

1 HB266
2 203095-2
3 By Representatives Rafferty and Lee
4 RFD: Health
5 First Read: 02-FEB-21

8 SYNOPSIS: This bill would establish the Psychology
9 Interjurisdictional Compact (PSYPACT).

10 This bill would allow day-to-day
11 psychological practice using telecommunication
12 technologies by licensed psychologists among
13 compact states.

14 This bill would allow temporary in-person,
15 face-to-face practice of psychology by licensed
16 psychologists for no more than 30 days per year
17 among compact states.

18 This bill would authorize state psychology
19 regulatory authorities in compact states, which
20 would include the Alabama Board of Examiners in
21 Psychology, to legally recognize, in a manner
22 consistent with terms of the compact, psychologists
23 licensed within those states.

24 This bill would provide eligibility
25 requirements for licensed psychologists to practice
26 pursuant to the compact.

1 This bill would provide for a coordinated
2 licensure information system, investigations, and
3 disciplinary actions.

4 This bill would establish the Psychology
5 Interjurisdictional Compact Commission, and would
6 provide for membership, powers, and duties.

7 This bill would also provide for rulemaking
8 functions of the commission, oversight of the
9 compact, enforcement of the compact, default
10 procedures, dispute resolution, withdrawal of
11 compact states, and dissolution of the compact.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT

16
17 Relating to the licensed practice of psychology; to
18 provide and adopt the Psychology Interjurisdictional Compact
19 to allow licensed psychologists to practice among compact
20 states in a limited manner; to provide eligibility
21 requirements for licensed psychologists to practice pursuant
22 to the compact; to provide for a coordinated licensure
23 information system, joint investigations, and disciplinary
24 actions; to establish the Psychology Interjurisdictional
25 Compact Commission, and to provide for membership, powers, and
26 duties, and provide for rulemaking functions of the
27 commission; and to provide for oversight of the compact,

1 enforcement of the compact, default procedures, dispute
2 resolution, withdrawal of compact states, and dissolution of
3 the compact.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. PURPOSE

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

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

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

21 Whereas, this compact is intended to authorize state
22 psychology regulatory authorities to afford legal recognition,
23 in a manner consistent with the terms of the compact, to
24 psychologists licensed in another state; and

25 Whereas, this compact recognizes that states have a
26 vested interest in protecting the public's health and safety
27 through their licensing and regulation of psychologists and

1 that such state regulation will best protect public health and
2 safety; and

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

6 Whereas, this compact does not apply to permanent
7 in-person, face-to-face practice; however, it does allow for
8 authorization of temporary psychological practice.

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

11 1. Increase public access to professional
12 psychological services by allowing for telepsychological
13 practice across state lines as well as temporary in-person,
14 face-to-face services into a state in which the psychologist
15 is not licensed to practice psychology.

16 2. Enhance the ability of the compact states to
17 protect the public's health and safety, especially
18 client/patient safety.

19 3. Encourage the cooperation of compact states in
20 the areas of psychology licensure and regulation.

21 4. Facilitate the exchange of information between
22 compact states regarding psychologist licensure, adverse
23 actions, and disciplinary history.

24 5. Promote compliance with the laws governing
25 psychological practice in each compact state.

1 6. Invest all compact states with the authority to
2 hold licensed psychologists accountable through the mutual
3 recognition of compact state licenses.

4 Section 2. DEFINITIONS

5 As used in this section, the following terms have
6 the following meanings:

7 (1) ADVERSE ACTION. Any action taken by a state
8 psychology regulatory authority which finds a violation of a
9 law or regulation that is identified by the state psychology
10 regulatory authority as discipline and is a matter of public
11 record.

12 (2) ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY
13 BOARDS (ASPPB). The recognized membership organization
14 composed of state and provincial psychology regulatory
15 authorities responsible for the licensure and registration of
16 psychologists throughout the United States and Canada.

17 (3) AUTHORITY TO PRACTICE INTERJURISDICTIONAL
18 TELEPSYCHOLOGY. A licensed psychologist's authority to
19 practice telepsychology, within the limits authorized under
20 this compact, in another compact state.

21 (4) BYLAWS. Those bylaws established by the
22 Psychology Interjurisdictional Compact Commission pursuant to
23 Section 10 for its governance, or for directing and
24 controlling its actions and conduct.

25 (5) CLIENT/PATIENT. The recipient of psychological
26 services, whether psychological services are delivered in the

1 context of health care, corporate, supervision, or consulting
2 services.

3 (6) COMMISSIONER. The voting representative
4 appointed by each state psychology regulatory authority
5 pursuant to Section 10.

6 (7) COMPACT STATE. A state, the District of
7 Columbia, or United States territory that has enacted this
8 compact legislation and that has not withdrawn pursuant to
9 Section 13, subsection (c) or been terminated pursuant to
10 Section 12, subsection (b).

11 (8) COORDINATED LICENSURE INFORMATION SYSTEM or
12 COORDINATED DATABASE. An integrated process for collecting,
13 storing, and sharing information on psychologists' licensure
14 and enforcement activities related to psychology licensure
15 laws, which is administered by the recognized membership
16 organization composed of state and provincial psychology
17 regulatory authorities.

18 (9) CONFIDENTIALITY. The principle that data or
19 information is not made available or disclosed to unauthorized
20 persons or processes.

21 (10) DAY. Any part of a day in which psychological
22 work is performed.

23 (11) DISTANT STATE. The compact state where a
24 psychologist is physically present, not through the use of
25 telecommunications technologies, to provide temporary
26 in-person, face-to-face psychological services.

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

7 (13) EXECUTIVE BOARD. A group of directors elected
8 or appointed to act on behalf of, and within the powers
9 granted to them by, the commission.

10 (14) HOME STATE. A compact state where a
11 psychologist is licensed to practice psychology. If the
12 psychologist is licensed in more than one compact state and is
13 practicing under the authorization to practice
14 interjurisdictional telepsychology, the home state is the
15 compact state where the psychologist is physically present
16 when the telepsychological services are delivered. If the
17 psychologist is licensed in more than one compact state and is
18 practicing under the temporary authorization to practice, the
19 home state is any compact state where the psychologist is
20 licensed.

21 (15) IDENTITY HISTORY SUMMARY. A summary of
22 information retained by the Federal Bureau of Investigation,
23 or other designee with similar authority, in connection with
24 arrests and, in some instances, federal employment,
25 naturalization, or military service.

26 (16) IN-PERSON, FACT-TO-FACE. Interactions in which
27 the psychologist and the client/patient are in the same

1 physical space and which does not include interactions that
2 may occur through the use of telecommunication technologies.

3 (17) INTERJURISDICTIONAL PRACTICE CERTIFICATE. A
4 certificate issued by the Association of State and Provincial
5 Psychology Boards (ASPPB) that grants temporary authority to
6 practice based on notification to the state psychology
7 regulatory authority of intention to practice temporarily, and
8 verification of one's qualifications for such practice.

9 (18) LICENSE. Authorization by a state psychology
10 regulatory authority to engage in the independent practice of
11 psychology, which would be unlawful without the authorization.

12 (19) NON-COMPACT STATE. Any state which is not at
13 the time a compact state.

14 (20) PSYCHOLOGIST. An individual licensed for the
15 independent practice of psychology.

16 (21) PSYCHOLOGY INTERJURISDICTIONAL COMPACT
17 COMMISSION or COMMISSION. The national administration of which
18 all compact states are members.

19 (22) RECEIVING STATE. A compact state where the
20 client/patient is physically located when the
21 telepsychological services are delivered.

22 (23) RULE. A written statement by the Psychology
23 Interjurisdictional Compact Commission adopted pursuant to
24 Section 11 of the compact that is of general applicability,
25 implements, interprets, or prescribes a policy or provision of
26 the compact, or an organizational, procedural, or practice
27 requirement of the commission, and has the force and effect of

1 statutory law in a compact state, and includes the amendment,
2 repeal, or suspension of an existing rule.

3 (24) SIGNIFICANT INVESTIGATORY INFORMATION. Either
4 of the following:

5 a. Investigative information that a state psychology
6 regulatory authority, after a preliminary inquiry that
7 includes notification and an opportunity to respond if
8 required by state law, has reason to believe, if proven true,
9 would indicate more than a violation of state law or ethics
10 code that would be considered more substantial than minor
11 infraction.

12 b. Investigative information that indicates that the
13 psychologist represents an immediate threat to public health
14 and safety regardless of whether the psychologist has been
15 notified and/or had an opportunity to respond.

16 (25) STATE. A state, commonwealth, territory, or
17 possession of the United States, or the District of Columbia.

18 (26) STATE PSYCHOLOGY REGULATORY AUTHORITY. The
19 board, office, or other agency with the legislative mandate to
20 license and regulate the practice of psychology.

21 (27) TELEPSYCHOLOGY. The provision of psychological
22 services using telecommunication technologies.

23 (28) TEMPORARY AUTHORIZATION TO PRACTICE. A licensed
24 psychologist's authority to conduct temporary in-person,
25 face-to-face practice, within the limits authorized under this
26 compact, in another compact state.

1 (29) TEMPORARY IN-PERSON, FACE-TO-FACE PRACTICE.

2 Where a psychologist is physically present, not through the
3 use of telecommunications technologies, in the distant state
4 to provide for the practice of psychology for 30 days within a
5 calendar year and based on notification to the distant state.

6 Section 3. HOME STATE LICENSURE

7 (a) The home state shall be a compact state where a
8 psychologist is licensed to practice psychology.

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

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

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

26 (e) A home state's license authorizes a psychologist
27 to practice in a receiving state under the authority to

1 practice interjurisdictional telepsychology only if the
2 compact state:

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

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

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

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

16 (5) Complies with the bylaws and rules of the
17 commission.

18 (f) A home state's license grants temporary
19 authorization to practice to a psychologist in a distant state
20 only if the compact state:

21 (1) Currently requires the psychologist to hold an
22 active IPC;

23 (2) Has a mechanism in place for receiving and
24 investigating complaints about licensed individuals;

25 (3) Notifies the commission, in compliance with the
26 terms herein, of any adverse action or significant
27 investigatory information regarding a licensed individual;

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

7 (5) Complies with the bylaws and rules of the
8 commission.

9 Section 4. COMPACT PRIVILEGE TO PRACTICE
10 TELEPSYCHOLOGY

11 (a) Compact states shall recognize the right of a
12 psychologist, licensed in a compact state in conformance with
13 Section 3, to practice telepsychology in other compact states
14 in which the psychologist is not licensed, under the authority
15 to practice interjurisdictional telepsychology as provided in
16 the compact.

17 (b) To exercise the authority to practice
18 interjurisdictional telepsychology under the terms and
19 provisions of this compact, a psychologist licensed to
20 practice in a compact state must:

21 (1) Hold a graduate degree in psychology from an
22 institute of higher education that was, at the time the degree
23 was awarded:

24 a. Regionally accredited by an accrediting body
25 recognized by the U.S. Department of Education to grant
26 graduate degrees, or authorized by provincial statute or royal
27 charter to grant doctoral degrees; or

1 b. A foreign college or university deemed to be
2 equivalent to paragraph a. by a foreign credential evaluation
3 service that is a member of the National Association of
4 Credential Evaluation Services (NACES) or by a recognized
5 foreign credential evaluation service; and

6 (2) Hold a graduate degree in psychology that meets
7 all of the following criteria:

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

13 b. The psychology program must stand as a
14 recognizable, coherent, organizational entity within the
15 institution.

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

19 d. The program must consist of an integrated,
20 organized sequence of study.

21 e. There must be an identifiable psychology faculty
22 sufficient in size and breadth to carry out its
23 responsibilities.

24 f. The designated director of the program must be a
25 psychologist and a member of the core faculty.

26 g. The program must have an identifiable body of
27 students who are matriculated in that program for a degree.

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

4 i. The curriculum shall encompass a minimum of three
5 academic years of full-time graduate study for a doctoral
6 degree and a minimum of one academic year of full-time
7 graduate study for a master's degree.

8 j. The program includes an acceptable residency as
9 defined by the rules of the commission.

10 (3) Possess a current, full, and unrestricted
11 license to practice psychology in a home state which is a
12 compact state;

13 (4) Have no history of adverse action that violates
14 the rules of the commission;

15 (5) Have no criminal record history reported on an
16 identity history summary that violates the rules of the
17 commission;

18 (6) Possess a current, active E.Passport;

19 (7) Provide attestations in regard to areas of
20 intended practice, conformity with standards of practice,
21 competence in telepsychology technology, criminal background,
22 and knowledge and adherence to legal requirements in the home
23 and receiving states, and provide a release of information to
24 allow for primary source verification in a manner specified by
25 the commission; and

26 (8) Meet other criteria as defined by the rules of
27 the commission.

1 (c) The home state maintains authority over the
2 license of any psychologist practicing into a receiving state
3 under the authority to practice interjurisdictional
4 telepsychology.

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

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

23 Section 5. COMPACT TEMPORARY AUTHORIZATION TO
24 PRACTICE

25 (a) Compact states shall also recognize the right of
26 a psychologist, licensed in a compact state in conformance
27 with Section 3, to practice temporarily in other compact

1 states (distant states) in which the psychologist is not
2 licensed, as provided in the compact.

3 (b) To exercise the temporary authority to practice
4 under the terms and provisions of this compact, a psychologist
5 licensed to practice in a compact state must:

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

9 a. Regionally accredited by an accrediting body
10 recognized by the U.S. Department of Education to grant
11 graduate degrees, or authorized by provincial statute or royal
12 charter to grant doctoral degrees; or

13 b. A foreign college or university deemed to be
14 equivalent to paragraph a. by a foreign credential evaluation
15 service that is a member of the National Association of
16 Credential Evaluation Services (NACES) or by a recognized
17 foreign credential evaluation service; and

18 (2) Hold a graduate degree in psychology that meets
19 all of the following criteria:

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

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

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

4 d. The program must consist of an integrated,
5 organized sequence of study.

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

9 f. The designated director of the program must be a
10 psychologist and a member of the core faculty.

11 g. The program must have an identifiable body of
12 students who are matriculated in that program for a degree.

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

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

20 j. The program includes an acceptable residency as
21 defined by the rules of the commission.

22 (3) Possess a current, full, and unrestricted
23 license to practice psychology in a home state which is a
24 compact state;

25 (4) Have no history of adverse action that violates
26 the rules of the commission;

1 (5) Have no criminal record history that violates
2 the rules of the commission;

3 (6) Possess a current, active IPC;

4 (7) Provide attestations in regard to areas of
5 intended practice and work experience and provide a release of
6 information to allow for primary source verification in a
7 manner specified by the commission; and

8 (8) Meet other criteria as defined by the rules of
9 the commission.

10 (c) A psychologist practicing into a distant state
11 under the temporary authorization to practice shall practice
12 within the scope of practice authorized by the distant state.

13 (d) A psychologist practicing into a distant state
14 under the temporary authorization to practice shall be subject
15 to the distant state's authority and law. A distant state, in
16 accordance with that state's due process law, may limit or
17 revoke a psychologist's temporary authorization to practice in
18 the distant state and may take any other necessary actions
19 under the distant state's applicable law to protect the health
20 and safety of the distant state's residents. If a distant
21 state takes action, the state shall promptly notify the home
22 state and the commission.

23 (e) If a psychologist's license in any home state,
24 another compact state, or any temporary authorization to
25 practice in any distant state, is restricted, suspended, or
26 otherwise limited, the IPC shall be revoked and the

1 psychologist shall not be eligible to practice in a compact
2 state under the temporary authorization to practice.

3 Section 6. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN
4 A RECEIVING STATE

5 A psychologist may practice in a receiving state
6 under the authority to practice interjurisdictional
7 telepsychology only in the performance of the scope of
8 practice for psychology as assigned by an appropriate state
9 psychology regulatory authority, as defined in the rules of
10 the commission, and under the following circumstances:

11 (1) The psychologist initiates a client/patient
12 contact in a home state via telecommunications technologies
13 with a client/patient in a receiving state.

14 (2) Other conditions regarding telepsychology as
15 determined by rules adopted by the commission.

16 Section 7. ADVERSE ACTIONS

17 (a) A home state may impose adverse action against a
18 psychologist's license issued by the home state. A distant
19 state shall have the power to take adverse action on a
20 psychologist's temporary authorization to practice within that
21 distant state.

22 (b) A receiving state may take adverse action on a
23 psychologist's authority to practice interjurisdictional
24 telepsychology within that receiving state. A home state may
25 take adverse action against a psychologist based on an adverse
26 action taken by a distant state regarding temporary in-person,
27 face-to-face practice.

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

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

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

16 (3) Other actions may be imposed as determined by
17 the rules adopted by the commission.

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

25 (e) A distant state's psychology regulatory
26 authority shall investigate and take appropriate action with
27 respect to reported inappropriate conduct engaged in by a

1 psychologist practicing under temporary authorization to
2 practice which occurred in that distant state as it would if
3 such conduct had occurred by a licensee within the home state.
4 In such cases, the distant state's law shall control in
5 determining any adverse action against a psychologist's
6 temporary authorization to practice.

7 (f) Nothing in this compact shall override a compact
8 state's decision that a psychologist's participation in an
9 alternative program may be used in lieu of adverse action and
10 that such participation shall remain non-public if required by
11 the compact state's law. Compact states must require
12 psychologists who enter any alternative programs to not
13 provide telepsychology services under the authority to
14 practice interjurisdictional telepsychology or provide
15 temporary psychological services under the temporary
16 authorization to practice in any other compact state during
17 the term of the alternative program.

18 (g) No other judicial or administrative remedies
19 shall be available to a psychologist in the event a compact
20 state imposes an adverse action pursuant to subsection (c).

21 Section 8. ADDITIONAL AUTHORITIES INVESTED IN A
22 COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY

23 In addition to any other powers granted under state
24 law, a compact state's psychology regulatory authority shall
25 have the authority under this compact to:

26 (1) Issue subpoenas, for both hearings and
27 investigations, which require the attendance and testimony of

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

12 (2) Issue cease and desist or injunctive relief
13 orders to revoke a psychologist's authority to practice
14 interjurisdictional telepsychology or temporary authorization
15 to practice.

16 (3) During the course of any investigation, a
17 psychologist may not change his or her home state licensure. A
18 home state psychology regulatory authority may complete any
19 pending investigations of a psychologist and take any actions
20 appropriate under its laws. The home state psychology
21 regulatory authority shall promptly report the conclusions of
22 such investigations to the commission. Once an investigation
23 has been completed, and pending the outcome of the
24 investigation, the psychologist may change his or her home
25 state licensure. The commission shall promptly notify the new
26 home state of any such decisions as provided in the rules of
27 the commission. All information provided to the commission or

1 distributed by compact states pursuant to the psychologist
2 shall be confidential, filed under seal, and used for
3 investigatory or disciplinary matters. The commission may
4 create additional rules for mandated or discretionary sharing
5 of information by compact states.

6 Section 9. COORDINATED LICENSURE INFORMATION SYSTEM

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

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

17 (1) Identifying information;

18 (2) Licensure data;

19 (3) Significant investigatory information;

20 (4) Adverse actions against a psychologist's
21 license;

22 (5) An indicator that a psychologist's authority to
23 practice interjurisdictional telepsychology or temporary
24 authorization to practice is revoked;

25 (6) Non-confidential information related to
26 alternative program participation information;

1 (7) Any denial of application for licensure, and the
2 reasons for such denial; and

3 (8) Other information that may facilitate the
4 administration of this compact, as determined by the rules of
5 the commission.

6 (c) The coordinated database administrator shall
7 promptly notify all compact states of any adverse action taken
8 against, or significant investigative information on, any
9 licensee in a compact state.

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

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

18 Section 10. ESTABLISHMENT OF THE PSYCHOLOGY
19 INTERJURISDICTIONAL COMPACT COMMISSION

20 (a) The compact states create and establish a joint
21 public agency known as the Psychology Interjurisdictional
22 Compact Commission.

23 (1) The commission is a body politic and an
24 instrumentality of the compact states.

25 (2) Venue is proper and judicial proceedings by or
26 against the commission shall be brought solely and exclusively
27 in a court of competent jurisdiction where the principal

1 office of the commission is located. The commission may waive
2 venue and jurisdictional defenses to the extent it adopts or
3 consents to participate in alternative dispute resolution
4 proceedings.

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

7 (b) Membership, Voting, and Meetings.

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

14 a. Executive director, executive secretary, or
15 similar executive;

16 b. Current member of the state psychology regulatory
17 authority of a compact state; or

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

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

25 (3) Each commissioner shall be entitled to one vote
26 with regard to the adoption of rules and creation of bylaws
27 and shall otherwise have an opportunity to participate in the

1 business and affairs of the commission. A commissioner shall
2 vote in person or by such other means as provided in the
3 bylaws. The bylaws may provide for commissioners'
4 participation in meetings by telephone or other means of
5 communication.

6 (4) The commission shall meet at least once during
7 each calendar year. Additional meetings shall be held as set
8 forth in the bylaws.

9 (5) All meetings shall be open to the public, and
10 public notice of meetings shall be given in the same manner as
11 required under the rulemaking provisions in Section 11.

12 (6) The commission may convene in a closed,
13 non-public meeting if the commission must discuss:

14 a. Non-compliance of a compact state with its
15 obligations under the compact;

16 b. The employment, compensation, discipline or other
17 personnel matters, practices, or procedures related to
18 specific employees, or other matters related to the
19 commission's internal personnel practices and procedures;

20 c. Current, threatened, or reasonably anticipated
21 litigation against the commission;

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

24 e. Accusation against any person of a crime or
25 formally censuring any person;

26 f. Disclosure of trade secrets or commercial or
27 financial information which is privileged or confidential;

1 g. Disclosure of information of a personal nature
2 where disclosure would constitute a clearly unwarranted
3 invasion of personal privacy;

4 h. Disclosure of investigatory records compiled for
5 law enforcement purposes;

6 i. Disclosure of information related to any
7 investigatory reports prepared by, or on behalf of, or for use
8 of, the commission or other committee charged with
9 responsibility for investigation or determination of
10 compliance issues pursuant to the compact; or

11 j. Matters specifically exempted from disclosure by
12 federal and state statute.

13 (7) If a meeting, or portion of a meeting, is closed
14 pursuant to this provision, the commission's legal counsel or
15 designee shall certify that the meeting may be closed and
16 shall reference each relevant exempting provision. The
17 commission shall keep minutes that fully and clearly describe
18 all matters discussed in a meeting and shall provide a full
19 and accurate summary of actions taken, any person
20 participating in the meeting, and the reasons for taking the
21 actions, including a description of the views expressed. All
22 documents considered in connection with an action shall be
23 identified in the minutes. All minutes and documents of a
24 closed meeting shall remain under seal, subject to release
25 only by a majority vote of the commission or order of a court
26 of competent jurisdiction.

1 (c) The commission, by a majority vote of the
2 commissioners, shall adopt bylaws or rules, or both, to govern
3 its conduct as may be necessary or appropriate to carry out
4 the purposes and exercise the powers of the compact,
5 including, but not limited to:

6 (1) Establishing the fiscal year of the commission;

7 (2) Providing reasonable standards and procedures:

8 a. For the establishment and meetings of other
9 committees; and

10 b. Governing any general or specific delegation of
11 any authority or function of the commission.

12 (3) Providing reasonable procedures for calling and
13 conducting meetings of the commission, ensuring reasonable
14 advance notice of all meetings, and providing an opportunity
15 for attendance of such meetings by interested parties, with
16 enumerated exceptions designed to protect the public's
17 interest, the privacy of individuals of such proceedings, and
18 proprietary information, including trade secrets. The
19 commission may meet in closed session only after a majority of
20 the commissioners vote to close a meeting to the public in
21 whole or in part. As soon as practicable, the commission must
22 make public a copy of the vote to close the meeting revealing
23 the vote of each commissioner with no proxy votes allowed;

24 (4) Establishing the titles, duties, and authority
25 and reasonable procedures for the election of the officers of
26 the commission;

1 (5) Providing reasonable standards and procedures
2 for the establishment of the personnel policies and programs
3 of the commission. Notwithstanding any civil service or other
4 similar law of any compact state, the bylaws shall exclusively
5 govern the personnel policies and programs of the commission;

6 (6) Adopting a code of ethics to address permissible
7 and prohibited activities of commission members and employees;

8 (7) Providing a mechanism for concluding the
9 operations of the commission and the equitable disposition of
10 any surplus funds that may exist after the termination of the
11 compact after the payment or reserving of all of its debts and
12 obligations;

13 (8) The commission shall publish its bylaws in a
14 convenient form and file a copy thereof and a copy of any
15 amendment thereto with the appropriate agency or officer in
16 each of the compact states;

17 (9) The commission shall maintain its financial
18 records in accordance with the bylaws; and

19 (10) The commission shall meet and take such actions
20 as are consistent with the provisions of this compact and the
21 bylaws.

22 (d) The commission shall have the following powers:

23 (1) To adopt uniform rules to facilitate and
24 coordinate implementation and administration of this compact.
25 The rules shall have the force and effect of law and shall be
26 binding in all compact states.

1 (2) To bring and prosecute legal proceedings or
2 actions in the name of the commission, provided that the
3 standing of any state psychology regulatory authority or other
4 regulatory body responsible for psychology licensure to sue or
5 be sued under applicable law shall not be affected.

6 (3) To purchase and maintain insurance and bonds.

7 (4) To borrow, accept, or contract for services of
8 personnel, including, but not limited to, employees of a
9 compact state.

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

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

21 (7) To lease, purchase, accept appropriate gifts or
22 donations of, or otherwise to own, hold, improve, or use, any
23 property, real, personal, or mixed, provided that at all times
24 the commission shall strive to avoid any appearance of
25 impropriety.

1 (8) To sell, convey, mortgage, pledge, lease,
2 exchange, abandon, or otherwise dispose of any property, real,
3 personal, or mixed.

4 (9) To establish a budget and make expenditures.

5 (10) To borrow money.

6 (11) To appoint committees, including advisory
7 committees comprised of members, state regulators, state
8 legislators or their representatives, and consumer
9 representatives, and such other interested persons as may be
10 designated in this compact and the bylaws.

11 (12) To provide and receive information from, and to
12 cooperate with, law enforcement agencies.

13 (13) To adopt and use an official seal.

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

19 (e) The Executive Board. The elected officers shall
20 serve as the executive board, which shall have the power to
21 act on behalf of the commission according to the terms of this
22 compact.

23 (1) The executive board shall be comprised of six
24 members:

25 a. Five voting members who are elected from the
26 current membership of the commission by the commission.

1 b. One ex officio, nonvoting member from the
2 recognized membership organization composed of state and
3 provincial psychology regulatory authorities.

4 (2) The ex officio member must have served as staff
5 or member on a state psychology regulatory authority and be
6 selected by its respective organization.

7 (3) The commission may remove any member of the
8 executive board as provided in its bylaws.

9 (4) The executive board shall meet at least
10 annually.

11 (5) The executive board shall have the following
12 duties and responsibilities:

13 a. Recommend to the entire commission changes to the
14 rules or bylaws, changes to this compact legislation, fees
15 paid by compact states such as annual dues, and any other
16 applicable fees.

17 b. Ensure compact administration services are
18 appropriately provided, contractual or otherwise.

19 c. Prepare and recommend the budget.

20 d. Maintain financial records on behalf of the
21 commission.

22 e. Monitor compact compliance of member states and
23 provide compliance reports to the commission.

24 f. Establish additional committees as necessary.

25 g. Other duties as provided in rules or bylaws.

26 (f) Financing of the commission.

1 (1) The commission shall pay, or provide for the
2 payment of, the reasonable expenses of its establishment,
3 organization, and ongoing activities.

4 (2) The commission may accept any and all
5 appropriate revenue sources, donations, and grants of money,
6 equipment, supplies, materials, and services.

7 (3) The commission may levy and collect an annual
8 assessment from each compact state or impose fees on other
9 parties to cover the cost of the operations and activities of
10 the commission and its staff which must be in a total amount
11 sufficient to cover its annual budget as approved each year
12 for which revenue is not provided by other sources. The
13 aggregate annual assessment amount shall be allocated based
14 upon a formula to be determined by the commission which shall
15 adopt a rule binding upon all compact states.

16 (4) The commission shall not incur obligations of
17 any kind prior to securing the funds adequate to meet the
18 same; nor shall the commission pledge the credit of any of the
19 compact states, except by and with the authority of the
20 compact state.

21 (5) The commission shall keep accurate accounts of
22 all receipts and disbursements. The receipts and disbursements
23 of the commission shall be subject to the audit and accounting
24 procedures established under its bylaws. However, all receipts
25 and disbursements of funds handled by the commission shall be
26 audited yearly by a certified or licensed public accountant

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

3 (g) Qualified Immunity, Defense, and
4 Indemnification.

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

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

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

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

16 Section 11. RULEMAKING

17 (a) The commission shall exercise its rulemaking
18 powers pursuant to the criteria set forth in this section and
19 the rules adopted pursuant to this section. Rules and
20 amendments shall become binding as of the date specified in
21 each rule or amendment.

22 (b) If a majority of the legislatures of the compact
23 states rejects a rule, by enactment of a law or resolution in
24 the same manner used to adopt the compact, then such rule
25 shall have no further force and effect in any compact state.

26 (c) Rules or amendments to the rules shall be
27 adopted at a regular or special meeting of the commission.

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

5 (1) On the website of the commission; and

6 (2) On the website of each compact state's
7 psychology regulatory authority or the publication in which
8 each state would otherwise publish proposed rules.

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

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

12 (2) The text of the proposed rule or amendment and
13 the reason for the proposed rule;

14 (3) A request for comments on the proposed rule from
15 any interested person; and

16 (4) The manner in which interested persons may
17 submit notice to the commission of their intention to attend
18 the public hearing and any written comments.

19 (f) Prior to adoption of a proposed rule, the
20 commission shall allow persons to submit written data, facts,
21 opinions, and arguments, which shall be made available to the
22 public.

23 (g) The commission shall grant an opportunity for a
24 public hearing before it adopts a rule or amendment if a
25 hearing is requested by:

26 (1) At least 25 persons who submit comments
27 independently of each other;

1 (2) A governmental subdivision or agency; or

2 (3) A duly appointed person in an association that
3 has at least 25 members.

4 (h) If a hearing is held on the proposed rule or
5 amendment, the commission shall publish the place, time, and
6 date of the scheduled public hearing.

7 (1) All persons wishing to be heard at the hearing
8 shall notify the executive director of the commission or other
9 designated member in writing of their desire to appear and
10 testify at the hearing not less than five business days before
11 the scheduled date of the hearing.

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

15 (3) No transcript of the hearing is required, unless
16 a written request for a transcript is made, in which case the
17 person requesting the transcript shall bear the cost of
18 producing the transcript. A recording may be made in lieu of a
19 transcript under the same terms and conditions as a
20 transcript. This subdivision shall not preclude the commission
21 from making a transcript or recording of the hearing if it so
22 chooses.

23 (4) Nothing in this subsection shall be construed as
24 requiring a separate hearing on each rule. Rules may be
25 grouped for the convenience of the commission at hearings
26 required by this subsection.

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

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

9 (k) If no written notice of intent to attend the
10 public hearing by interested parties is received, the
11 commission may proceed with adoption of the proposed rule
12 without a public hearing.

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

22 (1) Meet an imminent threat to public health,
23 safety, or welfare;

24 (2) Prevent a loss of commission or compact state
25 funds;

1 (3) Meet a deadline for the adoption of an
2 administrative rule that is established by federal law or
3 regulation; or

4 (4) Protect public health and safety.

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

19 Section 12. OVERSIGHT, DISPUTE RESOLUTION, AND
20 ENFORCEMENT

21 (a) Oversight.

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

1 (2) All courts shall take judicial notice of the
2 compact and the rules in any judicial or administrative
3 proceeding in a compact state pertaining to the subject matter
4 of this compact which may affect the powers, responsibilities,
5 or actions of the commission.

6 (3) The commission shall be entitled to receive
7 service of process in any such proceeding, and shall have
8 standing to intervene in such a proceeding for all purposes.
9 Failure to provide service of process to the commission shall
10 render a judgment or order void as to the commission, this
11 compact, or adopted rules.

12 (b) Default, Technical Assistance, and Termination.

13 (1) If the commission determines that a compact
14 state has defaulted in the performance of its obligations or
15 responsibilities under this compact or the adopted rules, the
16 commission shall:

17 a. Provide written notice to the defaulting state
18 and other compact states of the nature of the default, the
19 proposed means of remedying the default or any other action to
20 be taken by the commission; and

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

23 (2) If a state in default fails to remedy the
24 default, the defaulting state may be terminated from the
25 compact upon an affirmative vote of a majority of the compact
26 states, and all rights, privileges, and benefits conferred by
27 this compact shall be terminated on the effective date of

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

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

10 (4) A compact state that has been terminated is
11 responsible for all assessments, obligations, and liabilities
12 incurred through the effective date of termination, including
13 obligations that extend beyond the effective date of
14 termination.

15 (5) The commission shall not bear any costs incurred
16 by the state that is found to be in default or which has been
17 terminated from the compact, unless agreed upon in writing
18 between the commission and the defaulting state.

19 (6) The defaulting state may appeal the action of
20 the commission by petitioning the U.S. District Court for the
21 State of Georgia or the federal district where the compact has
22 its principal offices. The prevailing member shall be awarded
23 all costs of such litigation, including reasonable attorney's
24 fees.

25 (c) Dispute Resolution.

26 (1) Upon request by a compact state, the commission
27 shall attempt to resolve disputes related to the compact which

1 arise among compact states and between compact and non-compact
2 states.

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

6 (d) Enforcement.

7 (1) The commission, in the reasonable exercise of
8 its discretion, shall enforce the provisions and rules of this
9 compact.

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

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

22 Section 13. DATE OF IMPLEMENTATION OF THE PSYCHOLOGY
23 INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES,
24 WITHDRAWAL, AND AMENDMENTS

25 (a) The compact shall come into effect on the date
26 on which the compact is enacted into law in the seventh
27 compact state. The provisions which become effective at that

1 time shall be limited to the powers granted to the commission
2 relating to assembly and the adoption of rules. Thereafter,
3 the commission shall meet and exercise rulemaking powers
4 necessary to the implementation and administration of the
5 compact.

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

13 (c) Any compact state may withdraw from this compact
14 by enacting a statute repealing the same.

15 (1) A compact state's withdrawal shall not take
16 effect until six months after enactment of the repealing
17 statute.

18 (2) Withdrawal shall not affect the continuing
19 requirement of the withdrawing state's psychology regulatory
20 authority to comply with the investigative and adverse action
21 reporting requirements of this section prior to the effective
22 date of withdrawal.

23 (d) Nothing contained in this compact shall be
24 construed to invalidate or prevent any psychology licensure
25 agreement or other cooperative arrangement between a compact
26 state and a non-compact state which does not conflict with
27 this compact.

1 (e) This compact may be amended by the compact
2 states. No amendment to this compact shall become effective
3 and binding upon any compact state until it is enacted into
4 the law of all compact states.

5 Section 14. CONSTRUCTION AND SEVERABILITY

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

11 Section 15. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.