



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 days within a calendar year  
12 in the performance of their psychological practice as assigned  
13 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 its governance, or for directing and controlling its actions and  
2 conduct.

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

7 "Commissioner" means the voting representative appointed by  
8 each state psychology regulatory authority pursuant to  
9 Article X.

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12 legislation and which has not withdrawn pursuant to Article  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

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



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

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

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

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

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



1 the authority to practice interjurisdictional telepsychology,  
2 the Home State is the Compact State where the psychologist is  
3 physically present when the telepsychological services are  
4 delivered. If the psychologist is licensed in more than one  
5 Compact State and is practicing under the temporary  
6 authorization to practice, the Home State is any Compact State  
7 where the psychologist is licensed.

8 "Identity history summary" means a summary of information  
9 retained by the Federal Bureau of Investigation, or other  
10 designee with similar authority, in connection with arrests and,  
11 in some instances, federal employment, naturalization, or  
12 military service.

13 "In-person, face-to-face" means interactions in which the  
14 psychologist and the client/patient are in the same physical  
15 space but does not include interactions that may occur through  
16 the use of telecommunication technologies.

17 "Interjurisdictional practice certificate" means a  
18 certificate issued by the Association of State and Provincial  
19 Psychology Boards that grants temporary authorization to  
20 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 "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 "Non-Compact State" means any state that is not at the time  
7 a Compact State.

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

10 "Psychology Interjurisdictional Compact Commission" or  
11 "Commission" means the national administration of which all  
12 Compact States are members.

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

16 "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 "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 or had an opportunity  
15 to respond.

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

18 "State psychology regulatory authority" means the board,  
19 office, or other agency with the legislative mandate to license  
20 and regulate the practice of psychology.



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

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

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

12 **ARTICLE III**

13 **HOME STATE LICENSURE**

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

16 B. A psychologist may hold one or more Compact State  
17 licenses at a time. If the psychologist is licensed in more  
18 than one Compact State, the Home State is the Compact State  
19 where the psychologist is physically present when the services  
20 are delivered as authorized by the authority to practice



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, 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;
- 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 United States Department of  
6           Education to grant graduate degrees, or  
7           authorized by Provincial Statute or Royal Charter  
8           to grant 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 or by a recognized foreign credential  
14          evaluation service;

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 a  
6           doctoral degree and a minimum of one academic  
7           year of full-time graduate study for a master's  
8           degree; and
- 9           j. The program shall include an acceptable residency  
10          as 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 violates 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           a. Regionally accredited by an accrediting body
- 2            recognized by the United States Department of
- 3            Education to grant graduate degrees, or
- 4            authorized by Provincial Statute or Royal Charter
- 5            to grant 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 or by a recognized foreign credential
- 11           evaluation service;
- 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
- 17            specify 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 a  
3           doctoral degree and a minimum of one academic  
4           year of full-time graduate study for a 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;
- 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 shall be revoked  
20 and therefore the psychologist shall not be eligible to practice



1 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; and  
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 is revoked.

15 1. All Home State disciplinary orders that impose adverse  
16 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 that 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 shall  
16          investigate and take appropriate action with respect to reported  
17          inappropriate conduct engaged in by a psychologist practicing  
18          under temporary authorization to practice that occurred in that  
19          Distant State as it would if such conduct had occurred by a  
20          licensee within the Home State. In such cases, the 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 not to 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           that require the attendance and testimony of witnesses  
6           and the production of evidence. Subpoenas issued by a  
7           Compact State's psychology regulatory authority for  
8           the attendance and testimony of witnesses, or the  
9           production of evidence from another Compact State  
10          shall be enforced in the latter state by any court of  
11          competent jurisdiction, according to that court's  
12          practice and procedure in considering subpoenas issued  
13          in its own proceedings. The issuing state psychology  
14          regulatory authority shall pay any witness fees,  
15          travel expenses, mileage and other fees required by  
16          the service statutes of the state where the witnesses  
17          or evidence are located; and

18          2. Issue cease-and-desist or injunctive relief orders to  
19          revoke a psychologist's authority to practice  
20          interjurisdictional telepsychology or temporary  
21          authorization to practice.





1 (coordinated database) and reporting system containing licensure  
2 and disciplinary action information on all psychologists and  
3 individuals to whom this Compact is applicable in all Compact  
4 States as defined by the Rules of the Commission.

5 B. Notwithstanding any other provision of state law to the  
6 contrary, a Compact State shall submit a uniform data set to the  
7 coordinated database on all licensees as required by the Rules  
8 of the Commission, including:

- 9 1. Identifying information;
- 10 2. Licensure data;
- 11 3. Significant investigatory information;
- 12 4. Adverse actions against a psychologist's license;
- 13 5. An indicator that a psychologist's authority to  
14 practice interjurisdictional telepsychology or  
15 temporary authorization to practice is revoked;
- 16 6. Non-confidential information related to alternative  
17 program participation information;
- 18 7. Any denial of application for licensure, and the  
19 reasons for such denial; and





- 1           1. The Commission is a body politic and an  
2           instrumentality of the Compact States.
- 3           2. Venue is proper and judicial proceedings by or against  
4           the Commission shall be brought solely and exclusively  
5           in a court of competent jurisdiction where the  
6           principal office of the Commission is located. The  
7           Commission may waive venue and jurisdictional defenses  
8           to the extent it adopts or consents to participate in  
9           alternative dispute resolution proceedings.
- 10          3. Nothing in this Compact shall be construed to be a  
11          waiver of sovereign immunity.
- 12          B. Membership, Voting, and Meetings.
- 13          1. The Commission shall consist of one voting  
14          representative appointed by each Compact State, who  
15          shall serve as that state's Commissioner. The state  
16          psychology regulatory authority shall appoint its  
17          delegate. This delegate shall be empowered to act on  
18          behalf of the Compact State. This delegate shall be  
19          limited to:
- 20                  a. Executive Director, Executive Secretary, or  
21                  similar executive;



- 1           b. Current member of the state psychology regulatory  
2           authority of a Compact State; or
- 3           c. Designee empowered with the appropriate delegate  
4           authority to act on behalf of the Compact State.
- 5        2. Any Commissioner may be removed or suspended from  
6        office as provided by the law of the state from which  
7        the Commissioner is appointed. Any vacancy occurring  
8        in the Commission shall be filled in accordance with  
9        the laws of the Compact State in which the vacancy  
10       exists.
- 11       3. Each Commissioner shall be entitled to one vote with  
12       regard to the promulgation of Rules and creation of  
13       Bylaws and shall otherwise have an opportunity to  
14       participate in the business and affairs of the  
15       Commission. A Commissioner shall vote in person or by  
16       such other means as provided in the Bylaws. The  
17       Bylaws may provide for Commissioners' participation in  
18       meetings by telephone or other means of communication.
- 19       4. The Commission shall meet at least once during each  
20       calendar year. Additional meetings shall be held as  
21       set forth in the Bylaws.



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

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

- 7           a. Non-compliance of a Compact State with its
- 8           obligations under the Compact;
- 9           b. The employment, compensation, discipline or other
- 10          personnel matters, practices, or procedures
- 11          related to specific employees or other matters
- 12          related to the Commission's internal personnel
- 13          practices and procedures;
- 14          c. Current, threatened, or reasonably anticipated
- 15          litigation against the Commission;
- 16          d. Negotiation of contracts for the purchase or sale
- 17          of goods, services, or real estate;
- 18          e. Accusation against any person of a crime or
- 19          formally censuring any person;



- 1           f. Disclosure of trade secrets or commercial or
  - 2           financial information that is privileged or
  - 3           confidential;
  - 4           g. Disclosure of information of a personal nature
  - 5           where disclosure would constitute a clearly
  - 6           unwarranted invasion of personal privacy;
  - 7           h. Disclosure of investigatory records compiled for
  - 8           law enforcement purposes;
  - 9           i. Disclosure of information related to any
  - 10          investigatory reports prepared by or on behalf of
  - 11          or for use of the Commission or other committee
  - 12          charged with responsibility for investigation or
  - 13          determination of compliance issues pursuant to
  - 14          the Compact; or
  - 15          j. Matters specifically exempted from disclosure by
  - 16          federal and state statute.
- 17        7. If a meeting, or portion of a meeting, is closed
- 18        pursuant to this provision, the Commission's legal
- 19        counsel or designee shall certify that the meeting may
- 20        be closed and shall reference each relevant exempting
- 21        provision. The Commission shall keep minutes that



1 fully and clearly describe all matters discussed in a  
2 meeting and shall provide a full and accurate summary  
3 of actions taken, of any person participating in the  
4 meeting, and the reasons therefor, including a  
5 description of the views expressed. All documents  
6 considered in connection with an action shall be  
7 identified in such minutes. All minutes and documents  
8 of a closed meeting shall remain under seal, subject  
9 to release only by a majority vote of the Commission  
10 or order of a court of competent jurisdiction.

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

- 16 1. Establishing the fiscal year of the Commission;
- 17 2. Providing reasonable standards and procedures:
  - 18 a. For the establishment and meetings of other  
19 committees; and
  - 20 b. Governing any general or specific delegation of  
21 any authority or function of the Commission;



- 1           3. Providing reasonable procedures for calling and  
2           conducting meetings of the Commission, ensuring  
3           reasonable advance notice of all meetings and  
4           providing an opportunity for attendance of such  
5           meetings by interested parties, with enumerated  
6           exceptions designed to protect the public's interest,  
7           the privacy of individuals of such proceedings, and  
8           proprietary information, including trade secrets. The  
9           Commission may meet in closed session only after a  
10          majority of the Commissioners vote to close a meeting  
11          to the public in whole or in part. As soon as  
12          practicable, the Commission shall make public a copy  
13          of the vote to close the meeting revealing the vote of  
14          each Commissioner with no proxy votes allowed;
- 15          4. Establishing the titles, duties and authority, and  
16          reasonable procedures for the election of the officers  
17          of the Commission;
- 18          5. Providing reasonable standards and procedures for the  
19          establishment of the personnel policies and programs  
20          of the Commission. Notwithstanding any civil service  
21          or other similar law of any Compact State, the Bylaws



- 1 shall exclusively govern the personnel policies and  
2 programs of the Commission;
- 3 6. Promulgating a Code of Ethics to address permissible  
4 and prohibited activities of Commission members and  
5 employees;
- 6 7. Providing a mechanism for concluding the operations of  
7 the Commission and the equitable disposition of any  
8 surplus funds that may exist after the termination of  
9 the Compact after the payment or reserving of all of  
10 its debts and obligations;
- 11 8. The Commission shall publish its Bylaws in a  
12 convenient form and file a copy thereof and a copy of  
13 any amendment thereto, with the appropriate agency or  
14 officer in each of the Compact States;
- 15 9. The Commission shall maintain its financial records in  
16 accordance with the Bylaws; and
- 17 10. The Commission shall meet and take such actions as are  
18 consistent with the provisions of this Compact and the  
19 Bylaws.
- 20 D. The Commission shall have the following powers:



- 1           1. The authority to promulgate uniform rules to  
2           facilitate and coordinate implementation and  
3           administration of this Compact. The rule shall have  
4           the force and effect of law and shall be binding in  
5           all Compact States;
- 6           2. To bring and prosecute legal proceedings or actions in  
7           the name of the Commission; provided that the standing  
8           of any state psychology regulatory authority or other  
9           regulatory body responsible for psychology licensure  
10          to sue or be sued under applicable law shall not be  
11          affected;
- 12          3. To purchase and maintain insurance and bonds;
- 13          4. To borrow, accept, or contract for services of  
14          personnel, including but not limited to employees of a  
15          Compact State;
- 16          5. To hire employees, elect or appoint officers, fix  
17          compensation, define duties, grant such individuals  
18          appropriate authority to carry out the purposes of the  
19          Compact, and establish the Commission's personnel  
20          policies and programs relating to conflicts of



- 1 interest, qualifications of personnel, and other  
2 related personnel matters;
- 3 6. To accept any and all appropriate donations and grants  
4 of money, equipment, supplies, materials, and  
5 services, and to receive, utilize, and dispose of the  
6 same; provided that at all times, the Commission shall  
7 strive to avoid any appearance of impropriety or  
8 conflict of interest;
- 9 7. To lease, purchase, accept appropriate gifts or  
10 donations of, or otherwise to own, hold, improve, or  
11 use, any property, real, personal, or mixed; provided  
12 that at all times, the Commission shall strive to  
13 avoid any appearance of impropriety;
- 14 8. To sell, convey, mortgage, pledge, lease, exchange,  
15 abandon, or otherwise dispose of any property real,  
16 personal, or mixed;
- 17 9. To establish a budget and make expenditures;
- 18 10. To borrow money;
- 19 11. To appoint committees, including advisory committees  
20 composed of members, state regulators, state  
21 legislators or their representatives, and consumer



1           representatives, and such other interested persons as  
2           may be designated in this Compact and the Bylaws;

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

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

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

11          E. The Executive Board.

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

15           1. The Executive Board shall be composed of six members:

16                a. Five voting members who are elected from the  
17                current membership of the Commission by the  
18                Commission; and

19                b. One ex-officio, nonvoting member from the  
20                recognized membership organization composed of



- 1 state and provincial psychology regulatory  
2 authorities.
- 3 2. The ex-officio member must have served as staff or  
4 member on a state psychology regulatory authority and  
5 will be selected by its respective organization.
- 6 3. The Commission may remove any member of the Executive  
7 Board as provided in Bylaws.
- 8 4. The Executive Board shall meet at least annually.
- 9 5. The Executive Board shall have the following duties  
10 and responsibilities:
- 11 a. Recommend to the entire Commission changes to the  
12 Rules or Bylaws, changes to this Compact  
13 legislation, fees paid by Compact States such as  
14 annual dues, and any other applicable fees;
- 15 b. Ensure Compact administration services are  
16 appropriately provided, contractually or  
17 otherwise;
- 18 c. Prepare and recommend the budget;
- 19 d. Maintain financial records on behalf of the  
20 Commission;



- 1 e. Monitor Compact compliance of member states and
- 2 provide compliance reports to the Commission;
- 3 f. Establish additional committees as necessary; and
- 4 g. Other duties as provided in Rules or Bylaws.

5 F. Financing of the Commission

- 6 1. The Commission shall pay, or provide for the payment
- 7 of the reasonable expenses of its establishment,
- 8 organization, and ongoing activities.
- 9 2. The Commission may accept any and all appropriate
- 10 revenue sources, donations and grants of money,
- 11 equipment, supplies, materials, and services.
- 12 3. The Commission may levy on and collect an annual
- 13 assessment from each Compact State or impose fees on
- 14 other parties to cover the cost of the operations and
- 15 activities of the Commission and its staff, which must
- 16 be in a total amount sufficient to cover its annual
- 17 budget as approved each year for which revenue is not
- 18 provided by other sources. The aggregate annual
- 19 assessment amount shall be allocated based upon a
- 20 formula to be determined by the Commission, which



1 shall promulgate a rule binding upon all Compact  
2 States.

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

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

17 G. Qualified Immunity, Defense, and Indemnification.

18 1. The members, officers, Executive Director, employees,  
19 and representatives of the Commission shall be immune  
20 from suit and liability, either personally or in their  
21 official capacity, for any claim for damage to or loss



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

- 12 2. The Commission shall defend any member, officer,  
13 Executive Director, employee, or representative of the  
14 Commission in any civil action seeking to impose  
15 liability arising out of any actual or alleged act,  
16 error, or omission that occurred within the scope of  
17 Commission employment, duties, or responsibilities, or  
18 that the person against whom the claim is made had a  
19 reasonable basis for believing occurred within the  
20 scope of Commission employment, duties, or  
21 responsibilities; provided that nothing herein shall





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 days in advance of  
13 the meeting at which the rule will be considered and voted upon,  
14 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 State's 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           at 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 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 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           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 days after  
19 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 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 that 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, or any other action to be taken by the  
12 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 that has been terminated is  
11 responsible for all assessments, obligations, and  
12 liabilities incurred through the effective date of  
13 termination, including obligations that extend beyond  
14 the effective date of termination.

15 5. The Commission shall not bear any costs incurred by  
16 the state that is found to be in default or that 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 United States District

1 Court for the State of Georgia or the federal district  
2 where the Compact has its principal offices. The  
3 prevailing member shall be awarded all costs of such  
4 litigation, 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 that 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 that 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 that 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 that has been previously adopted by  
5 the Commission shall have the full force and effect of law on  
6 the day on which 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 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 Compact prior to  
16           the effective date of withdrawal.

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





# H.B. NO. 839

**Report Title:**

Psychology Interjurisdictional Compact; Adoption

**Description:**

Adopts the Psychology Interjurisdictional Compact to allow a person authorized to practice psychology in a compact state in which the person is not licensed.

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

