

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 660

AN ACT

To repeal sections 208.217, 337.025, 337.029, 337.033, 552.020, 630.745, 630.945, and 632.005, RSMo, and to enact in lieu thereof twenty-three new sections relating to mental health, with penalty provisions and a contingent effective date for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 208.217, 337.025, 337.029, 337.033,
2 552.020, 630.745, 630.945, and 632.005, RSMo, are repealed and
3 twenty-three new sections enacted in lieu thereof, to be known as
4 sections 9.270, 208.217, 337.025, 337.029, 337.033, 337.100,
5 337.105, 337.110, 337.115, 337.120, 337.125, 337.130, 337.135,
6 337.140, 337.145, 337.150, 337.155, 337.160, 337.165, 552.020,
7 630.745, 630.945, and 632.005, to read as follows:

8 9.270. June twenty-seventh of each year shall be known and
9 designated as "Posttraumatic Stress Awareness Day". It is
10 recommended to the people of the state that the day be
11 appropriately observed through activities which will increase
12 awareness of posttraumatic stress.

13 208.217. 1. As used in this section, the following terms
14 mean:

15 (1) "Data match", a method of comparing the department's
16 information with that of another entity and identifying those

1 records which appear in both files. This process is accomplished
2 by a computerized comparison by which both the department and the
3 entity utilize a computer readable electronic media format;

4 (2) "Department", the Missouri department of social
5 services;

6 (3) "Entity":

7 (a) Any insurance company as defined in chapter 375 or any
8 public organization or agency transacting or doing the business
9 of insurance; or

10 (b) Any health service corporation or health maintenance
11 organization as defined in chapter 354 or any other provider of
12 health services as defined in chapter 354;

13 (c) Any self-insured organization or business providing
14 health services as defined in chapter 354; or

15 (d) Any third-party administrator (TPA), administrative
16 services organization (ASO), or pharmacy benefit manager (PBM)
17 transacting or doing business in Missouri or administering or
18 processing claims or benefits, or both, for residents of
19 Missouri;

20 (4) "Individual", any applicant or present or former
21 participant receiving public assistance benefits under sections
22 208.151 to 208.159 or a person receiving department of mental
23 health services for the purposes of subsection 9 of this section;

24 (5) "Insurance", any agreement, contract, policy plan or
25 writing entered into voluntarily or by court or administrative
26 order providing for the payment of medical services or for the
27 provision of medical care to or on behalf of an individual;

28 (6) "Request", any inquiry by the MO HealthNet division for

1 the purpose of determining the existence of insurance where the
2 department may have expended MO HealthNet benefits.

3 2. The department may enter into a contract with any
4 entity, and the entity shall, upon request of the department of
5 social services, inform the department of any records or
6 information pertaining to the insurance of any individual.

7 3. The information which is required to be provided by the
8 entity regarding an individual is limited to those insurance
9 benefits that could have been claimed and paid by an insurance
10 policy agreement or plan with respect to medical services or
11 items which are otherwise covered under the MO HealthNet program.

12 4. A request for a data match made by the department
13 pursuant to this section shall include sufficient information to
14 identify each person named in the request in a form that is
15 compatible with the record-keeping methods of the entity.
16 Requests for information shall pertain to any individual or the
17 person legally responsible for such individual and may be
18 requested at a minimum of twice a year.

19 5. The department shall reimburse the entity which is
20 requested to supply information as provided by this section for
21 actual direct costs, based upon industry standards, incurred in
22 furnishing the requested information and as set out in the
23 contract. The department shall specify the time and manner in
24 which information is to be delivered by the entity to the
25 department. No reimbursement will be provided for information
26 requested by the department other than by means of a data match.

27 6. Any entity which has received a request from the
28 department pursuant to this section shall provide the requested

1 information in compliance with [HIPPA] HIPAA required
2 transactions within sixty days of receipt of the request.
3 Willful failure of an entity to provide the requested information
4 within such period shall result in liability to the state for
5 civil penalties of up to ten dollars for each day thereafter.
6 The attorney general shall, upon request of the department, bring
7 an action in a circuit court of competent jurisdiction to recover
8 the civil penalty. The court shall determine the amount of the
9 civil penalty to be assessed. A health insurance carrier,
10 including instances where it acts in the capacity of an
11 administrator of an ASO account, and a TPA acting in the capacity
12 of an administrator for a fully insured or self-funded employer,
13 is required to accept and respond to the [HIPPA] HIPAA ANSI
14 standard transaction for the purpose of validating eligibility.

15 7. The director of the department shall establish
16 guidelines to assure that the information furnished to any entity
17 or obtained from any entity does not violate the laws pertaining
18 to the confidentiality and privacy of an applicant or participant
19 receiving MO HealthNet benefits. Any person disclosing
20 confidential information for purposes other than set forth in
21 this section shall be guilty of a class A misdemeanor.

22 8. The application for or the receipt of benefits under
23 sections 208.151 to 208.159 shall be deemed consent by the
24 individual to allow the department to request information from
25 any entity regarding insurance coverage of said person.

26 9. The provisions of this section that apply to the
27 department of social services shall also apply to the department
28 of mental health when contracting with any entity to supply

information as provided for in this section regarding an individual receiving department of mental health services.

337.025. 1. The provisions of this section shall govern the education and experience requirements for initial licensure as a psychologist for the following persons:

(1) A person who has not matriculated in a graduate degree program which is primarily psychological in nature on or before August 28, 1990; and

(2) A person who is matriculated after August 28, 1990, in a graduate degree program designed to train professional psychologists.

2. Each applicant shall submit satisfactory evidence to the committee that the applicant has received a doctoral degree in psychology from a recognized educational institution, and has had at least one year of satisfactory supervised professional experience in the field of psychology.

3. A doctoral degree in psychology is defined as:

(1) A program accredited, or provisionally accredited, by the American Psychological Association (APA), [or] the Canadian Psychological Association (CPA), or the Psychological Clinical Science Accreditation System (PCSAS); provided that, such program includes a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology; or

(2) A program designated or approved, including provisional approval, by the Association of State and Provincial Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A graduate program that meets all of the following

1 criteria:

2 (a) The program, wherever it may be administratively
3 housed, shall be clearly identified and labeled as a psychology
4 program. Such a program shall specify in pertinent institutional
5 catalogues and brochures its intent to educate and train
6 professional psychologists;

7 (b) The psychology program shall stand as a recognizable,
8 coherent organizational entity within the institution of higher
9 education;

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

13 (d) The program shall be an integrated, organized, sequence
14 of study;

15 (e) There shall be an identifiable psychology faculty and a
16 psychologist responsible for the program;

17 (f) The program shall have an identifiable body of students
18 who are matriculated in that program for a degree;

19 (g) The program shall include a supervised practicum,
20 internship, field, or laboratory training appropriate to the
21 practice of psychology;

22 (h) The curriculum shall encompass a minimum of three
23 academic years of full-time graduate study, with a minimum of one
24 year's residency at the educational institution granting the
25 doctoral degree; and

26 (i) Require the completion by the applicant of a core
27 program in psychology which shall be met by the completion and
28 award of at least one three-semester-hour graduate credit course

1 or a combination of graduate credit courses totaling three
2 semester hours or five quarter hours in each of the following
3 areas:

4 a. The biological bases of behavior such as courses in:
5 physiological psychology, comparative psychology,
6 neuropsychology, sensation and perception, psychopharmacology;

7 b. The cognitive-affective bases of behavior such as
8 courses in: learning, thinking, motivation, emotion, and
9 cognitive psychology;

10 c. The social bases of behavior such as courses in: social
11 psychology, group processes/dynamics, interpersonal
12 relationships, and organizational and systems theory;

13 d. Individual differences such as courses in: personality
14 theory, human development, abnormal psychology, developmental
15 psychology, child psychology, adolescent psychology, psychology
16 of aging, and theories of personality;

17 e. The scientific methods and procedures of understanding,
18 predicting and influencing human behavior such as courses in:
19 statistics, experimental design, psychometrics, individual
20 testing, group testing, and research design and methodology.

21 4. Acceptable supervised professional experience may be
22 accrued through preinternship, internship, predoctoral
23 postinternship, or postdoctoral experiences. The academic
24 training director or the postdoctoral training supervisor shall
25 attest to the hours accrued to meet the requirements of this
26 section. Such hours shall consist of:

27 (1) A minimum of fifteen hundred hours of experience in a
28 successfully completed internship to be completed in not less

1 than twelve nor more than twenty-four months; and

2 (2) A minimum of two thousand hours of experience
3 consisting of any combination of the following:

4 (a) Preinternship and predoctoral postinternship
5 professional experience that occurs following the completion of
6 the first year of the doctoral program or at any time while in a
7 doctoral program after completion of a master's degree in
8 psychology or equivalent as defined by rule by the committee;

9 (b) Up to seven hundred fifty hours obtained while on the
10 internship under subdivision (1) of this subsection but beyond
11 the fifteen hundred hours identified in subdivision (1) of this
12 subsection; or

13 (c) Postdoctoral professional experience obtained in no
14 more than twenty-four consecutive calendar months. In no case
15 shall this experience be accumulated at a rate of more than fifty
16 hours per week. Postdoctoral supervised professional experience
17 for prospective health service providers and other applicants
18 shall involve and relate to the delivery of psychological
19 services in accordance with professional requirements and
20 relevant to the applicant's intended area of practice.

21 5. Experience for those applicants who intend to seek
22 health service provider certification and who have completed a
23 program in one or more of the American Psychological Association
24 designated health service provider delivery areas shall be
25 obtained under the primary supervision of a licensed psychologist
26 who is also a health service provider or who otherwise meets the
27 requirements for health service provider certification.

28 Experience for those applicants who do not intend to seek health

1 service provider certification shall be obtained under the
2 primary supervision of a licensed psychologist or such other
3 qualified mental health professional approved by the committee.

4 6. For postinternship and postdoctoral hours, the
5 psychological activities of the applicant shall be performed
6 pursuant to the primary supervisor's order, control, and full
7 professional responsibility. The primary supervisor shall
8 maintain a continuing relationship with the applicant and shall
9 meet with the applicant a minimum of one hour per month in face-
10 to-face individual supervision. Clinical supervision may be
11 delegated by the primary supervisor to one or more secondary
12 supervisors who are qualified psychologists. The secondary
13 supervisors shall retain order, control, and full professional
14 responsibility for the applicant's clinical work under their
15 supervision and shall meet with the applicant a minimum of one
16 hour per week in face-to-face individual supervision. If the
17 primary supervisor is also the clinical supervisor, meetings
18 shall be a minimum of one hour per week. Group supervision shall
19 not be acceptable for supervised professional experience. The
20 primary supervisor shall certify to the committee that the
21 applicant has complied with these requirements and that the
22 applicant has demonstrated ethical and competent practice of
23 psychology. The changing by an agency of the primary supervisor
24 during the course of the supervised experience shall not
25 invalidate the supervised experience.

26 7. The committee by rule shall provide procedures for
27 exceptions and variances from the requirements for once a week
28 face-to-face supervision due to vacations, illness, pregnancy,

1 and other good causes.

2 337.029. 1. A psychologist licensed in another
3 jurisdiction who has had no violations and no suspensions and no
4 revocation of a license to practice psychology in any
5 jurisdiction may receive a license in Missouri, provided the
6 psychologist passes a written examination on Missouri laws and
7 regulations governing the practice of psychology and meets one of
8 the following criteria:

9 (1) Is a diplomate of the American Board of Professional
10 Psychology;

11 (2) Is a member of the National Register of Health Service
12 Providers in Psychology;

13 (3) Is currently licensed or certified as a psychologist in
14 another jurisdiction who is then a signatory to the Association
15 of State and Provincial Psychology Board's reciprocity agreement;

16 (4) Is currently licensed or certified as a psychologist in
17 another state, territory of the United States, or the District of
18 Columbia and:

19 (a) Has a doctoral degree in psychology from a program
20 accredited, or provisionally accredited, either by the American
21 Psychological Association or the Psychological Clinical Science
22 Accreditation System, or that meets the requirements as set forth
23 in subdivision (3) of subsection 3 of section 337.025;

24 (b) Has been licensed for the preceding five years; and

25 (c) Has had no disciplinary action taken against the
26 license for the preceding five years; or

27 (5) Holds a current certificate of professional
28 qualification (CPQ) issued by the Association of State and

1 Provincial Psychology Boards (ASPPB).

2 2. Notwithstanding the provisions of subsection 1 of this
3 section, applicants may be required to pass an oral examination
4 as adopted by the committee.

5 3. A psychologist who receives a license for the practice
6 of psychology in the state of Missouri on the basis of
7 reciprocity as listed in subsection 1 of this section or by
8 endorsement of the score from the examination of professional
9 practice in psychology score will also be eligible for and shall
10 receive certification from the committee as a health service
11 provider if the psychologist meets one or more of the following
12 criteria:

13 (1) Is a diplomate of the American Board of Professional
14 Psychology in one or more of the specialties recognized by the
15 American Board of Professional Psychology as pertaining to health
16 service delivery;

17 (2) Is a member of the National Register of Health Service
18 Providers in Psychology; or

19 (3) Has completed or obtained through education, training,
20 or experience the requisite knowledge comparable to that which is
21 required pursuant to section 337.033.

22 337.033. 1. A licensed psychologist shall limit his or her
23 practice to demonstrated areas of competence as documented by
24 relevant professional education, training, and experience. A
25 psychologist trained in one area shall not practice in another
26 area without obtaining additional relevant professional
27 education, training, and experience through an acceptable program
28 of respecialization.

1 2. A psychologist may not represent or hold himself or
2 herself out as a state certified or registered psychological
3 health service provider unless the psychologist has first
4 received the psychologist health service provider certification
5 from the committee; provided, however, nothing in this section
6 shall be construed to limit or prevent a licensed, whether
7 temporary, provisional or permanent, psychologist who does not
8 hold a health service provider certificate from providing
9 psychological services so long as such services are consistent
10 with subsection 1 of this section.

11 3. "Relevant professional education and training" for
12 health service provider certification, except those entitled to
13 certification pursuant to subsection 5 or 6 of this section,
14 shall be defined as a licensed psychologist whose graduate
15 psychology degree from a recognized educational institution is in
16 an area designated by the American Psychological Association as
17 pertaining to health service delivery or a psychologist who
18 subsequent to receipt of his or her graduate degree in psychology
19 has either completed a respecialization program from a recognized
20 educational institution in one or more of the American
21 Psychological Association recognized clinical health service
22 provider areas and who in addition has completed at least one
23 year of postdegree supervised experience in such clinical area or
24 a psychologist who has obtained comparable education and training
25 acceptable to the committee through completion of postdoctoral
26 fellowships or otherwise.

27 4. The degree or respecialization program certificate shall
28 be obtained from a recognized program of graduate study in one or

1 more of the health service delivery areas designated by the
2 American Psychological Association as pertaining to health
3 service delivery, which shall meet one of the criteria
4 established by subdivisions (1) to (3) of this subsection:

5 (1) A doctoral degree or completion of a recognized
6 respecialization program in one or more of the American
7 Psychological Association designated health service provider
8 delivery areas which is accredited, or provisionally accredited,
9 either by the American Psychological Association or the
10 Psychological Clinical Science Accreditation System; or

11 (2) A clinical or counseling psychology doctoral degree
12 program or respecialization program designated, or provisionally
13 approved, by the Association of State and Provincial Psychology
14 Boards or the Council for the National Register of Health Service
15 Providers in Psychology, or both; or

16 (3) A doctoral degree or completion of a respecialization
17 program in one or more of the American Psychological Association
18 designated health service provider delivery areas that meets the
19 following criteria:

20 (a) The program, wherever it may be administratively
21 housed, shall be clearly identified and labeled as being in one
22 or more of the American Psychological Association designated
23 health service provider delivery areas;

24 (b) Such a program shall specify in pertinent institutional
25 catalogues and brochures its intent to educate and train
26 professional psychologists in one or more of the American
27 Psychological Association designated health service provider
28 delivery areas.

1 5. A person who is lawfully licensed as a psychologist
2 pursuant to the provisions of this chapter on August 28, 1989, or
3 who has been approved to sit for examination prior to August 28,
4 1989, and who subsequently passes the examination shall be deemed
5 to have met all requirements for health service provider
6 certification; provided, however, that such person shall be
7 governed by the provisions of subsection 1 of this section with
8 respect to limitation of practice.

9 6. Any person who is lawfully licensed as a psychologist in
10 this state and who meets one or more of the following criteria
11 shall automatically, upon payment of the requisite fee, be
12 entitled to receive a health service provider certification from
13 the committee:

14 (1) Is a diplomate of the American Board of Professional
15 Psychology in one or more of the specialties recognized by the
16 American Board of Professional Psychology as pertaining to health
17 service delivery; or

18 (2) Is a member of the National Register of Health Service
19 Providers in Psychology.

20 337.100. 1. Sections 337.100 to 337.165 shall be known as
21 the "Psychology Interjurisdictional Compact". The party states
22 find that:

23 (1) States license psychologists, in order to protect the
24 public through verification of education, training and experience
25 and ensure accountability for professional practice;

26 (2) This compact is intended to regulate the day to day
27 practice of telepsychology, the provision of psychological
28 services using telecommunication technologies, by psychologists

1 across state boundaries in the performance of their psychological
2 practice as assigned by an appropriate authority;

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

8 (4) This compact is intended to authorize state psychology
9 regulatory authorities to afford legal recognition, in a manner
10 consistent with the terms of the compact, to psychologists
11 licensed in another state;

12 (5) This compact recognizes that states have a vested
13 interest in protecting the public's health and safety through
14 their licensing and regulation of psychologists and that such
15 state regulation will best protect public health and safety;

16 (6) This compact does not apply when a psychologist is
17 licensed in both the home and receiving states; and

18 (7) This compact does not apply to permanent in-person,
19 face-to-face practice, it does allow for authorization of
20 temporary psychological practice.

21 2. The general purposes of this compact are to:

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

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

1 (3) Encourage the cooperation of compact states in the
2 areas of psychology licensure and regulation;

3 (4) Facilitate the exchange of information between compact
4 states regarding psychologist licensure, adverse actions and
5 disciplinary history;

6 (5) Promote compliance with the laws governing
7 psychological practice in each compact state; and

8 (6) Invest all compact states with the authority to hold
9 licensed psychologists accountable through the mutual recognition
10 of compact state licenses.

11 337.105. As used in this compact, the following terms shall
12 mean:

13 (1) "Adverse action", any action taken by a state
14 psychology regulatory authority which finds a violation of a
15 statute or regulation that is identified by the state psychology
16 regulatory authority as discipline and is a matter of public
17 record;

18 (2) "Association of State and Provincial Psychology Boards
19 (ASPPB)", the recognized membership organization composed of
20 state and provincial psychology regulatory authorities
21 responsible for the licensure and registration of psychologists
22 throughout the United States and Canada;

23 (3) "Authority to practice interjurisdictional
24 telepsychology", a licensed psychologist's authority to practice
25 telepsychology, within the limits authorized under this compact,
26 in another compact state;

27 (4) "Bylaws", those bylaws established by the psychology
28 interjurisdictional compact commission pursuant to section

1 337.145 for its governance, or for directing and controlling its
2 actions and conduct;

3 (5) "Client/patient", the recipient of psychological
4 services, whether psychological services are delivered in the
5 context of healthcare, corporate, supervision, or consulting
6 services;

7 (6) "Commissioner", the voting representative appointed by
8 each state psychology regulatory authority pursuant to section
9 337.145;

10 (7) "Compact state", a state, the District of Columbia, or
11 United States territory that has enacted this compact legislation
12 and which has not withdrawn pursuant to subsection 3 of section
13 337.160 or been terminated pursuant to subsection 2 of section
14 337.155;

15 (8) "Coordinated licensure information system" also
16 referred to as "coordinated database", an integrated process for
17 collecting, storing, and sharing information on psychologists'
18 licensure and enforcement activities related to psychology
19 licensure laws, which is administered by the recognized
20 membership organization composed of state and provincial
21 psychology regulatory authorities;

22 (9) "Confidentiality", the principle that data or
23 information is not made available or disclosed to unauthorized
24 persons or processes;

25 (10) "Day", any part of a day in which psychological work
26 is performed;

27 (11) "Distant state", the compact state where a
28 psychologist is physically present, not through the use of

1 telecommunications technologies, to provide temporary in-person,
2 face-to-face psychological services;

3 (12) "E.Passport", a certificate issued by the Association
4 of State and Provincial Psychology Boards (ASPPB) that promotes
5 the standardization in the criteria of interjurisdictional
6 telepsychology practice and facilitates the process for licensed
7 psychologists to provide telepsychological services across state
8 lines;

9 (13) "Executive board", a group of directors elected or
10 appointed to act on behalf of, and within the powers granted to
11 them by, the commission;

12 (14) "Home state", a compact state where a psychologist is
13 licensed to practice psychology. If the psychologist is licensed
14 in more than one compact state and is practicing under the
15 authorization to practice interjurisdictional telepsychology, the
16 home state is the compact state where the psychologist is
17 physically present when the telepsychological services are
18 delivered. If the psychologist is licensed in more than one
19 compact state and is practicing under the temporary authorization
20 to practice, the home state is any compact state where the
21 psychologist is licensed;

22 (15) "Identity history summary", a summary of information
23 retained by the Federal Bureau of Investigation, or other
24 designee with similar authority, in connection with arrests and,
25 in some instances, federal employment, naturalization, or
26 military service;

27 (16) "In-person, face-to-face", interactions in which the
28 psychologist and the client/patient are in the same physical

1 space and which does not include interactions that may occur
2 through the use of telecommunication technologies;

3 (17) "Interjurisdictional practice certificate (IPC)", a
4 certificate issued by the Association of State and Provincial
5 Psychology Boards (ASPPB) that grants temporary authority to
6 practice based on notification to the state psychology regulatory
7 authority of intention to practice temporarily, and verification
8 of one's qualifications for such practice;

9 (18) "License", authorization by a state psychology
10 regulatory authority to engage in the independent practice of
11 psychology, which would be unlawful without the authorization;

12 (19) "Noncompact state", any state which is not at the time
13 a compact state;

14 (20) "Psychologist", an individual licensed for the
15 independent practice of psychology;

16 (21) "Psychology interjurisdictional compact commission"
17 also referred to as "commission", the national administration of
18 which all compact states are members;

19 (22) "Receiving state", a compact state where the
20 client/patient is physically located when the telepsychological
21 services are delivered;

22 (23) "Rule", a written statement by the psychology
23 interjurisdictional compact commission promulgated pursuant to
24 section 337.150 of the compact that is of general applicability,
25 implements, interprets, or prescribes a policy or provision of
26 the compact, or an organizational, procedural, or practice
27 requirement of the commission and has the force and effect of
28 statutory law in a compact state, and includes the amendment,

repeal or suspension of an existing rule;

(24) "Significant investigatory information":

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

(b) Investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and had an opportunity to respond;

(25) "State", a state, commonwealth, territory, or possession of the United States, the District of Columbia;

(26) "State psychology regulatory authority", the board, office or other agency with the legislative mandate to license and regulate the practice of psychology;

(27) "Telepsychology", the provision of psychological services using telecommunication technologies;

(28) "Temporary authorization to practice", a licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this compact, in another compact state;

(29) "Temporary in-person, face-to-face practice", where a psychologist is physically present, not through the use of telecommunications technologies, in the distant state to provide for the practice of psychology for thirty days within a calendar year and based on notification to the distant state.

1 337.110. 1. The home state shall be a compact state where
2 a psychologist is licensed to practice psychology.

3 2. A psychologist may hold one or more compact state
4 licenses at a time. If the psychologist is licensed in more than
5 one compact state, the home state is the compact state where the
6 psychologist is physically present when the services are
7 delivered as authorized by the authority to practice
8 interjurisdictional telepsychology under the terms of this
9 compact.

10 3. Any compact state may require a psychologist not
11 previously licensed in a compact state to obtain and retain a
12 license to be authorized to practice in the compact state under
13 circumstances not authorized by the authority to practice
14 interjurisdictional telepsychology under the terms of this
15 compact.

16 4. Any compact state may require a psychologist to obtain
17 and retain a license to be authorized to practice in a compact
18 state under circumstances not authorized by temporary
19 authorization to practice under the terms of this compact.

20 5. A home state's license authorizes a psychologist to
21 practice in a receiving state under the authority to practice
22 interjurisdictional telepsychology only if the compact state:

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

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

27 (3) Notifies the commission, in compliance with the terms
28 herein, of any adverse action or significant investigatory

1 information regarding a licensed individual;

2 (4) Requires an identity history summary of all applicants
3 at initial licensure, including the use of the results of
4 fingerprints or other biometric data checks compliant with the
5 requirements of the Federal Bureau of Investigation, or other
6 designee with similar authority, no later than ten years after
7 activation of the compact; and

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

9 6. A home state's license grants temporary authorization to
10 practice to a psychologist in a distant state only if the compact
11 state:

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

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

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

19 (4) Requires an identity history summary of all applicants
20 at initial licensure, including the use of the results of
21 fingerprints or other biometric data checks compliant with the
22 requirements of the Federal Bureau of Investigation, or other
23 designee with similar authority, no later than ten years after
24 activation of the compact; and

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

26 337.115. 1. Compact states shall recognize the right of a
27 psychologist, licensed in a compact state in conformance with
28 section 337.110, to practice telepsychology in receiving states

1 in which the psychologist is not licensed, under the authority to
2 practice interjurisdictional telepsychology as provided in the
3 compact.

4 2. To exercise the authority to practice
5 interjurisdictional telepsychology under the terms and provisions
6 of this compact, a psychologist licensed to practice in a compact
7 state shall:

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

10 (a) Regionally accredited by an accrediting body recognized
11 by the United States Department of Education to grant graduate
12 degrees, or authorized by provincial statute or royal charter to
13 grant doctoral degrees; or

14 (b) A foreign college or university deemed to be equivalent
15 to the requirements of paragraph (a) of this subdivision by a
16 foreign credential evaluation service that is a member of the
17 National Association of Credential Evaluation Services (NACES) or
18 by a recognized foreign credential evaluation service;

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

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

26 (b) The psychology program shall stand as a recognizable,
27 coherent, organizational entity within the institution;

28 (c) There shall be a clear authority and primary

1 responsibility for the core and specialty areas whether or not
2 the program cuts across administrative lines;

3 (d) The program shall consist of an integrated, organized
4 sequence of study;

5 (e) There shall be an identifiable psychology faculty
6 sufficient in size and breadth to carry out its responsibilities;

7 (f) The designated director of the program shall be a
8 psychologist and a member of the core faculty;

9 (g) The program shall have an identifiable body of students
10 who are matriculated in that program for a degree;

11 (h) The program shall include supervised practicum,
12 internship, or field training appropriate to the practice of
13 psychology;

14 (i) The curriculum shall encompass a minimum of three
15 academic years of full-time graduate study for doctoral degree
16 and a minimum of one academic year of full-time graduate study
17 for master's degree;

18 (j) The program includes an acceptable residency as defined
19 by the rules of the commission;

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

22 (4) Have no history of adverse action that violate the
23 rules of the commission;

24 (5) Have no criminal record history reported on an identity
25 history summary that violates the rules of the commission;

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

27 (7) Provide attestations in regard to areas of intended
28 practice, conformity with standards of practice, competence in

1 telepsychology technology; criminal background; and knowledge and
2 adherence to legal requirements in the home and receiving states,
3 and provide a release of information to allow for primary source
4 verification in a manner specified by the commission; and

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

7 3. The home state maintains authority over the license of
8 any psychologist practicing into a receiving state under the
9 authority to practice interjurisdictional telepsychology.

10 4. A psychologist practicing into a receiving state under
11 the authority to practice interjurisdictional telepsychology will
12 be subject to the receiving state's scope of practice. A
13 receiving state may, in accordance with that state's due process
14 law, limit or revoke a psychologist's authority to practice
15 interjurisdictional telepsychology in the receiving state and may
16 take any other necessary actions under the receiving state's
17 applicable law to protect the health and safety of the receiving
18 state's citizens. If a receiving state takes action, the state
19 shall promptly notify the home state and the commission.

20 5. If a psychologist's license in any home state, another
21 compact state, or any authority to practice interjurisdictional
22 telepsychology in any receiving state, is restricted, suspended
23 or otherwise limited, the E.Passport shall be revoked and
24 therefore the psychologist shall not be eligible to practice
25 telepsychology in a compact state under the authority to practice
26 interjurisdictional telepsychology.

27 337.120. 1. Compact states shall also recognize the right
28 of a psychologist, licensed in a compact state in conformance

1 with section 337.110, to practice temporarily in distant states
2 in which the psychologist is not licensed, as provided in the
3 compact.

4 2. To exercise the temporary authorization to practice
5 under the terms and provisions of this compact, a psychologist
6 licensed to practice in a compact state shall:

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

9 (a) Regionally accredited by an accrediting body recognized
10 by the United States Department of Education to grant graduate
11 degrees, or authorized by provincial statute or royal charter to
12 grant doctoral degrees; or

13 (b) A foreign college or university deemed to be equivalent
14 to the requirements of paragraph (a) of this subdivision by a
15 foreign credential evaluation service that is a member of the
16 National Association of Credential Evaluation Services (NACES) or
17 by a recognized foreign credential evaluation service;

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

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

25 (b) The psychology program shall stand as a recognizable,
26 coherent, organizational entity within the institution;

27 (c) There shall be a clear authority and primary
28 responsibility for the core and specialty areas whether or not

1 the program cuts across administrative lines;

2 (d) The program shall consist of an integrated, organized
3 sequence of study;

4 (e) There shall be an identifiable psychology faculty
5 sufficient in size and breadth to carry out its responsibilities;

6 (f) The designated director of the program shall be a
7 psychologist and a member of the core faculty;

8 (g) The program shall have an identifiable body of students
9 who are matriculated in that program for a degree;

10 (h) The program shall include supervised practicum,
11 internship, or field training appropriate to the practice of
12 psychology;

13 (i) The curriculum shall encompass a minimum of three
14 academic years of full-time graduate study for doctoral degrees
15 and a minimum of one academic year of full-time graduate study
16 for master's degree;

17 (j) The program includes an acceptable residency as defined
18 by the rules of the commission;

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

21 (4) No history of adverse action that violate the rules of
22 the commission;

23 (5) No criminal record history that violates the rules of
24 the commission;

25 (6) Possess a current, active IPC;

26 (7) Provide attestations in regard to areas of intended
27 practice and work experience and provide a release of information
28 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
3 commission.

4 3. A psychologist practicing into a distant state under the
5 temporary authorization to practice shall practice within the
6 scope of practice authorized by the distant state.

7 4. A psychologist practicing into a distant state under the
8 temporary authorization to practice will be subject to the
9 distant state's authority and law. A distant state may, in
10 accordance with that state's due process law, limit or revoke a
11 psychologist's temporary authorization to practice in the distant
12 state and may take any other necessary actions under the distant
13 state's applicable law to protect the health and safety of the
14 distant state's citizens. If a distant state takes action, the
15 state shall promptly notify the home state and the commission.

16 5. If a psychologist's license in any home state, another
17 compact state, or any temporary authorization to practice in any
18 distant state, is restricted, suspended or otherwise limited, the
19 IPC shall be revoked and therefore the psychologist shall not be
20 eligible to practice in a compact state under the temporary
21 authorization to practice.

22 337.125. A psychologist may practice in a receiving state
23 under the authority to practice interjurisdictional
24 telepsychology only in the performance of the scope of practice
25 for psychology as assigned by an appropriate state psychology
26 regulatory authority, as defined in the rules of the commission,
27 and under the following circumstances:

28 (1) The psychologist initiates a client/patient contact in

1 a home state via telecommunications technologies with a
2 client/patient in a receiving state;

3 (2) Other conditions regarding telepsychology as determined
4 by rules promulgated by the commission.

5 337.130. 1. A home state shall have the power to impose
6 adverse action against a psychologist's license issued by the
7 home state. A distant state shall have the power to take adverse
8 action on a psychologist's temporary authorization to practice
9 within that distant state.

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

16 3. (1) If a home state takes adverse action against a
17 psychologist's license, that psychologist's authority to practice
18 interjurisdictional telepsychology is terminated and the
19 E.Passport is revoked. Furthermore, that psychologist's temporary
20 authorization to practice is terminated and the IPC is revoked.

21 (2) All home state disciplinary orders which impose adverse
22 action shall be reported to the commission in accordance with the
23 rules promulgated by the commission. A compact state shall
24 report adverse actions in accordance with the rules of the
25 commission.

26 (3) In the event discipline is reported on a psychologist,
27 the psychologist will not be eligible for telepsychology or
28 temporary in-person, face-to-face practice in accordance with the

1 rules of the commission.

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

4 4. A home state's psychology regulatory authority shall
5 investigate and take appropriate action with respect to reported
6 inappropriate conduct engaged in by a licensee which occurred in
7 a receiving state as it would if such conduct had occurred by a
8 licensee within the home state. In such cases, the home state's
9 law shall control in determining any adverse action against a
10 psychologist's license.

11 5. A distant state's psychology regulatory authority shall
12 investigate and take appropriate action with respect to reported
13 inappropriate conduct engaged in by a psychologist practicing
14 under temporary authorization practice which occurred in that
15 distant state as it would if such conduct had occurred by a
16 licensee within the home state. In such cases, distant state's
17 law shall control in determining any adverse action against a
18 psychologist's temporary authorization to practice.

19 6. Nothing in this compact shall override a compact state's
20 decision that a psychologist's participation in an alternative
21 program may be used in lieu of adverse action and that such
22 participation shall remain non-public if required by the compact
23 state's law. Compact states shall require psychologists who
24 enter any alternative programs to not provide telepsychology
25 services under the authority to practice interjurisdictional
26 telepsychology or provide temporary psychological services under
27 the temporary authorization to practice in any other compact
28 state during the term of the alternative program.

1 7. No other judicial or administrative remedies shall be
2 available to a psychologist in the event a compact state imposes
3 an adverse action pursuant to subsection 3 of this section.

4 337.135. 1. In addition to any other powers granted under
5 state law, a compact state's psychology regulatory authority
6 shall have the authority under this compact to:

7 (1) Issue subpoenas, for both hearings and investigations,
8 which require the attendance and testimony of witnesses and the
9 production of evidence. Subpoenas issued by a compact state's
10 psychology regulatory authority for the attendance and testimony
11 of witnesses, or the production of evidence from another compact
12 state shall be enforced in the latter state by any court of
13 competent jurisdiction, according to that court's practice and
14 procedure in considering subpoenas issued in its own proceedings.
15 The issuing state psychology regulatory authority shall pay any
16 witness fees, travel expenses, mileage and other fees required by
17 the service statutes of the state where the witnesses or evidence
18 are located; and

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

22 2. During the course of any investigation, a psychologist
23 may not change his or her home state licensure. A home state
24 psychology regulatory authority is authorized to complete any
25 pending investigations of a psychologist and to take any actions
26 appropriate under its law. The home state psychology regulatory
27 authority shall promptly report the conclusions of such
28 investigations to the commission. Once an investigation has been

1 completed, and pending the outcome of said investigation, the
2 psychologist may change his or her home state licensure. The
3 commission shall promptly notify the new home state of any such
4 decisions as provided in the rules of the commission. All
5 information provided to the commission or distributed by compact
6 states pursuant to the psychologist shall be confidential, filed
7 under seal and used for investigatory or disciplinary matters.
8 The commission may create additional rules for mandated or
9 discretionary sharing of information by compact states.

10 337.140. 1. The commission shall provide for the
11 development and maintenance of a coordinated licensure
12 information system "coordinated database" and reporting system
13 containing licensure and disciplinary action information on all
14 psychologist individuals to whom this compact is applicable in
15 all compact states as defined by the rules of the commission.

16 2. Notwithstanding any other provision of state law to the
17 contrary, a compact state shall submit a uniform data set to the
18 coordinated database on all licensees as required by the rules of
19 the commission, including:

- 20 (1) Identifying information;
- 21 (2) Licensure data;
- 22 (3) Significant investigatory information;
- 23 (4) Adverse actions against a psychologist's license;
- 24 (5) An indicator that a psychologist's authority to
25 practice interjurisdictional telepsychology or temporary
26 authorization to practice is revoked;
- 27 (6) Nonconfidential information related to alternative
28 program participation information;

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

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

6 3. The coordinated database administrator shall promptly
7 notify all compact states of any adverse action taken against, or
8 significant investigative information on, any licensee in a
9 compact state.

10 4. Compact states reporting information to the coordinated
11 database may designate information that may not be shared with
12 the public without the express permission of the compact state
13 reporting the information.

14 5. Any information submitted to the coordinated database
15 that is subsequently required to be expunged by the law of the
16 compact state reporting the information shall be removed from the
17 coordinated database.

18 337.145. 1. The compact states hereby create and establish
19 a joint public agency known as the psychology interjurisdictional
20 compact commission.

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

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

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

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

9 (1) Executive director, executive secretary or similar
10 executive;

11 (2) Current member of the state psychology regulatory
12 authority of a compact state; or

13 (3) Designee empowered with the appropriate delegate
14 authority to act on behalf of the compact state.

15 3. (1) Any commissioner may be removed or suspended from
16 office as provided by the law of the state from which the
17 commissioner is appointed. Any vacancy occurring in the
18 commission shall be filled in accordance with the laws of the
19 compact state in which the vacancy exists.

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

27 (3) The commission shall meet at least once during each
28 calendar year. Additional meetings shall be held as set forth in

1 the bylaws.

2 (4) All meetings shall be open to the public, and public
3 notice of meetings shall be given in the same manner as required
4 under the rulemaking provisions in section 337.150.

5 (5) The commission may convene in a closed, nonpublic
6 meeting if the commission shall discuss:

7 (a) Noncompliance of a compact state with its obligations
8 under the compact;

9 (b) The employment, compensation, discipline or other
10 personnel matters, practices or procedures related to specific
11 employees or other matters related to the commission's internal
12 personnel practices and procedures;

13 (c) Current, threatened, or reasonably anticipated
14 litigation against the commission;

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

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

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

21 (g) Disclosure of information of a personal nature where
22 disclosure would constitute a clearly unwarranted invasion of
23 personal privacy;

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

26 (i) Disclosure of information related to any investigatory
27 reports prepared by or on behalf of or for use of the commission
28 or other committee charged with responsibility for investigation

1 or determination of compliance issues pursuant to the compact;

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

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

18 4. The commission shall, by a majority vote of the
19 commissioners, prescribe bylaws or rules to govern its conduct as
20 may be necessary or appropriate to carry out the purposes and
21 exercise the powers of the compact, including but not limited to:

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

23 (2) Providing reasonable standards and procedures:

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

26 (b) Governing any general or specific delegation of any
27 authority or function of the commission;

28 (3) Providing reasonable procedures for calling and

1 conducting meetings of the commission, ensuring reasonable
2 advance notice of all meetings and providing an opportunity for
3 attendance of such meetings by interested parties, with
4 enumerated exceptions designed to protect the public's interest,
5 the privacy of individuals of such proceedings, and proprietary
6 information, including trade secrets. The commission may meet in
7 closed session only after a majority of the commissioners vote to
8 close a meeting to the public in whole or in part. As soon as
9 practicable, the commission shall make public a copy of the vote
10 to close the meeting revealing the vote of each commissioner with
11 no proxy votes allowed;

12 (4) Establishing the titles, duties and authority and
13 reasonable procedures for the election of the officers of the
14 commission;

15 (5) Providing reasonable standards and procedures for the
16 establishment of the personnel policies and programs of the
17 commission. Notwithstanding any civil service or other similar
18 law of any compact state, the bylaws shall exclusively govern the
19 personnel policies and programs of the commission;

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

22 (7) Providing a mechanism for concluding the operations of
23 the commission and the equitable disposition of any surplus funds
24 that may exist after the termination of the compact after the
25 payment or reserving of all of its debts and obligations.

26 5. (1) The commission shall publish its bylaws in a
27 convenient form and file a copy thereof and a copy of any
28 amendment thereto, with the appropriate agency or officer in each

1 of the compact states;

2 (2) The commission shall maintain its financial records in
3 accordance with the bylaws; and

4 (3) The commission shall meet and take such actions as are
5 consistent with the provisions of this compact and the bylaws.

6 6. The commission shall have the following powers:

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

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

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

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

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

26 (6) To accept any and all appropriate donations and grants
27 of money, equipment, supplies, materials and services, and to
28 receive, utilize and dispose of the same; provided that at all

1 times the commission shall strive to avoid any appearance of
2 impropriety or conflict of interest;

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

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

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

12 (10) To borrow money;

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

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

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

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

25 7. (1) The elected officers shall serve as the executive
26 board, which shall have the power to act on behalf of the
27 commission according to the terms of this compact.

28 (2) The executive board shall be comprised of six members:

1 (a) Five voting members who are elected from the current
2 membership of the commission by the commission;

3 (b) One ex officio, nonvoting member from the recognized
4 membership organization composed of state and provincial
5 psychology regulatory authorities.

6 (3) The ex officio member shall have served as staff or
7 member on a state psychology regulatory authority and will be
8 selected by its respective organization.

9 (4) The commission may remove any member of the executive
10 board as provided in bylaws.

11 (5) The executive board shall meet at least annually.

12 (6) The executive board shall have the following duties and
13 responsibilities:

14 (a) Recommend to the entire commission changes to the rules
15 or bylaws, changes to this compact legislation, fees paid by
16 compact states such as annual dues, and any other applicable
17 fees;

18 (b) Ensure compact administration services are
19 appropriately provided, contractual or otherwise;

20 (c) Prepare and recommend the budget;

21 (d) Maintain financial records on behalf of the commission;

22 (e) Monitor compact compliance of member states and provide
23 compliance reports to the commission;

24 (f) Establish additional committees as necessary; and

25 (g) Other duties as provided in rules or bylaws.

26 8. (1) The commission shall pay, or provide for the
27 payment of the reasonable expenses of its establishment,
28 organization and ongoing activities.

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

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

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

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

25 9. (1) The members, officers, executive director,
26 employees and representatives of the commission shall be immune
27 from suit and liability, either personally or in their official
28 capacity, for any claim for damage to or loss of property or

1 personal injury or other civil liability caused by or arising out
2 of any actual or alleged act, error or omission that occurred, or
3 that the person against whom the claim is made had a reasonable
4 basis for believing occurred within the scope of commission
5 employment, duties or responsibilities; provided that nothing in
6 this subsection shall be construed to protect any such person
7 from suit or liability for any damage, loss, injury or liability
8 caused by the intentional or willful or wanton misconduct of that
9 person.

10 (2) The commission shall defend any member, officer,
11 executive director, employee or representative of the commission
12 in any civil action seeking to impose liability arising out of
13 any actual or alleged act, error or omission that occurred within
14 the scope of commission employment, duties or responsibilities,
15 or that the person against whom the claim is made had a
16 reasonable basis for believing occurred within the scope of
17 commission employment, duties or responsibilities; provided that
18 nothing herein shall be construed to prohibit that person from
19 retaining his or her own counsel; and provided further, that the
20 actual or alleged act, error or omission did not result from that
21 person's intentional or willful or wanton misconduct.

22 (3) The commission shall indemnify and hold harmless any
23 member, officer, executive director, employee or representative
24 of the commission for the amount of any settlement or judgment
25 obtained against that person arising out of any actual or alleged
26 act, error or omission that occurred within the scope of
27 commission employment, duties or responsibilities, or that such
28 person had a reasonable basis for believing occurred within the

1 scope of commission employment, duties or responsibilities,
2 provided that the actual or alleged act, error or omission did
3 not result from the intentional or willful or wanton misconduct
4 of that person.

5 337.150. 1. The commission shall exercise its rulemaking
6 powers pursuant to the criteria set forth in this section and the
7 rules adopted thereunder. Rules and amendments shall become
8 binding as of the date specified in each rule or amendment.

9 2. If a majority of the legislatures of the compact states
10 rejects a rule, by enactment of a statute or resolution in the
11 same manner used to adopt the compact, then such rule shall have
12 no further force and effect in any compact state.

13 3. Rules or amendments to the rules shall be adopted at a
14 regular or special meeting of the commission.

15 4. Prior to promulgation and adoption of a final rule or
16 rules by the commission, and at least sixty days in advance of
17 the meeting at which the rule will be considered and voted upon,
18 the commission shall file a notice of proposed rulemaking:

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

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

23 5. The notice of proposed rulemaking shall include:

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

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

28 (3) A request for comments on the proposed rule from any

1 interested person;

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

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

8 7. The commission shall grant an opportunity for a public
9 hearing before it adopts a rule or amendment if a hearing is
10 requested by:

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

13 (2) A governmental subdivision or agency; or

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

16 8. (1) If a hearing is held on the proposed rule or
17 amendment, the commission shall publish the place, time, and date
18 of the scheduled public hearing.

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

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

27 (4) No transcript of the hearing is required, unless a
28 written request for a transcript is made, in which case the

1 person requesting the transcript shall bear the cost of producing
2 the transcript. A recording may be made in lieu of a transcript
3 under the same terms and conditions as a transcript. This
4 subdivision shall not preclude the commission from making a
5 transcript or recording of the hearing if it so chooses.

6 (5) Nothing in this section shall be construed as requiring
7 a separate hearing on each rule. Rules may be grouped for the
8 convenience of the commission at hearings required by this
9 section.

10 9. Following the scheduled hearing date, or by the close of
11 business on the scheduled hearing date if the hearing was not
12 held, the commission shall consider all written and oral comments
13 received.

14 10. The commission shall, by majority vote of all members,
15 take final action on the proposed rule and shall determine the
16 effective date of the rule, if any, based on the rulemaking
17 record and the full text of the rule.

18 11. If no written notice of intent to attend the public
19 hearing by interested parties is received, the commission may
20 proceed with promulgation of the proposed rule without a public
21 hearing.

22 12. Upon determination that an emergency exists, the
23 commission may consider and adopt an emergency rule without prior
24 notice, opportunity for comment, or hearing, provided that the
25 usual rulemaking procedures provided in the compact and in this
26 section shall be retroactively applied to the rule as soon as
27 reasonably possible, in no event later than ninety days after the
28 effective date of the rule. For the purposes of this provision,

1 an emergency rule is one that shall be adopted immediately in
2 order to:

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

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

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

9 (4) Protect public health and safety.

10 13. (1) The commission or an authorized committee of the
11 commission may direct revisions to a previously adopted rule or
12 amendment for purposes of correcting typographical errors, errors
13 in format, errors in consistency, or grammatical errors. Public
14 notice of any revisions shall be posted on the website of the
15 commission. The revision shall be subject to challenge by any
16 person for a period of thirty days after posting. The revision
17 may be challenged only on grounds that the revision results in a
18 material change to a rule.

19 (2) A challenge shall be made in writing, and delivered to
20 the chair of the commission prior to the end of the notice
21 period. If no challenge is made, the revision will take effect
22 without further action. If the revision is challenged, the
23 revision may not take effect without the approval of the
24 commission.

25 337.155. 1. (1) The executive, legislative and judicial
26 branches of state government in each compact state shall enforce
27 this compact and take all actions necessary and appropriate to
28 effectuate the compact's purposes and intent. The provisions of

1 this compact and the rules promulgated hereunder shall have
2 standing as statutory law.

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

8 (3) The commission shall be entitled to receive service of
9 process in any such proceeding, and shall have standing to
10 intervene in such a proceeding for all purposes. Failure to
11 provide service of process to the commission shall render a
12 judgment or order void as to the commission, this compact or
13 promulgated rules.

14 2. (1) If the commission determines that a compact state
15 has defaulted in the performance of its obligations or
16 responsibilities under this compact or the promulgated rules, the
17 commission shall:

18 (a) Provide written notice to the defaulting state and
19 other compact states of the nature of the default, the proposed
20 means of remedying the default or any other action to be taken by
21 the commission; and

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

24 (2) If a state in default fails to remedy the default, the
25 defaulting state may be terminated from the compact upon an
26 affirmative vote of a majority of the compact states, and all
27 rights, privileges and benefits conferred by this compact shall
28 be terminated on the effective date of termination. A remedy of

1 the default does not relieve the offending state of obligations
2 or liabilities incurred during the period of default.

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

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

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

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

23 3. (1) Upon request by a compact state, the commission
24 shall attempt to resolve disputes related to the compact which
25 arise among compact states and between compact and noncompact
26 states.

27 (2) The commission shall promulgate a rule providing for
28 both mediation and binding dispute resolution for disputes that

1 arise before the commission.

2 4. (1) The commission, in the reasonable exercise of its
3 discretion, shall enforce the provisions and rules of this
4 compact.

5 (2) By majority vote, the commission may initiate legal
6 action in the United States District Court for the State of
7 Georgia or the federal district where the compact has its
8 principal offices against a compact state in default to enforce
9 compliance with the provisions of the compact and its promulgated
10 rules and bylaws. The relief sought may include both injunctive
11 relief and damages. In the event judicial enforcement is
12 necessary, the prevailing member shall be awarded all costs of
13 such litigation, including reasonable attorney's fees.

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

17 337.160. 1. The compact shall come into effect on the date
18 on which the compact is enacted into law in the seventh compact
19 state. The provisions which become effective at that time shall
20 be limited to the powers granted to the commission relating to
21 assembly and the promulgation of rules. Thereafter, the
22 commission shall meet and exercise rulemaking powers necessary to
23 the implementation and administration of the compact.

24 2. Any state which joins the compact subsequent to the
25 commission's initial adoption of the rules shall be subject to
26 the rules as they exist on the date on which the compact becomes
27 law in that state. Any rule which has been previously adopted by
28 the commission shall have the full force and effect of law on the

1 day the compact becomes law in that state.

2 3. (1) Any compact state may withdraw from this compact by
3 enacting a statute repealing the same.

4 (2) A compact state's withdrawal shall not take effect
5 until six months after enactment of the repealing statute.

6 (3) Withdrawal shall not affect the continuing requirement
7 of the withdrawing state's psychology regulatory authority to
8 comply with the investigative and adverse action reporting
9 requirements of this act prior to the effective date of
10 withdrawal.

11 4. Nothing contained in this compact shall be construed to
12 invalidate or prevent any psychology licensure agreement or other
13 cooperative arrangement between a compact state and a noncompact
14 state which does not conflict with the provisions of this
15 compact.

16 5. This compact may be amended by the compact states. No
17 amendment to this compact shall become effective and binding upon
18 any compact state until it is enacted into the law of all compact
19 states.

20 337.165. This compact shall be liberally construed so as to
21 effectuate the purposes thereof. If this compact shall be held
22 contrary to the constitution of any state member thereto, the
23 compact shall remain in full force and effect as to the remaining
24 compact states.

25 552.020. 1. No person who as a result of mental disease or
26 defect lacks capacity to understand the proceedings against him
27 or her or to assist in his or her own defense shall be tried,
28 convicted or sentenced for the commission of an offense so long

1 as the incapacity endures.

2 2. Whenever any judge has reasonable cause to believe that
3 the accused lacks mental fitness to proceed, ~~[he]~~ the judge
4 shall, upon his or her own motion or upon motion filed by the
5 state or by or on behalf of the accused, by order of record,
6 appoint one or more private psychiatrists or psychologists, as
7 defined in section 632.005, or physicians with a minimum of one
8 year training or experience in providing treatment or services to
9 persons with an intellectual disability or developmental
10 disability or mental illness, who are neither employees nor
11 contractors of the department of mental health for purposes of
12 performing the examination in question, to examine the accused;
13 or shall direct the director to have the accused so examined by
14 one or more psychiatrists or psychologists, as defined in section
15 632.005, or physicians with a minimum of one year training or
16 experience in providing treatment or services to persons with an
17 intellectual disability, developmental disability, or mental
18 illness. The order shall direct that a written report or reports
19 of such examination be filed with the clerk of the court. No
20 private physician, psychiatrist, or psychologist shall be
21 appointed by the court unless he or she has consented to act.
22 The examinations ordered shall be made at such time and place and
23 under such conditions as the court deems proper; except that, if
24 the order directs the director of the department to have the
25 accused examined, the director, or his or her designee, shall
26 determine the time, place and conditions under which the
27 examination shall be conducted. The order may include provisions
28 for the interview of witnesses and may require the provision of

1 police reports to the department for use in evaluations. The
2 department shall establish standards and provide training for
3 those individuals performing examinations pursuant to this
4 section and section 552.030. No individual who is employed by or
5 contracts with the department shall be designated to perform an
6 examination pursuant to this chapter unless the individual meets
7 the qualifications so established by the department. Any
8 examination performed pursuant to this subsection shall be
9 completed and filed with the court within sixty days of the order
10 unless the court for good cause orders otherwise. Nothing in
11 this section or section 552.030 shall be construed to permit
12 psychologists to engage in any activity not authorized by chapter
13 337. One pretrial evaluation shall be provided at no charge to
14 the defendant by the department. All costs of subsequent
15 evaluations shall be assessed to the party requesting the
16 evaluation.

17 3. A report of the examination made under this section
18 shall include:

- 19 (1) Detailed findings;
- 20 (2) An opinion as to whether the accused has a mental
21 disease or defect;
- 22 (3) An opinion based upon a reasonable degree of medical or
23 psychological certainty as to whether the accused, as a result of
24 a mental disease or defect, lacks capacity to understand the
25 proceedings against him or her or to assist in his or her own
26 defense;
- 27 (4) A recommendation as to whether the accused should be
28 held in custody in a suitable hospital facility for treatment

1 pending determination, by the court, of mental fitness to
2 proceed; and

3 (5) A recommendation as to whether the accused, if found by
4 the court to be mentally fit to proceed, should be detained in
5 such hospital facility pending further proceedings.

6 4. If the accused has pleaded lack of responsibility due to
7 mental disease or defect or has given the written notice provided
8 in subsection 2 of section 552.030, the court shall order the
9 report of the examination conducted pursuant to this section to
10 include, in addition to the information required in subsection 3
11 of this section, an opinion as to whether at the time of the
12 alleged criminal conduct the accused, as a result of mental
13 disease or defect, did not know or appreciate the nature,
14 quality, or wrongfulness of his or her conduct or as a result of
15 mental disease or defect was incapable of conforming his or her
16 conduct to the requirements of law. A plea of not guilty by
17 reason of mental disease or defect shall not be accepted by the
18 court in the absence of any such pretrial evaluation which
19 supports such a defense. In addition, if the accused has pleaded
20 not guilty by reason of mental disease or defect, and the alleged
21 crime is not a dangerous felony as defined in section 556.061, or
22 those crimes set forth in subsection ~~[11]~~ 10 of section 552.040,
23 or the attempts thereof, the court shall order the report of the
24 examination to include an opinion as to whether or not the
25 accused should be immediately conditionally released by the court
26 pursuant to the provisions of section 552.040 or should be
27 committed to a mental health or developmental disability
28 facility. If such an evaluation is conducted at the direction of

1 the director of the department of mental health, the court shall
2 also order the report of the examination to include an opinion as
3 to the conditions of release which are consistent with the needs
4 of the accused and the interest of public safety, including, but
5 not limited to, the following factors:

6 (1) Location and degree of necessary supervision of
7 housing;

8 (2) Location of and responsibilities for appropriate
9 psychiatric, rehabilitation and aftercare services, including the
10 frequency of such services;

11 (3) Medication follow-up, including necessary testing to
12 monitor medication compliance;

13 (4) At least monthly contact with the department's forensic
14 case monitor;

15 (5) Any other conditions or supervision as may be warranted
16 by the circumstances of the case.

17 5. If the report contains the recommendation that the
18 accused should be committed to or held in a suitable hospital
19 facility pending determination of the issue of mental fitness to
20 proceed, and if the accused is not admitted to bail or released
21 on other conditions, the court may order that the accused be
22 committed to or held in a suitable hospital facility pending
23 determination of the issue of mental fitness to proceed.

24 6. The clerk of the court shall deliver copies of the
25 report to the prosecuting or circuit attorney and to the accused
26 or his or her counsel. The report shall not be a public record
27 or open to the public. Within ten days after the filing of the
28 report, both the defendant and the state shall, upon written

1 request, be entitled to an order granting them an examination of
2 the accused by a psychiatrist or psychologist, as defined in
3 section 632.005, or a physician with a minimum of one year
4 training or experience in providing treatment or services to
5 persons with an intellectual disability or developmental
6 disability or mental illness, of their own choosing and at their
7 own expense. An examination performed pursuant to this
8 subsection shall be completed and a report filed with the court
9 within sixty days of the date it is received by the department or
10 private psychiatrist, psychologist or physician unless the court,
11 for good cause, orders otherwise. A copy shall be furnished the
12 opposing party.

13 7. If neither the state nor the accused nor his or her
14 counsel requests a second examination relative to fitness to
15 proceed or contests the findings of the report referred to in
16 subsections 2 and 3 of this section, the court may make a
17 determination and finding on the basis of the report filed or may
18 hold a hearing on its own motion. If any such opinion is
19 contested, the court shall hold a hearing on the issue. The
20 court shall determine the issue of mental fitness to proceed and
21 may impanel a jury of six persons to assist in making the
22 determination. The report or reports may be received in evidence
23 at any hearing on the issue but the party contesting any opinion
24 therein shall have the right to summon and to cross-examine the
25 examiner who rendered such opinion and to offer evidence upon the
26 issue.

27 8. At a hearing on the issue pursuant to subsection 7 of
28 this section, the accused is presumed to have the mental fitness

1 to proceed. The burden of proving that the accused does not have
2 the mental fitness to proceed is by a preponderance of the
3 evidence and the burden of going forward with the evidence is on
4 the party raising the issue. The burden of going forward shall
5 be on the state if the court raises the issue.

6 9. If the court determines that the accused lacks mental
7 fitness to proceed, the criminal proceedings shall be suspended
8 and the court shall commit him or her to the director of the
9 department of mental health. After the person has been
10 committed, legal counsel for the department of mental health
11 shall have standing to file motions and participate in hearings
12 on the issue of involuntary medications.

13 10. Any person committed pursuant to subsection 9 of this
14 section shall be entitled to the writ of habeas corpus upon
15 proper petition to the court that committed him or her. The
16 issue of the mental fitness to proceed after commitment under
17 subsection 9 of this section may also be raised by a motion filed
18 by the director of the department of mental health or by the
19 state, alleging the mental fitness of the accused to proceed. A
20 report relating to the issue of the accused's mental fitness to
21 proceed may be attached thereto. When a motion to proceed is
22 filed, legal counsel for the department of mental health shall
23 have standing to participate in hearings on such motions. If the
24 motion is not contested by the accused or his or her counsel or
25 if after a hearing on a motion the court finds the accused
26 mentally fit to proceed, or if he or she is ordered discharged
27 from the director's custody upon a habeas corpus hearing, the
28 criminal proceedings shall be resumed.

1 11. The following provisions shall apply after a commitment
2 as provided in this section:

3 (1) Six months after such commitment, the court which
4 ordered the accused committed shall order an examination by the
5 head of the facility in which the accused is committed, or a
6 qualified designee, to ascertain whether the accused is mentally
7 fit to proceed and if not, whether there is a substantial
8 probability that the accused will attain the mental fitness to
9 proceed to trial in the foreseeable future. The order shall
10 direct that written report or reports of the examination be filed
11 with the clerk of the court within thirty days and the clerk
12 shall deliver copies to the prosecuting attorney or circuit
13 attorney and to the accused or his or her counsel. The report
14 required by this subsection shall conform to the requirements
15 under subsection 3 of this section with the additional
16 requirement that it include an opinion, if the accused lacks
17 mental fitness to proceed, as to whether there is a substantial
18 probability that the accused will attain the mental fitness to
19 proceed in the foreseeable future;

20 (2) Within ten days after the filing of the report, both
21 the accused and the state shall, upon written request, be
22 entitled to an order granting them an examination of the accused
23 by a psychiatrist or psychologist, as defined in section 632.005,
24 or a physician with a minimum of one year training or experience
25 in providing treatment or services to persons with an
26 intellectual disability or developmental disability or mental
27 illness, of their own choosing and at their own expense. An
28 examination performed pursuant to this subdivision shall be

1 completed and filed with the court within thirty days unless the
2 court, for good cause, orders otherwise. A copy shall be
3 furnished to the opposing party;

4 (3) If neither the state nor the accused nor his or her
5 counsel requests a second examination relative to fitness to
6 proceed or contests the findings of the report referred to in
7 subdivision (1) of this subsection, the court may make a
8 determination and finding on the basis of the report filed, or
9 may hold a hearing on its own motion. If any such opinion is
10 contested, the court shall hold a hearing on the issue. The
11 report or reports may be received in evidence at any hearing on
12 the issue but the party contesting any opinion therein relative
13 to fitness to proceed shall have the right to summon and to
14 cross-examine the examiner who rendered such opinion and to offer
15 evidence upon the issue;

16 (4) If the accused is found mentally fit to proceed, the
17 criminal proceedings shall be resumed;

18 (5) If it is found that the accused lacks mental fitness to
19 proceed but there is a substantial probability the accused will
20 be mentally fit to proceed in the reasonably foreseeable future,
21 the court shall continue such commitment for a period not longer
22 than six months, after which the court shall reinstitute the
23 proceedings required under subdivision (1) of this subsection;

24 (6) If it is found that the accused lacks mental fitness to
25 proceed and there is no substantial probability that the accused
26 will be mentally fit to proceed in the reasonably foreseeable
27 future, the court shall dismiss the charges without prejudice and
28 the accused shall be discharged, but only if proper proceedings

1 have been filed under chapter 632 or chapter 475, in which case
2 those sections and no others will be applicable. The probate
3 division of the circuit court shall have concurrent jurisdiction
4 over the accused upon the filing of a proper pleading to
5 determine if the accused shall be involuntarily detained under
6 chapter 632, or to determine if the accused shall be declared
7 incapacitated under chapter 475, and approved for admission by
8 the guardian under section 632.120 or 633.120, to a mental health
9 or developmental disability facility. When such proceedings are
10 filed, the criminal charges shall be dismissed without prejudice
11 if the court finds that the accused is mentally ill and should be
12 committed or that he or she is incapacitated and should have a
13 guardian appointed. The period of limitation on prosecuting any
14 criminal offense shall be tolled during the period that the
15 accused lacks mental fitness to proceed.

16 12. If the question of the accused's mental fitness to
17 proceed was raised after a jury was impaneled to try the issues
18 raised by a plea of not guilty and the court determines that the
19 accused lacks the mental fitness to proceed or orders the accused
20 committed for an examination pursuant to this section, the court
21 may declare a mistrial. Declaration of a mistrial under these
22 circumstances, or dismissal of the charges pursuant to subsection
23 11 of this section, does not constitute jeopardy, nor does it
24 prohibit the trial, sentencing or execution of the accused for
25 the same offense after he or she has been found restored to
26 competency.

27 13. The result of any examinations made pursuant to this
28 section shall not be a public record or open to the public.

1 14. No statement made by the accused in the course of any
2 examination or treatment pursuant to this section and no
3 information received by any examiner or other person in the
4 course thereof, whether such examination or treatment was made
5 with or without the consent of the accused or upon his or her
6 motion or upon that of others, shall be admitted in evidence
7 against the accused on the issue of guilt in any criminal
8 proceeding then or thereafter pending in any court, state or
9 federal. A finding by the court that the accused is mentally fit
10 to proceed shall in no way prejudice the accused in a defense to
11 the crime charged on the ground that at the time thereof he or
12 she was afflicted with a mental disease or defect excluding
13 responsibility, nor shall such finding by the court be introduced
14 in evidence on that issue nor otherwise be brought to the notice
15 of the jury.

16 630.745. 1. If a duly authorized representative of the
17 department finds upon inspection of a residential facility or day
18 program that it is not in compliance with the provisions of
19 sections 630.705 to 630.760, and the standards established
20 thereunder, the head of the facility or program shall be informed
21 of the deficiencies in an exit interview conducted with him. A
22 written report shall be prepared of any deficiency for which
23 there has not been prompt remedial action, and a copy of such
24 report and a written correction order shall be sent to the [head
25 of the] facility or program [by certified mail, return receipt
26 requested,] at the facility or program address within twenty
27 working days after the inspection, stating separately each
28 deficiency and the specific statute or regulation violated.

1 2. The head of the facility or program shall have twenty
2 working days following receipt of the report and correction order
3 to request any conference and to submit a plan of correction for
4 the department's approval which contains specific dates for
5 achieving compliance. Within ten working days after receiving a
6 plan of correction, the department shall give its written
7 approval or rejection of the plan.

8 3. A reinspection shall be conducted within [fifty-five]
9 sixty days after the original inspection to determine if
10 deficiencies are being corrected as required in the approved
11 correction plan or any subsequent authorized modification. If
12 the facility or program is not in substantial compliance and the
13 head of the facility or program is not correcting the
14 noncompliance in accordance with the time schedules in his
15 approved plan of correction, the department shall issue a notice
16 of noncompliance, which shall be sent by certified mail, return
17 receipt requested, to the head of the facility or program.

18 4. The notice of noncompliance shall inform the head of the
19 facility or program that the department may seek the imposition
20 of any of the sanctions and remedies provided for in section
21 630.755, or any other action authorized by law.

22 5. At any time after an inspection is conducted, the head
23 of the facility or program may choose to enter into a consent
24 agreement with the department to obtain a probationary license.
25 The consent agreement shall include a provision that the head of
26 the facility or program will voluntarily surrender the license if
27 substantial compliance is not reached in accordance with the
28 terms and deadlines established under the agreement. The

1 agreement shall specify the stages, actions and time span to
2 achieve substantial compliance.

3 6. If a notice of noncompliance has been issued, the head
4 of the facility or program shall post a copy of the notice of
5 noncompliance and a copy of the most recent inspection report in
6 a conspicuous location in the facility or program, and the
7 department shall send a copy of the notice of noncompliance to
8 any concerned federal, state or local governmental agencies.

9 630.945. Beginning July 1, 2013, no state employee,
10 regardless of job classification, who is working in a maximum or
11 intermediate security mental health facility or any portion of a
12 mental health facility which has maximum or intermediate security
13 shall be mandated to work more than twelve hours in any
14 twenty-four hour period unless the department of mental health
15 declares an emergency workforce shortage. The provisions of this
16 section shall not apply on the first Sunday of November each year
17 when the standard time changes according to 15 U.S.C. Section
18 260a.

19 632.005. As used in chapter 631 and this chapter, unless
20 the context clearly requires otherwise, the following terms shall
21 mean:

22 (1) "Comprehensive psychiatric services", any one, or any
23 combination of two or more, of the following services to persons
24 affected by mental disorders other than intellectual disabilities
25 or developmental disabilities: inpatient, outpatient, day
26 program or other partial hospitalization, emergency, diagnostic,
27 treatment, liaison, follow-up, consultation, education,
28 rehabilitation, prevention, screening, transitional living,

1 medical prevention and treatment for alcohol abuse, and medical
2 prevention and treatment for drug abuse;

3 (2) "Council", the Missouri advisory council for
4 comprehensive psychiatric services;

5 (3) "Court", the court which has jurisdiction over the
6 respondent or patient;

7 (4) "Division", the division of comprehensive psychiatric
8 services of the department of mental health;

9 (5) "Division director", director of the division of
10 comprehensive psychiatric services of the department of mental
11 health, or his designee;

12 (6) "Head of mental health facility", superintendent or
13 other chief administrative officer of a mental health facility,
14 or his designee;

15 (7) "Judicial day", any Monday, Tuesday, Wednesday,
16 Thursday or Friday when the court is open for business, but
17 excluding Saturdays, Sundays and legal holidays;

18 (8) "Licensed physician", a physician licensed pursuant to
19 the provisions of chapter 334 or a person authorized to practice
20 medicine in this state pursuant to the provisions of section
21 334.150;

22 (9) "Licensed professional counselor", a person licensed as
23 a professional counselor under chapter 337 and with a minimum of
24 one year training or experience in providing psychiatric care,
25 treatment, or services in a psychiatric setting to individuals
26 suffering from a mental disorder;

27 (10) "Likelihood of serious harm" means any one or more of
28 the following but does not require actual physical injury to have

1 occurred:

2 (a) A substantial risk that serious physical harm will be
3 inflicted by a person upon his own person, as evidenced by recent
4 threats, including verbal threats, or attempts to commit suicide
5 or inflict physical harm on himself. Evidence of substantial
6 risk may also include information about patterns of behavior that
7 historically have resulted in serious harm previously being
8 inflicted by a person upon himself;

9 (b) A substantial risk that serious physical harm to a
10 person will result or is occurring because of an impairment in
11 his capacity to make decisions with respect to his
12 hospitalization and need for treatment as evidenced by his
13 current mental disorder or mental illness which results in an
14 inability to provide for his own basic necessities of food,
15 clothing, shelter, safety or medical care or his inability to
16 provide for his own mental health care which may result in a
17 substantial risk of serious physical harm. Evidence of that
18 substantial risk may also include information about patterns of
19 behavior that historically have resulted in serious harm to the
20 person previously taking place because of a mental disorder or
21 mental illness which resulted in his inability to provide for his
22 basic necessities of food, clothing, shelter, safety or medical
23 or mental health care; or

24 (c) A substantial risk that serious physical harm will be
25 inflicted by a person upon another as evidenced by recent overt
26 acts, behavior or threats, including verbal threats, which have
27 caused such harm or which would place a reasonable person in
28 reasonable fear of sustaining such harm. Evidence of that

1 substantial risk may also include information about patterns of
2 behavior that historically have resulted in physical harm
3 previously being inflicted by a person upon another person;

4 (11) "Mental health coordinator", a mental health
5 professional who has knowledge of the laws relating to hospital
6 admissions and civil commitment and who is authorized by the
7 director of the department, or his designee, to serve a
8 designated geographic area or mental health facility and who has
9 the powers, duties and responsibilities provided in this chapter;

10 (12) "Mental health facility", any residential facility,
11 public or private, or any public or private hospital, which can
12 provide evaluation, treatment and, inpatient care to persons
13 suffering from a mental disorder or mental illness and which is
14 recognized as such by the department or any outpatient treatment
15 program certified by the department of mental health. No
16 correctional institution or facility, jail, regional center or
17 developmental disability facility shall be a mental health
18 facility within the meaning of this chapter;

19 (13) "Mental health professional", a psychiatrist, resident
20 in psychiatry, psychiatric physician assistant, psychiatric
21 assistant physician, psychiatric advanced practice registered
22 nurse, psychologist, psychiatric nurse, licensed professional
23 counselor, or psychiatric social worker;

24 (14) "Mental health program", any public or private
25 residential facility, public or private hospital, public or
26 private specialized service or public or private day program that
27 can provide care, treatment, rehabilitation or services, either
28 through its own staff or through contracted providers, in an

1 inpatient or outpatient setting to persons with a mental disorder
2 or mental illness or with a diagnosis of alcohol abuse or drug
3 abuse which is recognized as such by the department. No
4 correctional institution or facility or jail may be a mental
5 health program within the meaning of this chapter;

6 (15) "Ninety-six hours" shall be construed and computed to
7 exclude Saturdays, Sundays and legal holidays which are observed
8 either by the court or by the mental health facility where the
9 respondent is detained;

10 (16) "Peace officer", a sheriff, deputy sheriff, county or
11 municipal police officer or highway patrolman;

12 (17) "Psychiatric advanced practice registered nurse", a
13 registered nurse who is currently recognized by the board of
14 nursing as an advanced practice registered nurse, who has at
15 least two years of experience in providing psychiatric treatment
16 to individuals suffering from mental disorders;

17 (18) "Psychiatric assistant physician", a licensed
18 assistant physician under chapter 334 and who has had at least
19 two years of experience as an assistant physician in providing
20 psychiatric treatment to individuals suffering from mental health
21 disorders;

22 (19) "Psychiatric nurse", a registered professional nurse
23 who is licensed under chapter 335 and who has had at least two
24 years of experience as a registered professional nurse in
25 providing psychiatric nursing treatment to individuals suffering
26 from mental disorders;

27 (20) "Psychiatric physician assistant", a licensed
28 physician assistant under chapter 334 and who has had at least

two years of experience as a physician assistant in providing psychiatric treatment to individuals suffering from mental health disorders or a graduate of a postgraduate residency or fellowship for physician assistants in psychiatry;

[(18)] (21) "Psychiatric social worker", a person with a master's or further advanced degree from an accredited school of social work, practicing pursuant to chapter 337, and with a minimum of one year training or experience in providing psychiatric care, treatment or services in a psychiatric setting to individuals suffering from a mental disorder;

[(19)] (22) "Psychiatrist", a licensed physician who in addition has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(20)] (23) "Psychologist", a person licensed to practice psychology under chapter 337 with a minimum of one year training or experience in providing treatment or services to mentally disordered or mentally ill individuals;

[(21)] (24) "Resident in psychiatry", a licensed physician who is in a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program certified as equivalent by the department;

[(22)] (25) "Respondent", an individual against whom involuntary civil detention proceedings are instituted pursuant to this chapter;

[(23)] (26) "Treatment", any effort to accomplish a

1 significant change in the mental or emotional conditions or the
2 behavior of the patient consistent with generally recognized
3 principles or standards in the mental health professions.

4 Section B. The enactment of sections 337.100, 337.105,
5 337.110, 337.115, 337.120, 337.125, 337.130, 337.135, 337.140,
6 337.145, 337.150, 337.155, 337.160, and 337.165 of this act shall
7 become effective upon notification by the commission to the
8 revisor of statutes that seven states have adopted the psychology
9 interjurisdictional compact.

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17 Jeanie Riddle

Travis Fitzwater