

1 H.391

2 Introduced by Representative Vyhovsky of Essex

3 Referred to Committee on

4 Date:

5 Subject: Professions and occupations; psychology; Psychology

6 Interjurisdictional Compact

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

9 An act relating to the Psychology Interjurisdictional Compact

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

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

12 CHAPTER 56. PSYCHOLOGY INTERJURISDICTIONAL COMPACT

13 § 3051. PURPOSE

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

17 (b) Whereas, this Compact is intended to regulate the day to day practice of
18 telepsychology (i.e., the provision of psychological services using
19 telecommunications) by psychologists across state boundaries in the

1 performance of their psychological practice as assigned by an appropriate
2 authority;

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

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

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

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

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

19 (h) Consistent with these principles, this Compact is designed to achieve
20 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 Board (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,
13 or other agency with the legislative mandate to license and regulate the
14 practice 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
21 psychologist is physically present (not through the use of the

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

4 § 3053. HOME STATE LICENSURE

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

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

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

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

1 (e) A Home State’s license authorizes a psychologist to practice in a
2 Receiving State under the Authority to Practice Interjurisdictional
3 Telepsychology only if the Compact State:

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

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 all 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 ten years after activation of the Compact; and

14 (5) complies with the Bylaws and Rules of the Commission.

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

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

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

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

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

8 (5) complies with the Bylaws and Rules of the Commission.

9 § 3054. COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

10 (a) Compact States shall recognize the right of a psychologist, licensed in a
11 Compact State in conformance with section 3051 of this title, to practice
12 telepsychology in other Compact States (Receiving States) in which the
13 psychologist is not licensed under the Authority to Practice Interjurisdictional
14 Telepsychology as provided in the Compact.

15 (b) To exercise the Authority to Practice Interjurisdictional Telepsychology
16 under the terms and provisions of this Compact, a psychologist licensed to
17 practice in a 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) process 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 reported on an Identity History
19 Summary that violates the Rules of the Commission;

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

1 (7) provide attestations in regard to areas of intended practice,
2 conformity with standards of practice, competence in telepsychology
3 technology; criminal background; and knowledge and adherence to legal
4 requirements in the home and receiving states, and provide a release of
5 information to allow for primary source verification in a manner specified by
6 the Commission;

7 (8) meet other criteria as defined by the Rules of the Commission.

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

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

20 (e) If a psychologist's license in any Home State, another Compact State,
21 or any Authority to Practice Interjurisdictional Telepsychology in any

1 Receiving State, is restricted, suspended, or otherwise limited, the E.Passport
2 shall be revoked and therefore the psychologist shall not be eligible to practice
3 telepsychology in a Compact State under the Authority to Practice
4 Interjurisdictional Telepsychology.

5 § 3055. COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

6 (a) Compact States shall also recognize the right of a psychologist, licensed
7 in a Compact State in conformance with section 3053 of this title, to practice
8 temporarily in other Compact States (Distant States) in which the psychologist
9 is not licensed, as provided in the Compact.

10 (b) To exercise the Temporary Authorization to Practice under the terms
11 and provisions of this Compact, a psychologist licensed to practice in a
12 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 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) no history of adverse action that violate the Rules of the
11 Commission;

12 (5) no criminal record history that violates the Rules of the Commission;

13 (6) possess a current, active IPC;

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

17 (8) meet other criteria as defined by the Rules of the Commission.

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

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

9 (e) If a psychologist’s license in any Home State, another Compact State,
10 or any Temporary Authorization to Practice in any Distant State, is restricted,
11 suspended, or otherwise limited, the IPC shall be revoked and therefore the
12 psychologist shall not be eligible to practice in a Compact State under the
13 Temporary Authorization to Practice.

14 § 3056. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A
15 RECEIVING STATE

16 A psychologist may practice in a Receiving State under the Authority to
17 Practice Interjurisdictional Telepsychology only in the performance of the
18 scope of practice for psychology as assigned by an appropriate State
19 Psychology Regulatory Authority, as defined in the Rules of the Commission,
20 and under the following circumstances:

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

3 (2) Other conditions regarding telepsychology as determined by Rules
4 promulgated by the Commission.

5 § 3057. ADVERSE ACTIONS

6 (a) A Home State shall have the power to impose adverse action against a
7 psychologist's license issued by the Home State. A Distant State shall have
8 the power to take adverse action on a psychologist's Temporary Authorization
9 to Practice within that Distant State.

10 (b) A Receiving State may take adverse action on a psychologist's
11 Authority to Practice Interjurisdictional Telepsychology within that Receiving
12 State. A Home State may take adverse action against a psychologist based on
13 an adverse action taken by a Distant State regarding temporary in-person, face-
14 to-face practice.

15 (c) If a Home State takes adverse action against a psychologist's license,
16 that psychologist's Authority to Practice Interjurisdictional Telepsychology is
17 terminated and the E.Passport is revoked. Furthermore, that psychologist's
18 Temporary Authorization to Practice is terminated and the IPC is revoked.

19 (1) All Home State disciplinary orders that impose adverse action shall
20 be reported to the Commission in accordance with the Rules promulgated by

1 the Commission. A Compact State shall report adverse actions in accordance
2 with the Rules of the Commission.

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

6 (3) Other actions may be imposed as determined by the Rules
7 promulgated by the Commission.

8 (d) A Home State's Psychology Regulatory Authority shall investigate and
9 take appropriate action with respect to reported inappropriate conduct engaged
10 in by a licensee that occurred in a Receiving State as it would if such conduct
11 had occurred by a licensee within the Home State. In such cases, the Home
12 State's law shall control in determining any adverse action against a
13 psychologist's license.

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

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

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

12 § 3058. ADDITIONAL AUTHORITIES INVESTED IN COMPACT

13 STATE’S PSYCHOLOGY REGULATORY AUTHORITY

14 (a) In addition to any other powers granted under state law, a Compact
15 State’s Psychology Regulatory Authority shall have the authority under this
16 Compact to:

17 (1) Issue subpoenas for both hearings and investigations, which require
18 the attendance and testimony of witnesses and the production of evidence.
19 Subpoenas issued by a Compact State’s Psychology Regulatory Authority for
20 the attendance and testimony of witnesses, and/or the production of evidence
21 from another Compact State shall be enforced in the latter state by any court of

1 competent jurisdiction, according to that court's practice and procedure in
2 considering subpoenas issued in its own proceedings. The issuing State
3 Psychology Regulatory Authority shall pay any witness fees, travel expenses,
4 mileage, and other fees required by the service statutes of the state where the
5 witnesses and/or evidence are located; and

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

9 (b) During the course of any investigation, a psychologist may not change
10 his/her Home State licensure. A Home State Psychology Regulatory Authority
11 is authorized to complete any pending investigations of a psychologist and to
12 take any actions appropriate under its law. The Home State Psychology
13 Regulatory Authority shall promptly report the conclusions of such
14 investigations to the Commission. Once an investigation has been completed,
15 and pending the outcome of said investigation, the psychologist may change
16 his/her Home State licensure. The Commission shall promptly notify the new
17 Home State of any such decisions as provided in the Rules of the Commission.
18 All information provided to the Commission or distributed by Compact States
19 pursuant to the psychologist shall be confidential, filed under seal, and used for
20 investigatory or disciplinary matters. The Commission may create additional
21 rules for mandated or discretionary sharing of information by Compact States.

1 § 3059. COORDINATED LICENSURE INFORMATION SYSTEM

2 (a) The Commission shall provide for the development and maintenance of
3 a Coordinated Licensure Information System (Coordinated Database) and
4 reporting system containing licensure and disciplinary action information on
5 all psychologists individuals to whom this Compact is applicable in all
6 Compact States as defined by the Rules of the Commission.

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

10 (1) identifying information;

11 (2) licensure data;

12 (3) significant investigatory information;

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

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

15 Interjurisdictional Telepsychology and/or Temporary Authorization to Practice

16 is revoked;

17 (6) nonconfidential information related to alternative program

18 participation information;

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

20 denial; and

1 (8) other information that may facilitate the administration of this
2 Compact, as determined by the Rules of the Commission.

3 (c) The Coordinated Database administrator shall promptly notify all
4 Compact States of any adverse action taken against, or significant investigative
5 information on, any licensee in a Compact State.

6 (d) Compact States reporting information to the Coordinated Database may
7 designate information that may not be shared with the public without the
8 express permission of the Compact State reporting the information.

9 (e) Any information submitted to the Coordinated Database that is
10 subsequently required to be expunged by the law of the Compact State
11 reporting the information shall be removed from the Coordinated Database.

12 § 3060. ESTABLISHMENT OF THE PSYCHOLOGY

13 INTERJURISDICTIONAL COMPACT COMMISSION

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

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

18 (2) Venue is proper and judicial proceedings by or against the
19 Commission shall be brought solely and exclusively in a court of competent
20 jurisdiction where the principal office of the Commission is located. The

1 Commission may waive venue and jurisdictional defenses to the extent it
2 adopts or consents to participate in alternative dispute resolution proceedings.

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

5 (b) Membership, voting, and meetings.

6 (1) The Commission shall consist of one voting representative appointed
7 by each Compact State who shall serve as that state's Commissioner. The
8 State Psychology Regulatory Authority shall appoint its delegate. This
9 delegate shall be empowered to act on behalf of the Compact State. This
10 delegate shall be limited to:

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

12 (B) current member of the State Psychology Regulatory Authority of
13 a Compact State; or

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

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

20 (3) Each Commissioner shall be entitled to one (1) vote with regard to
21 the promulgation of Rules and creation of Bylaws and shall otherwise have an

1 opportunity to participate in the business and affairs of the Commission. A
2 Commissioner shall vote in person or by such other means as provided in the
3 Bylaws. The Bylaws may provide for Commissioners' participation in
4 meetings by telephone or other means of communication.

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

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

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

12 (A) noncompliance of a Compact State with its obligations under the
13 Compact;

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

17 (C) current, threatened, or reasonably anticipated litigation against
18 the Commission;

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

1 (E) accusation against any person of a crime or formally censuring
2 any person;

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

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

7 (H) disclosure of investigatory records compiled for law enforcement
8 purposes;

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

13 (J) matters specifically exempted from disclosure by federal and state
14 statute.

15 (7) If a meeting, or portion of a meeting, is closed pursuant to this
16 provision, the Commission's legal counsel or designee shall certify that the
17 meeting may be closed and shall reference each relevant exempting provision.
18 The Commission shall keep minutes that fully and clearly describe all matters
19 discussed in a meeting and shall provide a full and accurate summary of
20 actions taken, of any person participating in the meeting, and the reasons
21 therefore, including a description of the views expressed. All documents

1 considered in connection with an action shall be identified in such minutes.

2 All minutes and documents of a closed meeting shall remain under seal,

3 subject to release only by a majority vote of the Commission or order of a

4 court of competent jurisdiction.

5 (c) The Commission shall, by a majority vote of the Commissioners,
6 prescribe Bylaws and/or Rules to govern its conduct as may be necessary or
7 appropriate to carry out the purposes and exercise the powers of the Compact,
8 including but not limited to:

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

10 (2) Providing reasonable standards and procedures:

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

12 (B) governing any general or specific delegation of any authority or
13 function of the Commission;

14 (3) Providing reasonable procedures for calling and conducting
15 meetings of the Commission, ensuring reasonable advance notice of all
16 meetings and providing an opportunity for attendance of such meetings by
17 interested parties, with enumerated exceptions designed to protect the public's
18 interest, the privacy of individuals of such proceedings, and proprietary
19 information, including trade secrets. The Commission may meet in closed
20 session only after a majority of the Commissioners vote to close a meeting to
21 the public in whole or in part. As soon as practicable, the Commission must

1 make public a copy of the vote to close the meeting revealing the vote of each

2 Commissioner with no proxy votes allowed;

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

5 (5) Providing reasonable standards and procedures for the establishment
6 of the personnel policies and programs of the Commission. Notwithstanding
7 any civil service or other similar law of any Compact State, the Bylaws shall
8 exclusively govern the personnel policies and programs of the Commission;

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

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

15 (8) The Commission shall publish its Bylaws in a convenient form and
16 file a copy thereof and a copy of any amendment thereto, with the appropriate
17 agency or officer in each of the Compact States;

18 (9) The Commission shall maintain its financial records in accordance
19 with the Bylaws; and

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

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

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

5 (2) To bring and prosecute legal proceedings or actions in the name of
6 the Commission, provided that the standing of any State Psychology
7 Regulatory Authority or other regulatory body responsible for psychology
8 licensure to sue or be sued under applicable law shall not be affected;

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

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

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

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

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

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

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

8 (10) To borrow money;

9 (11) To appoint committees, including advisory committees comprised
10 of Members, State regulators, State legislators or their representatives, and
11 consumer representatives, and such other interested persons as may be
12 designated in this Compact and the Bylaws;

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

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

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

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

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

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

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

10 (2) The ex-officio member must have served as staff or member on a
11 State Psychology Regulatory Authority and will be selected by its respective
12 organization.

13 (3) The Commission may remove any member of the Executive Board
14 as provided in Bylaws.

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

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

18 (A) recommend to the entire Commission changes to the Rules or
19 Bylaws, changes to this Compact legislation, fees paid by Compact States such
20 as annual dues, and any other applicable fees;

1 (B) ensure Compact administration services are appropriately
2 provided, contractual or otherwise;

3 (C) Prepare and recommend the budget;

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

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

7 (F) establish additional committees as necessary; and

8 (G) other duties as provided in Rules or Bylaws.

9 (f) Financing of the Commission.

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

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

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

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

5 (5) The Commission shall keep accurate accounts of all receipts and
6 disbursements. The receipts and disbursements of the Commission shall be
7 subject to the audit and accounting procedures established under its Bylaws.
8 However, all receipts and disbursements of funds handled by the Commission
9 shall be audited yearly by a certified or licensed public accountant and the
10 report of the audit shall be included in and become part of the annual report of
11 the Commission.

12 (g) Qualified Immunity, Defense, and Indemnification.

13 (1) The members, officers, Executive Director, employees, and
14 representatives of the Commission shall be immune from suit and liability,
15 either personally or in their official capacity, for any claim for damage to or
16 loss of property or personal injury or other civil liability caused by or arising
17 out of any actual or alleged act, error, or omission that occurred, or that the
18 person against whom the claim is made had a reasonable basis for believing
19 occurred within the scope of Commission employment, duties, or
20 responsibilities, provided that nothing in this paragraph shall be construed to
21 protect any such person from suit and/or liability for any damage, loss, injury,

1 or liability caused by the intentional or willful or wanton misconduct of that
2 person.

3 (2) The Commission shall defend any member, officer, Executive
4 Director, employee, or representative of the Commission in any civil action
5 seeking to impose liability arising out of any actual or alleged act, error, or
6 omission that occurred within the scope of Commission employment, duties, or
7 responsibilities, or that the person against whom the claim is made had a
8 reasonable basis for believing occurred within the scope of Commission
9 employment, duties, or responsibilities, provided that nothing herein shall be
10 construed to prohibit that person from retaining his or her own counsel; and
11 provided further, that the actual or alleged act, error, or omission did not result
12 from that person's intentional or willful or wanton misconduct.

13 (3) The Commission shall indemnify and hold harmless any member,
14 officer, Executive Director, employee, or representative of the Commission for
15 the amount of any settlement or judgment obtained against that person arising
16 out of any actual or alleged act, error, or omission that occurred within the
17 scope of Commission employment, duties, or responsibilities, or that such
18 person had a reasonable basis for believing occurred within the scope of
19 Commission employment, duties, or responsibilities, provided that the actual
20 or alleged act, error, or omission did not result from the intentional or willful
21 or wanton misconduct of that person.

1 § 3061. RULEMAKING

2 (a) The Commission shall exercise its rulemaking powers pursuant to the
3 criteria set forth in this section and the Rules adopted thereunder. Rules and
4 amendments shall become binding as of the date specified in each rule or
5 amendment.

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

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

12 (d) Prior to promulgation and adoption of a final rule or Rules by the
13 Commission, and at least sixty (60) days in advance of the meeting at which
14 the rule will be considered and voted upon, the Commission shall file a Notice
15 of Proposed Rulemaking:

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

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

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

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

3 (2) the text of the proposed rule or amendment and the reason for the
4 proposed rule;

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

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

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

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

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

17 (2) a governmental subdivision or agency; or

18 (3) a duly appointed person in an association that has at least twenty five
19 (25) members.

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

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

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

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

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

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

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

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

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

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

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

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

21 (4) protect public health and safety.

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

12 § 3062. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

13 (a) Oversight.

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

19 (2) All courts shall take judicial notice of the Compact and the rules in
20 any judicial or administrative proceeding in a Compact State pertaining to the

1 subject matter of this Compact that may affect the powers, responsibilities, or
2 actions of the Commission.

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

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

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

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

15 (B) provide remedial training and specific technical assistance
16 regarding the default.

17 (2) If a state in default fails to remedy the default, the defaulting state
18 may be terminated from the Compact upon an affirmative vote of a majority of
19 the Compact States, and all rights, privileges, and benefits conferred by this
20 Compact shall be terminated on the effective date of termination. A remedy of

1 the default does not relieve the offending state of obligations or liabilities
2 incurred during the period of default.

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

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

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

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

19 (c) Dispute resolution.

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

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

7 (d) Enforcement.

8 (1) The Commission, in the reasonable exercise of its discretion, shall
9 enforce the provisions and Rules of this Compact.

10 (2) By majority vote, the Commission may initiate legal action in the
11 United States District Court for the State of Georgia or the federal district
12 where the Compact has its principal offices against a Compact State in default
13 to enforce compliance with the provisions of the Compact and its promulgated
14 Rules and Bylaws. The relief sought may include both injunctive relief and
15 damages. In the event judicial enforcement is necessary, the prevailing
16 member shall be awarded all costs of such litigation, including reasonable
17 attorney's fees.

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

1 § 3063. DATE OF IMPLEMENTATION OF THE PSYCHOLOGY

2 INTERJURISDICTIONAL COMPACT COMMISSION AND

3 ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

4 (a) The Compact shall come into effect on the date on which the Compact
5 is enacted into law in the seventh Compact State. The provisions that become
6 effective at that time shall be limited to the powers granted to the Commission
7 relating to assembly and the promulgation of rules. Thereafter, the
8 Commission shall meet and exercise rulemaking powers necessary to the
9 implementation and administration of the Compact.

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

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

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

19 (2) Withdrawal shall not affect the continuing requirement of the
20 withdrawing State's Psychology Regulatory Authority to comply with the

1 investigative and adverse action reporting requirements of this act prior to the
2 effective date of withdrawal.

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

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

10 § 3064. CONSTRUCTION AND SEVERABILITY

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

15 Sec. 2. EFFECTIVE DATE

16 This act shall take effect on July 1, 2021.