

House Bill 26 (COMMITTEE SUBSTITUTE)

By: Representatives Belton of the 112<sup>th</sup>, Hitchens of the 161<sup>st</sup>, Williams of the 168<sup>th</sup>, Blackmon of the 146<sup>th</sup>, Glanton of the 75<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 39 of Title 43 of the Official Code of Georgia Annotated, relating to  
2 psychologists, so as to enter into an interstate compact known as the "Psychology  
3 Interjurisdictional Compact"; to authorize the State Board of Examiners of Psychologists to  
4 administer the compact in this state; to revise provisions relating to exceptions to licensure;  
5 to require criminal background checks for licensure; to provide for the purposes of the  
6 compact; to provide definitions; to provide for home state licensure; to establish and provide  
7 for the privilege to practice telepsychology; to provide for the temporary authorization to  
8 practice by psychologists within and through states who enter the compact and the conditions  
9 therefor; to provide for adverse actions by each compacting state relating to psychologists  
10 from other states who may be practicing telemedicine or temporary practice in another state;  
11 to provide for additional regulatory authority for the State Board of Examiners of  
12 Psychologists and the similar boards of other states entering the compact; to provide for a  
13 coordinated licensure information system among states entering the compact; to establish the  
14 Psychology Interjurisdictional Compact Commission and its powers and conditions; to  
15 provide for rulemaking by such commission; to provide for oversight, dispute resolution, and  
16 enforcement by members of the compact and such commission; to provide for an  
17 implementation date of the compact and such commission; to provide for construction and  
18 severability of membership in the commission; to provide for related matters; to provide for  
19 an effective date; to repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA

21 **SECTION 1.**

22 Chapter 39 of Title 43 of the Official Code of Georgia Annotated, relating to psychologists,  
23 is amended by revising Code Section 43-39-6, relating to powers of the State Board of  
24 Examiners of Psychologists, as follows:

25 "43-39-6.

26 The board shall have authority to establish a code of conduct and of ethics, to administer  
 27 oaths, to summon witnesses, and to take testimony in all matters relating to its duties. The  
 28 board shall issue licenses to practice psychology to all persons who shall present  
 29 satisfactory evidence of attainments and qualifications under this chapter and the rules and  
 30 regulations of the board. Such licenses shall be attested by the division director under the  
 31 board's adopted seal, and it shall give absolute authority to the person to whom it is issued  
 32 to practice psychology in this state. It shall be the duty of the division director, under the  
 33 direction of the board, to aid the prosecuting attorneys in the enforcement of this chapter  
 34 and the prosecution of all persons charged with the violation of its provisions. The board  
 35 shall have authority to administer and participate in the 'Psychology Interjurisdictional  
 36 Compact (Psypact)' set out in Article 2 of this chapter and to recognize and permit the  
 37 authority to practice interjurisdictional telepsychology and temporary practice in Georgia  
 38 as established by such compact."

39 **SECTION 2.**

40 Said chapter is further amended by revising Code Section 43-39-7, relating to practicing  
 41 without a license, use of title, and exceptions, as follows:

42 "43-39-7.

43 A person who is not licensed under this chapter shall not practice psychology, shall not use  
 44 the title 'psychologist,' and shall not imply that he or she is a psychologist. If any person  
 45 shall practice psychology or hold himself or herself out as being engaged in the practice  
 46 of psychology and shall not then possess in full force a valid license to practice psychology  
 47 under the laws of this state, such person shall be in violation of this chapter. The following  
 48 are exceptions:

49 (1) Nothing in this chapter shall require licensure for a person who is certified as a  
 50 school psychologist by the Professional Standards Commission while that person is  
 51 working as an employee in an educational institution recognized by the State Board of  
 52 Examiners of Psychologists as meeting satisfactory accreditation standards, provided that  
 53 no fees are charged directly to clients or through a third party;

54 (2) Nothing in this chapter shall be construed to prevent the teaching of psychology or  
 55 the conduct of psychological research, provided that such teaching or research does not  
 56 involve the delivery or supervision of direct psychological services to individuals or  
 57 groups of individuals by an unlicensed person. Any person holding a doctoral degree in  
 58 psychology while working as an employee in a research laboratory, college, or university  
 59 recognized by the board as meeting satisfactory accreditation standards may use the title

60 'psychologist' in conjunction with activities permitted by this paragraph, provided that no  
61 fees are charged directly to clients or through a third party;

62 (3) Nothing in this chapter shall require licensure for a person who was engaged in the  
63 practice of psychology as an employee of an agency or department of the state  
64 government, any of its political subdivisions, or community service boards as defined in  
65 Code Section 37-2-2 either prior to July 1, 1996, at a state intermediate care or skilled  
66 care facility for persons with mental retardation or prior to July 1, 1997, at any other  
67 facilities or offices of the entities previously mentioned, but only when that person is  
68 engaged in that practice as an employee of such entities;

69 (4) Nothing in this chapter shall be construed to limit the activities and services of a  
70 person in the employ of or serving for an established and recognized religious  
71 organization, provided that the title 'psychologist' is not used by a person not licensed and  
72 that the person does not imply that he or she is a psychologist;

73 (5) Persons who hold a doctoral degree in psychology may practice under the supervision  
74 of a licensed psychologist in order to obtain the experience required for licensure;

75 (6) Nothing in this chapter shall be construed to prohibit any person from engaging in  
76 the lawful practice of medicine, nursing, professional counseling, social work, and  
77 marriage and family therapy, as provided for under other state law, provided that such  
78 person shall not use the title 'psychologist' nor imply that he or she is a psychologist;

79 (7) Nothing in this chapter shall be construed to prevent students, trainees, or assistants  
80 from engaging in activities defined as the practice of psychology, provided such persons  
81 are under the direct supervision and responsibility of a licensed psychologist and the  
82 student, trainee, or assistant does not represent himself or herself to be a psychologist.  
83 The board shall establish rules and regulations for the supervision of persons exempted  
84 under this paragraph;

85 (8) An individual licensed to practice psychology in another jurisdiction may practice  
86 psychology in Georgia without applying for a license, so long as the requirements for a  
87 license in the other jurisdiction are equal to or exceed the requirements for licensure in  
88 Georgia, and the psychologist limits that person's practice in Georgia to no more than 30  
89 days per year, as defined in the rules and regulations of the board; ~~and~~

90 (9) An individual permitted the authority to practice interjurisdictional telepsychology,  
91 temporary practice, or both, pursuant to the 'Psychology Interjurisdictional Compact  
92 (Psypact)' set out in Article 2 of this chapter may practice psychology in this state in  
93 accordance with the provisions of such compact; and

94 ~~(9)~~(10) Nothing in this chapter shall be construed as prohibiting any person licensed  
95 under Chapter 10A of this title from providing services he or she is authorized to perform  
96 under Chapter 10A of this title, including, but not limited to, administering and

97 interpreting educational and vocational tests; functional assessments; interest inventories;  
 98 tests that evaluate marital and family functioning; mental health symptom screening and  
 99 assessment instruments that evaluate emotional, mental, behavioral, and interpersonal  
 100 problems or conditions, including substance use, health, and disability; or any other  
 101 assessments or tests which the person is qualified to employ by virtue of his or her  
 102 education, training, or experience within the scope of practice of professional counselors.  
 103 The Georgia Composite Board of Professional Counselors, Social Workers, and Marriage  
 104 and Family Therapists shall have sole authority to regulate assessment and testing  
 105 performed by persons licensed under Chapter 10A of this title."

### 106 SECTION 3.

107 Said chapter is further amended by revising Code Section 43-39-8, relating to application for  
 108 license and qualifications, as follows:

109 "43-39-8.

110 (a) Any person wishing to practice psychology in this state shall make application to the  
 111 board through the division director upon such form and in such manner as shall be adopted  
 112 and prescribed by the board and obtain from the board a license so to do. Unless such a  
 113 person has obtained such a license it shall be unlawful for that person to practice; and if  
 114 that person shall practice psychology without first having obtained such a license, that  
 115 person shall be deemed to have violated this chapter.

116 (b) A candidate for such license shall furnish the board with satisfactory evidence that the  
 117 candidate:

118 (1) Is of good moral character;

119 (2) Has completed the requirements of a doctoral degree from a professional training  
 120 program in applied psychology, including, but not limited to, clinical psychology,  
 121 counseling psychology, industrial or organizational psychology, or school psychology  
 122 from an accredited educational institution recognized by the board as maintaining  
 123 satisfactory standards. Any person who has received a doctoral degree in psychology  
 124 from an accredited educational institution recognized by the board as maintaining  
 125 satisfactory standards and who has also completed an organized retraining program in  
 126 applied psychology acceptable to the board shall also meet the degree requirements of  
 127 this paragraph;

128 (3) Has had at least two years of experience in psychology of a type considered by the  
 129 board to be qualifying in nature;

130 (4) Is competent in psychology, as shown by passing such examinations, written or oral,  
 131 or both, as the board deems necessary; and

132 (5) Has not within the preceding six months failed an examination given by the board;  
 133 and  
 134 (6) Has satisfactory results from a fingerprint record check report conducted by the  
 135 Georgia Crime Information Center and the Federal Bureau of Investigation, as  
 136 determined by the board. Application for a license under this Code section shall  
 137 constitute express consent and authorization for the board or its representative to perform  
 138 a criminal background check. Each applicant who submits an application to the board  
 139 for licensure agrees to provide the board with any and all information necessary to run  
 140 a criminal background check, including, but not limited to, classifiable sets of  
 141 fingerprints. The applicant shall be responsible for all fees associated with the  
 142 performance of such background check."

143 **SECTION 4.**

144 Said chapter is further amended by redesignating the existing provisions of said chapter as  
 145 Article 1, by replacing "this chapter" with "this article" everywhere such term occurs in the  
 146 new article, and by adding a new article, to read as follows:

147 "ARTICLE 2

148 43-39-21.

149 This article shall be known and may be cited as the 'Psychology Interjurisdictional  
 150 Compact (Psypact).'

151 43-39-22.

152 The Psychology Interjurisdictional Compact (Psypact) is enacted into law and entered into  
 153 by the State of Georgia with any and all other states legally joining therein in the form  
 154 substantially as follows:

155 'PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)

156 ARTICLE I

157 PURPOSE

158 Whereas, states license psychologists, in order to protect the public through  
 159 verification of education, training, and experience and ensure accountability for  
 160 professional practice; and

161 Whereas, this Compact is intended to regulate the day to day practice of  
 162 telepsychology (i.e. the provision of psychological services using telecommunication

163 technologies) by psychologists across state boundaries in the performance of their  
164 psychological practice as assigned by an appropriate authority; and

165 Whereas, this Compact is intended to regulate the temporary in-person, face-to-face  
166 practice of psychology by psychologists across state boundaries for 30 days within a  
167 calendar year in the performance of their psychological practice as assigned by an  
168 appropriate authority;

169 Whereas, this Compact is intended to authorize State Psychology Regulatory  
170 Authorities to afford legal recognition, in a manner consistent with the terms of the  
171 Compact, to psychologists licensed in another state;

172 Whereas, this Compact recognizes that states have a vested interest in protecting the  
173 public's health and safety through their licensing and regulation of psychologists and  
174 that such state regulation will best protect public health and safety;

175 Whereas, this Compact does not apply when a psychologist is licensed in both the  
176 Home and Receiving States; and

177 Whereas, this Compact does not apply to permanent in-person, face-to-face practice,  
178 it does allow for authorization of temporary psychological practice.

179 Consistent with these principles, this Compact is designed to achieve the following  
180 purposes and objectives:

181 1. Increase public access to professional psychological services by allowing for  
182 telepsychological practice across state lines as well as temporary in-person,  
183 face-to-face services into a state in which the psychologist is not licensed to  
184 practice psychology;

185 2. Enhance the states' ability to protect the public's health and safety, especially  
186 client/patient safety;

187 3. Encourage the cooperation of Compact States in the areas of psychology  
188 licensure and regulation;

189 4. Facilitate the exchange of information between Compact States regarding  
190 psychologist licensure, Adverse Actions, and disciplinary history;

191 5. Promote compliance with the laws governing psychological practice in each  
192 Compact State; and

193 6. Invest all Compact States with the authority to hold licensed psychologists  
194 accountable through the mutual recognition of Compact State licenses.

ARTICLE II

DEFINITIONS

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A. "Adverse Action" means: any action taken by a State Psychology Regulatory Authority which finds a violation of a statute or regulation that is identified by the State Psychology Regulatory Authority as discipline and is a matter of public record.

B. "Association of State and Provincial Psychology Boards (ASPPB)" means: the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

C. "Authority to Practice Interjurisdictional Telepsychology" means: a licensed psychologist's authority to practice telepsychology, within the limits authorized under this Compact, in another Compact State.

D. "Bylaws" means: those Bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to Article X for its governance, or for directing and controlling its actions and conduct.

E. "Client/Patient" means: the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, or consulting services or any combination thereof.

F. "Commissioner" means: the voting representative appointed by each State Psychology Regulatory Authority pursuant to Article X.

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

H. "Coordinated Licensure Information System" also referred to as "Coordinated Database" means: an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities.

I. "Confidentiality" means: the principle that data or information is not made available or disclosed to unauthorized persons or processes, or both.

J. "Day" means: any part of a day in which psychological work is performed.

K. "Distant State" means: the Compact State where a psychologist is physically present (not through the use of telecommunications technologies), to provide temporary in-person, face-to-face psychological services.

L. "E.Passport" means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of

231 interjurisdictional telepsychology practice and facilitates the process for licensed  
232 psychologists to provide telepsychological services across state lines.

233 M. "Executive Board" means: a group of directors elected or appointed to act on behalf  
234 of, and within the powers granted to them by, the Commission.

235 N. "Home State" means: a Compact State where a psychologist is licensed to practice  
236 psychology. If the psychologist is licensed in more than one Compact State and is  
237 practicing under the Authorization to Practice Interjurisdictional Telepsychology, the  
238 Home State is the Compact State where the psychologist is physically present when the  
239 telepsychological services are delivered. If the psychologist is licensed in more than  
240 one Compact State and is practicing under the Temporary Authorization to Practice, the  
241 Home State is any Compact State where the psychologist is licensed.

242 O. "Identity History Summary" means: a summary of information retained by the FBI,  
243 or other designee with similar authority, in connection with arrests and, in some  
244 instances, federal employment, naturalization, or military service.

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

248 Q. "Interjurisdictional Practice Certificate (IPC)" means: a certificate issued by the  
249 Association of State and Provincial Psychology Boards (ASPPB) that grants temporary  
250 authority to practice based on notification to the State Psychology Regulatory Authority  
251 of intention to practice temporarily, and verification of one's qualifications for such  
252 practice.

253 R. "License" means: authorization by a State Psychology Regulatory Authority to  
254 engage in the independent practice of psychology, which would be unlawful without  
255 the authorization.

256 S. "Non-Compact State" means: any State which is not at the time a Compact State.

257 T. "Psychologist" means: an individual licensed for the independent practice of  
258 psychology.

259 U. "Psychology Interjurisdictional Compact Commission" also referred to as  
260 "Commission" means: the national administration of which all Compact States are  
261 members.

262 V. "Receiving State" means: a Compact State where the client/patient is physically  
263 located when the telepsychological services are delivered.

264 W. "Rule" means: a written statement by the Psychology Interjurisdictional Compact  
265 Commission promulgated pursuant to Article XI of the Compact that is of general  
266 applicability, implements, interprets, or prescribes a policy or provision of the Compact,  
267 or an organizational, procedural, or practice requirement of the Commission and has the



268 force and effect of statutory law in a Compact State, and includes the amendment,  
 269 repeal or suspension of an existing rule.

270 X. "Significant Investigatory Information" means:

271 1. investigative information that a State Psychology Regulatory Authority, after a  
 272 preliminary inquiry that includes notification and an opportunity to respond if  
 273 required by state law, has reason to believe, if proven true, would indicate more than  
 274 a violation of a state statute or ethics code that would be considered more substantial  
 275 than a minor infraction; or

276 2. investigative information that indicates that the psychologist represents an  
 277 immediate threat to public health and safety regardless of whether the psychologist  
 278 has been notified or had an opportunity to respond.

279 Y. "State" means: a state, commonwealth, territory, or possession of the United States,  
 280 or the District of Columbia.

281 Z. "State Psychology Regulatory Authority" means: the Board, office or other agency  
 282 with the legislative mandate to license and regulate the practice of psychology.

283 AA. "Telepsychology" means: the provision of psychological services using  
 284 telecommunication technologies.

285 BB. "Temporary Authorization to Practice" means: a licensed psychologist's authority  
 286 to conduct temporary in-person, face-to-face practice, within the limits authorized  
 287 under this Compact, in another Compact State.

288 CC. "Temporary In-Person, Face-to-Face Practice" means: where a psychologist is  
 289 physically present (not through the use of telecommunications technologies), in the  
 290 Distant State to provide for the practice of psychology for 30 days within a calendar  
 291 year and based on notification to the Distant State.

### 292 ARTICLE III

#### 293 HOME STATE LICENSURE

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

296 B. A psychologist may hold one or more Compact State licenses at a time. If the  
 297 psychologist is licensed in more than one Compact State, the Home State is the  
 298 Compact State where the psychologist is physically present when the services are  
 299 delivered as authorized by the Authority to Practice Interjurisdictional Telepsychology  
 300 under the terms of this Compact.

301 C. Any Compact State may require a psychologist not previously licensed in a  
 302 Compact State to obtain and retain a license to be authorized to practice in the Compact

303 State under circumstances not authorized by the Authority to Practice Interjurisdictional  
 304 Telepsychology under the terms of this Compact.

305 D. Any Compact State may require a psychologist to obtain and retain a license to be  
 306 authorized to practice in a Compact State under circumstances not authorized by  
 307 Temporary Authorization to Practice under the terms of this Compact.

308 E. A Home State's license authorizes a psychologist to practice in a Receiving State  
 309 under the Authority to Practice Interjurisdictional Telepsychology only if the Compact  
 310 State:

- 311 1. Currently requires the psychologist to hold an active E.Passport;
- 312 2. Has a mechanism in place for receiving and investigating complaints about  
 313 licensed individuals;
- 314 3. Notifies the Commission, in compliance with the terms herein, of any Adverse  
 315 Action or Significant Investigatory Information regarding a licensed individual;
- 316 4. Requires an Identity History Summary of all applicants at initial licensure,  
 317 including the use of the results of fingerprints or other biometric data checks  
 318 compliant with the requirements of the Federal Bureau of Investigation (FBI), or  
 319 other designee with similar authority, no later than ten years after activation of the  
 320 Compact; and
- 321 5. Complies with the Bylaws and Rules of the Commission.

322 F. A Home State's license grants Temporary Authorization to Practice to a psychologist  
 323 in a Distant State only if the Compact State:

- 324 1. Currently requires the psychologist to hold an active IPC;
- 325 2. Has a mechanism in place for receiving and investigating complaints about  
 326 licensed individuals;
- 327 3. Notifies the Commission, in compliance with the terms herein, of any Adverse  
 328 Action or Significant Investigatory Information regarding a licensed individual;
- 329 4. Requires an Identity History Summary of all applicants at initial licensure,  
 330 including the use of the results of fingerprints or other biometric data checks  
 331 compliant with the requirements of the Federal Bureau of Investigation (FBI), or  
 332 other designee with similar authority, no later than ten years after activation of the  
 333 Compact; and
- 334 5. Complies with the Bylaws and Rules of the Commission.

#### ARTICLE IV

#### COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

337 A. Compact States shall recognize the right of a psychologist, licensed in a Compact  
 338 State in conformance with Article III, to practice telepsychology in other Compact

339 States (Receiving States) in which the psychologist is not licensed, under the Authority  
 340 to Practice Interjurisdictional Telepsychology as provided in the Compact.

341 B. To exercise the Authority to Practice Interjurisdictional Telepsychology under the  
 342 terms and provisions of this Compact, a psychologist licensed to practice in a Compact  
 343 State must:

344 1. Hold a graduate degree in psychology from an institute of higher education that  
 345 was, at the time the degree was awarded:

346 a. Regionally accredited by an accrediting body recognized by the U.S. Department  
 347 of Education to grant graduate degrees, OR authorized by Provincial Statute or  
 348 Royal Charter to grant doctoral degrees; OR

349 b. A foreign college or university deemed to be equivalent to 1 (a) above by a  
 350 foreign credential evaluation service that is a member of the National Association  
 351 of Credential Evaluation Services (NACES) or by a recognized foreign credential  
 352 evaluation service; AND

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

354 a. The program, wherever it may be administratively housed, must be clearly  
 355 identified and labeled as a psychology program. Such a program must specify in  
 356 pertinent institutional catalogues and brochures its intent to educate and train  
 357 professional psychologists;

358 b. The psychology program must stand as a recognizable, coherent, organizational  
 359 entity within the institution;

360 c. There must be a clear authority and primary responsibility for the core and  
 361 specialty areas whether or not the program cuts across administrative lines;

362 d. The program must consist of an integrated, organized sequence of study;

363 e. There must be an identifiable psychology faculty sufficient in size and breadth  
 364 to carry out its responsibilities;

365 f. The designated director of the program must be a psychologist and a member of  
 366 the core faculty;

367 g. The program must have an identifiable body of students who are matriculated in  
 368 that program for a degree;

369 h. The program must include supervised practicum, internship, or field training  
 370 appropriate to the practice of psychology;

371 i. The curriculum shall encompass a minimum of three academic years of full-time  
 372 graduate study for a doctoral degree and a minimum of one academic year of  
 373 full-time graduate study for a master's degree; and

374 j. The program includes an acceptable residency as defined by the Rules of the  
 375 Commission.

- 376 3. Possess a current, full, and unrestricted license to practice psychology in a Home  
 377 State which is a Compact State;
- 378 4. Have no history of Adverse Action that violates the Rules of the Commission;  
 379 5. Have no criminal record history reported on an Identity History Summary that  
 380 violates the Rules of the Commission;
- 381 6. Possess a current, active E.Passport;
- 382 7. Provide attestations in regard to areas of intended practice, conformity with  
 383 standards of practice, competence in telepsychology technology; criminal  
 384 background; and knowledge and adherence to legal requirements in the home and  
 385 receiving states, and provide a release of information to allow for primary source  
 386 verification in a manner specified by the Commission; and
- 387 8. Meet other criteria as defined by the Rules of the Commission.
- 388 C. The Home State maintains authority over the license of any psychologist practicing  
 389 into a Receiving State under the Authority to Practice Interjurisdictional  
 390 Telepsychology.
- 391 D. A psychologist practicing in a Receiving State under the Authority to Practice  
 392 Interjurisdictional Telepsychology will be subject to the Receiving State's scope of  
 393 practice. A Receiving State may, in accordance with that state's due process law, limit  
 394 or revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology in  
 395 the Receiving State and may take any other necessary actions under the Receiving  
 396 State's applicable law to protect the health and safety of the Receiving State's citizens.  
 397 If a Receiving State takes action, the state shall promptly notify the Home State and the  
 398 Commission.
- 399 E. If a psychologist's license in any Home State, another Compact State, or any  
 400 Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is  
 401 restricted, suspended, or otherwise limited, the E.Passport shall be revoked and  
 402 therefore the psychologist shall not be eligible to practice telepsychology in a Compact  
 403 State under the Authority to Practice Interjurisdictional Telepsychology.

## ARTICLE V

### COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

- 406 A. Compact States shall also recognize the right of a psychologist, licensed in a  
 407 Compact State in conformance with Article III, to practice temporarily in other  
 408 Compact States (Distant States) in which the psychologist is not licensed, as provided  
 409 in the Compact.
- 410 B. To exercise the Temporary Authorization to Practice under the terms and provisions  
 411 of this Compact, a psychologist licensed to practice in a Compact State must:

- 412 1. Hold a graduate degree in psychology from an institute of higher education that  
413 was, at the time the degree was awarded:
- 414 a. Regionally accredited by an accrediting body recognized by the U.S. Department  
415 of Education to grant graduate degrees, OR authorized by Provincial Statute or  
416 Royal Charter to grant doctoral degrees; OR
- 417 b. A foreign college or university deemed to be equivalent to 1 (a) above by a  
418 foreign credential evaluation service that is a member of the National Association  
419 of Credential Evaluation Services (NACES) or by a recognized foreign credential  
420 evaluation service; AND
- 421 2. Hold a graduate degree in psychology that meets the following criteria:
- 422 a. The program, wherever it may be administratively housed, must be clearly  
423 identified and labeled as a psychology program. Such a program must specify in  
424 pertinent institutional catalogues and brochures its intent to educate and train  
425 professional psychologists;
- 426 b. The psychology program must stand as a recognizable, coherent, organizational  
427 entity within the institution;
- 428 c. There must be a clear authority and primary responsibility for the core and  
429 specialty areas whether or not the program cuts across administrative lines;
- 430 d. The program must consist of an integrated, organized sequence of study;
- 431 e. There must be an identifiable psychology faculty sufficient in size and breadth  
432 to carry out its responsibilities;
- 433 f. The designated director of the program must be a psychologist and a member of  
434 the core faculty;
- 435 g. The program must have an identifiable body of students who are matriculated in  
436 that program for a degree;
- 437 h. The program must include supervised practicum, internship, or field training  
438 appropriate to the practice of psychology;
- 439 i. The curriculum shall encompass a minimum of three academic years of full-time  
440 graduate study for a doctoral degree and a minimum of one academic year of  
441 full-time graduate study for a master's degree; and
- 442 j. The program includes an acceptable residency as defined by the Rules of the  
443 Commission.
- 444 3. Possess a current, full, and unrestricted license to practice psychology in a Home  
445 State which is a Compact State;
- 446 4. Have no history of Adverse Action that violates the Rules of the Commission;
- 447 5. Have no criminal record history that violates the Rules of the Commission;
- 448 6. Possess a current, active IPC;

449 7. Provide attestations in regard to areas of intended practice and work experience  
 450 and provide a release of information to allow for primary source verification in a  
 451 manner specified by the Commission; and

452 8. Meet other criteria as defined by the Rules of the Commission.

453 C. A psychologist practicing in a Distant State under the Temporary Authorization to  
 454 Practice shall practice within the scope of practice authorized by the Distant State.

455 D. A psychologist practicing in a Distant State under the Temporary Authorization to  
 456 Practice will be subject to the Distant State's authority and law. A Distant State may,  
 457 in accordance with that state's due process law, limit or revoke a psychologist's  
 458 Temporary Authorization to Practice in the Distant State and may take any other  
 459 necessary actions under the Distant State's applicable law to protect the health and  
 460 safety of the Distant State's citizens. If a Distant State takes action, the state shall  
 461 promptly notify the Home State and the Commission.

462 E. If a psychologist's license in any Home State, another Compact State, or any  
 463 Temporary Authorization to Practice in any Distant State, is restricted, suspended, or  
 464 otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be  
 465 eligible to practice in a Compact State under the Temporary Authorization to Practice.

## 466 ARTICLE VI

### 467 CONDITIONS OF TELEPSYCHOLOGY PRACTICE

#### 468 IN A RECEIVING STATE

469 A. A psychologist may practice in a Receiving State under the Authority to Practice  
 470 Interjurisdictional Telepsychology only in the performance of the scope of practice for  
 471 psychology as assigned by an appropriate State Psychology Regulatory Authority, as  
 472 defined in the Rules of the Commission, and under the following circumstances:

473 1. The psychologist initiates a client/patient contact in a Home State via  
 474 telecommunications technologies with a client/patient in a Receiving State; and

475 2. Other conditions regarding telepsychology as determined by Rules promulgated  
 476 by the Commission.

## 477 ARTICLE VII

### 478 ADVERSE ACTIONS

479 A. A Home State shall have the power to impose Adverse Action against a  
 480 psychologist's license issued by the Home State. A Distant State shall have the power  
 481 to take Adverse Action on a psychologist's Temporary Authorization to Practice within  
 482 that Distant State.

483 B. A Receiving State may take Adverse Action on a psychologist's Authority to  
484 Practice Interjurisdictional Telepsychology within that Receiving State. A Home State  
485 may take Adverse Action against a psychologist based on an Adverse Action taken by  
486 a Distant State regarding temporary in-person, face-to-face practice.

487 C. If a Home State takes Adverse Action against a psychologist's license, that  
488 psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated  
489 and the E.Passport is revoked. Furthermore, that psychologist's Temporary  
490 Authorization to Practice is terminated and the IPC is revoked.

491 1. All Home State disciplinary orders which impose Adverse Action shall be reported  
492 to the Commission in accordance with the Rules promulgated by the Commission.  
493 A Compact State shall report Adverse Actions in accordance with the Rules of the  
494 Commission.

495 2. In the event discipline is reported on a psychologist, the psychologist will not be  
496 eligible for telepsychology or temporary in-person, face-to-face practice in  
497 accordance with the Rules of the Commission.

498 3. Other actions may be imposed as determined by the Rules promulgated by the  
499 Commission.

500 D. A Home State's Psychology Regulatory Authority shall investigate and take  
501 appropriate action with respect to reported inappropriate conduct engaged in by a  
502 licensee which occurred in a Receiving State as it would if such conduct had occurred  
503 by a licensee within the Home State. In such cases, the Home State's law shall control  
504 in determining any Adverse Action against a psychologist's license.

505 E. A Distant State's Psychology Regulatory Authority shall investigate and take  
506 appropriate action with respect to reported inappropriate conduct engaged in by a  
507 psychologist practicing under Temporary Authorization to Practice which occurred in  
508 that Distant State as it would if such conduct had occurred by a licensee within the  
509 Home State. In such cases, Distant State's law shall control in determining any Adverse  
510 Action against a psychologist's Temporary Authorization to Practice.

511 F. Nothing in this Compact shall override a Compact State's decision that a  
512 psychologist's participation in an alternative program may be used in lieu of Adverse  
513 Action and that such participation shall remain non-public if required by the Compact  
514 State's law. Compact States must require psychologists who enter any alternative  
515 programs to not provide telepsychology services under the Authority to Practice  
516 Interjurisdictional Telepsychology or provide temporary psychological services under  
517 the Temporary Authorization to Practice in any other Compact State during the term  
518 of the alternative program.

519 G. No other judicial or administrative remedies shall be available to a psychologist in  
 520 the event a Compact State imposes an Adverse Action pursuant to subsection C, above.

521 ARTICLE VIII

522 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S  
 523 PSYCHOLOGY REGULATORY AUTHORITY

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

526 1. Issue subpoenas, for both hearings and investigations, which require the  
 527 attendance and testimony of witnesses and the production of evidence. Subpoenas  
 528 issued by a Compact State's Psychology Regulatory Authority for the attendance and  
 529 testimony of witnesses, the production of evidence, or any combination of the  
 530 foregoing from another Compact State shall be enforced in the latter state by any  
 531 court of competent jurisdiction, according to that court's practice and procedure in  
 532 considering subpoenas issued in its own proceedings. The issuing State Psychology  
 533 Regulatory Authority shall pay any witness fees, travel expenses, mileage and other  
 534 fees required by the service statutes of the state where the witnesses, evidence, or  
 535 both, are located; and

536 2. Issue cease and desist orders, injunctive relief orders, or both, to revoke a  
 537 psychologist's Authority to Practice Interjurisdictional Telepsychology, Temporary  
 538 Authorization to Practice, or both.

539 B. During the course of any investigation, a psychologist may not change his/her Home  
 540 State licensure. A Home State Psychology Regulatory Authority is authorized to  
 541 complete any pending investigations of a psychologist and to take any actions  
 542 appropriate under its law. The Home State Psychology Regulatory Authority shall  
 543 promptly report the conclusions of such investigations to the Commission. Once an  
 544 investigation has been completed, and pending the outcome of said investigation, the  
 545 psychologist may change his/her Home State licensure. The Commission shall  
 546 promptly notify the new Home State of any such decisions as provided in the Rules of  
 547 the Commission. All information provided to the Commission or distributed by  
 548 Compact States pursuant to the psychologist shall be confidential, filed under seal and  
 549 used for investigatory or disciplinary matters. The Commission may create additional  
 550 rules for mandated or discretionary sharing of information by Compact States.



ARTICLE IX

COORDINATED LICENSURE INFORMATION SYSTEM

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

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

1. Identifying information;

2. Licensure data;

3. Significant Investigatory Information;

4. Adverse Actions against a psychologist's license;

5. An indicator that a psychologist's Authority to Practice Interjurisdictional Telepsychology, Temporary Authorization to Practice, or both, is revoked;

6. Nonconfidential information related to alternative program participation information;

7. Any denial of application for licensure, and the reasons for such denial; and

8. Other information which 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, or 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 shared with the public without the express permission of the Compact State reporting the information.

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

ARTICLE X

ESTABLISHMENT OF THE

PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

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

1. The Commission is a body politic and an instrumentality of the Compact States.

587 2. Venue is proper and judicial proceedings by or against the Commission shall be  
 588 brought solely and exclusively in a court of competent jurisdiction where the principal  
 589 office of the Commission is located. The Commission may waive venue and  
 590 jurisdictional defenses to the extent it adopts or consents to participate in alternative  
 591 dispute resolution proceedings.

592 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

593 B. Membership, Voting, and Meetings

594 1. The Commission shall consist of one voting representative appointed by each  
 595 Compact State who shall serve as that state's Commissioner. The State Psychology  
 596 Regulatory Authority shall appoint its delegate. This delegate shall be empowered  
 597 to act on behalf of the Compact State. This delegate shall be limited to:

598 a. Executive Director, Executive Secretary, or similar executive;

599 b. Current member of the State Psychology Regulatory Authority of a Compact  
 600 State; OR

601 c. Designee empowered with the appropriate delegate authority to act on behalf of  
 602 the Compact State.

603 2. Any Commissioner may be removed or suspended from office as provided by the  
 604 law of the state from which the Commissioner is appointed. Any vacancy occurring  
 605 in the Commission shall be filled in accordance with the laws of the Compact State  
 606 in which the vacancy exists.

607 3. Each Commissioner shall be entitled to one (1) vote with regard to the  
 608 promulgation of Rules and creation of Bylaws and shall otherwise have an  
 609 opportunity to participate in the business and affairs of the Commission. A  
 610 Commissioner shall vote in person or by such other means as provided in the Bylaws.  
 611 The Bylaws may provide for Commissioners' participation in meetings by telephone  
 612 or other means of communication.

613 4. The Commission shall meet at least once during each calendar year. Additional  
 614 meetings shall be held as set forth in the Bylaws.

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

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

619 a. Non-compliance of a Compact State with its obligations under the Compact;

620 b. The employment, compensation, discipline, or other personnel matters, practices,  
 621 or procedures related to specific employees or other matters related to the  
 622 Commission's internal personnel practices and procedures;

623 c. Current, threatened, or reasonably anticipated litigation against the Commission;

- 624 d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;  
 625 e. Accusation against any person of a crime or formally censuring any person;  
 626 f. Disclosure of trade secrets or commercial or financial information which is  
 627 privileged or confidential;  
 628 g. Disclosure of information of a personal nature where disclosure would constitute  
 629 a clearly unwarranted invasion of personal privacy;  
 630 h. Disclosure of investigatory records compiled for law enforcement purposes;  
 631 i. Disclosure of information related to any investigatory reports prepared by or on  
 632 behalf of or for use of the Commission or other committee charged with  
 633 responsibility for investigation or determination of compliance issues pursuant to  
 634 the Compact; or  
 635 j. Matters specifically exempted from disclosure by federal and state statute.
- 636 7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the  
 637 Commission's legal counsel or designee shall certify that the meeting may be closed  
 638 and shall reference each relevant exempting provision. The Commission shall keep  
 639 minutes which fully and clearly describe all matters discussed in a meeting and shall  
 640 provide a full and accurate summary of actions taken, of any person participating in  
 641 the meeting, and the reasons therefore, including a description of the views expressed.  
 642 All documents considered in connection with an action shall be identified in such  
 643 minutes. All minutes and documents of a closed meeting shall remain under seal,  
 644 subject to release only by a majority vote of the Commission or order of a court of  
 645 competent jurisdiction.
- 646 C. The Commission shall, by a majority vote of the Commissioners, prescribe Bylaws,  
 647 Rules, or both, to govern its conduct as may be necessary or appropriate to carry out the  
 648 purposes and exercise the powers of the Compact, including but not limited to:
- 649 1. Establishing the fiscal year of the Commission;
  - 650 2. Providing reasonable standards and procedures:
    - 651 a. for the establishment and meetings of other committees; and
    - 652 b. governing any general or specific delegation of any authority or function of the
    - 653 Commission;
  - 654 3. Providing reasonable procedures for calling and conducting meetings of the
  - 655 Commission, ensuring reasonable advance notice of all meetings and providing an
  - 656 opportunity for attendance of such meetings by interested parties, with enumerated
  - 657 exceptions designed to protect the public's interest, the privacy of individuals of such
  - 658 proceedings, and proprietary information, including trade secrets. The Commission
  - 659 may meet in closed session only after a majority of the Commissioners vote to close
  - 660 a meeting to the public in whole or in part. As soon as practicable, the Commission

- 661 must make public a copy of the vote to close the meeting revealing the vote of each  
 662 Commissioner with no proxy votes allowed;  
 663 4. Establishing the titles, duties and authority and reasonable procedures for the  
 664 election of the officers of the Commission;  
 665 5. Providing reasonable standards and procedures for the establishment of the  
 666 personnel policies and programs of the Commission. Notwithstanding any civil  
 667 service or other similar law of any Compact State, the Bylaws shall exclusively  
 668 govern the personnel policies and programs of the Commission;  
 669 6. Promulgating a Code of Ethics to address permissible and prohibited activities of  
 670 Commission members and employees;  
 671 7. Providing a mechanism for concluding the operations of the Commission and the  
 672 equitable disposition of any surplus funds that may exist after the termination of the  
 673 Compact after the payment and/or reserving of all of its debts and obligations;  
 674 8. Publishing its Bylaws in a convenient form and filing a copy thereof and a copy  
 675 of any amendment thereto, with the appropriate agency or officer in each of the  
 676 Compact States;  
 677 9. Maintaining its financial records in accordance with the Bylaws; and  
 678 10. Meeting and taking such actions as are consistent with the provisions of this  
 679 Compact and the Bylaws.

680 D. The Commission shall have the following powers:

- 681 1. To promulgate uniform rules to facilitate and coordinate implementation and  
 682 administration of this Compact. The rule shall have the force and effect of law and  
 683 shall be binding in all Compact States;  
 684 2. To bring and prosecute legal proceedings or actions in the name of the  
 685 Commission, provided that the standing of any State Psychology Regulatory  
 686 Authority or other regulatory body responsible for psychology licensure to sue or be  
 687 sued under applicable law shall not be affected;  
 688 3. To purchase and maintain insurance and bonds;  
 689 4. To borrow, accept, or contract for services of personnel, including, but not limited  
 690 to, employees of a Compact State;  
 691 5. To hire employees, elect or appoint officers, fix compensation, define duties, grant  
 692 such individuals appropriate authority to carry out the purposes of the Compact, and  
 693 establish the Commission's personnel policies and programs relating to conflicts of  
 694 interest, qualifications of personnel, and other related personnel matters;  
 695 6. To accept any and all appropriate donations and grants of money, equipment,  
 696 supplies, materials and services, and to receive, utilize, and dispose of the same;

697 provided that at all times the Commission shall strive to avoid any appearance of  
 698 impropriety or conflict of interest;

699 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,  
 700 hold, improve or use, any property, real, personal, or mixed; provided that at all times  
 701 the Commission shall strive to avoid any appearance of impropriety;

702 8. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose  
 703 of any property real, personal, or mixed;

704 9. To establish a budget and make expenditures;

705 10. To borrow money;

706 11. To appoint committees, including advisory committees comprised of members,  
 707 State regulators, State legislators or their representatives, and consumer  
 708 representatives, and such other interested persons as may be designated in this  
 709 Compact and the Bylaws;

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

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

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

#### 716 E. The Executive Board

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

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

720 a. Five voting members who are elected from the current membership of the  
 721 Commission by the Commission; and

722 b. One ex-officio, nonvoting member from the recognized membership  
 723 organization composed of State and Provincial Psychology Regulatory Authorities.

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

726 3. The Commission may remove any member of the Executive Board as provided in  
 727 Bylaws.

728 4. The Executive Board shall meet at least annually.

729 5. The Executive Board shall have the following duties and responsibilities:

730 a. Recommend to the entire Commission changes to the Rules or Bylaws, changes  
 731 to this Compact legislation, fees paid by Compact States such as annual dues, and  
 732 any other applicable fees;

- 733 b. Ensure Compact administration services are appropriately provided, contractual  
 734 or otherwise;  
 735 c. Prepare and recommend the budget;  
 736 d. Maintain financial records on behalf of the Commission;  
 737 e. Monitor Compact compliance of member states and provide compliance reports  
 738 to the Commission;  
 739 f. Establish additional committees as necessary; and  
 740 g. Other duties as provided in Rules or Bylaws.

741 F. Financing of the Commission

- 742 1. The Commission shall pay, or provide for the payment of, the reasonable expenses  
 743 of its establishment, organization, and ongoing activities.  
 744 2. The Commission may accept any and all appropriate revenue sources, donations,  
 745 and grants of money, equipment, supplies, materials, and services.  
 746 3. The Commission may levy on and collect an annual assessment from each  
 747 Compact State or impose fees on other parties to cover the cost of the operations and  
 748 activities of the Commission and its staff which must be in a total amount sufficient  
 749 to cover its annual budget as approved each year for which revenue is not provided  
 750 by other sources. The aggregate annual assessment amount shall be allocated based  
 751 upon a formula to be determined by the Commission which shall promulgate a rule  
 752 binding upon all Compact States.  
 753 4. The Commission shall not incur obligations of any kind prior to securing the funds  
 754 adequate to meet the same; nor shall the Commission pledge the credit of any of the  
 755 Compact States, except by and with the authority of the Compact State.  
 756 5. The Commission shall keep accurate accounts of all receipts and disbursements.  
 757 The receipts and disbursements of the Commission shall be subject to the audit and  
 758 accounting procedures established under its Bylaws. However, all receipts and  
 759 disbursements of funds handled by the Commission shall be audited yearly by a  
 760 certified or licensed public accountant and the report of the audit shall be included in  
 761 and become part of the annual report of the Commission.

762 G. Qualified Immunity, Defense, and Indemnification

- 763 1. The members, officers, Executive Director, employees, and representatives of the  
 764 Commission shall be immune from suit and liability, either personally or in their  
 765 official capacity, for any claim for damage to or loss of property or personal injury  
 766 or other civil liability caused by or arising out of any actual or alleged act, error, or  
 767 omission that occurred, or that the person against whom the claim is made had a  
 768 reasonable basis for believing occurred within the scope of Commission employment,  
 769 duties or responsibilities; provided that nothing in this paragraph shall be construed

770 to protect any such person from suit or liability for any damage, loss, injury or  
 771 liability caused by the intentional or willful or wanton misconduct of that person.  
 772 2. The Commission shall defend any member, officer, Executive Director, employee,  
 773 or representative of the Commission in any civil action seeking to impose liability  
 774 arising out of any actual or alleged act, error, or omission that occurred within the  
 775 scope of Commission employment, duties, or responsibilities, or that the person  
 776 against whom the claim is made had a reasonable basis for believing occurred within  
 777 the scope of Commission employment, duties, or responsibilities; provided that  
 778 nothing herein shall be construed to prohibit that person from retaining his or her own  
 779 counsel; and provided further, that the actual or alleged act, error, or omission did not  
 780 result from that person's intentional or willful or wanton misconduct.  
 781 3. The Commission shall indemnify and hold harmless any member, officer,  
 782 Executive Director, employee, or representative of the Commission for the amount  
 783 of any settlement or judgment obtained against that person arising out of any actual  
 784 or alleged act, error or omission that occurred within the scope of Commission  
 785 employment, duties, or responsibilities, or that such person had a reasonable basis for  
 786 believing occurred within the scope of Commission employment, duties or  
 787 responsibilities, provided that the actual or alleged act, error, or omission did not  
 788 result from the intentional or willful or wanton misconduct of that person.

789 ARTICLE XI

790 RULEMAKING

791 A. The Commission shall exercise its rulemaking powers pursuant to the criteria set  
 792 forth in this Article and the Rules adopted thereunder. Rules and amendments shall  
 793 become binding as of the date specified in each rule or amendment.  
 794 B. If a majority of the legislatures of the Compact States rejects a rule, by enactment  
 795 of a statute or resolution in the same manner used to adopt the Compact, then such rule  
 796 shall have no further force and effect in any Compact State.  
 797 C. Rules or amendments to the rules shall be adopted at a regular or special meeting  
 798 of the Commission.  
 799 D. Prior to promulgation and adoption of a final rule or Rules by the Commission, and  
 800 at least sixty (60) days in advance of the meeting at which the rule will be considered  
 801 and voted upon, the Commission shall file a Notice of Proposed Rulemaking:  
 802 1. On the website of the Commission; and  
 803 2. On the website of each Compact States' Psychology Regulatory Authority or the  
 804 publication in which each state would otherwise publish proposed rules.  
 805 E. The Notice of Proposed Rulemaking shall include:

- 806 1. The proposed time, date, and location of the meeting in which the rule will be  
807 considered and voted upon;
- 808 2. The text of the proposed rule or amendment and the reason for the proposed rule;  
809 3. A request for comments on the proposed rule from any interested person; and  
810 4. The manner in which interested persons may submit notice to the Commission of  
811 their intention to attend the public hearing and any written comments.
- 812 F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit  
813 written data, facts, opinions, and arguments, which shall be made available to the  
814 public.
- 815 G. The Commission shall grant an opportunity for a public hearing before it adopts a  
816 rule or amendment if a hearing is requested by:
- 817 1. At least twenty-five (25) persons who submit comments independently of each  
818 other;
- 819 2. A governmental subdivision or agency; or  
820 3. A duly appointed person in an association that has at least twenty-five (25)  
821 members.
- 822 H. If a hearing is held on the proposed rule or amendment, the Commission shall  
823 publish the place, time, and date of the scheduled public hearing.
- 824 1. All persons wishing to be heard at the hearing shall notify the Executive Director  
825 of the Commission or other designated member in writing of their desire to appear  
826 and testify at the hearing not less than five (5) business days before the scheduled date  
827 of the hearing.
- 828 2. Hearings shall be conducted in a manner providing each person who wishes to  
829 comment a fair and reasonable opportunity to comment orally or in writing.
- 830 3. No transcript of the hearing is required, unless a written request for a transcript is  
831 made, in which case the person requesting the transcript shall bear the cost of  
832 producing the transcript. A recording may be made in lieu of a transcript under the  
833 same terms and conditions as a transcript. This subsection shall not preclude the  
834 Commission from making a transcript or recording of the hearing if it so chooses.
- 835 4. Nothing in this section shall be construed as requiring a separate hearing on each  
836 rule. Rules may be grouped for the convenience of the Commission at hearings  
837 required by this section.
- 838 I. Following the scheduled hearing date, or by the close of business on the scheduled  
839 hearing date if the hearing was not held, the Commission shall consider all written and  
840 oral comments received.



841 J. The Commission shall, by majority vote of all members, take final action on the  
 842 proposed rule and shall determine the effective date of the rule, if any, based on the  
 843 rulemaking record and the full text of the rule.

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

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

- 854 1. Meet an imminent threat to public health, safety, or welfare;
- 855 2. Prevent a loss of Commission or Compact State funds;
- 856 3. Meet a deadline for the promulgation of an administrative rule that is established  
 857 by federal law or rule; or
- 858 4. Protect public health and safety.

859 M. The Commission or an authorized committee of the Commission may direct  
 860 revisions to a previously adopted rule or amendment for purposes of correcting  
 861 typographical errors, errors in format, errors in consistency, or grammatical errors.  
 862 Public notice of any revisions shall be posted on the website of the Commission. The  
 863 revision shall be subject to challenge by any person for a period of thirty (30) days after  
 864 posting. The revision may be challenged only on grounds that the revision results in  
 865 a material change to a rule. A challenge shall be made in writing, and delivered to the  
 866 Chair of the Commission prior to the end of the notice period. If no challenge is made,  
 867 the revision will take effect without further action. If the revision is challenged, the  
 868 revision may not take effect without the approval of the Commission.

## 869 ARTICLE XII

### 870 OVERSIGHT, DEFAULT, DISPUTE RESOLUTION, AND ENFORCEMENT

#### 871 A. Oversight

872 1. The Executive, Legislative, and Judicial branches of state government in each  
 873 Compact State shall enforce this Compact and take all actions necessary and  
 874 appropriate to effectuate the Compact's purposes and intent. The provisions of this  
 875 Compact and the rules promulgated hereunder shall have standing as statutory law.

876 2. All courts shall take judicial notice of the Compact and the rules in any judicial or  
 877 administrative proceeding in a Compact State pertaining to the subject matter of this  
 878 Compact which may affect the powers, responsibilities, or actions of the Commission.

879 3. The Commission shall be entitled to receive service of process in any such  
 880 proceeding, and shall have standing to intervene in such a proceeding for all purposes.  
 881 Failure to provide service of process to the Commission shall render a judgment or  
 882 order void as to the Commission, this Compact or promulgated rules.

883 B. Default, Technical Assistance, and Termination

884 1. If the Commission determines that a Compact State has defaulted in the  
 885 performance of its obligations or responsibilities under this Compact or the  
 886 promulgated rules, the Commission shall:

887 a. Provide written notice to the defaulting state and other Compact States of the  
 888 nature of the default, the proposed means of remedying the default, and any other  
 889 action to be taken by the Commission; and

890 b. Provide remedial training and specific technical assistance regarding the default.

891 2. If a state in default fails to remedy the default, the defaulting state may be  
 892 terminated from the Compact upon an affirmative vote of a majority of the Compact  
 893 States, and all rights, privileges, and benefits conferred by this Compact shall be  
 894 terminated on the effective date of termination. A remedy of the default does not  
 895 relieve the offending state of obligations or liabilities incurred during the period of  
 896 default.

897 3. Termination of membership in the Compact shall be imposed only after all other  
 898 means of securing compliance have been exhausted. Notice of intent to suspend or  
 899 terminate shall be submitted by the Commission to the Governor, the majority and  
 900 minority leaders of the defaulting state's legislature, and each of the Compact States.

901 4. A Compact State which has been terminated is responsible for all assessments,  
 902 obligations, and liabilities incurred through the effective date of termination,  
 903 including obligations which extend beyond the effective date of termination.

904 5. The Commission shall not bear any costs incurred by the state which is found to  
 905 be in default or which has been terminated from the Compact, unless agreed upon in  
 906 writing between the Commission and the defaulting state.

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

911 C. Dispute Resolution

912 1. Upon request by a Compact State, the Commission shall attempt to resolve  
 913 disputes related to the Compact which arise among Compact States and between  
 914 Compact and Non-Compact States.

915 2. The Commission shall promulgate a rule providing for both mediation and binding  
 916 dispute resolution for disputes that arise before the commission.

917 D. Enforcement

918 1. The Commission, in the reasonable exercise of its discretion, shall enforce the  
 919 provisions and Rules of this Compact.

920 2. By majority vote, the Commission may initiate legal action in the United States  
 921 District Court for the State of Georgia or the federal district where the Compact has  
 922 its principal offices against a Compact State in default to enforce compliance with the  
 923 provisions of the Compact and its promulgated Rules and Bylaws. The relief sought  
 924 may include both injunctive relief and damages. In the event judicial enforcement is  
 925 necessary, the prevailing member shall be awarded all costs of such litigation,  
 926 including reasonable attorney's fees.

927 3. The remedies herein shall not be the exclusive remedies of the Commission. The  
 928 Commission may pursue any other remedies available under federal or state law.

929 ARTICLE XIII

930 DATE OF IMPLEMENTATION OF

931 THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

932 AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

933 A. The Compact shall come into effect on the date on which the Compact is enacted  
 934 into law in the seventh Compact State. The provisions which become effective at that  
 935 time shall be limited to the powers granted to the Commission relating to assembly and  
 936 the promulgation of rules. Thereafter, the Commission shall meet and exercise  
 937 rulemaking powers necessary to the implementation and administration of the Compact.

938 B. Any state which joins the Compact subsequent to the Commission's initial adoption  
 939 of the rules shall be subject to the rules as they exist on the date on which the Compact  
 940 becomes law in that state. Any rule which has been previously adopted by the  
 941 Commission shall have the full force and effect of law on the day the Compact becomes  
 942 law in that state.

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

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

947 2. Withdrawal shall not affect the continuing requirement of the withdrawing State's  
 948 Psychology Regulatory Authority to comply with the investigative and Adverse  
 949 Action reporting requirements of this act prior to the effective date of withdrawal.

950 D. Nothing contained in this Compact shall be construed to invalidate or prevent any  
 951 psychology licensure agreement or other cooperative arrangement between a Compact  
 952 State and a Non-Compact State which does not conflict with the provisions of this  
 953 Compact.

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

#### 957 ARTICLE XIV

#### 958 CONSTRUCTION AND SEVERABILITY

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

#### 962 **SECTION 5.**

963 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 964 without such approval.

#### 965 **SECTION 6.**

966 All laws and parts of laws in conflict with this Act are repealed.