

As Amended by House Committee

Session of 2021

HOUSE BILL No. 2209

By Committee on Health and Human Services

2-3

1 AN ACT concerning the behavioral sciences; relating to psychology;
2 practice and licensing thereof; enacting the psychology
3 interjurisdictional compact; providing for interjurisdictional
4 authorization to practice telepsychology and temporary in-person, face-
5 to-face psychology.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. This section shall be known and may be cited as the
9 psychology interjurisdictional compact (PSYPACT).

10 ARTICLE I

11 PURPOSE

12 WHEREAS, States license psychologists in order to protect the public
13 through verification of education, training and experience and ensure
14 accountability for professional practice; and

15 WHEREAS, This compact is intended to regulate the day-to-day
16 practice of telepsychology, the provision of psychological services using
17 telecommunications technologies, by psychologists across state boundaries
18 in the performance of their psychological practice as assigned by an
19 appropriate authority; and

20 WHEREAS, This compact is intended to regulate the temporary in-
21 person, face-to-face practice of psychology by psychologists across state
22 boundaries for 30 days within a calendar year in the performance of their
23 psychological practice as assigned by an appropriate authority; and

24 WHEREAS, This compact is intended to authorize state psychology
25 regulatory authorities to afford legal recognition, in a manner consistent
26 with the terms of the compact, to psychologists licensed in another state;
27 and

28 WHEREAS, This compact recognizes that states have a vested interest
29 in protecting the public's health and safety through their licensing and
30 regulation of psychologists and that such state regulation will best protect
31 public health and safety; and

32 WHEREAS, This compact does not apply when a psychologist is
33 licensed in both the home and receiving states; and

34 WHEREAS, This compact does not apply to permanent in-person,
35 face-to-face practice, but it does allow for authorization of temporary
36 psychological practice.

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

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

7 (b) enhance the states' ability to protect the public's health and safety,
8 especially client/patient safety;

9 (c) encourage the cooperation of compact states in the areas of
10 psychology licensure and regulation;

11 (d) facilitate the exchange of information between compact states
12 regarding psychologist licensure, adverse actions and disciplinary history;

13 (e) promote compliance with the laws governing psychological
14 practice in each compact state; and

15 (f) invest all compact states with the authority to hold licensed
16 psychologists accountable through the mutual recognition of compact state
17 licenses.

18 ARTICLE II
19 DEFINITIONS

20 (a) "Adverse action" means any action taken by a state psychology
21 regulatory authority that finds a violation of a statute or regulation that is
22 identified by the state psychology regulatory authority as discipline and is
23 a matter of public record.

24 (b) "Association of state and provincial psychology boards" means
25 the recognized membership organization composed of state and provincial
26 psychology regulatory authorities responsible for the licensure and
27 registration of psychologists throughout the United States and Canada.

28 (c) "Authority to practice interjurisdictional telepsychology" means a
29 licensed psychologist's authority to practice telepsychology, within the
30 limits authorized under this compact, in another compact state.

31 (d) "Bylaws" means those bylaws established by the psychology
32 interjurisdictional compact commission pursuant to article X for its
33 governance or for directing and controlling its actions and conduct.

34 (e) "Client/patient" means the recipient of psychological services,
35 whether psychological services are delivered in the context of healthcare,
36 corporate, supervision or consulting services.

37 (f) "Commissioner" means the voting representative appointed by
38 each state psychology regulatory authority pursuant to article X.

39 (g) "Compact state" means a state, the District of Columbia or a
40 United States territory that has enacted this compact legislation and that
41 has not withdrawn pursuant to article XIII(c) or been terminated pursuant
42 to article XII(b).

43 (h) "Coordinated licensure information system" or "coordinated

1 database" means an integrated process for collecting, storing and sharing
2 information on psychologists' licensure and enforcement activities related
3 to psychology licensure laws, administered by the recognized membership
4 organization composed of state and provincial psychology regulatory
5 authorities.

6 (i) "Confidentiality" means the principle that data or information is
7 not made available or disclosed to unauthorized persons or processes.

8 (j) "Day" means any part of a day in which psychological work is
9 performed.

10 (k) "Distant state" means the compact state where a psychologist is
11 physically present, not through the use of telecommunications
12 technologies, to provide temporary in-person, face-to-face psychological
13 services.

14 (l) "E.passport" means a certificate issued by the association of state
15 and provincial psychology boards that promotes the standardization in the
16 criteria of interjurisdictional telepsychology practice and facilitates the
17 process for licensed psychologists to provide telepsychological services
18 across state lines.

19 (m) "Executive board" means a group of directors elected or
20 appointed to act on behalf of, and within the powers granted to them by,
21 the commission.

22 (n) "Home state" means a compact state where a psychologist is
23 licensed to practice psychology. If the psychologist is licensed in more
24 than one compact state and is practicing under the authorization to practice
25 interjurisdictional telepsychology, the "home state" is the compact state
26 where the psychologist is physically present when the telepsychological
27 services are delivered. If the psychologist is licensed in more than one
28 compact state and is practicing under the temporary authorization to
29 practice, the "home state" is any compact state where the psychologist is
30 licensed.

31 (o) "Identity history summary" means a summary of information
32 retained by the federal bureau of investigation, or other designee with
33 similar authority, in connection with arrests and, in some instances, federal
34 employment, naturalization or military service.

35 (p) "In-person, face-to-face" means interactions in which the
36 psychologist and the client/patient are in the same physical space and does
37 not include interactions that may occur through the use of
38 telecommunications technologies.

39 (q) "Interjurisdictional practice certificate" means a certificate issued
40 by the association of state and provincial psychology boards that grants
41 temporary authority to practice based on notification to the state
42 psychology regulatory authority of intention to practice temporarily, and
43 verification of one's qualifications for such practice.

1 (f) "License" means authorization by a state psychology regulatory
2 authority to engage in the independent practice of psychology that would
3 be unlawful without the authorization.

4 (s) "Non-compact state" means any state that is not, at the time, a
5 compact state.

6 (t) "Psychologist" means an individual licensed for the independent
7 practice of psychology.

8 (u) "Psychology interjurisdictional compact commission" or
9 "commission" means the national administration of which all compact
10 states are members.

11 (v) "Receiving state" means a compact state where the client/patient
12 is physically located when the telepsychological services are delivered.

13 (w) "Rule" means a written statement by the psychology
14 interjurisdictional compact commission promulgated pursuant to article XI
15 that:

16 (1) Is of general applicability;

17 (2) implements, interprets or prescribes a policy or provision of the
18 compact, or an organizational, procedural or practice requirement of the
19 commission;

20 (3) has the force and effect of statutory law in a compact state; and

21 (4) includes the amendment, repeal or suspension of an existing rule.

22 (x) "Significant investigatory information" means:

23 (1) Investigative information that a state psychology regulatory
24 authority, after a preliminary inquiry that includes notification and an
25 opportunity to respond if required by state law, has reason to believe, if
26 proven true, would indicate more than a violation of state statute or ethics
27 code that would be considered more substantial than minor infraction; or

28 (2) investigative information that indicates that the psychologist
29 represents an immediate threat to public health and safety, regardless of
30 whether the psychologist has been notified or had an opportunity to
31 respond.

32 (y) "State" means a state, commonwealth, territory or possession of
33 the United States or the District of Columbia.

34 (z) "State psychology regulatory authority" means the board, office or
35 other agency with the legislative mandate to license and regulate the
36 practice of psychology.

37 (aa) "Telepsychology" means the provision of psychological services
38 using telecommunications technologies.

39 (bb) "Temporary authorization to practice" means a licensed
40 psychologist's authority to conduct temporary in-person, face-to-face
41 practice, within the limits authorized under this compact, in another
42 compact state.

43 (cc) "Temporary in-person, face-to-face practice" means a

1 psychologist is physically present, not through the use of
2 telecommunications technologies, in the distant state to provide for the
3 practice of psychology for 30 days within a calendar year and based on
4 notification to the distant state.

5 ARTICLE III

6 HOME STATE LICENSURE

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

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

14 (c) Any compact state may require a psychologist not previously
15 licensed in a compact state to obtain and retain a license to be authorized
16 to practice in the compact state under circumstances not authorized by the
17 authority to practice interjurisdictional telepsychology under the terms of
18 this compact.

19 (d) Any compact state may require a psychologist to obtain and retain
20 a license to be authorized to practice in a compact state under
21 circumstances not authorized by temporary authorization to practice under
22 the terms of this compact.

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

26 (1) Currently requires the psychologist to hold an active e.passport;

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

29 (3) notifies the commission, in compliance with the terms herein, of
30 any adverse action or significant investigatory information regarding a
31 licensed individual;

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

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

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

40 (1) Currently requires the psychologist to hold an active
41 interjurisdictional practice certificate;

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

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

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

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

10 ARTICLE IV

11 COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

12 (a) Compact states shall recognize the right of a psychologist,
13 licensed in a compact state in conformance with article III, to practice
14 telepsychology in other compact states, or receiving states, in which the
15 psychologist is not licensed, under the authority to practice
16 interjurisdictional telepsychology as provided in the compact.

17 (b) To exercise the authority to practice interjurisdictional
18 telepsychology under the terms and provisions of this compact, a
19 psychologist licensed to practice in a compact state shall:

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

22 (A) Regionally accredited by an accrediting body recognized by the
23 United States department of education to grant graduate degrees or
24 authorized by provincial statute or royal charter to grant doctoral degrees;
25 or

26 (B) a foreign college or university deemed to be equivalent to
27 subparagraph (A) by a foreign credential evaluation service that is a
28 member of the national association of credential evaluation services or by
29 a recognized foreign credential evaluation service;

30 (2) hold a graduate degree in psychology that meets the following
31 criteria:

32 (A) The program, wherever it may be administratively housed, shall
33 be clearly identified and labeled as a psychology program. Such program
34 must specify in pertinent institutional catalogs and brochures its intent to
35 educate and train professional psychologists;

36 (B) the psychology program shall stand as a recognizable, coherent,
37 organizational entity within the institution;

38 (C) there shall be a clear authority and primary responsibility for the
39 core and specialty areas, whether or not the program cuts across
40 administrative lines;

41 (D) the program shall consist of an integrated, organized sequence of
42 study;

43 (E) there shall be an identifiable psychology faculty sufficient in size

1 and breadth to carry out its responsibilities;

2 (F) the designated director of the program shall be a psychologist and
3 a member of the core faculty;

4 (G) the program shall have an identifiable body of students who are
5 matriculated in that program for a degree;

6 (H) the program shall include supervised practicum, internship or
7 field training appropriate to the practice of psychology;

8 (I) the curriculum shall encompass a minimum of three academic
9 years of full-time graduate study for a doctoral degree and a minimum of
10 one academic year of full-time graduate study for a master's degree; and

11 (J) the program includes an acceptable residency as defined by the
12 rules of the commission;

13 (3) possess a current, full and unrestricted license to practice
14 psychology in a home state that is a compact state;

15 (4) have no history of adverse action that violates the rules of the
16 commission;

17 (5) have no criminal record history reported on an identity history
18 summary that violates the rules of the commission;

19 (6) possess a current, active e.passport;

20 (7) provide attestations in regard to areas of intended practice,
21 conformity with standards of practice, competence in telepsychology
22 technology, criminal background and knowledge and adherence to legal
23 requirements in the home and receiving states and provide a release of
24 information to allow for primary source verification in a manner specified
25 by the commission; and

26 (8) meet other criteria as defined by the rules of the commission.

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

30 (d) A psychologist practicing into a receiving state under the authority
31 to practice interjurisdictional telepsychology shall be subject to the
32 receiving state's scope of practice. A receiving state may, in accordance
33 with that state's due process law, limit or revoke a psychologist's authority
34 to practice interjurisdictional telepsychology in the receiving state and may
35 take any other necessary actions under the receiving state's applicable law
36 to protect the health and safety of the receiving state's citizens. If a
37 receiving state takes action, the state shall promptly notify the home state
38 and the commission.

39 (e) If a psychologist's license in any home state or another compact
40 state, or any authority to practice interjurisdictional telepsychology in any
41 receiving state, is restricted, suspended or otherwise limited, the e.passport
42 shall be revoked and therefore the psychologist shall not be eligible to
43 practice telepsychology in a compact state under the authority to practice

1 interjurisdictional telepsychology.

2 ARTICLE V

3 COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

4 (a) Compact states shall also recognize the right of a psychologist,
5 licensed in a compact state in conformance with Article III, to practice
6 temporarily in other compact states, or distant states, in which the
7 psychologist is not licensed, as provided in the compact.

8 (b) To exercise the temporary authorization to practice under the
9 terms and provisions of this compact, a psychologist licensed to practice in
10 a compact state shall:

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

13 (A) Regionally accredited by an accrediting body recognized by the
14 United States department of education to grant graduate degrees or
15 authorized by provincial statute or royal charter to grant doctoral degrees;
16 or

17 (B) a foreign college or university deemed to be equivalent to
18 subparagraph (A) by a foreign credential evaluation service that is a
19 member of the national association of credential evaluation services or by
20 a recognized foreign credential evaluation service;

21 (2) hold a graduate degree in psychology that meets the following
22 criteria:

23 (A) The program, wherever it may be administratively housed, shall
24 be clearly identified and labeled as a psychology program. Such a program
25 must specify in pertinent institutional catalogs and brochures its intent to
26 educate and train professional psychologists;

27 (B) the psychology program shall stand as a recognizable, coherent,
28 organizational entity within the institution;

29 (C) there shall be a clear authority and primary responsibility for the
30 core and specialty areas, whether or not the program cuts across
31 administrative lines;

32 (D) the program shall consist of an integrated, organized sequence of
33 study;

34 (E) there shall be an identifiable psychology faculty sufficient in size
35 and breadth to carry out its responsibilities;

36 (F) the designated director of the program shall be a psychologist and
37 a member of the core faculty;

38 (G) the program shall have an identifiable body of students who are
39 matriculated in that program for a degree;

40 (H) the program shall include supervised practicum, internship or
41 field training appropriate to the practice of psychology;

42 (I) the curriculum shall encompass a minimum of three academic
43 years of full-time graduate study for doctoral degrees and a minimum of

1 one academic year of full-time graduate study for master's degrees; and

2 (J) the program includes an acceptable residency as defined by the
3 rules of the commission;

4 (3) possess a current, full and unrestricted license to practice
5 psychology in a home state that is a compact state;

6 (4) no history of adverse action that violate the rules of the
7 commission;

8 (5) no criminal record history that violates the rules of the
9 commission;

10 (6) possess a current, active interjurisdictional practice certificate;

11 (7) provide attestations in regard to areas of intended practice and
12 work experience and provide a release of information to allow for primary
13 source verification in a manner specified by the commission; and

14 (8) meet other criteria as defined by the rules of the commission.

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

18 (d) A psychologist practicing into a distant state under the temporary
19 authorization to practice shall be subject to the distant state's authority and
20 law. A distant state may, in accordance with that state's due process law,
21 limit or revoke a psychologist's temporary authorization to practice in the
22 distant state and may take any other necessary actions under the distant
23 state's applicable law to protect the health and safety of the distant state's
24 citizens. If a distant state takes action, the state shall promptly notify the
25 home state and the commission.

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

32 ARTICLE VI

33 CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING 34 STATE

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

40 (a) The psychologist initiates a client/patient contact in a home state
41 via telecommunications technologies with a client/patient in a receiving
42 state; and

43 (b) other conditions regarding telepsychology as determined by rules

1 promulgated by the commission.

2 ARTICLE VII

3 ADVERSE ACTIONS

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

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

13 (c) If a home state takes adverse action against a psychologist's
14 license, that psychologist's authority to practice interjurisdictional
15 telepsychology is terminated and the e.passport is revoked. Furthermore,
16 that psychologist's temporary authorization to practice is terminated and
17 the interjurisdictional practice certificate is revoked.

18 (1) All home state disciplinary orders that impose adverse action shall
19 be reported to the commission in accordance with the rules promulgated
20 by the commission. A compact state shall report adverse actions in
21 accordance with the rules of the commission.

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

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

28 (d) A home state's psychology regulatory authority shall investigate
29 and take appropriate action with respect to reported inappropriate conduct
30 engaged in by a licensee that occurred in a receiving state as it would if
31 such conduct had occurred by a licensee within the home state. In such
32 cases, the home state's law shall control in determining any adverse action
33 against a psychologist's license.

34 (e) A distant state's psychology regulatory authority shall investigate
35 and take appropriate action with respect to reported inappropriate conduct
36 engaged in by a psychologist practicing under temporary authorization
37 practice that occurred in that distant state as it would if such conduct had
38 occurred by a licensee within the home state. In such cases, the distant
39 state's law shall control in determining any adverse action against a
40 psychologist's temporary authorization to practice.

41 (f) Nothing in this compact shall override a compact state's decision
42 that a psychologist's participation in an alternative program may be used in
43 lieu of adverse action and that such participation shall remain non-public if

1 required by the compact state's law. Compact states shall require
2 psychologists who enter any alternative programs to not provide
3 telepsychology services under the authority to practice interjurisdictional
4 telepsychology or provide temporary psychological services under the
5 temporary authorization to practice in any other compact state during the
6 term of the alternative program.

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

10 ARTICLE VIII

11 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S 12 PSYCHOLOGY REGULATORY AUTHORITY

13 In addition to any other powers granted under state law, a compact
14 state's psychology regulatory authority shall have the authority under this
15 compact to:

16 (a) Issue subpoenas, for both hearings and investigations, that require
17 the attendance and testimony of witnesses and the production of evidence.
18 Subpoenas issued by a compact state's psychology regulatory authority for
19 the attendance and testimony of witnesses or the production of evidence
20 from another compact state shall be enforced in the latter state by any
21 court of competent jurisdiction, according to that court's practice and
22 procedure in considering subpoenas issued in its own proceedings. The
23 issuing state psychology regulatory authority shall pay any witness fees,
24 travel expenses, mileage and other fees required by the service statutes of
25 the state where the witnesses or evidence are located; and

26 (b) issue cease and desist or injunctive relief orders to revoke a
27 psychologist's authority to practice interjurisdictional telepsychology or
28 temporary authorization to practice.

29 (c) During the course of any investigation, a psychologist may not
30 change such psychologist's home state licensure. A home state psychology
31 regulatory authority is authorized to complete any pending investigations
32 of a psychologist and to take any actions appropriate under its law. The
33 home state psychology regulatory authority shall promptly report the
34 conclusions of such investigations to the commission. Once an
35 investigation has been completed, and pending the outcome of such
36 investigation, the psychologist may change the psychologist's home state
37 licensure. The commission shall promptly notify the new home state of
38 any such decisions as provided in the rules of the commission. All
39 information provided to the commission or distributed by compact states
40 pursuant to the psychologist shall be confidential, filed under seal and used
41 for investigatory or disciplinary matters. The commission may create
42 additional rules for mandated or discretionary sharing of information by
43 compact states.

ARTICLE IX

COORDINATED LICENSURE INFORMATION SYSTEM

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

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

- (1) Identifying information;
- (2) licensure data;
- (3) significant investigatory information;
- (4) adverse actions against a psychologist's license;
- (5) an indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked;
- (6) non-confidential information related to alternative program participation information;
- (7) any denial of application for licensure and the reasons for such denial; and
- (8) other information that may facilitate the administration of this compact, as determined by the rules of the commission.

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

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

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

ARTICLE X

ESTABLISHMENT OF THE PSYCHOLOGY

INTERJURISDICTIONAL COMPACT COMMISSION

(a) The compact states hereby create and establish a joint public agency known as the psychology interjurisdictional compact commission.

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

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to

1 the extent it adopts or consents to participate in alternative dispute
2 resolution proceedings.

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

5 (b) *Membership, Voting, and Meetings.*

6 (1) The commission shall consist of one voting representative
7 appointed by each compact state who shall serve as that state's
8 commissioner. The state psychology regulatory authority shall appoint its
9 delegate. This delegate shall be empowered to act on behalf of the compact
10 state. This delegate shall be limited to:

11 (A) The executive director, executive secretary or similar executive;

12 (B) a current member of the state psychology regulatory authority of
13 a compact state; or

14 (C) a designee empowered with the appropriate delegate authority to
15 act on behalf of the compact state.

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

20 (3) Each commissioner shall be entitled to one vote with regard to the
21 promulgation of rules and creation of bylaws and shall otherwise have an
22 opportunity to participate in the business and affairs of the commission. A
23 commissioner shall vote in person or by such other means as provided in
24 the bylaws. The bylaws may provide for commissioners' participation in
25 meetings by telephone or other means of communication.

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

28 (5) All meetings shall be open to the public, and public notice of
29 meetings shall be given in the same manner as required under the
30 rulemaking provisions in article XI.

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

33 (A) Non-compliance of a compact state with its obligations under the
34 compact;

35 (B) the employment, compensation, discipline or other personnel
36 matters, practices or procedures related to specific employees or other
37 matters related to the commission's internal personnel practices and
38 procedures;

39 (C) current, threatened or reasonably anticipated litigation against the
40 commission;

41 (D) negotiation of contracts for the purchase or sale of goods,
42 services or real estate;

43 (E) accusation against any person of a crime or formally censuring

1 any person;

2 (F) disclosure of trade secrets or commercial or financial information
3 that is privileged or confidential;

4 (G) disclosure of information of a personal nature where disclosure
5 would constitute a clearly unwarranted invasion of personal privacy;

6 (H) disclosure of investigatory records compiled for law enforcement
7 purposes;

8 (I) disclosure of information related to any investigatory reports
9 prepared by or on behalf of or for use of the commission or other
10 committee charged with responsibility for investigation or determination
11 of compliance issues pursuant to the compact; or

12 (J) matters specifically exempted from disclosure by federal and state
13 statute.

14 (7) If a meeting, or portion of a meeting, is closed pursuant to this
15 provision, the commission's legal counsel or designee shall certify that the
16 meeting may be closed and shall reference each relevant exempting
17 provision. The commission shall keep minutes that fully and clearly
18 describe all matters discussed in a meeting and shall provide a full and
19 accurate summary of actions taken of any person participating in the
20 meeting and the reasons therefor, including a description of the views
21 expressed. All documents considered in connection with an action shall be
22 identified in such minutes. All minutes and documents of a closed meeting
23 shall remain under seal, subject to release only by a majority vote of the
24 commission or order of a court of competent jurisdiction.

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

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

30 (2) providing reasonable standards and procedures:

31 (A) For the establishment and meetings of other committees; and

32 (B) governing any general or specific delegation of any authority or
33 function of the commission;

34 (3) providing reasonable procedures for calling and conducting
35 meetings of the commission, ensuring reasonable advance notice of all
36 meetings and providing an opportunity for attendance of such meetings by
37 interested parties, with enumerated exceptions designed to protect the
38 public's interest, the privacy of individuals of such proceedings and
39 proprietary information, including trade secrets. The commission may
40 meet in closed session only after a majority of the commissioners vote to
41 close a meeting to the public in whole or in part. As soon as practicable,
42 the commission shall make public a copy of the vote to close the meeting
43 revealing the vote of each commissioner, with no proxy votes allowed;

- 1 (4) establishing the titles, duties and authority and reasonable
2 procedures for the election of the officers of the commission;
 - 3 (5) providing reasonable standards and procedures for the
4 establishment of the personnel policies and programs of the commission.
5 Notwithstanding any civil service or other similar law of any compact
6 state, the bylaws shall exclusively govern the personnel policies and
7 programs of the commission;
 - 8 (6) promulgating a code of ethics to address permissible and
9 prohibited activities of commission members and employees;
 - 10 (7) providing a mechanism for concluding the operations of the
11 commission and the equitable disposition of any surplus funds that may
12 exist after the termination of the compact after the payment or reserving of
13 all of its debts and obligations;
 - 14 (8) the commission shall publish its bylaws in a convenient form and
15 file a copy thereof and a copy of any amendment thereto with the
16 appropriate agency or officer in each of the compact states;
 - 17 (9) the commission shall maintain its financial records in accordance
18 with the bylaws; and
 - 19 (10) the commission shall meet and take such actions as are
20 consistent with the provisions of this compact and the bylaws.
- 21 (d) The commission shall have the following powers:
 - 22 (1) The authority to promulgate uniform rules to facilitate and
23 coordinate implementation and administration of this compact. Such
24 uniform rules shall have the force and effect of law and shall be binding in
25 all compact states;
 - 26 (2) to bring and prosecute legal proceedings or actions in the name of
27 the commission, provided that the standing of any state psychology
28 regulatory authority or other regulatory body responsible for psychology
29 licensure to sue or be sued under applicable law shall not be affected;
 - 30 (3) to purchase and maintain insurance and bonds;
 - 31 (4) to borrow, accept or contract for services of personnel, including,
32 but not limited to, employees of a compact state;
 - 33 (5) to hire employees, elect or appoint officers, fix compensation,
34 define duties, grant such individuals appropriate authority to carry out the
35 purposes of the compact, and to establish the commission's personnel
36 policies and programs relating to conflicts of interest, qualifications of
37 personnel and other related personnel matters;
 - 38 (6) to accept any and all appropriate donations and grants of money,
39 equipment, supplies, materials and services, and to receive, utilize and
40 dispose of the same, provided that at all times the commission shall strive
41 to avoid any appearance of impropriety or conflict of interest;
 - 42 (7) to lease, purchase, accept appropriate gifts or donations of, or
43 otherwise to own, hold, improve or use, any real or personal property, or

1 mixed, provided that at all times the commission shall strive to avoid any
2 appearance of impropriety;

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

5 (9) to establish a budget and make expenditures;

6 (10) to borrow money;

7 (11) to appoint committees, including advisory committees comprised
8 of members, state regulators, state legislators or their representatives,
9 consumer representatives and such other interested persons as may be
10 designated in this compact and the bylaws;

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

13 (13) to adopt and use an official seal; and

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

18 (e) *The Executive Board.* The elected officers shall serve as the
19 executive board, and the executive board shall have the power to act on
20 behalf of the commission according to the terms of this compact.

21 (1) The executive board shall be comprised of six members:

22 (A) Five voting members who are elected from the current
23 membership of the commission by the commission; and

24 (B) one ex-officio, nonvoting member from the recognized
25 membership organization composed of state and provincial psychology
26 regulatory authorities.

27 (2) The ex-officio member shall have served as staff or member on a
28 state psychology regulatory authority and shall be selected by its
29 respective organization.

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

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

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

35 (A) Recommend to the entire commission changes to the rules or
36 bylaws, changes to this compact legislation, fees paid by compact states,
37 such as annual dues and any other applicable fees;

38 (B) ensure compact administration services are appropriately
39 provided, contractual or otherwise;

40 (C) prepare and recommend the budget;

41 (D) maintain financial records on behalf of the commission;

42 (E) monitor compact compliance of member states and provide
43 compliance reports to the commission;

1 (F) establish additional committees as necessary; and

2 (G) other duties as provided in rules or bylaws.

3 (f) *Financing of the Commission.*

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

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

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

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

22 (5) The commission shall keep accurate accounts of all receipts and
23 disbursements. The receipts and disbursements of the commission shall be
24 subject to the audit and accounting procedures established under its
25 bylaws. However, all receipts and disbursements of funds handled by the
26 commission shall be audited yearly by a certified or licensed public
27 accountant and the report of the audit shall be included in and become part
28 of the annual report of the commission.

29 (g) *Qualified immunity, defense, and indemnification.*

30 (1) The members, officers, executive director, employees and
31 representatives of the commission shall be immune from suit and liability,
32 either personally or in their official capacity, for any claim for damage to
33 or loss of property or personal injury or other civil liability caused by or
34 arising out of any actual or alleged act, error or omission that occurred, or
35 that the person against whom the claim is made had a reasonable basis for
36 believing occurred, within the scope of commission employment, duties or
37 responsibilities, provided that nothing in this paragraph shall be construed
38 to protect any such person from suit or liability for any damage, loss,
39 injury or liability caused by the intentional or willful or wanton
40 misconduct of that person.

41 (2) The commission shall defend any member, officer, executive
42 director, employee or representative of the commission in any civil action
43 seeking to impose liability arising out of any actual or alleged act, error or

1 omission that occurred within the scope of commission employment,
2 duties or responsibilities, or that the person against whom the claim is
3 made had a reasonable basis for believing occurred within the scope of
4 commission employment, duties or responsibilities: *Provided*, That
5 nothing herein shall be construed to prohibit that person from retaining
6 such person's own counsel: *And provided further*, That the actual or alleged
7 act, error or omission did not result from that person's intentional or willful
8 or wanton misconduct.

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

18 ARTICLE XI
19 RULEMAKING

20 (a) The commission shall exercise its rulemaking powers pursuant to
21 the criteria set forth in this article and the rules adopted thereunder. Rules
22 and amendments shall become binding as of the date specified in each rule
23 or amendment.

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

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

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

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

35 (2) on the website of each compact states' psychology regulatory
36 authority or the publication in which each state would otherwise publish
37 proposed rules.

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

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

41 (2) the text of the proposed rule or amendment and the reason for the
42 proposed rule;

43 (3) a request for comments on the proposed rule from any interested

1 person; and

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

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

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

10 (1) At least 25 persons who submit comments independently of each
11 other;

12 (2) a governmental subdivision or agency; or

13 (3) a duly appointed person in an association that has at least 25
14 members.

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

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

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

25 (3) No transcript of the hearing is required unless a written request for
26 a transcript is made, in which case the person requesting the transcript
27 shall bear the cost of producing the transcript. A recording may be made in
28 lieu of a transcript under the same terms and conditions as a transcript.
29 This paragraph shall not preclude the commission from making a
30 transcript or recording of the hearing if the commission so chooses.

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

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

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

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

43 (l) Upon determination that an emergency exists, the commission

1 may consider and adopt an emergency rule without prior notice,
2 opportunity for comment, or hearing, provided that the usual rulemaking
3 procedures provided in the compact and in this article shall be
4 retroactively applied to the rule as soon as reasonably possible, in no event
5 later than 90 days after the effective date of the rule. For the purposes of
6 this provision, an emergency rule is one that must be adopted immediately
7 in order to:

- 8 (1) Meet an imminent threat to public health, safety or welfare;
- 9 (2) prevent a loss of commission or compact state funds;
- 10 (3) meet a deadline for the promulgation of an administrative rule that
11 is established by federal law or rule; or
- 12 (4) protect public health and safety.
- 13 (m) The commission or an authorized committee of the commission
14 may direct revisions to a previously adopted rule or amendment for
15 purposes of correcting typographical errors, errors in format, errors in
16 consistency or grammatical errors. Public notice of any revisions shall be
17 posted on the website of the commission. The revision shall be subject to
18 challenge by any person for a period of 30 days after posting. The revision
19 may be challenged only on grounds that the revision results in a material
20 change to a rule. A challenge shall be made in writing and delivered to the
21 chair of the commission prior to the end of the notice period. If no
22 challenge is made, the revision shall take effect without further action. If
23 the revision is challenged, the revision may not take effect without the
24 approval of the commission.

25 ARTICLE XII

26 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

27 (a) *Oversight.*

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

33 (2) All courts shall take judicial notice of the compact and the rules in
34 any judicial or administrative proceeding in a compact state pertaining to
35 the subject matter of this compact that may affect the powers,
36 responsibilities or actions of the commission.

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

42 (b) *Default, Technical Assistance and Termination.*

43 (1) If the commission determines that a compact state has defaulted in

1 the performance of its obligations or responsibilities under this compact or
2 the promulgated rules, the commission shall:

3 (A) Provide written notice to the defaulting state and other compact
4 states of the nature of the default, the proposed means of remedying the
5 default and any other action to be taken by the commission; and

6 (B) provide remedial training and specific technical assistance
7 regarding the default.

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

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

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

23 (5) The commission shall not bear any costs incurred by the state that
24 is found to be in default or that has been terminated from the compact,
25 unless agreed upon in writing between the commission and the defaulting
26 state.

27 (6) The defaulting state may appeal the action of the commission by
28 petitioning the United States district court for the state of Georgia or the
29 federal district where the compact has its principal offices. The prevailing
30 member shall be awarded all costs of such litigation, including reasonable
31 attorney fees.

32 (c) *Dispute resolution.*

33 (1) Upon request by a compact state, the commission shall attempt to
34 resolve disputes related to the compact that arise among compact states
35 and between compact and non-compact states.

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

39 (d) *Enforcement.*

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

42 (2) By majority vote, the commission may initiate legal action in the
43 United States district court for the state of Georgia or the federal district

1 where the compact has its principal offices against a compact state in
2 default to enforce compliance with the provisions of the compact and its
3 promulgated rules and bylaws. The relief sought may include both
4 injunctive relief and damages. In the event judicial enforcement is
5 necessary, the prevailing member shall be awarded all costs of such
6 litigation, including reasonable attorney fees.

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

10 ARTICLE XIII

11 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY 12 INTERJURISDICTIONAL COMPACT COMMISSION AND 13 ASSOCIATED RULES, WITHDRAWAL AND AMENDMENTS

14 (a) The compact shall come into effect on the date on which the
15 compact is enacted into law in the 7th compact state. The provisions that
16 become effective at that time shall be limited to the powers granted to the
17 commission relating to assembly and the promulgation of rules. Thereafter,
18 the commission shall meet and exercise rulemaking powers necessary to
19 the implementation and administration of the compact.

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

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

27 (1) A compact state's withdrawal shall not take effect until six months
28 after enactment of the repealing statute.

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

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

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

40 ARTICLE XIV

41 CONSTRUCTION AND SEVERABILITY

42 This compact shall be liberally construed so as to effectuate the
43 purposes thereof. If this compact shall be held contrary to the constitution

1 of any state member thereto, the compact shall remain in full force and
2 effect as to the remaining compact states.

3 Sec. 2. This act shall take effect and be in force from and after
4 **January 1, 2022, and** its publication in the statute book.