

**SENATE . . . . . No. 1980**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Cynthia Stone Creem***

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*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.**

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PETITION OF:

NAME:

*Cynthia Stone Creem*

DISTRICT/ADDRESS:

*Norfolk and Middlesex*

**SENATE . . . . . No. 1980**

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 1980) of Cynthia Stone Creem for legislation to establish the Psychology Interjurisdictional Compact. State Administration and Regulatory Oversight.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
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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           The General Laws are hereby amended by inserting after chapter 112A the following  
2 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 Court 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 (9) To establish a budget and make expenditures;

506 (10) To borrow money;

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

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

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

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

516 (e) The Executive Board

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

519 (1) The executive board shall be comprised of 6 members: 5 voting members who are  
520 elected from the current membership of the commission by the commission; and 1 ex-officio,  
521 non-voting member from the recognized membership organization composed of state and  
522 provincial psychology regulatory authorities.

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

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

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

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

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

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

534 (iii) Prepare and recommend the budget;

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

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

538 (vi) Establish additional committees as necessary; and

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

540 (f) Financing of the Commission

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

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

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

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

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

560 (g) Qualified Immunity, Defense, and Indemnification

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

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

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

584 Section 13.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

647 (4) Protect public health and safety.

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

657 Section 14.

658 (a) Oversight

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

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

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

670 rules.

671 (b) Default, Technical Assistance, and Termination

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

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

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

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

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

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

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

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

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

698 (c) Dispute Resolution

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

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

704 (d) Enforcement

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

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

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

715           Section 15.

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

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

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

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

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

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

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

738 Section 16.

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

742 Section 17.

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

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

749 Section 18.

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

753 Section 19.

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

756 Section 20.

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

762 Section 21.

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

768           Section 22.

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

773           Section 23.

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