

HOUSE No. 2986

The Commonwealth of Massachusetts

PRESENTED BY:

Ruth B. Balsler

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing the psychology interjurisdictional compact .

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/20/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/10/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/10/2023</i>
<i>Simon Cataldo</i>	<i>14th Middlesex</i>	<i>3/14/2023</i>

HOUSE No. 2986

By Representative Balsler of Newton, a petition (accompanied by bill, House, No. 2986) of Ruth B. Balsler, Thomas M. Stanley and Lindsay N. Sabadosa relative to establishing the psychology interjurisdictional compact. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act establishing the psychology interjurisdictional compact .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: The General Laws are hereby amended by inserting after chapter 112A the
2 following chapter:-

3 CHAPTER 112B Psychology Interjurisdictional Compact Act

4 Section 1. This act shall be known and may be cited as the Psychology Interjurisdictional
5 Compact Act.

6 Section 2. The Governor of the Commonwealth of Massachusetts, on behalf of this State,
7 is hereby authorized to execute a compact in substantially the following form with any one or
8 more of the states of the United States and the General Assembly hereby signifies in advance its
9 approval and ratification of the compact.

10 Section 3. Whereas, states license psychologists, in order to protect the public through
11 verification of education, training and experience and ensure accountability for professional
12 practice; and

13 Whereas, this compact is intended to regulate the day-to-day practice of telepsychology
14 by psychologists across state boundaries in the performance of their psychological practice as
15 assigned by an appropriate authority; and

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

19 Whereas, this compact is intended to authorize state psychology regulatory authorities to
20 afford legal recognition, in a manner consistent with the terms of the compact, to psychologists
21 licensed in another state;

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

25 Whereas, this compact does not apply when a psychologist is licensed in both the home
26 state and receiving states; and

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

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

31 (a) Increase public access to professional psychological services by allowing for
32 telepsychological practice across state lines as well as temporary in-person, face-to-face services
33 into a state which the psychologist is not licensed to practice psychology;

34 (b) Enhance the states' ability to protect the public's health and safety, especially
35 client/patient safety;

36 (c) Encourage the cooperation of compact states in the areas of psychology licensure and
37 regulation;

38 (d) Facilitate the exchange of information between compact states regarding psychologist
39 licensure, adverse actions and disciplinary history;

40 (e) Promote compliance with the laws governing psychological practice in each compact
41 state; and

42 (f) Invest all compact states with the authority to hold licensed psychologists accountable
43 through the mutual recognition of compact state licenses.

44 Section 4.

45 “Adverse action”, any action taken by a state psychology regulatory authority which
46 finds a violation of a statute or regulation that is identified by the state psychology regulatory
47 authority as discipline and is a matter of public record.

48 “Association of state and provincial psychology boards” or “ASPPB”, the recognized
49 membership organization composed of state and provincial psychology regulatory authorities
50 responsible for the licensure and registration of psychologists throughout the United States and
51 Canada.

52 “Authority to practice interjurisdictional telepsychology”, a licensed psychologist’s
53 authority to practice telepsychology, within the limits authorized under this compact, in another
54 compact state.

55 “Bylaws”, the bylaws established by the psychology interjurisdictional compact
56 commission pursuant to section 12 for its governance, or for directing and controlling its actions
57 and conduct.

58 “Client/patient”, the recipient of psychological services, whether psychological services
59 are delivered in the context of healthcare, corporate, supervision, or consulting services.

60 “Commissioner”, the voting representative appointed by each state psychology regulatory
61 authority pursuant to section 12.

62 “Compact state”, a state that has enacted this compact legislation and which has not
63 withdrawn pursuant to subsection (c) of section 15 or been terminated pursuant to subsection (b)
64 of section 14.

65 “Coordinated licensure information system” or “coordinated database”, an integrated
66 process for collecting, storing, and sharing information on psychologists' licensure and
67 enforcement activities related to psychology licensure laws, which is administered by the
68 recognized membership organization composed of state and provincial psychology regulatory
69 authorities.

70 “Confidentiality”, the principle that data or information is not made available or disclosed
71 to unauthorized persons or processes.

72 “Day”, any part of a day in which psychological work is performed.

73 “Distant state”, the compact state where a psychologist is physically present (not through
74 the use of telecommunications technologies), to provide temporary in-person, face-to-face
75 psychological services.

76 “E.Passport”, a certificate issued by the Association of State and Provincial Psychology
77 Boards that promotes the standardization in the criteria of interjurisdictional telepsychology
78 practice and facilitates the process for licensed psychologists to provide telepsychological
79 services across state lines.

80 “Executive board”, a group of directors elected or appointed to act on behalf of, and
81 within the powers granted to them by, the commission.

82 “Home state”, a compact state where a psychologist is licensed to practice psychology. If
83 the psychologist is licensed in more than one compact state and is practicing under the
84 Authorization to Practice Interjurisdictional Telepsychology, the home state is the compact state
85 where the psychologist is physically present when the telepsychological services are delivered. If
86 the psychologist is licensed in more than one compact state and is practicing under the temporary
87 authorization to practice, the home state is any compact state where the psychologist is licensed.

88 “Identity history summary”, a summary of information retained by the Federal Bureau of
89 Investigation, or other designee with similar authority, in connection with arrests and, in some
90 instances, federal employment, naturalization, or military service.

91 “In-person, face-to-face”, interactions in which the psychologist and the client/patient are
92 in the same physical space and which does not include interactions that may occur through the
93 use of telecommunication technologies.

94 “Interjurisdictional practice certificate” or “IPC”, a certificate issued by the Association
95 of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice
96 based on notification to the State Psychology Regulatory Authority of intention to practice
97 temporarily, and verification of one's qualifications for such practice.

98 “License”, authorization by a state psychology regulatory authority to engage in the
99 independent practice of psychology, which would be unlawful without the authorization.

100 “Non-compact state”, any state which is not at the time a compact state.

101 “Psychologist”, an individual licensed for the independent practice of psychology.

102 “Psychology interjurisdictional compact” or “PSYPACT”, an agreement among member
103 states, established and governed by the PSYPACT commission, to facilitate the practice of
104 telepsychology and the temporary in-person, face-to-face practice of psychology across state
105 boundaries.

106 “Psychology interjurisdictional compact commission” or “commission”, the national
107 administration of which all compact states are members.

108 “Receiving state”, a compact state where the client/patient is physically located when the
109 telepsychological services are delivered.

110 “Rule”, a written statement by the Psychology Interjurisdictional Compact Commission
111 promulgated pursuant to section 13 of the compact that is of general applicability, implements,
112 interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or
113 practice requirement of the commission and has the force and effect of statutory law in a
114 compact state, and includes the amendment, repeal or suspension of an existing rule.

115 “Significant investigatory information”, investigative information that a state psychology
116 regulatory authority, after a preliminary inquiry that includes notification and an opportunity to
117 respond if required by state law, has reason to believe, if proven true, would indicate more than a
118 violation of state statute or ethics code that would be considered more substantial than minor
119 infraction; or investigative information that indicates that the psychologist represents an
120 immediate threat to public health and safety regardless of whether the psychologist has been
121 notified or had an opportunity to respond.

122 “State”, a state, commonwealth, territory, or possession of the United States, and the
123 District of Columbia.

124 “State psychology regulatory authority”, the board, office or other agency with the
125 legislative mandate to license and regulate the practice of psychology.

126 “Telepsychology”, the provision of psychological services using telecommunication
127 technologies.

128 “Temporary authorization to practice”, a licensed psychologist's authority to conduct
129 temporary in- person, face-to-face practice, within the limits authorized under this compact, in
130 another compact state.

131 “Temporary in-person, face-to-face practice”, where a psychologist is physically present
132 (not through the use of telecommunications technologies), in the distant state to provide for the
133 practice of psychology for 30 days within a calendar year and based on notification to the distant
134 state.

135 Section 5.

136 (a) The home state shall be a compact state where a psychologist is licensed to practice
137 psychology.

138 (b) A psychologist may hold one or more compact state licenses at a time. If the
139 psychologist is licensed in more than one compact state, the home state is the compact state
140 where the psychologist is physically present when the services are delivered as authorized by the
141 authority to practice interjurisdictional telepsychology under the terms of this Compact.

142 (c) Any compact state may require a psychologist not previously licensed in a compact
143 state to obtain and retain a license to be authorized to practice in the compact state under
144 circumstances not authorized by the authority to practice interjurisdictional telepsychology under
145 the terms of this Compact.

146 (d) Any compact state may require a psychologist to obtain and retain a license to be
147 authorized to practice in a compact state under circumstances not authorized a temporary
148 authorization to practice under the terms of this compact.

149 (e) A home state 's license authorizes a psychologist to practice in a receiving state under
150 the authority to practice interjurisdictional telepsychology only if the compact state:

151 (1) Currently requires the psychologist to hold an active E.Passport;

152 (2) Has a mechanism in place for receiving and investigating complaints about licensed
153 individuals;

154 (3) Notifies the commission, in compliance with the terms herein, of any adverse action
155 or significant investigatory information regarding a licensed individual;

156 (4) Requires an identity history summary of all applicants at initial licensure, including
157 the use of the results of fingerprints or other biometric data checks compliant with the
158 requirements of the Federal Bureau of Investigation, or other designee with similar authority, no
159 later than 10 years after activation of the compact; and

160 (5) Complies with the bylaws and rules of the commission.

161 (f) A home state's license grants temporary authorization to practice to a psychologist in
162 a distant state only if the compact state:

163 (1) Currently requires the psychologist to hold an active IPC;

164 (2) Has a mechanism in place for receiving and investigating complaints about licensed
165 individuals;

166 (3) Notifies the commission, in compliance with the terms herein, of any adverse action
167 or significant investigatory information regarding a licensed individual;

168 (4) Requires an identity history summary of all applicants at initial licensure, including
169 the use of the results of fingerprints or other biometric data checks compliant with the
170 requirements of the Federal Bureau of Investigation, or other designee with similar authority, no
171 later than 10 years after activation of the compact; and

172 (5) Complies with the bylaws and rules of the commission.

173 Section 6.

174 (a) Compact states shall recognize the right of a psychologist, licensed in a compact state
175 in conformance with section 5, to practice telepsychology in other compact states (receiving

176 states) in which the psychologist is not licensed, under the authority to practice interjurisdictional
177 telepsychology as provided in the compact.

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

180 (1) Hold a graduate degree in psychology from an institute of higher education that was,
181 at the time the degree was awarded: (i) regionally accredited by an accrediting body recognized
182 by the United States Department of Education to grant graduate degrees, or authorized by
183 Provincial Statute or Royal Charter to grant doctoral degrees; or (ii) a foreign college or
184 university deemed to be equivalent to 1(a) above by a foreign credential evaluation service that is
185 a member of the National Association of Credential Evaluation Services (NACES) or by a
186 recognized foreign credential evaluation service; and

187 (2) Hold a graduate degree in psychology that meets the following criteria:

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

191 (ii) The psychology program must stand as a recognizable, coherent, organizational entity
192 within the institution;

193 (iii) There must be a clear authority and primary responsibility for the core and specialty
194 areas whether or not the program cuts across administrative lines;

195 (iv) The program must consist of an integrated, organized sequence of study;

196 (v) There must be an identifiable psychology faculty sufficient in size and breadth to
197 carry out its responsibilities;

198 (vi) The designated director of the program must be a psychologist and a member of the
199 core faculty;

200 (vii) The program must have an identifiable body of students who are matriculated in that
201 program for a degree;

202 (viii) The program must include supervised practicum, internship, or field training
203 appropriate to the practice of psychology;

204 (ix) The curriculum shall encompass a minimum of three academic years of full-time
205 graduate study for doctoral degree and a minimum of one academic year of full-time graduate
206 study for master's degree;

207 (x) The program includes an acceptable residency as defined by the Rules of the
208 Commission.

209 (3) Possess a current, full and unrestricted license to practice psychology in a home state
210 which is a compact state;

211 (4) Have no history of adverse action that violate the Rules of the Commission;

212 (5) Have no criminal record history reported on an Identity History Summary that
213 violates the Rules of the Commission;

214 (6) Possess a current, active E.Passport;

215 (7) Provide attestations in regard to areas of intended practice, conformity with standards
216 of practice, competence in telepsychology technology; criminal background; and knowledge and
217 adherence to legal requirements in the home and receiving states, and provide a release of
218 information to allow for primary source verification in a manner specified by the Commission;
219 and

220 (8) Meet other criteria as defined by the rules of the commission.

221 (c) The home state maintains authority over the license of any psychologist practicing
222 into a receiving state under the authority to practice interjurisdictional telepsychology.

223 (d) A psychologist practicing into a receiving state under the authority to practice
224 interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A
225 receiving state may, in accordance with that state's due process law, limit or revoke a
226 psychologist's authority to practice interjurisdictional telepsychology in the receiving state and
227 may take any other necessary actions under the receiving state's applicable law to protect the
228 health and safety of the receiving state's citizens. If a receiving state takes action, the state shall
229 promptly notify the home state and the Commission.

230 (e) If a psychologist's license in any home state, another compact state, or any authority
231 to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or
232 otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be
233 eligible to practice telepsychology in a compact state under authority to practice
234 interjurisdictional telepsychology.

235 Section 7.

236 (a) Compact states shall also recognize the right of a psychologist, licensed in a compact
237 state in conformance with section 5, to practice temporarily in other compact states (distant
238 states) in which the psychologist is not licensed, as provided in the compact.

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

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

243 (i) Regionally accredited by an accrediting body recognized by the United States
244 Department of Education to grant graduate degrees, or authorized by Provincial Statute or Royal
245 Charter to grant doctoral degrees; or

246 (ii) A foreign college or university deemed to be equivalent to 1(a) above by a foreign
247 credential evaluation service that is a member of the National Association of Credential
248 Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

249 (2) Hold a graduate degree in psychology that meets the following criteria:

250 (i) The program, wherever it may be administratively housed, must be clearly identified
251 and labeled as a psychology program. Such a program must specify in pertinent institutional
252 catalogs and brochures its intent to educate and train professional psychologists;

253 (ii) The psychology program must stand as a recognizable, coherent, organizational entity
254 within the institution;

255 (iii) There must be a clear authority and primary responsibility for the core and specialty
256 areas whether or not the program cuts across administrative lines;

- 257 (iv) The program must consist of an integrated, organized sequence of study;
- 258 (v) There must be an identifiable psychology faculty sufficient in size and breadth to
259 carry out its responsibilities;
- 260 (vi) The designated director of the program must be a psychologist and a member of the
261 core faculty;
- 262 (vii) The program must have an identifiable body of students who are matriculated in that
263 program for a degree;
- 264 (viii) The program must include supervised practicum, internship, or field training
265 appropriate to the practice of psychology;
- 266 (ix) The curriculum shall encompass a minimum of three academic years of full-time
267 graduate study for doctoral degrees and a minimum of one academic year of full-time graduate
268 study for master's degree;
- 269 (x) The program includes an acceptable residency as defined by the Rules of the
270 Commission.
- 271 (3) Possess a current, full and unrestricted license to practice psychology in a home state
272 which is a compact state;
- 273 (4) No history of adverse action that violate the Rules of the Commission; (5) No
274 criminal record history that violates the Rules of the Commission; (6) Possess a current, active
275 IPC;

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

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

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

282 (d) A psychologist practicing into a distant state under the temporary authorization to
283 practice will be subject to the distant state's authority and law. A distant state may, in accordance
284 with that state's due process law, limit or revoke a psychologist's temporary authorization to
285 practice in the distant state and may take any other necessary actions under the distant state's
286 applicable law to protect the health and safety of the distant state's citizens. If a distant state
287 takes action, the state shall promptly notify the home state and the commission.

288 (e) If a psychologist's license in any home state, another compact state, or any temporary
289 authorization to practice in any distant state, is restricted, suspended or otherwise limited, the
290 IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a compact
291 state under the temporary authorization to practice.

292 Section 8.

293 A psychologist may practice in a receiving state under authority to practice
294 interjurisdictional telepsychology only in the performance of the scope of practice for
295 psychology as assigned by an appropriate State Psychology Regulatory Authority, as defined in
296 the Rules of the Commission, and under the following circumstances: (1) the psychologist

297 initiates a client/patient contact in a home state via telecommunications technologies with a
298 client/patient in a receiving state; and (2) other conditions regarding telepsychology as
299 determined by rules promulgated by the commission.

300 Section 9.

301 (a) A home state shall have the power to impose adverse action against a psychologist's
302 license issued by the home state. A distant state shall have the power to take adverse action on a
303 psychologist's temporary authorization to practice within that distant state.

304 (b) A receiving state may take adverse action on a psychologist's authority to practice
305 interjurisdictional telepsychology within that receiving state. A home state may take adverse
306 action against a psychologist based on an adverse action taken by a distant state regarding
307 temporary in-person, face-to-face practice.

308 (c) If a home state takes adverse action against a psychologist's license, that
309 psychologist's authority to practice interjurisdictional telepsychology is terminated and the
310 E.Passport is revoked. Furthermore, that psychologist's temporary authorization to practice is
311 terminated and the IPC is revoked.

312 (1) All home state disciplinary orders which impose adverse action shall be reported to
313 the commission in accordance with the rules promulgated by the commission. A compact state
314 shall report adverse actions in accordance with the rules of the commission.

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

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

320 (d) A home state's psychology regulatory authority shall investigate and take appropriate
321 action with respect to reported inappropriate conduct engaged in by a licensee which occurred in
322 a receiving state as it would if such conduct had occurred by a licensee within the home state. In
323 such cases, the home state's law shall control in determining any adverse action against a
324 psychologist's license.

325 (e) A distant state's psychology regulatory authority shall investigate and take
326 appropriate action with respect to reported inappropriate conduct engaged in by a psychologist
327 practicing under temporary authorization to practice which occurred in that distant state as it
328 would if such conduct had occurred by a licensee within the home state. In such cases, distant
329 state's law shall control in determining any adverse action against a psychologist's temporary
330 authorization to practice.

331 (f) Nothing in this compact shall override a compact state's decision that a psychologist's
332 participation in an alternative program may be used in lieu of adverse action and that such
333 participation shall remain non-public if required by the compact state's law. Compact states must
334 require psychologists who enter any alternative programs to not provide telepsychology services
335 under the authority to practice interjurisdictional telepsychology or provide temporary
336 psychological services under the temporary authorization to practice in any other compact state
337 during the term of the alternative program.

338 (g) No other judicial or administrative remedies shall be available to a psychologist in the
339 event a compact state imposes an adverse action pursuant to subsection (c).

340 Section 10.

341 (a) In addition to any other powers granted under state law, a compact state’s psychology
342 regulatory authority shall have the authority under this compact to:

343 (1) Issue subpoenas, for both hearings and investigations, which require the attendance
344 and testimony of witnesses and the production of evidence. Subpoenas issued by a compact
345 state’s psychology regulatory authority for the attendance and testimony of witnesses, or the
346 production of evidence from another compact state shall be enforced in the latter state by any
347 court of competent jurisdiction, according to that court’s practice and procedure in considering
348 subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall
349 pay any witness fees, travel expenses, mileage and other fees required by the service statutes of
350 the state where the witnesses or evidence are located; and

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

353 (3) During the course of any investigation, a psychologist may not change his or her
354 home state licensure. A home state psychology regulatory authority is authorized to complete
355 any pending investigations of a psychologist and to take any actions appropriate under its law.
356 The home state psychology regulatory authority shall promptly report the conclusions of such
357 investigations to the commission. Once an investigation has been completed, and pending the
358 outcome of said investigation, the psychologist may change his or her home state licensure. The
359 commission shall promptly notify the new home state of any such decisions as provided in the
360 rules of the commission. All information provided to the commission or distributed by compact
361 states pursuant to the psychologist shall be confidential, filed under seal and used for

362 investigatory or disciplinary matters. The commission may create additional rules for mandated
363 or discretionary sharing of information by compact states.

364 Section 11.

365 (a) The commission shall provide for the development and maintenance of a coordinated
366 licensure information system and reporting system containing licensure and disciplinary action
367 information on all psychologists individuals to whom this compact is applicable in all compact
368 states as defined by the rules of the commission.

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

372 (1) Identifying information;

373 (2) Licensure data;

374 (3) Significant investigatory information;

375 (4) Adverse actions against a psychologist's license;

376 (5) An indicator that a psychologist's authority to practice interjurisdictional
377 telepsychology or temporary authorization to practice is revoked;

378 (6) Non-confidential information related to alternative program participation
379 information;

380 (7) Any denial of application for licensure, and the reasons for such denial; and

381 (8) Other information which may facilitate the administration of this compact, as
382 determined by the rules of the commission.

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

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

389 (e) Any information submitted to the coordinated database that is subsequently required
390 to be expunged by the law of the compact state reporting the information shall be removed from
391 the coordinated database.

392 Section 12.

393 (a) The compact states hereby create and establish a joint public agency known as the
394 Psychology Interjurisdictional Compact Commission.

395 (1) The commission is a body politic and an instrumentality of the compact states.

396 (2) Venue is proper and judicial proceedings by or against the Commission shall be
397 brought solely and exclusively in a court of competent jurisdiction where the principal office of
398 the commission is located. The commission may waive venue and jurisdictional defenses to the
399 extent it adopts or consents to participate in alternative dispute resolution proceedings.

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

401 (b) Membership, Voting, and Meetings

402 (1) The commission shall consist of one voting representative appointed by each compact
403 state who shall serve as that state's commissioner. The state psychology regulatory authority
404 shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state.
405 This delegate shall be limited to: (i) executive director, executive secretary or similar executive;
406 (ii) current member of the state psychology regulatory authority of a compact state; or (iii)
407 designee empowered with the appropriate delegate authority to act on behalf of the compact
408 state.

409 (2) Any commissioner may be removed or suspended from office as provided by the law
410 of the state from which the commissioner is appointed. Any vacancy occurring in the
411 commission shall be filled in accordance with the laws of the compact state in which the vacancy
412 exists.

413 (3) Each commissioner shall be entitled to 1 vote with regard to the promulgation of rules
414 and creation of bylaws and shall otherwise have an opportunity to participate in the business and
415 affairs of the commission. A commissioner shall vote in person or by such other means as
416 provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by
417 telephone or other means of communication.

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

420 (5) All meetings shall be open to the public, and public notice of meetings shall be given
421 in the same manner as required under the rulemaking provisions in section 13.

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

424 (i) Non-compliance of a compact state with its obligations under the compact;

425 (ii) The employment, compensation, discipline or other personnel matters, practices or
426 procedures related to specific employees or other matters related to the commission's internal
427 personnel practices and procedures;

428 (iii) Current, threatened, or reasonably anticipated litigation against the commission;

429 (iv) Negotiation of contracts for the purchase or sale of goods, services or real estate;

430 (v) Accusation against any person of a crime or formally censuring any person;

431 (vi) Disclosure of trade secrets or commercial or financial information which is
432 privileged or confidential;

433 (vii) Disclosure of information of a personal nature where disclosure would constitute a
434 clearly unwarranted invasion of personal privacy;

435 (viii) Disclosure of investigatory records compiled for law enforcement purposes;

436 (ix) Disclosure of information related to any investigatory reports prepared by or on
437 behalf of or for use of the commission or other committee charged with responsibility for
438 investigation or determination of compliance issues pursuant to the compact; or

439 (x) Matters specifically exempted from disclosure by federal and state statute.

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

449 (c) The commission shall, by a majority vote of the commissioners, prescribe bylaws and
450 rules to govern its conduct as may be necessary or appropriate to carry out the purposes and
451 exercise the powers of the compact, including but not limited to:

452 (1) Establishing the fiscal year of the commission;

453 (2) Providing reasonable standards and procedures (i) for the establishment and meetings
454 of other committees; and (ii) governing any general or specific delegation of any authority or
455 function of the commission;

456 (3) Providing reasonable procedures for calling and conducting meetings of the
457 commission, ensuring reasonable advance notice of all meetings and providing an opportunity
458 for attendance of such meetings by interested parties, with enumerated exceptions designed to
459 protect the public's interest, the privacy of individuals of such proceedings, and proprietary
460 information, including trade secrets. The commission may meet in closed session only after a
461 majority of the commissioners vote to close a meeting to the public in whole or in part. As soon

462 as practicable, the commission must make public a copy of the vote to close the meeting
463 revealing the vote of each commissioner with no proxy votes allowed;

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

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

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

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

475 (8) The commission shall publish its bylaws in a convenient form and file a copy thereof
476 and a copy of any amendment thereto, with the appropriate agency or officer in each of the
477 compact states;

478 (9) The commission shall maintain its financial records in accordance with the bylaws;
479 and

480 (10) The commission shall meet and take such actions as are consistent with the
481 provisions of this compact and the bylaws.

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

483 (1) The authority to promulgate uniform rules to facilitate and coordinate implementation
484 and administration of this compact. The rule shall have the force and effect of law and shall be
485 binding in all compact states;

486 (2) To bring and prosecute legal proceedings or actions in the name of the Commission,
487 provided that the standing of any state psychology regulatory authority or other regulatory body
488 responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

489 (3) To purchase and maintain insurance and bonds;

490 (4) To borrow, accept or contract for services of personnel, including, but not limited to,
491 employees of a compact state;

492 (5) To hire employees, elect or appoint officers, fix compensation, define duties, grant
493 such individuals appropriate authority to carry out the purposes of the compact, and to establish
494 the commission's personnel policies and programs relating to conflicts of interest, qualifications
495 of personnel, and other related personnel matters;

496 (6) To accept any and all appropriate donations and grants of money, equipment,
497 supplies, materials and services, and to receive, utilize and dispose of the same; provided that at
498 all times the commission shall strive to avoid any appearance of impropriety or conflict of
499 interest;

500 (7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
501 hold, improve or use, any property, real, personal or mixed; provided that at all times the
502 commission shall strive to avoid any appearance of impropriety;

503 (8) To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of
504 any property real, personal or mixed;

505

506 (9) To establish a budget and make expenditures;

507 (10) To borrow money;

508 (11) To appoint committees, including advisory committees comprised of members, state
509 regulators, state legislators or their representatives, and consumer representatives, and such other
510 interested persons as may be designated in this compact and the bylaws;

511 (12) To provide and receive information from, and to cooperate with, law enforcement
512 agencies;

513 (13) To adopt and use an official seal; and

514 (14) To perform such other functions as may be necessary or appropriate to achieve the
515 purposes of this compact consistent with the state regulation of psychology licensure, temporary
516 in-person, face-to-face practice and telepsychology practice.

517 (e) The Executive Board

518 The elected officers shall serve as the Executive board, which shall have the power to act
519 on behalf of the commission according to the terms of this compact.

520 (1) The executive board shall be comprised of 6 members: 5 voting members who are
521 elected from the current membership of the commission by the commission; and 1 ex-officio,

522 non-voting member from the recognized membership organization composed of state and
523 provincial psychology regulatory authorities.

524 (2) The ex-officio member must have served as staff or member on a state psychology
525 regulatory authority and will be selected by its respective organization.

526 (3) The commission may remove any member of the executive board as provided in
527 bylaws.

528 (4) The executive board shall meet at least annually.

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

530 (i) Recommend to the entire commission changes to the rules or bylaws, changes to this
531 compact legislation, fees paid by compact states such as annual dues, and any other applicable
532 fees;

533 (ii) Ensure compact administration services are appropriately provided, contractual or
534 otherwise;

535 (iii) Prepare and recommend the budget;

536 (iv) Maintain financial records on behalf of the commission;

537 (v) Monitor compact compliance of member states and provide compliance reports to the
538 commission;

539 (vi) Establish additional committees as necessary; and

540 (vii) Other duties as provided in rules or bylaws.

541 (f) Financing of the Commission

542 (1) The commission shall pay, or provide for the payment of the reasonable expenses of
543 its establishment, organization and ongoing activities.

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

546 (3) The commission may levy on and collect an annual assessment from each compact
547 state or impose fees on other parties to cover the cost of the operations and activities of the
548 commission and its staff which must be in a total amount sufficient to cover its annual budget as
549 approved each year for which revenue is not provided by other sources. The aggregate annual
550 assessment amount shall be allocated based upon a formula to be determined by the commission
551 which shall promulgate a rule binding upon all compact states.

552 (4) The commission shall not incur obligations of any kind prior to securing the funds
553 adequate to meet the same; nor shall the commission pledge the credit of any of the compact
554 states, except by and with the authority of the compact state.

555 (5) The commission shall keep accurate accounts of all receipts and disbursements. The
556 receipts and disbursements of the commission shall be subject to the audit and accounting
557 procedures established under its bylaws. However, all receipts and disbursements of funds
558 handled by the commission shall be audited yearly by a certified or licensed public accountant
559 and the report of the audit shall be included in and become part of the annual report of the
560 commission.

561 (g) Qualified Immunity, Defense, and Indemnification

562 (1) The members, officers, executive director, employees and representatives of the
563 commission shall be immune from suit and liability, either personally or in their official capacity,
564 for any claim for damage to or loss of property or personal injury or other civil liability caused
565 by or arising out of any actual or alleged act, error or omission that occurred, or that the person
566 against whom the claim is made had a reasonable basis for believing occurred within the scope
567 of commission employment, duties or responsibilities; provided that nothing in this paragraph
568 shall be construed to protect any such person from suit or liability for any damage, loss, injury or
569 liability caused by the intentional or willful or wanton misconduct of that person.

570 (2) The commission shall defend any member, officer, executive director, employee or
571 representative of the commission in any civil action seeking to impose liability arising out of any
572 actual or alleged act, error or omission that occurred within the scope of commission
573 employment, duties or responsibilities, or that the person against whom the claim is made had a
574 reasonable basis for believing occurred within the scope of commission employment, duties or
575 responsibilities; provided that nothing herein shall be construed to prohibit that person from
576 retaining his or her own counsel; and provided further, that the actual or alleged act, error or
577 omission did not result from that person's intentional or willful or wanton misconduct.

578 (3) The commission shall indemnify and hold harmless any member, officer, executive
579 director, employee or representative of the commission for the amount of any settlement or
580 judgment obtained against that person arising out of any actual or alleged act, error or omission
581 that occurred within the scope of commission employment, duties or responsibilities, or that such
582 person had a reasonable basis for believing occurred within the scope of commission
583 employment, duties or responsibilities, provided that the actual or alleged act, error or omission
584 did not result from the intentional or willful or wanton misconduct of that person.

585 Section 13.

586 (a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth
587 in this section and the rules adopted thereunder. Rules and amendments shall become binding as
588 of the date specified in each rule or amendment.

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

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

594 (d) Prior to promulgation and adoption of a final rule or rules by the commission, and at
595 least 60 days in advance of the meeting at which the rule will be considered and voted upon, the
596 commission shall file a notice of proposed rulemaking:

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

598 (2) On the website of each compact states' psychology regulatory authority or the
599 publication in which each state would otherwise publish proposed rules.

600 (e) The notice of proposed rulemaking shall include:

601 (1) The proposed time, date, and location of the meeting in which the rule will be
602 considered and voted upon;

603 (2) The text of the proposed rule or amendment and the reason for the proposed rule;

604 (3) A request for comments on the proposed rule from any interested person; and

605 (4) The manner in which interested persons may submit notice to the commission of their
606 intention to attend the public hearing and any written comments.

607 (f) Prior to adoption of a proposed rule, the commission shall allow persons to submit
608 written data, facts, opinions and arguments, which shall be made available to the public.

609 (g) The commission shall grant an opportunity for a public hearing before it adopts a rule
610 or amendment if a hearing is requested by:

611 (1) At least 25 persons who submit comments independently of each other; (2) A
612 governmental subdivision or agency; or

613 (3) A duly appointed person in an association that has having at least 25 members.

614 (h) If a hearing is held on the proposed rule or amendment, the commission shall publish
615 the place, time, and date of the scheduled public hearing.

616 (1) All persons wishing to be heard at the hearing shall notify the executive director of
617 the commission or other designated member in writing of their desire to appear and testify at the
618 hearing not less than 5 business days before the scheduled date of the hearing.

619 (2) Hearings shall be conducted in a manner providing each person who wishes to
620 comment a fair and reasonable opportunity to comment orally or in writing.

621 (3) No transcript of the hearing is required, unless a written request for a transcript is
622 made, in which case the person requesting the transcript shall bear the cost of producing the
623 transcript. A recording may be made in lieu of a transcript under the same terms and conditions
624 as a transcript. This subsection shall not preclude the commission from making a transcript or
625 recording of the hearing if it so chooses.

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

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

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

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

638 (l) Upon determination that an emergency exists, the commission may consider and adopt
639 an emergency rule without prior notice, opportunity for comment, or hearing, provided that the
640 usual rulemaking procedures provided in the compact and in this section shall be retroactively
641 applied to the rule as soon as reasonably possible, in no event later than 90 days after the
642 effective date of the rule. For the purposes of this provision, an emergency rule is one that must
643 be adopted immediately in order to:

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

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

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

648 (4) Protect public health and safety.

649 (m) The commission or an authorized committee of the commission may direct revisions
650 to a previously adopted rule or amendment for purposes of correcting typographical errors, errors
651 in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be
652 posted on the website of the commission. The revision shall be subject to challenge by any
653 person for a period of 30 days after posting. The revision may be challenged only on grounds
654 that the revision results in a material change to a rule. A challenge shall be made in writing, and
655 delivered to the chair of the commission prior to the end of the notice period. If no challenge is
656 made, the revision will take effect without further action. If the revision is challenged, the
657 revision may not take effect without the approval of the commission.

658 Section 14.

659 (a) Oversight

660 (1) The executive, legislative and judicial branches of state government in each compact
661 state shall enforce this compact and take all actions necessary and appropriate to effectuate the
662 compact's purposes and intent. The provisions of this compact and the rules promulgated
663 hereunder shall have standing as statutory law.

664 (2) All courts shall take judicial notice of the compact and the rules in any judicial or
665 administrative proceeding in a compact state pertaining to the subject matter of this compact
666 which may affect the powers, responsibilities or actions of the commission.

667 (3) The commission shall be entitled to receive service of process in any such proceeding,
668 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide
669 service of process to the commission shall render a judgment or order void as to the commission,
670 this compact or promulgated

671 rules.

672 (b) Default, Technical Assistance, and Termination

673 (1) If the commission determines that a compact state has defaulted in the performance of
674 its obligations or responsibilities under this compact or the promulgated rules, the commission
675 shall:

676 (i) provide written notice to the defaulting state and other compact states of the nature of
677 the default, the proposed means of remedying the default or any other action to be taken by the
678 commission; and

679 (ii) provide remedial training and specific technical assistance regarding the
680 default.

681 (2) If a state in default fails to remedy the default, the defaulting state may be terminated
682 from the compact upon an affirmative vote of a majority of the compact states, and all rights,
683 privileges and benefits conferred by this compact shall be terminated on the effective date of
684 termination. A remedy of the default does not relieve the offending state of obligations or
685 liabilities incurred during the period of default.

686 (3) Termination of membership in the compact shall be imposed only after all other
687 means of securing compliance have been exhausted. Notice of intent to suspend or terminate

688 shall be submitted by the commission to the governor, the majority and minority leaders of the
689 defaulting state's legislature, and each of the compact states.

690 (4) A compact state which has been terminated is responsible for all assessments,
691 obligations and liabilities incurred through the effective date of termination, including
692 obligations which extend beyond the effective date of termination.

693 (5) The commission shall not bear any costs incurred by the state which is found to be in
694 default or which has been terminated from the compact, unless agreed upon in writing between
695 the commission and the defaulting state.

696 (6) The defaulting state may appeal the action of the commission by petitioning the
697 United States district court for the State of Georgia or the federal district where the compact has
698 its principal offices. The prevailing member shall be awarded all costs of such litigation,
699 including reasonable attorney's fees.

700 (c) Dispute Resolution

701 (1) Upon request by a compact state, the commission shall attempt to resolve disputes
702 related to the compact which arise among compact states and between compact and non-compact
703 states.

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

706 (d) Enforcement

707 (1) The commission, in the reasonable exercise of its discretion, shall enforce the
708 provisions and rules of this compact.

709 (2) By majority vote, the commission may initiate legal action in the United States
710 district court for the State of Georgia or the federal district where the compact has its principal
711 offices against a compact state in default to enforce compliance with the provisions of the
712 compact and its promulgated rules and bylaws. The relief sought may include both injunctive
713 relief and damages. In the event judicial enforcement is necessary, the prevailing member shall
714 be awarded all costs of such litigation, including reasonable attorney's fees.

715 (3) The remedies herein shall not be the exclusive remedies of the commission. The
716 commission may pursue any other remedies available under federal or state law.

717 Section 15.

718 (a) The compact shall come into effect on the date on which the compact is enacted into
719 law in the seventh compact state. The provisions which become effective at that time shall be
720 limited to the powers granted to the commission relating to assembly and the promulgation of
721 rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the
722 implementation and administration of the compact.

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

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

729 (1) A compact state's withdrawal shall not take effect until 6 months after enactment of
730 the repealing statute.

731 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's
732 psychology regulatory authority to comply with the investigative and adverse action reporting
733 requirements of this act prior to the effective date of withdrawal.

734 (d) Nothing contained in this compact shall be construed to invalidate or prevent any
735 psychology licensure agreement or other cooperative arrangement between a compact state and a
736 non-compact state which does not conflict with the provisions of this compact.

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

740 Section 16.

741 This compact shall be liberally construed so as to effectuate the purposes thereof. If this
742 compact shall be held contrary to the constitution of any state member thereto, the compact shall
743 remain in full force and effect as to the remaining compact states.

744 Section 17.

745 The compact administrator who represents the commonwealth, as provided in the
746 compact, shall not be entitled to any additional compensation for executing his duties and
747 responsibilities as compact administrator but shall be entitled to reimbursement for reasonable
748 expenses actually incurred in connection with his duties and responsibilities as compact

749 administrator in the same manner as for expenses incurred in connection with other duties and
750 responsibilities of his office or employment.

751 Section 18.

752 The executive director of the board of registration of psychologists, or the board
753 executive director's designee, shall be the administrator of the psychology interjurisdictional
754 compact for the commonwealth.

755 Section 19.

756 The board of registration of psychologists may promulgate regulations as necessary to
757 implement the provisions of this chapter.

758 Section 20.

759 The board of registration of psychologists may recover from a psychologist the costs of
760 investigation and disposition of cases resulting in any adverse disciplinary action taken against a
761 psychologist's authority to practice interjurisdictional telepsychology or temporary authorization
762 to practice. Funds collected pursuant to this section shall be deposited in the Quality in Health
763 Professions Trust Fund established pursuant to section 35X of chapter 10.

764 Section 21.

765 The board of registration of psychologists may take disciplinary action against a
766 psychologist practicing in the commonwealth under the authority to practice interjurisdictional
767 telepsychology or temporary authorization to practice under a license issued by a member state.
768 The board's disciplinary action may be based on disciplinary action against the psychologist's
769 license taken by that licensee's home state.

770 Section 22.

771 In reporting information to the coordinated licensure information system under section 11
772 of this chapter related to the Psychology Interjurisdictional Compact Act, the board of
773 registration of psychologists may disclose personally identifiable information about the
774 psychologist, including social security number.

775 Section 23.

776 This psychology interjurisdictional compact shall be subject to the applicable laws and
777 regulations of the commonwealth, including chapters 13, 30A and 112 of the general laws.

778