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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- PSYCHOLOGY  
INTERJURISDICTIONAL COMPACT

Introduced By: Representative Joseph M. McNamara

Date Introduced: February 26, 2016

Referred To: House Health, Education & Welfare

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

7 **5-44.1-2. Execution of the compact.** -- The governor on behalf of the state of Rhode  
8 Island and Providence Plantations is authorized to execute a compact, in substantially the  
9 following form, with any state, territory or possession of the United States, the District of  
10 Columbia, and the Commonwealth of Puerto Rico, and the general assembly signifies in advance  
11 its approval and ratification of this compact: "The Psychology Interjurisdictional Compact". The  
12 contracting states solemnly agree:

13 PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)

14 ARTICLE I

15 PURPOSE

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

18 Whereas, this Compact is intended to regulate the day to day practice of telepsychology

1 (i.e. the provision of psychological services using telecommunication technologies) by  
2 psychologists across state boundaries in the performance of their psychological practice as  
3 assigned by an appropriate authority; and

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

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

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

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

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

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

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

22 2. Enhance the states' ability to protect the public's health and safety, especially  
23 client/patient safety;

24 3. Encourage the cooperation of Compact States in the areas of psychology licensure and  
25 regulation;

26 4. Facilitate the exchange of information between Compact States regarding psychologist  
27 licensure, adverse actions and disciplinary history;

28 5. Promote compliance with the laws governing psychological practice in each Compact  
29 State; and

30 6. Invest all Compact States with the authority to hold licensed psychologists accountable  
31 through the mutual recognition of Compact State licenses.

32 ARTICLE II

33 DEFINITIONS

34 A. "Adverse Action" means: any action taken by a State Psychology Regulatory

1 Authority which finds a violation of a statute or regulation that is identified by the State  
2 Psychology Regulatory Authority as discipline and is a matter of public record.

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

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

10 D. "Bylaws" means: those Bylaws established by the Psychology Interjurisdictional  
11 Compact Commission pursuant to Section X for its governance, or for directing and controlling  
12 its actions and conduct.

13 E. "Client/Patient" means: the recipient of psychological services, whether psychological  
14 services are delivered in the context of healthcare, corporate, supervision, and/or consulting  
15 services.

16 F. "Commissioner" means: the voting representative appointed by each State Psychology  
17 Regulatory Authority pursuant to Section X.

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

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

26 I. "Confidentiality" means: the principle that data or information is not made available or  
27 disclosed to unauthorized persons and/or processes.

28 J. "Day" means: any part of a day in which psychological work is performed.

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

32 L. "E.Passport" means: a certificate issued by the Association of State and Provincial  
33 Psychology Boards (ASPPB) that promotes the standardization in the criteria of  
34 interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to

1 provide telepsychological services across state lines.

2 M. "Executive Board" means: a group of directors elected or appointed to act on behalf  
3 of, and within the powers granted to them by, the Commission.

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

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

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

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

21 R. "License" means: authorization by a State Psychology Regulatory Authority to engage  
22 in the independent practice of psychology, which would be unlawful without the authorization.

23 S. "Non-Compact State" means: any State which is not at the time a Compact State.

24 T. "Psychologist" means: an individual licensed for the independent practice of  
25 psychology.

26 U. "Psychology Interjurisdictional Compact Commission" also referred to as  
27 "Commission" means: the national administration of which all Compact States are members.

28 V. "Receiving State" means: a Compact State where the client/patient is physically  
29 located when the telepsychological services are delivered.

30 W. "Rule" means: a written statement by the Psychology Interjurisdictional Compact  
31 Commission promulgated pursuant to Section XI of the Compact that is of general applicability,  
32 implements, interprets, or prescribes a policy or provision of the Compact, or an organizational,  
33 procedural, or practice requirement of the Commission and has the force and effect of statutory  
34 law in a Compact State, and includes the amendment, repeal or suspension of an existing rule.

1 X. "Significant Investigatory Information" means:

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

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

9 Y. "State" means: a state, commonwealth, territory, or possession of the United States, or  
10 the District of Columbia.

11 Z. "State Psychology Regulatory Authority" means: the Board, office or other agency  
12 with the legislative mandate to license and regulate the practice of psychology.

13 AA. "Telepsychology" means: the provision of psychological services using  
14 telecommunication technologies.

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

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

## 22 ARTICLE III

### 23 HOME STATE LICENSURE

24 A. The Home State shall be a Compact State where a psychologist is licensed to practice  
25 psychology.

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

30 C. Any Compact State may require a psychologist not previously licensed in a Compact  
31 State to obtain and retain a license to be authorized to practice in the Compact State under  
32 circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology  
33 under the terms of this Compact.

34 D. Any Compact State may require a psychologist to obtain and retain a license to be

1 authorized to practice in a Compact State under circumstances not authorized by Temporary  
2 Authorization to Practice under the terms of this Compact.

3 E. A Home State's license authorizes a psychologist to practice in a Receiving State under  
4 the Authority to Practice Interjurisdictional Telepsychology only if the Compact State:

5 1. Currently requires the psychologist to hold an active E.Passport;

6 2. Has a mechanism in place for receiving and investigating complaints about licensed  
7 individuals;

8 3. Notifies the Commission, in compliance with the terms herein, of any adverse action or  
9 significant investigatory information regarding a licensed individual;

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

14 5. Complies with the Bylaws and Rules of the Commission.

15 F. A Home State's license grants Temporary Authorization to Practice to a psychologist  
16 in a Distant State only if the Compact State:

17 1. Currently requires the psychologist to hold an active IPC;

18 2. Has a mechanism in place for receiving and investigating complaints about licensed  
19 individuals;

20 3. Notifies the Commission, in compliance with the terms herein, of any adverse action or  
21 significant investigatory information regarding a licensed individual;

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

26 5. Complies with the Bylaws and Rules of the Commission.

#### 27 ARTICLE IV

#### 28 COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

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

33 B. To exercise the Authority to Practice Interjurisdictional Telepsychology under the  
34 terms and provisions of this Compact, a psychologist licensed to practice in a Compact State

- 1 must:
- 2 1. Hold a graduate degree in psychology from an institute of higher education that was, at  
3 the time the degree was awarded:
- 4 a. Regionally accredited by an accrediting body recognized by the U.S. Department of  
5 Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant  
6 doctoral degrees; or
- 7 b. A foreign college or university deemed to be equivalent to 1 (a) above by a foreign  
8 credential evaluation service that is a member of the National Association of Credential  
9 Evaluation Services (NACES) or by a recognized foreign credential evaluation service; AND
- 10 2. Hold a graduate degree in psychology that meets the following criteria:
- 11 a. The program, wherever it may be administratively housed, must be clearly identified  
12 and labeled as a psychology program. Such a program must specify in pertinent institutional  
13 catalogues and brochures its intent to educate and train professional psychologists;
- 14 b. The psychology program must stand as a recognizable, coherent, organizational entity  
15 within the institution;
- 16 c. There must be a clear authority and primary responsibility for the core and specialty  
17 areas whether or not the program cuts across administrative lines;
- 18 d. The program must consist of an integrated, organized sequence of study;
- 19 e. There must be an identifiable psychology faculty sufficient in size and breadth to carry  
20 out its responsibilities;
- 21 f. The designated director of the program must be a psychologist and a member of the  
22 core faculty;
- 23 g. The program must have an identifiable body of students who are matriculated in that  
24 program for a degree;
- 25 h. The program must include supervised practicum, internship, or field training  
26 appropriate to the practice of psychology;
- 27 i. The curriculum shall encompass a minimum of three academic years of full-time  
28 graduate study for doctoral degree and a minimum of one academic year of full-time graduate  
29 study for master's degree;
- 30 j. The program includes an acceptable residency as defined by the Rules of the  
31 Commission.
- 32 3. Possess a current, full and unrestricted license to practice psychology in a Home State  
33 which is a Compact State;
- 34 4. Have no history of adverse action that violate the Rules of the Commission;





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 1 (a) above by a foreign  
4 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 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  
7 accordance with that state's due process law, limit or revoke a psychologist's Temporary  
8 Authorization to Practice in the Distant State and may take any other necessary actions under the  
9 Distant State's applicable law to protect the health and safety of the Distant State's citizens. If a  
10 Distant State takes 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  
12 Temporary Authorization to Practice in any Distant State, is restricted, suspended or otherwise  
13 limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in  
14 a Compact State 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  
19 psychology as assigned by an appropriate State Psychology Regulatory Authority, as defined in  
20 the Rules of 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

1 psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated and the  
2 E.Passport is revoked. Furthermore, that psychologist's Temporary Authorization to Practice is  
3 terminated and 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  
8 eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the  
9 Rules of 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  
20 would if such conduct had occurred by a licensee within the Home State. In such cases, Distant  
21 State's 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  
26 must require psychologists who enter any alternative programs to not provide telepsychology  
27 services 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  
4 and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact  
5 State's Psychology Regulatory Authority for the attendance and testimony of witnesses, and/or  
6 the production of evidence from another Compact State shall be enforced in the latter state by any  
7 court of competent jurisdiction, according to that court's practice and procedure in considering  
8 subpoenas issued in its own proceedings. The issuing State Psychology Regulatory Authority  
9 shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes  
10 of the state 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.

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

9           3. Each Commissioner shall be entitled to one (1) vote with regard to the promulgation of  
10 Rules and creation of Bylaws and shall otherwise have an opportunity to participate in the  
11 business and affairs of the Commission. A Commissioner shall vote in person or by such other  
12 means as provided in the Bylaws. The Bylaws may provide for Commissioners' participation in  
13 meetings by telephone or other means of communication.

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

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

18           6. The Commission may convene in a closed, non-public meeting if the Commission  
19 must discuss:

20           a. Non-compliance of a Compact State with its obligations under the Compact;

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

24           c. Current, threatened, or reasonably anticipated litigation against the Commission;

25           d. Negotiation of contracts for the purchase or sale of goods, services or real estate;

26           e. Accusation against any person of a crime or formally censuring any person;

27           f. Disclosure of trade secrets or commercial or financial information which is privileged  
28 or confidential;

29           g. Disclosure of information of a personal nature where disclosure would constitute a  
30 clearly unwarranted invasion of personal privacy;

31           h. Disclosure of investigatory records compiled for law enforcement purposes;

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

1 j. Matters specifically exempted from disclosure by federal and state statute.

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

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

14 1. Establishing the fiscal year of the Commission;

15 2. Providing reasonable standards and procedures:

16 a. for the establishment and meetings of other committees; and

17 b. governing any general or specific delegation of any authority or function of the  
18 Commission;

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

27 4. Establishing the titles, duties and authority and reasonable procedures for the election  
28 of the officers of the Commission;

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

33 6. Promulgating a Code of Ethics to address permissible and prohibited activities of  
34 Commission members and employees;

1           7. Providing a mechanism for concluding the operations of the Commission and the  
2 equitable disposition of any surplus funds that may exist after the termination of the Compact  
3 after the payment and/or reserving of all of its debts and obligations;

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

7           9. The Commission shall maintain its financial records in accordance with the Bylaws;  
8 and

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

11           D. The Commission shall have the following powers:

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

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

18           3. To purchase and maintain insurance and bonds;

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

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

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

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

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

33           9. To establish a budget and make expenditures;

34           10. To borrow money;



1 11. To appoint committees, including advisory committees comprised of Members, State  
2 regulators, State legislators or their representatives, and consumer representatives, and such other  
3 interested persons as may be designated in this Compact and the Bylaws;

4 12. To provide and receive information from, and to cooperate with, law enforcement  
5 agencies;

6 13. To adopt and use an official seal; and

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

10 E. The Executive Board

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

13 1. The Executive Board shall be comprised of six members:

14 a. Five voting members who are elected from the current membership of the Commission  
15 by the Commission;

16 b. One ex-officio, nonvoting member from the recognized membership organization  
17 composed of State and Provincial Psychology Regulatory Authorities.

18 2. The ex-officio member must have served as staff or member on a State Psychology  
19 Regulatory Authority and will be selected by its respective organization.

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

22 4. The Executive Board shall meet at least annually.

23 5. The Executive Board shall have the following duties and responsibilities:

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

27 b. Ensure Compact administration services are appropriately provided, contractual or  
28 otherwise;

29 c. Prepare and recommend the budget;

30 d. Maintain financial records on behalf of the Commission;

31 e. Monitor Compact compliance of member states and provide compliance reports to the  
32 Commission;

33 f. Establish additional committees as necessary; and

34 g. Other duties as provided in Rules or Bylaws.

1 F. Financing of the Commission

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

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

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

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

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

21 G. Qualified Immunity, Defense, and Indemnification

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

30 2. The Commission shall defend any member, officer, Executive Director, employee or  
31 representative of the Commission in any civil action seeking to impose liability arising out of any  
32 actual or alleged act, error or omission that occurred within the scope of Commission  
33 employment, duties or responsibilities, or that the person against whom the claim is made had a  
34 reasonable basis for believing occurred within the scope of Commission employment, duties or

1 responsibilities; provided that nothing herein shall be construed to prohibit that person from  
2 retaining his or her own counsel; and provided further, that the actual or alleged act, error or  
3 omission did not result from that person's intentional or willful or wanton misconduct.

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

## 11 ARTICLE XI

### 12 RULEMAKING

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

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

19 C. Rules or amendments to the rules shall be adopted at a regular or special meeting of  
20 the Commission.

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

24 1. On the website of the Commission; and

25 2. On the website of each Compact States' Psychology Regulatory Authority or the  
26 publication in which each state would otherwise publish proposed rules.

27 E. The Notice of Proposed Rulemaking shall include:

28 1. The proposed time, date, and location of the meeting in which the rule will be  
29 considered and voted upon;

30 2. The text of the proposed rule or amendment and the reason for the proposed rule;

31 3. A request for comments on the proposed rule from any interested person; and

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

34 F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit

1 written data, facts, opinions and arguments, which shall be made available to the public.

2 G. The Commission shall grant an opportunity for a public hearing before it adopts a rule  
3 or amendment if a hearing is requested by:

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

5 2. A governmental subdivision or agency; or

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

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

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

12 2. Hearings shall be conducted in a manner providing each person who wishes to  
13 comment a fair and reasonable opportunity to comment orally or in writing.

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

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

22 I. Following the scheduled hearing date, or by the close of business on the scheduled  
23 hearing date if the hearing was not held, the Commission shall consider all written and oral  
24 comments received.

25 J. The Commission shall, by majority vote of all members, take final action on the  
26 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking  
27 record and the full text of the rule.

28 K. If no written notice of intent to attend the public hearing by interested parties is  
29 received, the Commission may proceed with promulgation of the proposed rule without a public  
30 hearing.

31 L. Upon determination that an emergency exists, the Commission may consider and  
32 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that  
33 the usual rulemaking procedures provided in the Compact and in this section shall be  
34 retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90)

1 days after the effective date of the rule. For the purposes of this provision, an emergency rule is  
2 one that must be adopted immediately in order to:

3 1. Meet an imminent threat to public health, safety, or welfare;

4 2. Prevent a loss of Commission or Compact State funds;

5 3. Meet a deadline for the promulgation of an administrative rule that is established by  
6 federal law or rule; or

7 4. Protect public health and safety.

8 M. The Commission or an authorized committee of the Commission may direct revisions  
9 to a previously adopted rule or amendment for purposes of correcting typographical errors, errors  
10 in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be  
11 posted on the website of the Commission. The revision shall be subject to challenge by any  
12 person for a period of thirty (30) days after posting. The revision may be challenged only on  
13 grounds that the revision results in a material change to a rule. A challenge shall be made in  
14 writing, and delivered to the Chair of the Commission prior to the end of the notice period. If no  
15 challenge is made, the revision will take effect without further action. If the revision is  
16 challenged, the revision may not take effect without the approval of the Commission.

## 17 ARTICLE XII

### 18 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

#### 19 A. Oversight

20 1. The Executive, Legislative and Judicial branches of state government in each Compact  
21 State shall enforce this Compact and take all actions necessary and appropriate to effectuate the  
22 Compact's purposes and intent. The provisions of this Compact and the rules promulgated  
23 hereunder shall have standing as statutory law.

24 2. All courts shall take judicial notice of the Compact and the rules in any judicial or  
25 administrative proceeding in a Compact State pertaining to the subject matter of this Compact  
26 which may affect the powers, responsibilities or actions of the Commission.

27 3. The Commission shall be entitled to receive service of process in any such proceeding,  
28 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide  
29 service of process to the Commission shall render a judgment or order void as to the Commission,  
30 this Compact or promulgated rules.

#### 31 B. Default, Technical Assistance, and Termination

32 1. If the Commission determines that a Compact State has defaulted in the performance  
33 of its obligations or responsibilities under this Compact or the promulgated rules, the  
34 Commission shall:

1 a. Provide written notice to the defaulting state and other Compact States of the nature of  
2 the default, the proposed means of remedying the default and/or any other action to be taken by  
3 the Commission; and

4 b. Provide remedial training and specific technical assistance regarding the default.

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

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

14 4. A Compact State which has been terminated is responsible for all assessments,  
15 obligations and liabilities incurred through the effective date of termination, including obligations  
16 which extend beyond the effective date of termination.

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

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

#### 24 C. Dispute Resolution

25 1. Upon request by a Compact State, the Commission shall attempt to resolve disputes  
26 related to the Compact which arise among Compact States and between Compact and Non-  
27 Compact States.

28 2. The Commission shall promulgate a rule providing for both mediation and binding  
29 dispute resolution for disputes that arise before the commission.

#### 30 D. Enforcement

31 1. The Commission, in the reasonable exercise of its discretion, shall enforce the  
32 provisions and Rules of this Compact.

33 2. By majority vote, the Commission may initiate legal action in the United States  
34 District Court for the State of Georgia or the federal district where the Compact has its principal

1 offices against a Compact State in default to enforce compliance with the provisions of the  
2 Compact and its promulgated Rules and Bylaws. The relief sought may include both injunctive  
3 relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be  
4 awarded all costs of such litigation, including reasonable attorney's fees.

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

### 7 ARTICLE XIII

#### 8 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL 9 COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND 10 AMENDMENTS

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

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

20 C. Any Compact State may withdraw from this Compact by enacting a statute repealing  
21 the same.

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

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

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

30 E. This Compact may be amended by the Compact States. No amendment to this  
31 Compact shall become effective and binding upon any Compact State until it is enacted into the  
32 law of all Compact States.

### 33 ARTICLE XIV

#### 34 CONSTRUCTION AND SEVERABILITY

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

4           **5-44.1-3 Amendment to compact.** – The governor is authorized and directed to execute  
5 with any other state legally joining, an amendment to the compact and shall be binding only as  
6 among and between those compact states which specifically execute the same.

7           **5-44.1-4. Ratification procedure – Effective date.** – When the governor shall have  
8 executed the compact on behalf of this state and shall have caused a verified copy to be filed with  
9 the secretary of state; and when the compact shall have been ratified by one or more of the state,  
10 territories or possessions of the United States, the District of Columbia, and/or the  
11 Commonwealth of Puerto Rico, then the compact shall become operative and effective as  
12 between this state and those other state or states, territories or possessions of the United States,  
13 the District of Columbia, and/or the Commonwealth of Puerto Rico. The governor is authorized  
14 and directed to take any action that may be necessary to complete the exchange of official  
15 documents as between this state and any other state, territory or possession of the United States,  
16 the District of Columbia, or the Commonwealth of Puerto Rico, ratifying the compact.

17           **5-44.1-5. Compact administrator.** – Pursuant to the compact, the governor is authorized  
18 and empowered to designate an officer who shall be the compact administrator and who, acting  
19 jointly with like officers of other party states, shall promulgate rules and regulations to more  
20 effectively carry out the terms of the compact. The compact administrator shall serve subject to  
21 the pleasure of the governor. The compact administrator is authorized, empowered and directed to  
22 cooperate with all departments, agencies and officers of and in the government of this state and  
23 its subdivisions in facilitating the proper administration of the compact or of any supplementary  
24 agreement or agreements entered into by this state under it.

25           **5-44.1-6. Supplementary agreements.** – The compact administrator is authorized and  
26 empowered to enter into supplementary agreements with appropriate officials of other states  
27 pursuant to the compact. In the event that a supplementary agreement shall require or contemplate  
28 the use of any institution or facility of this state or require or contemplate the provision of any  
29 service by this state, the supplementary agreement shall have no force or effect until approved by  
30 the head of the department or agency under whose jurisdiction the institution or facility is  
31 operated or whose department or agency will be charged with the rendering of the service.



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

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LC004453  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- PSYCHOLOGY  
INTERJURISDICTIONAL COMPACT

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1           This act would create the Psychology Interjurisdictional Compact that would regulate the  
2 practice of telepsychology (psychological services using a form of telecommunication) by  
3 psychologists across state boundaries.

4           This act would take effect upon passage.

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