

1                   **PSYCHOLOGY INTERJURISDICTIONAL COMPACT**

2                                   2017 GENERAL SESSION

3                                   STATE OF UTAH

4                   **Chief Sponsor: Brian E. Shiozawa**

5                                   House Sponsor: Edward H. Redd

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7 **LONG TITLE**

8 **General Description:**

9           This bill enacts a multi-state compact for psychologist telehealth.

10 **Highlighted Provisions:**

11           This bill:

- 12           ▶ creates a chapter in the Occupations and Professions Code to establish the
- 13 Psychologist Interjurisdictional Compact; and
- 14           ▶ provides administrative rulemaking authority to the Division of Occupational and
- 15 Professional Licensing to implement the multi-state compact.

16 **Money Appropriated in this Bill:**

17           None

18 **Other Special Clauses:**

19           None

20 **Utah Code Sections Affected:**

21 ENACTS:

22           **58-61b-101**, Utah Code Annotated 1953

23           **58-61b-102**, Utah Code Annotated 1953

24           **58-61b-103**, Utah Code Annotated 1953

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26 *Be it enacted by the Legislature of the state of Utah:*

27           Section 1. Section **58-61b-101** is enacted to read:

28                   **CHAPTER 61b. PSYCHOLOGY INTERJURISDICTIONAL COMPACT**

29                   **58-61b-101. Title.**

30 This chapter is known as the "Psychology Interjurisdictional Compact."

31 Section 2. Section **58-61b-102** is enacted to read:

32 **58-61b-102. Psychology Interjurisdictional Compact.**

33 The Psychology Interjurisdictional Compact is enacted and entered into with all other  
34 jurisdictions that legally join in the compact, which is, in form, substantially as follows:

35 ARTICLE I

36 PURPOSE

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

39 Whereas, this Compact is intended to regulate the day to day practice of telepsychology  
40 (i.e. the provision of psychological services using telecommunication technologies) by  
41 psychologists across state boundaries in the performance of their psychological practice as  
42 assigned by an appropriate authority;

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

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

49 Whereas, this Compact recognizes that states have a vested interest in protecting the  
50 public's health and safety through their licensing and regulation of psychologists and that such  
51 state regulation will best protect public health and safety;

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

54 Whereas, this Compact does not apply to permanent in-person, face-to-face practice, it  
55 does allow for authorization of temporary psychological practice.

56 Consistent with these principles, this Compact is designed to achieve the following  
57 purposes and objectives:



86 E. "Client/Patient" means: the recipient of psychological services, whether  
87 psychological services are delivered in the context of healthcare, corporate, supervision, and/or  
88 consulting services.

89 F. "Commissioner" means: the voting representative appointed by each State  
90 Psychology Regulatory Authority pursuant to Section X.

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

94 H. "Coordinated Licensure Information System" also referred to as "Coordinated  
95 Database" means: an integrated process for collecting, storing, and sharing information on  
96 psychologists' licensure and enforcement activities related to psychology licensure laws, which  
97 is administered by the recognized membership organization composed of State and Provincial  
98 Psychology Regulatory Authorities.

99 I. "Confidentiality" means: the principle that data or information is not made available  
100 or disclosed to unauthorized persons and/or processes.

101 J. "Day" means: any part of a day in which psychological work is performed.

102 K. "Distant State" means: the Compact State where a psychologist is physically present  
103 (not through the use of telecommunications technologies), to provide temporary in-person,  
104 face-to-face psychological services.

105 L. "E.Passport" means: a certificate issued by the Association of State and Provincial  
106 Psychology Boards (ASPPB) that promotes the standardization in the criteria of  
107 interjurisdictional telepsychology practice and facilitates the process for licensed psychologists  
108 to provide telepsychological services across state lines.

109 M. "Executive Board" means: a group of directors elected or appointed to act on behalf  
110 of, and within the powers granted to them by, the Commission.

111 N. "Home State" means: a Compact State where a psychologist is licensed to practice  
112 psychology. If the psychologist is licensed in more than one Compact State and is practicing  
113 under the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the

114 Compact State where the psychologist is physically present when the telepsychological services  
115 are delivered. If the psychologist is licensed in more than one Compact State and is practicing  
116 under the Temporary Authorization to Practice, the Home State is any Compact State where the  
117 psychologist is licensed.

118 O. "Identity History Summary" means: a summary of information retained by the FBI,  
119 or other designee with similar authority, in connection with arrests and, in some instances,  
120 federal employment, naturalization, or military service.

121 P. "In-Person, Face-to-Face" means: interactions in which the psychologist and the  
122 client/patient are in the same physical space and which do not include interactions that may  
123 occur through the use of telecommunication technologies.

124 Q. "Interjurisdictional Practice Certificate (IPC)" means: a certificate issued by the  
125 Association of State and Provincial Psychology Boards (ASPPB) that grants temporary  
126 authority to practice based on notification to the State Psychology Regulatory Authority of  
127 intention to practice temporarily, and verification of one's qualifications for such practice.

128 R. "License" means: authorization by a State Psychology Regulatory Authority to  
129 engage in the independent practice of psychology, which would be unlawful without the  
130 authorization.

131 S. "Non-Compact State" means: any state which is not at the time a Compact State.

132 T. "Psychologist" means: an individual licensed for the independent practice of  
133 psychology.

134 U. "Psychology Interjurisdictional Compact Commission" also referred to as  
135 "Commission" means: the national administration of which all Compact States are members.

136 V. "Receiving State" means: a Compact State where the client/patient is physically  
137 located when the telepsychological services are delivered.

138 W. "Rule" means: a written statement by the Psychology Interjurisdictional Compact  
139 Commission promulgated pursuant to Section XI of the Compact that is of general  
140 applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an  
141 organizational, procedural, or practice requirement of the Commission and has the force and

142 effect of statutory law in a Compact State, and includes the amendment, repeal, or suspension  
143 of an existing rule.

144 X. "Significant Investigatory Information" means:

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

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

152 Y. "State" means: a state, commonwealth, territory, or possession of the United States,  
153 or the District of Columbia.

154 Z. "State Psychology Regulatory Authority" means: the Board, office, or other agency  
155 with the legislative mandate to license and regulate the practice of psychology.

156 AA. "Telepsychology" means: the provision of psychological services using  
157 telecommunication technologies.

158 BB. "Temporary Authorization to Practice" means: a licensed psychologist's authority  
159 to conduct temporary in-person, face-to-face practice, within the limits authorized under this  
160 Compact, in another Compact State.

161 CC. "Temporary In-Person, Face-to-Face Practice" means: where a psychologist is  
162 physically present (not through the use of telecommunications technologies), in the Distant  
163 State to provide for the practice of psychology for 30 days within a calendar year and based on  
164 notification to the Distant State.

165 ARTICLE III

166 HOME STATE LICENSURE

167 A. The Home State shall be a Compact State where a psychologist is licensed to  
168 practice psychology.

169 B. A psychologist may hold one or more Compact State licenses at a time. If the

170 psychologist is licensed in more than one Compact State, the Home State is the Compact State  
171 where the psychologist is physically present when the services are delivered as authorized by  
172 the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

173 C. Any Compact State may require a psychologist not previously licensed in a  
174 Compact State to obtain and retain a license to be authorized to practice in the Compact State  
175 under circumstances not authorized by the Authority to Practice Interjurisdictional  
176 Telepsychology under the terms of this Compact.

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

180 E. A Home State's license authorizes a psychologist to practice in a Receiving State  
181 under the Authority to Practice Interjurisdictional Telepsychology only if the Compact State:

182 1. Currently requires the psychologist to hold an active E.Passport;  
183 2. Has a mechanism in place for receiving and investigating complaints about licensed  
184 individuals;

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

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

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

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

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

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

197 3. Notifies the Commission, in compliance with the terms herein, of any adverse action

198 or significant investigatory information regarding a licensed individual;

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

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

204 ARTICLE IV

205 COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

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

210 B. To exercise the Authority to Practice Interjurisdictional Telepsychology under the  
211 terms and provisions of this Compact, a psychologist licensed to practice in a Compact State  
212 must:

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

215 a. Regionally accredited by an accrediting body recognized by the U.S. Department of  
216 Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to  
217 grant doctoral degrees; or

218 b. A foreign college or university deemed to be equivalent to Article IV, Subsection  
219 B.1.a., by a foreign credential evaluation service that is a member of the National Association  
220 of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation  
221 service; and

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

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



- 226            b. The psychology program must stand as a recognizable, coherent, organizational
- 227 entity within the institution;
- 228            c. There must be a clear authority and primary responsibility for the core and specialty
- 229 areas whether or not the program cuts across administrative lines;
- 230            d. The program must consist of an integrated, organized sequence of study;
- 231            e. There must be an identifiable psychology faculty sufficient in size and breadth to
- 232 carry out its responsibilities;
- 233            f. The designated director of the program must be a psychologist and a member of the
- 234 core faculty;
- 235            g. The program must have an identifiable body of students who are matriculated in that
- 236 program for a degree;
- 237            h. The program must include supervised practicum, internship, or field training
- 238 appropriate to the practice of psychology;
- 239            i. The curriculum shall encompass a minimum of three academic years of full-time
- 240 graduate study for doctoral degrees and a minimum of one academic year of full-time graduate
- 241 study for master's degrees; and
- 242            j. The program includes an acceptable residency as defined by the Rules of the
- 243 Commission.
- 244            3. Possess a current, full, and unrestricted license to practice psychology in a Home
- 245 State which is a Compact State;
- 246            4. Have no history of adverse action that violates the Rules of the Commission;
- 247            5. Have no criminal record history reported on an Identity History Summary that
- 248 violates the Rules of the Commission;
- 249            6. Possess a current, active E.Passport;
- 250            7. Provide attestations in regard to areas of intended practice, conformity with
- 251 standards of practice, and competence in telepsychology technology, criminal background; and
- 252 knowledge and adherence to legal requirements in the Home and Receiving States, and provide
- 253 a release of information to allow for primary source verification in a manner specified by the

254 Commission; and

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

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

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

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

270 ARTICLE V

271 COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

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

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

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

279 a. Regionally accredited by an accrediting body recognized by the U.S. Department of  
280 Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to  
281 grant doctoral degrees; or

282 b. A foreign college or university deemed to be equivalent to Article V, Subsection  
283 B.1.a., by a foreign credential evaluation service that is a member of the National Association  
284 of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation  
285 service; and

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

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

290 b. The psychology program must stand as a recognizable, coherent, organizational  
291 entity within the institution;

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

294 d. The program must consist of an integrated, organized sequence of study;

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

297 f. The designated director of the program must be a psychologist and a member of the  
298 core faculty;

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

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

303 i. The curriculum shall encompass a minimum of three academic years of full-time  
304 graduate study for doctoral degrees and a minimum of one academic year of full-time graduate  
305 study for master's degrees; and

306 j. The program includes an acceptable residency as defined by the Rules of the  
307 Commission.

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

310 4. No history of adverse action that violates the Rules of the Commission;  
311 5. No criminal record history that violates the Rules of the Commission;  
312 6. Possess a current, active IPC;  
313 7. Provide attestations in regard to areas of intended practice and work experience and  
314 provide a release of information to allow for primary source verification in a manner specified  
315 by the Commission; and

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

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

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

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

330 ARTICLE VI

331 CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

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

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

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

340 ARTICLE VII

341 ADVERSE ACTIONS

342 A. A Home State shall have the power to impose adverse action against a  
343 psychologist's license issued by the Home State. A Distant State shall have the power to take  
344 adverse action on a psychologist's Temporary Authorization to Practice within that Distant  
345 State.

346 B. A Receiving State may take adverse action on a psychologist's Authority to Practice  
347 Interjurisdictional Telepsychology within that Receiving State. A Home State may take adverse  
348 action against a psychologist based on an adverse action taken by a Distant State regarding  
349 temporary in-person, face-to-face practice.

350 C. If a Home State takes adverse action against a psychologist's license, that  
351 psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated and the  
352 E.Passport is revoked. Furthermore, that psychologist's Temporary Authorization to Practice is  
353 terminated and the IPC is revoked.

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

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

360 3. Other actions may be imposed as determined by the Rules promulgated by the  
361 Commission.

362 D. A Home State's Psychology Regulatory Authority shall investigate and take  
363 appropriate action with respect to reported inappropriate conduct engaged in by a licensee  
364 which occurred in a Receiving State as it would if such conduct had occurred by a licensee  
365 within the Home State. In such cases, the Home State's law shall control in determining any

366 adverse action against a psychologist's license.

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

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

380 G. No other judicial or administrative remedies shall be available to a psychologist in  
381 the event a Compact State imposes an adverse action pursuant to Article VII, Section C.

382 ARTICLE VIII

383 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT

384 STATE'S PSYCHOLOGY REGULATORY AUTHORITY

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

387 1. Issue subpoenas, for both hearings and investigations, which require the attendance  
388 and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact  
389 State's Psychology Regulatory Authority for the attendance and testimony of witnesses, and/or  
390 the production of evidence from another Compact State, shall be enforced in the latter state by  
391 any court of competent jurisdiction, according to that court's practice and procedure in  
392 considering subpoenas issued in its own proceedings. The issuing State Psychology Regulatory  
393 Authority shall pay any witness fees, travel expenses, mileage, and other fees required by the

394 service statutes of the state where the witnesses and/or evidence are located; and

395 2. Issue cease and desist and/or injunctive relief orders to revoke a psychologist's  
396 Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to  
397 Practice.

398 B. During the course of any investigation, a psychologist may not change his/her Home  
399 State licensure. A Home State Psychology Regulatory Authority is authorized to complete any  
400 pending investigations of a psychologist and to take any actions appropriate under its law. The  
401 Home State Psychology Regulatory Authority shall promptly report the conclusions of such  
402 investigations to the Commission. Once an investigation has been completed, and pending the  
403 outcome of said investigation, the psychologist may change his/her Home State licensure. The  
404 Commission shall promptly notify the new Home State of any such decisions as provided in the  
405 Rules of the Commission. All information provided to the Commission or distributed by  
406 Compact States pursuant to the psychologist shall be confidential, filed under seal, and used for  
407 investigatory or disciplinary matters. The Commission may create additional rules for  
408 mandated or discretionary sharing of information by Compact States.

409 ARTICLE IX

410 COORDINATED LICENSURE INFORMATION SYSTEM

411 A. The Commission shall provide for the development and maintenance of a  
412 Coordinated Licensure Information System (Coordinated Database) and reporting system  
413 containing licensure and disciplinary action information on all psychologists to whom this  
414 Compact is applicable in all Compact States as defined by the Rules of the Commission.

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

- 418 1. Identifying information;
- 419 2. Licensure data;
- 420 3. Significant investigatory information;
- 421 4. Adverse actions against a psychologist's license;





450 1. The Commission shall consist of one voting representative appointed by each  
451 Compact State who shall serve as that state's Commissioner. The State Psychology Regulatory  
452 Authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the  
453 Compact State. This delegate shall be limited to:

- 454 a. Executive Director, Executive Secretary, or similar executive;
- 455 b. Current member of the State Psychology Regulatory Authority of a Compact State;

456 or

- 457 c. Designee empowered with the appropriate delegate authority to act on behalf of the  
458 Compact State.

459 2. Any Commissioner may be removed or suspended from office as provided by the  
460 law of the state from which the Commissioner is appointed. Any vacancy occurring in the  
461 Commission shall be filled in accordance with the laws of the Compact State in which the  
462 vacancy exists.

463 3. Each Commissioner shall be entitled to one (1) vote with regard to the promulgation  
464 of Rules and creation of Bylaws and shall otherwise have an opportunity to participate in the  
465 business and affairs of the Commission. A Commissioner shall vote in person or by such other  
466 means as provided in the Bylaws. The Bylaws may provide for Commissioners' participation in  
467 meetings by telephone or other means of communication.

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

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

472 6. The Commission may convene in a closed, non-public meeting if the Commission  
473 must discuss:

- 474 a. Non-compliance of a Compact State with its obligations under the Compact;
- 475 b. The employment, compensation, discipline or other personnel matters, practices or  
476 procedures related to specific employees, or other matters related to the Commission's internal  
477 personnel practices and procedures;

- 478 c. Current, threatened, or reasonably anticipated litigation against the Commission;
- 479 d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;
- 480 e. Accusation against any person of a crime or formally censuring any person;
- 481 f. Disclosure of trade secrets or commercial or financial information which is
- 482 privileged or confidential;
- 483 g. Disclosure of information of a personal nature where disclosure would constitute a
- 484 clearly unwarranted invasion of personal privacy;
- 485 h. Disclosure of investigatory records compiled for law enforcement purposes;
- 486 i. Disclosure of information related to any investigatory reports prepared by or on
- 487 behalf of or for use of the Commission or other committee charged with responsibility for
- 488 investigation or determination of compliance issues pursuant to the Compact; or
- 489 j. Matters specifically exempted from disclosure by federal and state 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 which fully
- 493 and clearly describe all matters discussed in a meeting and shall provide a full and accurate
- 494 summary of actions taken, of any person participating in the meeting, and the reasons therefore,
- 495 including a description of the views expressed. All documents considered in connection with
- 496 an action shall be identified in such minutes. All minutes and documents of a closed meeting
- 497 shall remain under seal, subject to release only by a majority vote of the Commission or order
- 498 of a court of competent jurisdiction.
- 499 C. The Commission shall, by a majority vote of the Commissioners, prescribe Bylaws
- 500 and/or Rules to govern its conduct as may be necessary or appropriate to carry out the purposes
- 501 and exercise the powers of the Compact, including but not limited to:
- 502 1. Establishing the fiscal year of the Commission;
- 503 2. Providing reasonable standards and procedures:
- 504 a. for the establishment and meetings of other committees; and
- 505 b. governing any general or specific delegation of any authority or function of the

506 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  
513 soon 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  
520 and programs of the Commission;

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

523 7. Providing a mechanism for concluding the operations of the Commission and the  
524 equitable disposition of any surplus funds that may exist after the termination of the Compact  
525 after the payment and/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 Bylaws;  
530 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 following powers:

- 534           1. The authority to promulgate uniform rules to facilitate and coordinate  
535 implementation and administration of this Compact. The rule shall have the force and effect of  
536 law and shall be binding in all Compact States;
- 537           2. To bring and prosecute legal proceedings or actions in the name of the Commission,  
538 provided that the standing of any State Psychology Regulatory Authority or other regulatory  
539 body responsible for psychology licensure to sue or be sued under applicable law shall not be  
540 affected;
- 541           3. To purchase and maintain insurance and bonds;
- 542           4. To borrow, accept, or contract for services of personnel, including, but not limited  
543 to, employees of a Compact State;
- 544           5. To hire employees, elect or appoint officers, fix compensation, define duties, grant  
545 such individuals appropriate authority to carry out the purposes of the Compact, and to  
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. To accept any and all appropriate donations and grants of money, equipment,  
549 supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that  
550 at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict  
551 of interest;
- 552           7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,  
553 hold, improve, or use, any property, real, personal, or mixed; provided that at all times the  
554 Commission shall strive to avoid any appearance of impropriety;
- 555           8. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
556 any property, real, personal, or mixed;
- 557           9. To establish a budget and make expenditures;
- 558           10. To borrow money;
- 559           11. To appoint committees, including advisory committees comprised of Members,  
560 state regulators, state legislators or their representatives, and consumer representatives, and  
561 such other interested persons as may be designated in this Compact and the Bylaws;

562 12. To provide and receive information from, and to cooperate with, law enforcement  
563 agencies;

564 13. To adopt and use an official seal; and

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

568 E. The Executive Board

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

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

572 a. Five voting members who are elected from the current membership of the  
573 Commission by the Commission; and

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

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

578 3. The Commission may remove any member of the Executive Board as provided in  
579 Bylaws.

580 4. The Executive Board shall meet at least annually.

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

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

585 b. Ensure Compact administration services are appropriately provided, contractual or  
586 otherwise;

587 c. Prepare and recommend the budget;

588 d. Maintain financial records on behalf of the Commission;

589 e. Monitor Compact compliance of member states and provide compliance reports to

590 the Commission;

591 f. Establish additional committees as necessary; and

592 g. Other duties as provided in Rules or Bylaws.

593 F. Financing of the Commission

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

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

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

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

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

613 G. Qualified immunity, defense, and indemnification

614 1. The members, officers, Executive Director, employees, and representatives of the  
615 Commission shall be immune from suit and liability, either personally or in their official  
616 capacity, for any claim for damage to or loss of property or personal injury or other civil  
617 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,

618 or that the person against whom the claim is made had a reasonable basis for believing  
619 occurred, within the scope of Commission employment, duties, or responsibilities; provided  
620 that nothing in this paragraph shall be construed to protect any such person from suit and/or  
621 liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton  
622 misconduct of that person.

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

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

639 ARTICLE XI

640 RULEMAKING

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

644 B. If a majority of the legislatures of the Compact States rejects a rule, by enactment of  
645 a statute or resolution in the same manner used to adopt the Compact, then such rule shall have

646 no further force and effect in any Compact State.

647 C. Rules or amendments to the Rules shall be adopted at a regular or special meeting of  
648 the Commission.

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

652 1. On the website of the Commission; and

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

655 E. The Notice of Proposed Rulemaking shall include:

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

658 2. The text of the proposed rule or amendment and the reason for the proposed rule;

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

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

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

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

666 1. At least twenty-five (25) persons who submit comments independently of each  
667 other;

668 2. A governmental subdivision or agency; or

669 3. A duly appointed person in an association that has at least twenty-five (25)  
670 members.

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

673 1. All persons wishing to be heard at the hearing shall notify the Executive Director of



674 the Commission or other designated member in writing of their desire to appear and testify at  
675 the hearing not less than five (5) business days before the scheduled date of the hearing.

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

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

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

686 I. Following the scheduled hearing date, or by the close of business on the scheduled  
687 hearing date if the hearing was not held, the Commission shall consider all written and oral  
688 comments received.

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

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

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

701 1. Meet an imminent threat to public health, safety, or welfare;



730 B. Default, Technical Assistance, and Termination

731 1. If the Commission determines that a Compact State has defaulted in the performance  
732 of its obligations or responsibilities under this Compact or the promulgated rules, the  
733 Commission shall:

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

737 b. Provide remedial training and specific technical assistance regarding the default.

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

743 3. Termination of membership in the Compact shall be imposed only after all other  
744 means of securing compliance have been exhausted. Notice of intent to suspend or terminate  
745 shall be submitted by the Commission to the Governor, the majority and minority leaders of the  
746 defaulting state's legislature, and each of the Compact States.

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

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

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

757 C. Dispute Resolution

758 1. Upon request by a Compact State, the Commission shall attempt to resolve disputes  
759 related to the Compact which arise among Compact States and between Compact and  
760 Non-Compact States.

761 2. The Commission shall promulgate a rule providing for both mediation and binding  
762 dispute resolution for disputes that arise before the Commission.

763 D. Enforcement

764 1. The Commission, in the reasonable exercise of its discretion, shall enforce the  
765 provisions and Rules of this Compact.

766 2. By majority vote, the Commission may initiate legal action in the U.S. District Court  
767 for the state of Georgia or the federal district where the Compact has its principal offices  
768 against a Compact State in default to enforce compliance with the provisions of the Compact  
769 and its promulgated Rules and Bylaws. The relief sought may include both injunctive relief and  
770 damages. In the event judicial enforcement is necessary, the prevailing member shall be  
771 awarded all costs of such litigation, including reasonable attorney's fees.

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

774 ARTICLE XIII

775 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY

776 INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED

777 RULES, WITHDRAWAL, AND AMENDMENTS

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

783 B. Any state which joins the Compact subsequent to the Commission's initial adoption  
784 of the Rules shall be subject to the Rules as they exist on the date on which the Compact  
785 becomes law in that state. Any rule which has been previously adopted by the Commission

786 shall have the full force and effect of law on the day the Compact becomes law in that state.

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

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

791 2. Withdrawal shall not affect the continuing requirement of the withdrawing State's  
792 Psychology Regulatory Authority to comply with the investigative and adverse action reporting  
793 requirements of this act prior to the effective date of withdrawal.

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

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

800 ARTICLE XIV

801 CONSTRUCTION AND SEVERABILITY

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

805 Section 3. Section **58-61b-103** is enacted to read:

806 **58-61b-103. Rulemaking Authority.**

807 The division may make administrative rules in accordance with Title 63G, Chapter 3,  
808 Utah Administrative Rulemaking Act, to implement Section [58-61b-102](#).