

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:

"CHAPTER

PSYCHOLOGY INTERJURISDICTIONAL COMPACT

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

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

PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)

ARTICLE I

PURPOSE

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
4 day-to-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, but 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 that 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



ARTICLE II

DEFINITIONS

6 "Adverse action" means any action taken by a state
7 psychology regulatory authority that 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 healthcare, corporate, supervision, and/or consulting
6 services.

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

10 "Compact state" means a state, the District of Columbia, or
11 United States territory that has enacted this compact
12 legislation and that has not withdrawn pursuant to article XIII,
13 section (c), or been terminated pursuant to article XII, section
14 (b).

15 "Coordinated licensure information system", also referred
16 to as "coordinated database", means an integrated process for
17 collecting, storing, and sharing information on psychologists'
18 licensure and enforcement activities related to psychology
19 licensure laws, which is administered by the recognized
20 membership organization composed of state and provincial
21 psychology regulatory 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 in-person,
9 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 that does not include interactions that may occur
16 through the use of telecommunication technologies.

17 "Interjurisdictional practice certificate" means a
18 certificate issued by the Association of State and Provincial
19 Psychology Boards that grants temporary 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 that would be unlawful without the authorization.

6 "Non-compact state" means any state that is not at the time
7 a compact state.

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

10 "Psychology interjurisdictional compact commission", also
11 referred to as "commission", means the national administration
12 of which all 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. A rule has the force and effect



1 of 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, District of Columbia, commonwealth,
17 territory, or possession of the United States.

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 provide
10 for the practice of psychology for thirty days within a calendar
11 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 interjurisdictional practice certificate;
16 (2) Has a mechanism in place for receiving and
17 investigating complaints about licensed individuals;
18 (3) Notifies the commission, in compliance with the terms
19 herein, of any adverse action or significant
20 investigatory information regarding a licensed
21 individual;



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

ARTICLE IV

COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

17 (b) To exercise the authority to practice
18 interjurisdictional telepsychology under the terms and
19 provisions of this compact, a psychologist licensed to practice
20 in a compact state must:



- 1 (1) Hold a graduate degree in psychology from an institute
2 of higher education that was, at the time the degree
3 was awarded:
 - 4 (A) Regionally accredited by an accrediting body
5 recognized by the U.S. Department of Education to
6 grant graduate degrees, or authorized by
7 provincial statute or royal charter to grant
8 doctoral degrees; or
 - 9 (B) A foreign college or university deemed to be
10 equivalent to (1) (A) above by a foreign
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, must be clearly identified and labeled as
19 a psychology program. The program must specify
20 in pertinent institutional catalogues and





1 (H) The program must include supervised practicum,
2 internship, or field training appropriate to the
3 practice of psychology;

4 (I) The curriculum shall encompass a minimum of three
5 academic years of full-time graduate study for a
6 doctoral degree and a minimum of one academic
7 year of full-time graduate study for a master's
8 degree; and

9 (J) The program must 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 will be subject to the receiving state's scope of practice. A
15 receiving state, in accordance with that state's due process
16 law, may 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

10 (a) Compact states shall also recognize the right of a
11 psychologist, licensed in a compact state in conformance with
12 article III, to practice temporarily in other compact states
13 (distant states) in which the psychologist is not licensed, as
14 provided in the compact.

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

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



- (A) Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or
- (B) A foreign college or university deemed to be equivalent to (1) (A) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services or by a recognized foreign credential evaluation service; and

Hold a graduate degree in psychology that meets the following criteria:

- (A) The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. The program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;



- (B) The psychology program must stand as a recognizable, coherent organizational entity within the institution;
- (C) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;
- (D) The program must consist of an integrated, organized sequence of study;
- (E) There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;
- (F) The designated director of the program must be a psychologist and a member of the core faculty;
- (G) The program must have an identifiable body of students who are matriculated in that program for a degree;
- (H) The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;





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

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

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



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

3 **ARTICLE VI**

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

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

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

16 **ARTICLE VII**

17 **ADVERSE ACTIONS**

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



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

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

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

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



(2) In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission; and

(3) Other actions may be imposed as determined by the rules promulgated by the commission.

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 that
19 occurred in that distant state as it would if the 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.



ARTICLE VIII

2 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY

REGULATORY AUTHORITY

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

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





1 disciplinary matters. The commission may create
2 additional rules for mandated or discretionary sharing
3 of information by compact states.

4 **ARTICLE IX**

5 **COORDINATED LICENSURE INFORMATION SYSTEM**

6 (a) The commission shall provide for the development and
7 maintenance of a coordinated licensure information system
8 (coordinated database) and reporting system containing licensure
9 and disciplinary action information on all psychologists and
10 individuals to whom this compact is applicable in all compact
11 states as defined by the rules of the commission.

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

16 (1) Identifying information;
17 (2) Licensure data;
18 (3) Significant investigatory information;
19 (4) Adverse actions against a psychologist's license;



- (5) An indicator that a psychologist's authority to practice interjurisdictional telepsychology and/or temporary authorization to practice is revoked;
- (6) Non-confidential information related to alternative program participation information;
- (7) Any denial of application for licensure, and the reasons for such denial; and
- (8) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

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

(d) Compact states reporting information to the coordinated database may designate information that may not be made with the public without the express permission of the compact state reporting the information.

(e) Any information submitted to the coordinated database is subsequently required to be expunged by the law of the

1 compact state reporting the information shall be removed from
2 the coordinated database.

3 **ARTICLE X**

4 **ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT**
5 **COMMISSION**

6 (a) The compact states hereby create and establish a joint
7 public agency known as the psychology interjurisdictional
8 compact commission.

9 (1) The commission is a body politic and an
10 instrumentality of the compact states;

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

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

20 (b) Membership, voting, and meetings:



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



1 bylaws and shall otherwise have an opportunity to
2 participate in the business and affairs of the
3 commission. A commissioner shall vote in person or by
4 such other means as provided in the bylaws. The

5 bylaws may provide for commissioners' participation in
6 meetings by telephone or other means of communication;

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

10 (5) All meetings shall be open to the public, and public
11 notice of meetings shall be given in the same manner
12 as required under the rulemaking provisions in article
13 XI;

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

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

18 (B) The employment, compensation, discipline, or
19 other personnel matters, practices, or procedures
20 related to specific employees; or other matters



1 related to the commission's internal personnel
2 practices and procedures;

3 (C) Current, threatened, or reasonably anticipated
4 litigation against the commission;

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

7 (E) Accusation against any person of a crime or
8 formally censuring any person;

9 (F) Disclosure of trade secrets or commercial or
10 financial information that is privileged or
11 confidential;

12 (G) Disclosure of information of a personal nature
13 where disclosure would constitute a clearly
14 unwarranted invasion of personal privacy;

15 (H) Disclosure of investigatory records compiled for
16 law enforcement purposes;

17 (I) Disclosure of information related to any
18 investigatory reports prepared by or on behalf of
19 or for use of the commission or other committee
20 charged with responsibility for investigation or



determination of compliance issues pursuant to
the compact; or

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

(7) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in the minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

(c) The commission shall, by a majority vote of the commissioners, prescribe bylaws and/or rules to govern its



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



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

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

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

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

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

(8) The commission shall publish its bylaws in a 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 provisions of this compact and the
7 bylaws.

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

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 a
- 3 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 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
- 13 services, and to receive, utilize, and dispose of the
- 14 same; provided that at all times the commission shall
- 15 strive to avoid any appearance of impropriety and/or
- 16 conflict of 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 other interested persons as may
10 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 executive board;



1 The elected officers shall serve as the executive board,
2 which shall have the power to act on behalf of the commission
3 according to the terms of this compact.

4 (1) The executive board shall be comprised of six members:

5 (A) Five voting members who are elected from the
6 current membership of the commission by the
7 commission; and

8 (B) One *ex officio*, nonvoting member from the
9 recognized membership organization composed of
10 state and provincial psychology regulatory
11 authorities;

12 (2) The *ex officio* member must have served as staff or
13 member on a state psychology regulatory authority and
14 will be selected by its respective organization;

15 (3) The commission may remove any member of the executive
16 board as provided in bylaws;

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

18 (5) The executive board shall have the following duties
19 and responsibilities:

20 (A) Recommend to the entire commission changes to the
21 rules or bylaws, changes to this compact



1 legislation, fees paid by compact states such as
2 annual dues, and any other applicable fees;

3 (B) Ensure compact administration services are
4 appropriately provided, contractual or otherwise;

5 (C) Prepare and recommend the budget;

6 (D) Maintain financial records on behalf of the
7 commission;

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

10 (F) Establish additional committees as necessary; and
11 (G) Other duties as provided in rules or bylaws.

12 (f) Financing of the commission:

13 (1) The commission shall pay, or provide for the payment
14 of, the reasonable expenses of its establishment,
15 organization, and ongoing activities:

16 (2) The commission may accept any and all appropriate
17 revenue sources, donations and grants of money,
18 equipment, supplies, materials, and services.

19 (3) The commission may levy on and collect an annual
20 assessment from each compact state or impose fees on
21 other parties to cover the cost of the operations and



1 activities of the commission and its staff, which must
2 be in a total amount sufficient to cover its annual
3 budget as approved each year for which revenue is not
4 provided by other sources. The aggregate annual
5 assessment amount shall be allocated based upon a
6 formula to be determined by the commission, which
7 shall promulgate a rule binding upon all compact
8 states;

9 (4) The commission shall not incur obligations of any kind
10 prior to securing the funds adequate to meet the same;
11 nor shall the commission pledge the credit of any of
12 the compact states, except by and with the authority
13 of the compact state; and

14 (5) The commission shall keep accurate accounts of all
15 receipts and disbursements. The receipts and
16 disbursements of the commission shall be subject to
17 the audit and accounting procedures established under
18 its bylaws. However, all receipts and disbursements
19 of funds handled by the commission shall be audited
20 yearly by a certified or licensed public accountant



1 and the report of the audit shall be included in and
2 become part of the annual report of the commission.

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

1 liability arising out of any actual or alleged act,
2 error, or omission that occurred within the scope of
3 commission employment, duties, or responsibilities, or
4 that the person against whom the claim is made had a
5 reasonable basis for believing occurred within the
6 scope of commission employment, duties, or
7 responsibilities; provided that nothing herein shall
8 be construed to prohibit that person from retaining
9 that person's own counsel; and provided further, that
10 the actual or alleged act, error, or omission did not
11 result from that person's intentional or willful or
12 wanton misconduct; and

13 (3) The commission shall indemnify and hold harmless any
14 member, officer, executive director, employee, or
15 representative of the commission for the amount of any
16 settlement or judgment obtained against that person
17 arising out of any actual or alleged act, error, or
18 omission that occurred within the scope of commission
19 employment, duties, or responsibilities, or that such
20 person had a reasonable basis for believing occurred
21 within the scope of commission employment, duties, or



1 responsibilities; provided that the actual or alleged
2 act, error, or omission did not result from the
3 intentional or willful or wanton misconduct of that
4 person.

5 **ARTICLE XI**

6 **RULEMAKING**

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

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

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

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

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





- (2) A governmental subdivision or agency; or
- (3) A duly appointed person in an association that has at least twenty-five members.

(h) If a hearing is held on the proposed rule or

5 amendment, the commission shall publish the place, time, and
6 date of the scheduled public hearing.

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

16 (3) No transcript of the hearing is required unless a
17 written request for a transcript is made, in which
18 case the person requesting the transcript shall bear
19 the cost of producing the transcript. A recording may
20 be made in lieu of a transcript under the same terms
21 and conditions as a transcript. This subsection shall



1 not preclude the commission from making a transcript
2 or recording of the hearing if it so chooses; and

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

7 (i) Following the scheduled hearing date, or by the close
8 of business on the scheduled hearing date if the hearing was not
9 held, the commission shall consider all written and oral
10 comments received.

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

15 (k) If no written notice of intent to attend the public
16 hearing by interested parties is received, the commission may
17 proceed with promulgation of the proposed rule without a public
18 hearing.

19 (l) Upon determination that an emergency exists, the
20 commission may consider and adopt an emergency rule without
21 prior notice, opportunity for comment, or hearing; provided that



1 the usual rulemaking procedures provided in the compact and in
2 this section shall be retroactively applied to the rule as soon
3 as reasonably possible, in no event later than ninety days after
4 the effective date of the rule. For the purposes of this
5 provision, an emergency rule is one that must be adopted
6 immediately in order to:

7 (1) Meet an imminent threat to public health, safety, or
8 welfare;

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

10 (3) Meet a deadline for the promulgation of an
11 administrative rule that is established by federal law
12 or rule; or

13 (4) Protect public health and safety.

14 (m) The commission or an authorized committee of the
15 commission may direct revisions to a previously adopted rule or
16 amendment for purposes of correcting typographical errors,
17 errors in format, errors in consistency, or grammatical errors.
18 Public notice of any revisions shall be posted on the website of
19 the commission. The revision shall be subject to challenge by
20 any person for a period of thirty days after posting. The
21 revision may be challenged only on grounds that the revision



1 results in a material change to a rule. A challenge shall be
2 made in writing and delivered to the Chair of the commission
3 prior to the end of the notice period. If no challenge is made,
4 the revision will take effect without further action. If the
5 revision is challenged, the revision may not take effect without
6 the approval of the commission.

7 **ARTICLE XII**

8 **OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

9 (a) Oversight:

10 (1) The executive, legislative, and judicial branches of
11 state government in each compact state shall enforce
12 this compact and take all actions necessary and
13 appropriate to effectuate the compact's purposes and
14 intent. The provisions of this compact and the rules
15 promulgated hereunder shall have standing as statutory
16 law;

17 (2) All courts shall take judicial notice of the compact
18 and the rules in any judicial or administrative
19 proceeding in a compact state pertaining to the
20 subject matter of this compact that may affect the



1 powers, responsibilities, or actions of the
2 commission; and

3 (3) The commission shall be entitled to receive service of
4 process in any such proceeding and shall have standing
5 to intervene in such a proceeding for all purposes.
6 Failure to provide service of process to the
7 commission shall render a judgment or order void as to
8 the commission, this compact, or promulgated rules.

9 (b) Default, technical assistance, and termination:
10 (1) If the commission determines that a compact state has
11 defaulted in the performance of its obligations or
12 responsibilities under this compact or the promulgated
13 rules, the commission shall:
14 (A) Provide written notice to the defaulting state
15 and other compact states of the nature of the
16 default, the proposed means of remedying the
17 default, and/or any other action to be taken by
18 the commission; and
19 (B) Provide remedial training and specific technical
20 assistance regarding the default;



1 (2) If a state in default fails to remedy the default, the
2 defaulting state may be terminated from the compact
3 upon an affirmative vote of a majority of the compact
4 states, and all rights, privileges, and benefits
5 conferred by this compact shall be terminated on the
6 effective date of termination. A remedy of the
7 default does not relieve the offending state of
8 obligations or liabilities incurred during the period
9 of default;

10 (3) Termination of membership in the compact shall be
11 imposed only after all other means of securing
12 compliance have been exhausted. Notice of intent to
13 suspend or terminate shall be submitted by the
14 commission to the governor, the majority and minority
15 leaders of the defaulting state's legislature, and
16 each of the compact states;

17 (4) A compact state that has been terminated is
18 responsible for all assessments, obligations, and
19 liabilities incurred through the effective date of
20 termination, including obligations that extend beyond
21 the effective date of termination;



6 (6) The defaulting state may appeal the action of the
7 commission by petitioning the U.S. District Court for
8 the state of Georgia or the federal district where the
9 compact has its principal offices. The prevailing
10 member shall be awarded all costs of such litigation,
11 including reasonable attorneys' fees.

12 (c) Dispute Resolution:

17 (2) The commission shall promulgate a rule providing for
18 both mediation and binding dispute resolution for
19 disputes that arise before the commission.

20 (d) Enforcement:



- 1 (1) The commission, in the reasonable exercise of its
2 discretion, shall enforce the provisions and rules of
3 this compact;
- 4 (2) By majority vote, the commission may initiate legal
5 action in the United States District Court for the
6 State of Georgia or the federal district where the
7 compact has its principal offices against a compact
8 state in default to enforce compliance with the
9 provisions of the compact and its promulgated rules
10 and bylaws. The relief sought may include both
11 injunctive relief and damages. In the event judicial
12 enforcement is necessary, the prevailing member shall
13 be awarded all costs of such litigation, including
14 reasonable attorneys' fees; and
- 15 (3) The remedies herein shall not be the exclusive
16 remedies of the commission. The commission may pursue
17 any other remedies available under federal or state
18 law.



ARTICLE XIII

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

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

18 (c) Any compact state may withdraw from this compact by
19 enacting a statute repealing the same.



- 1 (1) A compact state's withdrawal shall not take effect
- 2 until six months after enactment of the repealing
- 3 statute; and
- 4 (2) Withdrawal shall not affect the continuing requirement
- 5 of the withdrawing state's psychology regulatory
- 6 authority to comply with the investigative and adverse
- 7 action reporting requirements of this Act prior to the
- 8 effective date of withdrawal.

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

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

ARTICLE XIV

CONSTRUCTION AND SEVERABILITY

20 This compact shall be liberally construed so as to
21 effectuate the purposes thereof. If this compact shall be held



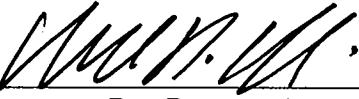
1 contrary to the constitution of any state member thereto, the
2 compact shall remain in full force and effect as to the
3 remaining compact states.

4 § -3 Rules. The department of commerce and consumer
5 affairs shall adopt rules pursuant to chapter 91 for the
6 purposes of implementing and administering this chapter."

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

8

INTRODUCED BY:



By Request

S.B. NO. 2508

Report Title:

Hawaii State Association of Counties Package; Psychology
Interjurisdictional Compact

Description:

Enacts, and authorizes the Governor to enter into, the
Psychology Interjurisdictional Compact.

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

