

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- PSYCHOLOGY  
INTERJURISDICTIONAL COMPACT

Introduced By: Senators Doyle, P Fogarty, Nesselbush, and Lynch Prata

Date Introduced: March 02, 2017

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"  
2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 44.1

4 THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT

5 **5-44.1-1. Short title.**

6 This chapter shall be known and may be cited as the "The Psychology Interjurisdictional  
7 Compact" ("the compact").

8 **5-44.1-2. Execution of the compact.**

9 The governor on behalf of the state of Rhode Island and Providence Plantations is  
10 authorized to execute a compact, in substantially the following form, with any state, territory or  
11 possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico,  
12 and the general assembly signifies in advance its approval and ratification of this compact: "The  
13 Psychology Interjurisdictional Compact". The contracting states solemnly agree:

14 PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)

15 ARTICLE I

16 PURPOSE

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

1 Whereas, this Compact is intended to regulate the day to day practice of telepsychology  
2 (i.e. the provision of psychological services using telecommunication technologies) by  
3 psychologists across state boundaries in the performance of their psychological practice as  
4 assigned by an appropriate authority; and

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

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

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

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

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

19 Consistent with these principles, this Compact is designed to achieve the following  
20 purposes and objectives:

21 1. Increase public access to professional psychological services by allowing for  
22 telepsychological practice across state lines as well as temporary in-person, face-to-face services  
23 into a state which the psychologist is not licensed to practice psychology;

24 2. Enhance the states' ability to protect the public's health and safety, especially  
25 client/patient safety;

26 3. Encourage the cooperation of Compact States in the areas of psychology licensure and  
27 regulation;

28 4. Facilitate the exchange of information between Compact States regarding psychologist  
29 licensure, adverse actions and disciplinary history;

30 5. Promote compliance with the laws governing psychological practice in each Compact  
31 State; and

32 6. Invest all Compact States with the authority to hold licensed psychologists accountable  
33 through the mutual recognition of Compact State licenses.

34 ARTICLE II

1 DEFINITIONS

2 A. "Adverse Action" means any action taken by a State Psychology Regulatory Authority  
3 which finds a violation of a statute or regulation that is identified by the State Psychology  
4 Regulatory Authority as discipline and is a matter of public record.

5 B. "Association of State and Provincial Psychology Boards (ASPPB)" means the  
6 recognized membership organization composed of State and Provincial Psychology Regulatory  
7 Authorities responsible for the licensure and registration of psychologists throughout the United  
8 States and Canada.

9 C. "Authority to Practice Interjurisdictional Telepsychology" means a licensed  
10 psychologist's authority to practice telepsychology, within the limits authorized under this  
11 Compact, in another Compact State.

12 D. "Bylaws" means those Bylaws established by the Psychology Interjurisdictional  
13 Compact Commission pursuant to Section X for its governance, or for directing and controlling  
14 its actions and conduct.

15 E. "Client/Patient" means the recipient of psychological services, whether psychological  
16 services are delivered in the context of healthcare, corporate, supervision, and/or consulting  
17 services.

18 F. "Commissioner" means the voting representative appointed by each State Psychology  
19 Regulatory Authority pursuant to Section X.

20 G. "Compact State" means a state, the District of Columbia, or United States territory that  
21 has enacted this Compact legislation and which has not withdrawn pursuant to Article XIII,  
22 Section C or been terminated pursuant to Article XII, Section B.

23 H. "Coordinated Licensure Information System" also referred to as "Coordinated  
24 Database" means an integrated process for collecting, storing, and sharing information on  
25 psychologists' licensure and enforcement activities related to psychology licensure laws,  
26 Psychology Interjurisdictional Compact (PSYPACT) which is administered by the recognized  
27 membership organization composed of State and Provincial Psychology Regulatory Authorities.

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

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

31 K. "Distant State" means the Compact State where a psychologist is physically present  
32 (not through the use of telecommunications technologies), to provide temporary in-person, face-  
33 to-face psychological services.

34 L. "E.Passport" means a certificate issued by the Association of State and Provincial

1 Psychology Boards (ASPPB) that promotes the standardization in the criteria of  
2 interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to  
3 provide telepsychological services across state lines.

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

6 N. "Home State" means a Compact State where a psychologist is licensed to practice  
7 psychology. If the psychologist is licensed in more than one Compact State and is practicing  
8 under the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the  
9 Compact State where the psychologist is physically present when the telepsychological services  
10 are delivered. If the psychologist is licensed in more than one Compact State and is practicing  
11 under the Temporary Authorization to Practice, the Home State is any Compact State where the  
12 psychologist is licensed.

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

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

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

23 R. "License" means authorization by a State Psychology Regulatory Authority to engage  
24 in the independent practice of psychology, which would be unlawful without the authorization.

25 S. "Non-Compact State" means any State which is not at the time a Compact State.

26 T. "Psychologist" means an individual licensed for the independent practice of  
27 psychology.

28 U. "Psychology Interjurisdictional Compact Commission" also referred to as  
29 "Commission" means the national administration of which all Compact States are members.

30 V. "Receiving State" means a Compact State where the client/patient is physically located  
31 when the telepsychological services are delivered.

32 W. "Rule" means a written statement by the Psychology Interjurisdictional Compact  
33 Commission promulgated pursuant to Section XI of the Compact that is of general applicability,  
34 implements, interprets, or prescribes a policy or provision of the Compact, or an organizational,

1 procedural, or practice requirement of the Commission and has the force and effect of statutory  
2 law in a Compact State, and includes the amendment, repeal or suspension of an existing rule.

3 X. "Significant Investigatory Information" means

4 1. Investigative information that a State Psychology Regulatory Authority, after a  
5 preliminary inquiry that includes notification and an opportunity to respond if required by state  
6 law, has reason to believe, if proven true, would indicate more than a violation of state statute or  
7 ethics code that would be considered more substantial than minor infraction; or

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

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

13 Z. "State Psychology Regulatory Authority" means the Board, office or other agency with  
14 the legislative mandate to license and regulate the practice of psychology.

15 AA. "Telepsychology" means the provision of psychological services using  
16 telecommunication technologies.

17 BB. "Temporary Authorization to Practice" means a licensed psychologist's authority to  
18 conduct temporary in-person, face-to-face practice, within the limits authorized under this  
19 Compact, in another Compact State.

20 CC. "Temporary In-Person, Face-to-Face Practice" means where a psychologist is  
21 physically present (not through the use of telecommunications technologies), in the Distant State  
22 to provide for the practice of psychology for thirty (30) days within a calendar year and based on  
23 notification to the Distant State.

### 24 ARTICLE III

#### 25 HOME STATE LICENSURE

26 A. The Home State shall be a Compact State where a psychologist is licensed to practice  
27 psychology.

28 B. A psychologist may hold one or more Compact State licenses at a time. If the  
29 psychologist is licensed in more than one Compact State, the Home State is the Compact State  
30 where the psychologist is physically present when the services are delivered as authorized by the  
31 Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

32 C. Any Compact State may require a psychologist not previously licensed in a Compact  
33 State to obtain and retain a license to be authorized to practice in the Compact State under  
34 circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology

1 under the terms of this Compact.

2 D. Any Compact State may require a psychologist to obtain and retain a license to be  
3 authorized to practice in a Compact State under circumstances not authorized by Temporary  
4 Authorization to Practice under the terms of this Compact.

5 E. A Home State's license authorizes a psychologist to practice in a Receiving State under  
6 the Authority to Practice Interjurisdictional Telepsychology only if the Compact State:

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

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

10 3. Notifies the Commission, in compliance with the terms herein, of any adverse action or  
11 significant investigatory information regarding a licensed individual;

12 4. Requires an Identity History Summary of all applicants at initial licensure, including  
13 the use of the results of fingerprints or other biometric data checks compliant with the  
14 requirements of the Federal Bureau of Investigation (FBI), or other designee with similar  
15 authority, no later than ten (10) years after activation of the Compact; and

16 5. Complies with the Bylaws and Rules of the Commission.

17 F. A Home State's license grants Temporary Authorization to Practice to a psychologist  
18 in a Distant State only if the Compact State:

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

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

22 3. Notifies the Commission, in compliance with the terms herein, of any adverse action or  
23 significant investigatory information regarding a licensed individual;

24 4. Requires an Identity History Summary of all applicants at initial licensure, including  
25 the use of the results of fingerprints or other biometric data checks compliant with the  
26 requirements of the Federal Bureau of Investigation FBI, or other designee with similar authority,  
27 no later than ten (10) years after activation of the Compact; and

28 5. Complies with the Bylaws and Rules of the Commission.

29 ARTICLE IV

30 COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

31 A. Compact States shall recognize the right of a psychologist, licensed in a Compact  
32 State in conformance with Article III, to practice telepsychology in other Compact States  
33 (Receiving States) in which the psychologist is not licensed, under the Authority to Practice  
34 Interjurisdictional Telepsychology as provided in the Compact.

1           B. To exercise the Authority to Practice Interjurisdictional Telepsychology under the  
2 terms and provisions of this Compact, a psychologist licensed to practice in a Compact State  
3 must:

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

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

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

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

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

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

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

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

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

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

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

27           h. The program must include supervised practicum, internship, or field training  
28 appropriate to the practice of psychology;

29           i. The curriculum shall encompass a minimum of three (3) academic years of full-time  
30 graduate study for doctoral degree and a minimum of one academic year of full-time graduate  
31 study for master's degree; and

32           j. The program includes an acceptable residency as defined by the Rules of the  
33 Commission.

34           3. Possess a current, full and unrestricted license to practice psychology in a Home State

- 1 which is a Compact State;
- 2 4. Have no history of adverse action that violate the Rules of the Commission;
- 3 5. Have no criminal record history reported on an Identity History Summary that violates
- 4 the Rules of the Commission;
- 5 6. Possess a current, active E.Passport;
- 6 7. Provide attestations in regard to areas of intended practice, conformity with standards
- 7 of practice, competence in telepsychology technology; criminal background; and knowledge and
- 8 adherence to legal requirements in the home and receiving states, and provide a release of
- 9 information to allow for primary source verification in a manner specified by the Commission;
- 10 and
- 11 8. Meet other criteria as defined by the Rules of the Commission.
- 12 C. A psychologist practicing into a Receiving State under the Authority to Practice
- 13 Interjurisdictional Telepsychology shall practice within areas of competencies and the scope of
- 14 practice authorized by the Home State.
- 15 D. A psychologist practicing into a Receiving State under the Authority to Practice
- 16 Interjurisdictional Telepsychology will be subject to the Home State's authority and laws. A
- 17 Receiving State may, in accordance with that state's due process law, limit or revoke a
- 18 psychologist's Authority to Practice Interjurisdictional Telepsychology in the Receiving State and
- 19 may take any other necessary actions under the Receiving State's applicable law to protect the
- 20 health and safety of the Receiving State's citizens. If a Receiving State takes action, the state shall
- 21 promptly notify the Home State and the Commission.
- 22 E. If a psychologist's license in any Home State, another Compact State, or any Authority
- 23 to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended or
- 24 otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be
- 25 eligible to practice telepsychology in a Compact State under the Authority to Practice
- 26 Interjurisdictional Telepsychology.

## 27 ARTICLE V

### 28 COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

- 29 A. Compact States shall also recognize the right of a psychologist, licensed in a Compact
- 30 State in conformance with Article III, to practice temporarily in other Compact States (Distant
- 31 States) in which the psychologist is not licensed, as provided in the Compact.
- 32 B. To exercise the Temporary Authorization to Practice under the terms and provisions of
- 33 this Compact, a psychologist licensed to practice in a Compact State must:
- 34 1. Hold a graduate degree in psychology from an institute of higher education that was, at

- 1 the time the degree was awarded:
- 2       a. Regionally accredited by an accrediting body recognized by the U.S. Department of  
3 Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant  
4 doctoral degrees; or
- 5       b. A foreign college or university deemed to be equivalent to subsection 1(a) above by a  
6 foreign credential evaluation service that is a member of the National Association of Credential  
7 Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and
- 8       2. Hold a graduate degree in psychology that meets the following criteria:
- 9       a. The program, wherever it may be administratively housed, must be clearly identified  
10 and labeled as a psychology program. Such a program must specify in pertinent institutional  
11 catalogues and brochures its intent to educate and train professional psychologists;
- 12       b. The psychology program must stand as a recognizable, coherent, organizational entity  
13 within the institution;
- 14       c. There must be a clear authority and primary responsibility for the core and specialty  
15 areas whether or not the program cuts across administrative lines;
- 16       d. The program must consist of an integrated, organized sequence of study;
- 17       e. There must be an identifiable psychology faculty sufficient in size and breadth to carry  
18 out its responsibilities;
- 19       f. The designated director of the program must be a psychologist and a member of the  
20 core faculty;
- 21       g. The program must have an identifiable body of students who are matriculated in that  
22 program for a degree;
- 23       h. The program must include supervised practicum, internship, or field training  
24 appropriate to the practice of psychology;
- 25       i. The curriculum shall encompass a minimum of three (3) academic years of full-time  
26 graduate study for doctoral degrees and a minimum of one academic year of full-time graduate  
27 study for master's degree;
- 28       j. The program includes an acceptable residency as defined by the Rules of the  
29 Commission;
- 30       3. Possess a current, full and unrestricted license to practice psychology in a Home State  
31 which is a Compact State;
- 32       4. No history of adverse action that violate the Rules of the Commission;
- 33       5. No criminal record history that violates the Rules of the Commission;
- 34       6. Possess a current, active IPC;

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

4 8. Meet other criteria as defined by the Rules of the Commission.

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

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

13 E. If a psychologist's license in any Home State, another Compact State, or any  
14 Temporary Authorization to Practice in any Distant State, is restricted, suspended or otherwise  
15 limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in  
16 a Compact State under the Temporary Authorization to Practice.

## 17 ARTICLE VI

### 18 CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

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

23 1. The psychologist initiates a client/patient contact in a Home State via  
24 telecommunications technologies with a client/patient in a Receiving State;

25 2. Other conditions regarding telepsychology as determined by Rules promulgated by the  
26 Commission.

## 27 ARTICLE VII

### 28 ADVERSE ACTIONS

29 A. A Home State shall have the power to impose adverse action against a psychologist's  
30 license issued by the Home State. A Distant State shall have the power to take adverse action on a  
31 psychologist's Temporary Authorization to Practice within that Distant State.

32 B. A Receiving State may take adverse action on a psychologist's Authority to Practice  
33 Interjurisdictional Telepsychology within that Receiving State. A Home State may take adverse  
34 action against a psychologist based on an adverse action taken by a Distant State regarding

1 temporary in-person, face-to-face practice.

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

6 1. All Home State disciplinary orders which impose adverse action shall be reported to  
7 the Commission in accordance with the Rules promulgated by the Commission. A Compact State  
8 shall report adverse actions in accordance with the Rules of the Commission.

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

12 3. Other actions may be imposed as determined by the Rules promulgated by the  
13 Commission.

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

19 E. A Distant State's Psychology Regulatory Authority shall investigate and take  
20 appropriate action with respect to reported inappropriate conduct engaged in by a psychologist  
21 practicing under Temporary Authorization Practice which occurred in that Distant State as it  
22 would if such conduct had occurred by a licensee within the Home State. In such cases, Distant  
23 State's law shall control in determining any adverse action against a psychologist's Temporary  
24 Authorization to Practice.

25 F. Nothing in this Compact shall override a Compact State's decision that a psychologist's  
26 participation in an alternative program may be used in lieu of adverse action and that such  
27 participation shall remain non-public if required by the Compact State's law. Compact States  
28 must require psychologists who enter any alternative programs to not provide telepsychology  
29 services under the Authority to Practice Interjurisdictional Telepsychology or provide temporary  
30 psychological services under the Temporary Authorization to Practice in any other Compact State  
31 during the term of the alternative program.

32 G. No other judicial or administrative remedies shall be available to a psychologist in the  
33 event a Compact State imposes an adverse action pursuant to subsection (C), above.

34 ARTICLE VIII

1 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY

2 REGULATORY AUTHORITY

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

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

13 2. Issue cease and desist and/or injunctive relief orders to revoke a psychologist's  
14 Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to  
15 Practice; and

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

27 ARTICLE IX

28 COORDINATED LICENSURE INFORMATION SYSTEM

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

33 B. Notwithstanding any other provision of state law to the contrary, a Compact State shall  
34 submit a uniform data set to the Coordinated Database on all licensees as required by the Rules of

1 the Commission, including:

2 1. Identifying information;

3 2. Licensure data;

4 3. Significant investigatory information;

5 4. Adverse actions against a psychologist's license;

6 5. An indicator that a psychologist's Authority to Practice Interjurisdictional  
7 Telepsychology and/or Temporary Authorization to Practice is revoked;

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

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

10 8. Other information which may facilitate the administration of this Compact, as  
11 determined by the Rules of the Commission.

12 C. The Coordinated Database administrator shall promptly notify all Compact States of  
13 any adverse action taken against, or significant investigative information on, any licensee in a  
14 Compact State.

15 D. Compact States reporting information to the Coordinated Database may designate  
16 information that may not be shared with the public without the express permission of the  
17 Compact State reporting the information.

18 E. Any information submitted to the Coordinated Database that is subsequently required  
19 to be expunged by the law of the Compact State reporting the information shall be removed from  
20 the Coordinated Database.

21 ARTICLE X

22 ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT

23 COMMISSION

24 A. The Compact States hereby create and establish a joint public agency known as the  
25 Psychology Interjurisdictional Compact Commission.

26 1. The Commission is a body politic and an instrumentality of the Compact States.

27 2. Venue is proper and judicial proceedings by or against the Commission shall be  
28 brought solely and exclusively in a court of competent jurisdiction where the principal office of  
29 the Commission is located. The Commission may waive venue and jurisdictional defenses to the  
30 extent it adopts or consents to participate in alternative dispute resolution proceedings.

31 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

32 B. Membership, Voting, and Meetings

33 1. The Commission shall consist of one voting representative appointed by each Compact  
34 State who shall serve as that state's Commissioner. The State Psychology Regulatory Authority

1 shall appoint its delegate. This delegate shall be empowered to act on behalf of the Compact  
2 State. This delegate shall be limited to:

- 3 a. Executive Director, Executive Secretary or similar executive;
- 4 b. Current member of the State Psychology Regulatory Authority of a Compact State; or
- 5 c. Designee empowered with the appropriate delegate authority to act on behalf of the  
6 Compact State.

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

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

16 4. The Commission shall meet at least once during each calendar year. Additional  
17 meetings shall be held as set forth in the Bylaws.

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

20 6. The Commission may convene in a closed, non-public meeting if the Commission  
21 must discuss:

- 22 a. Non-compliance of a Compact State with its obligations under the Compact;
- 23 b. The employment, compensation, discipline or other personnel matters, practices or  
24 procedures related to specific employees or other matters related to the Commission's internal  
25 personnel practices and procedures;
- 26 c. Current, threatened, or reasonably anticipated litigation against the Commission;
- 27 d. Negotiation of contracts for the purchase or sale of goods, services or real estate;
- 28 e. Accusation against any person of a crime or formally censuring any person;
- 29 f. Disclosure of trade secrets or commercial or financial information which is privileged  
30 or confidential;
- 31 g. Disclosure of information of a personal nature where disclosure would constitute a  
32 clearly unwarranted invasion of personal privacy;
- 33 h. Disclosure of investigatory records compiled for law enforcement purposes;
- 34 i. Disclosure of information related to any investigatory reports prepared by or on behalf

1 of or for use of the Commission or other committee charged with responsibility for investigation  
2 or determination of compliance issues pursuant to the Compact; or

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

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

13 C. The Commission shall, by a majority vote of the Commissioners, prescribe Bylaws  
14 and/or Rules to govern its conduct as may be necessary or appropriate to carry out the purposes  
15 and exercise the powers of the Compact, including, but not limited to:

16 1. Establishing the fiscal year of the Commission.

17 2. Providing reasonable standards and procedures:

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

19 b. Governing any general or specific delegation of any authority or function of the  
20 Commission;

21 3. Providing reasonable procedures for calling and conducting meetings of the  
22 Commission, ensuring reasonable advance notice of all meetings and providing an opportunity  
23 for attendance of such meetings by interested parties, with enumerated exceptions designed to  
24 protect the public's interest, the privacy of individuals of such proceedings, and proprietary  
25 information, including trade secrets. The Commission may meet in closed session only after a  
26 majority of the Commissioners vote to close a meeting to the public in whole or in part. As soon  
27 as practicable, the Commission must make public a copy of the vote to close the meeting  
28 revealing the vote of each Commissioner with no proxy votes allowed.

29 4. Establishing the titles, duties and authority and reasonable procedures for the election  
30 of the officers of the Commission.

31 5. Providing reasonable standards and procedures for the establishment of the personnel  
32 policies and programs of the Commission. Notwithstanding any civil service or other similar law  
33 of any Compact State, the Bylaws shall exclusively govern the personnel policies and programs  
34 of the Commission.

- 1           6. Promulgating a Code of Ethics to address permissible and prohibited activities of  
2 Commission members and employees;
- 3           7. Providing a mechanism for concluding the operations of the Commission and the  
4 equitable disposition of any surplus funds that may exist after the termination of the Compact  
5 after the payment and/or reserving of all of its debts and obligations;
- 6           8. The Commission shall publish its Bylaws in a convenient form and file a copy thereof  
7 and a copy of any amendment thereto, with the appropriate agency or officer in each of the  
8 Compact States;
- 9           9. The Commission shall maintain its financial records in accordance with the Bylaws;  
10 and
- 11           10. The Commission shall meet and take such actions as are consistent with the  
12 provisions of this Compact and the Bylaws.
- 13           D. The Commission shall have the following powers:
- 14           1. The authority to promulgate uniform rules to facilitate and coordinate implementation  
15 and administration of this Compact. The rule shall have the force and effect of law and shall be  
16 binding in all Compact States;
- 17           2. To bring and prosecute legal proceedings or actions in the name of the Commission,  
18 provided that the standing of any State Psychology Regulatory Authority or other regulatory body  
19 responsible for psychology licensure to sue or be sued under applicable law shall not be affected;
- 20           3. To purchase and maintain insurance and bonds;
- 21           4. To borrow, accept or contract for services of personnel, including, but not limited to,  
22 employees of a Compact State;
- 23           5. To hire employees, elect or appoint officers, fix compensation, define duties, grant  
24 such individuals appropriate authority to carry out the purposes of the Compact, and to establish  
25 the Commission's personnel policies and programs relating to conflicts of interest, qualifications  
26 of personnel, and other related personnel matters;
- 27           6. To accept any and all appropriate donations and grants of money, equipment, supplies,  
28 materials and services, and to receive, utilize and dispose of the same; provided that at all times  
29 the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;
- 30           7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,  
31 improve or use, any property, real, personal or mixed; provided that at all times the Commission  
32 shall strive to avoid any appearance of impropriety;
- 33           8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of  
34 any property real, personal or mixed;

- 1           9. To establish a budget and make expenditures;  
2           10. To borrow money;  
3           11. To appoint committees, including advisory committees comprised of Members, State  
4 regulators, State legislators or their representatives, and consumer representatives, and such other  
5 interested persons as may be designated in this Compact and the Bylaws;  
6           12. To provide and receive information from, and to cooperate with, law enforcement  
7 agencies;  
8           13. To adopt and use an official seal; and  
9           14. To perform such other functions as may be necessary or appropriate to achieve the  
10 purposes of this Compact consistent with the state regulation of psychology licensure, temporary  
11 in-person, face-to-face practice and telepsychology practice.

12           E. The Executive Board

13           The elected officers shall serve as the Executive Board, which shall have the power to act  
14 on behalf of the Commission according to the terms of this Compact.

- 15           1. The Executive Board shall be comprised of six (6) members:  
16           a. Five (5) voting members who are elected from the current membership of the  
17 Commission by the Commission;  
18           b. One exofficio, nonvoting member from the recognized membership organization  
19 composed of State and Provincial Psychology Regulatory Authorities.  
20           2. The exofficio member must have served as staff or member on a State Psychology  
21 Regulatory Authority and will be selected by its respective organization.  
22           3. The Commission may remove any member of the Executive Board as provided in  
23 Bylaws.  
24           4. The Executive Board shall meet at least annually.  
25           5. The Executive Board shall have the following duties and responsibilities:  
26           a. Recommend to the entire Commission changes to the Rules or Bylaws, changes to this  
27 Compact legislation, fees paid by Compact States such as annual dues, and any other applicable  
28 fees;  
29           b. Ensure Compact administration services are appropriately provided, contractual or  
30 otherwise;  
31           c. Prepare and recommend the budget;  
32           d. Maintain financial records on behalf of the Commission;  
33           e. Monitor Compact compliance of member states and provide compliance reports to the  
34 Commission;

1 f. Establish additional committees as necessary; and

2 g. Other duties as provided in Rules or Bylaws.

3 F. Financing of the Commission

4 1. The Commission shall pay, or provide for the payment of the reasonable expenses of  
5 its establishment, organization and ongoing activities.

6 2. The Commission may accept any and all appropriate revenue sources, donations and  
7 grants of money, equipment, supplies, materials and services.

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

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

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

23 G. Qualified Immunity, Defense, and Indemnification

24 1. The members, officers, Executive Director, employees and representatives of the  
25 Commission shall be immune from suit and liability, either personally or in their official capacity,  
26 for any claim for damage to or loss of property or personal injury or other civil liability caused by  
27 or arising out of any actual or alleged act, error or omission that occurred, or that the person  
28 against whom the claim is made had a reasonable basis for believing occurred within the scope of  
29 Commission employment, duties or responsibilities; provided that nothing in this subsection shall  
30 be construed to protect any such person from suit and/or liability for any damage, loss, injury or  
31 liability caused by the intentional or willful or wanton misconduct of that person.

32 2. The Commission shall defend any member, officer, Executive Director, employee or  
33 representative of the Commission in any civil action seeking to impose liability arising out of any  
34 actual or alleged act, error or omission that occurred within the scope of Commission

1 employment, duties or responsibilities, or that the person against whom the claim is made had a  
2 reasonable basis for believing occurred within the scope of Commission employment, duties or  
3 responsibilities; provided that nothing herein shall be construed to prohibit that person from  
4 retaining that person's own counsel; and provided further, that the actual or alleged act, error or  
5 omission did not result from that person's intentional or willful or wanton misconduct.

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

### 13 ARTICLE XI

#### 14 RULEMAKING

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

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

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

23 D. Prior to promulgation and adoption of a final rule or Rules by the Commission, and at  
24 least sixty (60) days in advance of the meeting at which the rule will be considered and voted  
25 upon, the Commission shall file a Notice of Proposed Rulemaking:

26 1. On the website of the Commission; and

27 2. On the website of each Compact States' Psychology Regulatory Authority or the  
28 publication in which each state would otherwise publish proposed rules.

29 E. The Notice of Proposed Rulemaking shall include:

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

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

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

34 4. The manner in which interested persons may submit notice to the Commission of their

1 intention to attend the public hearing and any written comments.

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

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

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

7 2. A governmental subdivision or agency; or

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

9 H. If a hearing is held on the proposed rule or amendment, the Commission shall publish  
10 the place, time, and date of the scheduled public hearing.

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

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

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

21 4. Nothing in this section shall be construed as requiring a separate hearing on each rule.  
22 Rules may be grouped for the convenience of the Commission at hearings required by this  
23 section.

24 I. Following the scheduled hearing date, or by the close of business on the scheduled  
25 hearing date if the hearing was not held, the Commission shall consider all written and oral  
26 comments received.

27 J. The Commission shall, by majority vote of all members, take final action on the  
28 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking  
29 record and the full text of the rule.

30 K. If no written notice of intent to attend the public hearing by interested parties is  
31 received, the Commission may proceed with promulgation of the proposed rule without a public  
32 hearing.

33 L. Upon determination that an emergency exists, the Commission may consider and  
34 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that

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

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

6 2. Prevent a loss of Commission or Compact State funds;

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

9 4. Protect public health and safety.

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

## 19 ARTICLE XII

### 20 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

#### 21 A. Oversight

22 1. The Executive, Legislative and Judicial branches of state government in each Compact  
23 State shall enforce this Compact and take all actions necessary and appropriate to effectuate the  
24 Compact's purposes and intent. The provisions of this Compact and the rules promulgated  
25 hereunder shall have standing as statutory law.

26 2. All courts shall take judicial notice of the Compact and the rules in any judicial or  
27 administrative proceeding in a Compact State pertaining to the subject matter of this Compact  
28 which may affect the powers, responsibilities or actions of the Commission.

29 3. The Commission shall be entitled to receive service of process in any such proceeding,  
30 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide  
31 service of process to the Commission shall render a judgment or order void as to the Commission,  
32 this Compact or promulgated rules.

#### 33 B. Default, Technical Assistance, and Termination

34 1. If the Commission determines that a Compact State has defaulted in the performance

1 of its obligations or responsibilities under this Compact or the promulgated rules, the  
2 Commission shall:

3 a. Provide written notice to the defaulting state and other Compact States of the nature of  
4 the default, the proposed means of remedying the default and/or any other action to be taken by  
5 the Commission; and

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

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

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

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

19 5. The Commission shall not bear any costs incurred by the state which is found to be in  
20 default or which has been terminated from the Compact, unless agreed upon in writing between  
21 the Commission and the defaulting state.

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

26 C. Dispute Resolution

27 1. Upon request by a Compact State, the Commission shall attempt to resolve disputes  
28 related to the Compact which arise among Compact States and between Compact and Non-  
29 Compact States.

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

32 D. Enforcement

33 1. The Commission, in the reasonable exercise of its discretion, shall enforce the  
34 provisions and Rules of this Compact.



1 ARTICLE XIV

2 CONSTRUCTION AND SEVERABILITY

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

6 **5-44.1-3 Amendment to compact.**

7 The governor is authorized and directed to execute with any other state legally joining, an  
8 amendment to the compact and shall be binding only as among and between those compact states  
9 which specifically execute the same.

10 **5-44.1-4. Ratification procedure – Effective date.**

11 When the governor shall have executed the compact on behalf of this state and shall have  
12 caused a verified copy to be filed with the secretary of state; and when the compact shall have  
13 been ratified by one or more of the state, territories or possessions of the United States, the  
14 District of Columbia, and/or the Commonwealth of Puerto Rico, then the compact shall become  
15 operative and effective as between this state and those other state or states, territories or  
16 possessions of the United States, the District of Columbia, and/or the Commonwealth of Puerto  
17 Rico. The governor is authorized and directed to take any action that may be necessary to  
18 complete the exchange of official documents as between this state and any other state, territory or  
19 possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico,  
20 ratifying the compact.

21 **5-44.1-5. Compact administrator.**

22 Pursuant to the compact, the governor is authorized and empowered to designate an  
23 officer who shall be the compact administrator and who, acting jointly with like officers of other  
24 party states, shall promulgate rules and regulations to more effectively carry out the terms of the  
25 compact. The compact administrator shall serve subject to the pleasure of the governor. The  
26 compact administrator is authorized, empowered and directed to cooperate with all departments,  
27 agencies and officers of and in the government of this state and its subdivisions in facilitating the  
28 proper administration of the compact or of any supplementary agreement or agreements entered  
29 into by this state under it.

30 **5-44.1-6. Supplementary agreements.**

31 The compact administrator is authorized and empowered to enter into supplementary  
32 agreements with appropriate officials of other states pursuant to the compact. In the event that a  
33 supplementary agreement shall require or contemplate the use of any institution or facility of this  
34 state or require or contemplate the provision of any service by this state, the supplementary

1 agreement shall have no force or effect until approved by the head of the department or agency  
2 under whose jurisdiction the institution or facility is operated or whose department or agency will  
3 be charged with the rendering of the service.

4 SECTION 2. This act shall take effect upon passage.

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LC001615  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- PSYCHOLOGY  
INTERJURISDICTIONAL COMPACT

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- 1 This act would authorize the governor to enter into the Psychology Interjurisdictional
- 2 Compact and would designate an office to administer this compact.
- 3 This act would take effect upon passage.

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