

1 H.282

2 Introduced by Representatives Houghton of Essex Junction, Berbeco of
3 Winooski, Black of Essex, Cordes of Lincoln, and Goldman of
4 Rockingham

5 Referred to Committee on

6 Date:

7 Subject: Professions and occupations; psychology; Psychology
8 Interjurisdictional Compact

9 Statement of purpose of bill as introduced: This bill proposes that the State
10 adopt and enter into the Psychology Interjurisdictional Compact.

11 An act relating to the Psychology Interjurisdictional Compact

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 26 V.S.A. chapter 56 is added to read:

14 CHAPTER 56. PSYCHOLOGY INTERJURISDICTIONAL COMPACT

15 § 3051. PURPOSE

16 (a) Whereas, states license psychologists, in order to protect the public
17 through verification of education, training, and experience and ensure
18 accountability for professional practice; and

19 (b) Whereas, this Compact is intended to regulate the day to day practice of
20 telepsychology (i.e., the provision of psychological services using

1 telecommunications) by psychologists across state boundaries in the
2 performance of their psychological practice as assigned by an appropriate
3 authority;

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

8 (d) Whereas, this Compact is intended to authorize State Psychology
9 Regulatory Authorities to afford legal recognition, in a manner consistent with
10 the terms of the Compact, to psychologists licensed in another state;

11 (e) Whereas, this Compact recognizes that states have a vested interest in
12 protecting the public's health and safety through their licensing and regulation
13 of psychologists and that such state regulation will best protect public health
14 and safety;

15 (f) Whereas, this Compact does not apply when a psychologist is licensed
16 in both the Home and Receiving States; and

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

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

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

5 (2) enhance the states' ability to protect the public's health and safety,
6 especially client patient/safety;

7 (3) encourage the cooperation of Compact States in the areas of
8 psychology licensure and regulation;

9 (4) facilitate the exchange of information between Compact States
10 regarding psychologist licensure, adverse actions, and disciplinary history;

11 (5) promote compliance with the laws governing psychological practice
12 in each Compact State; and

13 (6) invest all Compact States with the authority to hold licensed
14 psychologists accountable through the mutual recognition of Compact State
15 licenses.

16 § 3052. DEFINITIONS

17 As used in this chapter:

18 (1) "Adverse action" means any action taken by a state psychology
19 regulatory authority that finds a violation of a statute or regulation that is
20 identified by the state psychology regulatory authority as discipline and is a
21 matter of public record.

1 (2) “Association of State and Provincial Psychology Boards (ASPPB)”
2 means the recognized membership organization composed of State and
3 Provincial Psychology Regulatory Authorities responsible for the licensure and
4 registration of psychologists throughout the United States and Canada.

5 (3) “Authority to Practice Interjurisdictional Telepsychology” means a
6 licensed psychologist’s authority to practice telepsychology, within the limits
7 authorized under this Compact, in another Compact State.

8 (4) “Bylaws” means those bylaws established by the Psychology
9 Interjurisdictional Compact Commission pursuant to section 3060 of this title
10 for its governance or for directing and controlling its actions and conduct.

11 (5) “Client/patient” means the recipient of psychological services,
12 whether psychological services are delivered in the context of health care,
13 corporate, supervision, and/or consulting services.

14 (6) “Commissioner” means the voting representative appointed by each
15 state psychology regulatory authority pursuant to section 3060 of this title.

16 (7) “Compact State” means a state, the District of Columbia, or United
17 States territory that has enacted this Compact legislation and that has not
18 withdrawn pursuant to subsection 3063(c) of this title or been terminated
19 pursuant to subsection 3062(b) of this title.

20 (8) “Coordinated Licensure Information System,” also referred to as
21 “Coordinated Database,” means an integrated process for collecting, sorting,

1 and sharing information on psychologists' licensure and enforcement activities
2 related to psychology licensure laws, which is administered by the recognized
3 membership organization composed of State and Provincial Psychology
4 Regulatory Authorities.

5 (9) "Confidentiality" means the principle that data or information is not
6 made available or disclosed to unauthorized persons and/or processes.

7 (10) "Day" means any part of a day in which psychological work is
8 performed.

9 (11) "Distant State" means the Compact State where a psychologist is
10 physically present (not through the use of the telecommunications
11 technologies) to provide temporary in-person, face-to-face psychological
12 services.

13 (12) "E.Passport" means a certificate issued by the Association of State
14 and Provincial Psychology Boards (ASPPB) that promotes the standardization
15 in the criteria of interjurisdictional telepsychology practice and facilitates the
16 process for licensed psychologists to provide telepsychological services across
17 state lines.

18 (13) "Executive Board" means a group of directors elected or appointed
19 to act on behalf of, and within the powers granted to them by, the Commission.

20 (14) "Home State" means a Compact State where a psychologist is
21 licensed to practice psychology. If the psychologist is licensed in more than

1 one Compact State and is practicing under the Authorization to Practice
2 Interjurisdictional Telepsychology, the Home State is the Compact State where
3 the psychologist is physically present when the telepsychological services are
4 delivered. If the psychologist is licensed in more than one Compact State and
5 is practicing under the Temporary Authorization to Practice, the Home State is
6 any Compact State where the psychologist is licensed.

7 (15) “Identity History Summary” means a summary of information
8 retained by the Federal Bureau of Investigation (FBI), or other designee with
9 similar authority, in connection with arrests and, in some instances, federal
10 employment, naturalization, or military service.

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

15 (17) “Interjurisdictional Practice Certificate (IPC)” means a certificate
16 issued by the Association of State and Provincial Psychology Boards (ASPPB)
17 that grants temporary authority to practice based on notification to the state
18 psychology regulatory authority of intention to practice temporarily and
19 verification of one’s qualifications for such practice.

1 (18) “License” means authorization by a state psychology authority to
2 engage in the independent practice of psychology, which would be unlawful
3 without the authorization.

4 (19) “Non-Compact State” means any state that is not at the time a
5 Compact State.

6 (20) “Psychologist” means an individual licensed for the independent
7 practice of psychology.

8 (21) “Psychology Interjurisdictional Compact Commission,” also
9 referred to as the “Commission,” means the national administration of which
10 all Compact States are members.

11 (22) “Receiving State” means a Compact State where the client/patient
12 is physically located when the telepsychological services are delivered.

13 (23) “Rule” means a written statement by the Psychology
14 Interjurisdiction Compact Commission promulgated pursuant to section 3061
15 of this title that is of general applicability; implements, interprets, or prescribes
16 a policy or provision of the Compact, or an organization, procedural, or
17 practice requirement of the Commission and has the force and effect of
18 statutory law in a Compact State; and includes the amendment, repeal, or
19 suspension of an existing rule.

20 (24) “Significant investigatory information” means:

1 (A) investigative information that a state psychology regulatory
2 authority, after preliminary inquiry that includes notification and an
3 opportunity to respond if required by state laws, has reason to believe, if
4 proven true, would indicate more than a violation of state statute or ethics code
5 that would be considered more substantial than mirror infraction; or

6 (B) investigative information that indicates that the psychologist
7 represents an immediate threat to public health and safety regardless of
8 whether the psychologist has been notified and/or had an opportunity to
9 respond.

10 (25) “State” means a state, commonwealth, territory, or possession of
11 the Unites States, or the District of Columbia.

12 (26) “State psychology regulatory authority” means the Board, office, or
13 other agency with the legislative mandate to license and regulate the practice
14 of psychology.

15 (27) “Telepsychology” means the provision of psychological services
16 using telecommunication technologies.

17 (28) “Temporary Authorization to Practice” means a licensed
18 psychologist’s authority to conduct temporary in-person, face-to-face practice,
19 within the limits authorized under this Compact, in another Compact State.

20 (29) “Temporary in-person, face-to-face practice” means a psychologist
21 is physically present (not through the use of the telecommunications

1 technologies) in the Distant State to provide for the practice of psychology for
2 30 days within a calendar and based on notification to the Distant State.

3 § 3053. HOME STATE LICENSURE

4 (a) The Home State shall be a Compact State where a psychologist is
5 licensed to practice psychology.

6 (b) A psychologist may hold one or more Compact State licenses at a time.
7 If the psychologist is licensed in more than one Compact State, the Home State
8 is the Compact State where the psychologist is physically present when the
9 services are delivered as authorized by the Authority to Practice
10 Interjurisdictional Telepsychology under the terms of this Compact.

11 (c) Any Compact State may require a psychologist not previously licensed
12 in a Compact State to obtain and retain a license to be authorized to practice in
13 the Compact State under the circumstances not authorized by the Authority to
14 Practice Interjurisdictional Telepsychology under the terms of this Compact.

15 (d) Any Compact State may require a psychologist to obtain and retain a
16 license to be authorized to practice in a Compact State under circumstances
17 not authorized by Temporary Authorization to Practice under the terms of this
18 Compact.

19 (e) A Home State's license authorizes a psychologist to practice in a
20 Receiving State under the Authority to Practice Interjurisdictional
21 Telepsychology only if the Compact State:

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

2 (2) has a mechanism in place for receiving and investigating complaints
3 about licensed individuals;

4 (3) notifies the Commission, in compliance with the terms herein, of any
5 adverse action or significant investigatory information regarding a licensed
6 individual;

7 (4) requires an Identity History Summary of all applicants at initial
8 licensure, including the use of the results of fingerprints or other biometric data
9 checks compliant with the requirements of the FBI, or other designee with
10 similar authority, no later than ten years after activation of the Compact; and

11 (5) complies with the bylaws and rules of the Commission.

12 (f) A Home State's license grants Temporary Authorization to Practice to a
13 psychologist in a Distant State only if the Compact State:

14 (1) currently requires the psychologist to hold an active IPC;

15 (2) has a mechanism in place for receiving and investigating complaints
16 about licensed individuals;

17 (3) notifies the Commission, in compliance with the terms herein, of any
18 adverse action or significant investigatory information regarding a licensed
19 individual;

20 (4) requires an Identity History Summary of applicants at initial
21 licensure, including the use of the results of fingerprints or other biometric data

1 checks compliant with the requirements of the FBI, or other designee with
2 similar authority, no later than ten years after activation of the Compact; and

3 (5) complies with the bylaws and rules of the Commission.

4 § 3054. COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

5 (a) Compact States shall recognize the right of a psychologist, licensed in a
6 Compact State in conformance with section 3051 of this title, to practice
7 telepsychology in other Compact States (Receiving States) in which the
8 psychologist is not licensed under the Authority to Practice Interjurisdictional
9 Telepsychology as provided in the Compact.

10 (b) To exercise the Authority to Practice Interjurisdictional Telepsychology
11 under the terms and provisions of this Compact, a psychologist licensed to
12 practice in a Compact State must:

13 (1) hold a graduate degree in psychology from an institute of higher
14 education that was, at the time the degree was awarded:

15 (A) regionally accredited by an accrediting body recognized by the
16 U.S. Department of Education to grant graduate degrees, or authorized by
17 Provincial Statute or Royal Charter to grant doctoral degrees; or

18 (B) a foreign college or university deemed to be equivalent to
19 subdivision (A) of this subdivision (b)(1) by a foreign credential evaluation
20 service that is a member of the National Association of Credential Evaluation

1 Services (NACES) or by a recognized foreign credential evaluation service;

2 and

3 (2) hold a graduate degree in psychology that meets the following
4 criteria:

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

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

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

14 (D) The program must consist of an integrated, organized sequence
15 of study.

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

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

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

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

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

6 (J) The program includes an acceptable residency as defined by the
7 rules of the Commission.

8 (3) process a current, full, and unrestricted license to practice
9 psychology in a Home State that is a Compact State;

10 (4) have no history of adverse action that violate the rules of the
11 Commission;

12 (5) have no criminal record history reported on an Identity History
13 Summary that violates the rules of the Commission;

14 (6) possess a current, active E.Passport;

15 (7) provide attestations in regard to areas of intended practice,
16 conformity with standards of practice, competence in telepsychology
17 technology; criminal background; and knowledge and adherence to legal
18 requirements in the home and receiving states, and provide a release of
19 information to allow for primary source verification in a manner specified by
20 the Commission;

21 (8) meet other criteria as defined by the rules of the Commission.

1 (c) The Home State maintains authority over the license of any
2 psychologist practicing into a Receiving State under the Authority to Practice
3 Interjurisdictional Telepsychology.

4 (d) A psychologist practicing into a Receiving State under the Authority to
5 Practice Interjurisdictional Telepsychology will be subject to the Receiving
6 State's scope of practice. A Receiving State may, in accordance with the
7 state's due process law, limit or revoke a psychologist's Authority to Practice
8 Interjurisdictional Telepsychology in the Receiving State and may take any
9 other necessary actions under the Receiving State's applicable law to protect
10 the health and safety of the Receiving State's citizens. If a Receiving State
11 takes action, the state shall promptly notify the Home State and the
12 Commission.

13 (e) If a psychologist's license in any Home State, another Compact State,
14 or any Authority to Practice Interjurisdictional Telepsychology in any
15 Receiving State, is restricted, suspended, or otherwise limited, the E.Passport
16 shall be revoked and therefore the psychologist shall not be eligible to practice
17 telepsychology in a Compact State under the Authority to Practice
18 Interjurisdictional Telepsychology.

19 § 3055. COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

20 (a) Compact States shall also recognize the right of a psychologist, licensed
21 in a Compact State in conformance with section 3053 of this title, to practice

1 temporarily in other Compact States (Distant States) in which the psychologist
2 is not licensed, as provided in the Compact.

3 (b) To exercise the Temporary Authorization to Practice under the terms
4 and provisions of this Compact, a psychologist licensed to practice in a
5 Compact State must:

6 (1) hold a graduate degree in psychology from an institute of higher
7 education that was, at the time the degree was awarded:

8 (A) regionally accredited by an accrediting body recognized by the
9 U.S. Department of Education to grant graduate degrees, or authorized by
10 Provincial Statute or Royal Charter to grant doctoral degrees; or

11 (B) a foreign college or university deemed to be equivalent to
12 subdivision (A) of this subdivision (b)(1) by a foreign credential evaluation
13 service that is a member of the National Association of Credential Evaluation
14 Services (NACES) or by a recognized foreign credential evaluation service;
15 and

16 (2) hold a graduate degree in psychology that meets the following
17 criteria:

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

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

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

6 (D) The program must consist of an integrated, organized sequence
7 of study.

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

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

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

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

16 (I) The curriculum shall encompass a minimum of three academic
17 years of full-time graduate study for a doctoral degree and a minimum of one
18 academic year of full-time graduate study for a master's degree.

19 (J) The program includes an acceptable residency as defined by the
20 rules of the Commission.

- 1 (3) process a current, full, and unrestricted license to practice
2 psychology in a Home State that is a Compact State;
- 3 (4) no history of adverse action that violate the rules of the Commission;
4 (5) no criminal record history that violates the rules of the Commission;
5 (6) possess a current, active IPC;
6 (7) provide attestations in regard to areas of intended practice and work
7 experience and provide a release of information to allow for primary source
8 verification in a manner specified by the Commission; and
- 9 (8) meet other criteria as defined by the rules of the Commission.
- 10 (c) A psychologist practicing into a Distant State under the Temporary
11 Authorization to Practice shall practice within the scope of practice authorized
12 by the Distant State.
- 13 (d) A psychologist practicing into a Distant State under the Temporary
14 Authorization to Practice will be subject to the Distant State’s authority and
15 law. A Distant State may, in accordance with that state’s due process law,
16 limit or revoke a psychologist’s Temporary Authorization to Practice in the
17 Distant State and may take any other necessary actions under the Distant
18 State’s applicable law to protect the health and safety of the Distant State’s
19 citizens. If a Distant State takes action, the state shall promptly notify the
20 Home State and the Commission.

1 (e) If a psychologist’s license in any Home State, another Compact State,
2 or any Temporary Authorization to Practice in any Distant State, is restricted,
3 suspended, or otherwise limited, the IPC shall be revoked and therefore the
4 psychologist shall not be eligible to practice in a Compact State under the
5 Temporary Authorization to Practice.

6 § 3056. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A

7 RECEIVING STATE

8 A psychologist may practice in a Receiving State under the Authority to
9 Practice Interjurisdictional Telepsychology only in the performance of the
10 scope of practice for psychology as assigned by an appropriate state
11 psychology regulatory authority, as defined in the rules of the Commission,
12 and under the following circumstances:

13 (1) The psychologist initiates a client/patient contact in a Home State via
14 telecommunications technologies with a client/patient in a Receiving State.

15 (2) Other conditions regarding telepsychology as determined by rules
16 promulgated by the Commission.

17 § 3057. ADVERSE ACTIONS

18 (a) A Home State shall have the power to impose adverse action against a
19 psychologist’s license issued by the Home State. A Distant State shall have
20 the power to take adverse action on a psychologist’s Temporary Authorization
21 to Practice within that Distant State.

1 (b) A Receiving State may take adverse action on a psychologist’s
2 Authority to Practice Interjurisdictional Telepsychology within that Receiving
3 State. A Home State may take adverse action against a psychologist based on
4 an adverse action taken by a Distant State regarding temporary in-person, face-
5 to-face practice.

6 (c) If a Home State takes adverse action against a psychologist’s license,
7 that psychologist’s Authority to Practice Interjurisdictional Telepsychology is
8 terminated and the E.Passport is revoked. Furthermore, that psychologist’s
9 Temporary Authorization to Practice is terminated and the IPC is revoked.

10 (1) All Home State disciplinary orders that impose adverse action shall
11 be reported to the Commission in accordance with the rules promulgated by
12 the Commission. A Compact State shall report adverse actions in accordance
13 with the rules of the Commission.

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

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

19 (d) A Home State’s Psychology Regulatory Authority shall investigate and
20 take appropriate action with respect to reported inappropriate conduct engaged
21 in by a licensee that occurred in a Receiving State as it would if such conduct

1 had occurred by a licensee within the Home State. In such cases, the Home
2 State's law shall control in determining any adverse action against a
3 psychologist's license.

4 (e) A Distant State's Psychology Regulatory Authority shall investigate
5 and take appropriate action with respect to reported inappropriate conduct
6 engaged in by a psychologist practicing under Temporary Authorization
7 Practice that occurred in that Distant State as it would if such conduct had
8 occurred by a licensee within the Home State. In such cases, the Distant
9 State's law shall control in determining any adverse action against a
10 psychologist's Temporary Authorization to Practice.

11 (f) Nothing in this Compact shall override a Compact State's decision that
12 a psychologist's participation in an alternative program may be used in lieu of
13 adverse action and that such participation shall remain nonpublic if required by
14 the Compact State's law. Compact States must require psychologists who
15 enter any alternative programs to not provide telepsychology services under
16 the Authority to Practice Interjurisdictional Telepsychology or provide
17 temporary psychological services under the Temporary Authorization to
18 Practice in any other Compact State during the term of the alternative program.

19 (g) No other judicial or administrative remedies shall be available to a
20 psychologist in the event a Compact State imposes an adverse action pursuant
21 to subsection (c) of this section.

1 § 3058. ADDITIONAL AUTHORITIES INVESTED IN COMPACT

2 STATE'S PSYCHOLOGY REGULATORY AUTHORITY

3 (a) In addition to any other powers granted under state law, a Compact
4 State's Psychology Regulatory Authority shall have the authority under this
5 Compact to:

6 (1) Issue subpoenas for both hearings and investigations, which require
7 the attendance and testimony of witnesses and the production of evidence.
8 Subpoenas issued by a Compact State's Psychology Regulatory Authority for
9 the attendance and testimony of witnesses, and/or the production of evidence
10 from another Compact State shall be enforced in the latter state by any court of
11 competent jurisdiction, according to that court's practice and procedure in
12 considering subpoenas issued in its own proceedings. The issuing state
13 psychology regulatory authority shall pay any witness fees, travel expenses,
14 mileage, and other fees required by the service statutes of the state where the
15 witnesses and/or evidence are located; and

16 (2) Issue cease and desist and/or injunctive relief orders to revoke a
17 psychologist's Authority to Practice Interjurisdictional Telepsychology and/or
18 Temporary Authorization to Practice.

19 (b) During the course of any investigation, a psychologist may not change
20 the psychologist's Home State licensure. A Home state psychology regulatory
21 authority is authorized to complete any pending investigations of a

1 psychologist and to take any actions appropriate under its law. The Home state
2 psychology regulatory authority shall promptly report the conclusions of such
3 investigations to the Commission. Once an investigation has been completed,
4 and pending the outcome of said investigation, the psychologist may change
5 the psychologist's Home State licensure. The Commission shall promptly
6 notify the new Home State of any such decisions as provided in the rules of the
7 Commission. All information provided to the Commission or distributed by
8 Compact States pursuant to the psychologist shall be confidential, filed under
9 seal, and used for investigatory or disciplinary matters. The Commission may
10 create additional rules for mandated or discretionary sharing of information by
11 Compact States.

12 § 3059. COORDINATED LICENSURE INFORMATION SYSTEM

13 (a) The Commission shall provide for the development and maintenance of
14 a Coordinated Licensure Information System (Coordinated Database) and
15 reporting system containing licensure and disciplinary action information on
16 all psychologists individuals to whom this Compact is applicable in all
17 Compact States as defined by the rules of the Commission.

18 (b) Notwithstanding any other provision of state law to the contrary, a
19 Compact State shall submit a uniform data set to the Coordinated Database on
20 all licensees as required by the rules of the Commission, including:

21 (1) identifying information;

1 (2) licensure data;

2 (3) significant investigatory information;

3 (4) adverse actions against a psychologist's license;

4 (5) an indicator that a psychologist's Authority to Practice

5 Interjurisdictional Telepsychology and/or Temporary Authorization to Practice

6 is revoked;

7 (6) nonconfidential information related to alternative program

8 participation information;

9 (7) any denial of application for licensure and the reasons for such

10 denial; and

11 (8) other information that may facilitate the administration of this

12 Compact, as determined by the rules of the Commission.

13 (c) The Coordinated Database administrator shall promptly notify all

14 Compact States of any adverse action taken against, or significant investigative

15 information on, any licensee in a Compact State.

16 (d) Compact States reporting information to the Coordinated Database may

17 designate information that may not be shared with the public without the

18 express permission of the Compact State reporting the information.

19 (e) Any information submitted to the Coordinated Database that is

20 subsequently required to be expunged by the law of the Compact State

21 reporting the information shall be removed from the Coordinated Database.

1 § 3060. ESTABLISHMENT OF THE PSYCHOLOGY

2 INTERJURISDICTIONAL COMPACT COMMISSION

3 (a) The Compact States hereby create and establish a joint public agency
4 known as the Psychology Interjurisdictional Compact Commission.

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

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

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

14 (b) Membership, voting, and meetings.

15 (1) The Commission shall consist of one voting representative appointed
16 by each Compact State who shall serve as that state's Commissioner. The state
17 psychology regulatory authority shall appoint its delegate. This delegate shall
18 be empowered to act on behalf of the Compact State. This delegate shall be
19 limited to:

20 (A) Executive Director, Executive Secretary or similar executive;

1 (B) current member of the state psychology regulatory authority of a
2 Compact State; or

3 (C) designee empowered with the appropriate delegate authority to
4 act on behalf of the Compact State.

5 (2) Any Commissioner may be removed or suspended from office as
6 provided by the law of the state from which the Commissioner is appointed.
7 Any vacancy occurring in the Commission shall be filled in accordance with
8 the laws of the Compact State in which the vacancy exists.

9 (3) Each Commissioner shall be entitled to one (1) vote with regard to
10 the promulgation of rules and creation of bylaws and shall otherwise have an
11 opportunity to participate in the business and affairs of the Commission. A
12 Commissioner shall vote in person or by such other means as provided in the
13 bylaws. The bylaws may provide for Commissioners' participation in
14 meetings by telephone or other means of communication.

15 (4) The Commission shall meet at least once during each calendar year.
16 Additional meetings shall be held as set forth in the bylaws.

17 (5) All meetings shall be open to the public, and public notice of
18 meetings shall be given in the same manner as required under the rulemaking
19 provisions in section 3061 of this title.

20 (6) The Commission may convene in a closed, nonpublic meeting if the
21 Commission must discuss:

1 (A) noncompliance of a Compact State with its obligations under the
2 Compact;

3 (B) employment, compensation, discipline, or other personnel
4 matters, practices, or procedures related to specific employees; or other matters
5 related to the Commission's internal personnel practices and procedures;

6 (C) current, threatened, or reasonably anticipated litigation against
7 the Commission;

8 (D) negotiation of contracts for the purchase or sale of goods,
9 services, or real estate;

10 (E) accusation against any person of a crime or formally censuring
11 any person;

12 (F) disclosure of trade secrets or commercial or financial information
13 that is privileged or confidential;

14 (G) disclosure of information of a personal nature where disclosure
15 would constitute a clearly unwarranted invasion of personal privacy;

16 (H) disclosure of investigatory records compiled for law enforcement
17 purposes;

18 (I) disclosure of information related to any investigatory reports
19 prepared by or on behalf of or for use of the Commission or other committee
20 charged with responsibility for investigation or determination of compliance
21 issues pursuant to the Compact; or

1 (J) matters specifically exempted from disclosure by federal and state
2 statute.

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

14 (c) The Commission shall, by a majority vote of the Commissioners,
15 prescribe bylaws and/or rules to govern its conduct as may be necessary or
16 appropriate to carry out the purposes and exercise the powers of the Compact,
17 including but not limited to:

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 committees; and

1 (B) governing any general or specific delegation of any authority or
2 function of the Commission;

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

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

15 (5) Providing reasonable standards and procedures for the establishment
16 of the personnel policies and programs of the Commission. Notwithstanding
17 any civil service or other similar law of any Compact State, the bylaws shall
18 exclusively govern the personnel policies and programs of the Commission;

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

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

5 (8) The Commission shall publish its bylaws in a convenient form and
6 file a copy thereof and a copy of any amendment thereto, with the appropriate
7 agency or officer in each of the Compact States;

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

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

12 (d) The Commission shall have the following powers:

13 (1) The authority to promulgate uniform rules to facilitate and
14 coordinate implementation and administration of this Compact. The rule shall
15 have the force and effect of law and shall be binding in all Compact States;

16 (2) To bring and prosecute legal proceedings or actions in the name of
17 the Commission, provided that the standing of any state psychology regulatory
18 authority or other regulatory body responsible for psychology licensure to sue
19 or be sued under applicable law shall not be affected;

20 (3) To purchase and maintain insurance and bonds;

1 (4) To borrow, accept or contract for services of personnel, including,
2 but not limited to, employees of a Compact State;

3 (5) To hire employees, elect or appoint officers, fix compensation,
4 define duties, grant such individuals appropriate authority to carry out the
5 purposes of the Compact, and to establish the Commission's personnel policies
6 and programs relating to conflicts of interest, qualifications of personnel, and
7 other related personnel matters;

8 (6) To accept any and all appropriate donations and grants of money,
9 equipment, supplies, materials, and services, and to receive, utilize, and
10 dispose of the same; provided that at all times the Commission shall strive to
11 avoid any appearance of impropriety and/or conflict of interest;

12 (7) To lease, purchase, accept appropriate gifts or donations of, or
13 otherwise to own, hold, improve or use, any property, real, personal or mixed;
14 provided that at all times the Commission shall strive to avoid any appearance
15 of impropriety;

16 (8) To sell, convey, mortgage, pledge, lease, exchange, abandon or
17 otherwise dispose of any property real, personal or mixed;

18 (9) To establish a budget and make expenditures;

19 (10) To borrow money;

20 (11) To appoint committees, including advisory committees comprised
21 of Members, State regulators, State legislators or their representatives, and

1 consumer representatives, and such other interested persons as may be
2 designated in this Compact and the bylaws;

3 (12) To provide and receive information from, and to cooperate with,
4 law enforcement agencies;

5 (13) To adopt and use an official seal; and

6 (14) To perform such other functions as may be necessary or appropriate
7 to achieve the purposes of this Compact consistent with the state regulation of
8 psychology licensure, temporary in-person, face-to-face practice, and
9 telepsychology practice.

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

13 (1) The Executive Board shall be composed of six members:

14 (A) Five voting members who are elected from the current
15 membership of the Commission by the Commission;

16 (B) One ex-officio, nonvoting member from the recognized
17 membership organization composed of State and Provincial Psychology
18 Regulatory Authorities.

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

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

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

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

6 (A) recommend to the entire Commission changes to the rules or
7 bylaws, changes to this Compact legislation, fees paid by Compact States such
8 as annual dues, and any other applicable fees;

9 (B) ensure Compact administration services are appropriately
10 provided, contractual or otherwise;

11 (C) prepare and recommend the budget;

12 (D) maintain financial records on behalf of the Commission;

13 (E) monitor Compact compliance of member states and provide
14 compliance reports to the Commission;

15 (F) establish additional committees as necessary; and

16 (G) other duties as provided in rules or bylaws.

17 (f) Financing of the Commission.

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

1 (2) The Commission may accept any and all appropriate revenue
2 sources, donations and grants of money, equipment, supplies, materials, and
3 services.

4 (3) The Commission may levy on and collect an annual assessment from
5 each Compact State or impose fees on other parties to cover the cost of the
6 operations and activities of the Commission and its staff that must be in a total
7 amount sufficient to cover its annual budget as approved each year for which
8 revenue is not provided by other sources. The aggregate annual assessment
9 amount shall be allocated based upon a formula to be determined by the
10 Commission that shall promulgate a rule binding upon all Compact States.

11 (4) The Commission shall not incur obligations of any kind prior to
12 securing the funds adequate to meet the same; nor shall the Commission
13 pledge the credit of any of the Compact States, except by and with the
14 authority of the Compact State.

15 (5) The Commission shall keep accurate accounts of all receipts and
16 disbursements. The receipts and disbursements of the Commission shall be
17 subject to the audit and accounting procedures established under its bylaws.
18 However, all receipts and disbursements of funds handled by the Commission
19 shall be audited yearly by a certified or licensed public accountant and the
20 report of the audit shall be included in and become part of the annual report of
21 the Commission.

1 (g) Qualified immunity, defense, and indemnification.

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

13 (2) The Commission shall defend any member, officer, Executive
14 Director, employee, or representative of the Commission in any civil action
15 seeking to impose liability arising out of any actual or alleged act, error, or
16 omission that occurred within the scope of Commission employment, duties, or
17 responsibilities, or that the person against whom the claim is made had a
18 reasonable basis for believing occurred within the scope of Commission
19 employment, duties, or responsibilities, provided that nothing herein shall be
20 construed to prohibit that person from retaining the person's own counsel; and

1 provided further, that the actual or alleged act, error, or omission did not result
2 from that person's intentional or willful or wanton misconduct.

3 (3) The Commission shall indemnify and hold harmless any member,
4 officer, Executive Director, employee, or representative of the Commission for
5 the amount of any settlement or judgment obtained against that person arising
6 out of any actual or alleged act, error, or omission that occurred within the
7 scope of Commission employment, duties, or responsibilities, or that such
8 person had a reasonable basis for believing occurred within the scope of
9 Commission employment, duties, or responsibilities, provided that the actual
10 or alleged act, error, or omission did not result from the intentional or willful
11 or wanton misconduct of that person.

12 § 3061. RULEMAKING

13 (a) The Commission shall exercise its rulemaking powers pursuant to the
14 criteria set forth in this section and the rules adopted thereunder. Rules and
15 amendments shall become binding as of the date specified in each rule or
16 amendment.

17 (b) If a majority of the legislatures of the Compact States rejects a rule, by
18 enactment of a statute or resolution in the same manner used to adopt the
19 Compact, then such rule shall have no further force and effect in any Compact
20 State.

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

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

7 (1) on the website of the Commission; and

8 (2) on the website of each Compact States' Psychology Regulatory
9 Authority or the publication in which each state would otherwise publish
10 proposed rules.

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

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

14 (2) the text of the proposed rule or amendment and the reason for the
15 proposed rule;

16 (3) a request for comments on the proposed rule from any interested
17 person; and

18 (4) the manner in which interested persons may submit notice to the
19 Commission of their intention to attend the public hearing and any written
20 comments.

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

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

6 (1) at least twenty-five (25) persons who submit comments
7 independently of each other;

8 (2) a governmental subdivision or agency; or

9 (3) a duly appointed person in an association that has at least twenty-
10 five (25) members.

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

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

18 (2) Hearings shall be conducted in a manner providing each person who
19 wishes to comment a fair and reasonable opportunity to comment orally or in
20 writing.

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

7 (4) Nothing in this section shall be construed as requiring a separate
8 hearing on each rule. Rules may be grouped for the convenience of the
9 Commission at hearings required by this section.

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

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

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

19 (l) Upon determination that an emergency exists, the Commission may
20 consider and adopt an emergency rule without prior notice, opportunity for
21 comment, or hearing, provided that the usual rulemaking procedures provided

1 in the Compact and in this section shall be retroactively applied to the rule as
2 soon as reasonably possible, in no event later than ninety (90) days after the
3 effective date of the rule. For the purposes of this provision, an emergency
4 rule is one that must be adopted immediately in order to:

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

6 (2) prevent a loss of Commission or Compact State funds;

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

9 (4) protect public health and safety.

10 (m) The Commission or an authorized committee of the Commission may
11 direct revisions to a previously adopted rule or amendment for purposes of
12 correcting typographical errors, errors in format, errors in consistency, or
13 grammatical errors. Public notice of any revisions shall be posted on the
14 website of the Commission. The revision shall be subject to challenge by any
15 person for a period of thirty (30) days after posting. The revision may be
16 challenged only on grounds that the revision results in a material change to a
17 rule. A challenge shall be made in writing and delivered to the Chair of the
18 Commission prior to the end of the notice period. If no challenge is made, the
19 revision will take effect without further action. If the revision is challenged,
20 the revision may not take effect without the approval of the Commission.

1 § 3062. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

2 (a) Oversight.

3 (1) The Executive, Legislative, and Judicial branches of state
4 government in each Compact State shall enforce this Compact and take all
5 actions necessary and appropriate to effectuate the Compact's purposes and
6 intent. The provisions of this Compact and the rules promulgated hereunder
7 shall have standing as statutory law.

8 (2) All courts shall take judicial notice of the Compact and the rules in
9 any judicial or administrative proceeding in a Compact State pertaining to the
10 subject matter of this Compact that may affect the powers, responsibilities, or
11 actions of the Commission.

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

17 (b) Default, technical assistance, and termination.

18 (1) If the Commission determines that a Compact State has defaulted in
19 the performance of its obligations or responsibilities under this Compact or the
20 promulgated rules, the Commission shall:

1 (A) provide written notice to the defaulting state and other Compact
2 States of the nature of the default, the proposed means of remedying the
3 default, and/or any other action to be taken by the Commission; and

4 (B) provide remedial training and specific technical assistance
5 regarding the default.

6 (2) If a state in default fails to remedy the default, the defaulting state
7 may be terminated from the Compact upon an affirmative vote of a majority of
8 the Compact States, and all rights, privileges, and benefits conferred by this
9 Compact shall be terminated on the effective date of termination. A remedy of
10 the default does not relieve the offending state of obligations or liabilities
11 incurred during the period of default.

12 (3) Termination of membership in the Compact shall be imposed only
13 after all other means of securing compliance have been exhausted. Notice of
14 intent to suspend or terminate shall be submitted by the Commission to the
15 Governor, the majority and minority leaders of the defaulting state's
16 legislature, and each of the Compact States.

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

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

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

8 (c) Dispute resolution.

9 (1) Upon request by a Compact State, the Commission shall attempt to
10 resolve disputes related to the Compact that arise among Compact States and
11 between Compact and Non-Compact States.

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

15 (d) Enforcement.

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

18 (2) By majority vote, the Commission may initiate legal action in the
19 United States District Court for the State of Georgia or the federal district
20 where the Compact has its principal offices against a Compact State in default
21 to enforce compliance with the provisions of the Compact and its promulgated

1 rules and bylaws. The relief sought may include both injunctive relief and
2 damages. In the event judicial enforcement is necessary, the prevailing
3 member shall be awarded all costs of such litigation, including reasonable
4 attorney's fees.

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

8 § 3063. DATE OF IMPLEMENTATION OF THE PSYCHOLOGY

9 INTERJURISDICTIONAL COMPACT COMMISSION AND

10 ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

11 (a) The Compact shall come into effect on the date on which the Compact
12 is enacted into law in the seventh Compact State. The provisions that become
13 effective at that time shall be limited to the powers granted to the Commission
14 relating to assembly and the promulgation of rules. Thereafter, the
15 Commission shall meet and exercise rulemaking powers necessary to the
16 implementation and administration of the Compact.

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

1 (c) Any Compact State may withdraw from this Compact by enacting a
2 statute repealing the same.

3 (1) A Compact State’s withdrawal shall not take effect until six (6)
4 months after enactment of the repealing statute.

5 (2) Withdrawal shall not affect the continuing requirement of the
6 withdrawing State’s Psychology Regulatory Authority to comply with the
7 investigative and adverse action reporting requirements of this act prior to the
8 effective date of withdrawal.

9 (d) Nothing contained in this Compact shall be construed to invalidate or
10 prevent any psychology licensure agreement or other cooperative arrangement
11 between a Compact State and a Non-Compact State that does not conflict with
12 the provisions of this Compact.

13 (e) This Compact may be amended by the Compact States. No amendment
14 to this Compact shall become effective and binding upon any Compact State
15 until it is enacted into the law of all Compact States.

16 § 3064. CONSTRUCTION AND SEVERABILITY

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

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2023.