

JAN 21 2026

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 Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 **"CHAPTER**

5 **PSYCHOLOGY INTERJURISDICTIONAL COMPACT**

6 **S -1 Short title.** This chapter may be cited as the
7 Psychology Interjurisdictional Compact.

8 **S -2 Terms and provisions of compact; authorization;**
9 **governor.** The legislature hereby authorizes the governor to
10 enter into a compact on behalf of the State of Hawaii with any
11 other state legally joining therein, in the form substantially
12 as follows:

13 **PSYCHOLOGY INTERJURISDICTIONAL COMPACT**

14 **ARTICLE I**

15 Whereas, states license psychologists in order to protect
16 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 the 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 and patient
15 safety;

16 (3) Encourage the cooperation of compact states in the
17 areas of psychological licensure and regulation;

18 (4) Facilitate the exchange of information between compact
19 states regarding psychologist licensure, adverse
20 actions and disciplinary history;

21 (5) Promote compliance with the laws governing
22 psychological practice in each compact state; and



ARTICLE II

DEFINITIONS

11 (b) "Association of State and Provincial Psychology
12 Boards" means the recognized membership organization composed of
13 state and provincial psychology regulatory authorities
14 responsible for the licensure and registration of psychologists
15 throughout the United States and Canada.

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

20 (d) "Bylaws" means those bylaws established by the
21 psychology interjurisdictional compact commission pursuant to



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

3 (e) "Client" or "patient" means the recipient of
4 psychological services, whether psychological services are
5 delivered in the context of healthcare, corporate, supervision,
6 or consulting 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.



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
9 in-person, face-to-face psychological services.

10 (1) "E.Passport" means a certificate issued by the
11 Association of State and Provincial Psychology Boards that
12 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
22 practicing under the authorization to practice



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

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

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

17 (q) "Interjurisdictional practice certificate" means a
18 certificate issued by the Association of State and Provincial
19 Psychology Boards that grants temporary authority to practice
20 based on notifications to the state psychology regulatory
21 authority of intention to practice temporarily, and verification
22 of one's qualifications for such practice.



1 (r) "License" means authorization by a state psychology
2 regulatory authority to engage in the independent practice of
3 psychology, which would be unlawful without the authorization.

4 (s) "Non-compact state" means any state which is not at
5 the time a compact state.

6 (t) "Psychologist" means an individual licensed for the
7 independent practice of psychology.

8 (u) "Psychology interjurisdictional compact commission" or
9 "commission" means the national administration of which all
10 compact states are members.

11 (v) "Receiving state" means a compact state where the
12 client or patient is physically located when the
13 telepsychological services are delivered.

14 (w) "Rule" means a written statement by the psychology
15 interjurisdictional compact commission promulgated pursuant to
16 article XI of the compact that is of general applicability,
17 implements, interprets, or prescribes a policy or provision of
18 the compact, or an organizational, procedural, or practice
19 requirement of the commission and has the force and effect of
20 statutory law in a compact state, and includes the amendment,
21 repeal or suspension of an existing rule.

22 (x) "Significant investigatory information" means:



13 (y) "State" means a state, commonwealth, territory, or
14 possession of the United States, or the District of Columbia.

15 (z) "State psychology regulatory authority" means the
16 board, office, or other agency with the legislative mandate to
17 license and regulate the practice of psychology.

18 (aa) "Telepsychology" means the provision of psychological
19 services using telecommunication technologies.

20 (bb) "Temporary authorization to practice" means a
21 licensed psychologist's authority to conduct temporary



1 in-person, face-to-face practice, within the limits authorized
2 under this compact, in another compact state.

3 (cc) "Temporary in-person, face-to-face practice" means
4 where a psychologist is physically present (not through the use
5 of telecommunications technologies) in the distant state to
6 provide for the practice of psychology for thirty days within a
7 calendar year and based on notification to the distant state.

8 **ARTICLE III**

9 **HOME STATE LICENSURE**

10 (a) The home state shall be a compact state where a
11 psychologist is licensed to practice psychology.

12 (b) A psychologist may hold one or more compact state
13 licenses at a time. If the psychologist is licensed in more
14 than one compact state, the home state is the compact state
15 where the psychologist is physically present when the services
16 are delivered as authorized by the authority to practice
17 interjurisdictional telepsychology under the terms of this
18 compact.

19 (c) Any compact state may require a psychologist not
20 previously licensed in a compact state to obtain and retain a
21 license to be authorized to practice in the compact state under
22 circumstances not authorized by the authority to practice



1 interjurisdictional telepsychology under the terms of this
2 compact.

3 (d) Any compact state may require a psychologist to obtain
4 and retain a license to be authorized to practice in a compact
5 state under circumstances not authorized by temporary
6 authorization to practice under the terms of this compact.

7 (e) A home state's license authorizes the psychologist to
8 practice in a receiving state under the authority to practice
9 interjurisdictional telepsychology only if the compact state:

10 (1) Currently requires the psychologist to hold an active
11 E.Passport;

12 (2) Has a mechanism in place for receiving and
13 investigating complaints about licensed individuals;

14 (3) Notifies the commission, in compliance with the terms
15 herein, of any adverse action or significant
16 investigatory information regarding a licensed
17 individual;

18 (4) Requires an identity history summary of all applicants
19 at initial licensure, including the use of the results
20 of fingerprints or other biometric data checks
21 complaint with the requirements of the Federal Bureau
22 of Investigation, or other designee with similar



1 authority, no later than ten years after the
2 activation of this compact; and

3 (5) Complies with the bylaws and rules of the commission.

4 (f) A home state's license grants temporary authorization
5 to practice to a psychologist in a distant state only if the
6 compact state:

7 (1) Currently requires the psychologist to hold an active
8 interjurisdictional practice certificate;

9 (2) Has a mechanism in place for receiving and
10 investigating complaints about licensed individuals;

11 (3) Notifies the commission, in compliance with the terms
12 herein, of any adverse action or significant
13 investigatory information regarding a licensed
14 individual;

15 (4) Requires an identity history summary of all applicants
16 at initial licensure, including the use of the results
17 of fingerprints or other biometric data checks
18 compliant with the requirements of the Federal Bureau
19 of Investigation, or other designee with similar
20 authority, no later than ten years after activation of
21 the compact; and

22 (5) Complies with the bylaws and rules of the commission.



1

ARTICLE IV**COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY**

3 (a) Compact states shall recognize the right of a
4 psychologist, licensed in a compact state in conformance with
5 article III, to practice telepsychology in other compact states
6 (receiving states) in which the psychologist is not licensed,
7 under the authority to practice interjurisdictional
8 telepsychology as provided in the compact.

9 (b) To exercise the authority to practice
10 interjurisdictional telepsychology under the terms and
11 provisions of this compact, a psychologist licensed to practice
12 in a compact state must:

13 (1) Hold a graduate degree in psychology from an institute
14 of higher education that was, at the time the degree
15 was awarded:

16 (A) Regionally accredited by an accrediting body
17 recognized by the United States Department of
18 Education to grant graduate degrees, or
19 authorized by provincial statute or royal charter
20 to grant doctoral degrees; or

21 (B) A foreign college or university deemed to be
22 equivalent to (1) (A) above by a foreign



1 credential evaluation service that is a member of
2 the National Association of Credential Evaluation
3 Services or by a recognized foreign credential
4 evaluation service;

5 (2) Holds a graduate degree in psychology that meets the
6 following criteria:

16 (C) There must be a clear authority and primary
17 responsibility for the core and specialty areas
18 whether or not the program cuts across
19 administrative lines:

20 (D) The program must consist of an integrated,
21 organized sequence of study;



1 (E) There must be an identifiable psychology faculty
2 sufficient in size and breadth to carry out its
3 responsibilities;

4 (F) The designated director of the program must be a
5 psychologist and a member of the core faculty;

6 (G) The program must have an identifiable body of
7 students who are matriculated in that program for
8 a degree;

9 (H) The program must include supervised practicum,
10 internship, or field training appropriate to the
11 practice of psychology;

12 (I) The curriculum shall encompass a minimum of three
13 academic years of full-time graduate study for
14 doctoral degrees and a minimum of one academic
15 year of full-time graduate study for master's
16 degrees; and

17 (J) The program includes an acceptable residency as
18 defined by the rules of the commission;

19 (3) Possess a current, full and unrestricted license to
20 practice psychology in a home state which is a compact
21 state;



- (4) Have no history of adverse action that violates the rules of the commission;
- (5) Have no criminal record history reported on an identity history summary that violates the rules of the commission;
- (6) Posses a current, active E.Passport;
- (7) Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the commission; and
- (8) Meet other criteria as defined by the rules of the commission.

(c) The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.

(d) A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A



1 receiving state may, in accordance with that state's due process
2 law, limit or revoke a psychologist's authority to practice
3 interjurisdictional psychology in the receiving state and may
4 take any other necessary actions under the receiving state's
5 applicable law to protect the health and safety of the receiving
6 state's citizens. If a receiving state takes action, the state
7 shall promptly notify the home state and the commission.

8 (e) If a psychologist's license in any home state, another
9 compact state, or any authority to practice interjurisdictional
10 telepsychology in any receiving state, is restricted, suspended,
11 or otherwise limited, the E.Passport shall be revoked and
12 therefore the psychologist shall not be eligible to practice
13 telepsychology in a compact state under the authority to
14 practice interjurisdictional telepsychology.

15 **ARTICLE V**

16 **COMPACT TEMPORARY AUTHORIZATION TO PRACTICE**

17 (a) Compact states shall also recognize the right of a
18 psychologist, licensed in a compact state in conformance with
19 article III, to practice temporarily in other compact states
20 (distant states) in which the psychologist is not licensed, as
21 provided in the compact.



4 (1) Hold a graduate degree in psychology from an institute
5 of higher education that was, at the time the degree
6 was awarded:

12 (B) A foreign college or university deemed to be
13 equivalent to (1)(A) above by a foreign
14 credential evaluation service that is a member of
15 the National Association of Credential Evaluation
16 Services or by a recognized foreign credential
17 evaluation service;

18 (2) Hold a graduate degree in psychology that meets the
19 following criteria:

20 (A) The program, wherever it may be administratively
21 housed, must be clearly identified and labeled as
22 a psychology program. Such a program must



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

4 (B) The psychology program must stand as a
5 recognizable, coherent, organizational entity
6 within the institution;

7 (C) There must be a clear authority and primary
8 responsibility for the core and specialty areas
9 whether or not the program cuts across
10 administrative lines;

11 (D) The program must consist of an integrated,
12 organized sequence of study;

13 (E) There must be an identifiable psychology faculty
14 sufficient in size and breadth to carry out its
15 responsibilities;

16 (F) The designated director of the program must be a
17 psychologist and a member of the core faculty;

18 (G) The program must have an identifiable body of
19 students who are matriculated in that program for
20 a degree;





1 information to allow for primary source verification

2 in a manner specified by the commission; and

3 (8) Meet other criteria as defined by the rules of the

4 commission.

5 (c) A psychologist practicing into a distant state under
6 the temporary authorization to practice shall practice within
7 the scope of practice authorized by the distant state.

8 (d) A psychologist practicing into a distant state under
9 the temporary authorization to practice will be subject to the
10 distant state's authority and law. A distant state may, in
11 accordance with that state's due process law, limit or revoke a
12 psychologist's temporary authorization to practice in the
13 distant state and may take any other necessary actions under the
14 distant state's applicable law to protect the health and safety
15 of the distant state's citizens. If a distant state takes
16 action, the state shall promptly notify the home state and the
17 commission.

18 (e) If a psychologist's license in any home state, another
19 compact state, or any temporary authorization to practice in any
20 distant state, is restricted, suspended or otherwise limited,
21 the interjurisdictional practice certificate shall be revoked
22 and therefore the psychologist shall not be eligible to practice



1 in a compact state under the temporary authorization to
2 practice.

3 **ARTICLE VI**

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

5 (a) A psychologist may practice in a receiving state under
6 the authority to practice interjurisdictional telepsychology
7 only in the performance of the scope of practice for psychology
8 as assigned by an appropriate state psychology regulatory
9 authority, as defined in the rules of the commission, and under
10 the following circumstances:

11 (1) The psychologist initiates a client and patient
12 contact in a home state via telecommunications
13 technologies with a client or patient in a receiving
14 state; and
15 (2) Other conditions regarding telepsychology as
16 determined by rules promulgated by the commission.

17 **ARTICLE VII**

18 **ADVERSE ACTIONS**

19 (a) A home state shall have the power to impose adverse
20 action against a psychologist's license issued by the home
21 state. A distant state shall have the power to take adverse



1 action on a psychologist's temporary authorization to practice
2 within that distant state.

3 (b) A receiving state may take adverse action on a
4 psychologist's authority to practice interjurisdictional
5 telepsychology within that receiving state. A home state may
6 take adverse action against a psychologist based on an adverse
7 action taken by a distant state regarding temporary in-person,
8 face-to-face practice.

9 (c) If a home state takes adverse action against a
10 psychologist's license, that psychologist's authority to
11 practice interjurisdictional telepsychology is terminated and
12 the E.Passport is revoked. Furthermore, that psychologist's
13 temporary authorization to practice is terminated and the
14 interjurisdictional practice certificate is revoked. In
15 addition:

16 (1) All home state disciplinary orders that impose adverse
17 action shall be reported to the commission in
18 accordance with the rules promulgated by the
19 commission. A compact state shall report adverse
20 actions in accordance with the rules of the
21 commission;



8 (d) A home state's psychology regulatory authority shall
9 investigate and take appropriate action with respect to reported
10 inappropriate conduct engaged in by a licensee which occurred in
11 a receiving state as it would if such conduct had been engaged
12 in by a licensee within the home state. In such cases, the home
13 state's law shall control in determining any adverse action
14 against a psychologist's license.

15 (e) A distant state's psychology regulatory authority
16 shall investigate and take appropriate action with respect to
17 reported inappropriate conduct engaged in by a psychologist
18 practicing under temporary authorization to practice which
19 occurred in that distant state as it would if such conduct had
20 been engaged in by a licensee within the home state. In such
21 cases, the distant state's law shall control in determining any



1 adverse action against a psychologist's temporary authorization
2 to practice.

3 (f) Nothing in this compact shall override a compact
4 state's decision that a psychologist's participation in an
5 alternative program may be used in lieu of adverse action and
6 that such participation shall remain non-public if required by
7 the compact state's law. Compact states must require
8 psychologists who enter any alternative programs to not provide
9 telepsychology services under the authority to practice
10 interjurisdictional telepsychology or provide temporary
11 psychological services under the temporary authorization to
12 practice in any other compact state during the term of the
13 alternative program.

14 (g) No other judicial or administrative remedies shall be
15 available to a psychologist in the event a compact state imposes
16 an adverse action pursuant to subsection (c), above.

17 **ARTICLE VIII**

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

19 **REGULATORY AUTHORITY**

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



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

15 (2) Issue cease and desist or injunctive relief orders to
16 revoke a psychologist's authority to practice
17 interjurisdictional telepsychology or temporary
18 authorization to practice; and

19 (3) During the course of any investigation, a psychologist
20 may not change the psychologist's home state
21 licensure. A home state psychology regulatory
22 authority is authorized to complete any pending



1 investigations of a psychologist and to take any
2 actions appropriate under its law. The home state
3 psychology regulatory authority shall promptly report
4 the conclusions of such investigations to the
5 commission. Once an investigation has been completed,
6 and pending the outcome of said investigation, the
7 psychologist may change the psychologist's home state
8 licensure. The commission shall promptly notify the
9 new home state of any such decisions as provided in
10 the rules of the commission. All information provided
11 to the commission or distributed by compact states
12 pursuant to the psychologist shall be confidential,
13 filed under seal and used for investigatory or
14 disciplinary matters. The commission may create
15 additional rules for mandated or discretionary sharing
16 of information by compact states.

ARTICLE IX

COORDINATED LICENSURE INFORMATION SYSTEM

19 (a) The commission shall provide for the development and
20 maintenance of a coordinated licensure information system
21 (coordinated database) and reporting system containing licensure
22 and disciplinary action information on all psychologists and



1 individuals to whom this compact is applicable in all compact
2 states as defined by the rules of the commission.

3 (b) Notwithstanding any other provision of state law to
4 the contrary, a compact state shall submit a uniform data set to
5 the coordinated database on all licensees as required by the
6 rules of the commission, including:

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

21 (c) The coordinated database administrator shall promptly
22 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
4 coordinated database may designate information that may not be
5 shared with the public without the express permission of the
6 compact state 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; provided that:

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
22 principal office of the commission is located. The



commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings; and

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, voting, and meetings:

(1) The commission shall consist of one voting representative appointed by each compact state who shall serve as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:

(A) Executive director, executive secretary or similar executive;

(B) Current member of the state psychology regulatory authority of a compact state; or

(C) Designee empowered with the appropriate delegate authority to act on behalf of the compact state:

(2) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring



1 in the commission shall be filled in accordance with
2 the laws of the compact state in which the vacancy
3 exists;

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

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

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

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

21 (A) Non-compliance of a compact state with its
22 obligations under the compact;



1 (B) The employment, compensation, discipline or other
2 personnel matters, practices or procedures
3 related to specific employees or other matters
4 related to the commission's internal personnel
5 practices and procedures;

6 (C) Current, threatened, or reasonably anticipated
7 litigation against the commission;

8 (D) Negotiation of contracts for the purchase or sale
9 of goods, services or real estate;

10 (E) Accusation against any person of a crime or
11 formally censuring any person;

12 (F) Disclosure of trade secrets or commercial or
13 financial information which is privileged or
14 confidential;

15 (G) Disclosure of information of a personal nature
16 where disclosure would constitute a clearly
17 unwarranted invasion of personal privacy;

18 (H) Disclosure of investigatory records compiled for
19 law enforcement purposes;

20 (I) Disclosure of information related to any
21 investigatory reports prepared by or on behalf of
22 or for use of the commission or other committee



1 charged with responsibility for investigation or
2 determination of compliance issues pursuant to
3 the compact; or
4 (J) Matters specifically exempted from disclosure by
5 federal and state statute; and
6 (7) If a meeting, or a portion of a meeting, is closed
7 pursuant to this provision, the commission's legal
8 counsel or designee shall certify that the meeting may
9 be closed and shall reference each relevant exempting
10 provision. The commission shall keep minutes which
11 fully and clearly describe all matters discussed in a
12 meeting and shall provide a full and accurate summary
13 of actions taken, of any person participating in the
14 meeting, and the reasons therefore, including a
15 description of the views expressed. All documents
16 considered in connection with an action shall be
17 identified in such minutes. All minutes and documents
18 of a closed meeting shall remain under seal, subject
19 to release only by a majority vote of the commission
20 or order of a court of competent jurisdiction.
21 (c) The commission shall, by a majority vote of the
22 commissioners, prescribe bylaws or rules to govern its conduct



1 as may be necessary or appropriate to carry out the purposes and
2 exercise the powers of the compact, including but not limited
3 to:

- 4 (1) Establishing the fiscal year of the commission;
- 5 (2) Providing reasonable standards and procedures:
 - 6 (A) For the establishment and meetings of other
7 committees; and
 - 8 (B) Governing any general or specific delegation of
9 any authority or function of the commission;
- 10 (3) Providing reasonable procedures for calling and
11 conducting meetings of the commission, ensuring
12 reasonable advance notice of all meetings and
13 providing an opportunity for attendance of such
14 meetings by interested parties, with enumerated
15 exceptions designed to protect the public's interest,
16 the privacy of individuals of such proceedings, and
17 proprietary information, including trade secrets. The
18 commission may meet in closed session only after a
19 majority of the commissioners vote to close a meeting
20 to the public in whole or in part. As soon as
21 practicable, the commission must make public a copy of



1 the vote to close the meeting revealing the vote of
2 each commissioner with no proxy votes allowed;

3 (4) Establishing the titles, duties and authority and
4 reasonable procedures for the election of the officers
5 of the commission;

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

12 (6) Promulgating a code of ethics to address permissible
13 and prohibited activities of commission members and
14 employees;

15 (7) Providing a mechanism for concluding the operations of
16 the commission and the equitable disposition of any
17 surplus funds that may exist after the termination of
18 the compact after the payment or reserving of all of
19 its debts and obligations;

20 (8) The commission shall publish its bylaws in a
21 convenient form and file a copy thereof and a copy of



1 any amendment thereto, with the appropriate agency or
2 officer in each of the compact states;

3 (9) The commission shall maintain its financial records in
4 accordance with the bylaws; and

5 (10) The commission shall meet and take such actions as are
6 consistent with the provision of this compact and the
7 bylaws.

8 (d) The commission shall have the following powers:

9 (1) The authority to promulgate uniform rules to
10 facilitate and coordinate implementation and
11 administration of this compact. The rule shall have
12 the force and effect of law and shall be binding in
13 all compact states;

14 (2) To bring and prosecute legal proceedings or actions in
15 the name of the commission, provided that the standing
16 of any state psychology regulatory authority or other
17 regulatory body responsible for psychology licensure
18 to sue or be sued under applicable law shall not be
19 affected;

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



- 1 (4) To borrow, accept or contract for services of
- 2 personnel, including, but not limited to, employees of
- 3 a compact state;
- 4 (5) To hire employees, elect or appoint officers, fix
- 5 compensation, define duties, grant such individuals
- 6 appropriate authority to carry out the purposes of the
- 7 compact, and to establish the commission's personnel
- 8 policies and programs relating to conflicts of
- 9 interest, qualifications of personnel, and other
- 10 related personnel matters;
- 11 (6) To accept any and all appropriate donations and grants
- 12 of money, equipment, supplies, materials and services,
- 13 and to receive, utilize and dispose of the same;
- 14 provided that at all times the commission shall strive
- 15 to avoid any appearance of impropriety or conflict of
- 16 interest;
- 17 (7) To lease, purchase, accept appropriate gifts or
- 18 donations of, or otherwise to own, hold, improve or
- 19 use, any property, real, personal or mixed; provided
- 20 that at all times the commission shall strive to avoid
- 21 any appearance of impropriety;



1 (8) To sell, convey, mortgage, pledge, lease, exchange,
2 abandon or otherwise dispose of any property real,
3 personal or mixed;

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

5 (10) To borrow money;

6 (11) To appoint committees, including advisory committees
7 comprised of members, state regulators, state
8 legislators or their representatives, and consumer
9 representatives, and such other interested persons as
10 may be designated in this compact and the bylaws;

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

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

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

19 (e) The elected officers shall serve as the executive
20 board, which shall have the power to act on behalf of the
21 commission according to the terms of this compact; provided
22 that:



1 (1) The executive board shall comprise six members:

2 (A) Five voting members who are elected from the

3 current membership of the commission by the

4 commission; and

5 (B) One *ex-officio*, nonvoting member from the

6 recognized membership organization composed of

7 state and provincial psychology regulatory

8 authorities;

9 (2) The *ex-officio* member must have served as staff or

10 member on a state psychology regulatory authority and

11 will be selected by its respective organization;

12 (3) The commission may remove any member of the executive

13 board as provided in bylaws;

14 (4) The executive board shall meet at least annually; and

15 (5) The executive board shall have the following duties

16 and responsibilities:

17 (A) Recommend to the entire commission changes to the

18 rules or bylaws, changes to this compact

19 legislation, fees paid by compact states such as

20 annual dues, and any other applicable fees;

21 (B) Ensure compact administration services are

22 appropriately provided, contractual or otherwise;



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



1 formula to be determined by the commission which shall
2 promulgate a rule binding upon all compact states;

3 (4) The commission shall not incur obligations of any kind
4 prior to securing the funds adequate to meet the same;
5 nor shall the commission pledge the credit of any of
6 the compact states, except by and with the authority
7 of the compact state; and

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

17 (g) Qualified immunity, defense, and indemnification:
18 (1) The members, officers, executive director, employees
19 and representatives of the commission shall be immune
20 from suit and liability, either personally or in their
21 official capacity, for any claims for damage to or
22 loss of property or personal injury or other civil



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

11 (2) The commission shall defend any member, officer,
12 executive director, employee or representative of the
13 commission in any civil action seeking to impose
14 liability arising out of any actual or alleged act,
15 error or omission that occurred within the scope of
16 commission employment, duties or responsibilities, or
17 that the person against whom the claim is made had a
18 reasonable basis for believing occurred within the
19 scope of commission employment, duties or
20 responsibilities; provided that nothing herein shall
21 be construed to prohibit that person from retaining
22 the person's own counsel; and provided further, that



the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct; and

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

ARTICLE XI

RULEMAKING

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



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

7 (d) Prior to promulgation and adoption of a final rule or
8 rules by the commission, and at least sixty days in advance of
9 the meeting at which the rule will be considered and voted upon,
10 the commission shall file a notice of proposed rulemaking:

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

12 (2) On the website of each compact state's psychology
13 regulatory authority or the publication in which each
14 state would otherwise publish proposed rules.

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

16 (1) The proposed time, date, and location of the meeting
17 in which the rule will be considered and voted upon;
18 (2) The text of the proposed rule or amendment and the
19 reason for the proposed rule;

20 (3) A request for comments on the proposed rule from any
21 interested person; and



1 (4) The manner in which interested persons may submit
2 notice to the commission of their intention to attend
3 the public hearing and any written comments.

4 (f) Prior to adoption of a proposed rule, the commission
5 shall allow persons to submit written data, facts, opinions, and
6 arguments, which shall be made available to the public.

10 (1) At least twenty-five persons who submit comments
11 independently of each other;

12 (2) A governmental subdivision or agency; or

13 (3) A duly appointed person in an association that has at

14 least twenty-five members.

15 (h) If a hearing is held on the proposed rule or
16 amendment, the commission shall publish the place, time, and
17 date of the scheduled public hearing.

18 (1) All persons wishing to be heard at the hearing shall
19 notify the executive director of the commission or
20 other designated member in writing of their desire to
21 appear and testify at the hearing not less than five



1 business days before the scheduled date of the
2 hearing;

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

6 (3) No transcript of the hearing is required, unless a
7 written request for a transcript is made, in which
8 case the person requesting the transcript shall bear
9 the cost of producing the transcript. A recording may
10 be made in lieu of a transcript under the same terms
11 and conditions as a transcript. This subsection shall
12 not preclude the commission from making a transcript
13 or recording of the hearing if it so chooses; and

14 (4) Nothing in this section shall be construed as
15 requiring a separate hearing on each rule. Rules may
16 be grouped for the convenience of the commission at
17 hearings required by this section.

18 (i) Following the scheduled hearing date, or by the close
19 of business on the scheduled hearing date if the hearing was not
20 held, the commission shall consider all written and oral
21 comments received.



1 (j) The commission shall, by majority vote of all members,
2 take final action on the proposed rule and shall determine the
3 effective date of the rule, if any, based on the rulemaking
4 record and the full text of the rule.

5 (k) If no written notice of intent to attend the public
6 hearing by interested parties is received, the commission may
7 proceed with promulgation of the proposed rule without a public
8 hearing.

18 (1) Meet an imminent threat to public health, safety, or
19 welfare;

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



4 (4) Protect public health and safety.

5 (m) The commission or an authorized committee of the
6 commission may direct revisions to a previously adopted rule or
7 amendment for purposes of correcting typographical errors,
8 errors in format, errors in consistency, or grammatical errors.

9 Public notice of any revisions shall be posted on the website of
10 the commission. The revision shall be subject to challenge by
11 any person for a period of thirty days after posting. The
12 revision may be challenged only on grounds that the revision
13 results in a material change to a rule. A challenge shall be
14 made in writing, and delivered to the chair of the commission
15 prior to the end of the notice period. If no challenge is made,
16 the revision will take effect without further action. If the
17 revision is challenged, the revision may not take effect without
18 the approval of the commission.

ARTICLE XII

OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

21 (a) Oversight:

1 (1) The executive, legislative and judicial branches of
2 state government in each compact state shall enforce
3 this compact and take all actions necessary and
4 appropriate to effectuate the compact's purposes and
5 intent. The provisions of this compact and the rules
6 promulgated hereunder shall have standing as statutory
7 law;

8 (2) All courts shall take judicial notice of the compact
9 and the rules in any judicial or administrative
10 proceeding in a compact state pertaining to the
11 subject matter of this compact which may affect the
12 powers, responsibilities or actions of the commission;
13 and

14 (3) The commission shall be entitled to receive service of
15 process in any such proceeding, and shall have
16 standing to intervene in such a proceeding for all
17 purposes. Failure to provide service of process to
18 the commission shall render a judgment or order void
19 as to the commission, this compact or promulgated
20

21 (b) Default, technical assistance, and termination:



5 (A) Provide written notice to the defaulting state
6 and other compact states of the nature of the
7 default, the proposed means of remedying the
8 default or any other action to be taken by the
9 commission; and

10 (B) Provide remedial training and specific technical
11 assistance regarding the default;

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

21 (3) Termination of membership in the compact shall be
22 imposed only after all other means of securing



1 compliance have been exhausted. Notice of intent to
2 suspend or terminate shall be submitted by the
3 commission to the governor, the majority and minority
4 leaders of the defaulting state's legislature, and
5 each of the compact states;

6 (4) A compact state which has been terminated is
7 responsible for all assessments, obligations and
8 liabilities incurred through the effective date of
9 termination, including obligations which extend beyond
10 the effective date of termination;

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

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

22 (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
21 be awarded all costs of such litigation, including
22 reasonable attorney's fees; and



ARTICLE XIII

6 DATE OF IMPLEMENTATION OF THE PSYCHOLOGICAL INTERJURISDICTIONAL
7 COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND
8 AMENDMENTS

16 (b) Any state which 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 which has been previously adopted
20 by 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:

3 (1) A compact state's withdrawal shall not take effect
4 until six months after enactment of the repealing
5 statute; and

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 which does not conflict with the provisions of
15 this 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.



1

ARTICLE XIV

2

CONSTRUCTION AND SEVERABILITY

3

(a) This compact shall be liberally construed so as to effectuate the purposes thereof.

5

(b) 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.

9

§ -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."

12

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

15

SECTION 3. This Act shall take effect upon its approval.

16

INTRODUCED BY:



S.B. NO. 2225

Report Title:

DCCA; Psychology Interjurisdictional Compact; Adoption; Rules

Description:

Adopts the Psychology Interjurisdictional Compact to regulate the practice of telepsychology and the temporary in-person, face-to-face practice of psychologists when patients are located in compact states other than the state where the psychologist is licensed. 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.

