

SENATE BILL No. 355

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-33.5; IC 34-30-2-101.7.

Synopsis: Psychology interjurisdictional compact. Establishes the psychology interjurisdictional compact concerning interjurisdictional telepsychology and the temporary authorization to practice psychology in another compact state. Sets forth requirements of a compact state. Sets forth the duties of the psychology interjurisdictional compact commission.

Effective: July 1, 2020.

Becker, Crider

January 13, 2020, read first time and referred to Committee on Health and Provider Services.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

SENATE BILL No. 355

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-33.5 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2020]:
4 **ARTICLE 33.5. PSYCHOLOGY INTERJURISDICTIONAL**
5 **COMPACT**
6 **Chapter 1. Purpose and Applicability**
7 **Sec. 1. The party states make the following findings:**
8 **(1) States license psychologists in order to protect the public**
9 **through verification of education, training, and experience,**
10 **and to ensure accountability for professional practice.**
11 **(2) The compact under this article is intended to regulate the**
12 **following:**
13 **(A) The day to day practice of telepsychology by**
14 **psychologists across state boundaries in the performance**
15 **of the practice of psychology, as assigned by an**
16 **appropriate authority.**
17 **(B) The temporary in-person, face-to-face practice of**



1 psychology by psychologists across state boundaries for
2 not more than thirty (30) days within a calendar year in
3 the performance of the practice of psychology, as assigned
4 by an appropriate authority.

5 (3) The compact under this article is intended to authorize the
6 state psychology regulatory authorities to afford legal
7 recognition, in a manner consistent with the terms of the
8 compact under this article, to psychologists licensed in
9 another state.

10 (4) States have a vested interest in protecting the public's
11 health and safety through licensing and regulating
12 psychologists and that state regulation best protects public
13 health and safety.

14 **Sec. 2. The compact set forth in this article does not apply to the**
15 **following:**

16 (1) When a psychologist is licensed in both the home and
17 receiving state.

18 (2) Permanent in-person, face-to-face practice.

19 However, the compact does allow for the authorization of a
20 temporary psychological practice.

21 **Sec. 3. The compact set forth in this article is designed to**
22 **achieve the following purposes and objectives:**

23 (1) Increase public access to professional psychological
24 services by allowing for telepsychological practice across state
25 lines as well as temporary in-person, face-to-face services into
26 a state in which the psychologist is not licensed to practice
27 psychology.

28 (2) Enhance the states' ability to protect the public's health
29 and safety, especially client and patient safety.

30 (3) Encourage the cooperation of compact states in the area of
31 psychology licensure and regulation.

32 (4) Facilitate the exchange of information between compact
33 states concerning psychologist licensure, adverse actions, and
34 disciplinary history.

35 (5) Promote compliance with the laws governing psychological
36 practice in each compact state.

37 (6) Invest all compact states with the authority to hold
38 licensed psychologists accountable through the mutual
39 recognition of compact state licenses.

40 **Chapter 2. Definitions**

41 **Sec. 1. The definitions set forth in this chapter apply to this**
42 **article.**



1 **Sec. 2. "Adverse action"** means any action taken by a state
2 psychology regulatory authority that finds a violation of a statute
3 or regulation that is identified by the state psychology regulatory
4 authority as discipline and is a matter of public record.

5 **Sec. 3. "Association of State and Provincial Psychology Boards"**
6 or "ASPPB" means the recognized membership organization
7 composed of state and provincial psychology regulatory authorities
8 responsible for the licensure and registration of psychologists
9 throughout the United States and Canada.

10 **Sec. 4. "Authority to practice interjurisdictional**
11 **telepsychology"** means a licensed psychologist's authority to
12 practice telepsychology, within the limits authorized under the
13 compact set forth in this article, in another compact state.

14 **Sec. 5. "Bylaws"** refers to the bylaws established by the
15 psychology interjurisdictional compact commission under
16 IC 25-33.5-10 for the governance of the compact or for directing
17 and controlling actions and conduct under the compact.

18 **Sec. 6. "Client" or "patient"** refers to the recipient of
19 psychological services, whether psychological services are
20 delivered in the context of health care, corporate, supervision, or
21 consulting services.

22 **Sec. 7. "Commissioner"** means the voting representative
23 appointed by each state psychology regulatory authority under
24 IC 25-33.5-10.

25 **Sec. 8. "Compact state"** means a state, the District of Columbia,
26 or a United States territory that has enacted the compact set forth
27 in this article and has not withdrawn under IC 25-33.5-13 or been
28 terminated under IC 25-33.5-12.

29 **Sec. 9. "Confidentiality"** means the principle that data or
30 information is not made available or disclosed to unauthorized
31 persons or processes.

32 **Sec. 10. "Coordinated licensure information system" or**
33 **"coordinated data base"** refers to the integrated process for
34 collecting, storing, and sharing information on psychologist
35 licensure and enforcement activities related to psychology licensure
36 laws and that is administered by the recognized membership
37 organization composed of state and provincial psychology
38 regulatory authorities.

39 **Sec. 11. "Day"** means any part of a day in which psychological
40 work is performed.

41 **Sec. 12. "Distant state"** means the compact state where a
42 psychologist is physically present (not through the use of



1 telecommunications technology) to provide temporary in-person,
2 face-to-face psychological services.

3 Sec. 13. "E.Passport" means a certificate issued by the
4 Association of State and Provincial Psychology Boards that
5 promotes the standardization in the criteria of interjurisdictional
6 telepsychology practice and facilitates the process for licensed
7 psychologists to provide telepsychological services across state
8 lines.

9 Sec. 14. "Executive board" means a group of directors elected
10 or appointed to act on behalf of and within the powers granted to
11 the group by the commission.

12 Sec. 15. "Home state" means one (1) of the following:

13 (1) The compact state where a psychologist is licensed to
14 practice psychology.

15 (2) If the psychologist is licensed in more than one (1) compact
16 state as a psychologist and is practicing under the
17 authorization to practice interjurisdictional telepsychology,
18 the compact state where the psychologist is physically present
19 when the telepsychological services are delivered.

20 (3) If the psychologist is licensed in more than one (1) compact
21 state and is practicing under the temporary authorization to
22 practice, the compact state where the psychologist is licensed.

23 Sec. 16. "Identity history summary" means a summary of
24 information retained by the Federal Bureau of Investigation or
25 other designee with similar authority in connection with arrests
26 and, in some instances, federal employment, naturalization, or
27 military service.

28 Sec. 17. "In-person, face-to-face" means interactions in which
29 the psychologist and the client or patient are in the same physical
30 space and that does not include interactions that may occur
31 through the use of telecommunication technology.

32 Sec. 18. "Interjurisdictional Practice Certificate" or "IPC"
33 refers to a certificate issued by the Association of State and
34 Provincial Psychology Boards that grants temporary authority to
35 practice based on notification to the state psychology regulatory
36 authority of intention to practice temporarily and the verification
37 of the individual's qualifications to practice psychology.

38 Sec. 19. "License" means the authorization by a state regulatory
39 authority to engage in the independent practice of psychology that
40 would otherwise be unlawful to practice without authorization.

41 Sec. 20. "Noncompact state" refers to any state that is not a
42 compact state.



1 **Sec. 21. "Psychologist"** means an individual who is licensed for
2 the independent practice of psychology.

3 **Sec. 22. "Psychology interjurisdictional compact commission"**
4 **or "commission"** refers to that national administration of which all
5 compact states are members.

6 **Sec. 23. "Receiving state"** refers to a compact state where the
7 client or patient is physically located when the telepsychological
8 services are delivered.

9 **Sec. 24. "Rule"** means a written statement by the psychology
10 interjurisdictional compact commission promulgated under
11 IC 25-33.5-11 that is of general applicability, implements,
12 interprets, or prescribes a policy or provision of the compact, or an
13 organizational, procedural, or practice requirement of the
14 commission and has the force and effect of statutory law in a
15 compact state, including the amendment, repeal, or suspension of
16 an existing rule.

17 **Sec. 25. "Significant investigatory information"** means:

18 (1) investigatory information that the state psychology
19 regulatory authority has reason to believe, after a preliminary
20 inquiry that includes notification and opportunity to respond
21 if required by state law, if proven true, would indicate more
22 than a violation of state statute or ethics code that would be
23 considered more substantial than a minor infraction; or

24 (2) investigatory information that indicates that the
25 psychologist represents an immediate threat to public health
26 and safety regardless of whether the psychologist has been
27 notified or had an opportunity to respond.

28 **Sec. 26. "State"** refers to a state, commonwealth, territory, or
29 possession of the United States, including the District of Columbia.

30 **Sec. 27. "State psychology regulatory authority"** means the
31 board, office, or other agency with the legislative mandate to
32 license and regulate the practice of psychology.

33 **Sec. 28. "Telepsychology"** means the provision of psychological
34 services using telecommunication technology.

35 **Sec. 29. "Temporary authorization to practice"** means a
36 licensed psychologist's authority to conduct temporary in-person,
37 face-to-face practice, within the limits authorized under the
38 compact set forth in this article, in a compact state.

39 **Sec. 30. "Temporary in-person, face-to-face practice"** means
40 that a psychologist is physically present (not through the use of
41 telecommunication technology) in the distant state to provide for
42 the practice of psychology for not more than thirty (30) days within



1 a calendar year and based on notification to the distant state.

2 **Chapter 3. Home State Licensure**

3 **Sec. 1. The home state is a compact state where the psychologist**
4 **is licensed to practice psychology.**

5 **Sec. 2. (a) A psychologist may hold more than one (1) compact**
6 **state license at a time.**

7 **(b) If the psychologist is licensed in more than one (1) compact**
8 **state, the home state is the compact state where the psychologist is**
9 **physically present when the services are delivered, as authorized**
10 **by the authority to practice interjurisdictional telepsychology**
11 **under the terms of the compact.**

12 **Sec. 3. A compact state may require a psychologist not**
13 **previously licensed in the compact state to obtain and retain a**
14 **license to be authorized to practice in the compact state under**
15 **circumstances not authorized by the authority to practice**
16 **interjurisdictional telepsychology under the terms of the compact.**

17 **Sec. 4. A compact state may require a psychologist to obtain and**
18 **retain a license to be authorized to practice in a compact state**
19 **under circumstances not authorized by temporary authorization**
20 **to practice under the terms of the compact.**

21 **Sec. 5. A home state's license authorizes a psychologist to**
22 **practice in a receiving state under the authority to practice**
23 **interjurisdictional telepsychology only if the compact state:**

24 **(1) currently requires the psychologist to hold an active**
25 **E.Passport;**

26 **(2) has a mechanism in place for receiving and investigating**
27 **complaints about licensed individuals;**

28 **(3) notifies the commission, in compliance with the compact**
29 **terms, of any adverse action or significant investigatory**
30 **information concerning a licensed individual;**

31 **(4) requires an identity history summary of all applicants at**
32 **initial licensure, including the use of the results of fingerprints**
33 **or other biometric data checks compliant with the**
34 **requirements of the Federal Bureau of Investigation , or other**
35 **designee with similar authority, not later than ten (10) years**
36 **after activation of the compact; and**

37 **(5) complies with the bylaws and rules of the commission.**

38 **Sec. 6. A home state's license grants temporary authorization to**
39 **practice to a psychologist in a distant state only if the compact**
40 **state:**

41 **(1) currently requires the psychologist to hold an active**
42 **interjurisdictional practice certificate;**



1 **(2) has a mechanism in place for receiving and investigating**
 2 **complaints about licensed individuals;**

3 **(3) notifies the commission, in compliance with the compact**
 4 **terms, of any adverse action or significant investigatory**
 5 **information concerning a licensed individual;**

6 **(4) requires an identity history summary of all applicants at**
 7 **initial licensure, including the use of the results of fingerprints**
 8 **or other biometric data checks compliant with the**
 9 **requirements of the Federal Bureau of Investigation, or other**
 10 **designee with similar authority, not later than ten (10) years**
 11 **after activation of the compact; and**

12 **(5) complies with the bylaws and rules of the commission.**

13 **Chapter 4. Compact Privilege to Practice Telepsychology**

14 **Sec. 1. A compact state shall recognize the right of a**
 15 **psychologist, licensed in a compact state in compliance with**
 16 **IC 25-33.5-3, to practice telepsychology in another compact state**
 17 **in which the psychologist is not licensed, under the authority to**
 18 **practice interjurisdictional telepsychology, as provided by the**
 19 **compact.**

20 **Sec. 2. To exercise the authority to practice interjurisdictional**
 21 **telepsychology under the terms and provisions of the compact, a**
 22 **psychologist licensed to practice in a compact state must meet the**
 23 **following:**

24 **(1) Hold a graduate degree in psychology from an institute of**
 25 **higher education that was, at the time the degree was**
 26 **awarded:**

27 **(A) either:**

28 **(i) regionally accredited by an accrediting body**
 29 **recognized by the United States Department of**
 30 **Education to grant graduate degrees; or**

31 **(ii) authorized by provincial statute or royal charter to**
 32 **grant doctoral degrees; or**

33 **(B) a foreign college or university deemed to be equivalent**
 34 **to an institute described under clause (A) by a foreign**
 35 **credential evaluation service that is a member of the**
 36 **National Association of Credential Evaluation Services**
 37 **(NACES) or by a recognized foreign credential evaluation**
 38 **service.**

39 **(2) Hold a graduate degree in psychology from a program**
 40 **that meets the following:**

41 **(A) The program, wherever it may be administratively**
 42 **housed, must:**



- 1 (i) be clearly identified and labeled as a psychology
 2 program; and
 3 (ii) specify in institutional catalogs and brochures the
 4 intent to educate and train professional psychologists.
 5 (B) Stands as a recognizable, coherent, organizational
 6 entity within the institution.
 7 (C) Has a clear authority and primary responsibility for
 8 the core and specialty areas, whether or not the program
 9 cuts across administrative lines.
 10 (D) Consists of an integrated, organized sequence of study.
 11 (E) Includes identifiable psychology faculty that are
 12 sufficient in size and breadth to carry out faculty
 13 responsibilities.
 14 (F) Employs a director of the program that is a
 15 psychologist and a member of the core faculty.
 16 (G) Has an identifiable body of students who are
 17 matriculated in the program for a degree.
 18 (H) Includes supervised practicum, internship, or field
 19 training appropriate to the practice of psychology.
 20 (I) Encompasses curriculum of a minimum of three (3)
 21 academic years of full-time graduate study for a doctoral
 22 degree and a minimum of one (1) academic year of
 23 full-time graduate study for a master's degree.
 24 (J) Includes an acceptable residency, as defined by the
 25 rules of the commission.
 26 (3) Possess a current, full, and unrestricted license to practice
 27 psychology in a home state that is a compact state.
 28 (4) Have no history of an adverse action that violates the rules
 29 of the commission.
 30 (5) Have no criminal record history reported on an identity
 31 history summary that violates the rules of the commission.
 32 (6) Possess a current, active E.Passport.
 33 (7) Provide attestations concerning the following:
 34 (A) Areas of intended practice.
 35 (B) Conformity with standards of practice.
 36 (C) Competence in telepsychology technology.
 37 (D) Criminal background.
 38 (E) Knowledge and adherence to legal requirements in the
 39 home state and receiving state.
 40 (F) The provision and release of information to allow for
 41 primary source verification in a manner specified by the
 42 commission.



1 **(8) Meet other criteria, as determined by the rules of the**
 2 **commission.**

3 **Sec. 3. The home state maintains authority over the license of a**
 4 **psychologist practicing in a receiving state under the authority to**
 5 **practice interjurisdictional telepsychology.**

6 **Sec. 4. (a) A psychologist practicing in a receiving state under**
 7 **the authority to practice interjurisdictional telepsychology is**
 8 **subject to the receiving state's scope of practice.**

9 **(b) A receiving state may, in accordance with the state's due**
 10 **process law, limit or revoke a psychologist's authority to practice**
 11 **interjurisdictional telepsychology in the receiving state and may**
 12 **take any other necessary actions under the receiving state's**
 13 **applicable law to protect the health and safety of the receiving**
 14 **state's citizens.**

15 **(c) If the receiving state takes any action described in this**
 16 **section, the receiving state shall promptly notify the home state and**
 17 **the commission.**

18 **Sec. 5. If a psychologist's:**

19 **(1) license in any home state or another compact state; or**
 20 **(2) authority to practice interjurisdictional telepsychology in**
 21 **any receiving state;**

22 **is restricted, suspended, or otherwise limited, the E.Passport shall**
 23 **be revoked and the psychologist shall not be eligible to practice**
 24 **telepsychology in a compact state under the authority to practice**
 25 **interjurisdictional telepsychology.**

26 **Chapter 5. Compact Temporary Authorization to Practice**

27 **Sec. 1. A compact state shall recognize the right of a**
 28 **psychologist who is licensed in a compact state, in conformance**
 29 **with IC 25-33.5-3, to practice temporarily in another compact state**
 30 **in which the psychologist is not licensed, as provided in the**
 31 **compact.**

32 **Sec. 2. To exercise the temporary authorization to practice**
 33 **under the terms and provisions of the compact, a psychologist**
 34 **licensed to practice in a compact state must meet the following:**

35 **(1) Hold a graduate degree in psychology from an institute of**
 36 **higher education that was, at the time the degree was**
 37 **awarded:**

38 **(A) either:**

39 **(i) regionally accredited by an accrediting body**
 40 **recognized by the United States Department of**
 41 **Education to grant graduate degrees; or**

42 **(ii) authorized by provincial statute or royal charter to**



- 1 grant doctoral degrees; or
- 2 (B) a foreign college or university deemed to be equivalent
- 3 to an institute described under clause (A) by a foreign
- 4 credential evaluation service that is a member of the
- 5 National Association of Credential Evaluation Services
- 6 (NACES) or by a recognized foreign credential evaluation
- 7 service.
- 8 (2) Hold a graduate degree in psychology from a program
- 9 that meets the following:
- 10 (A) The program, wherever it may be administratively
- 11 housed, must:
- 12 (i) be clearly identified and labeled as a psychology
- 13 program; and
- 14 (ii) specify in institutional catalogs and brochures the
- 15 intent to educate and train professional psychologists.
- 16 (B) Stands as a recognizable, coherent, organizational
- 17 entity within the institution.
- 18 (C) Has a clear authority and primary responsibility for
- 19 the core and specialty areas, whether or not the program
- 20 cuts across administrative lines.
- 21 (D) Consists of an integrated, organized sequence of study.
- 22 (E) Includes identifiable psychology faculty that are
- 23 sufficient in size and breadth to carry out faculty
- 24 responsibilities.
- 25 (F) Employs a director of the program that is a
- 26 psychologist and a member of the core faculty.
- 27 (G) Has an identifiable body of students who are
- 28 matriculated in the program for a degree.
- 29 (H) Includes supervised practicum, internship, or field
- 30 training appropriate to the practice of psychology.
- 31 (I) Encompasses curriculum of a minimum of three (3)
- 32 academic years of full-time graduate study for a doctoral
- 33 degree and a minimum of one (1) academic year of
- 34 full-time graduate study for a master's degree.
- 35 (J) Includes an acceptable residency, as defined by the
- 36 rules of the commission.
- 37 (3) Possess a current, full, and unrestricted license to practice
- 38 psychology in a home state that is a compact state.
- 39 (4) Have no history of an adverse action that violates the rules
- 40 of the commission.
- 41 (5) Have no criminal record history reported on an identity
- 42 history summary that violates the rules of the commission.



- 1 **(6) Possess a current, active interjurisdictional practice**
 2 **certificate.**
 3 **(7) Provide attestations concerning the following:**
 4 **(A) Areas of intended practice.**
 5 **(B) Work experience.**
 6 **(C) The provision and release of information to all for**
 7 **primary source verification in a manner specified by the**
 8 **commission.**
 9 **(8) Meet other criteria, as determined by the rules of the**
 10 **commission.**

11 **Sec. 3. A psychologist practicing into a distant state under the**
 12 **temporary authorization to practice shall practice within the scope**
 13 **of practice authorized by the distant state.**

14 **Sec. 4. (a) A psychologist practicing into a distant state under**
 15 **the temporary authorization to practice is subject to the distant**
 16 **state's authority and law.**

17 **(b) A distant state may, in accordance with the state's due**
 18 **process law, limit or revoke a psychologist's temporary**
 19 **authorization to practice in the distant state and may take any**
 20 **other necessary actions under the distant state's applicable law to**
 21 **protect the health and safety of the distant state's citizens.**

22 **(c) If the distant state takes any action under this section, the**
 23 **distant state shall promptly notify the home state and the**
 24 **commission.**

25 **Sec. 5. If a psychologist's:**

- 26 **(1) license in any home state or another compact state; or**
 27 **(2) temporary authorization to practice in any distant state;**
 28 **is restricted, suspended, or otherwise limited, the**
 29 **interjurisdictional practice certificate shall be revoked and the**
 30 **psychologist shall not be eligible to practice in a compact state**
 31 **under the temporary authorization to practice.**

32 **Chapter 6. Conditions of Telepsychology Practice in a Receiving**
 33 **State**

34 **Sec. 1. A psychologist may practice in a receiving state under**
 35 **the authority to practice interjurisdictional telepsychology only in**
 36 **the performance of the scope of practice for psychology, as**
 37 **assigned by an appropriate state psychology regulatory authority,**
 38 **as defined in the rules of the commission, and under the following**
 39 **circumstances:**

- 40 **(1) The psychologist initiates a client or patient contact in a**
 41 **home state via telecommunications technologies with a client**
 42 **or patient in a receiving state.**



1 **(2) Other conditions concerning telepsychology, as determined**
 2 **by the rules promulgated by the commission.**

3 **Chapter 7. Adverse Actions**

4 **Sec. 1. A home state shall have the power to impose adverse**
 5 **action against a psychologist's license issued by the home state. A**
 6 **distant state shall have the power to take adverse action on a**
 7 **psychologist's temporary authorization to practice within the**
 8 **distant state.**

9 **Sec. 2. A receiving state may take adverse action on a**
 10 **psychologist's authority to practice interjurisdictional**
 11 **telepsychology within the receiving state. A home state may take**
 12 **adverse action against a psychologist based on an adverse action**
 13 **taken by a distant state concerning temporary in-person,**
 14 **face-to-face practice.**

15 **Sec. 3. (a) If a home state takes adverse action against a**
 16 **psychologist's license, the psychologist's:**

17 **(1) authority to practice interjurisdictional telepsychology is**
 18 **terminated;**

19 **(2) E.Passport is revoked;**

20 **(3) temporary authorization to practice is terminated; and**

21 **(4) IPC is revoked.**

22 **(b) All home state disciplinary orders that impose adverse**
 23 **action must be reported to the commission in accordance with the**
 24 **rules promulgated by the commission. A compact state shall report**
 25 **adverse actions in accordance with the rules of the commission.**

26 **(c) In the event discipline is reported on a psychologist, the**
 27 **psychologist is not eligible for telepsychology or temporary**
 28 **in-person, face-to-face practice in accordance with the rules of the**
 29 **commission.**

30 **(d) Other actions may be imposed on the psychologist, as**
 31 **determined by the rules promulgated by the commission.**

32 **Sec. 4. A home state's psychology regulatory authority shall**
 33 **investigate and take appropriate action concerning reported**
 34 **inappropriate conduct engaged in by a licensee that occurred in a**
 35 **receiving state as it would if the conduct had occurred by a licensee**
 36 **within the home state. The home state's law shall control in**
 37 **determining any adverse action against a psychologist's license.**

38 **Sec. 5. A distant state's psychology regulatory authority shall**
 39 **investigate and take appropriate action concerning reported**
 40 **inappropriate conduct engaged in by a psychologist practicing**
 41 **under temporary authorization practice that occurred in the**
 42 **distant state as the distant state would if the conduct had occurred**



1 by a licensee within the home state. The distant state's law shall
 2 control in determining any adverse action against the
 3 psychologist's temporary authorization to practice.

4 **Sec. 6. (a) Nothing in this compact shall override a compact**
 5 **state's decision that a psychologist's participation in an alternative**
 6 **program may be used instead of adverse action and the**
 7 **participation must remain nonpublic if required by the compact**
 8 **state's law.**

9 **(b) Compact states must require psychologists who enter any**
 10 **alternative programs to not provide telepsychology services under**
 11 **the authority to practice interjurisdictional telepsychology or**
 12 **provide temporary psychological services under the temporary**
 13 **authorization to practice in any other compact state during the**
 14 **term of the alternative program.**

15 **Sec. 7. No other judicial or administrative remedies shall be**
 16 **available to a psychologist in the event a compact state imposes an**
 17 **adverse action under section 3 of this chapter.**

18 **Chapter 8. Additional Authorities in a Compact State's**
 19 **Psychology Regulatory Authority**

20 **Sec. 1. In addition to any other powers granted under state law,**
 21 **a compact state's psychology regulatory authority shall have the**
 22 **authority under this compact to do the following:**

23 **(1) Issue subpoenas for both hearings and investigations that**
 24 **require the attendance and testimony of witnesses and the**
 25 **production of evidence. Subpoenas issued by a compact state's**
 26 **psychology regulatory authority for the attendance and**
 27 **testimony of witnesses or the production of evidence from**
 28 **another compact state must be enforced in the latter state by**
 29 **any court of competent jurisdiction, and according to the**
 30 **court's practice and procedure in considering subpoenas**
 31 **issued by the court's proceedings. The issuing state**
 32 **psychology regulatory authority shall pay any witness fees,**
 33 **travel expenses, mileage, and other fees required by the**
 34 **service statutes of the state where the witness or evidence is**
 35 **located.**

36 **(2) Issue cease and desist or injunctive relief orders to revoke**
 37 **a psychologist's authority to practice interjurisdictional**
 38 **telepsychology or temporary authorization to practice.**

39 **Sec. 2. (a) During the course of any investigation, a psychologist**
 40 **may not change the psychologist's home state licensure. A home**
 41 **state psychology regulatory authority is authorized to complete**
 42 **any pending investigations of a psychologist and to take any actions**



1 appropriate under the home state's laws.

2 (b) The home state psychology regulatory authority shall
3 promptly report the conclusions of the investigations to the
4 commission.

5 (c) Once an investigation has been completed, and pending the
6 outcome of the investigation, the psychologist may change the
7 psychologist's home licensure. The commission shall promptly
8 notify the new home state of any decision, as provided in the rules
9 of the commission.

10 (d) All information provided to the commission or distributed
11 by compact states concerning the psychologist shall be confidential,
12 filed under seal, and used for investigatory or disciplinary matters.
13 The commission may create additional rules for mandated or
14 discretionary sharing of information by compact states.

15 **Chapter 9. Coordinated Licensure Information System**

16 **Sec. 1. The commission shall provide for the development and**
17 **maintenance of a coordinated licensure information system and**
18 **reporting system (coordinated data base) containing licensure and**
19 **disciplinary action information on all individuals to whom this**
20 **compact is applicable in all compact states, as defined by the rules**
21 **of the commission.**

22 **Sec. 2. Notwithstanding any other provision of state law, a**
23 **compact state shall submit a uniform data set to the coordinated**
24 **data base on all licenses as required by the rules of the commission,**
25 **including the following:**

26 (1) Identifying information.

27 (2) Licensure data.

28 (3) Significant investigatory information.

29 (4) Adverse actions against a psychologist's license.

30 (5) An indicator that a psychologist's authority to practice
31 interjurisdictional telepsychology or temporary authorization
32 to practice is revoked.

33 (6) Nonconfidential information concerning alternative
34 program participation information.

35 (7) Any denial of application for licensure and the reason for
36 the denial.

37 (8) Other information to facilitate the administration of the
38 compact, as determined by the rules of the commission.

39 **Sec. 3. The coordinated data base administrator shall promptly**
40 **notify all compact states of any:**

41 (1) adverse action taken against; or

42 (2) significant investigative information on;



1 any licensee in a compact state.

2 **Sec. 4. A compact state reporting information to the coordinated**
 3 **data base may designate information that may not be shared with**
 4 **the public without the express permission of the compact state**
 5 **reporting the information.**

6 **Sec. 5. Any information submitted to the coordinated data base**
 7 **that is subsequently required to be expunged by the law of the**
 8 **compact state reporting the information shall be removed from the**
 9 **coordinated data base.**

10 **Chapter 10. Establishment of the Psychology Interjurisdictional**
 11 **Compact Commission**

12 **Sec. 1. (a) The compact states hereby create and establish a joint**
 13 **public agency known as the psychology interjurisdictional compact**
 14 **commission.**

15 **(b) The commission is a body politic and an instrumentality of**
 16 **the compact states.**

17 **(c) Venue is proper and judicial proceedings by or against the**
 18 **commission shall be brought solely and exclusively in a court of**
 19 **competent jurisdiction where the principal office of the commission**
 20 **is located. The commission may waive venue and jurisdictional**
 21 **defenses to the extent the commission adopts or consents to**
 22 **participate in alternative dispute resolution proceedings.**

23 **(d) Nothing in this compact shall be construed to be a waiver of**
 24 **sovereign immunity.**

25 **Sec. 2. (a) The commission shall consist of one (1) voting**
 26 **delegate appointed by each compact state who shall serve as the**
 27 **state's commissioner. The state psychology regulatory authority**
 28 **shall appoint the state's delegate.**

29 **(b) The delegate shall be empowered to act on behalf of the**
 30 **compact state. The delegate shall be limited to:**

31 **(1) an executive director, executive secretary, or a similar**
 32 **executive position;**

33 **(2) a current member of the state psychology regulatory**
 34 **authority of a compact state; or**

35 **(3) a designee empowered with the appropriate delegate**
 36 **authority to act on behalf of the compact state.**

37 **(c) Any commissioner may be removed or suspended from office**
 38 **as provided by the law of the state from which the commissioner is**
 39 **appointed. Any vacancy occurring on the commission shall be filled**
 40 **in accordance with the laws of the compact state in which the**
 41 **vacancy exists.**

42 **Sec. 3. Each commissioner shall be entitled to one (1) vote**



1 concerning the promulgation of rules and the creation of bylaws,
 2 and otherwise have an opportunity to participate in the business
 3 and affairs of the commission. A commissioner shall vote in person
 4 or by any other means provided by the bylaws. The bylaws may
 5 provide for commissioners to participate in meetings by telephone
 6 or other means of communication.

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

10 **Sec. 5.** All meetings shall be open to the public, and public notice
 11 of the meetings shall be given in the same manner as required
 12 under the rulemaking provisions set forth in IC 25-33.5-11.

13 **Sec. 6. (a)** The commission may convene in a closed, nonpublic
 14 meeting if the commission must discuss any of the following:

15 (1) Noncompliance of a compact state with the compact state's
 16 obligations under the compact.

17 (2) The employment, compensation, discipline, other
 18 personnel matters, practices or procedures concerning
 19 specific employees, or other matters related to the
 20 commission's internal personnel practices and procedures.

21 (3) Current, threatened, or reasonably anticipated litigation
 22 against the commission.

23 (4) Negotiation of contracts for the purchase or sale of goods,
 24 services, or real estate.

25 (5) Accusations against any person of a crime or formal
 26 censure of a person.

27 (6) Disclosure of trade secrets, commercial, or financial
 28 information that is privileged or confidential.

29 (7) Disclosure of information of a personal nature where
 30 disclosure would constitute a clearly unwarranted invasion of
 31 personal privacy.

32 (8) Disclosure of investigatory records compiled for law
 33 enforcement purposes.

34 (9) Disclosure of information concerning any investigatory
 35 reports prepared by or on behalf of or for use of the
 36 commission or other committee charged with responsibility
 37 for investigation or determination of compliance issues under
 38 the compact.

39 (10) Matters specifically exempted from disclosure by federal
 40 or state statute.

41 (b) If a meeting, or portion of a meeting, is closed under
 42 subsection (a), the commission's legal counsel or designee shall



1 certify that the meeting may be closed and shall reference each
2 relevant exempting provision.

3 **Sec. 7. (a) The commission shall keep minutes which fully and**
4 **clearly describe all matters discussed in a meeting, and the reasons**
5 **therefore, including a description of the views expressed.**

6 **(b) All documents considered in connection with an action shall**
7 **be identified in the minutes.**

8 **(c) All minutes and documents of a closed meeting shall remain**
9 **under seal, subject to release only by a majority vote of the**
10 **commission or order of a court of competent jurisdiction.**

11 **Sec. 8. (a) The commission shall, by a majority vote of the**
12 **commissioners, prescribe bylaws or rules to govern the**
13 **commission's conduct as may be necessary or appropriate to carry**
14 **out the purposes and exercise the powers of the compact, including**
15 **the following:**

16 **(1) Establishing the fiscal year of the commission.**

17 **(2) Providing reasonable standards and procedures:**

18 **(A) for the establishment and meetings of other**
19 **committees; and**

20 **(B) for the governing of any general or specific delegation**
21 **of any authority or function of the commission.**

22 **(3) Providing reasonable procedures for calling and**
23 **conducting meetings of the commission, ensuring reasonable**
24 **advance notice of all meetings and providing an opportunity**
25 **for attendance of the meetings by interested parties, with**
26 **enumerated exceptions designed to protect the public's**
27 **interest, the privacy of individuals of any proceeding, and**
28 **proprietary information, including trade secrets.**

29 **(4) Establishing the titles, duties, and authority and**
30 **reasonable procedures for the election of the officers of the**
31 **commission.**

32 **(5) Providing reasonable standards and procedures for the**
33 **establishment of the personnel policies and programs of the**
34 **commission. Notwithstanding any other state law, the bylaws**
35 **shall exclusively govern the personnel policies and programs**
36 **of the commission.**

37 **(6) Promulgating a code of ethics to address permissible and**
38 **prohibited activities of commission members and employees.**

39 **(7) Providing a mechanism for concluding the operations of**
40 **the commission and the equitable disposition of any surplus**
41 **funds that may exist after the termination of the compact**
42 **after the payment or reserving of all of the commission's debts**



- 1 **and obligations.**
- 2 **(b) The commission may meet in closed session only after a**
- 3 **majority of the commissioners vote to close a meeting to the public**
- 4 **in whole or in part. As soon as practicable, the commission must**
- 5 **make public a copy of the vote to close the meeting revealing the**
- 6 **vote of each commissioner with no proxy votes allowed.**
- 7 **(c) The commission shall publish the bylaws in a convenient**
- 8 **form and file a copy of the bylaws and any amendments to the**
- 9 **bylaws with the appropriate agency or officer in each compact**
- 10 **state.**
- 11 **(d) The commission shall maintain the commission's financial**
- 12 **records in accordance with the bylaws.**
- 13 **(e) The commission shall meet and take any action that is**
- 14 **consistent with the provisions of the compact and the bylaws.**
- 15 **Sec. 9. The commission shall have the following powers:**
- 16 **(1) Promulgate uniform rules to facilitate and coordinate**
- 17 **implementation and administration of the compact. The rules**
- 18 **shall have the force and effect of laws and shall be binding in**
- 19 **all compact states.**
- 20 **(2) Bring and prosecute legal proceedings or actions in the**
- 21 **name of the commission, provided that the standing of any**
- 22 **state psychology regulatory authority or other regulatory**
- 23 **body responsible for psychology licensure to sue or be sued**
- 24 **under applicable law shall not be affected.**
- 25 **(3) Purchase and maintain insurance and bonds.**
- 26 **(4) Borrow, accept, or contract for services of personnel,**
- 27 **including employees of a compact state.**
- 28 **(5) Hire employees, elect or appoint officers, fix**
- 29 **compensation, define duties, grant appropriate authority to**
- 30 **individuals to carry out the purposes of the compact, and**
- 31 **establish the commission's personnel policies and programs**
- 32 **concerning conflicts of interest, qualifications of personnel,**
- 33 **and other related personnel matters.**
- 34 **(6) Accept, receive, utilize, and dispose of any and all**
- 35 **appropriate donations and grants of money, equipment,**
- 36 **supplies, materials, and services.**
- 37 **(7) Lease, purchase, accept appropriate gifts or donations, or**
- 38 **otherwise own, hold, improve, or use, any:**
- 39 **(A) real;**
- 40 **(B) personal; or**
- 41 **(C) mixed;**
- 42 **property, provided that at all times the commission shall**



- 1 strive to avoid any appearance of impropriety.
- 2 (8) Sell, convey, mortgage, pledge, lease, exchange, abandon,
- 3 or otherwise dispose of any:
- 4 (A) real;
- 5 (B) personal; or
- 6 (C) mixed;
- 7 property.
- 8 (9) Establish a budget and make expenditures.
- 9 (10) Borrow money.
- 10 (11) Appoint committees, including advisory committees,
- 11 comprised of members, state regulators, state legislators or a
- 12 state legislator's designee, consumer representatives, and any
- 13 other interested persons as may be designated in the compact
- 14 and the bylaws.
- 15 (12) Provide and receive information from, and to cooperate
- 16 with, law enforcement agencies.
- 17 (13) Adopt and use an official seal.
- 18 (14) Perform other functions that may be necessary or
- 19 appropriate to achieve the purposes of the compact and that
- 20 are consistent with the state regulation of psychology
- 21 licensure, temporary in-person, face-to-face practice, and the
- 22 practice of telepsychology.
- 23 **Sec. 10. (a) The elected officers of the commission shall serve as**
- 24 **the executive board and have the power to act on behalf of the**
- 25 **commission in accordance with the compact.**
- 26 (b) The executive board shall be comprised of the following six
- 27 (6) members:
- 28 (1) Five (5) voting members who are elected from the current
- 29 membership of the commission by the commission.
- 30 (2) One (1) ex officio, nonvoting member from the recognized
- 31 membership organization composed of state and provincial
- 32 psychology regulatory authorities.
- 33 (c) The ex officio member must have served as staff or a
- 34 member of a state psychology regulatory authority and will be
- 35 selected by the respective organization.
- 36 (d) The commission may remove any member of the executive
- 37 board as provided in the bylaws of the compact.
- 38 (e) The executive board shall meet at least once annually.
- 39 (f) The executive board shall have the following duties and
- 40 responsibilities:
- 41 (1) Make recommendations to the entire commission for any:
- 42 (A) changes to the rules or bylaws;



- 1 **(B) changes to compact legislation; and**
 2 **(C) fees to be paid by compact states, including annual**
 3 **dues and other applicable fees.**
 4 **(2) Ensure compact administration services are appropriately**
 5 **provided, whether by contract or otherwise.**
 6 **(3) Prepare and recommend the budget.**
 7 **(4) Maintain financial records on behalf of the commission.**
 8 **(5) Monitor compact compliance of member states and**
 9 **provide compliance reports to the commission.**
 10 **(6) Establish additional committees, as necessary.**
 11 **(7) Perform any other duties provided in the rules or bylaws.**
 12 **Sec. 11. (a) The commission shall pay, or provide for the**
 13 **payment of, the reasonable expenses of the commission's**
 14 **establishment, organization, and any ongoing activities.**
 15 **(b) The commission may accept any appropriate revenue**
 16 **sources, donations, and grants of money, equipment, supplies,**
 17 **materials, and services.**
 18 **(c) The commission may:**
 19 **(1) levy on, and collect an annual assessment from, each**
 20 **compact state; or**
 21 **(2) impose fees on other parties;**
 22 **to cover the cost of the operations and activities of the commission**
 23 **and the commission's staff in an amount that is sufficient to cover**
 24 **the commission's annual budget as approved each year for revenue**
 25 **that is not provided by other sources. The aggregate annual**
 26 **assessment amount shall be allocated based upon a formula**
 27 **determined by the commission and promulgated through a rule**
 28 **binding all the compact states.**
 29 **(d) The commission shall not incur any obligations of any kind**
 30 **before securing adequate funds to meet the obligation. The**
 31 **commission may not pledge the credit of any of the compact states**
 32 **except by and with the authority of the compact state.**
 33 **(e) The commission shall keep accurate accounts of all receipts**
 34 **and disbursements. The commission's receipts and disbursements**
 35 **shall be subject to the audit and accounting procedures established**
 36 **under the commission's bylaws. However, all receipts and**
 37 **disbursements of funds handled by the commission shall be audited**
 38 **yearly by a certified or licensed public accountant and the report**
 39 **of the audit shall be included in, and become part of, the**
 40 **commission's annual report.**
 41 **Sec. 12. (a) The:**
 42 **(1) members;**



1 (2) officers;
 2 (3) executive director;
 3 (4) employees; and
 4 (5) representatives;
 5 of the commission shall be immune from each suit and liability,
 6 either personally or in the individual's official capacity, for any
 7 claim for damage to or loss of property, personal injury, or other
 8 civil liability caused by or arising out of an actual or alleged act,
 9 error, or omission that occurred, or that the person against whom
 10 the claim is made had a reasonable basis for believing occurred
 11 within the scope of commission employment, duties, or
 12 responsibilities as long as nothing may be construed to protect any
 13 individual from a suit or liability for any damage, loss, injury, or
 14 liability caused by the intentional or willful or wanton misconduct
 15 of the individual.

16 (b) The commission shall defend any member, officer, executive
 17 director, employee, or representative of the commission in any civil
 18 action seeking to impose liability arising out of any actual or
 19 alleged act, error, or omission that occurred within the scope of
 20 commission employment, duties, or responsibilities, or that the
 21 individual against whom the claim is made had a reasonable basis
 22 for believing occurred within the scope of the commission
 23 employment, duties, or responsibilities, provided that:

24 (1) nothing shall be construed to prohibit the individual from
 25 retaining the individual's own counsel; and
 26 (2) the actual or alleged act, error, or omission did not result
 27 from the individual's intentional or willful or wanton
 28 misconduct.

29 (c) The commission shall indemnify and hold harmless any
 30 member, officer, executive director, employee, or representative of
 31 the commission for the amount of any settlement or judgment
 32 obtained against the individual arising out of any actual or alleged
 33 act, error, or omission that occurred within the scope of
 34 commission employment, duties, or responsibilities, or that the
 35 individual had reasonable basis for believing occurred within the
 36 scope of commission employment, duties, or responsibilities,
 37 provided that the actual or alleged act, error, or omission did not
 38 result from intentional or willful or wanton misconduct by the
 39 individual.

40 **Chapter 11. Rulemaking**

41 **Sec. 1.** The commission shall exercise the commission's
 42 rulemaking powers pursuant to the criteria set forth in this chapter



1 and the rules adopted under this chapter. Rules and amendments
 2 shall become binding as of the date specified in each rule or
 3 amendment.

4 **Sec. 2.** If a majority of the legislatures of the compact states
 5 reject a rule, by enactment of a statute or resolution in the same
 6 manner that was used to adopt the compact, then the rule shall
 7 have no further force and effect in any compact state.

8 **Sec. 3.** Rules, or amendments to the rules, shall be adopted at a
 9 regular or special meeting of the commission.

10 **Sec. 4. (a)** Before promulgation and adoption of a final rule by
 11 the commission, and at least sixty (60) days in advance of the
 12 meeting at which the rule will be considered and voted upon, the
 13 commission shall file a notice of proposed rulemaking as follows:

14 (1) On the commission's Internet web site.

15 (2) On:

16 (A) the Internet web site of each compact state's
 17 psychology regulatory authority; or

18 (B) the publication in which each state would otherwise
 19 publish proposed rules.

20 (b) The notice of proposed rulemaking shall include the
 21 following:

22 (1) The proposed time, date, and location of the meeting in
 23 which the rule will be considered and voted upon.

24 (2) The text of the proposed rule or amendment and the
 25 reason for the proposed rule.

26 (3) A request for comments on the proposed rule from any
 27 interested person.

28 (4) The manner in which an interested person may submit
 29 notice to the commission of the person's intention to attend
 30 the public hearing and any written comments.

31 **Sec. 5.** Before the adoption of a proposed rule, the commission
 32 shall allow a person to submit written data, facts, opinions, and
 33 arguments to the commission and the submission shall be made
 34 available to the public.

35 **Sec. 6. (a)** The commission shall grant an opportunity for a
 36 public hearing before the commission adopts a rule or amendment
 37 if a hearing is requested by:

38 (1) at least twenty-five (25) persons who submit comments
 39 independently of each other;

40 (2) a governmental subdivision or agency; or

41 (3) a duly appointed person in an association that has at least
 42 twenty-five (25) members.



1 (b) If a hearing is held on the proposed rule or amendment, the
 2 commission shall publish the location, time, and date of the
 3 scheduled public hearing.

4 (c) Any person wishing to be heard at the hearing shall notify
 5 the executive director of the commission or other designated
 6 member in writing of the person's desire to appear and testify at
 7 the hearing not less than five (5) business days before the scheduled
 8 date of the hearing.

9 (d) The hearing shall be conducted in a manner that provides
 10 each person who wishes to comment a fair and reasonable
 11 opportunity to comment orally or in writing.

12 (e) No transcript of the hearing is required, unless a written
 13 request for the transcription is made. If a written request for a
 14 transcript is made, the person requesting the transcript shall bear
 15 the cost of producing the transcript. A recording may be made in
 16 lieu of a transcript under the same terms and conditions as a
 17 transcript. This subsection shall not preclude the commission from
 18 making a transcript or recording of the hearing if the commission
 19 chooses to do so.

20 (f) Nothing in this section shall be construed as requiring a
 21 separate hearing on each rule. Rules may be grouped for the
 22 convenience of the commission at hearings required by this section.

23 (g) Following the scheduled hearing date, or by the close of
 24 business on the scheduled hearing date if the hearing was not held,
 25 the commission shall consider all written and oral comments
 26 received.

27 (h) The commission shall, by a majority vote of all members,
 28 take final action on the proposed rule and shall determine the
 29 effective date of the rule, if any, based on the rulemaking record
 30 and the full text of the rule.

31 (i) If no written notice of intent to attend the public hearing by
 32 interested parties is received, the commission may proceed with
 33 promulgation of the proposed rule without a public hearing.

34 Sec. 7. (a) Upon determination that an emergency exists, the
 35 commission may consider and adopt an emergency rule without:

- 36 (1) prior notice;
- 37 (2) opportunity for comment; or
- 38 (3) hearing;

39 provided that the usual rulemaking procedures provided in the
 40 compact and in this chapter shall be retroactively applied to the
 41 rule as soon as reasonably possible, and not later than ninety (90)
 42 days after the effective date of the rule.



1 **(b) For the purposes of this section, an emergency rule is a rule**
 2 **that must be adopted immediately in order to:**

3 **(1) meet an imminent threat to public health, safety, or**
 4 **welfare;**

5 **(2) prevent a loss of commission or compact state funds;**

6 **(3) meet a deadline for the promulgation of an administrative**
 7 **rule that is established by federal law or rule; or**

8 **(4) protect public health and safety.**

9 **Sec. 8. (a) The commission, or an authorized committee of the**
 10 **commission, may direct revisions to a previously adopted rule or**
 11 **amendment for purposes of correcting typographical errors, errors**
 12 **in format, errors in consistency, or grammatical errors. Public**
 13 **notice of any revisions shall be posted on the commission's Internet**
 14 **web site. The revision must be subject to challenge by any person**
 15 **for a period of thirty (30) days after posting.**

16 **(b) The revision may be challenged only on grounds that the**
 17 **revision results in a material change to a rule. A challenge must be**
 18 **made in writing and delivered to the chair of the commission**
 19 **before the end of the notice period.**

20 **(c) If no challenge is made, the revision will take effect without**
 21 **further action. If the revision is challenged, the revision may not**
 22 **take effect without the approval of the commission.**

23 **Chapter 12. Oversight, Dispute Resolution, and Enforcement**

24 **Sec. 1. (a) The executive, legislative, and judicial branches of**
 25 **state government in each compact state shall enforce the compact**
 26 **and take all actions necessary and appropriate to effectuate the**
 27 **compact's purposes and intent.**

28 **(b) The provisions of this compact and the rules promulgated**
 29 **under the compact shall have standing as statutory law.**

30 **(c) All courts shall take judicial notice of the compact and the**
 31 **rules in any judicial or administrative proceeding in a compact**
 32 **state pertaining to the subject matter of the compact that may**
 33 **affect the powers, responsibilities, or actions of the commission.**

34 **(d) The commission shall be entitled to receive service of process**
 35 **in any proceeding, and shall have standing to intervene in the**
 36 **proceeding for all purposes. Failure to provide service of process**
 37 **to the commission shall render a judgment or order void as to the**
 38 **commission, this compact, or promulgated rules.**

39 **Sec. 2. (a) If the commission determines that a compact state has**
 40 **defaulted in the performance of the compact state's obligations or**
 41 **responsibilities under this compact or the promulgated rules, the**
 42 **commission shall provide the following:**



1 **(1) Written notice to the defaulting state and other compact**
2 **states of the nature of the default, the proposed means of**
3 **remedying the default, and any other action to be taken by the**
4 **commission.**

5 **(2) Remedial training and specific technical assistance**
6 **concerning the default.**

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

14 **Sec. 3. (a) Termination of membership in the compact shall be**
15 **imposed only after all means of securing compliance have been**
16 **exhausted. Notice of intent to suspend or terminate shall be**
17 **submitted by the commission to the governor, the majority and**
18 **minority leaders of the defaulting state's legislature, and each of**
19 **the compact states.**

20 **(b) A compact state that has been terminated is responsible for**
21 **all assessments, obligations, and liabilities incurred through the**
22 **effective date of the termination, including obligations that extend**
23 **beyond the effective date of termination.**

24 **Sec. 4. The commission shall not bear any costs incurred by the**
25 **state that is found to be in default or that has been terminated from**
26 **the compact unless agreed upon in writing by the commission and**
27 **defaulting state.**

28 **Sec. 5. The defaulting state may appeal the action of the**
29 **commission by petitioning the United States District Court for the**
30 **state of Georgia or the federal district where the compact has the**
31 **compact's principal offices. The prevailing member shall be**
32 **awarded all costs of the litigation, including reasonable attorney's**
33 **fees.**

34 **Sec. 6. (a) Upon request by a compact state, the commission**
35 **shall attempt to resolve disputes that arise concerning the compact**
36 **among compact states and between compact and noncompact**
37 **states.**

38 **(b) The commission shall promulgate a rule providing for both**
39 **mediation and binding dispute resolution for disputes that arise**
40 **before the commission.**

41 **Sec. 7. The commission, in the reasonable exercise of the**
42 **commission's discretion, shall enforce the provisions and rules of**



1 the compact.

2 **Sec. 8. (a)** By a majority vote, the commission may initiate legal
3 action in the United States District Court for the state of Georgia
4 or the federal district where the compact has the compact's
5 principal offices against a compact state in default to enforce
6 compliance with the provisions of the compact and the
7 commission's promulgated rules and bylaws.

8 (b) The relief sought may include both injunctive relief and
9 damages.

10 (c) If judicial enforcement is necessary, the prevailing member
11 shall be awarded all costs of the litigation, including reasonable
12 attorney's fees.

13 **Sec. 9.** The remedies in this chapter shall not be the exclusive
14 remedies of the commission. The commission may pursue any other
15 remedies available under federal or state law.

16 **Chapter 13. Date of Implementation of the Compact,**
17 **Commission, and Rules; Withdrawal and Amendments**

18 **Sec. 1.** The compact shall come into effect on the date on which
19 the compact is enacted into law in the seventh compact state. The
20 provisions that become effective shall be limited to the powers
21 granted to the commission concerning assembly and the
22 promulgation of rules. Thereafter, the commission shall meet and
23 exercise rulemaking powers necessary to the implementation and
24 administration of the compact.

25 **Sec. 2. (a)** Any state that joins the compact after the
26 commission's initial adoption of the rules shall be subject to the
27 rules as the rules exist on the date in which the compact becomes
28 law in the state.

29 (b) Any rules that have been previously adopted by the
30 commission shall have the full force and effect of law on the day the
31 compact becomes law in the state.

32 **Sec. 3. (a)** Any compact state may withdraw from the compact
33 by enacting a statute repealing the compact.

34 (b) A compact state's withdrawal shall not take effect until six
35 (6) months after enactment of the repealing statute.

36 (c) Withdrawal from the compact shall not affect the continuing
37 requirement of the withdrawing state's psychology regulatory
38 authority to comply with the investigative and adverse action
39 reporting requirements of this article before the effective date of
40 withdrawal.

41 **Sec. 4.** Nothing contained in the compact shall be construed to
42 invalidate or prevent any psychology licensure agreement or other



1 cooperative arrangement between a compact state and a
2 noncompact state that does not conflict with the provisions of the
3 compact.

4 **Sec. 5. The compact may be amended by the compact states. No**
5 **amendment to this compact shall become effective and binding**
6 **upon any compact state until the amendment is enacted into the**
7 **law of all compact states.**

8 **Chapter 14. Construction and Severability**

9 **Sec. 1. This compact shall be liberally construed so as to**
10 **effectuate the purposes of the compact. If the compact shall be held**
11 **to be contrary to the constitution of any state member of the**
12 **compact, the compact shall remain in full force and effect as to the**
13 **remaining compact states.**

14 SECTION 2. IC 34-30-2-101.7 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2020]: **Sec. 101.7. IC 25-33.5-10-12**
17 **(Concerning acts, errors, and omissions under the psychology**
18 **interjurisdictional compact).**

