

PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)

ARTICLE I

PURPOSE

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

Whereas, this Compact is intended to regulate the day to day practice of telepsychology (i.e. the provision of psychological services using telecommunication technologies) by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority; and

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

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

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

Whereas this compact does not apply when a psychologist is licensed in both the home and receiving jurisdiction; and

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

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

1. Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as limited temporary in-person face-to-face services into a jurisdiction which the psychologist is not licensed to practice psychology;
2. Enhance the states' ability to protect the public's health and safety, especially client/patient safety;
3. Encourage the cooperation of Compact States in the areas of psychology licensure, and regulation;

4. Facilitate the exchange of information between Compact States regarding psychologist licensure and adverse actions and disciplinary history;
5. Promote compliance with the laws governing psychological practice in each Compact State; and
6. Invest all Compact States with the authority to hold licensed psychologists accountable through the mutual recognition of Compact State licenses.

ARTICLE II

DEFINITIONS

- 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. “Authority to Practice Interjurisdictional Telepsychology” means: a licensed psychologist’s authority to practice, within the limits authorized under this Compact, in another Compact State.
- C. “Bylaws” means: those bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to Section X for its governance, or for directing and controlling its actions and conduct.
- D. “Client/Patient” means: the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, and/or consulting services.
- E. “Commissioner” means the voting representative appointed by each member board pursuant to Section X.
- F. “Compact State” means: a state, the District of Columbia, or US 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.
- G. “Coordinated Licensure Information System” 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 a non-profit organization composed of and controlled by State Psychology Regulatory Authorities.
- H. “Confidentiality” means: the principle that data or information is not made available or disclosed to unauthorized persons and/or processes.
- I. “Day” means: any part of a day in which psychological work is performed.

- J. “Distant Jurisdiction” means: the jurisdiction where a psychologist is physically present (not through using telecommunications technologies), to provide temporary face-to-face psychological services.
- K. “E.Passport” means: a certificate as referenced in sections III-E (1), IV-E, and VII-B and as further defined by the Rules of the Commission.
- L. “Home State” means: a Compact State where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state, the home state is the compact state where the psychologist was physically present when the services were delivered.
- M. “In-Person” means: interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of technologies.
- N. “Interjurisdictional Practice Certificate (IPC)” refers to a certificate that grants temporary authority to practice based on notification to the licensing board of intention to practice temporarily, and verification of one’s qualifications for such practice.
- O. “License” means: authorization by a State Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.
- P. “Non-Compact State” means: any State which is not at the time a Compact State.
- Q. “Psychologist” means: an individual licensed for the independent practice of psychology.
- R. “Psychology Interjurisdictional Compact Commission” also referred to as “Commission” means: the national administration of which all Compact States are members.

- S. “Receiving State” means: a Compact State where the client/patient is physically located when the services were delivered.
- T. “Rule” means: a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to Section XI of the Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a Compact State, and includes the amendment, repeal or suspension of an existing rule.
- U. “Significant Investigatory Information” means:
 - a. investigative information that a State Psychology Regulatory Authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proved true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or
 - b. investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and/or had an opportunity to respond.
- V. “State” means: a state, territory, or possession of the United States, the District of Columbia.
- W. “State Psychology Regulatory Authority” means: the Board, office or other agency with the legislative mandate to license and regulate the practice of psychology.
- X. “Telepsychology” means: the provision of psychological services using telecommunication technologies.
- Y. “Temporary In-Person Face-to-Face Practice” means: where a psychologist is physically present (not through using telecommunications technologies), in the distant jurisdiction to

provide for the practice of psychology up to a limited period of time as determined by the Commission and based on notification to the distant jurisdiction.

ARTICLE III

HOME STATE LICENSURE

- A. The home state in which a psychologist is licensed shall be a Compact State where a psychologist is licensed to practice psychology.

- B. A psychologist may hold one or more Compact State licenses at a time. If the psychologist is licensed in more than one Compact State, the Home State is the Compact State where the psychologist was physically present when the services were delivered.

- C. Any Compact State may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the Compact State under circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

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

- E. A Home State's license authorizes a psychologist to practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only if the Compact State:
 - 1. Currently requires the psychologist to hold an active E.Passport Certificate;
 - 2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;
 - 3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
 - 4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, no later than ten years after activation of the Compact; and

5. Complies with the Bylaws and Rules of the Commission.
- F. A Home State's license grants temporary authorization to practice to a psychologist in a Distant State only if the Compact State:
1. Currently requires the psychologist to hold an active IPC Certificate;
 2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;
 3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
 4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, no later than ten years after activation of the Compact; and
 5. Complies with the Bylaws and Rules of the Commission.

ARTICLE IV

COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

- A. Compact States shall recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to Practice Telepsychology in other Compact States (Receiving States) in which the psychologist is not licensed, under the Authority to Practice Interjurisdictional Telepsychology as provided in the Compact.
- B. To exercise the Authority to Practice Interjurisdictional Telepsychology under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:
1. Hold a graduate degree in psychology from an institute of higher education that was, at the time of the degree 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 (NACES) or by a recognized foreign credential evaluation service; AND
 2. 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. Such a 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;*
 - i) *The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degree;*
 - j) *The program includes an acceptable residency as defined by the Rules of the Commission.*
3. Possess a current, full and unrestricted license to practice psychology in a Home State which is a Compact State;
 4. Have no history of adverse action that violate the Rules of the Commission;
 5. Have no criminal record history reported on an Identity History Summary that violates the Rules of the Commission;
 6. Possess a current, active E.Passport Certificate;
 7. Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the Commission; and
 8. Meet other criteria as defined by the Rules of the Commission.
- C. A psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology shall practice within areas of competencies and the scope of practice authorized by the Home State.
- D. A psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology will be subject to the Receiving State's authority and

laws. A Receiving State may, in accordance with that state's due process law, limit or revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology in the Receiving State and may take any other necessary actions under the Receiving State's applicable law to protect the health and safety of the Receiving State's citizens. If a Receiving State takes action, the state shall promptly notify the Home State and the Commission.

- E. If a psychologist's license in any Home State, another Compact State, or any Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a Compact State under the Authority to Practice Interjurisdictional Telepsychology.

ARTICLE V

COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

- A. Compact States shall also recognize the right of a psychologist, licensed in a Compact State in conformance with Articles III and IV, to practice temporarily in other Compact States (Receiving States) in which the psychologist is not licensed, as provided in the Compact.
- B. To exercise the Temporary Authorization to Practice under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:
1. Hold a graduate degree in psychology from an institute of higher education that was, at the time of the degree 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 (NACES) or by a recognized foreign credential evaluation service; AND
 2. Hold a graduate degree in psychology that meets the following criteria:
 - k) *The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;*
 - l) *The psychology program must stand as a recognizable, coherent, organizational entity within the institution;*
 - m) *There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;*
 - n) *The program must consist of an integrated, organized sequence of study;*
 - o) *There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;*
 - p) *The designated director of the program must be a psychologist and a member of the core*

faculty;

- q) *The program must have an identifiable body of students who are matriculated in that program for a degree;*
- r) *The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;*
- s) *The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degree;*
- t) *The program includes an acceptable residency as defined by the Rules of the Commission.*

3. Possess a current, full and unrestricted license to practice psychology in a Home State which is a Compact State;

4. No history of adverse action that violate the Rules of the Commission;

5. No criminal record history that violates the Rules of the Commission;

6. Possess a current, active IPC Certificate;

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

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

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

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

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

1 **ARTICLE VI**

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

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

- 7 1. The psychologist initiates a client/patient contact in a Home State via
8 telecommunications technologies with a client/patient in a Receiving State;
- 9 2. Other conditions regarding telepsychology as determined by Rules promulgated by the
10 Commission.

11 **ARTICLE VII**

12 **ADVERSE ACTIONS**

- 13 A. A Home State shall have the power to impose adverse action against a psychologist's license
14 issued by the Home State; a Receiving State may take adverse action on a psychologist's
15 Authority to Practice Interjurisdictional Telepsychology and Temporary Authorization to
16 Practice within that Receiving State.
- 17 B. If a Home State takes adverse action against a psychologist's license, that psychologist's
18 Authority to Practice Interjurisdictional Telepsychology is terminated and the E.Passport is
19 revoked. In addition, that psychologist's Temporary Authorization to Practice is terminated
20 and the IPC is revoked.
- 21 1. All Home State disciplinary orders which impose adverse action shall be reported to the
22 Commission in accordance with the Rules promulgated by the Commission. A Compact
23 State shall report adverse actions in accordance with the Rules of the Commission.
- 24 2. In the event discipline is reported on a psychologist, the psychologist will not be eligible
25 for telepsychology or temporary practice in accordance with the Rules of the
26 Commission.
- 27 3. Other actions may be imposed as determined by the rules promulgated by the
28 Commission.
- 29 C. A Home State's Psychology Regulatory Authority shall investigate and take appropriate
30 action with respect to reported inappropriate conduct engaged in by a licensee which
31 occurred in a Receiving State as it would if such conduct had occurred by a licensee within
32 the Home State. In such cases, the Home State's law shall control in determining any adverse
33 action against a psychologist's license.
- 34 D. If a license granted by a Compact State is revoked, surrendered in lieu of discipline, or
35 suspended following an investigation authorized in Article VIII, Authorization to Practice
36 Interjurisdictional Telepsychology and the Temporary Authorization to Practice in all
37 Compact States shall be terminated upon entry of the final order in the Compact State taking
38 the action.
- 39 E. Nothing in this Compact shall override a Compact State's decision that a psychologist's
40 participation in an alternative program may be used in lieu of adverse action and that such

- 41 participation shall remain non-public if required by the Compact State's law. Compact States
42 must require psychologists who enter any alternative programs to not provide telepsychology
43 services under the Authority to Practice Interjurisdictional Telepsychology or provide
44 temporary psychological services under the Temporary Authorization to Practice in any other
45 Compact State during the term of the alternative program.
- 46 F. No other judicial or administrative remedies shall be available to a psychologist in event a
47 Compact State imposes an adverse action pursuant to subsection B, above.

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ARTICLE VIII

**ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE’S PSYCHOLOGY
REGULATORY AUTHORITY**

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

1. Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact State’s Psychology Regulatory Authority for the attendance and testimony of witnesses, and/or the production of evidence from another Compact State shall be enforced in the latter state by any court of competent jurisdiction, according to that court’s practice and procedure in considering subpoenas issued in its own proceedings. The issuing State Psychology Regulatory Authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and
2. Issue cease and desist and/or injunctive relief orders to revoke a psychologist’s Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice.
3. During the course of any investigation, a psychologist may not change his/her Home State licensure. A Home State Psychology Regulatory Authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The Home State Psychology Regulatory Authority shall promptly report the conclusions of such investigations to the Commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his/her Home State licensure. The Commission shall promptly notify the new Home State of any such decisions as provided in the Rules of the Commission. All information provided to the Commission or distributed by Compact States pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or

75 disciplinary matters. The Commission may create additional rules for mandated or
76 discretionary sharing of information by Compact States.

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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 licensees of Compact States.

- 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 psychologists individuals to whom this Compact is applicable 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 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 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 contributing state.

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

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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.
2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

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

- A. Executive Director, executive secretary or similar executive;
- B. Current member of the Psychology Licensure Regulatory Authority of a Compact State; OR
- C. Designee empowered with the appropriate delegate authority to act on behalf of the Compact State

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

128 the Commission shall be filled in accordance with the laws of the Compact State in
129 which the vacancy exists.

130 3. Each Commissioner shall be entitled to one (1) vote with regard to the promulgation
131 of rules and creation of bylaws and shall otherwise have an opportunity to participate
132 in the business and affairs of the Commission. A Commissioner shall vote in person
133 or by such other means as provided in the bylaws. The bylaws may provide for
134 Commissioners' participation in meetings by telephone or other means of
135 communication.

136 4. The Commission shall meet at least once during each calendar year. Additional
137 meetings shall be held as set forth in the bylaws.

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

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

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

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

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

147 d. Negotiation of contracts for the purchase or sale of goods, services or real estate;

148 e. Accusation against any person of a crime or formally censuring any person;

149 f. Disclosure of trade secrets or commercial or financial information which is privileged
150 or confidential;

151 g. Disclosure of information of a personal nature where disclosure would constitute a
152 clearly unwarranted invasion of personal privacy;

- 153 h. Disclosure of investigatory records compiled for law enforcement purposes;
- 154 i. Disclosure of information related to any investigatory reports prepared by or on
155 behalf of or for use of the Commission or other committee charged with
156 responsibility for investigation or determination of compliance issues pursuant to the
157 Compact; or
- 158 j. Matters specifically exempted from disclosure by federal and state statute.
- 159 7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
160 Commission's legal counsel or designee shall certify that the meeting may be closed
161 and shall reference each relevant exempting provision. The Commission shall keep
162 minutes which fully and clearly describe all matters discussed in a meeting and shall
163 provide a full and accurate summary of actions taken, of any person participating in
164 the meeting, and the reasons therefore, including a description of the views expressed.
165 All documents considered in connection with an action shall be identified in such
166 minutes. All minutes and documents of a closed meeting shall remain under seal,
167 subject to release only by a majority vote of the Commission or order of a court of
168 competent jurisdiction.
- 169 C. The Commission shall, by a majority vote of the Commissioners, prescribe Bylaws
170 and/or Rules to govern its conduct as may be necessary or appropriate to carry out the
171 purposes and exercise the powers of the Compact, including but not limited to:
- 172 1. Establishing the fiscal year of the Commission;
- 173 2. Providing reasonable standards and procedures:
- 174 a. for the establishment and meetings of other committees; and
- 175 b. governing any general or specific delegation of any authority or function of the
176 Commission;
- 177 3. Providing reasonable procedures for calling and conducting meetings of the
178 Commission, ensuring reasonable advance notice of all meetings and providing an

179 opportunity for attendance of such meetings by interested parties, with enumerated
180 exceptions designed to protect the public's interest, the privacy of individuals of such
181 proceedings, and proprietary information, including trade secrets. The Commission
182 may meet in closed session only after a majority of the Commissioners vote to close a
183 meeting to the public in whole or in part. As soon as practicable, the Commission
184 must make public a copy of the vote to close the meeting revealing the vote of each
185 Commissioner with no proxy votes allowed;

186 4. Establishing the titles, duties and authority and reasonable procedures for the election
187 of the officers of the Commission;

188 5. Providing reasonable standards and procedures for the establishment of the personnel
189 policies and programs of the Commission. Notwithstanding any civil service or other
190 similar law of any Compact State, the bylaws shall exclusively govern the personnel
191 policies and programs of the Commission;

192 6. Promulgating a code of ethics to address permissible and prohibited activities of
193 Commission members and employees;

194 7. Providing a mechanism for concluding the operations of the Commission and the
195 equitable disposition of any surplus funds that may exist after the termination of the
196 Compact after the payment and/or reserving of all of its debts and obligations;

197 8. The Commission shall publish its bylaws in a convenient form and file a copy thereof
198 and a copy of any amendment thereto, with the appropriate agency or officer in each
199 of the Compact States;

200 9. The Commission shall maintain its financial records in accordance with the bylaws;
201 and

202 10. The Commission shall meet and take such actions as are consistent with the
203 provisions of this Compact and the bylaws.

204 D. The Commission shall have the following powers:

- 205 1. The authority to promulgate uniform rules to facilitate and coordinate implementation
206 and administration of this Compact. The rules shall have the force and effect of law
207 and shall be binding in all Compact States;
- 208 2. To bring and prosecute legal proceedings or actions in the name of the Commission,
209 provided that the standing of any State Psychology Regulatory Authority or other
210 regulatory body responsible for psychology licensure to sue or be sued under
211 applicable law shall not be affected;
- 212 3. To purchase and maintain insurance and bonds;
- 213 4. To borrow, accept or contract for services of personnel, including, but not limited to,
214 employees of a Compact State;
- 215 5. To hire employees, elect or appoint officers, fix compensation, define duties, grant
216 such individuals appropriate authority to carry out the purposes of the Compact, and
217 to establish the Commission's personnel policies and programs relating to conflicts of
218 interest, qualifications of personnel, and other related personnel matters;
- 219 6. To accept any and all appropriate donations and grants of money, equipment,
220 supplies, materials and services, and to receive, utilize and dispose of the same;
221 provided that at all times the Commission shall strive to avoid any appearance of
222 impropriety and/or conflict of interest;
- 223 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
224 hold, improve or use, any property, real, personal or mixed; provided that at all times
225 the Commission shall strive to avoid any appearance of impropriety;
- 226 8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of
227 any property real, personal or mixed;
- 228 9. To establish a budget and make expenditures;
- 229 10. To borrow money;

- 230 11. To appoint committees, including advisory committees comprised of Members, State
231 regulators, State legislators or their representatives, and consumer representatives,
232 and such other interested persons as may be designated in this Compact and the
233 bylaws;
- 234 12. To provide and receive information from, and to cooperate with, law enforcement
235 agencies;
- 236 13. To adopt and use an official seal; and
- 237 14. To perform such other functions as may be necessary or appropriate to achieve the
238 purposes of this Compact consistent with the state regulation of psychology licensure,
239 temporary in-person face-to-face practice and telepsychology practice.

240 E. Financing of the Commission

- 241 1. The Commission shall pay, or provide for the payment of the reasonable expenses of
242 its establishment, organization and ongoing activities.
- 243 2. The Commission may accept any and all appropriate revenue sources, donations and
244 grants of money, equipment, supplies, materials and services.
- 245 3. The Commission may levy on and collect an annual assessment from each Compact
246 State or impose fees on other parties to cover the cost of the operations and activities
247 of the Commission and its staff which must be in a total amount sufficient to cover its
248 annual budget as approved each year for which revenue is not provided by other
249 sources. The aggregate annual assessment amount shall be allocated based upon a
250 formula to be determined by the Commission which shall promulgate a rule binding
251 upon all Compact States.
- 252 4. The Commission shall not incur obligations of any kind prior to securing the funds
253 adequate to meet the same; nor shall the Commission pledge the credit of any of the
254 Compact States, except by and with the authority of the Compact State.

255 5. The Commission shall keep accurate accounts of all receipts and disbursements. The
256 receipts and disbursements of the Commission shall be subject to the audit and
257 accounting procedures established under its bylaws. However, all receipts and
258 disbursements of funds handled by the Commission shall be audited yearly by a
259 certified or licensed public accountant and the report of the audit shall be included in
260 and become part of the annual report of the Commission.

261 F. Qualified Immunity, Defense, and Indemnification

262 1. The members, officers, Executive Director, employees and representatives of the
263 Commission shall be immune from suit and liability, either personally or in their
264 official capacity, for any claim for damage to or loss of property or personal injury or
265 other civil liability caused by or arising out of any actual or alleged act, error or
266 omission that occurred, or that the person against whom the claim is made had a
267 reasonable basis for believing occurred within the scope of Commission employment,
268 duties or responsibilities; provided that nothing in this paragraph shall be construed to
269 protect any such person from suit and/or liability for any damage, loss, injury or
270 liability caused by the intentional or willful or wanton misconduct of that person.

271 2. The Commission shall defend any member, officer, Executive Director, employee or
272 representative of the Commission in any civil action seeking to impose liability
273 arising out of any actual or alleged act, error or omission that occurred within the
274 scope of Commission employment, duties or responsibilities, or that the person
275 against whom the claim is made had a reasonable basis for believing occurred within
276 the scope of Commission employment, duties or responsibilities; provided that
277 nothing herein shall be construed to prohibit that person from retaining his or her own
278 counsel; and provided further, that the actual or alleged act, error or omission did not
279 result from that person's intentional or willful or wanton misconduct.

280 3. The Commission shall indemnify and hold harmless any member, officer, Executive
281 Director, employee or representative of the Commission for the amount of any
282 settlement or judgment obtained against that person arising out of any actual or
283 alleged act, error or omission that occurred within the scope of Commission

284 employment, duties or responsibilities, or that such person had a reasonable basis for
285 believing occurred within the scope of Commission employment, duties or
286 responsibilities, provided that the actual or alleged act, error or omission did not
287 result from the intentional or willful or wanton misconduct of that person.

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ARTICLE XI

RULEMAKING

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

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

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

- D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:
 - 1. On the website of the Commission; and
 - 2. On the website of each Compact State Psychology Regulatory Authority or the publication in which each state would otherwise publish proposed rules.

- E. The Notice of Proposed Rulemaking shall include:
 - 1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
 - 2. The text of the proposed rule or amendment and the reason for the proposed rule;
 - 3. A request for comments on the proposed rule from any interested person; and
 - 4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

- 311 F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit
312 written data, facts, opinions and arguments, which shall be made available to the public.
- 313 G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or
314 amendment if a hearing is requested by:
- 315 1. At least twenty-five (25) persons who submit comments independently of each other;
 - 316 2. A governmental subdivision or agency; or
 - 317 3. A duly appointed person in an association that has having at least twenty-five (25)
318 members.
- 319 H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the
320 place, time, and date of the scheduled public hearing.
- 321 1. All persons wishing to be heard at the hearing shall notify the Executive Director of
322 the Commission or other designated member in writing of their desire to appear and
323 testify at the hearing not less than five (5) business days before the scheduled date of
324 the hearing.
 - 325 2. Hearings shall be conducted in a manner providing each person who wishes to
326 comment a fair and reasonable opportunity to comment orally or in writing.
 - 327 3. No transcript of the hearing is required, unless a written request for a transcript is
328 made, in which case the person requesting the transcript shall bear the cost of
329 producing the transcript. A recording may be made in lieu of a transcript under the
330 same terms and conditions as a transcript. This subsection shall not preclude the
331 Commission from making a transcript or recording of the hearing if it so chooses.
 - 332 4. Nothing in this section shall be construed as requiring a separate hearing on each rule.
333 Rules may be grouped for the convenience of the Commission at hearings required by
334 this section.

- 335 I. Following the scheduled hearing date, or by the close of business on the scheduled
336 hearing date if the hearing was not held, the Commission shall consider all written and
337 oral comments received.
- 338 J. The Commission shall, by majority vote of all members, take final action on the proposed
339 rule and shall determine the effective date of the rule, if any, based on the rulemaking
340 record and the full text of the rule.
- 341 K. If no written notice of intent to attend the public hearing by interested parties is received,
342 the Commission may proceed with promulgation of the proposed rule without a public
343 hearing.
- 344 L. Upon determination that an emergency exists, the Commission may consider and adopt
345 an emergency rule without prior notice, opportunity for comment, or hearing, provided
346 that the usual rulemaking procedures provided in the Compact and in this section shall be
347 retroactively applied to the rule as soon as reasonably possible, in no event later than
348 ninety (90) days after the effective date of the rule. For the purposes of this provision, an
349 emergency rule is one that must be adopted immediately in order to:
- 350 1. Meet an imminent threat to public health, safety, or welfare;
 - 351 2. Prevent a loss of Commission or Compact State funds;
 - 352 3. Meet a deadline for the promulgation of an administrative rule that is established by
353 federal law or rule; or
 - 354 4. Protect public health and safety.
- 355 M. The Commission or an authorized committee of the Commission may direct revisions to
356 a previously adopted rule or amendment for purposes of correcting typographical errors,
357 errors in format, errors in consistency, or grammatical errors. Public notice of any
358 revisions shall be posted on the website of the Commission. The revision shall be subject
359 to challenge by any person for a period of thirty (30) days after posting. The revision
360 may be challenged only on grounds that the revision results in a material change to a rule.

361 A challenge shall be made in writing, and delivered to the Chair of the Commission prior
362 to the end of the notice period. If no challenge is made, the revision will take effect
363 without further action. If the revision is challenged, the revision may not take effect
364 without the approval of the Commission.

365 **ARTICLE XII**

366 **OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT**

367 A. Oversight

- 368 1. The executive, legislative and judicial branches of state government in each Compact
369 State shall enforce this Compact and take all actions necessary and appropriate to
370 effectuate the Compact's purposes and intent. The provisions of this Compact and the
371 rules promulgated hereunder shall have standing as statutory law.
- 372 2. All courts shall take judicial notice of the Compact and the rules in any judicial or
373 administrative proceeding in a Compact State pertaining to the subject matter of this
374 Compact which may affect the powers, responsibilities or actions of the Commission.
- 375 3. The Commission shall be entitled to receive service of process in any such
376 proceeding, and shall have standing to intervene in such a proceeding for all
377 purposes. Failure to provide service of process to the Commission shall render a
378 judgment or order void as to the Commission, this Compact or promulgated rules.

379 B. Default, Technical Assistance, and Termination

- 380 1. If the Commission determines that a Compact State has defaulted in the performance
381 of its obligations or responsibilities under this Compact or the promulgated rules, the
382 Commission shall:
- 383 A. Provide written notice to the defaulting state and other Compact States of the
384 nature of the default, the proposed means of remedying the default and/or any
385 other action to be taken by the Commission; and
- 386 B. Provide remedial training and specific technical assistance regarding the default.

- 387 2. If a state in default fails to remedy the default, the defaulting state may be terminated
388 from the Compact upon an affirmative vote of a majority of the Compact States, and
389 all rights, privileges and benefits conferred by this Compact shall be terminated on
390 the effective date of termination. A remedy of the default does not relieve the
391 offending state of obligations or liabilities incurred during the period of default.
- 392 3. Termination of membership in the Compact shall be imposed only after all other
393 means of securing compliance have been exhausted. Notice of intent to suspend or
394 terminate shall be submitted by the Commission to the Governor, the majority and
395 minority leaders of the defaulting state's legislature, and each of the Compact States.
- 396 4. A Compact State which has been terminated is responsible for all assessments,
397 obligations and liabilities incurred through the effective date of termination, including
398 obligations which extend beyond the effective date of termination.
- 399 5. The Commission shall not bear any costs incurred by the state which is found to be in
400 default or which has been terminated from the Compact, unless agreed upon in
401 writing between the Commission and the defaulting state.
- 402 6. The defaulting state may appeal the action of the Commission by petitioning the U.S.
403 District Court for the state of Georgia or the federal district where the Compact has its
404 principal offices. The prevailing member shall be awarded all costs of such litigation,
405 including reasonable attorney's fees.

406 C. Dispute Resolution

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

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

412 D. Enforcement

413 1. The Commission, in the reasonable exercise of its discretion, shall enforce the
414 provisions and rules of this Compact.

415 2. By majority vote, the Commission may initiate legal action in the United States
416 District Court for the State of Georgia or the federal district where the Compact has
417 its principal offices against a Compact State in default to enforce compliance with the
418 provisions of the Compact and its promulgated rules and bylaws. The relief sought
419 may include both injunctive relief and damages. In the event judicial enforcement is
420 necessary, the prevailing member shall be awarded all costs of such litigation,
421 including reasonable attorney's fees.

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

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ARTICLE XIII
DATE OF IMPLEMENTATION OF PSYCHOLOGY INTERJURISDICTIONAL
COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND
AMENDMENT

- A. The Compact shall come into effect on the date on which the Compact is enacted into law in the seventh Compact State. The provisions which become effective at that time shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.
- B. Any state which joins the Compact subsequent to the Commission’s initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule which has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.
- C. Any Compact State may withdraw from this Compact by enacting a statute repealing the same.
 - 1. A Compact State’s withdrawal shall not take effect until six (6) months after enactment of the repealing statute.
 - 2. Withdrawal shall not affect the continuing requirement of the withdrawing State’s Psychology Regulatory Authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.
- D. Nothing contained in this Compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a Compact State and a Non-Compact State which does not conflict with the provisions of this Compact.

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

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ARTICLE XIV

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CONSTRUCTION AND SEVERABILITY

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This Compact shall be liberally construed so as to effectuate the purposes thereof. If this

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Compact shall be held contrary to the constitution of any state member thereto, the Compact

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shall remain in full force and effect as to the remaining Compact States.