



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 30 days within a calendar year in  
12 the performance of their psychological practice as assigned by  
13 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.

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 FBI, or other designee with similar  
11 authority, in connection with arrests and, in some instances,  
12 federal employment, naturalization, or military service.

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

17 Q. "Interjurisdictional Practice Certificate (IPC)" means:  
18 a certificate issued by the Association of State and Provincial  
19 Psychology Boards (ASPPB) that grants temporary authority 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 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, 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           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           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
- 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
- 3           doctoral degrees and a minimum of one academic
- 4           year of full-time graduate study for master's
- 5           degrees; 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. Have no history of adverse action that violates the
- 12       Rules of the Commission;
- 13       5. Have no criminal record history that violates the
- 14       Rules of the Commission;
- 15       6. Possess a current, active IPC;
- 16       7. Provide attestations in regard to areas of intended
- 17       practice and work experience and provide a release of
- 18       information to allow for primary source verification
- 19       in a manner specified by the Commission; and
- 20       8. Meet other criteria as defined by the Rules of the
- 21       Commission.



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

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

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

20 **ARTICLE VI**

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





1 take adverse action against a psychologist based on an adverse  
2 action taken by a Distant State regarding temporary in-person,  
3 face-to-face practice.

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

- 10 1. All Home State disciplinary orders which impose  
11 adverse action shall be reported to the Commission in  
12 accordance with the Rules promulgated by the  
13 Commission. A Compact State shall report adverse  
14 actions in accordance with the Rules of the  
15 Commission;
- 16 2. In the event discipline is reported on a psychologist,  
17 the psychologist will not be eligible for  
18 telepsychology or temporary in-person, face-to-face  
19 practice in accordance with the Rules of the  
20 Commission; and



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

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

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

18          F. Nothing in this Compact shall override a Compact  
19 State's decision that a psychologist's participation in an  
20 alternative program may be used in lieu of adverse action and  
21 that such participation shall remain non-public if required by



1 the Compact State's law. Compact States must require  
2 psychologists who enter any alternative programs to not provide  
3 telepsychology services under the Authority to Practice  
4 Interjurisdictional Telepsychology or provide temporary  
5 psychological services under the Temporary Authorization to  
6 Practice in any other Compact State during the term of the  
7 alternative program.

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

11 **ARTICLE VIII**

12 **ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY**  
13 **REGULATORY AUTHORITY**

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

17 1. Issue subpoenas, for both hearings and investigations,  
18 which require the attendance and testimony of  
19 witnesses and the production of evidence. Subpoenas  
20 issued by a Compact State's Psychology Regulatory  
21 Authority for the attendance and testimony of



1 witnesses, and/or the production of evidence from  
2 another Compact State shall be enforced in the latter  
3 state by any court of competent jurisdiction,  
4 according to that court's practice and procedure in  
5 considering subpoenas issued in its own proceedings.  
6 The issuing State Psychology Regulatory Authority  
7 shall pay any witness fees, travel expenses, mileage  
8 and other fees required by the service statutes of the  
9 state where the witnesses and/or evidence are located;

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

14 3. During the course of any investigation, a psychologist  
15 may not change his/her Home State licensure. A Home  
16 State Psychology Regulatory Authority is authorized to  
17 complete any pending investigations of a psychologist  
18 and to take any actions appropriate under its law.  
19 The Home State Psychology Regulatory Authority shall  
20 promptly report the conclusions of such investigations  
21 to the Commission. Once an investigation has been



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

#### 13 ARTICLE IX

#### 14 COORDINATED LICENSURE INFORMATION SYSTEM

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



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

- 5           1. Identifying information;
- 6           2. Licensure data;
- 7           3. Significant investigatory information;
- 8           4. Adverse actions against a psychologist's license;
- 9           5. An indicator that a psychologist's Authority to  
10           Practice Interjurisdictional Telepsychology and/or  
11           Temporary Authorization to Practice is revoked;
- 12           6. Non-confidential information related to alternative  
13           program participation information;
- 14           7. Any denial of application for licensure, and the  
15           reasons for such denial; and
- 16           8. Other information which may facilitate the  
17           administration of this Compact, as determined by the  
18           Rules of the Commission.

19           C. The Coordinated Database administrator shall promptly  
20 notify all Compact States of any adverse action taken against,



1 or significant investigative information on, any licensee in a  
2 Compact State.

3 D. Compact States reporting information to the Coordinated  
4 Database may designate information that may not be shared with  
5 the public without the express permission of the Compact State  
6 reporting the information.

7 E. Any information submitted to the Coordinated Database  
8 that is subsequently required to be expunged by the law of the  
9 Compact State reporting the information shall be removed from  
10 the Coordinated Database.

11 **ARTICLE X**

12 **ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT**

13 **COMMISSION**

14 A. The Compact States hereby create and establish a joint  
15 public agency known as the Psychology Interjurisdictional  
16 Compact Commission.

- 17 1. The Commission is a body politic and an  
18 instrumentality of the Compact States;
- 19 2. Venue is proper and judicial proceedings by or against  
20 the Commission shall be brought solely and exclusively  
21 in a court of competent jurisdiction where the



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

- 5 3. Nothing in this Compact shall be construed to be a  
6 waiver of sovereign immunity.

7 B. Membership, Voting, and Meetings:

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

- 15 a. Executive Director, Executive Secretary or  
16 similar executive;  
17 b. Current member of the State Psychology Regulatory  
18 Authority of a Compact State; or  
19 c. Designee empowered with the appropriate delegate  
20 authority to act on behalf of the Compact State;



- 1           2. Any Commissioner may be removed or suspended from  
2           office as provided by the law of the state from which  
3           the Commissioner is appointed. Any vacancy occurring  
4           in the Commission shall be filled in accordance with  
5           the laws of the Compact State in which the vacancy  
6           exists;
- 7           3. Each Commissioner shall be entitled to one (1) vote  
8           with regard to the promulgation of Rules and creation  
9           of Bylaws and shall otherwise have an opportunity to  
10          participate in the business and affairs of the  
11          Commission. A Commissioner shall vote in person or by  
12          such other means as provided in the Bylaws. The  
13          Bylaws may provide for Commissioners' participation in  
14          meetings by telephone or other means of communication;
- 15          4. The Commission shall meet at least once during each  
16          calendar year. Additional meetings shall be held as  
17          set forth in the Bylaws;
- 18          5. All meetings shall be open to the public, and public  
19          notice of meetings shall be given in the same manner  
20          as required under the rulemaking provisions in Article  
21          XI;



- 1           6. The Commission may convene in a closed, non-public  
2 meeting if the Commission must discuss:
- 3           a. Non-compliance of a Compact State with its  
4 obligations under the Compact;
- 5           b. The employment, compensation, discipline or other  
6 personnel matters, practices or procedures  
7 related to specific employees or other matters  
8 related to the Commission's internal personnel  
9 practices and procedures;
- 10          c. Current, threatened, or reasonably anticipated  
11 litigation against the Commission;
- 12          d. Negotiation of contracts for the purchase or sale  
13 of goods, services or real estate;
- 14          e. Accusation against any person of a crime or  
15 formally censuring any person;
- 16          f. Disclosure of trade secrets or commercial or  
17 financial information which is privileged or  
18 confidential;
- 19          g. Disclosure of information of a personal nature  
20 where disclosure would constitute a clearly  
21 unwarranted invasion of personal privacy;



- 1           h. Disclosure of investigatory records compiled for  
2           law enforcement purposes;
- 3           i. Disclosure of information related to any  
4           investigatory reports prepared by or on behalf of  
5           or for use of the Commission or other committee  
6           charged with responsibility for investigation or  
7           determination of compliance issues pursuant to  
8           the Compact; or
- 9           j. Matters specifically exempted from disclosure by  
10          federal and state statute; and
- 11         7. If a meeting, or portion of a meeting, is closed  
12          pursuant to this provision, the Commission's legal  
13          counsel or designee shall certify that the meeting may  
14          be closed and shall reference each relevant exempting  
15          provision. The Commission shall keep minutes which  
16          fully and clearly describe all matters discussed in a  
17          meeting and shall provide a full and accurate summary  
18          of actions taken, of any person participating in the  
19          meeting, and the reasons therefore, including a  
20          description of the views expressed. All documents  
21          considered in connection with an action shall be



1 identified in such minutes. All minutes and documents  
2 of a closed meeting shall remain under seal, subject  
3 to release only by a majority vote of the Commission  
4 or order of a court of competent jurisdiction.

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

- 10 1. Establishing the fiscal year of the Commission;
- 11 2. Providing reasonable standards and procedures:
  - 12 a. For the establishment and meetings of other
  - 13 committees; and
  - 14 b. Governing any general or specific delegation of
  - 15 any authority or function of the Commission;
- 16 3. Providing reasonable procedures for calling and
- 17 conducting meetings of the Commission, ensuring
- 18 reasonable advance notice of all meetings and
- 19 providing an opportunity for attendance of such
- 20 meetings by interested parties, with enumerated
- 21 exceptions designed to protect the public's interest,



1 the privacy of individuals of such proceedings, and  
2 proprietary information, including trade secrets. The  
3 Commission may meet in closed session only after a  
4 majority of the Commissioners vote to close a meeting  
5 to the public in whole or in part. As soon as  
6 practicable, the Commission must make public a copy of  
7 the vote to close the meeting revealing the vote of  
8 each Commissioner with no proxy votes allowed;

9 4. Establishing the titles, duties and authority and  
10 reasonable procedures for the election of the officers  
11 of the Commission;

12 5. Providing reasonable standards and procedures for the  
13 establishment of the personnel policies and programs  
14 of the Commission. Notwithstanding any civil service  
15 or other similar law of any Compact State, the Bylaws  
16 shall exclusively govern the personnel policies and  
17 programs of the Commission;

18 6. Promulgating a Code of Ethics to address permissible  
19 and prohibited activities of Commission members and  
20 employees;



- 1           7. Providing a mechanism for concluding the operations of
- 2           the Commission and the equitable disposition of any
- 3           surplus funds that may exist after the termination of
- 4           the Compact after the payment and/or reserving of all
- 5           of its debts and obligations;
- 6           8. The Commission shall publish its Bylaws in a
- 7           convenient form and file a copy thereof and a copy of
- 8           any amendment thereto, with the appropriate agency or
- 9           officer in each of the Compact States;
- 10          9. The Commission shall maintain its financial records in
- 11          accordance with the Bylaws; and
- 12          10. The Commission shall meet and take such actions as are
- 13          consistent with the provisions of this Compact and the
- 14          Bylaws.
- 15          D. The Commission shall have the following powers:
- 16           1. The authority to promulgate uniform rules to
- 17           facilitate and coordinate implementation and
- 18           administration of this Compact. The rule shall have
- 19           the force and effect of law and shall be binding in
- 20           all Compact States;



- 1           2. To bring and prosecute legal proceedings or actions in  
2           the name of the Commission, provided that the standing  
3           of any State Psychology Regulatory Authority or other  
4           regulatory body responsible for psychology licensure  
5           to sue or be sued under applicable law shall not be  
6           affected;
- 7           3. To purchase and maintain insurance and bonds;
- 8           4. To borrow, accept or contract for services of  
9           personnel, including, but not limited to, employees of  
10          a Compact State;
- 11          5. To hire employees, elect or appoint officers, fix  
12          compensation, define duties, grant such individuals  
13          appropriate authority to carry out the purposes of the  
14          Compact, and to establish the Commission's personnel  
15          policies and programs relating to conflicts of  
16          interest, qualifications of personnel, and other  
17          related personnel matters;
- 18          6. To accept any and all appropriate donations and grants  
19          of money, equipment, supplies, materials and services,  
20          and to receive, utilize and dispose of the same;  
21          provided that at all times the Commission shall strive



- 1 to avoid any appearance of impropriety and/or conflict  
2 of interest;
- 3 7. To lease, purchase, accept appropriate gifts or  
4 donations of, or otherwise to own, hold, improve or  
5 use, any property, real, personal or mixed; provided  
6 that at all times the Commission shall strive to avoid  
7 any appearance of impropriety;
- 8 8. To sell, convey, mortgage, pledge, lease, exchange,  
9 abandon or otherwise dispose of any property real,  
10 personal or mixed;
- 11 9. To establish a budget and make expenditures;
- 12 10. To borrow money;
- 13 11. To appoint committees, including advisory committees  
14 comprised of Members, State regulators, State  
15 legislators or their representatives, and consumer  
16 representatives, and such other interested persons as  
17 may be designated in this Compact and the Bylaws;
- 18 12. To provide and receive information from, and to  
19 cooperate with, law enforcement agencies;
- 20 13. To adopt and use an official seal; and



1           14. To perform such other functions as may be necessary or  
2           appropriate to achieve the purposes of this Compact  
3           consistent with the state regulation of psychology  
4           licensure, temporary in-person, face-to-face practice  
5           and telepsychology practice.

6           E. The Executive Board

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

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

11           a. Five voting members who are elected from the  
12           current membership of the Commission by the  
13           Commission;

14           b. One ex-officio, nonvoting member from the  
15           recognized membership organization composed of  
16           State and Provincial Psychology Regulatory  
17           Authorities;

18          2. The ex-officio member must have served as staff or  
19           member on a State Psychology Regulatory Authority and  
20           will be selected by its respective organization;



- 1           3. The Commission may remove any member of the Executive
- 2           Board as provided in Bylaws;
- 3           4. The Executive Board shall meet at least annually; and
- 4           5. The Executive Board shall have the following duties
- 5           and responsibilities:
- 6           a. Recommend to the entire Commission changes to the
- 7           Rules or Bylaws, changes to this Compact
- 8           legislation, fees paid by Compact States such as
- 9           annual dues, and any other applicable fees;
- 10          b. Ensure Compact administration services are
- 11          appropriately provided, contractual or otherwise;
- 12          c. Prepare and recommend the budget;
- 13          d. Maintain financial records on behalf of the
- 14          Commission;
- 15          e. Monitor Compact compliance of member states and
- 16          provide compliance reports to the Commission;
- 17          f. Establish additional committees as necessary; and
- 18          g. Other duties as provided in Rules or Bylaws.
- 19          F. Financing of the Commission:



- 1           1. The Commission shall pay, or provide for the payment  
2           of the reasonable expenses of its establishment,  
3           organization and ongoing activities;
- 4           2. The Commission may accept any and all appropriate  
5           revenue sources, donations and grants of money,  
6           equipment, supplies, materials and services;
- 7           3. The Commission may levy on and collect an annual  
8           assessment from each Compact State or impose fees on  
9           other parties to cover the cost of the operations and  
10          activities of the Commission and its staff which must  
11          be in a total amount sufficient to cover its annual  
12          budget as approved each year for which revenue is not  
13          provided by other sources. The aggregate annual  
14          assessment amount shall be allocated based upon a  
15          formula to be determined by the Commission which shall  
16          promulgate a rule binding upon all Compact States;
- 17          4. The Commission shall not incur obligations of any kind  
18          prior to securing the funds adequate to meet the same;  
19          nor shall the Commission pledge the credit of any of  
20          the Compact States, except by and with the authority  
21          of the Compact State; and



1           5. The Commission shall keep accurate accounts of all  
2           receipts and disbursements. The receipts and  
3           disbursements of the Commission shall be subject to  
4           the audit and accounting procedures established under  
5           its Bylaws. However, all receipts and disbursements  
6           of funds handled by the Commission shall be audited  
7           yearly by a certified or licensed public accountant  
8           and the report of the audit shall be included in and  
9           become part of the annual report of the Commission.

10          G. Qualified Immunity, Defense, and Indemnification

11           1. The members, officers, Executive Director, employees  
12           and representatives of the Commission shall be immune  
13           from suit and liability, either personally or in their  
14           official capacity, for any claim for damage to or loss  
15           of property or personal injury or other civil  
16           liability caused by or arising out of any actual or  
17           alleged act, error or omission that occurred, or that  
18           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 in this



1 paragraph shall be construed to protect any such  
2 person from suit and/or liability for any damage,  
3 loss, injury or liability caused by the intentional or  
4 willful or wanton misconduct of that person;

5 2. The Commission shall defend any member, officer,  
6 Executive Director, employee or representative of the  
7 Commission in any civil action seeking to impose  
8 liability arising out of any actual or alleged act,  
9 error or omission that occurred within the scope of  
10 Commission employment, duties or responsibilities, or  
11 that the person against whom the claim is made had a  
12 reasonable basis for believing occurred within the  
13 scope of Commission employment, duties or  
14 responsibilities; provided that nothing herein shall  
15 be construed to prohibit that person from retaining  
16 his or her own counsel; and provided further, that the  
17 actual or alleged act, error or omission did not  
18 result from that person's intentional or willful or  
19 wanton misconduct; and

20 3. The Commission shall indemnify and hold harmless any  
21 member, officer, Executive Director, employee or



1 representative of the Commission for the amount of any  
2 settlement or judgment obtained against that person  
3 arising out of any actual or alleged act, error or  
4 omission that occurred within the scope of Commission  
5 employment, duties or responsibilities, or that such  
6 person had a reasonable basis for believing occurred  
7 within the scope of Commission employment, duties or  
8 responsibilities; provided that the actual or alleged  
9 act, error or omission did not result from the  
10 intentional or willful or wanton misconduct of that  
11 person.

12 **ARTICLE XI**

13 **RULEMAKING**

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

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



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

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

- 7 1. On the website of the Commission; and  
8 2. On the website of each Compact State's Psychology  
9 Regulatory Authority or the publication in which each  
10 state would otherwise publish proposed rules.

11 E. The Notice of Proposed Rulemaking shall include:

- 12 1. The proposed time, date, and location of the meeting  
13 in which the rule will be considered and voted upon;  
14 2. The text of the proposed rule or amendment and the  
15 reason for the proposed rule;  
16 3. A request for comments on the proposed rule from any  
17 interested person; and  
18 4. The manner in which interested persons may submit  
19 notice to the Commission of their intention to attend  
20 the public hearing and any written comments.



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

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

- 7 1. At least twenty-five (25) persons who submit comments  
8 independently of each other;
- 9 2. A governmental subdivision or agency; or
- 10 3. A duly appointed person in an association that has at  
11 least twenty-five (25) members.

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

- 15 1. All persons wishing to be heard at the hearing shall  
16 notify the Executive Director of the Commission or  
17 other designated member in writing of their desire to  
18 appear and testify at the hearing not less than five  
19 (5) business days before the scheduled date of the  
20 hearing;



- 1           2. Hearings shall be conducted in a manner providing each  
2           person who wishes to comment a fair and reasonable  
3           opportunity to comment orally or in writing;
- 4           3. No transcript of the hearing is required, unless a  
5           written request for a transcript is made, in which  
6           case the person requesting the transcript shall bear  
7           the cost of producing the transcript. A recording may  
8           be made in lieu of a transcript under the same terms  
9           and conditions as a transcript. This subsection shall  
10          not preclude the Commission from making a transcript  
11          or recording of the hearing if it so chooses; and
- 12          4. Nothing in this section shall be construed as  
13          requiring a separate hearing on each rule. Rules may  
14          be grouped for the convenience of the Commission at  
15          hearings required by this section.
- 16          I. Following the scheduled hearing date, or by the close  
17          of business on the scheduled hearing date if the hearing was not  
18          held, the Commission shall consider all written and oral  
19          comments received.
- 20          J. The Commission shall, by majority vote of all members,  
21          take final action on the proposed rule and shall determine the



1 effective date of the rule, if any, based on the rulemaking  
2 record and the full text of the rule.

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

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

- 16 1. Meet an imminent threat to public health, safety, or  
17 welfare;
- 18 2. Prevent a loss of Commission or Compact State funds;
- 19 3. Meet a deadline for the promulgation of an  
20 administrative rule that is established by federal law  
21 or rule; or





1 appropriate to effectuate the Compact's purposes and  
2 intent. The provisions of this Compact and the rules  
3 promulgated hereunder shall have standing as statutory  
4 law;

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

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

18 B. Default, Technical Assistance, and Termination:

19 1. If the Commission determines that a Compact State has  
20 defaulted in the performance of its obligations or



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

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

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

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

19 3. Termination of membership in the Compact shall be  
20 imposed only after all other means of securing  
21 compliance have been exhausted. Notice of intent to



1 suspend or terminate shall be submitted by the  
2 Commission to the Governor, the majority and minority  
3 leaders of the defaulting state's legislature, and  
4 each of the Compact States;

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

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

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

21 C. Dispute Resolution:



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

5           2. The Commission shall promulgate a rule providing for  
6           both mediation and binding dispute resolution for  
7           disputes that arise before the Commission.

8           D. Enforcement:

9           1. The Commission, in the reasonable exercise of its  
10          discretion, shall enforce the provisions and Rules of  
11          this Compact;

12          2. By majority vote, the Commission may initiate legal  
13          action in the United States District Court for the  
14          State of Georgia or the federal district where the  
15          Compact has its principal offices against a Compact  
16          State in default to enforce compliance with the  
17          provisions of the Compact and its promulgated Rules  
18          and Bylaws. The relief sought may include both  
19          injunctive relief and damages. In the event judicial  
20          enforcement is necessary, the prevailing member shall



1 be awarded all costs of such litigation, including  
2 reasonable attorney's fees; and  
3 3. The remedies herein shall not be the exclusive  
4 remedies of the Commission. The Commission may pursue  
5 any other remedies available under federal or state  
6 law.

7 **ARTICLE XIII**

8 **DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL**  
9 **COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND**  
10 **AMENDMENTS**

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

18 B. Any state which joins the Compact subsequent to the  
19 Commission's initial adoption of the rules shall be subject to  
20 the rules as they exist on the date on which the Compact becomes  
21 law in that state. Any rule which has been previously adopted



1 by the Commission shall have the full force and effect of law on  
2 the day the Compact becomes law in that state.

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

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

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

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

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



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ARTICLE XIV

CONSTRUCTION AND SEVERABILITY

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

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

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY: 



**Report Title:**

DCCA; Psychology Interjurisdictional Compact (PSYPACT);  
Adoption; Rules

**Description:**

Adopts the Psychology Interjurisdictional Compact to regulate the practice of telepsychology and temporary in-person, face-to-face practice of psychology by psychologists across state boundaries in the performance of their psychological practice. 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.*

