

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- PSYCHOLOGY
INTERJURISDICTIONAL COMPACT

Introduced By: Senators DiMario, Miller, Pearson, Lawson, Burke, DiPalma, Murray,
Kallman, and Euer

Date Introduced: March 10, 2022

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"
2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 44.1

4 THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT

5 **5-44.1-1. Short title.**

6 This chapter shall be known and may be cited as the "The Psychology Interjurisdictional
7 Compact" ("the compact").

8 **5-44.1-2. Execution of the compact.**

9 The governor on behalf of the State of Rhode Island is authorized to execute a compact, in
10 substantially the following form, with any state, territory or possession of the United States, the
11 District of Columbia, and the Commonwealth of Puerto Rico, and the general assembly signifies
12 in advance its approval and ratification of this compact: "The Psychology Interjurisdictional
13 Compact". The contracting states solemnly agree:

14 PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)

15 ARTICLE I

16 PURPOSE

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

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

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

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

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

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

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

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

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

24 (2) Enhance the states' ability to protect the public's health and safety, especially
25 client/patient safety;

26 (3) Encourage the cooperation of Compact States in the areas of psychology licensure and
27 regulation;

28 (4) Facilitate the exchange of information between Compact States regarding psychologist
29 licensure, adverse actions and disciplinary history;

30 (5) Promote compliance with the laws governing psychological practice in each Compact
31 State; and

32 (6) Invest all Compact States with the authority to hold licensed psychologists accountable
33 through the mutual recognition of Compact State licenses.

34 ARTICLE II

1 DEFINITIONS

2 (A) "Adverse Action" means any action taken by a State Psychology Regulatory Authority
3 which finds a violation of a statute or regulation that is identified by the State Psychology
4 Regulatory Authority as discipline and is a matter of public record.

5 (B) "Association of State and Provincial Psychology Boards (ASPPB)" means the
6 recognized membership organization composed of State and Provincial Psychology Regulatory
7 Authorities responsible for the licensure and registration of psychologists throughout the United
8 States and Canada.

9 (C) "Authority to Practice Interjurisdictional Telepsychology" means a licensed
10 psychologist's authority to practice telepsychology, within the limits authorized under this
11 Compact, in another Compact State.

12 (D) "Bylaws" means those Bylaws established by the Psychology Interjurisdictional
13 Compact Commission pursuant to Article X for its governance, or for directing and controlling its
14 actions and conduct.

15 (E) "Client/Patient" means the recipient of psychological services, whether psychological
16 services are delivered in the context of healthcare, corporate, supervision, and/or consulting
17 services.

18 (F) "Commissioner" means the voting representative appointed by each State Psychology
19 Regulatory Authority pursuant to Article X.

20 (G) "Compact State" means a state, the District of Columbia, or United States territory that
21 has enacted this Compact legislation and which has not withdrawn pursuant to Article XIII, Section
22 C or been terminated pursuant to Article XII, Section B.

23 (H) "Coordinated Licensure Information System" also referred to as "Coordinated
24 Database" means an integrated process for collecting, storing, and sharing information on
25 psychologists' licensure and enforcement activities related to psychology licensure laws,
26 Psychology Interjurisdictional Compact (PSYPACT) which is administered by the recognized
27 membership organization composed of State and Provincial Psychology Regulatory Authorities.

28 (I) "Confidentiality" means the principle that data or information is not made available or
29 disclosed to unauthorized persons and/or processes.

30 (J) "Day" means any part of a day in which psychological work is performed.

31 (K) "Distant State" means the Compact State where a psychologist is physically present
32 (not through the use of telecommunications technologies), to provide temporary in-person, face-to-
33 face psychological services.

34 (L) "e-Passport" means a certificate issued by the Association of State and Provincial

1 Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional
2 telepsychology practice and facilitates the process for licensed psychologists to provide
3 telepsychological services across state lines.

4 (M) "Executive Board" means a group of directors elected or appointed to act on behalf of,
5 and within the powers granted to them by, the Commission.

6 (N) "Home State" means a Compact State where a psychologist is licensed to practice
7 psychology. If the psychologist is licensed in more than one Compact State and is practicing under
8 the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the Compact
9 State where the psychologist is physically present when the telepsychological services are
10 delivered. If the psychologist is licensed in more than one Compact State and is practicing under
11 the Temporary Authorization to Practice, the Home State is any Compact State where the
12 psychologist is licensed.

13 (O) "Identity History Summary" means a summary of information retained by the FBI, or
14 other designee with similar authority, in connection with arrests and, in some instances, federal
15 employment, naturalization, or military service.

16 (P) "In-Person, Face-to-Face" means interactions in which the psychologist and the
17 client/patient are in the same physical space and which does not include interactions that may occur
18 through the use of telecommunication technologies.

19 (Q) "Interjurisdictional Practice Certificate" (IPC) means a certificate issued by the
20 Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority
21 to practice based on notification to the State Psychology Regulatory Authority of intention to
22 practice temporarily, and verification of one's qualifications for such practice.

23 (R) "License" means authorization by a State Psychology Regulatory Authority to engage
24 in the independent practice of psychology, which would be unlawful without the authorization.

25 (S) "Non-Compact State" means any State which is not at the time a Compact State.

26 (T) "Psychologist" means an individual licensed for the independent practice of
27 psychology.

28 (U) "Psychology Interjurisdictional Compact Commission" also referred to as
29 "Commission" means the national administration of which all Compact States are members.

30 (V) "Receiving State" means a Compact State where the client/patient is physically located
31 when the telepsychological services are delivered.

32 (W) "Rule" means a written statement by the Psychology Interjurisdictional Compact
33 Commission promulgated pursuant to Article XI of the Compact that is of general applicability,
34 implements, interprets, or prescribes a policy or provision of the Compact, or an organizational,

1 procedural, or practice requirement of the Commission and has the force and effect of statutory law
2 in a Compact State, and includes the amendment, repeal or suspension of an existing rule.

3 (X) "Significant Investigatory Information" means:

4 (1) Investigative information that a State Psychology Regulatory Authority, after a
5 preliminary inquiry that includes notification and an opportunity to respond if required by state
6 law, has reason to believe, if proven true, would indicate more than a violation of state statute or
7 ethics code that would be considered more substantial than minor infraction; or

8 (2) Investigative information that indicates that the psychologist represents an immediate
9 threat to public health and safety regardless of whether the psychologist has been notified and/or
10 had an opportunity to respond.

11 (Y) "State" means a state, commonwealth, territory, or possession of the United States, or
12 the District of Columbia.

13 (Z) "State Psychology Regulatory Authority" means the Board, office or other agency with
14 the legislative mandate to license and regulate the practice of psychology.

15 (AA) "Telepsychology" means the provision of psychological services using
16 telecommunication technologies.

17 (BB) "Temporary Authorization to Practice" means a licensed psychologist's authority to
18 conduct temporary in-person, face-to-face practice, within the limits authorized under this
19 Compact, in another Compact State.

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

24 ARTICLE III

25 HOME STATE LICENSURE

26 (A) The Home State shall be a Compact State where a psychologist is licensed to practice
27 psychology.

28 (B) A psychologist may hold one or more Compact State licenses at a time. If the
29 psychologist is licensed in more than one Compact State, the Home State is the Compact State
30 where the psychologist is physically present when the services are delivered as authorized by the
31 Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

32 (C) Any Compact State may require a psychologist not previously licensed in a Compact
33 State to obtain and retain a license to be authorized to practice in the Compact State under
34 circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology under

1 the terms of this Compact.

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

5 (E) A Home State's license authorizes a psychologist to practice in a Receiving State under
6 the Authority to Practice Interjurisdictional Telepsychology only if the Compact State:

7 (1) Currently requires the psychologist to hold an active e-Passport;

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

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

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

16 (5) Complies with the Bylaws and Rules of the Commission.

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

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

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

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

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

28 (5) Complies with the Bylaws and Rules of the Commission.

29 ARTICLE IV

30 COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

31 (A) Compact States shall recognize the right of a psychologist, licensed in a Compact State
32 in conformance with Article III, to practice telepsychology in other Compact States (Receiving
33 States) in which the psychologist is not licensed, under the Authority to Practice Interjurisdictional
34 Telepsychology as provided in the Compact.

1 (B) To exercise the Authority to Practice Interjurisdictional Telepsychology under the
2 terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:
3 (1) Hold a graduate degree in psychology from an institute of higher education that was, at
4 the time the degree was awarded:
5 (a) Regionally accredited by an accrediting body recognized by the U.S. Department of
6 Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant
7 doctoral degrees; or
8 (b) A foreign college or university deemed to be equivalent to subsection 1(a) above by a
9 foreign credential evaluation service that is a member of the National Association of Credential
10 Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and
11 (2) Hold a graduate degree in psychology that meets the following criteria:
12 (a) The program, wherever it may be administratively housed, must be clearly identified
13 and labeled as a psychology program. Such a program must specify in pertinent institutional
14 catalogues and brochures its intent to educate and train professional psychologists;
15 (b) The psychology program must stand as a recognizable, coherent, organizational entity
16 within the institution;
17 (c) There must be a clear authority and primary responsibility for the core and specialty
18 areas whether or not the program cuts across administrative lines;
19 (d) The program must consist of an integrated, organized sequence of study;
20 (e) There must be an identifiable psychology faculty sufficient in size and breadth to carry
21 out its responsibilities;
22 (f) The designated director of the program must be a psychologist and a member of the
23 core faculty;
24 (g) The program must have an identifiable body of students who are matriculated in that
25 program for a degree;
26 (h) The program must include supervised practicum, internship, or field training
27 appropriate to the practice of psychology;
28 (i) The curriculum shall encompass a minimum of three (3) academic years of full-time
29 graduate study for doctoral degree and a minimum of one academic year of full-time graduate study
30 for master's degree; and
31 (j) The program includes an acceptable residency as defined by the Rules of the
32 Commission.
33 (3) Possess a current, full and unrestricted license to practice psychology in a Home State
34 which is a Compact State;

- 1 (4) Have no history of adverse action that violate the Rules of the Commission;
2 (5) Have no criminal record history reported on an Identity History Summary that violates
3 the Rules of the Commission;
4 (6) Possess a current, active e-Passport;
5 (7) Provide attestations in regard to areas of intended practice, conformity with standards
6 of practice, competence in telepsychology technology; criminal background; and knowledge and
7 adherence to legal requirements in the home and receiving states, and provide a release of
8 information to allow for primary source verification in a manner specified by the Commission; and
9 (8) Meet other criteria as defined by the Rules of the Commission.

10 (C) A psychologist practicing into a Receiving State under the Authority to Practice
11 Interjurisdictional Telepsychology shall practice within areas of competencies and the scope of
12 practice authorized by the Home State.

13 (D) A psychologist practicing into a Receiving State under the Authority to Practice
14 Interjurisdictional Telepsychology will be subject to the Home State's authority and laws. A
15 Receiving State may, in accordance with that state's due process law, limit or revoke a
16 psychologist's Authority to Practice Interjurisdictional Telepsychology in the Receiving State and
17 may take any other necessary actions under the Receiving State's applicable law to protect the
18 health and safety of the Receiving State's citizens. If a Receiving State takes action, the state shall
19 promptly notify the Home State and the Commission.

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

25 ARTICLE V

26 COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

27 (A) Compact States shall also recognize the right of a psychologist, licensed in a Compact
28 State in conformance with Article III, to practice temporarily in other Compact States (Distant
29 States) in which the psychologist is not licensed, as provided in the Compact.

30 (B) To exercise the Temporary Authorization to Practice under the terms and provisions of
31 this Compact, a psychologist licensed to practice in a Compact State must:

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

34 (a) Regionally accredited by an accrediting body recognized by the U.S. Department of

1 Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant
2 doctoral degrees; or

3 (b) A foreign college or university deemed to be equivalent to subsection 1(a) above by a
4 foreign credential evaluation service that is a member of the National Association of Credential
5 Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

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

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

10 (b) The psychology program must stand as a recognizable, coherent, organizational entity
11 within the institution;

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

14 (d) The program must consist of an integrated, organized sequence of study;

15 (e) There must be an identifiable psychology faculty sufficient in size and breadth to carry
16 out its responsibilities;

17 (f) The designated director of the program must be a psychologist and a member of the
18 core faculty;

19 (g) The program must have an identifiable body of students who are matriculated in that
20 program for a degree;

21 (h) The program must include supervised practicum, internship, or field training
22 appropriate to the practice of psychology;

23 (i) The curriculum shall encompass a minimum of three (3) academic years of full-time
24 graduate study for doctoral degrees and a minimum of one academic year of full-time graduate
25 study for master's degree;

26 (j) The program includes an acceptable residency as defined by the Rules of the
27 Commission;

28 (3) Possess a current, full and unrestricted license to practice psychology in a Home State
29 which is a Compact State;

30 (4) No history of adverse action that violate the Rules of the Commission;

31 (5) No criminal record history that violates the Rules of the Commission;

32 (6) Possess a current, active IPC;

33 (7) Provide attestations in regard to areas of intended practice and work experience and
34 provide a release of information to allow for primary source verification in a manner specified by

1 the Commission; and

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

3 (C) A psychologist practicing into a Distant State under the Temporary Authorization to
4 Practice shall practice within the scope of practice authorized by the Distant State.

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

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

15 ARTICLE VI

16 CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

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

21 (1) The psychologist initiates a client/patient contact in a Home State via
22 telecommunications technologies with a client/patient in a Receiving State;

23 (2) Other conditions regarding telepsychology as determined by Rules promulgated by the
24 Commission.

25 ARTICLE VII

26 ADVERSE ACTIONS

27 (A) A Home State shall have the power to impose adverse action against a psychologist's
28 license issued by the Home State. A Distant State shall have the power to take adverse action on a
29 psychologist's Temporary Authorization to Practice within that Distant State.

30 (B) A Receiving State may take adverse action on a psychologist's Authority to Practice
31 Interjurisdictional Telepsychology within that Receiving State. A Home State may take adverse
32 action against a psychologist based on an adverse action taken by a Distant State regarding
33 temporary in-person, face-to-face practice.

34 (C) If a Home State takes adverse action against a psychologist's license, that psychologist's

1 Authority to Practice Interjurisdictional Telepsychology is terminated and the e-Passport is
2 revoked. Furthermore, that psychologist's Temporary Authorization to Practice is terminated and
3 the IPC is revoked.

4 (1) All Home State disciplinary orders which impose adverse action shall be reported to
5 the Commission in accordance with the Rules promulgated by the Commission. A Compact State
6 shall report adverse actions in accordance with the Rules of the Commission.

7 (2) In the event discipline is reported on a psychologist, the psychologist will not be eligible
8 for telepsychology or temporary in-person, face-to-face practice in accordance with the Rules of
9 the Commission.

10 (3) Other actions may be imposed as determined by the Rules promulgated by the
11 Commission.

12 (D) A Home State's Psychology Regulatory Authority shall investigate and take
13 appropriate action with respect to reported inappropriate conduct engaged in by a licensee which
14 occurred in a Receiving State as it would if such conduct had occurred by a licensee within the
15 Home State. In such cases, the Home State's law shall control in determining any adverse action
16 against a psychologist's license.

17 (E) A Distant State's Psychology Regulatory Authority shall investigate and take
18 appropriate action with respect to reported inappropriate conduct engaged in by a psychologist
19 practicing under Temporary Authorization Practice which occurred in that Distant State as it would
20 if such conduct had occurred by a licensee within the Home State. In such cases, Distant State's
21 law shall control in determining any adverse action against a psychologist's Temporary
22 Authorization to Practice.

23 (F) Nothing in this Compact shall override a Compact State's decision that a psychologist's
24 participation in an alternative program may be used in lieu of adverse action and that such
25 participation shall remain non-public if required by the Compact State's law. Compact States must
26 require psychologists who enter any alternative programs to not provide telepsychology services
27 under the Authority to Practice Interjurisdictional Telepsychology or provide temporary
28 psychological services under the Temporary Authorization to Practice in any other Compact State
29 during the term of the alternative program.

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

32 ARTICLE VIII

33 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY

34 REGULATORY AUTHORITY

1 (A) In addition to any other powers granted under state law, a Compact State's Psychology
2 Regulatory Authority shall have the authority under this Compact to:

3 (1) Issue subpoenas, for both hearings and investigations, which require the attendance and
4 testimony of witnesses and the production of evidence. Subpoenas issued by a Compact State's
5 Psychology Regulatory Authority for the attendance and testimony of witnesses, and/or the
6 production of evidence from another Compact State shall be enforced in the latter state by any court
7 of competent jurisdiction, according to that court's practice and procedure in considering subpoenas
8 issued in its own proceedings. The issuing State Psychology Regulatory Authority shall pay any
9 witness fees, travel expenses, mileage and other fees required by the service statutes of the state
10 where the witnesses and/or evidence are located; and

11 (2) Issue cease and desist and/or injunctive relief orders to revoke a psychologist's
12 Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to
13 Practice; and

14 (3) During the course of any investigation, a psychologist may not change their Home State
15 licensure. A Home State Psychology Regulatory Authority is authorized to complete any pending
16 investigations of a psychologist and to take any actions appropriate under its law. The Home State
17 Psychology Regulatory Authority shall promptly report the conclusions of such investigations to
18 the Commission. Once an investigation has been completed, and pending the outcome of said
19 investigation, the psychologist may change their Home State licensure. The Commission shall
20 promptly notify the new Home State of any such decisions as provided in the Rules of the
21 Commission. All information provided to the Commission or distributed by Compact States
22 pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or
23 disciplinary matters. The Commission may create additional rules for mandated or discretionary
24 sharing of information by Compact States.

25 ARTICLE IX

26 COORDINATED LICENSURE INFORMATION SYSTEM

27 (A) The Commission shall provide for the development and maintenance of a Coordinated
28 Licensure Information System (Coordinated Database) and reporting system containing licensure
29 and disciplinary action information on all psychologists individuals to whom this Compact is
30 applicable in all Compact States as defined by the Rules of the Commission.

31 (B) Notwithstanding any other provision of state law to the contrary, a Compact State shall
32 submit a uniform data set to the Coordinated Database on all licensees as required by the Rules of
33 the Commission, including:

34 (1) Identifying information;

- 1 (2) Licensure data;
- 2 (3) Significant investigatory information;
- 3 (4) Adverse actions against a psychologist's license;
- 4 (5) An indicator that a psychologist's Authority to Practice Interjurisdictional
5 Telepsychology and/or Temporary Authorization to Practice is revoked;
- 6 (6) Non-confidential information related to alternative program participation information;
- 7 (7) Any denial of application for licensure, and the reasons for such denial; and
- 8 (8) Other information which may facilitate the administration of this Compact, as
9 determined by the Rules of the Commission.

10 (C) The Coordinated Database administrator shall promptly notify all Compact States of
11 any adverse action taken against, or significant investigative information on, any licensee in a
12 Compact State.

13 (D) Compact States reporting information to the Coordinated Database may designate
14 information that may not be shared with the public without the express permission of the Compact
15 State reporting the information.

16 (E) Any information submitted to the Coordinated Database that is subsequently required
17 to be expunged by the law of the Compact State reporting the information shall be removed from
18 the Coordinated Database.

19 ARTICLE X

20 ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT

21 COMMISSION

22 (A) The Compact States hereby create and establish a joint public agency known as the
23 Psychology Interjurisdictional Compact Commission.

24 (1) The Commission is a body politic and an instrumentality of the Compact States.

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

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

30 (B) Membership, Voting, and Meetings.

31 (1) The Commission shall consist of one voting representative appointed by each Compact
32 State who shall serve as that state's Commissioner. The State Psychology Regulatory Authority
33 shall appoint its delegate. This delegate shall be empowered to act on behalf of the Compact State.
34 This delegate shall be limited to:

- 1 (a) Executive Director, Executive Secretary or similar executive;
2 (b) Current member of the State Psychology Regulatory Authority of a Compact State; or
3 (c) Designee empowered with the appropriate delegate authority to act on behalf of the
4 Compact State.

5 (2) Any Commissioner may be removed or suspended from office as provided by the law
6 of the state from which the Commissioner is appointed. Any vacancy occurring in the Commission
7 shall be filled in accordance with the laws of the Compact State in which the vacancy exists.

8 (3) Each Commissioner shall be entitled to one vote with regard to the promulgation of
9 Rules and creation of Bylaws and shall otherwise have an opportunity to participate in the business
10 and affairs of the Commission. A Commissioner shall vote in person or by such other means as
11 provided in the Bylaws. The Bylaws may provide for Commissioners' participation in meetings by
12 telephone or other means of communication.

13 (4) The Commission shall meet at least once during each calendar year. Additional
14 meetings shall be held as set forth in the Bylaws.

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

17 (6) The Commission may convene in a closed, non-public meeting if the Commission must
18 discuss:

19 (a) Non-compliance of a Compact State with its obligations under the Compact;

20 (b) The employment, compensation, discipline or other personnel matters, practices or
21 procedures related to specific employees or other matters related to the Commission's internal
22 personnel practices and procedures;

23 (c) Current, threatened, or reasonably anticipated litigation against the Commission;

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

25 (e) Accusation against any person of a crime or formally censuring any person;

26 (f) Disclosure of trade secrets or commercial or financial information which is privileged
27 or confidential;

28 (g) Disclosure of information of a personal nature where disclosure would constitute a
29 clearly unwarranted invasion of personal privacy;

30 (h) Disclosure of investigatory records compiled for law enforcement purposes;

31 (i) Disclosure of information related to any investigatory reports prepared by or on behalf
32 of or for use of the Commission or other committee charged with responsibility for investigation
33 or determination of compliance issues pursuant to the Compact; or

34 (j) Matters specifically exempted from disclosure by federal and state statute.

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

10 (C) The Commission shall, by a majority vote of the Commissioners, prescribe Bylaws
11 and/or Rules to govern its conduct as may be necessary or appropriate to carry out the purposes and
12 exercise the powers of the Compact, including, but not limited to:

13 (1) Establishing the fiscal year of the Commission.

14 (2) Providing reasonable standards and procedures:

15 (a) For the establishment and meetings of other committees; and

16 (b) Governing any general or specific delegation of any authority or function of the
17 Commission;

18 (3) Providing reasonable procedures for calling and conducting meetings of the
19 Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for
20 attendance of such meetings by interested parties, with enumerated exceptions designed to protect
21 the public's interest, the privacy of individuals of such proceedings, and proprietary information,
22 including trade secrets. The Commission may meet in closed session only after a majority of the
23 Commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the
24 Commission must make public a copy of the vote to close the meeting revealing the vote of each
25 Commissioner with no proxy votes allowed.

26 (4) Establishing the titles, duties and authority and reasonable procedures for the election
27 of the officers of the Commission.

28 (5) Providing reasonable standards and procedures for the establishment of the personnel
29 policies and programs of the Commission. Notwithstanding any civil service or other similar law
30 of any Compact State, the Bylaws shall exclusively govern the personnel policies and programs of
31 the Commission.

32 (6) Promulgating a Code of Ethics to address permissible and prohibited activities of
33 Commission members and employees;

34 (7) Providing a mechanism for concluding the operations of the Commission and the

1 equitable disposition of any surplus funds that may exist after the termination of the Compact after
2 the payment and/or reserving of all of its debts and obligations;

3 (8) The Commission shall publish its bylaws in a convenient form and file a copy thereof
4 and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compact
5 States;

6 (9) The Commission shall maintain its financial records in accordance with the Bylaws;
7 and

8 (10) The Commission shall meet and take such actions as are consistent with the provisions
9 of this Compact and the bylaws.

10 (D) The Commission shall have the following powers:

11 (1) The authority to promulgate uniform rules to facilitate and coordinate implementation
12 and administration of this Compact. The rule shall have the force and effect of law and shall be
13 binding in all Compact States;

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

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

18 (4) To borrow, accept or contract for services of personnel, including, but not limited to,
19 employees of a Compact State;

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

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

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

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

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

33 (10) To borrow money;

34 (11) To appoint committees, including advisory committees comprised of Members, State

1 regulators, State legislators or their representatives, and consumer representatives, and such other
2 interested persons as may be designated in this Compact and the bylaws;

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

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

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

9 (E) The Executive Board.

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

12 (1) The Executive Board shall be comprised of six (6) members:

13 (a) Five (5) voting members who are elected from the current membership of the
14 Commission by the Commission;

15 (b) One exofficio, nonvoting member from the recognized membership organization
16 composed of State and Provincial Psychology Regulatory Authorities.

17 (2) The exofficio member must have served as staff or member on a State Psychology
18 Regulatory Authority and will be selected by its respective organization.

19 (3) The Commission may remove any member of the Executive Board as provided in
20 Bylaws.

21 (4) The Executive Board shall meet at least annually.

22 (5) The Executive Board shall have the following duties and responsibilities:

23 (a) Recommend to the entire Commission changes to the Rules or bylaws, changes to this
24 Compact legislation, fees paid by Compact States such as annual dues, and any other applicable
25 fees;

26 (b) Ensure Compact administration services are appropriately provided, contractual or
27 otherwise;

28 (c) Prepare and recommend the budget;

29 (d) Maintain financial records on behalf of the Commission;

30 (e) Monitor Compact compliance of member states and provide compliance reports to the
31 Commission;

32 (f) Establish additional committees as necessary; and

33 (g) Other duties as provided in Rules or bylaws.

34 (F) Financing of the Commission

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

3 (2) The Commission may accept any and all appropriate revenue sources, donations and
4 grants of money, equipment, supplies, materials and services.

5 (3) The Commission may levy on and collect an annual assessment from each Compact
6 State or impose fees on other parties to cover the cost of the operations and activities of the
7 Commission and its staff which must be in a total amount sufficient to cover its annual budget as
8 approved each year for which revenue is not provided by other sources. The aggregate annual
9 assessment amount shall be allocated based upon a formula to be determined by the Commission
10 which shall promulgate a rule binding upon all Compact States.

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

14 (5) The Commission shall keep accurate accounts of all receipts and disbursements. The
15 receipts and disbursements of the Commission shall be subject to the audit and accounting
16 procedures established under its Bylaws. However, all receipts and disbursements of funds handled
17 by the Commission shall be audited yearly by a certified or licensed public accountant and the
18 report of the audit shall be included in and become part of the annual report of the Commission.

19 (G) Qualified Immunity, Defense, and Indemnification.

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

28 (2) The Commission shall defend any member, officer, Executive Director, employee or
29 representative of the Commission in any civil action seeking to impose liability arising out of any
30 actual or alleged act, error or omission that occurred within the scope of Commission employment,
31 duties or responsibilities, or that the person against whom the claim is made had a reasonable basis
32 for believing occurred within the scope of Commission employment, duties or responsibilities;
33 provided that nothing herein shall be construed to prohibit that person from retaining that person's
34 own counsel; and provided further, that the actual or alleged act, error or omission did not result

1 from that person's intentional or willful or wanton misconduct.

2 (3) The Commission shall indemnify and hold harmless any member, officer, Executive
3 Director, employee or representative of the Commission for the amount of any settlement or
4 judgment obtained against that person arising out of any actual or alleged act, error or omission
5 that occurred within the scope of Commission employment, duties or responsibilities, or that such
6 person had a reasonable basis for believing occurred within the scope of Commission employment,
7 duties or responsibilities, provided that the actual or alleged act, error or omission did not result
8 from the intentional or willful or wanton misconduct of that person.

9 ARTICLE XI

10 RULEMAKING

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

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

17 (C) Rules or amendments to the rules shall be adopted at a regular or special meeting of
18 the Commission.

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

22 (1) On the website of the Commission; and

23 (2) On the website of each Compact States' Psychology Regulatory Authority or the
24 publication in which each state would otherwise publish proposed rules.

25 (E) The Notice of Proposed Rulemaking shall include:

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

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

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

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

32 (F) Prior to adoption of a proposed rule, the Commission shall allow persons to submit
33 written data, facts, opinions and arguments, which shall be made available to the public.

34 (G) The Commission shall grant an opportunity for a public hearing before it adopts a rule

1 or amendment if a hearing is requested by:

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

3 (2) A governmental subdivision or agency; or

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

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

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

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

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

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

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

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

25 (K) If no written notice of intent to attend the public hearing by interested parties is
26 received, the Commission may proceed with promulgation of the proposed rule without a public
27 hearing.

28 (L) Upon determination that an emergency exists, the Commission may consider and adopt
29 an emergency rule without prior notice, opportunity for comment, or hearing, provided that the
30 usual rulemaking procedures provided in the Compact and in this section shall be retroactively
31 applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the
32 effective date of the rule. For the purposes of this provision, an emergency rule is one that must be
33 adopted immediately in order to:

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

1 (b) Provide remedial training and specific technical assistance regarding the default.

2 (2) If a state in default fails to remedy the default, the defaulting state may be terminated
3 from the Compact upon an affirmative vote of a majority of the Compact States, and all rights,
4 privileges and benefits conferred by this Compact shall be terminated on the effective date of
5 termination. A remedy of the default does not relieve the offending state of obligations or liabilities
6 incurred during the period of default.

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

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

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

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

21 (C) Dispute Resolution.

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

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

27 (D) Enforcement.

28 (1) The Commission, in the reasonable exercise of its discretion, shall enforce the
29 provisions and Rules of this Compact.

30 (2) By majority vote, the Commission may initiate legal action in the United States District
31 Court for the State of Georgia or the federal district where the Compact has its principal offices
32 against a Compact State in default to enforce compliance with the provisions of the Compact and
33 its promulgated Rules and Bylaws. The relief sought may include both injunctive relief and
34 damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded

1 all costs of such litigation, including reasonable attorney's fees.

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

4 ARTICLE XIII

5 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL 6 COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND 7 AMENDMENTS

8 (A) The Compact shall come into effect on the date on which the Compact is enacted into
9 law in the seventh Compact State. The provisions which become effective at that time shall be
10 limited to the powers granted to the Commission relating to assembly and the promulgation of
11 rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the
12 implementation and administration of the Compact.

13 (B) Any state which joins the Compact subsequent to the Commission's initial adoption of
14 the rules shall be subject to the rules as they exist on the date on which the Compact becomes law
15 in that state. Any rule which has been previously adopted by the Commission shall have the full
16 force and effect of law on the day the Compact becomes law in that state.

17 (C) Any Compact State may withdraw from this Compact by enacting a statute repealing
18 the same.

19 (1) A Compact State's withdrawal shall not take effect until six (6) months after enactment
20 of the repealing statute.

21 (2) Withdrawal shall not affect the continuing requirement of the withdrawing State's
22 Psychology Regulatory Authority to comply with the investigative and adverse action reporting
23 requirements of this act prior to the effective date of withdrawal.

24 (D) Nothing contained in this Compact shall be construed to invalidate or prevent any
25 psychology licensure agreement or other cooperative arrangement between a Compact State and a
26 Non-Compact State which does not conflict with the provisions of this Compact.

27 (E) This Compact may be amended by the Compact States. No amendment to this Compact
28 shall become effective and binding upon any Compact State until it is enacted into the law of all
29 Compact States.

30 ARTICLE XIV

31 CONSTRUCTION AND SEVERABILITY

32 This Compact shall be liberally construed so as to effectuate the purposes thereof. If this
33 Compact shall be held contrary to the constitution of any state member thereto, the Compact shall
34 remain in full force and effect as to the remaining Compact States.

1 **5-44.1-4. Ratification procedure – Effective date.**

2 When the governor shall have executed the compact on behalf of this state and shall have
3 caused a verified copy to be filed with the secretary of state; and when the compact shall have been
4 ratified by one or more of the state, territories or possessions of the United States, the District of
5 Columbia, and/or the Commonwealth of Puerto Rico, then the compact shall become operative and
6 effective as between this state and those other state or states, territories or possessions of the United
7 States, the District of Columbia, and/or the Commonwealth of Puerto Rico. The governor is
8 authorized and directed to take any action that may be necessary to complete the exchange of
9 official documents as between this state and any other state, territory or possession of the United
10 States, the District of Columbia, or the Commonwealth of Puerto Rico, ratifying the compact.

11 **5-44.1-5. Compact administrator.**

12 Pursuant to the compact, the governor is authorized and empowered to designate an officer
13 who shall be the compact administrator and who, acting jointly with like officers of other party
14 states, shall promulgate rules and regulations to more effectively carry out the terms of the compact.
15 The compact administrator shall serve subject to the pleasure of the governor. The compact
16 administrator is authorized, empowered and directed to cooperate with all departments, agencies
17 and officers of and in the government of this state and its subdivisions in facilitating the proper
18 administration of the compact or of any supplementary agreement or agreements entered into by
19 this state under it.

20 **5-44.1-6. Supplementary agreements.**

21 The compact administrator is authorized and empowered to enter into supplementary
22 agreements with appropriate officials of other states pursuant to the compact. In the event that a
23 supplementary agreement shall require or contemplate the use of any institution or facility of this
24 state or require or contemplate the provision of any service by this state, the supplementary
25 agreement shall have no force or effect until approved by the head of the department or agency
26 under whose jurisdiction the institution or facility is operated or whose department or agency will
27 be charged with the rendering of the service.

28 SECTION 2. This act shall take effect upon passage.

=====
LC004990
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- PSYCHOLOGY
INTERJURISDICTIONAL COMPACT

1 This act would authorize the governor to enter into the Psychology Interjurisdictional
2 Compact and would designate an office to administer this compact. This would also create an
3 interstate agreement that would allow limited telepsychological practice to be conducted across state
4 lines among member states.

5 This act would take effect upon passage.

=====
LC004990
=====