

1 AN ACT relating to the psychology interjurisdictional compact.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 319 IS CREATED TO
4 READ AS FOLLOWS:

5 ARTICLE I

6 PURPOSE

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

10 Whereas, this compact is intended to regulate the day-to-day practice of telepsychology
11 (i.e. the provision of psychological services using telecommunication technologies) by
12 psychologists across state boundaries in the performance of their psychological
13 practice as assigned by an appropriate authority; and

14 Whereas, this compact is intended to regulate the temporary in-person, face-to-face
15 practice of psychology by psychologists across state boundaries for thirty (30) days
16 within a calendar year in the performance of their psychological practice as assigned
17 by an appropriate authority;

18 Whereas, this compact is intended to authorize state psychology regulatory authorities
19 to afford legal recognition, in a manner consistent with the terms of the compact, to
20 psychologists licensed in another state;

21 Whereas, this compact recognizes that states have a vested interest in protecting the
22 public's health and safety through their licensing and regulation of psychologists and
23 that such state regulation will best protect public health and safety;

24 Whereas, this compact does not apply when a psychologist is licensed in both the home
25 and receiving states; and

26 Whereas, this compact does not apply to permanent in-person, face-to-face practice, it
27 does allow for authorization of temporary psychological practice.

1 Consistent with these principles, this compact is designed to achieve the following
2 purposes and objectives:

- 3 1. Increase public access to professional psychological services by allowing for
4 telepsychological practice across state lines as well as temporary in-person,
5 face-to-face services into a state which the psychologist is not licensed to
6 practice psychology;
- 7 2. Enhance the states' ability to protect the public's health and safety,
8 especially client/patient safety;
- 9 3. Encourage the cooperation of compact states in the areas of psychology
10 licensure and regulation;
- 11 4. Facilitate the exchange of information between compact states regarding
12 psychologist licensure, adverse actions, and disciplinary history;
- 13 5. Promote compliance with the laws governing psychological practice in each
14 compact state; and
- 15 6. Invest all compact states with the authority to hold licensed psychologists
16 accountable through the mutual recognition of compact state licenses.

17 ARTICLE II

18 DEFINITIONS

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

23 B. "Association of State and Provincial Psychology Boards (ASPPB)" means the
24 recognized membership organization composed of state and provincial
25 psychology regulatory authorities responsible for the licensure and registration of
26 psychologists throughout the United States and Canada.

27 C. "Authority to practice interjurisdictional telepsychology" means a licensed

1 psychologist's authority to practice telepsychology, within the limits authorized
2 under this compact, in another compact state.

3 D. "Bylaws" means those bylaws established by the Psychology Interjurisdictional
4 Compact Commission pursuant to Article X for its governance, or for directing
5 and controlling its actions and conduct.

6 E. "Client/patient" means the recipient of psychological services, whether
7 psychological services are delivered in the context of healthcare, corporate,
8 supervision, and/or consulting services.

9 F. "Commissioner" means the voting representative appointed by each State
10 Psychology Regulatory Authority pursuant to Article X.

11 G. "Compact state" means a state, the District of Columbia, or United States
12 territory that has enacted this compact legislation and which has not withdrawn
13 pursuant to Article XIII, Section C or been terminated pursuant to Article XII,
14 Section B.

15 H. "Coordinated licensure information system" also referred to as "coordinated
16 database" means an integrated process for collecting, storing, and sharing
17 information on psychologists' licensure and enforcement activities related to
18 psychology licensure laws, which is administered by the recognized membership
19 organization composed of state and provincial psychology regulatory authorities.

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

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

23 K. "Distant state" means the compact state where a psychologist is physically
24 present (not through the use of telecommunications technologies), to provide
25 temporary in-person, face-to-face psychological services.

26 L. "E.Passport" means a certificate issued by the Association of State and
27 Provincial Psychology Boards (ASPPB) that promotes the standardization in the

1 criteria of interjurisdictional telepsychology practice and facilitates the process
2 for licensed psychologists to provide telepsychological services across state lines.

3 M. "Executive board" means a group of directors elected or appointed to act on
4 behalf of, and within the powers granted to them by, the commission.

5 N. "Home state" means a compact state where a psychologist is licensed to practice
6 psychology. If the psychologist is licensed in more than one (1) compact state
7 and is practicing under the authorization to practice interjurisdictional
8 telepsychology, the home state is the compact state where the psychologist is
9 physically present when the telepsychological services are delivered. If the
10 psychologist is licensed in more than one (1) compact state and is practicing
11 under the temporary authorization to practice, the home state is any compact
12 state where the psychologist is licensed.

13 O. "Identity history summary" means a summary of information retained by the
14 Federal Bureau of Investigation, or other designee with similar authority, in
15 connection with arrests and, in some instances, federal employment,
16 naturalization, or military service.

17 P. "In-person, face-to-face" means interactions in which the psychologist and the
18 client/patient are in the same physical space and which does not include
19 interactions that may occur through the use of telecommunication technologies.

20 Q. "Interjurisdictional Practice Certificate (IPC)" means a certificate issued by the
21 Association of State and Provincial Psychology Boards (ASPPB) that grants
22 temporary authority to practice based on notification to the state psychology
23 regulatory authority of intention to practice temporarily, and verification of one's
24 qualifications for such practice.

25 R. "License" means authorization by a state psychology regulatory authority to
26 engage in the independent practice of psychology, which would be unlawful
27 without the authorization.

1 S. "Non-compact state" means any state which is not at the time a compact state.

2 T. "Psychologist" means an individual licensed for the independent practice of
3 psychology.

4 U. "Psychology Interjurisdictional Compact Commission" also referred to as
5 "commission" means the national administration of which all compact states are
6 members.

7 V. "Receiving state" means a compact state where the client/patient is physically
8 located when the telepsychological services are delivered.

9 W. "Rule" means a written statement by the Psychology Interjurisdictional Compact
10 Commission promulgated pursuant to Article XI of the compact that is of general
11 applicability, implements, interprets, or prescribes a policy or provision of the
12 Compact, or an organizational, procedural, or practice requirement of the
13 Commission and has the force and effect of statutory law in a compact state, and
14 includes the amendment, repeal or suspension of an existing rule.

15 X. "Significant investigatory information" means:

16 1. Investigative information that a state psychology regulatory authority, after
17 a preliminary inquiry that includes notification and an opportunity to
18 respond if required by state law, has reason to believe, if proven true, would
19 indicate more than a violation of state statute or ethics code that would be
20 considered more substantial than minor infraction; or

21 2. Investigative information that indicates that the psychologist represents an
22 immediate threat to public health and safety regardless of whether the
23 psychologist has been notified and/or had an opportunity to respond.

24 Y. "State" means a state, commonwealth, territory, or possession of the United
25 States or the District of Columbia.

26 Z. "State psychology regulatory authority" means the board, office or other agency
27 with the legislative mandate to license and regulate the practice of psychology.

1 AA. "Telepsychology" means the provision of psychological services using
2 telecommunication technologies.

3 BB. "Temporary authorization to practice" means a licensed psychologist's authority
4 to conduct temporary in-person, face-to-face practice, within the limits
5 authorized under this compact, in another compact state.

6 CC. "Temporary in-person, face-to-face practice" means where a psychologist is
7 physically present (not through the use of telecommunications technologies), in
8 the distant state to provide for the practice of psychology for thirty (30) days
9 within a calendar year and based on notification to the distant state.

10 ARTICLE III

11 HOME STATE LICENSURE

12 A. The home state shall be a compact state where a psychologist is licensed to
13 practice psychology.

14 B. A psychologist may hold one (1) or more compact state licenses at a time. If the
15 psychologist is licensed in more than one (1) compact state, the home state is the
16 compact state where the psychologist is physically present when the services are
17 delivered as authorized by the authority to practice interjurisdictional
18 telepsychology under the terms of this compact.

19 C. Any compact state may require a psychologist not previously licensed in a
20 compact state to obtain and retain a license to be authorized to practice in the
21 compact state under circumstances not authorized by the authority to practice
22 interjurisdictional telepsychology under the terms of this compact.

23 D. Any compact state may require a psychologist to obtain and retain a license to be
24 authorized to practice in a compact state under circumstances not authorized by
25 temporary authorization to practice under the terms of this compact.

26 E. A home state's license authorizes a psychologist to practice in a receiving state
27 under the authority to practice interjurisdictional telepsychology only if the

1 compact state:

2 1. Currently requires the psychologist to hold an active E.Passport;

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

5 3. Notifies the commission, in compliance with the terms herein, of any
6 adverse action or significant investigatory information regarding a licensed
7 individual;

8 4. Requires an identity history summary of all applicants at initial licensure,
9 including the use of the results of fingerprints or other biometric data
10 checks compliant with the requirements of the Federal Bureau of
11 Investigation, or other designee with similar authority, no later than ten
12 (10) years after activation of the compact; and

13 5. Complies with the bylaws and rules of the commission.

14 F. A home state's license grants temporary authorization to practice to a
15 psychologist in a distant state only if the compact state:

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

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

19 3. Notifies the commission, in compliance with the terms herein, of any
20 adverse action or significant investigatory information regarding a licensed
21 individual;

22 4. Requires an identity history summary of all applicants at initial licensure,
23 including the use of the results of fingerprints or other biometric data
24 checks compliant with the requirements of the Federal Bureau of
25 Investigation, or other designee with similar authority, no later than ten
26 (10) years after activation of the compact; and

27 5. Complies with the bylaws and rules of the commission.

1 ARTICLE IV

2 COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

3 A. Compact states shall recognize the right of a psychologist, licensed in a compact
4 state in conformance with Article III, to practice telepsychology in other compact
5 states (receiving states) in which the psychologist is not licensed, under the
6 authority to practice interjurisdictional telepsychology as provided in the
7 compact.

8 B. To exercise the authority to practice interjurisdictional telepsychology under the
9 terms and provisions of this compact, a psychologist licensed to practice in a
10 compact state must:

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

13 a. Regionally accredited by an accrediting body recognized by the United
14 States Department of Education to grant graduate degrees, or
15 authorized by provincial statute or royal charter to grant doctoral
16 degrees; or

17 b. A foreign college or university deemed to be equivalent to 1 (a) above
18 by a foreign credential evaluation service that is a member of the
19 National Association of Credential Evaluation Services (NACES) or
20 by a recognized foreign credential evaluation service;

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

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

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

- 1 c. There must be a clear authority and primary responsibility for the core
2 and specialty areas whether or not the program cuts across
3 administrative lines;
- 4 d. The program must consist of an integrated, organized sequence of
5 study;
- 6 e. There must be an identifiable psychology faculty sufficient in size and
7 breadth to carry out its responsibilities;
- 8 f. The designated director of the program must be a psychologist and a
9 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 field
13 training appropriate to the practice of psychology;
- 14 i. The curriculum shall encompass a minimum of three (3) academic
15 years of full- time graduate study for doctoral degree and a minimum
16 of one (1) academic year of full-time graduate study for master's
17 degree;
- 18 j. The program includes an acceptable residency as defined by the rules
19 of the commission.
- 20 3. Possess a current, full and unrestricted license to practice psychology in a
21 home state which is a compact state;
- 22 4. Have no history of adverse action that violates the rules of the commission;
- 23 5. Have no criminal record history reported on an Identity History Summary
24 that violates the rules of the commission;
- 25 6. Possess a current, active E.Passport;
- 26 7. Provide attestations in regard to areas of intended practice, conformity with
27 standards of practice, competence in telepsychology technology, criminal

1 background, and knowledge and adherence to legal requirements in the
2 home and receiving states, and provide a release of information to allow for
3 primary source verification in a manner specified by the commission; and

4 8. Meet other criteria as defined by the rules of the commission.

5 C. The home state maintains authority over the license of any psychologist
6 practicing into a receiving state under the authority to practice interjurisdictional
7 telepsychology.

8 D. A psychologist practicing into a receiving state under the authority to practice
9 interjurisdictional telepsychology will be subject to the receiving state's scope of
10 practice. A receiving state may, in accordance with that state's due process law,
11 limit or revoke a psychologist's authority to practice interjurisdictional
12 telepsychology in the receiving state and may take any other necessary actions
13 under the receiving state's applicable law to protect the health and safety of the
14 receiving state's citizens. If a receiving state takes action, the state shall promptly
15 notify the home state and the commission.

16 E. If a psychologist's license in any home state, another compact state, or any
17 authority to practice interjurisdictional telepsychology in any receiving state, is
18 restricted, suspended or otherwise limited, the E.Passport shall be revoked and
19 therefore the psychologist shall not be eligible to practice telepsychology in a
20 compact state under the authority to practice interjurisdictional telepsychology.

21 ARTICLE V

22 COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

23 A. Compact states shall also recognize the right of a psychologist, licensed in a
24 compact state in conformance with Article III, to practice temporarily in other
25 compact states (distant states) in which the psychologist is not licensed, as
26 provided in the compact.

27 B. To exercise the temporary authorization to practice under the terms and

1 provisions of this compact, a psychologist licensed to practice in a compact state
2 must:

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

5 a. Regionally accredited by an accrediting body recognized by the United
6 States Department of Education to grant graduate degrees, or
7 authorized by Provincial Statute or Royal Charter to grant doctoral
8 degrees; or

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

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

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

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

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

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

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

27 f. The designated director of the program must be a psychologist and a

- 1 member of the core faculty;
- 2 g. The program must have an identifiable body of students who are
- 3 matriculated in that program for a degree;
- 4 h. The program must include supervised practicum, internship, or field
- 5 training appropriate to the practice of psychology;
- 6 i. The curriculum shall encompass a minimum of three (3) academic
- 7 years of full- time graduate study for doctoral degrees and a minimum
- 8 of one (1) academic year of full-time graduate study for master's
- 9 degree; and
- 10 j. The program includes an acceptable residency as defined by the rules
- 11 of the commission.
- 12 3. Possess a current, full, and unrestricted license to practice psychology in a
- 13 home state which is a compact state;
- 14 4. No history of adverse action that violates the rules of the commission;
- 15 5. No criminal record history that violates the rules of the commission;
- 16 6. Possess a current, active IPC;
- 17 7. Provide attestations in regard to areas of intended practice and work
- 18 experience and provide a release of information to allow for primary source
- 19 verification in a manner specified by the commission; and
- 20 8. Meet other criteria as defined by the rules of the commission.
- 21 C. A psychologist practicing into a distant state under the temporary authorization
- 22 to practice shall practice within the scope of practice authorized by the distant
- 23 state.
- 24 D. A psychologist practicing into a distant state under the temporary authorization
- 25 to practice will be subject to the distant state's authority and law. A distant state
- 26 may, in accordance with that state's due process law, limit or revoke a
- 27 psychologist's temporary authorization to practice in the distant state and may

1 take any other necessary actions under the distant state's applicable law to
2 protect the health and safety of the distant state's citizens. If a distant state takes
3 action, the state shall promptly notify the home state and the commission.

4 E. If a psychologist's license in any home state, another compact state, or any
5 temporary authorization to practice in any distant state, is restricted, suspended,
6 or otherwise limited, the IPC shall be revoked and therefore the psychologist
7 shall not be eligible to practice in a compact state under the temporary
8 authorization to practice.

9 ARTICLE VI

10 CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

11 A. A psychologist may practice in a receiving state under the authority to practice
12 interjurisdictional telepsychology only in the performance of the scope of practice
13 for psychology as assigned by an appropriate state psychology regulatory
14 authority, as defined in the rules of the commission, and under the following
15 circumstances:

- 16 1. The psychologist initiates a client/patient contact in a home state via
17 telecommunications technologies with a client/patient in a receiving state;
18 2. Other conditions regarding telepsychology as determined by rules
19 promulgated by the commission.

20 ARTICLE VII

21 ADVERSE ACTIONS

22 A. A home state shall have the power to impose adverse action against a
23 psychologist's license issued by the home state. A distant state shall have the
24 power to take adverse action on a psychologist's temporary authorization to
25 practice within that distant state.

26 B. A receiving state may take adverse action on a psychologist's authority to practice
27 interjurisdictional telepsychology within that receiving state. A home state may

1 take adverse action against a psychologist based on an adverse action taken by a
2 distant state regarding temporary in-person, face-to-face practice.

3 C. If a home state takes adverse action against a psychologist's license, that
4 psychologist's authority to practice interjurisdictional telepsychology is
5 terminated and the E.Passport is revoked. Furthermore, that psychologist's
6 temporary authorization to practice is terminated and the IPC is revoked.

7 1. All home state disciplinary orders which impose adverse action shall be
8 reported to the commission in accordance with the rules promulgated by the
9 commission. A compact state shall report adverse actions in accordance
10 with the rules of the commission.

11 2. In the event discipline is reported on a psychologist, the psychologist will
12 not be eligible for telepsychology or temporary in-person, face-to-face
13 practice in accordance with the rules of the commission.

14 3. Other actions may be imposed as determined by the rules promulgated by
15 the commission.

16 D. A home state's psychology regulatory authority shall investigate and take
17 appropriate action with respect to reported inappropriate conduct engaged in by a
18 licensee which occurred in a receiving state as it would if such conduct had
19 occurred by a licensee within the home state. In such cases, the home state's law
20 shall control in determining any adverse action against a psychologist's license.

21 E. A distant state's psychology regulatory authority shall investigate and take
22 appropriate action with respect to reported inappropriate conduct engaged in by a
23 psychologist practicing under temporary authorization practice which occurred
24 in that distant state as it would if such conduct had occurred by a licensee within
25 the home state. In such cases, distant state's law shall control in determining any
26 adverse action against a psychologist's temporary authorization to practice.

27 F. Nothing in this compact shall override a compact state's decision that a

1 psychologist's participation in an alternative program may be used in lieu of
2 adverse action and that such participation shall remain non-public if required by
3 the compact state's law. Compact states must require psychologists who enter any
4 alternative programs to not provide telepsychology services under the authority to
5 practice interjurisdictional telepsychology or provide temporary psychological
6 services under the temporary authorization to practice in any other compact state
7 during the term of the alternative program.

8 G. No other judicial or administrative remedies shall be available to a psychologist
9 in the event a compact state imposes an adverse action pursuant to subsection C,
10 above.

11 ARTICLE VIII

12 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S

13 PSYCHOLOGY REGULATORY AUTHORITY

14 A. In addition to any other powers granted under state law, a compact state's
15 psychology regulatory authority shall have the authority under this compact to:

16 1. Issue subpoenas, for both hearings and investigations, which require the
17 attendance and testimony of witnesses and the production of evidence.
18 Subpoenas issued by a compact state's psychology regulatory authority for
19 the attendance and testimony of witnesses, and/or the production of
20 evidence from another compact state shall be enforced in the latter state by
21 any court of competent jurisdiction, according to that court's practice and
22 procedure in considering subpoenas issued in its own proceedings. The
23 issuing state psychology regulatory authority shall pay any witness fees,
24 travel expenses, mileage and other fees required by the service statutes of
25 the state where the witnesses and/or evidence are located; and

26 2. Issue cease and desist and/or injunctive relief orders to revoke a
27 psychologist's authority to practice interjurisdictional telepsychology and/or

1 temporary authorization to practice.

2 3. During the course of any investigation, a psychologist may not change
3 his/her home state licensure. A home state psychology regulatory authority
4 is authorized to complete any pending investigations of a psychologist and
5 to take any actions appropriate under its law. The home state psychology
6 regulatory authority shall promptly report the conclusions of such
7 investigations to the commission. Once an investigation has been
8 completed, and pending the outcome of said investigation, the psychologist
9 may change his/her home state licensure. The commission shall promptly
10 notify the new home state of any such decisions as provided in the rules of
11 the commission. All information provided to the commission or distributed
12 by compact states pursuant to the psychologist shall be confidential, filed
13 under seal and used for investigatory or disciplinary matters. The
14 commission may create additional rules for mandated or discretionary
15 sharing of information by compact states.

16 ARTICLE IX

17 COORDINATED LICENSURE INFORMATION SYSTEM

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

23 B. Notwithstanding any other provision of state law to the contrary, a compact state
24 shall submit a uniform data set to the coordinated database on all licensees as
25 required by the rules of the commission, including:

26 1. Identifying information;

27 2. Licensure data;

3. Significant investigatory information;

4. Adverse actions against a psychologist's license;

5. An indicator that a psychologist's authority to practice interjurisdictional telepsychology and/or temporary authorization to practice is revoked;

6. Non-confidential information related to alternative program participation information;

7. Any denial of application for licensure, and the reasons for such denial;
and

8. Other information which may facilitate the administration of this compact,
as determined by the rules of the commission.

C. The coordinated database administrator shall promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.

D. Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.

E. Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the coordinated database.

ARTICLE X

ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT

COMMISSION

A. The compact states hereby create and establish a joint public agency known as the psychology interjurisdictional compact commission.

1. The commission is a body politic and an instrumentality of the compact states.

2. *Venue is proper and judicial proceedings by or against the commission*

1 shall be brought solely and exclusively in a court of competent jurisdiction
2 where the principal office of the commission is located. The commission
3 may waive venue and jurisdictional defenses to the extent it adopts or
4 consents to participate in alternative dispute resolution proceedings.

5 3. Nothing in this compact shall be construed to be a waiver of sovereign
6 immunity.

7 **B. Membership, voting, and meetings**

8 1. The commission shall consist of one (1) voting representative appointed by
9 each compact state who shall serve as that state's commissioner. The state
10 psychology regulatory authority shall appoint its delegate. This delegate
11 shall be empowered to act on behalf of the compact state. This delegate
12 shall be limited to:

13 a. Executive director, executive secretary or similar executive;

14 b. Current member of the state psychology regulatory authority of a
15 compact state; or

16 c. Designee empowered with the appropriate delegate authority to act on
17 behalf of the compact state.

18 2. Any commissioner may be removed or suspended from office as provided by
19 the law of the state from which the commissioner is appointed. Any vacancy
20 occurring in the commission shall be filled in accordance with the laws of
21 the compact state in which the vacancy exists.

22 3. Each commissioner shall be entitled to one (1) vote with regard to the
23 promulgation of rules and creation of bylaws and shall otherwise have an
24 opportunity to participate in the business and affairs of the commission. A
25 commissioner shall vote in person or by such other means as provided in
26 the bylaws. The bylaws may provide for commissioners' participation in
27 meetings by telephone or other means of communication.

1 4. The commission shall meet at least once during each calendar year.

2 Additional meetings shall be held as set forth in the bylaws.

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

6 6. The commission may convene in a closed, non-public meeting if the
7 commission must discuss:

8 a. Non-compliance of a compact state with its obligations under the
9 compact;

10 b. The employment, compensation, discipline or other personnel matters,
11 practices or procedures related to specific employees or other matters
12 related to the commission's internal personnel practices and
13 procedures;

14 c. Current, threatened, or reasonably anticipated litigation against the
15 commission;

16 d. Negotiation of contracts for the purchase or sale of goods, services or
17 real estate;

18 e. Accusation against any person of a crime or formally censuring any
19 person;

20 f. Disclosure of trade secrets or commercial or financial information
21 which is privileged or confidential;

22 g. Disclosure of information of a personal nature where disclosure
23 would constitute a clearly unwarranted invasion of personal privacy;

24 h. Disclosure of investigatory records compiled for law enforcement
25 purposes;

26 i. Disclosure of information related to any investigatory reports prepared
27 by or on behalf of or for use of the commission or other committee

1 charged with responsibility for investigation or determination of
2 compliance issues pursuant to the compact; or

3 j. Matters specifically exempted from disclosure by federal and state
4 statute.

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

16 C. The commission shall, by a majority vote of the commissioners, prescribe bylaws
17 and/or rules to govern its conduct as may be necessary or appropriate to carry out
18 the purposes and exercise the powers of the compact, including but not limited to:

19 1. Establishing the fiscal year of the commission;

20 2. Providing reasonable standards and procedures:

21 a. For the establishment and meetings of other committees; and

22 b. Governing any general or specific delegation of any authority or
23 function of the commission;

24 3. Providing reasonable procedures for calling and conducting meetings of the
25 commission, ensuring reasonable advance notice of all meetings and
26 providing an opportunity for attendance of such meetings by interested
27 parties, with enumerated exceptions designed to protect the public's interest,

1 the privacy of individuals of such proceedings, and proprietary information,
2 including trade secrets. The commission may meet in closed session only
3 after a majority of the commissioners vote to close a meeting to the public in
4 whole or in part. As soon as practicable, the commission must make public
5 a copy of the vote to close the meeting revealing the vote of each
6 commissioner with no proxy votes allowed;

7 4. Establishing the titles, duties and authority and reasonable procedures for
8 the election of the officers of the commission;

9 5. Providing reasonable standards and procedures for the establishment of the
10 personnel policies and programs of the commission. Notwithstanding any
11 civil service or other similar law of any compact state, the bylaws shall
12 exclusively govern the personnel policies and programs of the commission;

13 6. Promulgating a code of ethics to address permissible and prohibited
14 activities of commission members and employees;

15 7. Providing a mechanism for concluding the operations of the commission
16 and the equitable disposition of any surplus funds that may exist after the
17 termination of the compact after the payment and/or reserving of all of its
18 debts and obligations;

19 8. The commission shall publish its bylaws in a convenient form and file a
20 copy thereof and a copy of any amendment thereto, with the appropriate
21 agency or officer in each of the compact states;

22 9. The commission shall maintain its financial records in accordance with the
23 bylaws; and

24 10. The commission shall meet and take such actions as are consistent with the
25 provisions of this compact and the bylaws.

26 D. The commission shall have the following powers:

27 1. The authority to promulgate uniform rules to facilitate and coordinate

- 1 implementation and administration of this compact. The rule shall have the
2 force and effect of law and shall be binding in all compact states;
- 3 2. To bring and prosecute legal proceedings or actions in the name of the
4 commission, provided that the standing of any state psychology regulatory
5 authority or other regulatory body responsible for psychology licensure to
6 sue or be sued under applicable law shall not be affected;
- 7 3. To purchase and maintain insurance and bonds;
- 8 4. To borrow, accept, or contract for services of personnel, including, but not
9 limited to, employees of a compact state;
- 10 5. To hire employees, elect or appoint officers, fix compensation, define duties,
11 grant such individuals appropriate authority to carry out the purposes of the
12 compact, and to establish the commission's personnel policies and
13 programs relating to conflicts of interest, qualifications of personnel, and
14 other related personnel matters;
- 15 6. To accept any and all appropriate donations and grants of money,
16 equipment, supplies, materials and services, and to receive, utilize and
17 dispose of the same; provided that at all times the commission shall strive to
18 avoid any appearance of impropriety and/or conflict of interest;
- 19 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to
20 own, hold, improve or use, any property, real, personal or mixed; provided
21 that at all times the commission shall strive to avoid any appearance of
22 impropriety;
- 23 8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise
24 dispose of any property real, personal or mixed;
- 25 9. To establish a budget and make expenditures;
- 26 10. To borrow money;
- 27 11. To appoint committees, including advisory committees composed of

1 members, state regulators, state legislators or their representatives, and
2 consumer representatives, and such other interested persons as may be
3 designated in this compact and the bylaws;

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

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

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

11 E. The executive board

12 The elected officers shall serve as the executive board, which shall have the power to
13 act on behalf of the commission according to the terms of this compact.

14 1. The executive board shall be composed of six members:

15 a. Five (5) voting members who are elected from the current membership
16 of the commission by the commission;

17 b. One (1) ex-officio, nonvoting member from the recognized
18 membership organization composed of state and provincial psychology
19 regulatory authorities.

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

23 3. The commission may remove any member of the executive board as
24 provided in bylaws.

25 4. The executive board shall meet at least annually.

26 5. The executive board shall have the following duties and responsibilities:

27 a. Recommend to the entire commission changes to the rules or bylaws,

- 1 changes to this compact legislation, fees paid by compact states such
2 as annual dues, and any other applicable fees;
3 b. Ensure compact administration services are appropriately provided,
4 contractual or otherwise;
5 c. Prepare and recommend the budget;
6 d. Maintain financial records on behalf of the commission;
7 e. Monitor compact compliance of member states and provide
8 compliance reports to the commission;
9 f. Establish additional committees as necessary; and
10 g. Other duties as provided in rules or bylaws.

11 F. Financing of the commission

- 12 1. The commission shall pay, or provide for the payment of the reasonable
13 expenses of its establishment, organization and ongoing activities.
14 2. The commission may accept any and all appropriate revenue sources,
15 donations and grants of money, equipment, supplies, materials and services.
16 3. The commission may levy on and collect an annual assessment from each
17 compact state or impose fees on other parties to cover the cost of the
18 operations and activities of the commission and its staff which must be in a
19 total amount sufficient to cover its annual budget as approved each year for
20 which revenue is not provided by other sources. The aggregate annual
21 assessment amount shall be allocated based upon a formula to be
22 determined by the commission which shall promulgate a rule binding upon
23 all compact states.
24 4. The commission shall not incur obligations of any kind prior to securing
25 the funds adequate to meet the same; nor shall the commission pledge the
26 credit of any of the compact states, except by and with the authority of the
27 compact state.

1 5. The commission shall keep accurate accounts of all receipts and
2 disbursements. The receipts and disbursements of the commission shall be
3 subject to the audit and accounting procedures established under its bylaws.
4 However, all receipts and disbursements of funds handled by the
5 commission shall be audited yearly by a certified or licensed public
6 accountant and the report of the audit shall be included in and become part
7 of the annual report of the commission.

8 G. Qualified Immunity, defense, and indemnification

9 1. The members, officers, executive director, employees and representatives of
10 the commission shall be immune from suit and liability, either personally or
11 in their official capacity, for any claim for damage to or loss of property or
12 personal injury or other civil liability caused by or arising out of any actual
13 or alleged act, error or omission that occurred, or that the person against
14 whom the claim is made had a reasonable basis for believing occurred
15 within the scope of commission employment, duties or responsibilities;
16 provided that nothing in this paragraph shall be construed to protect any
17 such person from suit and/or liability for any damage, loss, injury or
18 liability caused by the intentional or willful or wanton misconduct of that
19 person.

20 2. The commission shall defend any member, officer, executive director,
21 employee or representative of the commission in any civil action seeking to
22 impose liability arising out of any actual or alleged act, error or omission
23 that occurred within the scope of commission employment, duties or
24 responsibilities, or that the person against whom the claim is made had a
25 reasonable basis for believing occurred within the scope of commission
26 employment, duties or responsibilities; provided that nothing herein shall be
27 construed to prohibit that person from retaining his or her own counsel;

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

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

12 ARTICLE XI

13 RULEMAKING

14 A. The commission shall exercise its rulemaking powers pursuant to the criteria set
15 forth in this article and the rules adopted thereunder. Rules and amendments
16 shall become binding as of the date specified in each rule or amendment.

17 B. If a majority of the legislatures of the compact states rejects a rule, by enactment
18 of a statute or resolution in the same manner used to adopt the compact, then
19 such rule shall have no further force and effect in any compact state.

20 C. Rules or amendments to the rules shall be adopted at a regular or special meeting
21 of the commission.

22 D. Prior to promulgation and adoption of a final rule or rules by the commission,
23 and at least sixty (60) days in advance of the meeting at which the rule will be
24 considered and voted upon, the commission shall file a notice of proposed
25 rulemaking:

26 1. On the Web site of the commission; and

27 2. On the Web site of each compact state's psychology regulatory authority or

1 the publication in which each state would otherwise publish proposed rules.

2 E. The notice of proposed rulemaking shall include:

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

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

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

9 4. The manner in which interested persons may submit notice to the
10 commission of their intention to attend the public hearing and any written
11 comments.

12 F. Prior to adoption of a proposed rule, the commission shall allow persons to
13 submit written data, facts, opinions and arguments, which shall be made
14 available to the public.

15 G. The commission shall grant an opportunity for a public hearing before it adopts a
16 rule or amendment if a hearing is requested by:

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

19 2. A governmental subdivision or agency; or

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

22 H. If a hearing is held on the proposed rule or amendment, the commission shall
23 publish the place, time, and date of the scheduled public hearing.

24 1. All persons wishing to be heard at the hearing shall notify the executive
25 director of the commission or other designated member in writing of their
26 desire to appear and testify at the hearing not less than five (5) business
27 days before the scheduled date of the hearing.

- 1 2. Hearings shall be conducted in a manner providing each person who
2 wishes to comment a fair and reasonable opportunity to comment orally or
3 in writing.
- 4 3. No transcript of the hearing is required, unless a written request for a
5 transcript is made, in which case the person requesting the transcript shall
6 bear the cost of producing the transcript. A recording may be made in lieu
7 of a transcript under the same terms and conditions as a transcript. This
8 subsection shall not preclude the commission from making a transcript or
9 recording of the hearing if it so chooses.
- 10 4. Nothing in this section shall be construed as requiring a separate hearing
11 on each rule. Rules may be grouped for the convenience of the commission
12 at hearings required by this section.
- 13 I. Following the scheduled hearing date, or by the close of business on the
14 scheduled hearing date if the hearing was not held, the commission shall
15 consider all written and oral comments received.
- 16 J. The commission shall, by majority vote of all members, take final action on the
17 proposed rule and shall determine the effective date of the rule, if any, based on
18 the rulemaking record and the full text of the rule.
- 19 K. If no written notice of intent to attend the public hearing by interested parties is
20 received, the commission may proceed with promulgation of the proposed rule
21 without a public hearing.
- 22 L. Upon determination that an emergency exists, the commission may consider and
23 adopt an emergency rule without prior notice, opportunity for comment, or
24 hearing, provided that the usual rulemaking procedures provided in the compact
25 and in this section shall be retroactively applied to the rule as soon as reasonably
26 possible, in no event later than ninety (90) days after the effective date of the rule.
27 For the purposes of this provision, an emergency rule is one that must be adopted

1 immediately in order to:

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

3 2. Prevent a loss of commission or compact state funds;

4 3. Meet a deadline for the promulgation of an administrative rule that is
5 established by federal law or rule; or

6 4. Protect public health and safety.

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

18 ARTICLE XII

19 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

20 A. Oversight

21 1. The executive, legislative and judicial branches of state government in each
22 compact state shall enforce this compact and take all actions necessary and
23 appropriate to effectuate the compact's purposes and intent. The provisions
24 of this compact and the rules promulgated hereunder shall have standing as
25 statutory law.

26 2. All courts shall take judicial notice of the compact and the rules in any
27 judicial or administrative proceeding in a compact state pertaining to the

1 subject matter of this compact which may affect the powers, responsibilities
2 or actions of the commission.

3 3. The commission shall be entitled to receive service of process in any such
4 proceeding, and shall have standing to intervene in such a proceeding for
5 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 the
10 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 states
13 of the nature of the default, the proposed means of remedying the
14 default and/or any other action to be taken by the commission; and
15 b. Provide remedial training and specific technical assistance regarding
16 the default.

17 2. If a state in default fails to remedy the default, the defaulting state may be
18 terminated from the compact upon an affirmative vote of a majority of the
19 compact states, and all rights, privileges and benefits conferred by this
20 compact shall be terminated on the effective date of termination. A remedy
21 of the default does not relieve the offending state of obligations or liabilities
22 incurred during the period of default.

23 3. Termination of membership in the compact shall be imposed only after all
24 other means of securing compliance have been exhausted. Notice of intent
25 to suspend or terminate shall be submitted by the commission to the
26 Governor, the majority and minority leaders of the defaulting state's
27 legislature, and each of the compact states.

1 4. A compact state which has been terminated is responsible for all
2 assessments, obligations and liabilities incurred through the effective date
3 of termination, including obligations which extend beyond the effective date
4 of termination.

5 5. The commission shall not bear any costs incurred by the state which is
6 found to be in default or which has been terminated from the compact,
7 unless agreed upon in writing between the commission and the defaulting
8 state.

9 6. The defaulting state may appeal the action of the commission by petitioning
10 the United States District Court for the state of Georgia or the federal
11 district where the compact has its principal offices. The prevailing member
12 shall be awarded all costs of such litigation, including reasonable attorney's
13 fees.

14 C. Dispute resolution

15 1. Upon request by a compact state, the commission shall attempt to resolve
16 disputes related to the compact which arise among compact states and
17 between compact and non-compact states.

18 2. The commission shall promulgate a rule providing for both mediation and
19 binding dispute resolution for disputes that arise before the commission.

20 D. Enforcement

21 1. The commission, in the reasonable exercise of its discretion, shall enforce
22 the provisions and rules of this compact.

23 2. By majority vote, the commission may initiate legal action in the United
24 States District Court for the State of Georgia or the federal district where
25 the compact has its principal offices against a compact state in default to
26 enforce compliance with the provisions of the compact and its promulgated
27 rules and bylaws. The relief sought may include both injunctive relief and

1 damages. In the event judicial enforcement is necessary, the prevailing
2 member shall be awarded all costs of such litigation, including reasonable
3 attorney's fees.

4 3. The remedies herein shall not be the exclusive remedies of the commission.
5 The commission may pursue any other remedies available under federal or
6 state law.

7 ARTICLE XIII

8 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY
9 INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES,
10 WITHDRAWAL, AND AMENDMENTS

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

17 B. Any state which 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 which has been previously
20 adopted by the commission shall have the full force and effect of law on the day
21 the compact becomes law in that state.

22 C. Any compact state may withdraw from this compact by enacting a statute
23 repealing the same.

24 1. A compact state's withdrawal shall not take effect until six (6) months after
25 enactment of the repealing statute.

26 2. Withdrawal shall not affect the continuing requirement of the withdrawing
27 state's psychology regulatory authority to comply with the investigative and

1 adverse action reporting requirements of this Act prior to the effective date
2 of withdrawal.

3 D. Nothing contained in this compact shall be construed to invalidate or prevent any
4 psychology licensure agreement or other cooperative arrangement between a
5 compact state and a non-compact state which does not conflict with the
6 provisions of this compact.

7 E. This compact may be amended by the compact states. No amendment to this
8 compact shall become effective and binding upon any compact state until it is
9 enacted into the law of all compact states.

10 ARTICLE XIV

11 CONSTRUCTION AND SEVERABILITY

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