

1 experience and ensure accountability for professional practice;
2 and

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

9 WHEREAS, this Compact is intended to regulate the temporary
10 in-person, face-to-face practice of psychology by psychologists
11 across state boundaries for thirty (30) days within a calendar
12 year in the performance of their psychological practice as
13 assigned by an appropriate authority; and

14 WHEREAS, this Compact is intended to authorize State
15 Psychology Regulatory Authorities to afford legal recognition,
16 in a manner consistent with the terms of the Compact, to
17 psychologists licensed in another state; and

18 WHEREAS, this Compact recognizes that states have a vested
19 interest in protecting the public's health and safety through
20 their licensing and regulation of psychologists and that such
21 state regulation will best protect public health and safety; and



1 WHEREAS, this Compact does not apply when a psychologist is
2 licensed in both the Home and Receiving States; and

3 WHEREAS, this Compact does not apply to permanent in-
4 person, face-to-face practice, it does allow for authorization
5 of temporary psychological practice; now, therefore,

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

- 8 1. Increase public access to professional psychological
9 services by allowing for telepsychological practice
10 across state lines as well as temporary in-person,
11 face-to-face services into a state which the
12 psychologist is not licensed to practice psychology;
- 13 2. Enhance the States' ability to protect the public's
14 health and safety, especially client/patient safety;
- 15 3. Encourage the cooperation of Compact States in the
16 areas of psychology licensure and regulation;
- 17 4. Facilitate the exchange of information between Compact
18 States regarding psychologist licensure, adverse
19 actions and disciplinary history;
- 20 5. Promote compliance with the laws governing
21 psychological practice in each Compact State; and



1 Article X for its governance, or for directing and controlling
2 its actions and conduct.

3 E. "Client/Patient" means: the recipient of psychological
4 services, whether psychological services are delivered in the
5 context of healthcare, corporate, supervision, and/or consulting
6 services.

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

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

15 H. "Coordinated Licensure Information System" also
16 referred to as "Coordinated Database" means: an integrated
17 process for collecting, storing, and sharing information on
18 psychologists' licensure and enforcement activities related to
19 psychology licensure laws, which is administered by the
20 recognized membership organization composed of State and
21 Provincial Psychology Regulatory Authorities.



1 I. "Confidentiality" means: the principle that data or
2 information is not made available or disclosed to unauthorized
3 persons and/or processes.

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

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

10 L. "E.Passport" means: a certificate issued by the
11 Association of State and Provincial Psychology Boards (ASPPB)
12 that promotes the standardization in the criteria of
13 interjurisdictional telepsychology practice and facilitates the
14 process for licensed psychologists to provide telepsychological
15 services across state lines.

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

19 N. "Home State" means: a Compact State where a
20 psychologist is licensed to practice psychology. If the
21 psychologist is licensed in more than one Compact State and is



1 practicing under the Authorization to Practice
2 Interjurisdictional Telepsychology, the Home State is the
3 Compact State where the psychologist is physically present when
4 the telepsychological services are delivered. If the
5 psychologist is licensed in more than one Compact State and is
6 practicing under the Temporary Authorization to Practice, the
7 Home State is any Compact State where the psychologist is
8 licensed.

9 O. "Identity History Summary" means: a summary of
10 information retained by the Federal Bureau of Investigation
11 (FBI), or other designee with similar authority, in connection
12 with arrests and, in some instances, federal employment,
13 naturalization, or military service.

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

18 Q. "Interjurisdictional Practice Certificate (IPC)" means:
19 a certificate issued by the Association of State and Provincial
20 Psychology Boards (ASPPB) that grants temporary authority to
21 practice based on notification to the State Psychology



1 Regulatory Authority of intention to practice temporarily, and
2 verification of one's qualifications for such practice.

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

6 S. "Non-Compact State" means: any state which is not at
7 the time a Compact State.

8 T. "Psychologist" means: an individual licensed for the
9 independent practice of psychology.

10 U. "Psychology Interjurisdictional Compact Commission"
11 also referred to as "Commission" means: the national
12 administration of which all Compact States are members.

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

16 W. "Rule" means: a written statement by the Psychology
17 Interjurisdictional Compact Commission promulgated pursuant to
18 Article XI of the Compact that is of general applicability,
19 implements, interprets, or prescribes a policy or provision of
20 the Compact, or an organizational, procedural, or practice
21 requirement of the Commission and has the force and effect of



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

3 X. "Significant Investigatory Information" means:

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

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

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

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



1 Interjurisdictional Telepsychology under the terms of this
2 Compact.

3 C. Any Compact State may require a psychologist not
4 previously licensed in a Compact State to obtain and retain a
5 license to be authorized to practice in the Compact State under
6 circumstances not authorized by the Authority to Practice
7 Interjurisdictional Telepsychology under the terms of this
8 Compact.

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

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

- 16 1. Currently requires the psychologist to hold an active
17 E.Passport;
- 18 2. Has a mechanism in place for receiving and
19 investigating complaints about licensed individuals;
- 20 3. Notifies the Commission, in compliance with the terms
21 herein, of any adverse action or significant



1 investigatory information regarding a licensed
2 individual;

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

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

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

14 1. Currently requires the psychologist to hold an active
15 Interjurisdictional Practice Certificate (IPC);

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

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



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

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

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

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

17 a. The program, wherever it may be administratively
18 housed, must be clearly identified and labeled as
19 a psychology program. Such a program must
20 specify in pertinent institutional catalogues and



- 1 brochures its intent to educate and train
2 professional psychologists;
- 3 b. The psychology program must stand as a
4 recognizable, coherent, organizational entity
5 within the institution;
- 6 c. There must be a clear authority and primary
7 responsibility for the core and specialty areas
8 whether or not the program cuts across
9 administrative lines;
- 10 d. The program must consist of an integrated,
11 organized sequence of study;
- 12 e. There must be an identifiable psychology faculty
13 sufficient in size and breadth to carry out its
14 responsibilities;
- 15 f. The designated director of the program must be a
16 psychologist and a member of the core faculty;
- 17 g. The program must have an identifiable body of
18 students who are matriculated in that program for
19 a degree;



- 1 h. The program must include supervised practicum,
2 internship, or field training appropriate to the
3 practice of psychology;
- 4 i. The curriculum shall encompass a minimum of three
5 academic years of full-time graduate study for
6 doctoral degree and a minimum of one academic
7 year of full-time graduate study for master's
8 degree; and
- 9 j. The program includes an acceptable residency as
10 defined by the Rules of the Commission.
- 11 3. Possess a current, full and unrestricted license to
12 practice psychology in a Home State which is a Compact
13 State;
- 14 4. Have no history of adverse action that violate the
15 Rules of the Commission;
- 16 5. Have no criminal record history reported on an
17 Identity History Summary that violates the Rules of
18 the Commission;
- 19 6. Possess a current, active E.Passport;
- 20 7. Provide attestations in regard to areas of intended
21 practice, conformity with standards of practice,



1 competence in telepsychology technology; criminal
2 background; and knowledge and adherence to legal
3 requirements in the Home and Receiving States, and
4 provide a release of information to allow for primary
5 source verification in a manner specified by the
6 Commission; and

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

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

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



1 E. If a psychologist's license in any Home State, another
2 Compact State, or any Authority to Practice Interjurisdictional
3 Telepsychology in any Receiving State, is restricted, suspended
4 or otherwise limited, the E.Passport shall be revoked and
5 therefore the psychologist shall not be eligible to practice
6 telepsychology in a Compact State under the Authority to
7 Practice Interjurisdictional Telepsychology.

8 **ARTICLE V**

9 **COMPACT TEMPORARY AUTHORIZATION TO PRACTICE**

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

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

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



- 1 a. Regionally accredited by an accrediting body
- 2 recognized by the U.S. Department of Education to
- 3 grant graduate degrees, or authorized by
- 4 Provincial Statute or Royal Charter to grant
- 5 doctoral degrees; or
- 6 b. A foreign college or university deemed to be
- 7 equivalent to 1 (a) above by a foreign credential
- 8 evaluation service that is a member of the
- 9 National Association of Credential Evaluation
- 10 Services (NACES) or by a recognized foreign
- 11 credential evaluation service; and
- 12 2. Hold a graduate degree in psychology that meets the
- 13 following criteria:
- 14 a. The program, wherever it may be administratively
- 15 housed, must be clearly identified and labeled as
- 16 a psychology program. Such a program must specify
- 17 in pertinent institutional catalogues and
- 18 brochures its intent to educate and train
- 19 professional psychologists;



- 1 b. The psychology program must stand as a
- 2 recognizable, coherent, organizational entity
- 3 within the institution;
- 4 c. There must be a clear authority and primary
- 5 responsibility for the core and specialty areas
- 6 whether or not the program cuts across
- 7 administrative lines;
- 8 d. The program must consist of an integrated,
- 9 organized sequence of study;
- 10 e. There must be an identifiable psychology faculty
- 11 sufficient in size and breadth to carry out its
- 12 responsibilities;
- 13 f. The designated director of the program must be a
- 14 psychologist and a member of the core faculty;
- 15 g. The program must have an identifiable body of
- 16 students who are matriculated in that program for
- 17 a degree;
- 18 h. The program must include supervised practicum,
- 19 internship, or field training appropriate to the
- 20 practice of psychology;



- 1 i. The curriculum shall encompass a minimum of three
- 2 academic years of full-time graduate study for
- 3 doctoral degrees and a minimum of one academic
- 4 year of full-time graduate study for master's
- 5 degree; and
- 6 j. The program includes an acceptable residency as
- 7 defined by the Rules of the Commission.
- 8 3. Possess a current, full and unrestricted license to
- 9 practice psychology in a Home State which is a Compact
- 10 State;
- 11 4. No history of adverse action that violate the Rules of
- 12 the Commission;
- 13 5. No criminal record history that violates the Rules of
- 14 the Commission;
- 15 6. Possess a current, active Interjurisdictional Practice
- 16 Certificate (IPC);
- 17 7. Provide attestations in regard to areas of intended
- 18 practice and work experience and provide a release of
- 19 information to allow for primary source verification
- 20 in a manner specified by the Commission; and



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

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

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

16 E. If a psychologist's license in any Home State, another
17 Compact State, or any Temporary Authorization to Practice in any
18 Distant State, is restricted, suspended or otherwise limited,
19 the Interjurisdictional Practice Certificate (IPC) shall be
20 revoked and therefore the psychologist shall not be eligible to



1 practice in a Compact State under the Temporary Authorization to
2 Practice.

3 **ARTICLE VI**

4 **CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE**

5 A. A psychologist may practice in a Receiving State under
6 the Authority to Practice Interjurisdictional Telepsychology
7 only in the performance of the scope of practice for psychology
8 as assigned by an appropriate State Psychology Regulatory
9 Authority, as defined in the Rules of the Commission, and under
10 the following circumstances:

- 11 1. The psychologist initiates a client/patient contact in
- 12 a Home State via telecommunications technologies with
- 13 a client/patient in a Receiving State;
- 14 2. Other conditions regarding telepsychology as
- 15 determined by Rules promulgated by the Commission.

16 **ARTICLE VII**

17 **ADVERSE ACTIONS**

18 A. A Home State shall have the power to impose adverse
19 action against a psychologist's license issued by the Home
20 State. A Distant State shall have the power to take adverse



1 action on a psychologist's Temporary Authorization to Practice
2 within that Distant State.

3 B. A Receiving State may take adverse action on a
4 psychologist's Authority to Practice Interjurisdictional
5 Telepsychology within that Receiving State. A Home State may
6 take adverse action against a psychologist based on an adverse
7 action taken by a Distant State regarding Temporary In-Person,
8 Face-to-Face Practice.

9 C. If a Home State takes adverse action against a
10 psychologist's license, that psychologist's Authority to
11 Practice Interjurisdictional Telepsychology is terminated and
12 the E.Passport is revoked. Furthermore, that psychologist's
13 Temporary Authorization to Practice is terminated and the
14 Interjurisdictional Practice Certificate (IPC) is revoked.

15 1. All Home State disciplinary orders which impose
16 adverse action shall be reported to the Commission in
17 accordance with the Rules promulgated by the
18 Commission. A Compact State shall report adverse
19 actions in accordance with the Rules of the
20 Commission.



1 2. In the event discipline is reported on a psychologist,
2 the psychologist will not be eligible for
3 telepsychology or Temporary In-Person, Face-to-Face
4 Practice in accordance with the Rules of the
5 Commission.

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

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

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



1 State's law shall control in determining any adverse action
2 against a psychologist's Temporary Authorization to Practice.

3 F. Nothing in this Compact shall override a Compact
4 State's decision that a psychologist's participation in an
5 alternative program may be used in lieu of adverse action and
6 that such participation shall remain non-public if required by
7 the Compact State's law. Compact States must require
8 psychologists who enter any alternative programs to not provide
9 telepsychology services under the Authority to Practice
10 Interjurisdictional Telepsychology or provide temporary
11 psychological services under the Temporary Authorization to
12 Practice in any other Compact State during the term of the
13 alternative program.

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

17 **ARTICLE VIII**

18 **ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY**
19 **REGULATORY AUTHORITY**



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

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



1 Interjurisdictional Telepsychology and/or Temporary
2 Authorization to Practice.

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



1 discretionary sharing of information by Compact
2 States.

3 **ARTICLE IX**

4 **COORDINATED LICENSURE INFORMATION SYSTEM**

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

11 B. Notwithstanding any other provision of state law to the
12 contrary, a Compact State shall submit a uniform data set to the
13 Coordinated Database on all licensees as required by the Rules
14 of the Commission, including:

- 15 1. Identifying information;
- 16 2. Licensure data;
- 17 3. Significant investigatory information;
- 18 4. Adverse actions against a psychologist's license;
- 19 5. An indicator that a psychologist's Authority to
20 Practice Interjurisdictional Telepsychology and/or
21 Temporary Authorization to Practice is revoked;



1 **ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT**

2 **COMMISSION**

3 A. The Compact States hereby create and establish a joint
4 public agency known as the Psychology Interjurisdictional
5 Compact Commission.

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

8 2. Venue is proper and judicial proceedings by or against
9 the Commission shall be brought solely and exclusively
10 in a court of competent jurisdiction where the
11 principal office of the Commission is located. The
12 Commission may waive venue and jurisdictional defenses
13 to the extent it adopts or consents to participate in
14 alternative dispute resolution proceedings.

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

17 B. Membership, Voting, and Meetings

18 1. The Commission shall consist of one voting
19 representative appointed by each Compact State who
20 shall serve as that state's Commissioner. The State
21 Psychology Regulatory Authority shall appoint its



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

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

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

16 3. Each Commissioner shall be entitled to one (1) vote
17 with regard to the promulgation of Rules and creation
18 of Bylaws and shall otherwise have an opportunity to
19 participate in the business and affairs of the
20 Commission. A Commissioner shall vote in person or by
21 such other means as provided in the Bylaws. The



1 Bylaws may provide for Commissioners' participation in
2 meetings by telephone or other means of communication.

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

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

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

12 a. Non-compliance of a Compact State with its
13 obligations under the Compact;

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

19 c. Current, threatened, or reasonably anticipated
20 litigation against the Commission;

21



- 1 d. Negotiation of contracts for the purchase or sale
- 2 of goods, services or real estate;
- 3 e. Accusation against any person of a crime or
- 4 formally censuring any person;
- 5 f. Disclosure of trade secrets or commercial or
- 6 financial information which is privileged or
- 7 confidential;
- 8 g. Disclosure of information of a personal nature
- 9 where disclosure would constitute a clearly
- 10 unwarranted invasion of personal privacy;
- 11 h. Disclosure of investigatory records compiled for
- 12 law enforcement purposes;
- 13 i. Disclosure of information related to any
- 14 investigatory reports prepared by or on behalf of
- 15 or for use of the Commission or other committee
- 16 charged with responsibility for investigation or
- 17 determination of compliance issues pursuant to
- 18 the Compact; or
- 19 j. Matters specifically exempted from disclosure by
- 20 federal and state statute.



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

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

21 1. Establishing the fiscal year of the Commission;



- 1 2. Providing reasonable standards and procedures:
- 2 a. For the establishment and meetings of other
- 3 committees; and
- 4 b. Governing any general or specific delegation of
- 5 any authority or function of the Commission;
- 6 3. Providing reasonable procedures for calling and
- 7 conducting meetings of the Commission, ensuring
- 8 reasonable advance notice of all meetings and
- 9 providing an opportunity for attendance of such
- 10 meetings by interested parties, with enumerated
- 11 exceptions designed to protect the public's interest,
- 12 the privacy of individuals of such proceedings, and
- 13 proprietary information, including trade secrets. The
- 14 Commission may meet in closed session only after a
- 15 majority of the Commissioners vote to close a meeting
- 16 to the public in whole or in part. As soon as
- 17 practicable, the Commission must make public a copy of
- 18 the vote to close the meeting revealing the vote of
- 19 each Commissioner with no proxy votes allowed;



- 1 4. Establishing the titles, duties and authority and
2 reasonable procedures for the election of the officers
3 of the Commission;
- 4 5. Providing reasonable standards and procedures for the
5 establishment of the personnel policies and programs
6 of the Commission. Notwithstanding any civil service
7 or other similar law of any Compact State, the Bylaws
8 shall exclusively govern the personnel policies and
9 programs of the Commission;
- 10 6. Promulgating a Code of Ethics to address permissible
11 and prohibited activities of Commission members and
12 employees;
- 13 7. Providing a mechanism for concluding the operations of
14 the Commission and the equitable disposition of any
15 surplus funds that may exist after the termination of
16 the Compact after the payment and/or reserving of all
17 of its debts and obligations;
- 18 8. The Commission shall publish its Bylaws in a
19 convenient form and file a copy thereof and a copy of
20 any amendment thereto, with the appropriate agency or
21 officer in each of the Compact States;



- 1 9. The Commission shall maintain its financial records in
2 accordance with the Bylaws; and
- 3 10. The Commission shall meet and take such actions as are
4 consistent with the provisions of this Compact and the
5 Bylaws.
- 6 D. The Commission shall have the following powers:
- 7 1. The authority to promulgate uniform rules to
8 facilitate and coordinate implementation and
9 administration of this Compact. The rule shall have
10 the force and effect of law and shall be binding in
11 all Compact States;
- 12 2. To bring and prosecute legal proceedings or actions in
13 the name of the Commission, provided that the standing
14 of any State Psychology Regulatory Authority or other
15 regulatory body responsible for psychology licensure
16 to sue or be sued under applicable law shall not be
17 affected;
- 18 3. To purchase and maintain insurance and bonds;
- 19 4. To borrow, accept or contract for services of
20 personnel, including, but not limited to, employees of
21 a Compact State;



- 1 5. To hire employees, elect or appoint officers, fix
2 compensation, define duties, grant such individuals
3 appropriate authority to carry out the purposes of the
4 Compact, and to establish the Commission's personnel
5 policies and programs relating to conflicts of
6 interest, qualifications of personnel, and other
7 related personnel matters;
- 8 6. To accept any and all appropriate donations and grants
9 of money, equipment, supplies, materials and services,
10 and to receive, utilize and dispose of the same;
11 provided that at all times the Commission shall strive
12 to avoid any appearance of impropriety and/or conflict
13 of interest;
- 14 7. To lease, purchase, accept appropriate gifts or
15 donations of, or otherwise to own, hold, improve or
16 use, any property, real, personal or mixed; provided
17 that at all times the Commission shall strive to avoid
18 any appearance of impropriety;
- 19 8. To sell, convey, mortgage, pledge, lease, exchange,
20 abandon or otherwise dispose of any property real,
21 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
- 4 comprised of Members, State regulators, State
- 5 legislators or their representatives, and consumer
- 6 representatives, and such other interested persons as
- 7 may be designated in this Compact and the Bylaws;
- 8 12. To provide and receive information from, and to
- 9 cooperate with, law enforcement agencies;
- 10 13. To adopt and use an official seal; and
- 11 14. To perform such other functions as may be necessary or
- 12 appropriate to achieve the purposes of this Compact
- 13 consistent with the state regulation of psychology
- 14 licensure, Temporary In-Person, Face-to-Face Practice
- 15 and Telepsychology practice.

16 E. The Executive Board

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

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



- 1 a. Five voting members who are elected from the
- 2 current membership of the Commission by the
- 3 Commission;
- 4 b. One ex-officio, nonvoting member from the
- 5 recognized membership organization composed of
- 6 State and Provincial Psychology Regulatory
- 7 Authorities.
- 8 2. The ex-officio member must have served as staff or
- 9 member on a State Psychology Regulatory Authority and
- 10 will be selected by its respective organization.
- 11 3. The Commission may remove any member of the Executive
- 12 Board as provided in Bylaws.
- 13 4. The Executive Board shall meet at least annually.
- 14 5. The Executive Board shall have the following duties
- 15 and responsibilities:
 - 16 a. Recommend to the entire Commission changes to the
 - 17 Rules or Bylaws, changes to this Compact
 - 18 legislation, fees paid by Compact States such as
 - 19 annual dues, and any other applicable fees;
 - 20 b. Ensure Compact administration services are
 - 21 appropriately provided, contractual or otherwise;



- 1 c. Prepare and recommend the budget;
- 2 d. Maintain financial records on behalf of the
- 3 Commission;
- 4 e. Monitor Compact compliance of member states and
- 5 provide compliance reports to the Commission;
- 6 f. Establish additional committees as necessary; and
- 7 g. Other duties as provided in Rules or Bylaws.
- 8 F. Financing of the Commission
- 9 1. The Commission shall pay, or provide for the payment
- 10 of the reasonable expenses of its establishment,
- 11 organization and ongoing activities.
- 12 2. The Commission may accept any and all appropriate
- 13 revenue sources, donations and grants of money,
- 14 equipment, supplies, materials and services.
- 15 3. The Commission may levy on and collect an annual
- 16 assessment from each Compact State or impose fees on
- 17 other parties to cover the cost of the operations and
- 18 activities of the Commission and its staff which must
- 19 be in a total amount sufficient to cover its annual
- 20 budget as approved each year for which revenue is not
- 21 provided by other sources. The aggregate annual



1 assessment amount shall be allocated based upon a
2 formula to be determined by the Commission which shall
3 promulgate a rule binding upon all Compact States.

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

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

18 G. Qualified Immunity, Defense, and Indemnification

19 1. The members, officers, Executive Director, employees
20 and representatives of the Commission shall be immune
21 from suit and liability, either personally or in their



1 official capacity, for any claim for damage to or loss
2 of property or personal injury or other civil
3 liability caused by or arising out of any actual or
4 alleged act, error or omission that occurred, or that
5 the person against whom the claim is made had a
6 reasonable basis for believing occurred within the
7 scope of Commission employment, duties or
8 responsibilities; provided that nothing in this
9 paragraph shall be construed to protect any such
10 person from suit and/or liability for any damage,
11 loss, injury or liability caused by the intentional or
12 willful or wanton misconduct of that person.

13 2. The Commission shall defend any member, officer,
14 Executive Director, employee or representative of the
15 Commission in any civil action seeking to impose
16 liability arising out of any actual or alleged act,
17 error or omission that occurred within the scope of
18 Commission employment, duties or responsibilities, or
19 that the person against whom the claim is made had a
20 reasonable basis for believing occurred within the
21 scope of Commission employment, duties or



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

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

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

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

- 15 1. On the website of the Commission; and
16 2. On the website of each Compact States' Psychology
17 Regulatory Authority or the publication in which each
18 state would otherwise publish proposed rules.

19 E. The Notice of Proposed Rulemaking shall include:

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



- 1 2. The text of the proposed rule or amendment and the
- 2 reason for the proposed rule;
- 3 3. A request for comments on the proposed rule from any
- 4 interested person; and
- 5 4. The manner in which interested persons may submit
- 6 notice to the Commission of their intention to attend
- 7 the public hearing and any written comments.

8 F. Prior to adoption of a proposed rule, the Commission

9 shall allow persons to submit written data, facts, opinions and

10 arguments, which shall be made available to the public.

11 G. The Commission shall grant an opportunity for a public

12 hearing before it adopts a rule or amendment if a hearing is

13 requested by:

- 14 1. At least twenty-five (25) persons who submit comments
- 15 independently of each other;
- 16 2. A governmental subdivision or agency; or
- 17 3. A duly appointed person in an association that has at
- 18 least twenty-five (25) members.

19 H. If a hearing is held on the proposed rule or amendment,

20 the Commission shall publish the place, time, and date of the

21 scheduled public hearing.



- 1 1. All persons wishing to be heard at the hearing shall
2 notify the Executive Director of the Commission or
3 other designated member in writing of their desire to
4 appear and testify at the hearing not less than five
5 (5) business days before the scheduled date of the
6 hearing.
- 7 2. Hearings shall be conducted in a manner providing each
8 person who wishes to comment a fair and reasonable
9 opportunity to comment orally or in writing.
- 10 3. No transcript of the hearing is required, unless a
11 written request for a transcript is made, in which
12 case the person requesting the transcript shall bear
13 the cost of producing the transcript. A recording may
14 be made in lieu of a transcript under the same terms
15 and conditions as a transcript. This subsection shall
16 not preclude the Commission from making a transcript
17 or recording of the hearing if it so chooses.
- 18 4. Nothing in this section shall be construed as
19 requiring a separate hearing on each rule. Rules may
20 be grouped for the convenience of the Commission at
21 hearings required by this section.



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

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

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

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



- 1 1. Meet an imminent threat to public health, safety, or
- 2 welfare;
- 3 2. Prevent a loss of Commission or Compact State funds;
- 4 3. Meet a deadline for the promulgation of an
- 5 administrative rule that is established by federal law
- 6 or rule; or
- 7 4. Protect public health and safety.

8 M. The Commission or an authorized committee of the

9 Commission may direct revisions to a previously adopted rule or

10 amendment for purposes of correcting typographical errors,

11 errors in format, errors in consistency, or grammatical errors.

12 Public notice of any revisions shall be posted on the website of

13 the Commission. The revision shall be subject to challenge by

14 any person for a period of thirty (30) days after posting. The

15 revision may be challenged only on grounds that the revision

16 results in a material change to a rule. A challenge shall be

17 made in writing, and delivered to the Chair of the Commission

18 prior to the end of the notice period. If no challenge is made,

19 the revision will take effect without further action. If the

20 revision is challenged, the revision may not take effect without

21 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



1 as to the Commission, this Compact or promulgated
2 rules.

3 B. Default, Technical Assistance, and Termination

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

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

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

15 2. If a state in default fails to remedy the default, the
16 defaulting state may be terminated from the Compact
17 upon an affirmative vote of a majority of the Compact
18 States, and all rights, privileges and benefits
19 conferred by this Compact shall be terminated on the
20 effective date of termination. A remedy of the
21 default does not relieve the offending state of



- 1 obligations or liabilities incurred during the period
2 of default.
- 3 3. Termination of membership in the Compact shall be
4 imposed only after all other means of securing
5 compliance have been exhausted. Notice of intent to
6 suspend or terminate shall be submitted by the
7 Commission to the Governor, the majority and minority
8 leaders of the defaulting state's legislature, and
9 each of the Compact States.
- 10 4. A Compact State which has been terminated is
11 responsible for all assessments, obligations and
12 liabilities incurred through the effective date of
13 termination, including obligations which extend beyond
14 the effective date of termination.
- 15 5. The Commission shall not bear any costs incurred by
16 the state which is found to be in default or which has
17 been terminated from the Compact, unless agreed upon
18 in writing between the Commission and the defaulting
19 state.
- 20 6. The defaulting state may appeal the action of the
21 Commission by petitioning the U.S. District Court for



1 the State of Georgia or the federal district where the
2 Compact has its principal offices. The prevailing
3 member shall be awarded all costs of such litigation,
4 including reasonable attorney's fees.

5 C. Dispute Resolution

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

10 2. The Commission shall promulgate a rule providing for
11 both mediation and binding dispute resolution for
12 disputes that arise before the Commission.

13 D. Enforcement

14 1. The Commission, in the reasonable exercise of its
15 discretion, shall enforce the provisions and Rules of
16 this Compact.

17 2. By majority vote, the Commission may initiate legal
18 action in the United States District Court for the
19 State of Georgia or the federal district where the
20 Compact has its principal offices against a Compact
21 State in default to enforce compliance with the

1 provisions of the Compact and its promulgated Rules
 2 and Bylaws. The relief sought may include both
 3 injunctive relief and damages. In the event judicial
 4 enforcement is necessary, the prevailing member shall
 5 be awarded all costs of such litigation, including
 6 reasonable attorney's fees.

7 3. The remedies herein shall not be the exclusive
 8 remedies of the Commission. The Commission may pursue
 9 any other remedies available under federal or state
 10 law.

11 **ARTICLE XIII**

12 **DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL**
 13 **COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND**
 14 **AMENDMENTS**

15 A. The Compact shall come into effect on the date on which
 16 the Compact is enacted into law in the seventh Compact State.
 17 The provisions which become effective at that time shall be
 18 limited to the powers granted to the Commission relating to
 19 assembly and the promulgation of rules. Thereafter, the
 20 Commission shall meet and exercise rulemaking powers necessary
 21 to the implementation and administration of the Compact.



1 B. Any state which joins the Compact subsequent to the
2 Commission's initial adoption of the rules shall be subject to
3 the rules as they exist on the date on which the Compact becomes
4 law in that state. Any rule which has been previously adopted
5 by the Commission shall have the full force and effect of law on
6 the day the Compact becomes law in that state.

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

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

12 2. Withdrawal shall not affect the continuing requirement
13 of the withdrawing State's Psychology Regulatory
14 Authority to comply with the investigative and adverse
15 action reporting requirements of this act prior to the
16 effective date of withdrawal.

17 D. Nothing contained in this Compact shall be construed
18 to invalidate or prevent any psychology licensure agreement or
19 other cooperative arrangement between a Compact State and a Non-
20 Compact State which does not conflict with the provisions of
21 this Compact.



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

5 **ARTICLE XIV**

6 **CONSTRUCTION AND SEVERABILITY**

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

12 § -3 Rules. The department of commerce and consumer
13 affairs shall adopt rules pursuant to chapter 91 for the
14 purposes of implementing and administering this chapter."

15 SECTION 2. This Act shall take effect on January 1, 2025.

16

INTRODUCED BY:



S.B. NO. 2668

Report Title:

DCCA; Psychology Interjurisdictional Compact; Adoption; Rules

Description:

Adopts the Psychology Interjurisdictional Compact. Requires the Department of Commerce and Consumer Affairs to adopt rules to implement and administer the Compact.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

