, and
34 disciplinary history.

35 (5) Promote compliance with the laws governing psychological
36 practice in each compact state.

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

40 **Chapter 2. Definitions**

41 **Sec. 1. The definitions set forth in this chapter apply to this**
42 **article.**



1 **Sec. 2. "Adverse action"** means any action taken by a state
2 psychology regulatory authority that finds a violation of a statute
3 or regulation that is identified by the state psychology regulatory
4 authority as discipline and is a matter of public record.

5 **Sec. 3. "Association of State and Provincial Psychology Boards"**
6 or "ASPPB" means the recognized membership organization
7 composed of state and provincial psychology regulatory authorities
8 responsible for the licensure and registration of psychologists
9 throughout the United States and Canada.

10 **Sec. 4. "Authority to practice interjurisdictional**
11 **telepsychology"** means a licensed psychologist's authority to
12 practice telepsychology, within the limits authorized under the
13 compact set forth in this article, in another compact state.

14 **Sec. 5. "Bylaws"** refers to the bylaws established by the
15 psychology interjurisdictional compact commission under
16 IC 25-33.5-10 for the governance of the compact or for directing
17 and controlling actions and conduct under the compact.

18 **Sec. 6. "Client" or "patient"** refers to the recipient of
19 psychological services, whether psychological services are
20 delivered in the context of health care, corporate, supervision, or
21 consulting services.

22 **Sec. 7. "Commissioner"** means the voting representative
23 appointed by each state psychology regulatory authority under
24 IC 25-33.5-10.

25 **Sec. 8. "Compact state"** means a state, the District of Columbia,
26 or a United States territory that has enacted the compact set forth
27 in this article and has not withdrawn under IC 25-33.5-13 or been
28 terminated under IC 25-33.5-12.

29 **Sec. 9. "Confidentiality"** means the principle that data or
30 information is not made available or disclosed to unauthorized
31 persons or processes.

32 **Sec. 10. "Coordinated licensure information system" or**
33 **"coordinated data base"** refers to the integrated process for
34 collecting, storing, and sharing information on psychologist
35 licensure and enforcement activities related to psychology licensure
36 laws and that is administered by the recognized membership
37 organization composed of state and provincial psychology
38 regulatory authorities.

39 **Sec. 11. "Day"** means any part of a day in which psychological
40 work is performed.

41 **Sec. 12. "Distant state"** means the compact state where a
42 psychologist is physically present (not through the use of



1 telecommunications technology) to provide temporary in-person,
2 face-to-face psychological services.

3 Sec. 13. "E.Passport" means a certificate issued by the
4 Association of State and Provincial Psychology Boards that
5 promotes the standardization in the criteria of interjurisdictional
6 telepsychology practice and facilitates the process for licensed
7 psychologists to provide telepsychological services across state
8 lines.

9 Sec. 14. "Executive board" means a group of directors elected
10 or appointed to act on behalf of and within the powers granted to
11 the group by the commission.

12 Sec. 15. "Home state" means one (1) of the following:

13 (1) The compact state where a psychologist is licensed to
14 practice psychology.

15 (2) If the psychologist is licensed in more than one (1) compact
16 state as a psychologist and is practicing under the
17 authorization to practice interjurisdictional telepsychology,
18 the compact state where the psychologist is physically present
19 when the telepsychological services are delivered.

20 (3) If the psychologist is licensed in more than one (1) compact
21 state and is practicing under the temporary authorization to
22 practice, the compact state where the psychologist is licensed.

23 Sec. 16. "Identity history summary" means a summary of
24 information retained by the Federal Bureau of Investigation or
25 other designee with similar authority in connection with arrests
26 and, in some instances, federal employment, naturalization, or
27 military service.

28 Sec. 17. "In-person, face-to-face" means interactions in which
29 the psychologist and the client or patient are in the same physical
30 space and that does not include interactions that may occur
31 through the use of telecommunication technology.

32 Sec. 18. "Interjurisdictional Practice Certificate" or "IPC"
33 refers to a certificate issued by the Association of State and
34 Provincial Psychology Boards that grants temporary authority to
35 practice based on notification to the state psychology regulatory
36 authority of intention to practice temporarily and the verification
37 of the individual's qualifications to practice psychology.

38 Sec. 19. "License" means the authorization by a state regulatory
39 authority to engage in the independent practice of psychology that
40 would otherwise be unlawful to practice without authorization.

41 Sec. 20. "Noncompact state" refers to any state that is not a
42 compact state.



1 **Sec. 21. "Psychologist"** means an individual who is licensed for
2 the independent practice of psychology.

3 **Sec. 22. "Psychology interjurisdictional compact commission"**
4 or "commission" refers to that national administration of which all
5 compact states are members.

6 **Sec. 23. "Receiving state"** refers to a compact state where the
7 client or patient is physically located when the telepsychological
8 services are delivered.

9 **Sec. 24. "Rule"** means a written statement by the psychology
10 interjurisdictional compact commission promulgated under
11 IC 25-33.5-11 that is of general applicability, implements,
12 interprets, or prescribes a policy or provision of the compact, or an
13 organizational, procedural, or practice requirement of the
14 commission and has the force and effect of statutory law in a
15 compact state, including the amendment, repeal, or suspension of
16 an existing rule.

17 **Sec. 25. "Significant investigatory information"** means:

18 (1) investigatory information that the state psychology
19 regulatory authority has reason to believe, after a preliminary
20 inquiry that includes notification and opportunity to respond
21 if required by state law, if proven true, would indicate more
22 than a violation of state statute or ethics code that would be
23 considered more substantial than a minor infraction; or

24 (2) investigatory information that indicates that the
25 psychologist represents an immediate threat to public health
26 and safety regardless of whether the psychologist has been
27 notified or had an opportunity to respond.

28 **Sec. 26. "State"** refers to a state, commonwealth, territory, or
29 possession of the United States, including the District of Columbia.

30 **Sec. 27. "State psychology regulatory authority"** means a board,
31 office, or other agency with the legislative mandate to license or
32 regulate the practice of psychology. For purposes of investigatory
33 activities, the term includes any other state agency lawfully
34 responsible for conducting investigations.

35 **Sec. 28. "Telepsychology"** means the provision of psychological
36 services using telecommunication technology.

37 **Sec. 29. "Temporary authorization to practice"** means a
38 licensed psychologist's authority to conduct temporary in-person,
39 face-to-face practice, within the limits authorized under the
40 compact set forth in this article, in a compact state.

41 **Sec. 30. "Temporary in-person, face-to-face practice"** means
42 that a psychologist is physically present (not through the use of



1 telecommunication technology) in the distant state to provide for
 2 the practice of psychology for not more than thirty (30) days within
 3 a calendar year and based on notification to the distant state.

4 **Chapter 3. Home State Licensure**

5 **Sec. 1. The home state is a compact state where the psychologist**
 6 **is licensed to practice psychology.**

7 **Sec. 2. (a) A psychologist may hold more than one (1) compact**
 8 **state license at a time.**

9 **(b) If the psychologist is licensed in more than one (1) compact**
 10 **state, the home state is the compact state where the psychologist is**
 11 **physically present when the services are delivered, as authorized**
 12 **by the authority to practice interjurisdictional telepsychology**
 13 **under the terms of the compact.**

14 **Sec. 3. A compact state may require a psychologist not**
 15 **previously licensed in the compact state to obtain and retain a**
 16 **license to be authorized to practice in the compact state under**
 17 **circumstances not authorized by the authority to practice**
 18 **interjurisdictional telepsychology under the terms of the compact.**

19 **Sec. 4. A compact state may require a psychologist to obtain and**
 20 **retain a license to be authorized to practice in a compact state**
 21 **under circumstances not authorized by temporary authorization**
 22 **to practice under the terms of the compact.**

23 **Sec. 5. A home state's license authorizes a psychologist to**
 24 **practice in a receiving state under the authority to practice**
 25 **interjurisdictional telepsychology only if the compact state:**

- 26 (1) currently requires the psychologist to hold an active
 27 E.Passport;
 28 (2) has a mechanism in place for receiving and investigating
 29 complaints about licensed individuals;
 30 (3) notifies the commission, in compliance with the compact
 31 terms, of any adverse action or significant investigatory
 32 information concerning a licensed individual;
 33 (4) requires an identity history summary of all applicants at
 34 initial licensure, including the use of the results of fingerprints
 35 or other biometric data checks compliant with the
 36 requirements of the Federal Bureau of Investigation, or other
 37 designee with similar authority, not later than ten (10) years
 38 after activation of the compact; and
 39 (5) complies with the bylaws and rules of the commission.

40 **Sec. 6. A home state's license grants temporary authorization to**
 41 **practice to a psychologist in a distant state only if the compact**
 42 **state:**



- 1 (1) currently requires the psychologist to hold an active
 2 interjurisdictional practice certificate;
 3 (2) has a mechanism in place for receiving and investigating
 4 complaints about licensed individuals;
 5 (3) notifies the commission, in compliance with the compact
 6 terms, of any adverse action or significant investigatory
 7 information concerning a licensed individual;
 8 (4) requires an identity history summary of all applicants at
 9 initial licensure, including the use of the results of fingerprints
 10 or other biometric data checks compliant with the
 11 requirements of the Federal Bureau of Investigation, or other
 12 designee with similar authority, not later than ten (10) years
 13 after activation of the compact; and
 14 (5) complies with the bylaws and rules of the commission.

15 **Chapter 4. Compact Privilege to Practice Telepsychology**

16 **Sec. 1. A compact state shall recognize the right of a**
 17 **psychologist, licensed in a compact state in compliance with**
 18 **IC 25-33.5-3, to practice telepsychology in another compact state**
 19 **in which the psychologist is not licensed, under the authority to**
 20 **practice interjurisdictional telepsychology, as provided by the**
 21 **compact.**

22 **Sec. 2. To exercise the authority to practice interjurisdictional**
 23 **telepsychology under the terms and provisions of the compact, a**
 24 **psychologist licensed to practice in a compact state must meet the**
 25 **following:**

26 (1) Hold a graduate degree in psychology from an institute of
 27 higher education that was, at the time the degree was
 28 awarded:

29 (A) either:

30 (i) regionally accredited by an accrediting body
 31 recognized by the United States Department of
 32 Education to grant graduate degrees; or

33 (ii) authorized by provincial statute or royal charter to
 34 grant doctoral degrees; or

35 (B) a foreign college or university deemed to be equivalent
 36 to an institute described under clause (A) by a foreign
 37 credential evaluation service that is a member of the
 38 National Association of Credential Evaluation Services
 39 (NACES) or by a recognized foreign credential evaluation
 40 service.

41 (2) Hold a graduate degree in psychology from a program
 42 that meets the following:



- 1 (A) The program, wherever it may be administratively
 2 housed, must:
 3 (i) be clearly identified and labeled as a psychology
 4 program; and
 5 (ii) specify in institutional catalogs and brochures the
 6 intent to educate and train professional psychologists.
 7 (B) Stands as a recognizable, coherent, organizational
 8 entity within the institution.
 9 (C) Has a clear authority and primary responsibility for
 10 the core and specialty areas, whether or not the program
 11 cuts across administrative lines.
 12 (D) Consists of an integrated, organized sequence of study.
 13 (E) Includes identifiable psychology faculty that are
 14 sufficient in size and breadth to carry out faculty
 15 responsibilities.
 16 (F) Employs a director of the program that is a
 17 psychologist and a member of the core faculty.
 18 (G) Has an identifiable body of students who are
 19 matriculated in the program for a degree.
 20 (H) Includes supervised practicum, internship, or field
 21 training appropriate to the practice of psychology.
 22 (I) Encompasses curriculum of a minimum of three (3)
 23 academic years of full-time graduate study for a doctoral
 24 degree and a minimum of one (1) academic year of
 25 full-time graduate study for a master's degree.
 26 (J) Includes an acceptable residency, as defined by the
 27 rules of the commission.
 28 (3) Possess a current, full, and unrestricted license to practice
 29 psychology in a home state that is a compact state.
 30 (4) Have no history of an adverse action that violates the rules
 31 of the commission.
 32 (5) Have no criminal record history reported on an identity
 33 history summary that violates the rules of the commission.
 34 (6) Possess a current, active E.Passport.
 35 (7) Provide attestations concerning the following:
 36 (A) Areas of intended practice.
 37 (B) Conformity with standards of practice.
 38 (C) Competence in telepsychology technology.
 39 (D) Criminal background.
 40 (E) Knowledge and adherence to legal requirements in the
 41 home state and receiving state.
 42 (F) The provision and release of information to allow for



- 1 primary source verification in a manner specified by the
2 commission.
- 3 **(8) Meet other criteria, as determined by the rules of the**
4 **commission.**
- 5 **Sec. 3. The home state maintains authority over the license of a**
6 **psychologist practicing in a receiving state under the authority to**
7 **practice interjurisdictional telepsychology.**
- 8 **Sec. 4. (a) A psychologist practicing in a receiving state under**
9 **the authority to practice interjurisdictional telepsychology is**
10 **subject to the receiving state's scope of practice.**
- 11 **(b) A receiving state may, in accordance with the state's due**
12 **process law, limit or revoke a psychologist's authority to practice**
13 **interjurisdictional telepsychology in the receiving state and may**
14 **take any other necessary actions under the receiving state's**
15 **applicable law to protect the health and safety of the receiving**
16 **state's citizens.**
- 17 **(c) If the receiving state takes any action described in this**
18 **section, the receiving state shall promptly notify the home state and**
19 **the commission.**
- 20 **Sec. 5. If a psychologist's:**
- 21 **(1) license in any home state or another compact state; or**
22 **(2) authority to practice interjurisdictional telepsychology in**
23 **any receiving state;**
- 24 **is restricted, suspended, or otherwise limited, the E.Passport shall**
25 **be revoked and the psychologist shall not be eligible to practice**
26 **telepsychology in a compact state under the authority to practice**
27 **interjurisdictional telepsychology.**
- 28 **Chapter 5. Compact Temporary Authorization to Practice**
- 29 **Sec. 1. A compact state shall recognize the right of a**
30 **psychologist who is licensed in a compact state, in conformance**
31 **with IC 25-33.5-3, to practice temporarily in another compact state**
32 **in which the psychologist is not licensed, as provided in the**
33 **compact.**
- 34 **Sec. 2. To exercise the temporary authorization to practice**
35 **under the terms and provisions of the compact, a psychologist**
36 **licensed to practice in a compact state must meet the following:**
- 37 **(1) Hold a graduate degree in psychology from an institute of**
38 **higher education that was, at the time the degree was**
39 **awarded:**
- 40 **(A) either:**
- 41 **(i) regionally accredited by an accrediting body**
42 **recognized by the United States Department of**



- 1 **Education to grant graduate degrees; or**
 2 **(ii) authorized by provincial statute or royal charter to**
 3 **grant doctoral degrees; or**
 4 **(B) a foreign college or university deemed to be equivalent**
 5 **to an institute described under clause (A) by a foreign**
 6 **credential evaluation service that is a member of the**
 7 **National Association of Credential Evaluation Services**
 8 **(NACES) or by a recognized foreign credential evaluation**
 9 **service.**
- 10 **(2) Hold a graduate degree in psychology from a program**
 11 **that meets the following:**
- 12 **(A) The program, wherever it may be administratively**
 13 **housed, must:**
- 14 **(i) be clearly identified and labeled as a psychology**
 15 **program; and**
 16 **(ii) specify in institutional catalogs and brochures the**
 17 **intent to educate and train professional psychologists.**
- 18 **(B) Stands as a recognizable, coherent, organizational**
 19 **entity within the institution.**
- 20 **(C) Has a clear authority and primary responsibility for**
 21 **the core and specialty areas, whether or not the program**
 22 **cuts across administrative lines.**
- 23 **(D) Consists of an integrated, organized sequence of study.**
- 24 **(E) Includes identifiable psychology faculty that are**
 25 **sufficient in size and breadth to carry out faculty**
 26 **responsibilities.**
- 27 **(F) Employs a director of the program that is a**
 28 **psychologist and a member of the core faculty.**
- 29 **(G) Has an identifiable body of students who are**
 30 **matriculated in the program for a degree.**
- 31 **(H) Includes supervised practicum, internship, or field**
 32 **training appropriate to the practice of psychology.**
- 33 **(I) Encompasses curriculum of a minimum of three (3)**
 34 **academic years of full-time graduate study for a doctoral**
 35 **degree and a minimum of one (1) academic year of**
 36 **full-time graduate study for a master's degree.**
- 37 **(J) Includes an acceptable residency, as defined by the**
 38 **rules of the commission.**
- 39 **(3) Possess a current, full, and unrestricted license to practice**
 40 **psychology in a home state that is a compact state.**
 41 **(4) Have no history of an adverse action that violates the rules**
 42 **of the commission.**



- 1 (5) Have no criminal record history reported on an identity
2 history summary that violates the rules of the commission.
3 (6) Possess a current, active interjurisdictional practice
4 certificate.
5 (7) Provide attestations concerning the following:
6 (A) Areas of intended practice.
7 (B) Work experience.
8 (C) The provision and release of information to all for
9 primary source verification in a manner specified by the
10 commission.
11 (8) Meet other criteria, as determined by the rules of the
12 commission.

13 **Sec. 3. A psychologist practicing into a distant state under the**
14 **temporary authorization to practice shall practice within the scope**
15 **of practice authorized by the distant state.**

16 **Sec. 4. (a) A psychologist practicing into a distant state under**
17 **the temporary authorization to practice is subject to the distant**
18 **state's authority and law.**

19 **(b) A distant state may, in accordance with the state's due**
20 **process law, limit or revoke a psychologist's temporary**
21 **authorization to practice in the distant state and may take any**
22 **other necessary actions under the distant state's applicable law to**
23 **protect the health and safety of the distant state's citizens.**

24 **(c) If the distant state takes any action under this section, the**
25 **distant state shall promptly notify the home state and the**
26 **commission.**

27 **Sec. 5. If a psychologist's:**

- 28 **(1) license in any home state or another compact state; or**
29 **(2) temporary authorization to practice in any distant state;**
30 **is restricted, suspended, or otherwise limited, the**
31 **interjurisdictional practice certificate shall be revoked and the**
32 **psychologist shall not be eligible to practice in a compact state**
33 **under the temporary authorization to practice.**

34 **Chapter 6. Conditions of Telepsychology Practice in a Receiving**
35 **State**

36 **Sec. 1. A psychologist may practice in a receiving state under**
37 **the authority to practice interjurisdictional telepsychology only in**
38 **the performance of the scope of practice for psychology, as**
39 **assigned by an appropriate state psychology regulatory authority,**
40 **as defined in the rules of the commission, and under the following**
41 **circumstances:**

- 42 **(1) The psychologist initiates a client or patient contact in a**



1 home state via telecommunications technologies with a client
2 or patient in a receiving state.

3 (2) Other conditions concerning telepsychology, as determined
4 by the rules promulgated by the commission.

5 Chapter 7. Adverse Actions

6 Sec. 1. A home state shall have the power to impose adverse
7 action against a psychologist's license issued by the home state. A
8 distant state shall have the power to take adverse action on a
9 psychologist's temporary authorization to practice within the
10 distant state.

11 Sec. 2. A receiving state may take adverse action on a
12 psychologist's authority to practice interjurisdictional
13 telepsychology within the receiving state. A home state may take
14 adverse action against a psychologist based on an adverse action
15 taken by a distant state concerning temporary in-person,
16 face-to-face practice.

17 Sec. 3. (a) If a home state takes adverse action against a
18 psychologist's license, the psychologist's:

19 (1) authority to practice interjurisdictional telepsychology is
20 terminated;

21 (2) E.Passport is revoked;

22 (3) temporary authorization to practice is terminated; and

23 (4) IPC is revoked.

24 (b) All home state disciplinary orders that impose adverse
25 action must be reported to the commission in accordance with the
26 rules promulgated by the commission. A compact state shall report
27 adverse actions in accordance with the rules of the commission.

28 (c) In the event discipline is reported on a psychologist, the
29 psychologist is not eligible for telepsychology or temporary
30 in-person, face-to-face practice in accordance with the rules of the
31 commission.

32 (d) Other actions may be imposed on the psychologist, as
33 determined by the rules promulgated by the commission.

34 Sec. 4. A home state's psychology regulatory authority shall
35 investigate and take appropriate action concerning reported
36 inappropriate conduct engaged in by a licensee that occurred in a
37 receiving state as it would if the conduct had occurred by a licensee
38 within the home state. The home state's law shall control in
39 determining any adverse action against a psychologist's license.

40 Sec. 5. A distant state's psychology regulatory authority shall
41 investigate and take appropriate action concerning reported
42 inappropriate conduct engaged in by a psychologist practicing



1 under temporary authorization practice that occurred in the
 2 distant state as the distant state would if the conduct had occurred
 3 by a licensee within the home state. The distant state's law shall
 4 control in determining any adverse action against the
 5 psychologist's temporary authorization to practice.

6 **Sec. 6. (a) Nothing in this compact shall override a compact**
 7 **state's decision that a psychologist's participation in an alternative**
 8 **program may be used instead of adverse action and the**
 9 **participation must remain nonpublic if required by the compact**
 10 **state's law.**

11 **(b) Compact states must require psychologists who enter any**
 12 **alternative programs to not provide telepsychology services under**
 13 **the authority to practice interjurisdictional telepsychology or**
 14 **provide temporary psychological services under the temporary**
 15 **authorization to practice in any other compact state during the**
 16 **term of the alternative program.**

17 **Sec. 7. No other judicial or administrative remedies shall be**
 18 **available to a psychologist in the event a compact state imposes an**
 19 **adverse action under section 3 of this chapter.**

20 **Chapter 8. Additional Authorities in a Compact State's**
 21 **Psychology Regulatory Authority**

22 **Sec. 1. In addition to any other powers granted under state law,**
 23 **a compact state's psychology regulatory authority shall have the**
 24 **authority under this compact to do the following:**

25 **(1) Issue subpoenas for both hearings and investigations that**
 26 **require the attendance and testimony of witnesses and the**
 27 **production of evidence. Subpoenas issued by a compact state's**
 28 **psychology regulatory authority for the attendance and**
 29 **testimony of witnesses or the production of evidence from**
 30 **another compact state must be enforced in the latter state by**
 31 **any court of competent jurisdiction, and according to the**
 32 **court's practice and procedure in considering subpoenas**
 33 **issued by the court's proceedings. The issuing state**
 34 **psychology regulatory authority shall pay any witness fees,**
 35 **travel expenses, mileage, and other fees required by the**
 36 **service statutes of the state where the witness or evidence is**
 37 **located.**

38 **(2) Issue cease and desist or injunctive relief orders to revoke**
 39 **a psychologist's authority to practice interjurisdictional**
 40 **telepsychology or temporary authorization to practice.**

41 **Sec. 2. (a) During the course of any investigation, a psychologist**
 42 **may not change the psychologist's home state licensure. A home**



1 state psychology regulatory authority is authorized to complete
 2 any pending investigations of a psychologist and to take any actions
 3 appropriate under the home state's laws.

4 (b) The home state psychology regulatory authority shall
 5 promptly report the conclusions of the investigations to the
 6 commission.

7 (c) Once an investigation has been completed, and pending the
 8 outcome of the investigation, the psychologist may change the
 9 psychologist's home licensure. The commission shall promptly
 10 notify the new home state of any decision, as provided in the rules
 11 of the commission.

12 (d) All information provided to the commission or distributed
 13 by compact states concerning the psychologist shall be confidential,
 14 filed under seal, and used for investigatory or disciplinary matters.
 15 The commission may create additional rules for mandated or
 16 discretionary sharing of information by compact states.

17 **Chapter 9. Coordinated Licensure Information System**

18 **Sec. 1.** The commission shall provide for the development and
 19 maintenance of a coordinated licensure information system and
 20 reporting system (coordinated data base) containing licensure and
 21 disciplinary action information on all individuals to whom this
 22 compact is applicable in all compact states, as defined by the rules
 23 of the commission.

24 **Sec. 2.** Notwithstanding any other provision of state law, a
 25 compact state shall submit a uniform data set to the coordinated
 26 data base on all licenses as required by the rules of the commission,
 27 including the following:

- 28 (1) Identifying information.
- 29 (2) Licensure data.
- 30 (3) Significant investigatory information.
- 31 (4) Adverse actions against a psychologist's license.
- 32 (5) An indicator that a psychologist's authority to practice
 33 interjurisdictional telepsychology or temporary authorization
 34 to practice is revoked.
- 35 (6) Nonconfidential information concerning alternative
 36 program participation information.
- 37 (7) Any denial of application for licensure and the reason for
 38 the denial.
- 39 (8) Other information to facilitate the administration of the
 40 compact, as determined by the rules of the commission.

41 **Sec. 3.** The coordinated data base administrator shall promptly
 42 notify all compact states of any:



1 (1) adverse action taken against; or
 2 (2) significant investigative information on;
 3 any licensee in a compact state.

4 **Sec. 4. A compact state reporting information to the coordinated**
 5 **data base may designate information that may not be shared with**
 6 **the public without the express permission of the compact state**
 7 **reporting the information.**

8 **Sec. 5. Any information submitted to the coordinated data base**
 9 **that is subsequently required to be expunged by the law of the**
 10 **compact state reporting the information shall be removed from the**
 11 **coordinated data base.**

12 **Chapter 10. Establishment of the Psychology Interjurisdictional**
 13 **Compact Commission**

14 **Sec. 1. (a) The compact states hereby create and establish a joint**
 15 **public agency known as the psychology interjurisdictional compact**
 16 **commission.**

17 **(b) The commission is a body politic and an instrumentality of**
 18 **the compact states.**

19 **(c) Venue is proper and judicial proceedings by or against the**
 20 **commission shall be brought solely and exclusively in a court of**
 21 **competent jurisdiction where the principal office of the commission**
 22 **is located. The commission may waive venue and jurisdictional**
 23 **defenses to the extent the commission adopts or consents to**
 24 **participate in alternative dispute resolution proceedings.**

25 **(d) Nothing in this compact shall be construed to be a waiver of**
 26 **sovereign immunity.**

27 **Sec. 2. (a) The commission shall consist of one (1) voting**
 28 **delegate appointed by each compact state who shall serve as the**
 29 **state's commissioner. The state psychology regulatory authority**
 30 **shall appoint the state's delegate.**

31 **(b) The delegate shall be empowered to act on behalf of the**
 32 **compact state. The delegate shall be limited to:**

33 **(1) an executive director, executive secretary, or a similar**
 34 **executive position;**

35 **(2) a current member of the state psychology regulatory**
 36 **authority of a compact state; or**

37 **(3) a designee empowered with the appropriate delegate**
 38 **authority to act on behalf of the compact state.**

39 **(c) Any commissioner may be removed or suspended from office**
 40 **as provided by the law of the state from which the commissioner is**
 41 **appointed. Any vacancy occurring on the commission shall be filled**
 42 **in accordance with the laws of the compact state in which the**



- 1 vacancy exists.
- 2 **Sec. 3. Each commissioner shall be entitled to one (1) vote**
 3 **concerning the promulgation of rules and the creation of bylaws,**
 4 **and otherwise have an opportunity to participate in the business**
 5 **and affairs of the commission. A commissioner shall vote in person**
 6 **or by any other means provided by the bylaws. The bylaws may**
 7 **provide for commissioners to participate in meetings by telephone**
 8 **or other means of communication.**
- 9 **Sec. 4. The commission shall meet at least once during each**
 10 **calendar year. Additional meetings shall be held as set forth in the**
 11 **bylaws.**
- 12 **Sec. 5. All meetings shall be open to the public, and public notice**
 13 **of the meetings shall be given in the same manner as required**
 14 **under the rulemaking provisions set forth in IC 25-33.5-11.**
- 15 **Sec. 6. (a) The commission may convene in a closed, nonpublic**
 16 **meeting if the commission must discuss any of the following:**
- 17 **(1) Noncompliance of a compact state with the compact state's**
 18 **obligations under the compact.**
 - 19 **(2) The employment, compensation, discipline, other**
 20 **personnel matters, practices or procedures concerning**
 21 **specific employees, or other matters related to the**
 22 **commission's internal personnel practices and procedures.**
 - 23 **(3) Current, threatened, or reasonably anticipated litigation**
 24 **against the commission.**
 - 25 **(4) Negotiation of contracts for the purchase or sale of goods,**
 26 **services, or real estate.**
 - 27 **(5) Accusations against any person of a crime or formal**
 28 **censure of a person.**
 - 29 **(6) Disclosure of trade secrets, commercial, or financial**
 30 **information that is privileged or confidential.**
 - 31 **(7) Disclosure of information of a personal nature where**
 32 **disclosure would constitute a clearly unwarranted invasion of**
 33 **personal privacy.**
 - 34 **(8) Disclosure of investigatory records compiled for law**
 35 **enforcement purposes.**
 - 36 **(9) Disclosure of information concerning any investigatory**
 37 **reports prepared by or on behalf of or for use of the**
 38 **commission or other committee charged with responsibility**
 39 **for investigation or determination of compliance issues under**
 40 **the compact.**
 - 41 **(10) Matters specifically exempted from disclosure by federal**
 42 **or state statute.**



1 (b) If a meeting, or portion of a meeting, is closed under
2 subsection (a), the commission's legal counsel or designee shall
3 certify that the meeting may be closed and shall reference each
4 relevant exempting provision.

5 Sec. 7. (a) The commission shall keep minutes which fully and
6 clearly describe all matters discussed in a meeting, and the reasons
7 therefore, including a description of the views expressed.

8 (b) All documents considered in connection with an action shall
9 be identified in the minutes.

10 (c) All minutes and documents of a closed meeting shall remain
11 under seal, subject to release only by a majority vote of the
12 commission or order of a court of competent jurisdiction.

13 Sec. 8. (a) The commission shall, by a majority vote of the
14 commissioners, prescribe bylaws or rules to govern the
15 commission's conduct as may be necessary or appropriate to carry
16 out the purposes and exercise the powers of the compact, including
17 the following:

18 (1) Establishing the fiscal year of the commission.

19 (2) Providing reasonable standards and procedures:

20 (A) for the establishment and meetings of other
21 committees; and

22 (B) for the governing of any general or specific delegation
23 of any authority or function of the commission.

24 (3) Providing reasonable procedures for calling and
25 conducting meetings of the commission, ensuring reasonable
26 advance notice of all meetings and providing an opportunity
27 for attendance of the meetings by interested parties, with
28 enumerated exceptions designed to protect the public's
29 interest, the privacy of individuals of any proceeding, and
30 proprietary information, including trade secrets.

31 (4) Establishing the titles, duties, and authority and
32 reasonable procedures for the election of the officers of the
33 commission.

34 (5) Providing reasonable standards and procedures for the
35 establishment of the personnel policies and programs of the
36 commission. Notwithstanding any other state law, the bylaws
37 shall exclusively govern the personnel policies and programs
38 of the commission.

39 (6) Promulgating a code of ethics to address permissible and
40 prohibited activities of commission members and employees.

41 (7) Providing a mechanism for concluding the operations of
42 the commission and the equitable disposition of any surplus



- 1 funds that may exist after the termination of the compact
- 2 after the payment or reserving of all of the commission's debts
- 3 and obligations.
- 4 (b) The commission may meet in closed session only after a
- 5 majority of the commissioners vote to close a meeting to the public
- 6 in whole or in part. As soon as practicable, the commission must
- 7 make public a copy of the vote to close the meeting revealing the
- 8 vote of each commissioner with no proxy votes allowed.
- 9 (c) The commission shall publish the bylaws in a convenient
- 10 form and file a copy of the bylaws and any amendments to the
- 11 bylaws with the appropriate agency or officer in each compact
- 12 state.
- 13 (d) The commission shall maintain the commission's financial
- 14 records in accordance with the bylaws.
- 15 (e) The commission shall meet and take any action that is
- 16 consistent with the provisions of the compact and the bylaws.
- 17 **Sec. 9. The commission shall have the following powers:**
- 18 (1) Promulgate uniform rules to facilitate and coordinate
- 19 implementation and administration of the compact. The rules
- 20 shall have the force and effect of laws and shall be binding in
- 21 all compact states.
- 22 (2) Bring and prosecute legal proceedings or actions in the
- 23 name of the commission, provided that the standing of any
- 24 state psychology regulatory authority or other regulatory
- 25 body responsible for psychology licensure to sue or be sued
- 26 under applicable law shall not be affected.
- 27 (3) Purchase and maintain insurance and bonds.
- 28 (4) Borrow, accept, or contract for services of personnel,
- 29 including employees of a compact state.
- 30 (5) Hire employees, elect or appoint officers, fix
- 31 compensation, define duties, grant appropriate authority to
- 32 individuals to carry out the purposes of the compact, and
- 33 establish the commission's personnel policies and programs
- 34 concerning conflicts of interest, qualifications of personnel,
- 35 and other related personnel matters.
- 36 (6) Accept, receive, utilize, and dispose of any and all
- 37 appropriate donations and grants of money, equipment,
- 38 supplies, materials, and services.
- 39 (7) Lease, purchase, accept appropriate gifts or donations, or
- 40 otherwise own, hold, improve, or use, any:
 - 41 (A) real;
 - 42 (B) personal; or



- 1 (C) mixed;
- 2 property, provided that at all times the commission shall
- 3 strive to avoid any appearance of impropriety.
- 4 (8) Sell, convey, mortgage, pledge, lease, exchange, abandon,
- 5 or otherwise dispose of any:
- 6 (A) real;
- 7 (B) personal; or
- 8 (C) mixed;
- 9 property.
- 10 (9) Establish a budget and make expenditures.
- 11 (10) Borrow money.
- 12 (11) Appoint committees, including advisory committees,
- 13 comprised of members, state regulators, state legislators or a
- 14 state legislator's designee, consumer representatives, and any
- 15 other interested persons as may be designated in the compact
- 16 and the bylaws.
- 17 (12) Provide and receive information from, and cooperate
- 18 with, law enforcement agencies.
- 19 (13) Adopt and use an official seal.
- 20 (14) Perform other functions that may be necessary or
- 21 appropriate to achieve the purposes of the compact and that
- 22 are consistent with the state regulation of psychology
- 23 licensure, temporary in-person, face-to-face practice, and the
- 24 practice of telepsychology.
- 25 Sec. 10. (a) The elected officers of the commission shall serve as
- 26 the executive board and have the power to act on behalf of the
- 27 commission in accordance with the compact.
- 28 (b) The executive board shall be comprised of the following six
- 29 (6) members:
- 30 (1) Five (5) voting members who are elected from the current
- 31 membership of the commission by the commission.
- 32 (2) One (1) ex officio, nonvoting member from the recognized
- 33 membership organization composed of state and provincial
- 34 psychology regulatory authorities.
- 35 (c) The ex officio member must have served as staff or a
- 36 member of a state psychology regulatory authority and will be
- 37 selected by the respective organization.
- 38 (d) The commission may remove any member of the executive
- 39 board as provided in the bylaws of the compact.
- 40 (e) The executive board shall meet at least once annually.
- 41 (f) The executive board shall have the following duties and
- 42 responsibilities:



- 1 **(1) Make recommendations to the entire commission for any:**
- 2 **(A) changes to the rules or bylaws;**
- 3 **(B) changes to compact legislation; and**
- 4 **(C) fees to be paid by compact states, including annual**
- 5 **dues and other applicable fees.**
- 6 **(2) Ensure compact administration services are appropriately**
- 7 **provided, whether by contract or otherwise.**
- 8 **(3) Prepare and recommend the budget.**
- 9 **(4) Maintain financial records on behalf of the commission.**
- 10 **(5) Monitor compact compliance of member states and**
- 11 **provide compliance reports to the commission.**
- 12 **(6) Establish additional committees, as necessary.**
- 13 **(7) Perform any other duties provided in the rules or bylaws.**

14 **Sec. 11. (a) The commission shall pay, or provide for the**
 15 **payment of, the reasonable expenses of the commission's**
 16 **establishment, organization, and any ongoing activities.**

17 **(b) The commission may accept any appropriate revenue**
 18 **sources, donations, and grants of money, equipment, supplies,**
 19 **materials, and services.**

- 20 **(c) The commission may:**
- 21 **(1) levy on, and collect an annual assessment from, each**
 - 22 **compact state; or**
 - 23 **(2) impose fees on other parties;**

24 **to cover the cost of the operations and activities of the commission**
 25 **and the commission's staff in an amount that is sufficient to cover**
 26 **the commission's annual budget as approved each year for revenue**
 27 **that is not provided by other sources. The aggregate annual**
 28 **assessment amount shall be allocated based upon a formula**
 29 **determined by the commission and promulgated through a rule**
 30 **binding all the compact states.**

31 **(d) The commission shall not incur any obligations of any kind**
 32 **before securing adequate funds to meet the obligation. The**
 33 **commission may not pledge the credit of any of the compact states**
 34 **except by and with the authority of the compact state.**

35 **(e) The commission shall keep accurate accounts of all receipts**
 36 **and disbursements. The commission's receipts and disbursements**
 37 **shall be subject to the audit and accounting procedures established**
 38 **under the commission's bylaws. However, all receipts and**
 39 **disbursements of funds handled by the commission shall be audited**
 40 **yearly by a certified or licensed public accountant and the report**
 41 **of the audit shall be included in, and become part of, the**
 42 **commission's annual report.**



1 **Sec. 12. (a) The:**

- 2 **(1) members;**
 3 **(2) officers;**
 4 **(3) executive director;**
 5 **(4) employees; and**
 6 **(5) representatives;**

7 **of the commission shall be immune from each suit and liability,**
 8 **either personally or in the individual's official capacity, for any**
 9 **claim for damage to or loss of property, personal injury, or other**
 10 **civil liability caused by or arising out of an actual or alleged act,**
 11 **error, or omission that occurred, or that the person against whom**
 12 **the claim is made had a reasonable basis for believing occurred**
 13 **within the scope of commission employment, duties, or**
 14 **responsibilities as long as nothing may be construed to protect any**
 15 **individual from a suit or liability for any damage, loss, injury, or**
 16 **liability caused by the intentional or willful or wanton misconduct**
 17 **of the individual.**

18 **(b) The commission shall defend any member, officer, executive**
 19 **director, employee, or representative of the commission in any civil**
 20 **action seeking to impose liability arising out of any actual or**
 21 **alleged act, error, or omission that occurred within the scope of**
 22 **commission employment, duties, or responsibilities, or that the**
 23 **individual against whom the claim is made had a reasonable basis**
 24 **for believing occurred within the scope of the commission**
 25 **employment, duties, or responsibilities, provided that:**

- 26 **(1) nothing shall be construed to prohibit the individual from**
 27 **retaining the individual's own counsel; and**
 28 **(2) the actual or alleged act, error, or omission did not result**
 29 **from the individual's intentional or willful or wanton**
 30 **misconduct.**

31 **(c) The commission shall indemnify and hold harmless any**
 32 **member, officer, executive director, employee, or representative of**
 33 **the commission for the amount of any settlement or judgment**
 34 **obtained against the individual arising out of any actual or alleged**
 35 **act, error, or omission that occurred within the scope of**
 36 **commission employment, duties, or responsibilities, or that the**
 37 **individual had reasonable basis for believing occurred within the**
 38 **scope of commission employment, duties, or responsibilities,**
 39 **provided that the actual or alleged act, error, or omission did not**
 40 **result from intentional or willful or wanton misconduct by the**
 41 **individual.**

42 **Chapter 11. Rulemaking**



1 **Sec. 1. The commission shall exercise the commission's**
 2 **rulemaking powers pursuant to the criteria set forth in this chapter**
 3 **and the rules adopted under this chapter. Rules and amendments**
 4 **shall become binding as of the date specified in each rule or**
 5 **amendment.**

6 **Sec. 2. If a majority of the legislatures of the compact states**
 7 **reject a rule, by enactment of a statute or resolution in the same**
 8 **manner that was used to adopt the compact, then the rule shall**
 9 **have no further force and effect in any compact state.**

10 **Sec. 3. Rules, or amendments to the rules, shall be adopted at a**
 11 **regular or special meeting of the commission.**

12 **Sec. 4. (a) Before promulgation and adoption of a final rule by**
 13 **the commission, and at least sixty (60) days in advance of the**
 14 **meeting at which the rule will be considered and voted upon, the**
 15 **commission shall file a notice of proposed rulemaking as follows:**

16 (1) **On the commission's Internet web site.**

17 (2) **On:**

18 (A) **the Internet web site of each compact state's**
 19 **psychology regulatory authority; or**

20 (B) **the publication in which each state would otherwise**
 21 **publish proposed rules.**

22 (b) **The notice of proposed rulemaking shall include the**
 23 **following:**

24 (1) **The proposed time, date, and location of the meeting in**
 25 **which the rule will be considered and voted upon.**

26 (2) **The text of the proposed rule or amendment and the**
 27 **reason for the proposed rule.**

28 (3) **A request for comments on the proposed rule from any**
 29 **interested person.**

30 (4) **The manner in which an interested person may submit**
 31 **notice to the commission of the person's intention to attend**
 32 **the public hearing and any written comments.**

33 **Sec. 5. Before the adoption of a proposed rule, the commission**
 34 **shall allow a person to submit written data, facts, opinions, and**
 35 **arguments to the commission and the submission shall be made**
 36 **available to the public.**

37 **Sec. 6. (a) The commission shall grant an opportunity for a**
 38 **public hearing before the commission adopts a rule or amendment**
 39 **if a hearing is requested by:**

40 (1) **at least twenty-five (25) persons who submit comments**
 41 **independently of each other;**

42 (2) **a governmental subdivision or agency; or**



- 1 **(3) a duly appointed person in an association that has at least**
2 **twenty-five (25) members.**
- 3 **(b) If a hearing is held on the proposed rule or amendment, the**
4 **commission shall publish the location, time, and date of the**
5 **scheduled public hearing.**
- 6 **(c) Any person wishing to be heard at the hearing shall notify**
7 **the executive director of the commission or other designated**
8 **member in writing of the person's desire to appear and testify at**
9 **the hearing not less than five (5) business days before the scheduled**
10 **date of the hearing.**
- 11 **(d) The hearing shall be conducted in a manner that provides**
12 **each person who wishes to comment a fair and reasonable**
13 **opportunity to comment orally or in writing.**
- 14 **(e) No transcript of the hearing is required, unless a written**
15 **request for the transcription is made. If a written request for a**
16 **transcript is made, the person requesting the transcript shall bear**
17 **the cost of producing the transcript. A recording may be made in**
18 **lieu of a transcript under the same terms and conditions as a**
19 **transcript. This subsection shall not preclude the commission from**
20 **making a transcript or recording of the hearing if the commission**
21 **chooses to do so.**
- 22 **(f) Nothing in this section shall be construed as requiring a**
23 **separate hearing on each rule. Rules may be grouped for the**
24 **convenience of the commission at hearings required by this section.**
- 25 **(g) Following the scheduled hearing date, or by the close of**
26 **business on the scheduled hearing date if the hearing was not held,**
27 **the commission shall consider all written and oral comments**
28 **received.**
- 29 **(h) The commission shall, by a majority vote of all members,**
30 **take final action on the proposed rule and shall determine the**
31 **effective date of the rule, if any, based on the rulemaking record**
32 **and the full text of the rule.**
- 33 **(i) If no written notice of intent to attend the public hearing by**
34 **interested parties is received, the commission may proceed with**
35 **promulgation of the proposed rule without a public hearing.**
- 36 **Sec. 7. (a) Upon determination that an emergency exists, the**
37 **commission may consider and adopt an emergency rule without:**
38 **(1) prior notice;**
39 **(2) opportunity for comment; or**
40 **(3) hearing;**
41 **provided that the usual rulemaking procedures provided in the**
42 **compact and in this chapter shall be retroactively applied to the**



1 rule as soon as reasonably possible, and not later than ninety (90)
2 days after the effective date of the rule.

3 (b) For the purposes of this section, an emergency rule is a rule
4 that must be adopted immediately in order to:

5 (1) meet an imminent threat to public health, safety, or
6 welfare;

7 (2) prevent a loss of commission or compact state funds;

8 (3) meet a deadline for the promulgation of an administrative
9 rule that is established by federal law or rule; or

10 (4) protect public health and safety.

11 Sec. 8. (a) The commission, or an authorized committee of the
12 commission, may direct revisions to a previously adopted rule or
13 amendment for purposes of correcting typographical errors, errors
14 in format, errors in consistency, or grammatical errors. Public
15 notice of any revisions shall be posted on the commission's Internet
16 web site. The revision must be subject to challenge by any person
17 for a period of thirty (30) days after posting.

18 (b) The revision may be challenged only on grounds that the
19 revision results in a material change to a rule. A challenge must be
20 made in writing and delivered to the chair of the commission
21 before the end of the notice period.

22 (c) If no challenge is made, the revision will take effect without
23 further action. If the revision is challenged, the revision may not
24 take effect without the approval of the commission.

25 Chapter 12. Oversight, Dispute Resolution, and Enforcement

26 Sec. 1. (a) The executive, legislative, and judicial branches of
27 state government in each compact state shall enforce the compact
28 and take all actions necessary and appropriate to effectuate the
29 compact's purposes and intent.

30 (b) The provisions of this compact and the rules promulgated
31 under the compact shall have standing as statutory law.

32 (c) All courts shall take judicial notice of the compact and the
33 rules in any judicial or administrative proceeding in a compact
34 state pertaining to the subject matter of the compact that may
35 affect the powers, responsibilities, or actions of the commission.

36 (d) The commission shall be entitled to receive service of process
37 in any proceeding, and shall have standing to intervene in the
38 proceeding for all purposes. Failure to provide service of process
39 to the commission shall render a judgment or order void as to the
40 commission, this compact, or promulgated rules.

41 Sec. 2. (a) If the commission determines that a compact state has
42 defaulted in the performance of the compact state's obligations or



1 responsibilities under this compact or the promulgated rules, the
2 commission shall provide the following:

3 (1) Written notice to the defaulting state and other compact
4 states of the nature of the default, the proposed means of
5 remedying the default, and any other action to be taken by the
6 commission.

7 (2) Remedial training and specific technical assistance
8 concerning the default.

9 (b) If a state in default fails to remedy the default, the defaulting
10 state may be terminated from the compact upon an affirmative
11 vote of a majority of the compact states, and all rights, privileges,
12 and benefits conferred by this compact shall be terminated on the
13 effective date of termination. A remedy of the default does not
14 relieve the offending state of obligations or liabilities incurred
15 during the period of default.

16 Sec. 3. (a) Termination of membership in the compact shall be
17 imposed only after all means of securing compliance have been
18 exhausted. Notice of intent to suspend or terminate shall be
19 submitted by the commission to the governor, the majority and
20 minority leaders of the defaulting state's legislature, and each of
21 the compact states.

22 (b) A compact state that has been terminated is responsible for
23 all assessments, obligations, and liabilities incurred through the
24 effective date of the termination, including obligations that extend
25 beyond the effective date of termination.

26 Sec. 4. The commission shall not bear any costs incurred by the
27 state that is found to be in default or that has been terminated from
28 the compact unless agreed upon in writing by the commission and
29 defaulting state.

30 Sec. 5. The defaulting state may appeal the action of the
31 commission by petitioning the United States District Court for the
32 state of Georgia or the federal district where the compact has the
33 compact's principal offices. The prevailing member shall be
34 awarded all costs of the litigation, including reasonable attorney's
35 fees.

36 Sec. 6. (a) Upon request by a compact state, the commission
37 shall attempt to resolve disputes that arise concerning the compact
38 among compact states and between compact and noncompact
39 states.

40 (b) The commission shall promulgate a rule providing for both
41 mediation and binding dispute resolution for disputes that arise
42 before the commission.



1 **Sec. 7. The commission, in the reasonable exercise of the**
2 **commission's discretion, shall enforce the provisions and rules of**
3 **the compact.**

4 **Sec. 8. (a) By a majority vote, the commission may initiate legal**
5 **action in the United States District Court for the state of Georgia**
6 **or the federal district where the compact has the compact's**
7 **principal offices against a compact state in default to enforce**
8 **compliance with the provisions of the compact and the**
9 **commission's promulgated rules and bylaws.**

10 **(b) The relief sought may include both injunctive relief and**
11 **damages.**

12 **(c) If judicial enforcement is necessary, the prevailing member**
13 **shall be awarded all costs of the litigation, including reasonable**
14 **attorney's fees.**

15 **Sec. 9. The remedies in this chapter shall not be the exclusive**
16 **remedies of the commission. The commission may pursue any other**
17 **remedies available under federal or state law.**

18 **Chapter 13. Date of Implementation of the Compact,**
19 **Commission, and Rules; Withdrawal and Amendments**

20 **Sec. 1. The compact shall come into effect on the date on which**
21 **the compact is enacted into law in the seventh compact state. The**
22 **provisions that become effective shall be limited to the powers**
23 **granted to the commission concerning assembly and the**
24 **promulgation of rules. Thereafter, the commission shall meet and**
25 **exercise rulemaking powers necessary to the implementation and**
26 **administration of the compact.**

27 **Sec. 2. (a) Any state that joins the compact after the**
28 **commission's initial adoption of the rules shall be subject to the**
29 **rules as the rules exist on the date in which the compact becomes**
30 **law in the state.**

31 **(b) Any rules that have been previously adopted by the**
32 **commission shall have the full force and effect of law on the day the**
33 **compact becomes law in the state.**

34 **Sec. 3. (a) Any compact state may withdraw from the compact**
35 **by enacting a statute repealing the compact.**

36 **(b) A compact state's withdrawal shall not take effect until six**
37 **(6) months after enactment of the repealing statute.**

38 **(c) Withdrawal from the compact shall not affect the continuing**
39 **requirement of the withdrawing state's psychology regulatory**
40 **authority to comply with the investigative and adverse action**
41 **reporting requirements of this article before the effective date of**
42 **withdrawal.**



1 **Sec. 4. Nothing contained in the compact shall be construed to**
2 **invalidate or prevent any psychology licensure agreement or other**
3 **cooperative arrangement between a compact state and a**
4 **noncompact state that does not conflict with the provisions of the**
5 **compact.**

6 **Sec. 5. The compact may be amended by the compact states. No**
7 **amendment to this compact shall become effective and binding**
8 **upon any compact state until the amendment is enacted into the**
9 **law of all compact states.**

10 **Chapter 14. Construction and Severability**

11 **Sec. 1. This compact shall be liberally construed so as to**
12 **effectuate the purposes of the compact. If the compact shall be held**
13 **to be contrary to the constitution of any state member of the**
14 **compact, the compact shall remain in full force and effect as to the**
15 **remaining compact states.**

16 **SECTION 2. IC 34-30-2-101.7 IS ADDED TO THE INDIANA**
17 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
18 **[EFFECTIVE JULY 1, 2021]: Sec. 101.7. IC 25-33.5-10-12**
19 **(Concerning acts, errors, and omissions under the psychology**
20 **interjurisdictional compact).**



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 36, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 36 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 10, Nays 0

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 36, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 36 as printed January 29, 2021.)

BARRETT

Committee Vote: Yeas 11, Nays 0

