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# A BILL FOR AN ACT

RELATING TO THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. The legislature finds that safeguarding,  
2 enhancing, and prioritizing the mental health of the people is  
3 essential not only for the well-being of individuals but also  
4 for the broader public interest. Protection of mental health  
5 contributes to a healthier, more resilient society, benefiting  
6 all members of the community.

7 The legislature recognizes that there is a growing demand  
8 for mental health care services, particularly on the neighbor  
9 islands and in rural and underserved areas. Despite this need,  
10 the current shortage of mental health professionals and services  
11 fails to meet the increasing demand, leaving countless  
12 individuals without the critical care they deserve. This lack  
13 of access disproportionately affects vulnerable populations,  
14 such as the elderly, those with mobility challenges, and youth  
15 who face identity-based harassment or rejection.

16 The legislature also finds reports of neighbor island  
17 communities experiencing a critical lack of access to care for



1 the mental and physical well-being of vulnerable members of the  
2 LGBTQ+ community, particularly youth, who face alarmingly high  
3 rates of suicide attempts. Accessing mental health care  
4 services provided by licensed psychologists is crucial to  
5 providing essential care and ultimately lowering the suicide  
6 rates within this vulnerable population.

7 The legislature further finds that over forty states have  
8 already joined the psychology interjurisdictional compact to  
9 address similar issues of access. Participating in this compact  
10 will enable vulnerable kamaaina to return home without risking  
11 the loss of critical relationships with long time therapists and  
12 counselors and help Hawaii meet the growing demand for mental  
13 health care needs by reducing barriers for mental health  
14 professionals to practice and providing residents with access to  
15 a broader pool of qualified mental health professionals through  
16 telepsychology and temporary in-person services.

17 Accordingly, the purpose of this Act is to:

18 (1) Adopt the psychology interjurisdictional compact to  
19 regulate the day-to-day practice of telepsychology by  
20 psychologists across state boundaries in the  
21 performance of their psychological practice; and



1 (2) Require the department of commerce and consumer  
2 affairs to adopt rules to implement and administer the  
3 compact.

4 SECTION 2. The Hawaii Revised Statutes is amended by  
5 adding a new chapter to be appropriately designated and to read  
6 as follows:

## "CHAPTER

## PSYCHOLOGY INTERJURISDICTIONAL COMPACT

9           § -1. **Short title.** This chapter may be cited as the  
10 psychology interjurisdictional compact.

11                   § -2. Terms and provisions of compact; authorization;

12 **governor.** The legislature hereby authorizes the governor to

13 enter into a compact on behalf of the State of Hawaii with any

14 other state legally joining therein, in the form substantially

15 as follows:

## PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)

## ARTICLE I

## PURPOSE

19 Whereas, states license psychologists, in order to protect  
20 the public through verification of education, training and



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  
4       in-person, face-to-face practice, it does allow for  
5       authorization 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 (6) Invest all compact states with the authority to hold  
2 licensed psychologists accountable through the mutual  
3 recognition of compact state licenses.

### ARTICLE II

## DEFINITIONS

6 "Adverse action" means any action taken by a state  
7 psychology regulatory authority which finds a violation of a  
8 statute or regulation that is identified by the state psychology  
9 regulatory authority as discipline and is a matter of public  
10 record.

11 "Association of state and provincial psychology boards"  
12 means the recognized membership organization composed of state  
13 and provincial psychology regulatory authorities responsible for  
14 the licensure and registration of psychologists throughout the  
15 United States and Canada.

16 "Authority to practice interjurisdictional telepsychology"  
17 means a licensed psychologist's authority to practice  
18 telepsychology, within the limits authorized under this compact,  
19 in another compact state.

20 "Bylaws" means those bylaws established by the psychology  
21 interjurisdictional compact commission pursuant to article X for



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 article  
9 X.

10 "Compact state" means a state, the District of Columbia, or  
11 United States territory that has enacted this compact  
12 legislation and that has not withdrawn pursuant to article XIII,  
13 subsection (c) or been terminated pursuant to article XII,  
14 subsection (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 and/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  
9    in-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 authorization to practice interjurisdictional  
2 telepsychology, the home state is the compact state where the  
3 psychologist is physically present when the telepsychological  
4 services are delivered. If the psychologist is licensed in more  
5 than one 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 and which does not include interactions that may occur  
16 through the use of telecommunication technologies.

17 "Interjurisdictional practice certificate" or "IPC" means a  
18 certificate issued by the association of state and provincial  
19 psychology boards that grants temporary authority to practice  
20 based on notification to the state psychology regulatory



1 authority of intention to practice temporarily, and verification  
2 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 which is not at the  
7 time 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 and/or had an  
15 opportunity to respond.

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

### ARTICLE III

### 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



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 TPC:

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;



- (4) Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of the compact; and
- (5) Complies with the bylaws and rules of the commission.

## ARTICLE IV

## COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY



- 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 subparagraph (A) above by a foreign
  - 11                   credential evaluation service that is a member of
  - 12                   the 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, shall be clearly identified and labeled
  - 19                   as a psychology program. Such a program must
  - 20                   specify in pertinent institutional catalogues and





1 (H) The program shall 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 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 that 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 shall 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.



## ARTICLE V

**COMPACT TEMPORARY AUTHORIZATION TO PRACTICE**

15 (b) To exercise the temporary authorization to practice  
16 under the terms and provisions of this compact, a psychologist  
17 licensed to practice in a compact state shall:

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





- 1 (B) The psychology program shall stand as a  
2 recognizable, coherent, organizational entity  
3 within the institution;
- 4 (C) There shall 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 shall consist of an integrated,  
9 organized sequence of study;
- 10 (E) There shall 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 shall be a  
14 psychologist and a member of the core faculty;
- 15 (G) The program shall have an identifiable body of  
16 students who are matriculated in that program for  
17 a degree;
- 18 (H) The program shall 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 that 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 shall 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.

## ARTICLE VI

## 21 CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE



1       A psychologist may practice in a receiving state under the  
2 authority to practice interjurisdictional telepsychology only in  
3 the performance of the scope of practice for psychology as  
4 assigned by an appropriate state psychology regulatory  
5 authority, as defined in the rules of the commission and under  
6 the following circumstances:

7           (1) The psychologist initiates a client/patient contact in  
8           a home state via telecommunications technologies with  
9           a client/patient in a receiving state; and  
10          (2) Other conditions regarding telepsychology as  
11           determined by rules promulgated by the commission.

## 12           **ARTICLE VII**

### 13           **ADVERSE ACTIONS**

14          (a) A home state shall have the power to impose adverse  
15 action against a psychologist's license issued by the home  
16 state. A distant state shall have the power to take adverse  
17 action on a psychologist's temporary authorization to practice  
18 within that distant state.

19          (b) A receiving state may take adverse action on a  
20 psychologist's authority to practice interjurisdictional  
21 telepsychology within that receiving state. A home state may



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 shall be terminated  
7 and the E.Passport is revoked. Furthermore, that psychologist's  
8 temporary authorization to practice shall be terminated and the  
9 IPC is revoked and;

10 (1) All home state disciplinary orders that impose adverse  
11 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 shall 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



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 that 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  
11 shall investigate and take appropriate action with respect to  
12 reported inappropriate conduct engaged in by a psychologist  
13 practicing under temporary authorization to practice that  
14 occurred in that distant state as it would if such conduct had  
15 been engaged in by a licensee within the home state. In such  
16 cases, the distant state's law shall control in determining any  
17 adverse action against a psychologist's temporary authorization  
18 to practice.

19 (f) Nothing in this compact shall override a compact  
20 state's decision that a psychologist's participation in an  
21 alternative program may be used in lieu of adverse action and



1 that such participation shall remain non-public if required by  
2 the compact state's law. Compact states shall require  
3 psychologists who enter any alternative programs to not provide  
4 telepsychology services under the authority to practice  
5 interjurisdictional telepsychology or provide temporary  
6 psychological services under the temporary authorization to  
7 practice in any other compact state during the term of the  
8 alternative program.

9 (g) No other judicial or administrative remedies shall be  
10 available to a psychologist in the event a compact state imposes  
11 an adverse action pursuant to subsection (c).

## 12 **ARTICLE VIII**

### 13 **ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY**

#### 14 **REGULATORY AUTHORITY**

15 (a) In addition to any other powers granted under state  
16 law, a compact state's psychology regulatory authority shall  
17 have the authority under this compact to:

18 (1) Issue subpoenas, for both hearings and investigations,  
19 which require the attendance and testimony of  
20 witnesses and the production of evidence. Subpoenas  
21 issued by a compact state's psychology regulatory



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

11 (2) Issue cease and desist and/or injunctive relief orders  
12 to revoke a psychologist's authority to practice  
13 interjurisdictional telepsychology and/or temporary  
14 authorization to practice.

15 (b) During the course of any investigation, a psychologist  
16 may not change the psychologist's home state licensure. A home  
17 state psychology regulatory authority is authorized to complete  
18 any pending investigations of a psychologist and to take any  
19 actions appropriate under its law. The home state psychology  
20 regulatory authority shall promptly report the conclusions of  
21 such investigations to the commission. Once an investigation



1 has been completed, and pending the outcome of said  
2 investigation, the psychologist may change the psychologist's  
3 home state licensure. The commission shall promptly notify the  
4 new home state of any such decisions as provided in the rules of  
5 the commission. All information provided to the commission or  
6 distributed by compact states pursuant to the psychologist shall  
7 be confidential, filed under seal and used for investigatory or  
8 disciplinary matters. The commission may create additional  
9 rules for mandated or discretionary sharing of information by  
10 compact states.

11 **ARTICLE IX**

12 **COORDINATED LICENSURE INFORMATION SYSTEM**

13 (a) The commission shall provide for the development and  
14 maintenance of a coordinated licensure information system and  
15 reporting system containing licensure and disciplinary action  
16 information on all psychologists and individuals to whom this  
17 compact is applicable in all compact states as defined by the  
18 rules of the commission.

19 (b) Notwithstanding any other provision of state law to  
20 the contrary, a compact state shall submit a uniform data set to



1 the coordinated database on all licensees as required by the  
2 rules of the commission, including:

3 (1) Identifying information;

4 (2) Licensure data;

5 (3) Significant investigatory information;

6 (4) Adverse actions against a psychologist's license;

7 (5) An indicator that a psychologist's authority to  
8 practice interjurisdictional telepsychology and/or  
9 temporary authorization to practice is revoked;

10 (6) Non-confidential information related to alternative  
11 program participation information;

12 (7) Any denial of application for licensure, and the  
13 reasons for such denial; and

14 (8) Other information which may facilitate the  
15 administration of this compact, as determined by the  
16 rules of the commission.

17 (c) The coordinated database administrator shall promptly  
18 notify all compact states of any adverse action taken against,  
19 or significant investigative information on, any licensee in a  
20 compact state.



5 (e) Any information submitted to the coordinated database  
6 that is subsequently required to be expunged by the law of the  
7 compact state reporting the information shall be removed from  
8 the coordinated database.

## ARTICLE X

10 ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT  
11 COMMISSION

12 (a) The compact states hereby create and establish a joint  
13 public agency known as the psychology interjurisdictional  
14 compact commission;

15 (1) The commission is a body politic and an  
16 instrumentality of the compact states;  
17 (2) Venue is proper and judicial proceedings by or against  
18 the commission shall be brought solely and exclusively  
19 in a court of competent jurisdiction where the  
20 principal office of the commission is located. The  
21 commission may waive venue and jurisdictional defenses



1 to the extent it adopts or consents to participate in  
2 alternative dispute resolution proceedings; and  
3 (3) Nothing in this compact shall be construed to be a  
4 waiver of sovereign immunity.  
5 (b) Membership, voting, and meetings:  
6 (1) The commission shall consist of one voting  
7 representative appointed by each compact state who  
8 shall serve as that state's commissioner. The state  
9 psychology regulatory authority shall appoint its  
10 delegate. This delegate shall be empowered to act on  
11 behalf of the compact state. This delegate shall be  
12 limited to:  
13 (A) The executive director, executive secretary or  
14 similar executive;  
15 (B) The current member of the state psychology  
16 regulatory authority of a compact state; or  
17 (C) A designee empowered with the appropriate  
18 delegate authority to act on behalf of the  
19 compact state;  
20 (2) Any commissioner may be removed or suspended from  
21 office as provided by the law of the state from which



1 the commissioner is appointed. Any vacancy occurring  
2 in the commission shall be filled in accordance with  
3 the laws of the compact state in which the vacancy  
4 exists;

5 (3) Each commissioner shall be entitled to one vote with  
6 regard to the promulgation of rules and creation of  
7 bylaws and shall otherwise have an opportunity to  
8 participate in the business and affairs of the  
9 commission. A commissioner shall vote in person or by  
10 such other means as provided in the bylaws. The  
11 bylaws may provide for commissioners' participation in  
12 meetings by telephone or other means of communication;

13 (4) The commission shall meet at least once during each  
14 calendar year. Additional meetings shall be held as  
15 set forth in the bylaws;

16 (5) All meetings shall be open to the public, and public  
17 notice of meetings shall be given in the same manner  
18 as required under the rulemaking provisions in article  
19 XI;

20 (6) The commission may convene in a closed, non-public  
21 meeting if the commission must discuss:



- 1 (A) Non-compliance of a compact state with its
- 2 obligations under the compact;
- 3 (B) The employment, compensation, discipline or other
- 4 personnel matters, practices, or procedures
- 5 related to specific employees or other matters
- 6 related to the commission's internal personnel
- 7 practices and procedures;
- 8 (C) Current, threatened, or reasonably anticipated
- 9 litigation against the commission;
- 10 (D) Negotiation of contracts for the purchase or sale
- 11 of goods, services, or real estate;
- 12 (E) Accusation against any person of a crime or
- 13 formally censuring any person;
- 14 (F) Disclosure of trade secrets or commercial or
- 15 financial information that is privileged or
- 16 confidential;
- 17 (G) Disclosure of information of a personal nature
- 18 where disclosure would constitute a clearly
- 19 unwarranted invasion of personal privacy;
- 20 (H) Disclosure of investigatory records compiled for
- 21 law enforcement purposes;



1 (I) Disclosure of information related to any  
2 investigatory reports prepared by or on behalf of  
3 or for use of the commission or other committee  
4 charged with responsibility for investigation or  
5 determination of compliance issues pursuant to  
6 the compact; or

7 (J) Matters specifically exempted from disclosure by  
8 federal and state statute; and

9 (7) If a meeting, or portion of a meeting, is closed  
10 pursuant to this subsection, the commission's legal  
11 counsel or designee shall certify that the meeting may  
12 be closed and shall reference each relevant exempting  
13 provision. The commission shall keep minutes which  
14 fully and clearly describe all matters discussed in a  
15 meeting and shall provide a full and accurate summary  
16 of actions taken, of any person participating in the  
17 meeting, and the reasons therefore, including a  
18 description of the views expressed. All documents  
19 considered in connection with an action shall be  
20 identified in the minutes. All minutes and documents  
21 of a closed meeting shall remain under seal, subject



1 to release only by a majority vote of the commission  
2 or order of a court of competent jurisdiction.

3 (c) The commission shall, by a majority vote of the  
4 commissioners, prescribe bylaws and/or rules to govern its  
5 conduct as may be necessary or appropriate to carry out the  
6 purposes and exercise the powers of the compact, including but  
7 not limited to:

8 (1) Establishing the fiscal year of the commission;  
9 (2) Providing reasonable standards and procedures:  
10 (A) For the establishment and meetings of other  
11 committees; and  
12 (B) Governing any general or specific delegation of  
13 any authority or function of the commission;  
14 (3) Providing reasonable procedures for calling and  
15 conducting meetings of the commission, ensuring  
16 reasonable advance notice of all meetings and  
17 providing an opportunity for attendance of such  
18 meetings by interested parties, with enumerated  
19 exceptions designed to protect the public's interest,  
20 the privacy of individuals of such proceedings, and  
21 proprietary information, including trade secrets. The



1 commission may meet in closed session only after a  
2 majority of the commissioners vote to close a meeting  
3 to the public in whole or in part. As soon as  
4 practicable, the commission shall make public a copy  
5 of the vote to close the meeting revealing the vote of  
6 each commissioner with no proxy votes allowed;

7 (4) Establishing the titles, duties, and authority of  
8 officers and reasonable procedures for the election of  
9 the officers of the commission;

10 (5) Providing reasonable standards and procedures for the  
11 establishment of the personnel policies and programs  
12 of the commission. Notwithstanding any civil service  
13 or other similar law of any compact state, the bylaws  
14 shall exclusively govern the personnel policies and  
15 programs of the commission;

16 (6) Promulgating a code of ethics to address permissible  
17 and prohibited activities of commission members and  
18 employees;

19 (7) Providing a mechanism for concluding the operations of  
20 the commission and the equitable disposition of any  
21 surplus funds that may exist after the termination of



1 the compact after the payment and/or reserving of all  
2 of its debts and obligations;

3 (8) The commission shall publish its bylaws in a  
4 convenient form and file a copy thereof and a copy of  
5 any amendment thereto with the appropriate agency or  
6 officer in each of the compact states;

**12** (d) The commission shall have the following powers:

18 (2) To bring and prosecute legal proceedings or actions in  
19 the name of the commission; provided that the standing  
20 of any state psychology regulatory authority or other  
21 regulatory body responsible for psychology licensure



1 to sue or be sued under applicable law shall not be  
2 affected;

3 (3) To purchase and maintain insurance and bonds;

4 (4) To borrow, accept or contract for services of  
5 personnel, including but not limited to employees of a  
6 compact state;

7 (5) To hire employees, elect or appoint officers, fix  
8 compensation, define duties, grant such individuals  
9 appropriate authority to carry out the purposes of the  
10 compact, and to establish the commission's personnel  
11 policies and programs relating to conflicts of  
12 interest, qualifications of personnel, and other  
13 related personnel matters;

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

20 (7) To lease, purchase, accept appropriate gifts or  
21 donations of, or otherwise to own, hold, improve, or



1 use, any property, real, personal, or mixed; provided  
2 that at all times the commission shall strive to avoid  
3 any appearance of impropriety;

4 (8) To sell, convey, mortgage, pledge, lease, exchange,  
5 abandon, or otherwise dispose of any property real,  
6 personal, or mixed;

7 (9) To establish a budget and make expenditures;

8 (10) To borrow money;

9 (11) To appoint committees, including advisory committees  
10 comprised of Members, State regulators, State  
11 legislators or their representatives, and consumer  
12 representatives, and such other interested persons as  
13 may be designated in this compact and the bylaws;

14 (12) To provide and receive information from, and to  
15 cooperate with, law enforcement agencies;

16 (13) To adopt and use an official seal; and

17 (14) To perform such other functions as may be necessary or  
18 appropriate to achieve the purposes of this compact  
19 consistent with the state regulation of psychology  
20 licensure, temporary in-person, face-to-face practice,  
21 and telepsychology practice.





1 (A) Recommend to the entire commission changes to the  
2 rules or bylaws, changes to this compact  
3 legislation, fees paid by compact states such as  
4 annual dues, and any other applicable fees;

5 (B) Ensure compact administration services are  
6 appropriately provided, contractual or otherwise;

7 (C) Prepare and recommend the budget;

8 (D) Maintain financial records on behalf of the  
9 commission;

10 (E) Monitor compact compliance of member states and  
11 provide compliance reports to the commission;

12 (F) Establish additional committees as necessary; and

13 (G) Other duties as provided in rules or bylaws.

14 (f) Financing of the commission:  
15 (1) The commission shall pay, or provide for the payment  
16 of, the reasonable expenses of its establishment,  
17 organization, and ongoing activities;  
18 (2) The commission may accept any and all appropriate  
19 revenue sources, donations and grants of money,  
20 equipment, supplies, materials, and services;



17 (5) The commission shall keep accurate accounts of all  
18 receipts and disbursements. The receipts and  
19 disbursements of the commission shall be subject to  
20 the audit and accounting procedures established under  
21 its bylaws. However, all receipts and disbursements



1 of funds handled by the commission shall be audited  
2 yearly by a certified or licensed public accountant  
3 and the report of the audit shall be included in and  
4 become part of the annual report of the commission.

5 (g) Qualified immunity, defense, and indemnification:  
6 (1) The members, officers, executive director, employees,  
7 and representatives of the commission shall be immune  
8 from suit and liability, either personally or in their  
9 official capacity, for any claim for damage to or loss  
10 of property or personal injury or other civil  
11 liability caused by or arising out of any actual or  
12 alleged act, error, or omission that occurred, or that  
13 the person against whom the claim is made had a  
14 reasonable basis for believing occurred within the  
15 scope of commission employment, duties, or  
16 responsibilities; provided that nothing in this  
17 paragraph shall be construed to protect any such  
18 person from suit and/or liability for any damage,  
19 loss, injury, or liability caused by the intentional  
20 or wilful or wanton misconduct of that person;



1 (2) The commission shall defend any member, officer,  
2 executive director, employee, or representative of the  
3 commission in any civil action seeking to impose  
4 liability arising out of any actual or alleged act,  
5 error, or omission that occurred within the scope of  
6 commission employment, duties, or responsibilities, or  
7 that the person against whom the claim is made had a  
8 reasonable basis for believing occurred within the  
9 scope of commission employment, duties, or  
10 responsibilities; provided that nothing in this  
11 paragraph shall be construed to prohibit that person  
12 from retaining the person's own counsel; provided  
13 further that the actual or alleged act, error or  
14 omission did not result from that person's intentional  
15 or wilful or wanton misconduct; and

16 (3) The commission shall indemnify and hold harmless any  
17 member, officer, executive director, employee, or  
18 representative of the commission for the amount of any  
19 settlement or judgment obtained against that person  
20 arising out of any actual or alleged act, error, or  
21 omission that occurred within the scope of commission



1 employment, duties, or responsibilities, or that such  
2 person had a reasonable basis for believing occurred  
3 within the scope of commission employment, duties, or  
4 responsibilities; provided that the actual or alleged  
5 act, error, or omission did not result from the  
6 intentional or wilful or wanton misconduct of that  
7 person.

8 **ARTICLE XI**

9 **RULEMAKING**

10 (a) The commission shall exercise its rulemaking powers  
11 pursuant to the criteria set forth in this article and the rules  
12 adopted thereunder. Rules and amendments shall become binding  
13 as of the date specified in each rule or amendment.

14 (b) If a majority of the legislatures of the compact  
15 states rejects a rule, by enactment of a statute or resolution  
16 in the same manner used to adopt the compact, then such rule  
17 shall have no further force and effect in any compact state.

18 (c) Rules or amendments to the rules shall be adopted at a  
19 regular or special meeting of the commission.

20 (d) Prior to promulgation and adoption of a final rule or  
21 rules by the commission, and at least sixty days in advance of



1 the meeting at which the rule will be considered and voted upon,

2 the commission shall file a notice of proposed rulemaking:

3 (1) On the website of the commission; and

4 (2) On the website of each compact state's psychology

5 regulatory authority or the publication in which each

6 state would otherwise publish proposed rules.

7 (e) The notice of proposed rulemaking shall include:

8 (1) The proposed time, date, and location of the meeting

9 in which the rule will be considered and voted upon;

10 (2) The text of the proposed rule or amendment and the

11 reason for the proposed rule;

12 (3) A request for comments on the proposed rule from any

13 interested person; and

14 (4) The manner in which interested persons may submit

15 notice to the commission of their intention to attend

16 the public hearing and any written comments.

17 (f) Prior to adoption of a proposed rule, the commission

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

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



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

12 (1) All persons wishing to be heard at the hearing shall  
13 notify the executive director of the commission or  
14 other designated member in writing of their desire to  
15 appear and testify at the hearing not less than five  
16 business days before the scheduled date of the  
17 hearing;

18 (2) Hearings shall be conducted in a manner providing each  
19 person who wishes to comment a fair and reasonable  
20 opportunity to comment orally or in writing;





14 (1) Meet an imminent threat to public health, safety, or  
15 welfare;

16 (2) Prevent a loss of commission or compact state funds;

17 (3) Meet a deadline for the promulgation of an  
18 administrative rule that is established by federal law  
19 or rule; or

20 (4) Protect public health and safety.

## ARTICLE XII

## OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

**17** (a) Oversight:

18 (1) The executive, legislative and judicial branches of  
19 state government in each compact state shall enforce  
20 this compact and take all actions necessary and  
21 appropriate to effectuate the compact's purposes and



1 intent. The provisions of this compact and the rules  
2 promulgated hereunder shall have standing as statutory  
3 law;

4 (2) All courts shall take judicial notice of the compact  
5 and the rules in any judicial or administrative  
6 proceeding in a compact state pertaining to the  
7 subject matter of this compact that may affect the  
8 powers, responsibilities, or actions of the  
9 commission; and

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

17 (b) Default, technical assistance, and termination:  
18 (1) If the commission determines that a compact state has  
19 defaulted in the performance of its obligations or  
20 responsibilities under this compact or the promulgated  
21 rules, the commission shall:





1 leaders of the defaulting state's legislature, and  
2 each of the compact states;

3 (4) A compact state that has been terminated is  
4 responsible for all assessments, obligations, and  
5 liabilities incurred through the effective date of  
6 termination, including obligations that extend beyond  
7 the effective date of termination.

8 (5) The commission shall not bear any costs incurred by  
9 the state that is found to be in default or that has  
10 been terminated from the compact, unless agreed upon  
11 in writing between the commission and the defaulting  
12 state; and

13 (6) The defaulting state may appeal the action of the  
14 commission by petitioning the United States District  
15 Court for the state of Georgia or the federal district  
16 where the compact has its principal offices. The  
17 prevailing member shall be awarded all costs of such  
18 litigation, including reasonable attorney's fees.

19 (c) Dispute resolution:

20 (1) Upon request by a compact state, the commission shall  
21 attempt to resolve disputes related to the compact



1 which arise among compact states and between compact  
2 and non-compact states; and

3 (2) The commission shall promulgate a rule providing for  
4 both mediation and binding dispute resolution for  
5 disputes that arise before the commission.

**6 (d) Enforcement:**

7 (1) The commission, in the reasonable exercise of its  
8 discretion, shall enforce the provisions and rules of  
9 this compact;

10 (2) By majority vote, the commission may initiate legal  
11 action in the United States District Court for the  
12 State of Georgia or the federal district where the  
13 compact has its principal offices against a compact  
14 state in default to enforce compliance with the  
15 provisions of the compact and its promulgated rules  
16 and bylaws. The relief sought may include both  
17 injunctive relief and damages. In the event judicial  
18 enforcement is necessary, the prevailing member shall  
19 be awarded all costs of such litigation, including  
20 reasonable attorney's fees; and



### ARTICLE XIII

DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL  
COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND  
AMENDMENTS

16 (b) Any state that joins the compact subsequent to the  
17 commission's initial adoption of the rules shall be subject to  
18 the rules as they exist on the date on which the compact becomes  
19 law in that state. Any rule that has been previously adopted by  
20 the commission shall have the full force and effect of law on  
21 the day the compact becomes law in that state.



1 (c) Any compact state may withdraw from this compact by  
2 enacting a statute repealing the same; provided that:

6 (2) Withdrawal shall not affect the continuing requirement  
7 of the withdrawing State's psychology regulatory  
8 authority to comply with the investigative and adverse  
9 action reporting requirements of this Act prior to the  
10 effective date of withdrawal.

11 (d) Nothing contained in this compact shall be construed  
12 to invalidate or prevent any psychology licensure agreement or  
13 other cooperative arrangement between a compact state and a Non-  
14 compact state that does not conflict with the provisions of this  
15 compact.

16 (e) This compact may be amended by the compact states. No  
17 amendment to this compact shall become effective and binding  
18 upon any compact state until it is enacted into the law of all  
19 compact states.

## ARTICLE XIV

## CONSTRUCTION AND SEVERABILITY



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

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

9       SECTION 3. This Act shall take effect on July 1, 3000.



**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. Effective 7/1/3000. (HD1)

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

