

STATE OF NEW YORK

9406

IN ASSEMBLY

March 6, 2024

Introduced by M. of A. SILLITTI -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to adopting the psychology interjurisdictional compact

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 7608
2 to read as follows:

3 § 7608. Psychology Interjurisdictional Compact. The psychology inter-
4 jurisdictional compact is hereby enacted into law and entered into with
5 all jurisdictions legally joining therein in the form substantially as
6 follows:

7 ARTICLE I.
8 PURPOSE

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

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

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

21 Whereas, this Compact is intended to authorize State Psychology Regu-
22 latory Authorities to afford legal recognition, in a manner consistent
23 with the terms of the Compact, to psychologists licensed in another
24 state;

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

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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

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

5 Whereas, this Compact does not apply to permanent in-person, face-to-
6 face practice, it does allow for authorization of temporary psycholog-
7 ical practice.

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

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

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

16 3. Encourage the cooperation of Compact States in the areas of
17 psychology licensure and regulation;

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

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

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

26 ARTICLE II.
27 DEFINITIONS

28 A. "Adverse Action" means: Any action taken by a State Psychology
29 Regulatory Authority which finds a violation of a statute or regulation
30 that is identified by the State Psychology Regulatory Authority as
31 discipline and is a matter of public record.

32 B. "Association of State and Provincial Psychology Boards (ASPPB)"
33 means: the recognized membership organization composed of State and
34 Provincial Psychology Regulatory Authorities responsible for the licen-
35 sure and registration of psychologists throughout the United States and
36 Canada.

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

40 D. "Bylaws" means: those Bylaws established by the Psychology Interju-
41 isdictional Compact Commission pursuant to Article X for its gover-
42 nance, or for directing and controlling its actions and conduct.

43 E. "Client/Patient" means: the recipient of psychological services,
44 whether psychological services are delivered in the context of health-
45 care, corporate, supervision, and/or consulting services.

46 F. "Commissioner" means: the voting representative appointed by each
47 State Psychology Regulatory Authority pursuant to Article X.

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

52 H. "Coordinated Licensure Information System" also referred to as
53 "Coordinated Database" means: an integrated process for collecting,
54 storing, and sharing information on psychologists' licensure and

1 enforcement activities related to psychology licensure laws, which is
2 administered by the recognized membership organization composed of State
3 and Provincial Psychology Regulatory Authorities.

4 I. "Confidentiality" means: the principle that data or information is
5 not made available or disclosed to unauthorized persons and/or proc-
6 esses.

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

9 K. "Distant State" means: the Compact State where a psychologist is
10 physically present (not through the use of telecommunications technolo-
11 gies), to provide temporary in-person, face-to-face psychological
12 services.

13 L. "E.Passport" means: a certificate issued by the Association of
14 State and Provincial Psychology Boards (ASPPB) that promotes the stand-
15 ardization in the criteria of interjurisdictional telepsychology prac-
16 tice and facilitates the process for licensed psychologists to provide
17 telepsychological services across state lines.

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

21 N. "Home State" means: a Compact State where a psychologist is
22 licensed to practice psychology. If the psychologist is licensed in more
23 than one Compact State and is practicing under the Authorization to
24 Practice Interjurisdictional Telepsychology, the Home State is the
25 Compact State where the psychologist is physically present when the
26 telepsychological services are delivered. If the psychologist is
27 licensed in more than one Compact State and is practicing under the
28 Temporary Authorization to Practice, the Home State is any Compact State
29 where the psychologist is licensed.

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

34 P. "In-Person, Face-to-Face" means: interactions in which the psychol-
35 ogist and the client/patient are in the same physical space and which
36 does not include interactions that may occur through the use of telecom-
37 munication technologies.

38 Q. "Interjurisdictional Practice Certificate (IPC)" means: a certif-
39 icate issued by the Association of State and Provincial Psychology
40 Boards (ASPPB) that grants temporary authority to practice based on
41 notification to the State Psychology Regulatory Authority of intention
42 to practice temporarily, and verification of one's qualifications for
43 such practice.

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

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

49 T. "Psychologist" means: an individual licensed for the independent
50 practice of psychology.

51 U. "Psychology Interjurisdictional Compact Commission" also referred
52 to as "Commission" means: the national administration of which all
53 Compact States are members.

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

1 W. "Rule" means: a written statement by the Psychology Interjurisdic-
2 tional Compact Commission promulgated pursuant to Article XI of this
3 Compact that is of general applicability, implements, interprets, or
4 prescribes a policy or provision of this Compact, or an organizational,
5 procedural, or practice requirement of the Commission and has the force
6 and effect of statutory law in a Compact State, and includes the amend-
7 ment, repeal or suspension of an existing rule.

8 X. "Significant Investigatory Information" means:

9 1. investigative information that a State Psychology Regulatory
10 Authority, after a preliminary inquiry that includes notification and an
11 opportunity to respond if required by state law, has reason to believe,
12 if proven true, would indicate more than a violation of state statute or
13 ethics code that would be considered more substantial than minor infrac-
14 tion; or

15 2. investigative information that indicates that the psychologist
16 represents an immediate threat to public health and safety regardless of
17 whether the psychologist has been notified and/or had an opportunity to
18 respond.

19 Y. "State" means: a state, commonwealth, territory, or possession of
20 the United States, the District of Columbia.

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

24 AA. "Telepsychology" means: the provision of psychological services
25 using telecommunication technologies.

26 BB. "Temporary Authorization to Practice" means: a licensed psychol-
27 ogist's authority to conduct temporary in-person, face-to-face practice,
28 within the limits authorized under this Compact, in another Compact
29 State.

30 CC. "Temporary In-Person, Face-to-Face Practice" means: where a
31 psychologist is physically present (not through the use of telecommuni-
32 cations technologies), in the Distant State to provide for the practice
33 of psychology for 30 days within a calendar year and based on notifica-
34 tion to the Distant State.

35 ARTICLE III.

36 HOME STATE LICENSURE

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

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

45 C. Any Compact State may require a psychologist not previously
46 licensed in a Compact State to obtain and retain a license to be author-
47 ized to practice in the Compact State under circumstances not authorized
48 by the Authority to Practice Interjurisdictional Telepsychology under
49 the terms of this Compact.

50 D. Any Compact State may require a psychologist to obtain and retain a
51 license to be authorized to practice in a Compact State under circum-
52 stances not authorized by Temporary Authorization to Practice under the
53 terms of this Compact.

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

- 1. Currently requires the psychologist to hold an active E.Passport;
- 2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;
- 3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
- 4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of this Compact; and
- 5. Complies with the Bylaws and Rules of the Commission.

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

- 1. Currently requires the psychologist to hold an active IPC;
- 2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;
- 3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
- 4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of this Compact; and
- 5. Complies with the Bylaws and Rules of the Commission.

ARTICLE IV.

COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

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

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

- 1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:
 - a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or
 - b. A foreign college or university deemed to be equivalent to 1 (a) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and
- 2. Hold a graduate degree in psychology that meets the following criteria:
 - a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program

1 must specify in pertinent institutional catalogues and brochures its
2 intent to educate and train professional psychologists;

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

5 c. There must be a clear authority and primary responsibility for the
6 core and specialty areas whether or not the program cuts across adminis-
7 trative lines;

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

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

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

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

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

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

21 j. The program includes an acceptable residency as defined by the
22 Rules of the Commission.

23 3. Possess a current, full and unrestricted license to practice
24 psychology in a Home State which is a Compact State;

25 4. Have no history of adverse action that violate the Rules of the
26 Commission;

27 5. Have no criminal record history reported on an Identity History
28 Summary that violates the Rules of the Commission;

29 6. Possess a current, active E.Passport;

30 7. Provide attestations in regard to areas of intended practice,
31 conformity with standards of practice, competence in telepsychology
32 technology; criminal background; and knowledge and adherence to legal
33 requirements in the home and receiving states, and provide a release of
34 information to allow for primary source verification in a manner speci-
35 fied by the Commission; and

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

37 C. The Home State maintains authority over the license of any psychol-
38 ogist practicing into a Receiving State under the Authority to Practice
39 Interjurisdictional Telepsychology.

40 D. A psychologist practicing into a Receiving State under the Authori-
41 ty to Practice Interjurisdictional Telepsychology will be subject to the
42 Receiving State's scope of practice. A Receiving State may, in accord-
43 ance with that state's due process law, limit or revoke a psychologist's
44 Authority to Practice Interjurisdictional Telepsychology in the Receiv-
45 ing State and may take any other necessary actions under the Receiving
46 State's applicable law to protect the health and safety of the Receiving
47 State's citizens. If a Receiving State takes action, the state shall
48 promptly notify the Home State and the Commission.

49 E. If a psychologist's license in any Home State, another Compact
50 State, or any Authority to Practice Interjurisdictional Telepsychology
51 in any Receiving State, is restricted, suspended or otherwise limited,
52 the E.Passport shall be revoked and therefore the psychologist shall not
53 be eligible to practice telepsychology in a Compact State under the
54 Authority to Practice Interjurisdictional Telepsychology.

ARTICLE V.COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

A. Compact States shall also recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice temporarily in other Compact States (Distant States) in which the psychologist is not licensed, as provided in the Compact.

B. To exercise the Temporary Authorization to Practice under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Possess a current, full and unrestricted license to practice psychology in a Home State which is a Compact State;

4. No history of adverse action that violate the Rules of the Commission;

5. No criminal record history that violates the Rules of the Commission;

6. Possess a current, active IPC;

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

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

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

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

12 E. If a psychologist's license in any Home State, another Compact
13 State, or any Temporary Authorization to Practice in any Distant State,
14 is restricted, suspended or otherwise limited, the IPC shall be revoked
15 and therefore the psychologist shall not be eligible to practice in a
16 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 Authori-
20 ty to Practice Interjurisdictional Telepsychology only in the perform-
21 ance of the scope of practice for psychology as assigned by an appropri-
22 ate State Psychology Regulatory Authority, as defined in the Rules of
23 the Commission, and under the following circumstances:

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

27 2. Other conditions regarding telepsychology as determined by Rules
28 promulgated by the Commission.

29 ARTICLE VII.

30 ADVERSE ACTIONS

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

35 B. A Receiving State may take adverse action on a psychologist's
36 Authority to Practice Interjurisdictional Telepsychology within that
37 Receiving State. A Home State may take adverse action against a psychol-
38 ogist based on an adverse action taken by a Distant State regarding
39 temporary in-person, face-to-face practice.

40 C. If a Home State takes adverse action against a psychologist's
41 license, that psychologist's Authority to Practice Interjurisdictional
42 Telepsychology is terminated and the E.Passport is revoked. Further-
43 more, that psychologist's Temporary Authorization to Practice is termi-
44 nated and the IPC is revoked.

45 1. All Home State disciplinary orders which impose adverse action
46 shall be reported to the Commission in accordance with the Rules promul-
47 gated by the Commission. A Compact State shall report adverse actions in
48 accordance with the Rules of the Commission.

49 2. In the event discipline is reported on a psychologist, the psychol-
50 ogist will not be eligible for telepsychology or temporary in-person,
51 face-to-face practice in accordance with the Rules of the Commission.

1 3. Other actions may be imposed as determined by the Rules promulgated
2 by the Commission.

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

9 E. A Distant State's Psychology Regulatory Authority shall investigate
10 and take appropriate action with respect to reported inappropriate
11 conduct engaged in by a psychologist practicing under Temporary Authori-
12 zation Practice which occurred in that Distant State as it would if such
13 conduct had occurred by a licensee within the Home State. In such cases,
14 Distant State's law shall control in determining any adverse action
15 against a psychologist's Temporary Authorization to Practice.

16 F. Nothing in this Compact shall override a Compact State's decision
17 that a psychologist's participation in an alternative program may be
18 used in lieu of adverse action and that such participation shall remain
19 non-public if required by the Compact State's law. Compact States must
20 require psychologists who enter any alternative programs to not provide
21 telepsychology services under the Authority to Practice Interjurisdic-
22 tional Telepsychology or provide temporary psychological services under
23 the Temporary Authorization to Practice in any other Compact State
24 during the term of the alternative program.

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

28 ARTICLE VIII.

29 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY
30 REGULATORY AUTHORITY

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

34 1. Issue subpoenas, for both hearings and investigations, which
35 require the attendance and testimony of witnesses and the production of
36 evidence. Subpoenas issued by a Compact State's Psychology Regulatory
37 Authority for the attendance and testimony of witnesses, and/or the
38 production of evidence from another Compact State shall be enforced in
39 the latter state by any court of competent jurisdiction, according to
40 that court's practice and procedure in considering subpoenas issued in
41 its own proceedings. The issuing State Psychology Regulatory Authority
42 shall pay any witness fees, travel expenses, mileage and other fees
43 required by the service statutes of the state where the witnesses and/or
44 evidence are located; and

45 2. Issue cease and desist and/or injunctive relief orders to revoke a
46 psychologist's Authority to Practice Interjurisdictional Telepsychology
47 and/or Temporary Authorization to Practice.

48 3. During the course of any investigation, a psychologist may not
49 change his/her Home State licensure. A Home State Psychology Regulatory
50 Authority is authorized to complete any pending investigations of a
51 psychologist and to take any actions appropriate under its law. The Home
52 State Psychology Regulatory Authority shall promptly report the conclu-
53 sions of such investigations to the Commission. Once an investigation
54 has been completed, and pending the outcome of said investigation, the

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

8 ARTICLE IX.

9 COORDINATED LICENSURE INFORMATION SYSTEM

10 A. The Commission shall provide for the development and maintenance of
11 a Coordinated Licensure Information System (Coordinated Database) and
12 reporting system containing licensure and disciplinary action informa-
13 tion on all psychologists individuals to whom this Compact is applicable
14 in all Compact States as defined by the Rules of the Commission.

15 B. Notwithstanding any other provision of state law to the contrary, a
16 Compact State shall submit a uniform data set to the Coordinated Data-
17 base on all licensees as required by the Rules of the Commission,
18 including:

19 1. Identifying information;

20 2. Licensure data;

21 3. Significant investigatory information;

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

23 5. An indicator that a psychologist's Authority to Practice Interju-
24 risdictional Telepsychology and/or Temporary Authorization to Practice
25 is revoked;

26 6. Non-confidential information related to alternative program partic-
27 ipation information;

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

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

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

35 D. Compact States reporting information to the Coordinated Database
36 may designate information that may not be shared with the public without
37 the express permission of the Compact State reporting the information.

38 E. Any information submitted to the Coordinated Database that is
39 subsequently required to be expunged by the law of the Compact State
40 reporting the information shall be removed from the Coordinated Data-
41 base.

42 ARTICLE X.

43 ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT
44 COMMISSION

45 A. The Compact States hereby create and establish a joint public agen-
46 cy known as the Psychology Interjurisdictional Compact Commission.

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

49 2. Venue is proper and judicial proceedings by or against the Commis-
50 sion shall be brought solely and exclusively in a court of competent
51 jurisdiction where the principal office of the Commission is located.
52 The Commission may waive venue and jurisdictional defenses to the extent

1 it adopts or consents to participate in alternative dispute resolution
2 proceedings.

3 3. Nothing in this Compact shall be construed to be a waiver of sover-
4 eign immunity.

5 B. Membership, Voting, and Meetings.

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

11 a. Executive Director, Executive Secretary or similar executive;

12 b. Current member of the State Psychology Regulatory Authority of a
13 Compact State; OR

14 c. Designee empowered with the appropriate delegate authority to act
15 on behalf of the Compact State.

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

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

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

29 5. All meetings shall be open to the public, and public notice of
30 meetings shall be given in the same manner as required under the rule-
31 making provisions in Article XI.

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

34 a. Non-compliance of a Compact State with its obligations under the
35 Compact;

36 b. The employment, compensation, discipline or other personnel
37 matters, practices or procedures related to specific employees or other
38 matters related to the Commission's internal personnel practices and
39 procedures;

40 c. Current, threatened, or reasonably anticipated litigation against
41 the Commission;

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

44 e. Accusation against any person of a crime or formally censuring any
45 person;

46 f. Disclosure of trade secrets or commercial or financial information
47 which is privileged or confidential;

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

50 h. Disclosure of investigatory records compiled for law enforcement
51 purposes;

52 i. Disclosure of information related to any investigatory reports
53 prepared by or on behalf of or for use of the Commission or other
54 committee charged with responsibility for investigation or determination
55 of compliance issues pursuant to the Compact; or

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

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

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

18 1. Establishing the fiscal year of the Commission;

19 2. Providing reasonable standards and procedures:

20 a. for the establishment and meetings of other committees; and

21 b. governing any general or specific delegation of any authority or
22 function of the Commission;

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

34 4. Establishing the titles, duties and authority and reasonable proce-
35 dures for the election of the officers of the Commission;

36 5. Providing reasonable standards and procedures for the establishment
37 of the personnel policies and programs of the Commission. Notwithstand-
38 ing any civil service or other similar law of any Compact State, the
39 Bylaws shall exclusively govern the personnel policies and programs of
40 the Commission;

41 6. Promulgating a Code of Ethics to address permissible and prohibited
42 activities of Commission members and employees;

43 7. Providing a mechanism for concluding the operations of the Commis-
44 sion and the equitable disposition of any surplus funds that may exist
45 after the termination of the Compact after the payment and/or reserving
46 of all of its debts and obligations;

47 8. The Commission shall publish its Bylaws in a convenient form and
48 file a copy thereof and a copy of any amendment thereto, with the appro-
49 priate agency or officer in each of the Compact States;

50 9. The Commission shall maintain its financial records in accordance
51 with the Bylaws; and

52 10. The Commission shall meet and take such actions as are consistent
53 with the provisions of this Compact and the Bylaws.

54 D. The Commission shall have the following powers:

55 1. The authority to promulgate uniform rules to facilitate and coordi-
56 nate implementation and administration of this Compact. The rule shall

1 have the force and effect of law and shall be binding in all Compact
2 States;

3 2. To bring and prosecute legal proceedings or actions in the name of
4 the Commission, provided that the standing of any State Psychology Regu-
5 latory Authority or other regulatory body responsible for psychology
6 licensure to sue or be sued under applicable law shall not be affected;

7 3. To purchase and maintain insurance and bonds;

8 4. To borrow, accept or contract for services of personnel, including,
9 but not limited to, employees of a Compact State;

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

15 6. To accept any and all appropriate donations and grants of money,
16 equipment, supplies, materials and services, and to receive, utilize and
17 dispose of the same; provided that at all times the Commission shall
18 strive to avoid any appearance of impropriety and/or conflict of inter-
19 est;

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

24 8. To sell, convey, mortgage, pledge, lease, exchange, abandon or
25 otherwise dispose of any property real, personal or mixed;

26 9. To establish a budget and make expenditures;

27 10. To borrow money;

28 11. To appoint committees, including advisory committees comprised of
29 Members, State regulators, State legislators or their representatives,
30 and consumer representatives, and such other interested persons as may
31 be designated in this Compact and the Bylaws;

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

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

35 14. To perform such other functions as may be necessary or appropriate
36 to achieve the purposes of this Compact consistent with the state regu-
37 lation of psychology licensure, temporary in-person, face-to-face prac-
38 tice and telepsychology practice.

39 E. The Executive Board.

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

43 1. The Executive Board shall be comprised of six members:

44 a. Five voting members who are elected from the current membership of
45 the Commission by the Commission;

46 b. One ex-officio, nonvoting member from the recognized membership
47 organization composed of State and Provincial Psychology Regulatory
48 Authorities.

49 2. The ex-officio member must have served as staff or member on a
50 State Psychology Regulatory Authority and will be selected by its
51 respective organization.

52 3. The Commission may remove any member of the Executive Board as
53 provided in Bylaws.

54 4. The Executive Board shall meet at least annually.

55 5. The Executive Board shall have the following duties and responsi-
56 bilities:

1 a. Recommend to the entire Commission changes to the Rules or Bylaws,
2 changes to this Compact legislation, fees paid by Compact States such as
3 annual dues, and any other applicable fees;

4 b. Ensure Compact administration services are appropriately provided,
5 contractual or otherwise;

6 c. Prepare and recommend the budget;

7 d. Maintain financial records on behalf of the Commission;

8 e. Monitor Compact compliance of member states and provide compliance
9 reports to the Commission;

10 f. Establish additional committees as necessary; and

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

12 F. Financing of the Commission.

13 1. The Commission shall pay, or provide for the payment of the reason-
14 able expenses of its establishment, organization and ongoing activities.

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

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

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

30 5. The Commission shall keep accurate accounts of all receipts and
31 disbursements. The receipts and disbursements of the Commission shall
32 be subject to the audit and accounting procedures established under its
33 Bylaws. However, all receipts and disbursements of funds handled by the
34 Commission shall be audited yearly by a certified or licensed public
35 accountant and the report of the audit shall be included in and become
36 part of the annual report of the Commission.

37 G. Qualified Immunity, Defense, and Indemnification.

38 1. The members, officers, Executive Director, employees and represen-
39 tatives of the Commission shall be immune from suit and liability,
40 either personally or in their official capacity, for any claim for
41 damage to or loss of property or personal injury or other civil liabil-
42 ity caused by or arising out of any actual or alleged act, error or
43 omission that occurred, or that the person against whom the claim is
44 made had a reasonable basis for believing occurred within the scope of
45 Commission employment, duties or responsibilities; provided that nothing
46 in this paragraph shall be construed to protect any such person from
47 suit and/or liability for any damage, loss, injury or liability caused
48 by the intentional or willful or wanton misconduct of that person.

49 2. The Commission shall defend any member, officer, Executive Direc-
50 tor, employee or representative of the Commission in any civil action
51 seeking to impose liability arising out of any actual or alleged act,
52 error or omission that occurred within the scope of Commission employ-
53 ment, duties or responsibilities, or that the person against whom the
54 claim is made had a reasonable basis for believing occurred within the
55 scope of Commission employment, duties or responsibilities; provided
56 that nothing herein shall be construed to prohibit that person from

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

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

14 ARTICLE XI.

15 RULEMAKING

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

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

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

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

30 1. On the website of the Commission; and

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

34 E. The Notice of Proposed Rulemaking shall include:

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

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

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

41 4. The manner in which interested persons may submit notice to the
42 Commission of their intention to attend the public hearing and any writ-
43 ten comments.

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

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

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

51 2. A governmental subdivision or agency; or

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

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

3
4 1. All persons wishing to be heard at the hearing shall notify the
5 Executive Director of the Commission or other designated member in writing
6 of their desire to appear and testify at the hearing not less than
7 five (5) business days before the scheduled date of the hearing.

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

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

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

20 I. Following the scheduled hearing date, or by the close of business
21 on the scheduled hearing date if the hearing was not held, the Commis-
22 sion shall consider all written and oral comments received.

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

27 K. If no written notice of intent to attend the public hearing by
28 interested parties is received, the Commission may proceed with promul-
29 gation of the proposed rule without a public hearing.

30 L. Upon determination that an emergency exists, the Commission may
31 consider and adopt an emergency rule without prior notice, opportunity
32 for comment, or hearing, provided that the usual rulemaking procedures
33 provided in the Compact and in this section shall be retroactively
34 applied to the rule as soon as reasonably possible, in no event later
35 than ninety (90) days after the effective date of the rule. For the
36 purposes of this provision, an emergency rule is one that must be
37 adopted immediately in order to:

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

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

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

42 4. Protect public health and safety.

43 M. The Commission or an authorized committee of the Commission may
44 direct revisions to a previously adopted rule or amendment for purposes
45 of correcting typographical errors, errors in format, errors in consist-
46 ency, or grammatical errors. Public notice of any revisions shall be
47 posted on the website of the Commission. The revision shall be subject
48 to challenge by any person for a period of thirty (30) days after post-
49 ing. The revision may be challenged only on grounds that the revision
50 results in a material change to a rule. A challenge shall be made in
51 writing, and delivered to the Chair of the Commission prior to the end
52 of the notice period. If no challenge is made, the revision will take
53 effect without further action. If the revision is challenged, the
54 revision may not take effect without the approval of the Commission.

ARTICLE XII.
OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

A. Oversight.

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

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

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

B. Default, Technical Assistance, and Termination.

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

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

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

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

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

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

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

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

C. Dispute Resolution.

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

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

4 D. Enforcement.

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

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

15 3. The remedies herein shall not be the exclusive remedies of the
16 Commission. The Commission may pursue any other remedies available under
17 federal or state law.

18 ARTICLE XIII.

19 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL
20 COMPACT

21 COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

22 A. The Compact shall come into effect on the date on which the Compact
23 is enacted into law in the seventh Compact State. The provisions which
24 become effective at that time shall be limited to the powers granted to
25 the Commission relating to assembly and the promulgation of rules. Ther-
26 eafter, the Commission shall meet and exercise rulemaking powers neces-
27 sary to the implementation and administration of the Compact.

28 B. Any state which joins the Compact subsequent to the Commission's
29 initial adoption of the rules shall be subject to the rules as they
30 exist on the date on which the Compact becomes law in that state. Any
31 rule which has been previously adopted by the Commission shall have the
32 full force and effect of law on the day the Compact becomes law in that
33 state.

34 C. Any Compact State may withdraw from this Compact by enacting a
35 statute repealing the same.

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

38 2. Withdrawal shall not affect the continuing requirement of the with-
39 drawing State's Psychology Regulatory Authority to comply with the
40 investigative and adverse action reporting requirements of this act
41 prior to the effective date of withdrawal.

42 D. Nothing contained in this Compact shall be construed to invalidate
43 or prevent any psychology licensure agreement or other cooperative
44 arrangement between a Compact State and a Non-Compact State which does
45 not conflict with the provisions of this Compact.

46 E. This Compact may be amended by the Compact States. No amendment to
47 this Compact shall become effective and binding upon any Compact State
48 until it is enacted into the law of all Compact States.

49 ARTICLE XIV.

50 CONSTRUCTION AND SEVERABILITY

51 This Compact shall be liberally construed so as to effectuate the
52 purposes thereof. If this Compact shall be held contrary to the consti-

1 tution of any state member thereto, the Compact shall remain in full
2 force and effect as to the remaining Compact States.

3 § 2. This act shall take effect on the ninetieth day after it shall
4 have become a law. Effective immediately, the addition, amendment
5 and/or repeal of any rule or regulation necessary for the implementation
6 of this act on its effective date are authorized to be made and
7 completed on or before such effective date.