

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred House Bill No. 282
3 entitled “An act relating to the Psychology Interjurisdictional Compact”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. 26 V.S.A. chapter 55 is amended to read:

8 CHAPTER 55. PSYCHOLOGISTS

9 Subchapter 1. General Provisions

10 * * *

11 Subchapter 2. Psychology Interjurisdictional Compact

12 § 3021. PSYCHOLOGY INTERJURISDICTIONAL COMPACT:

13 ADOPTION

14 Vermont hereby enacts and adopts the Psychology Interjurisdictional
15 Compact. The form, format, and text of the Compact have been conformed to
16 the conventions of the Vermont Statutes Annotated. It is the intent of the
17 General Assembly that this subchapter be interpreted as substantively the same
18 as the Psychology Interjurisdictional Compact that is enacted by other
19 Compact party states.

1 § 3022. PURPOSE

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

5 (b) Whereas, this Compact is intended to regulate the day to day practice of
6 telepsychology, which is the provision of psychological services using
7 telecommunication technologies, by psychologists across state boundaries in
8 the performance of their psychological practice as assigned by an appropriate
9 authority;

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

14 (d) Whereas, this Compact is intended to authorize state psychology
15 regulatory authorities to afford legal recognition, in a manner consistent with
16 the terms of the Compact, to psychologists licensed in another state;

17 (e) Whereas, this Compact recognizes that states have a vested interest in
18 protecting the public’s health and safety through their licensing and regulation
19 of psychologists and that such state regulation will best protect public health
20 and safety;

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

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

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

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

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

14 (3) encourage the cooperation of Compact states in the areas of
15 psychology licensure and regulation;

16 (4) facilitate the exchange of information between Compact states
17 regarding psychologist licensure, adverse actions, and disciplinary history;

18 (5) promote compliance with the laws governing psychological practice
19 in each Compact state; and

1 (6) invest all Compact states with the authority to hold licensed
2 psychologists accountable through the mutual recognition of Compact state
3 licenses.

4 § 3023. DEFINITIONS

5 As used in this subchapter:

6 (1) “Adverse action” means any action taken by a state psychology
7 regulatory authority that finds a violation of a statute or regulation that is
8 identified by the state psychology regulatory authority as discipline and is a
9 matter of public record.

10 (2) “Association of State and Provincial Psychology Boards (ASPPB)”
11 means the recognized membership organization composed of state and
12 provincial psychology regulatory authorities responsible for the licensure and
13 registration of psychologists throughout the United States and Canada.

14 (3) “Authority to Practice Interjurisdictional Telepsychology” means a
15 licensed psychologist’s authority to practice telepsychology, within the limits
16 authorized under this Compact, in another Compact state.

17 (4) “Bylaws” means those bylaws established by the Psychology
18 Interjurisdictional Compact Commission pursuant to section 3031 of this title
19 for its governance or for directing and controlling its actions and conduct.

1 (5) “Client or patient” means the recipient of psychological services,
2 whether psychological services are delivered in the context of health care,
3 corporate, supervision, consulting services, or a combination of these.

4 (6) “Commissioner” means the voting representative appointed by each
5 state psychology regulatory authority pursuant to section 3031 of this title.

6 (7) “Compact state” means a state, the District of Columbia, or United
7 States territory that has enacted this Compact legislation and that has not
8 withdrawn pursuant to subsection 3024(c) of this title or been terminated
9 pursuant to subsection 3023(b) of this title.

10 (8) “Coordinated licensure information system” or “coordinated
11 database” means an integrated process for collecting, sorting, and sharing
12 information on psychologists’ licensure and enforcement activities related to
13 psychology licensure laws, which is administered by the recognized
14 membership organization composed of state and provincial psychology
15 regulatory authorities.

16 (9) “Confidentiality” means the principle that data or information is not
17 made available or disclosed to unauthorized persons or processes, or both.

18 (10) “Day” means any part of a day in which psychological work is
19 performed.

20 (11) “Distant State” means the Compact state where a psychologist is
21 physically present, not through the use of the telecommunications

1 technologies, to provide temporary in-person, face-to-face psychological
2 services.

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

8 (13) “Executive Board” means a group of directors elected or appointed
9 to act on behalf of, and within the powers granted to them by, the Commission.

10 (14) “Home State” means a Compact state where a psychologist is
11 licensed to practice psychology. If the psychologist is licensed in more than
12 one Compact state and is practicing under the authorization to practice
13 interjurisdictional telepsychology, the Home State is the Compact state where
14 the psychologist is physically present when the telepsychological services are
15 delivered. If the psychologist is licensed in more than one Compact state and
16 is practicing under the Temporary Authorization to Practice, the Home State is
17 any Compact state where the psychologist is licensed.

18 (15) “Identity history summary” means a summary of information
19 retained by the Federal Bureau of Investigation (FBI), or other designee with
20 similar authority, in connection with arrests and, in some instances, federal
21 employment, naturalization, or military service.

1 (16) “In-person, face-to-face” means interactions in which the
2 psychologist and the client or patient are in the same physical space and does
3 not include interactions that may occur through the use of telecommunication
4 technologies.

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

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

13 (19) “Non-Compact state” means any state that is not at the time a
14 Compact state.

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

17 (21) “Psychology Interjurisdictional Compact Commission,” or
18 “Commission,” means the national administration of which all Compact states
19 are members.

20 (22) “Receiving State” means a Compact state where the client or
21 patient is physically located when the telepsychological services are delivered.

1 (23) “Rule” means a written statement by the Psychology
2 Interjurisdiction Compact Commission promulgated pursuant to section 3022
3 of this title that is of general applicability; implements, interprets, or prescribes
4 a policy or provision of the Compact, or an organization, procedural, or
5 practice requirement of the Commission and has the force and effect of
6 statutory law in a Compact state; and includes the amendment, repeal, or
7 suspension of an existing rule.

8 (24) “Significant investigatory information” means:

9 (A) investigative information that a state psychology regulatory
10 authority, after preliminary inquiry that includes notification and an
11 opportunity to respond if required by state laws, has reason to believe, if
12 proven true, would indicate more than a violation of state statute or ethics code
13 that would be considered more substantial than minor infraction; or

14 (B) investigative information that indicates that the psychologist
15 represents an immediate threat to public health and safety regardless of
16 whether the psychologist has been notified or had an opportunity to respond, or
17 both.

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

1 (26) “State psychology regulatory authority” means the board, office, or
2 other agency with the legislative mandate to license and regulate the practice
3 of psychology.

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

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

9 (29) “Temporary in-person, face-to-face practice” means a psychologist
10 is physically present, not through the use of telecommunications technologies,
11 in the Distant State to provide for the practice of psychology for 30 days within
12 a calendar year and based on notification to the Distant State.

13 § 3024. HOME STATE LICENSURE

14 (a) The Home State shall be a Compact state where a psychologist is
15 licensed to practice psychology.

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

1 (c) Any Compact state may require a psychologist not previously licensed
2 in a Compact state to obtain and retain a license to be authorized to practice in
3 the Compact state under the circumstances not authorized by the Authority to
4 Practice Interjurisdictional Telepsychology under the terms of this Compact.

5 (d) Any Compact state may require a psychologist to obtain and retain a
6 license to be authorized to practice in a Compact state under circumstances not
7 authorized by the Temporary Authorization to Practice under the terms of this
8 Compact.

9 (e) A Home State’s license authorizes a psychologist to practice in a
10 Receiving State under the Authority to Practice Interjurisdictional
11 Telepsychology only if the Compact state:

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

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

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

18 (4) requires an identity history summary of all applicants at initial
19 licensure, including the use of the results of fingerprints or other biometric data
20 checks compliant with the requirements of the FBI, or other designee with
21 similar authority, no later than 10 years after activation of the Compact; and

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

2 (f) A Home State’s license grants Temporary Authorization to Practice to a
3 psychologist in a Distant State only if the Compact state:

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

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

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

10 (4) requires an identity history summary of applicants at initial
11 licensure, including the use of the results of fingerprints or other biometric data
12 checks compliant with the requirements of the FBI, or other designee with
13 similar authority, no later than 10 years after activation of the Compact; and

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

15 § 3025. COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

16 (a) Compact states shall recognize the right of a psychologist, licensed in a
17 Compact state in conformance with section 3024 of this title, to practice
18 telepsychology in other Compact states, called Receiving States, in which the
19 psychologist is not licensed under the Authority to Practice Interjurisdictional
20 Telepsychology as provided in the Compact.

1 (b) To exercise the Authority to Practice Interjurisdictional Telepsychology
2 under the terms and provisions of this Compact, a psychologist licensed to
3 practice in a Compact state must:

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

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

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

14 (2) hold a graduate degree in psychology that meets the following
15 criteria:

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

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

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

4 (D) The program must consist of an integrated, organized sequence
5 of study.

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

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

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

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

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

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

19 (3) possess a current, full, and unrestricted license to practice
20 psychology in a Home State that is a Compact state;

1 (4) have no history of adverse action that violate the rules of the

2 Commission;

3 (5) have no criminal record history reported on an identity history
4 summary that violates the rules of the Commission;

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

6 (7) provide attestations in regard to areas of intended practice,
7 conformity with standards of practice, competence in telepsychology
8 technology; criminal background; and knowledge and adherence to legal
9 requirements in the Home and Receiving States, and provide a release of
10 information to allow for primary source verification in a manner specified by
11 the Commission; and

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

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

16 (d) A psychologist practicing into a Receiving State under the Authority to
17 Practice Interjurisdictional Telepsychology will be subject to the Receiving
18 State's scope of practice. A Receiving State may, in accordance with the
19 state's due process law, limit or revoke a psychologist's Authority to Practice
20 Interjurisdictional Telepsychology in the Receiving State and may take any
21 other necessary actions under the Receiving State's applicable law to protect

1 the health and safety of the Receiving State’s citizens. If a Receiving State
2 takes action, the state shall promptly notify the Home State and the
3 Commission.

4 (e) If a psychologist’s license in any Home State, another Compact state, or
5 any Authority to Practice Interjurisdictional Telepsychology in any Receiving
6 State, is restricted, suspended, or otherwise limited, the E.Passport shall be
7 revoked and therefore the psychologist shall not be eligible to practice
8 telepsychology in a Compact state under the Authority to Practice
9 Interjurisdictional Telepsychology.

10 § 3026. COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

11 (a) Compact states shall also recognize the right of a psychologist, licensed
12 in a Compact state in conformance with section 3024 of this title, to practice
13 temporarily in other Compact states, called Distant States, in which the
14 psychologist is not licensed, as provided in the Compact.

15 (b) To exercise the Temporary Authorization to Practice under the terms
16 and provisions of this Compact, a psychologist licensed to practice in a
17 Compact state must:

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

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

4 (B) a foreign college or university deemed to be equivalent to
5 subdivision (A) of this subdivision (b)(1) by a foreign credential evaluation
6 service that is a member of the National Association of Credential Evaluation
7 Services (NACES) or by a recognized foreign credential evaluation service;
8 and

9 (2) hold a graduate degree in psychology that meets the following
10 criteria:

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

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

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

20 (D) The program must consist of an integrated, organized sequence
21 of study.

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

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

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

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

9 (I) The curriculum shall encompass a minimum of three academic
10 years of full-time graduate study for a doctoral degree and a minimum of one
11 academic year of full-time graduate study for a master’s degree.

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

14 (3) possess a current, full, and unrestricted license to practice
15 psychology in a Home State that is a Compact state;

16 (4) have no history of adverse action that violate the rules of the
17 Commission;

18 (5) have no criminal record history that violates the rules of the
19 Commission;

20 (6) possess a current, active IPC;

1 (7) provide attestations in regard to areas of intended practice and work
2 experience and provide a release of information to allow for primary source
3 verification in a manner specified by the Commission; and

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

5 (c) A psychologist practicing into a Distant State under the Temporary
6 Authorization to Practice shall practice within the scope of practice authorized
7 by the Distant State.

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

16 (e) If a psychologist’s license in any Home State, another Compact state, or
17 any Temporary Authorization to Practice in any Distant State, is restricted,
18 suspended, or otherwise limited, the IPC shall be revoked and therefore the
19 psychologist shall not be eligible to practice in a Compact state under the
20 Temporary Authorization to Practice.

21 § 3027. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A

1 RECEIVING STATE

2 A psychologist may practice in a Receiving State under the Authority to
3 Practice Interjurisdictional Telepsychology only in the performance of the
4 scope of practice for psychology as assigned by an appropriate state
5 psychology regulatory authority, as defined in the rules of the Commission,
6 and under the following circumstances:

7 (1) the psychologist initiates a client or patient contact in a Home State
8 via telecommunications technologies with a client or patient in a Receiving
9 State; and

10 (2) other conditions regarding telepsychology as determined by rules
11 promulgated by the Commission.

12 § 3028. ADVERSE ACTIONS

13 (a) A Home State shall have the power to impose adverse action against a
14 psychologist’s license issued by the Home State. A Distant State shall have
15 the power to take adverse action on a psychologist’s Temporary Authorization
16 to Practice within that Distant State.

17 (b) A Receiving State may take adverse action on a psychologist’s
18 Authority to Practice Interjurisdictional Telepsychology within that Receiving
19 State. A Home State may take adverse action against a psychologist based on
20 an adverse action taken by a Distant State regarding temporary in-person, face-
21 to-face practice.

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

5 (1) All Home State disciplinary orders that impose adverse action shall
6 be reported to the Commission in accordance with the rules promulgated by
7 the Commission. A Compact state shall report adverse actions in accordance
8 with the rules of the Commission.

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

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

14 (d) A Home State’s Psychology Regulatory Authority shall investigate and
15 take appropriate action with respect to reported inappropriate conduct engaged
16 in by a licensee that occurred in a Receiving State as it would if such conduct
17 had occurred by a licensee within the Home State. In such cases, the Home
18 State’s law shall control in determining any adverse action against a
19 psychologist’s license.

20 (e) A Distant State’s psychology regulatory authority shall investigate and
21 take appropriate action with respect to reported inappropriate conduct engaged

1 in by a psychologist practicing under the Temporary Authorization to Practice
2 that occurred in that Distant State as it would if such conduct had occurred by a
3 licensee within the Home State. In such cases, the Distant State’s law shall
4 control in determining any adverse action against a psychologist’s Temporary
5 Authorization to Practice.

6 (f) Nothing in this Compact shall override a Compact state’s decision that a
7 psychologist’s participation in an alternative program may be used in lieu of
8 adverse action and that such participation shall remain nonpublic if required by
9 the Compact state’s law. Compact states must require psychologists who enter
10 any alternative programs to not provide telepsychology services under the
11 Authority to Practice Interjurisdictional Telepsychology or provide temporary
12 psychological services under the Temporary Authorization to Practice in any
13 other Compact state during the term of the alternative program.

14 (g) No other judicial or administrative remedies shall be available to a
15 psychologist in the event a Compact state imposes an adverse action pursuant
16 to subsection (c) of this section.

17 § 3029. ADDITIONAL AUTHORITIES INVESTED IN COMPACT

18 STATE’S PSYCHOLOGY REGULATORY AUTHORITY

19 (a) In addition to any other powers granted under state law, a Compact
20 state’s psychology regulatory authority shall have the authority under this
21 Compact to:

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

11 (2) Issue cease and desist or injunctive relief orders, or both, to revoke a
12 psychologist’s Authority to Practice Interjurisdictional Telepsychology or the
13 Temporary Authorization to Practice, or both.

14 (b) During the course of any investigation, a psychologist may not change
15 the psychologist’s Home State licensure. A Home state psychology regulatory
16 authority is authorized to complete any pending investigations of a
17 psychologist and to take any actions appropriate under its law. The Home
18 State psychology regulatory authority shall promptly report the conclusions of
19 such investigations to the Commission. Once an investigation has been
20 completed, and pending the outcome of said investigation, the psychologist
21 may change the psychologist’s Home State licensure. The Commission shall

1 promptly notify the new Home State of any such decisions as provided in the
2 rules of the Commission. All information provided to the Commission or
3 distributed by Compact states pursuant to the psychologist shall be
4 confidential, filed under seal, and used for investigatory or disciplinary
5 matters. The Commission may create additional rules for mandated or
6 discretionary sharing of information by Compact states.

7 § 3030. COORDINATED LICENSURE INFORMATION SYSTEM

8 (a) The Commission shall provide for the development and maintenance of
9 a coordinated licensure information system and reporting system containing
10 licensure and disciplinary action information on all psychologists **individuals**
11 to whom this Compact is applicable in all Compact states as defined by the
12 rules of the Commission.

13 (b) Notwithstanding any other provision of state law to the contrary, a
14 Compact state shall submit a uniform data set to the coordinated database on
15 all licensees as required by the rules of the Commission, including:

16 (1) identifying information;

17 (2) licensure data;

18 (3) significant investigatory information;

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

1 (5) an indicator that a psychologist’s Authority to Practice
2 Interjurisdictional Telepsychology or Temporary Authorization to Practice, or
3 both, is revoked;

4 (6) nonconfidential information related to alternative program
5 participation information;

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

8 (8) other information that may facilitate the administration of this
9 Compact, as determined by the rules of the Commission.

10 (c) The coordinated database administrator shall promptly notify all
11 Compact states of any adverse action taken against, or significant investigative
12 information on, any licensee in a Compact state.

13 (d) Compact states reporting information to the coordinated database may
14 designate information that may not be shared with the public without the
15 express permission of the Compact state reporting the information.

16 (e) Any information submitted to the coordinated database that is
17 subsequently required to be expunged by the law of the Compact state
18 reporting the information shall be removed from the coordinated database.

1 § 3031. 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) **the** Executive Director, Executive Secretary, or similar executive;

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

3 (C) a 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 vote with regard to the
10 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 3032 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 therefor, 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 or rules, or both, 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 or reserving, or both, of
4 all 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 or of 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 composed
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; and

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, which must be in a
7 total amount sufficient to cover its annual budget as approved each year for
8 which revenue is not provided by other sources. The aggregate annual
9 assessment amount shall be allocated based upon a formula to be determined
10 by the Commission, which shall promulgate a rule binding upon all Compact
11 states.

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

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

1 report of the audit shall be included in and become part of the annual report of
2 the Commission.

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

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

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

1 construed to prohibit that person from retaining the person’s own counsel; and
2 provided further, that the actual or alleged act, error, or omission did not result
3 from that person’s intentional or willful or wanton misconduct.

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

13 § 3032. RULEMAKING

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

18 (b) If a majority of the legislatures of the Compact states rejects a rule, by
19 enactment of a statute or resolution in the same manner used to adopt the
20 Compact, then such rule shall have no further force and effect in any Compact
21 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 60 days in advance of the meeting at which the rule
5 will be considered and voted upon, the Commission shall file a notice of
6 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 25 persons who submit comments independently of each
7 other;

8 (2) a governmental subdivision or agency; or

9 (3) a duly appointed person in an association that has at least 25
10 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 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
5 subdivision shall not preclude the Commission from making a transcript or
6 recording of the 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 90 days after the effective
3 date of the rule. For the purposes of this provision, an emergency rule is one
4 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 30 days after posting. The revision may be challenged
16 only on grounds that the revision results in a material change to a rule. A
17 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 § 3023. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

2 (a) Oversight.

3 (1) The executive, legislative, and judicial branches of state government
4 in each Compact state shall enforce this Compact and take all actions
5 necessary and appropriate to effectuate the Compact’s purposes and intent.
6 The provisions of this Compact and the rules promulgated hereunder shall have
7 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 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 legislature,
16 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
6 district where the Compact has its principal offices. The prevailing member
7 shall be awarded all costs of such litigation, including reasonable attorney’s
8 fees.

9 (c) Dispute resolution.

10 (1) Upon request by a Compact state, the Commission shall attempt to
11 resolve disputes related to the Compact that arise among Compact states and
12 between Compact and non-Compact states.

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

16 (d) Enforcement.

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

19 (2) By majority vote, the Commission may initiate legal action in the
20 **U.S.** District Court for the State of Georgia or the federal district where the
21 Compact has its principal offices against a Compact state in default to enforce

1 compliance with the provisions of the Compact and its promulgated rules and
2 bylaws. The relief sought may include both injunctive relief and damages. In
3 the event judicial enforcement is necessary, the prevailing member shall be
4 awarded all costs of such litigation, including reasonable 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 § 3024. 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 months
4 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 § 3025. 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.

3

4

5

6 (Committee vote: _____)

7

8

Representative _____

9

FOR THE COMMITTEE