

1 AN ACT relating to the Psychology Interjurisdictional Compact.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 319 IS CREATED TO  
4 READ AS FOLLOWS:

5 ARTICLE I

6 PURPOSE

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

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

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

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

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

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

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

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

- 3 1. Increase public access to professional psychological services by allowing for  
4 telepsychological practice across state lines as well as temporary in-person,  
5 face-to-face services into a state in which the psychologist is not licensed to  
6 practice psychology;
- 7 2. Enhance the states' ability to protect the public's health and safety,  
8 especially client/patient safety;
- 9 3. Encourage the cooperation of Compact States in the areas of psychology  
10 licensure and regulation;
- 11 4. Facilitate the exchange of information between Compact States regarding  
12 psychologist licensure, adverse actions and disciplinary history;
- 13 5. Promote compliance with the laws governing psychological practice in each  
14 Compact State; and
- 15 6. Invest all Compact States with the authority to hold licensed psychologists  
16 accountable through the mutual recognition of Compact State licenses.

17 ARTICLE II

18 DEFINITIONS

- 19 A. "Adverse Action" means: any action taken by a State Psychology Regulatory  
20 Authority which finds a violation of a statute or regulation that is identified by  
21 the State Psychology Regulatory Authority as discipline and is a matter of public  
22 record.
- 23 B. "Association of State and Provincial Psychology Boards (ASPPB)" means: the  
24 recognized membership organization composed of State and Provincial  
25 Psychology Regulatory Authorities responsible for the licensure and registration  
26 of psychologists throughout the United States and Canada.
- 27 C. "Authority to Practice Interjurisdictional Telepsychology" means: a licensed

- 1        psychologist's authority to practice telepsychology, within the limits authorized  
2        under this Compact, in another Compact State.
- 3        D. "Bylaws" means: those Bylaws established by the Psychology Interjurisdictional  
4        Compact Commission pursuant to Article X for its governance, or for directing  
5        and controlling its actions and conduct.
- 6        E. "Client/Patient" means: the recipient of psychological services, whether  
7        psychological services are delivered in the context of healthcare, corporate,  
8        supervision, and/or consulting services.
- 9        F. "Commissioner" means: the voting representative appointed by each State  
10       Psychology Regulatory Authority pursuant to Article X.
- 11       G. "Compact State" means: a state, the District of Columbia, or United States  
12       territory that has enacted this Compact legislation and which has not withdrawn  
13       pursuant to Article XIII, Section C or been terminated pursuant to Article XII,  
14       Section B.
- 15       H. "Coordinated Licensure Information System" also referred to as "Coordinated  
16       Database" means: an integrated process for collecting, storing, and sharing  
17       information on psychologists' licensure and enforcement activities related to  
18       psychology licensure laws, which is administered by the recognized membership  
19       organization composed of State and Provincial Psychology Regulatory  
20       Authorities.
- 21       I. "Confidentiality" means: the principle that data or information is not made  
22       available or disclosed to unauthorized persons and/or processes.
- 23       J. "Day" means: any part of a day in which psychological work is performed.
- 24       K. "Distant State" means: the Compact State where a psychologist is physically  
25       present (not through the use of telecommunications technologies), to provide  
26       temporary in-person, face-to-face psychological services.
- 27       L. "E.Passport" means: a certificate issued by the Association of State and

- 1       Provincial Psychology Boards (ASPPB) that promotes the standardization in the  
2       criteria of interjurisdictional telepsychology practice and facilitates the process  
3       for licensed psychologists to provide telepsychological services across state lines.
- 4       M. "Executive Board" means: a group of directors elected or appointed to act on  
5       behalf of, and within the powers granted to them by, the Commission.
- 6       N. "Home State" means: a Compact State where a psychologist is licensed to  
7       practice psychology. If the psychologist is licensed in more than one Compact  
8       State and is practicing under the Authorization to Practice Interjurisdictional  
9       Telepsychology, the Home State is the Compact State where the psychologist is  
10       physically present when the telepsychological services are delivered. If the  
11       psychologist is licensed in more than one Compact State and is practicing under  
12       the Temporary Authorization to Practice, the Home State is any Compact State  
13       where the psychologist is licensed.
- 14       O. "Identity History Summary" means: a summary of information retained by the  
15       Federal Bureau of Investigation, or other designee with similar authority, in  
16       connection with arrests and, in some instances, federal employment,  
17       naturalization, or military service.
- 18       P. "In-Person, Face-to-Face" means: interactions in which the psychologist and  
19       the client/patient are in the same physical space and which does not include  
20       interactions that may occur through the use of telecommunication technologies.
- 21       Q. "Interjurisdictional Practice Certificate (IPC)" means: a certificate issued by the  
22       Association of State and Provincial Psychology Boards (ASPPB) that grants  
23       temporary authority to practice based on notification to the State Psychology  
24       Regulatory Authority of intention to practice temporarily, and verification of  
25       one's qualifications for such practice.
- 26       R. "License" means: authorization by a State Psychology Regulatory Authority to  
27       engage in the independent practice of psychology, which would be unlawful

1 without the authorization.

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

3 T. "Psychologist" means: an individual licensed for the independent practice of  
4 psychology.

5 U. "Psychology Interjurisdictional Compact Commission" also referred to as  
6 "Commission" means: the national administration of which all Compact States  
7 are members.

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

10 W. "Rule" means: a written statement by the Psychology Interjurisdictional  
11 Compact Commission promulgated pursuant to Article XI of the Compact that is  
12 of general applicability, implements, interprets, or prescribes a policy or provision  
13 of the Compact, or an organizational, procedural, or practice requirement of the  
14 Commission and has the force and effect of statutory law in a Compact State, and  
15 includes the amendment, repeal or suspension of an existing rule.

16 X. "Significant Investigatory Information" means:

17 1. Investigative information that a State Psychology Regulatory Authority,  
18 after a preliminary inquiry that includes notification and an opportunity to  
19 respond if required by state law, has reason to believe, if proven true, would  
20 indicate more than a violation of state statute or ethics code that would be  
21 considered more substantial than minor infraction; or

22 2. Investigative information that indicates that the psychologist represents an  
23 immediate threat to public health and safety regardless of whether the  
24 psychologist has been notified and/or had an opportunity to respond.

25 Y. "State" means: a state, commonwealth, territory, or possession of the United  
26 States, and the District of Columbia.

27 Z. "State Psychology Regulatory Authority" means: the Board, office or other

1 agency with the legislative mandate to license and regulate the practice of  
2 psychology.

3 AA. "Telepsychology" means: the provision of psychological services using  
4 telecommunication technologies.

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

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

### 12 ARTICLE III

#### 13 HOME STATE LICENSURE

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

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

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

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

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

4 1. Currently requires the psychologist to hold an active E.Passport;

5 2. Has a mechanism in place for receiving and investigating complaints about  
6 licensed individuals;

7 3. Notifies the Commission, in compliance with the terms herein, of any  
8 adverse action or significant investigatory information regarding a licensed  
9 individual;

10 4. Requires an Identity History Summary of all applicants at initial licensure,  
11 including the use of the results of fingerprints or other biometric data  
12 checks compliant with the requirements of the Federal Bureau of  
13 Investigation, or other designee with similar authority, no later than ten  
14 (10) years after activation of the Compact; and

15 5. Complies with the Bylaws and Rules of the Commission.

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

18 1. Currently requires the psychologist to hold an active IPC;

19 2. Has a mechanism in place for receiving and investigating complaints about  
20 licensed individuals;

21 3. Notifies the Commission, in compliance with the terms herein, of any  
22 adverse action or significant investigatory information regarding a licensed  
23 individual;

24 4. Requires an Identity History Summary of all applicants at initial licensure,  
25 including the use of the results of fingerprints or other biometric data  
26 checks compliant with the requirements of the Federal Bureau of  
27 Investigation, or other designee with similar authority, no later than ten



- 1           **b. The psychology program must stand as a recognizable, coherent,**  
2           **organizational entity within the institution;**
- 3           **c. There must be a clear authority and primary responsibility for the core**  
4           **and specialty areas whether or not the program cuts across**  
5           **administrative lines;**
- 6           **d. The program must consist of an integrated, organized sequence of**  
7           **study;**
- 8           **e. There must be an identifiable psychology faculty sufficient in size and**  
9           **breadth to carry out its responsibilities;**
- 10          **f. The designated director of the program must be a psychologist and a**  
11          **member of the core faculty;**
- 12          **g. The program must have an identifiable body of students who are**  
13          **matriculated in that program for a degree;**
- 14          **h. The program must include supervised practicum, internship, or field**  
15          **training appropriate to the practice of psychology;**
- 16          **i. The curriculum shall encompass a minimum of three (3) academic**  
17          **years of full-time graduate study for doctoral degree and a minimum**  
18          **of one (1) academic year of full-time graduate study for master's**  
19          **degree; and**
- 20          **j. The program includes an acceptable residency as defined by the Rules**  
21          **of the Commission;**
- 22          **3. Possess a current, full and unrestricted license to practice psychology in a**  
23          **Home State which is a Compact State;**
- 24          **4. Have no history of adverse action that violates the Rules of the**  
25          **Commission;**
- 26          **5. Have no criminal record history reported on an Identity History Summary**  
27          **that violates the Rules of the Commission;**

- 1        6. Possess a current, active E.Passport;
- 2        7. Provide attestations in regard to areas of intended practice, conformity with
- 3                standards of practice, competence in telepsychology technology; criminal
- 4                background; and knowledge and adherence to legal requirements in the
- 5                home and receiving states, and provide a release of information to allow for
- 6                primary source verification in a manner specified by the Commission; and
- 7        8. Meet other criteria as defined by the Rules of the Commission.
- 8        C. The Home State maintains authority over the license of any psychologist
- 9                practicing into a Receiving State under the Authority to Practice
- 10                Interjurisdictional Telepsychology.
- 11        D. A psychologist practicing into a Receiving State under the Authority to Practice
- 12                Interjurisdictional Telepsychology will be subject to the Receiving State's scope
- 13                of practice. A Receiving State may, in accordance with that state's due process
- 14                law, limit or revoke a psychologist's Authority to Practice Interjurisdictional
- 15                Telepsychology in the Receiving State and may take any other necessary actions
- 16                under the Receiving State's applicable law to protect the health and safety of the
- 17                Receiving State's citizens. If a Receiving State takes action, the state shall
- 18                promptly notify the Home State and the Commission.
- 19        E. If a psychologist's license in any Home State, another Compact State, or any
- 20                Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is
- 21                restricted, suspended or otherwise limited, the E.Passport shall be revoked and
- 22                therefore the psychologist shall not be eligible to practice telepsychology in a
- 23                Compact State under the Authority to Practice Interjurisdictional
- 24                Telepsychology.

25                                ARTICLE V

26                                COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

- 27        A. Compact States shall also recognize the right of a psychologist, licensed in a

1       Compact State in conformance with Article III, to practice temporarily in other  
2       Compact States (Distant States) in which the psychologist is not licensed, as  
3       provided in the Compact.

4       B. To exercise the Temporary Authorization to Practice under the terms and  
5       provisions of this Compact, a psychologist licensed to practice in a Compact State  
6       must:

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

9       a. Regionally accredited by an accrediting body recognized by the United  
10       States Department of Education to grant graduate degrees, OR  
11       authorized by Provincial Statute or Royal Charter to grant doctoral  
12       degrees; OR

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

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

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

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

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

27       d. The program must consist of an integrated, organized sequence of

- 1                   study;
- 2                   e. There must be an identifiable psychology faculty sufficient in size and
- 3                   breadth to carry out its responsibilities;
- 4                   f. The designated director of the program must be a psychologist and a
- 5                   member of the core faculty;
- 6                   g. The program must have an identifiable body of students who are
- 7                   matriculated in that program for a degree;
- 8                   h. The program must include supervised practicum, internship, or field
- 9                   training appropriate to the practice of psychology;
- 10                  i. The curriculum shall encompass a minimum of three (3) academic
- 11                  years of full-time graduate study for doctoral degrees and a minimum
- 12                  of one (1) academic year of full-time graduate study for master's
- 13                  degree;
- 14                  j. The program includes an acceptable residency as defined by the Rules
- 15                  of the Commission;
- 16                  3. Possess a current, full and unrestricted license to practice psychology in a
- 17                  Home State which is a Compact State;
- 18                  4. Have no history of adverse action that violate the Rules of the Commission;
- 19                  5. Have no criminal record history that violates the Rules of the Commission;
- 20                  6. Possess a current, active IPC;
- 21                  7. Provide attestations in regard to areas of intended practice and work
- 22                  experience and provide a release of information to allow for primary source
- 23                  verification in a manner specified by the Commission; and
- 24                  8. Meet other criteria as defined by the Rules of the Commission.
- 25                  C. A psychologist practicing into a Distant State under the Temporary Authorization
- 26                  to Practice shall practice within the scope of practice authorized by the Distant
- 27                  State.

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

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

#### 13 ARTICLE VI

#### 14 CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

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

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

#### 24 ARTICLE VII

#### 25 ADVERSE ACTIONS

26 A. A Home State shall have the power to impose adverse action against a  
27 psychologist's license issued by the Home State. A Distant State shall have the

1 power to take adverse action on a psychologist's Temporary Authorization to  
2 Practice within that Distant State.

3 B. A Receiving State may take adverse action on a psychologist's Authority to  
4 Practice Interjurisdictional Telepsychology within that Receiving State. A Home  
5 State may take adverse action against a psychologist based on an adverse action  
6 taken by a Distant State regarding temporary in-person, face-to-face practice.

7 C. If a Home State takes adverse action against a psychologist's license, that  
8 psychologist's Authority to Practice Interjurisdictional Telepsychology is  
9 terminated and the E.Passport is revoked. Furthermore, that psychologist's  
10 Temporary Authorization to Practice is terminated and the IPC is revoked.

11 1. All Home State disciplinary orders which impose adverse action shall be  
12 reported to the Commission in accordance with the Rules promulgated by  
13 the Commission. A Compact State shall report adverse actions in  
14 accordance with the Rules of the Commission.

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

18 3. Other actions may be imposed as determined by the Rules promulgated by  
19 the Commission.

20 D. A Home State's Psychology Regulatory Authority shall investigate and take  
21 appropriate action with respect to reported inappropriate conduct engaged in by a  
22 licensee which occurred in a Receiving State as it would if such conduct had  
23 occurred by a licensee within the Home State. In such cases, the Home State's  
24 law shall control in determining any adverse action against a psychologist's  
25 license.

26 E. A Distant State's Psychology Regulatory Authority shall investigate and take  
27 appropriate action with respect to reported inappropriate conduct engaged in by a

1 psychologist practicing under Temporary Authorization Practice which occurred  
2 in that Distant State as it would if such conduct had occurred by a licensee within  
3 the Home State. In such cases, Distant State's law shall control in determining  
4 any adverse action against a psychologist's Temporary Authorization to Practice.

5 F. Nothing in this Compact shall override a Compact State's decision that a  
6 psychologist's participation in an alternative program may be used in lieu of  
7 adverse action and that such participation shall remain non-public if required by  
8 the Compact State's law. Compact States must require psychologists who enter  
9 any alternative programs to not provide telepsychology services under the  
10 Authority to Practice Interjurisdictional Telepsychology or provide temporary  
11 psychological services under the Temporary Authorization to Practice in any  
12 other Compact State during the term of the alternative program.

13 G. No other judicial or administrative remedies shall be available to a psychologist  
14 in the event a Compact State imposes an adverse action pursuant to subsection C,  
15 above.

## 16 ARTICLE VIII

### 17 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S

#### 18 PSYCHOLOGY REGULATORY AUTHORITY

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

21 1. Issue subpoenas, for both hearings and investigations, which require the  
22 attendance and testimony of witnesses and the production of evidence.  
23 Subpoenas issued by a Compact State's Psychology Regulatory Authority  
24 for the attendance and testimony of witnesses, and/or the production of  
25 evidence from another Compact State shall be enforced in the latter state by  
26 any court of competent jurisdiction, according to that court's practice and  
27 procedure in considering subpoenas issued in its own proceedings. The





1 COMMISSION

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

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

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

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

13 B. Membership, Voting, and Meetings

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

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

20 b. Current member of the State Psychology Regulatory Authority of a  
21 Compact State; OR

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

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

- 1        3. Each Commissioner shall be entitled to one (1) vote with regard to the  
2        promulgation of Rules and creation of Bylaws and shall otherwise have an  
3        opportunity to participate in the business and affairs of the Commission. A  
4        Commissioner shall vote in person or by such other means as provided in  
5        the Bylaws. The Bylaws may provide for Commissioners' participation in  
6        meetings by telephone or other means of communication.
- 7        4. The Commission shall meet at least once during each calendar year.  
8        Additional meetings shall be held as set forth in the Bylaws.
- 9        5. All meetings shall be open to the public, and public notice of meetings shall  
10       be given in the same manner as required under the rulemaking provisions  
11       in Article XI.
- 12       6. The Commission may convene in a closed, non-public meeting if the  
13       Commission must discuss:
- 14       a. Non-compliance of a Compact State with its obligations under the  
15       Compact;
- 16       b. The employment, compensation, discipline or other personnel matters,  
17       practices or procedures related to specific employees or other matters  
18       related to the Commission's internal personnel practices and  
19       procedures;
- 20       c. Current, threatened, or reasonably anticipated litigation against the  
21       Commission;
- 22       d. Negotiation of contracts for the purchase or sale of goods, services or  
23       real estate;
- 24       e. Accusation against any person of a crime or formally censuring any  
25       person;
- 26       f. Disclosure of trade secrets or commercial or financial information  
27       which is privileged or confidential;

- 1            g. Disclosure of information of a personal nature where disclosure  
2            would constitute a clearly unwarranted invasion of personal privacy;
- 3            h. Disclosure of investigatory records compiled for law enforcement  
4            purposes;
- 5            i. Disclosure of information related to any investigatory reports prepared  
6            by or on behalf of or for use of the Commission or other committee  
7            charged with responsibility for investigation or determination of  
8            compliance issues pursuant to the Compact; or
- 9            j. Matters specifically exempted from disclosure by federal and state  
10           statute.
- 11        7. If a meeting, or portion of a meeting, is closed pursuant to this provision,  
12        the Commission's legal counsel or designee shall certify that the meeting  
13        may be closed and shall reference each relevant exempting provision. The  
14        Commission shall keep minutes which fully and clearly describe all matters  
15        discussed in a meeting and shall provide a full and accurate summary of  
16        actions taken, of any person participating in the meeting, and the reasons  
17        therefor, including a description of the views expressed. All documents  
18        considered in connection with an action shall be identified in such minutes.  
19        All minutes and documents of a closed meeting shall remain under seal,  
20        subject to release only by a majority vote of the Commission or order of a  
21        court of competent jurisdiction.
- 22        C. The Commission shall, by a majority vote of the Commissioners, prescribe  
23        Bylaws and/or Rules to govern its conduct as may be necessary or appropriate to  
24        carry out the purposes and exercise the powers of the Compact, including but not  
25        limited to:
- 26        1. Establishing the fiscal year of the Commission;
- 27        2. Providing reasonable standards and procedures:

- 1            a. For the establishment and meetings of other committees; and
- 2            b. Governing any general or specific delegation of any authority or
- 3            function of the Commission;
- 4            3. Providing reasonable procedures for calling and conducting meetings of the
- 5            Commission, ensuring reasonable advance notice of all meetings and
- 6            providing an opportunity for attendance of such meetings by interested
- 7            parties, with enumerated exceptions designed to protect the public's interest,
- 8            the privacy of individuals of such proceedings, and proprietary information,
- 9            including trade secrets. The Commission may meet in closed session only
- 10           after a majority of the Commissioners vote to close a meeting to the public
- 11           in whole or in part. As soon as practicable, the Commission must make
- 12           public a copy of the vote to close the meeting revealing the vote of each
- 13           Commissioner with no proxy votes allowed;
- 14           4. Establishing the titles, duties and authority and reasonable procedures for
- 15           the election of the officers of the Commission;
- 16           5. Providing reasonable standards and procedures for the establishment of the
- 17           personnel policies and programs of the Commission. Notwithstanding any
- 18           civil service or other similar law of any Compact State, the Bylaws shall
- 19           exclusively govern the personnel policies and programs of the Commission;
- 20           6. Promulgating a Code of Ethics to address permissible and prohibited
- 21           activities of Commission members and employees;
- 22           7. Providing a mechanism for concluding the operations of the Commission
- 23           and the equitable disposition of any surplus funds that may exist after the
- 24           termination of the Compact after the payment and/or reserving of all of its
- 25           debts and obligations;
- 26           8. The Commission shall publish its Bylaws in a convenient form and file a
- 27           copy thereof and a copy of any amendment thereto, with the appropriate

1           agency or officer in each of the Compact States;

2           9. The Commission shall maintain its financial records in accordance with the  
3           Bylaws; and

4           10. The Commission shall meet and take such actions as are consistent with the  
5           provisions of this Compact and the Bylaws.

6           D. The Commission shall have the following powers:

7           1. The authority to promulgate uniform rules to facilitate and coordinate  
8           implementation and administration of this Compact. The rule shall have the  
9           force and effect of law and shall be binding in all Compact States;

10          2. To bring and prosecute legal proceedings or actions in the name of the  
11          Commission, provided that the standing of any State Psychology Regulatory  
12          Authority or other regulatory body responsible for psychology licensure to  
13          sue or be sued under applicable law shall not be affected;

14          3. To purchase and maintain insurance and bonds;

15          4. To borrow, accept or contract for services of personnel, including but not  
16          limited to employees of a Compact State;

17          5. To hire employees, elect or appoint officers, fix compensation, define duties,  
18          grant such individuals appropriate authority to carry out the purposes of the  
19          Compact, and to establish the Commission's personnel policies and  
20          programs relating to conflicts of interest, qualifications of personnel, and  
21          other related personnel matters;

22          6. To accept any and all appropriate donations and grants of money,  
23          equipment, supplies, materials and services, and to receive, utilize and  
24          dispose of the same; provided that at all times the Commission shall strive to  
25          avoid any appearance of impropriety and/or conflict of interest;

26          7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to  
27          own, hold, improve or use, any property, real, personal or mixed; provided

1           that at all times the Commission shall strive to avoid any appearance of  
2           impropriety;

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

5           9. To establish a budget and make expenditures;

6           10. To borrow money;

7           11. To appoint committees, including advisory committees composed of  
8           Members, State regulators, State legislators or their representatives, and  
9           consumer representatives, and such other interested persons as may be  
10           designated in this Compact and the Bylaws;

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

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

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

18           E. The Executive Board

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

21           1. The Executive Board shall be composed of six (6) members:

22           a. Five (5) voting members who are elected from the current membership  
23           of the Commission by the Commission;

24           b. One ex officio, nonvoting member from the recognized membership  
25           organization composed of State and Provincial Psychology Regulatory  
26           Authorities.

27           2. The ex officio member must have served as staff or member on a State

1           Psychology Regulatory Authority and will be selected by its respective  
2           organization.

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

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

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

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

10          b. Ensure Compact administration services are appropriately provided,  
11          contractual or otherwise;

12          c. Prepare and recommend the budget;

13          d. Maintain financial records on behalf of the Commission;

14          e. Monitor Compact compliance of member states and provide  
15          compliance reports to the Commission;

16          f. Establish additional committees as necessary; and

17          g. Other duties as provided in Rules or Bylaws.

18        F. Financing of the Commission

19           1. The Commission shall pay, or provide for the payment of the reasonable  
20           expenses of its establishment, organization and ongoing activities.

21           2. The Commission may accept any and all appropriate revenue sources,  
22           donations and grants of money, equipment, supplies, materials and services.

23           3. The Commission may levy on and collect an annual assessment from each  
24           Compact State or impose fees on other parties to cover the cost of the  
25           operations and activities of the Commission and its staff which must be in a  
26           total amount sufficient to cover its annual budget as approved each year for  
27           which revenue is not provided by other sources. The aggregate annual

1 assessment amount shall be allocated based upon a formula to be  
2 determined by the Commission which shall promulgate a rule binding upon  
3 all Compact States.

4 4. The Commission shall not incur obligations of any kind prior to securing  
5 the funds adequate to meet the same; nor shall the Commission pledge the  
6 credit of any of the Compact States, except by and with the authority of the  
7 Compact State.

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

15 G. Qualified Immunity, Defense, and Indemnification

16 1. The members, officers, Executive Director, employees and representatives  
17 of the Commission shall be immune from suit and liability, either  
18 personally or in their official capacity, for any claim for damage to or loss  
19 of property or personal injury or other civil liability caused by or arising out  
20 of any actual or alleged act, error or omission that occurred, or that the  
21 person against whom the claim is made had a reasonable basis for believing  
22 occurred within the scope of Commission employment, duties or  
23 responsibilities; provided that nothing in this paragraph shall be construed  
24 to protect any such person from suit and/or liability for any damage, loss,  
25 injury or liability caused by the intentional or willful or wanton misconduct  
26 of that person.

27 2. The Commission shall defend any member, officer, Executive Director,

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

10 3. The Commission shall indemnify and hold harmless any member, officer,  
11 Executive Director, employee or representative of the Commission for the  
12 amount of any settlement or judgment obtained against that person arising  
13 out of any actual or alleged act, error or omission that occurred within the  
14 scope of Commission employment, duties or responsibilities, or that such  
15 person had a reasonable basis for believing occurred within the scope of  
16 Commission employment, duties or responsibilities, provided that the actual  
17 or alleged act, error or omission did not result from the intentional or  
18 willful or wanton misconduct of that person.

19 ARTICLE XI

20 RULEMAKING

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

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

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

1 of the Commission.

2 D. Prior to promulgation and adoption of a final rule or Rules by the Commission,  
3 and at least sixty (60) days in advance of the meeting at which the rule will be  
4 considered and voted upon, the Commission shall file a Notice of Proposed  
5 Rulemaking:

6 1. On the website of the Commission; and

7 2. On the website of each Compact States' Psychology Regulatory Authority or  
8 the publication in which each state would otherwise publish proposed rules.

9 E. The Notice of Proposed Rulemaking shall include:

10 1. The proposed time, date, and location of the meeting in which the rule will  
11 be considered and voted upon;

12 2. The text of the proposed rule or amendment and the reason for the  
13 proposed rule;

14 3. A request for comments on the proposed rule from any interested person;  
15 and

16 4. The manner in which interested persons may submit notice to the  
17 Commission of their intention to attend the public hearing and any written  
18 comments.

19 F. Prior to adoption of a proposed rule, the Commission shall allow persons to  
20 submit written data, facts, opinions and arguments, which shall be made  
21 available to the public.

22 G. The Commission shall grant an opportunity for a public hearing before it adopts  
23 a rule or amendment if a hearing is requested by:

24 1. At least twenty-five (25) persons who submit comments independently of  
25 each other;

26 2. A governmental subdivision or agency; or

27 3. A duly appointed person in an association that has at least twenty-five (25)

1           members.

2   H. If a hearing is held on the proposed rule or amendment, the Commission shall  
3   publish the place, time, and date of the scheduled public hearing.

4       1. All persons wishing to be heard at the hearing shall notify the Executive  
5       Director of the Commission or other designated member in writing of their  
6       desire to appear and testify at the hearing not less than five (5) business  
7       days before the scheduled date of the hearing.

8       2. Hearings shall be conducted in a manner providing each person who  
9       wishes to comment a fair and reasonable opportunity to comment orally or  
10      in writing.

11      3. No transcript of the hearing is required, unless a written request for a  
12      transcript is made, in which case the person requesting the transcript shall  
13      bear the cost of producing the transcript. A recording may be made in lieu  
14      of a transcript under the same terms and conditions as a transcript. This  
15      subsection shall not preclude the Commission from making a transcript or  
16      recording of the hearing if it so chooses.

17      4. Nothing in this section shall be construed as requiring a separate hearing  
18      on each rule. Rules may be grouped for the convenience of the Commission  
19      at hearings required by this section.

20   I. Following the scheduled hearing date, or by the close of business on the  
21   scheduled hearing date if the hearing was not held, the Commission shall  
22   consider all written and oral comments received.

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

26   K. If no written notice of intent to attend the public hearing by interested parties is  
27   received, the Commission may proceed with promulgation of the proposed rule

1 without a public hearing.

- 2 L. Upon determination that an emergency exists, the Commission may consider and  
3 adopt an emergency rule without prior notice, opportunity for comment, or  
4 hearing, provided that the usual rulemaking procedures provided in the Compact  
5 and in this section shall be retroactively applied to the rule as soon as reasonably  
6 possible, in no event later than ninety (90) days after the effective date of the rule.  
7 For the purposes of this provision, an emergency rule is one that must be adopted  
8 immediately in order to:
- 9 1. Meet an imminent threat to public health, safety, or welfare;
  - 10 2. Prevent a loss of Commission or Compact State funds;
  - 11 3. Meet a deadline for the promulgation of an administrative rule that is  
12 established by federal law or rule; or
  - 13 4. Protect public health and safety.

- 14 M. The Commission or an authorized committee of the Commission may direct  
15 revisions to a previously adopted rule or amendment for purposes of correcting  
16 typographical errors, errors in format, errors in consistency, or grammatical  
17 errors. Public notice of any revisions shall be posted on the website of the  
18 Commission. The revision shall be subject to challenge by any person for a period  
19 of thirty (30) days after posting. The revision may be challenged only on grounds  
20 that the revision results in a material change to a rule. A challenge shall be made  
21 in writing, and delivered to the Chair of the Commission prior to the end of the  
22 notice period. If no challenge is made, the revision will take effect without further  
23 action. If the revision is challenged, the revision may not take effect without the  
24 approval of the Commission.

## 25 ARTICLE XII

### 26 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

- 27 A. Oversight

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

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

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

15 **B. Default, Technical Assistance, and Termination**

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

- 19 a. Provide written notice to the defaulting state and other Compact States  
20 of the nature of the default, the proposed means of remedying the  
21 default and/or any other action to be taken by the Commission; and  
22 b. Provide remedial training and specific technical assistance regarding  
23 the default.

24 2. If a state in default fails to remedy the default, the defaulting state may be  
25 terminated from the Compact upon an affirmative vote of a majority of the  
26 Compact States, and all rights, privileges and benefits conferred by this  
27 Compact shall be terminated on the effective date of termination. A remedy

1 of the default does not relieve the offending state of obligations or liabilities  
2 incurred during the period of default.

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

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

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

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

21 C. Dispute Resolution

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

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

27 D. Enforcement

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

ARTICLE XIII

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

- 18    A. The Compact shall come into effect on the date on which the Compact is enacted
- 19                into law in the seventh Compact State. The provisions which become effective at
- 20                that time shall be limited to the powers granted to the Commission relating to
- 21                assembly and the promulgation of rules. Thereafter, the Commission shall meet
- 22                and exercise rulemaking powers necessary to the implementation and
- 23                administration of the Compact.
- 24    B. Any state which joins the Compact subsequent to the Commission’s initial
- 25                adoption of the rules shall be subject to the rules as they exist on the date on
- 26                which the Compact becomes law in that state. Any rule which has been
- 27                previously adopted by the Commission shall have the full force and effect of law

