

SENATE AMENDMENT NO. 2Offered by Sifton of 1Amend Senate Bill No. 796, Page 2, Section Title, Line 3

2 by striking "licensure of psychologists" and inserting in lieu
 3 thereof the following: "practice of psychology, with a
 4 contingent effective date"; and

5 ~~Further~~ amend said bill, page 7, section 337.033, line 66,
 6 by inserting immediately after said line the following:

7 "337.100. 1. Sections 337.100 to 337.165 shall be known as
 8 the "Psychology Interjurisdictional Compact". The party states
 9 find that:

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

13 (2) This compact is intended to regulate the day to day
 14 practice of telepsychology, the provision of psychological
 15 services using telecommunication technologies, by psychologists
 16 across state boundaries in the performance of their psychological
 17 practice as assigned by an appropriate authority;

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

23 (4) This compact is intended to authorize state psychology

Offered 3/5/18
 Adopted "

1 regulatory authorities to afford legal recognition, in a manner
2 consistent with the terms of the compact, to psychologists
3 licensed in another state;

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

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

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

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

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

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

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

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

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

28 (6) Invest all compact states with the authority to hold
29 licensed psychologists accountable through the mutual recognition

1 of compact state licenses.

2 337.105. As used in this compact, the following terms shall
3 mean:

4 (1) "Adverse action", any action taken by a state
5 psychology regulatory authority which finds a violation of a
6 statute or regulation that is identified by the state psychology
7 regulatory authority as discipline and is a matter of public
8 record;

9 (2) "Association of State and Provincial Psychology Boards
10 (ASPPB)", the recognized membership organization composed of
11 state and provincial psychology regulatory authorities
12 responsible for the licensure and registration of psychologists
13 throughout the United States and Canada;

14 (3) "Authority to practice interjurisdictional
15 telepsychology", a licensed psychologist's authority to practice
16 telepsychology, within the limits authorized under this compact,
17 in another compact state;

18 (4) "Bylaws", those bylaws established by the psychology
19 interjurisdictional compact commission pursuant to section
20 337.145 for its governance, or for directing and controlling its
21 actions and conduct;

22 (5) "Client/patient", the recipient of psychological
23 services, whether psychological services are delivered in the
24 context of healthcare, corporate, supervision, or consulting
25 services;

26 (6) "Commissioner", the voting representative appointed by
27 each state psychology regulatory authority pursuant to section
28 337.145;

29 (7) "Compact state", a state, the District of Columbia, or

1 United States territory that has enacted this compact legislation
2 and which has not withdrawn pursuant to subsection 3 of section
3 337.160 or been terminated pursuant to subsection 2 of section
4 337.155;

5 (8) "Coordinated licensure information system" also
6 referred to as "coordinated database", an integrated process for
7 collecting, storing, and sharing information on psychologists'
8 licensure and enforcement activities related to psychology
9 licensure laws, which is administered by the recognized
10 membership organization composed of state and provincial
11 psychology regulatory authorities;

12 (9) "Confidentiality", the principle that data or
13 information is not made available or disclosed to unauthorized
14 persons or processes;

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

17 (11) "Distant state", the compact state where a
18 psychologist is physically present, not through the use of
19 telecommunications technologies, to provide temporary in-person,
20 face-to-face psychological services;

21 (12) "E.Passport", a certificate issued by the Association
22 of State and Provincial Psychology Boards (ASPPB) that promotes
23 the standardization in the criteria of interjurisdictional
24 telepsychology practice and facilitates the process for licensed
25 psychologists to provide telepsychological services across state
26 lines;

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

1 (14) "Home state", a compact state where a psychologist is
2 licensed to practice psychology. If the psychologist is licensed
3 in more than one compact state and is practicing under the
4 authorization to practice interjurisdictional telepsychology, the
5 home state is the compact state where the psychologist is
6 physically present when the telepsychological services are
7 delivered. If the psychologist is licensed in more than one
8 compact state and is practicing under the temporary authorization
9 to practice, the home state is any compact state where the
10 psychologist is licensed;

11 (15) "Identity history summary", a summary of information
12 retained by the Federal Bureau of Investigation, or other
13 designee with similar authority, in connection with arrests and,
14 in some instances, federal employment, naturalization, or
15 military service;

16 (16) "In-person, face-to-face", interactions in which the
17 psychologist and the client/patient are in the same physical
18 space and which does not include interactions that may occur
19 through the use of telecommunication technologies;

20 (17) "Interjurisdictional practice certificate (IPC)", a
21 certificate issued by the Association of State and Provincial
22 Psychology Boards (ASPPB) that grants temporary authority to
23 practice based on notification to the state psychology regulatory
24 authority of intention to practice temporarily, and verification
25 of one's qualifications for such practice;

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

29 (19) "Noncompact state", any state which is not at the time

1 a compact state;

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

4 (21) "Psychology interjurisdictional compact commission"
5 also referred to as "commission", the national administration of
6 which all compact states are members;

7 (22) "Receiving state", a compact state where the
8 client/patient is physically located when the telepsychological
9 services are delivered;

10 (23) "Rule", a written statement by the psychology
11 interjurisdictional compact commission promulgated pursuant to
12 section 337.150 of the compact that is of general applicability,
13 implements, interprets, or prescribes a policy or provision of
14 the compact, or an organizational, procedural, or practice
15 requirement of the commission and has the force and effect of
16 statutory law in a compact state, and includes the amendment,
17 repeal or suspension of an existing rule;

18 (24) "Significant investigatory information":

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

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

29 (25) "State", a state, commonwealth, territory, or

1 possession of the United States, the District of Columbia;

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

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

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

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

16 337.110. 1. The home state shall be a compact state where
17 a psychologist is licensed to practice psychology.

18 2. A psychologist may hold one or more compact state
19 licenses at a time. If the psychologist is licensed in more than
20 one compact state, the home state is the compact state where the
21 psychologist is physically present when the services are
22 delivered as authorized by the authority to practice
23 interjurisdictional telepsychology under the terms of this
24 compact.

25 3. Any compact state may require a psychologist not
26 previously licensed in a compact state to obtain and retain a
27 license to be authorized to practice in the compact state under
28 circumstances not authorized by the authority to practice
29 interjurisdictional telepsychology under the terms of this

1 compact.

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

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

9 (1) Currently requires the psychologist to hold an active
10 E.Passport;

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

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

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

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

23 6. A home state's license grants temporary authorization to
24 practice to a psychologist in a distant state only if the compact
25 state:

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

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

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

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

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

11 337.115. 1. Compact states shall recognize the right of a
12 psychologist, licensed in a compact state in conformance with
13 section 337.110, to practice telepsychology in receiving states
14 in which the psychologist is not licensed, under the authority to
15 practice interjurisdictional telepsychology as provided in the
16 compact.

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

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

23 (a) Regionally accredited by an accrediting body recognized
24 by the United States Department of Education to grant graduate
25 degrees, or authorized by provincial statute or royal charter to
26 grant doctoral degrees; or

27 (b) A foreign college or university deemed to be equivalent
28 to the requirements of paragraph (a) of this subdivision by a
29 foreign credential evaluation service that is a member of the

1 National Association of Credential Evaluation Services (NACES) or
2 by a recognized foreign credential evaluation service;

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

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

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

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

15 (d) The program shall consist of an integrated, organized
16 sequence of study;

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

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

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

23 (h) The program shall include supervised practicum,
24 internship, or field training appropriate to the practice of
25 psychology;

26 (i) The curriculum shall encompass a minimum of three
27 academic years of full-time graduate study for doctoral degree
28 and a minimum of one academic year of full-time graduate study
29 for master's degree;

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

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

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

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

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

10 (7) Provide attestations in regard to areas of intended
11 practice, conformity with standards of practice, competence in
12 telepsychology technology; criminal background; and knowledge and
13 adherence to legal requirements in the home and receiving states,
14 and provide a release of information to allow for primary source
15 verification in a manner specified by the commission; and

16 (8) Meet other criteria as defined by the rules of the
17 commission.

18 3. The home state maintains authority over the license of
19 any psychologist practicing into a receiving state under the
20 authority to practice interjurisdictional telepsychology.

21 4. A psychologist practicing into a receiving state under
22 the authority to practice interjurisdictional telepsychology will
23 be subject to the receiving state's scope of practice. A
24 receiving state may, in accordance with that state's due process
25 law, limit or revoke a psychologist's authority to practice
26 interjurisdictional telepsychology in the receiving state and may
27 take any other necessary actions under the receiving state's
28 applicable law to protect the health and safety of the receiving
29 state's citizens. If a receiving state takes action, the state

1 shall promptly notify the home state and the commission.

2 5. If a psychologist's license in any home state, another
3 compact state, or any authority to practice interjurisdictional
4 telepsychology in any receiving state, is restricted, suspended
5 or otherwise limited, the E.Passport shall be revoked and
6 therefore the psychologist shall not be eligible to practice
7 telepsychology in a compact state under the authority to practice
8 interjurisdictional telepsychology.

9 337.120. 1. Compact states shall also recognize the right
10 of a psychologist, licensed in a compact state in conformance
11 with section 337.110, to practice temporarily in distant states
12 in which the psychologist is not licensed, as provided in the
13 compact.

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

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

19 (a) Regionally accredited by an accrediting body recognized
20 by the United States Department of Education to grant graduate
21 degrees, or authorized by provincial statute or royal charter to
22 grant doctoral degrees; or

23 (b) A foreign college or university deemed to be equivalent
24 to the requirements of paragraph (a) of this subdivision by a
25 foreign credential evaluation service that is a member of the
26 National Association of Credential Evaluation Services (NACES) or
27 by a recognized foreign credential evaluation service;

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

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

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

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

11 (d) The program shall consist of an integrated, organized
12 sequence of study;

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

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

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

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

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

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

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

1 (4) No history of adverse action that violate the rules of
2 the commission;

3 (5) No criminal record history that violates the rules of
4 the commission;

5 (6) Possess a current, active IPC;

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

10 (8) Meet other criteria as defined by the rules of the
11 commission.

12 3. A psychologist practicing into a distant state under the
13 temporary authorization to practice shall practice within the
14 scope of practice authorized by the distant state.

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

24 5. If a psychologist's license in any home state, another
25 compact state, or any temporary authorization to practice in any
26 distant state, is restricted, suspended or otherwise limited, the
27 IPC shall be revoked and therefore the psychologist shall not be
28 eligible to practice in a compact state under the temporary
29 authorization to practice.

1 337.125. A psychologist may practice in a receiving state
2 under the authority to practice interjurisdictional
3 telepsychology only in the performance of the scope of practice
4 for psychology as assigned by an appropriate state psychology
5 regulatory authority, as defined in the rules of the commission,
6 and under the following circumstances:

7 (1) The psychologist initiates a client/patient contact in
8 a home state via telecommunications technologies with a
9 client/patient in a receiving state;

10 (2) Other conditions regarding telepsychology as determined
11 by rules promulgated by the commission.

12 337.130. 1. A home state shall have the power to impose
13 adverse action against a psychologist's license issued by the
14 home state. A distant state shall have the power to take adverse
15 action on a psychologist's temporary authorization to practice
16 within that distant state.

17 2. A receiving state may take adverse action on a
18 psychologist's authority to practice interjurisdictional
19 telepsychology within that receiving state. A home state may
20 take adverse action against a psychologist based on an adverse
21 action taken by a distant state regarding temporary in-person,
22 face-to-face practice.

23 3. (1) If a home state takes adverse action against a
24 psychologist's license, that psychologist's authority to practice
25 interjurisdictional telepsychology is terminated and the
26 E.Passport is revoked. Furthermore, that psychologist's
27 temporary authorization to practice is terminated and the IPC is
28 revoked.

29 (2) All home state disciplinary orders which impose adverse

1 action shall be reported to the commission in accordance with the
2 rules promulgated by the commission. A compact state shall
3 report adverse actions in accordance with the rules of the
4 commission.

5 (3) In the event discipline is reported on a psychologist,
6 the psychologist will not be eligible for telepsychology or
7 temporary in-person, face-to-face practice in accordance with the
8 rules of the commission.

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

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

18 5. A distant state's psychology regulatory authority shall
19 investigate and take appropriate action with respect to reported
20 inappropriate conduct engaged in by a psychologist practicing
21 under temporary authorization practice which occurred in that
22 distant state as it would if such conduct had occurred by a
23 licensee within the home state. In such cases, distant state's
24 law shall control in determining any adverse action against a
25 psychologist's temporary authorization to practice.

26 6. Nothing in this compact shall override a compact state's
27 decision that a psychologist's participation in an alternative
28 program may be used in lieu of adverse action and that such
29 participation shall remain non-public if required by the compact

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

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

10 337.135. 1. In addition to any other powers granted under
11 state law, a compact state's psychology regulatory authority
12 shall have the authority under this compact to:

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

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

28 2. During the course of any investigation, a psychologist
29 may not change his or her home state licensure. A home state

1 psychology regulatory authority is authorized to complete any
2 pending investigations of a psychologist and to take any actions
3 appropriate under its law. The home state psychology regulatory
4 authority shall promptly report the conclusions of such
5 investigations to the commission. Once an investigation has been
6 completed, and pending the outcome of said investigation, the
7 psychologist may change his or her home state licensure. The
8 commission shall promptly notify the new home state of any such
9 decisions as provided in the rules of the commission. All
10 information provided to the commission or distributed by compact
11 states pursuant to the psychologist shall be confidential, filed
12 under seal and used for investigatory or disciplinary matters.
13 The commission may create additional rules for mandated or
14 discretionary sharing of information by compact states.

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

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

- 25 (1) Identifying information;
- 26 (2) Licensure data;
- 27 (3) Significant investigatory information;
- 28 (4) Adverse actions against a psychologist's license;
- 29 (5) An indicator that a psychologist's authority to

1 practice interjurisdictional telepsychology or temporary
2 authorization to practice is revoked;

3 (6) Nonconfidential information related to alternative
4 program participation information;

5 (7) Any denial of application for licensure, and the
6 reasons for such denial; and

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

10 3. The coordinated database administrator shall promptly
11 notify all compact states of any adverse action taken against, or
12 significant investigative information on, any licensee in a
13 compact state.

14 4. Compact states reporting information to the coordinated
15 database may designate information that may not be shared with
16 the public without the express permission of the compact state
17 reporting the information.

18 5. Any information submitted to the coordinated database
19 that is subsequently required to be expunged by the law of the
20 compact state reporting the information shall be removed from the
21 coordinated database.

22 337.145. 1. The compact states hereby create and establish
23 a joint public agency known as the psychology interjurisdictional
24 compact commission.

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

27 (2) Venue is proper and judicial proceedings by or against
28 the commission shall be brought solely and exclusively in a court
29 of competent jurisdiction where the principal office of the

1 commission is located. The commission may waive venue and
2 jurisdictional defenses to the extent it adopts or consents to
3 participate in alternative dispute resolution proceedings.

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

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

12 (1) Executive director, executive secretary or similar
13 executive;

14 (2) Current member of the state psychology regulatory
15 authority of a compact state; or

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

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

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

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

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

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

9 (a) Noncompliance of a compact state with its obligations
10 under the compact;

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

15 (c) Current, threatened, or reasonably anticipated
16 litigation against the commission;

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

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

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

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

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

28 (i) Disclosure of information related to any investigatory
29 reports prepared by or on behalf of or for use of the commission

1 or other committee charged with responsibility for investigation
2 or determination of compliance issues pursuant to the compact;

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

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

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

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

24 (2) Providing reasonable standards and procedures:

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

26 and

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

29 (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
29 of the compact states;

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

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

5 6. The commission shall have the following powers:

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

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

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

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

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

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

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

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

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

10 (10) To borrow money;

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

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

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

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

23 7. (1) The elected officers shall serve as the executive
24 board, which shall have the power to act on behalf of the
25 commission according to the terms of this compact.

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

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

29 (b) One ex officio, nonvoting member from the recognized

1 membership organization composed of state and provincial
2 psychology regulatory authorities.

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

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

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

9 (6) The executive board shall have the following duties and
10 responsibilities:

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

15 (b) Ensure compact administration services are
16 appropriately provided, contractual or otherwise;

17 (c) Prepare and recommend the budget;

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

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

21 (f) Establish additional committees as necessary; and

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

23 8. (1) The commission shall pay, or provide for the
24 payment of the reasonable expenses of its establishment,
25 organization and ongoing activities.

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

29 (3) The commission may levy on and collect an annual

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

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

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

21 9. (1) The members, officers, executive director,
22 employees and representatives of the commission shall be immune
23 from suit and liability, either personally or in their official
24 capacity, for any claim for damage to or loss of property or
25 personal injury or other civil liability caused by or arising out
26 of any actual or alleged act, error or omission that occurred, or
27 that the person against whom the claim is made had a reasonable
28 basis for believing occurred within the scope of commission
29 employment, duties or responsibilities; provided that nothing in

1 this subsection shall be construed to protect any such person
2 from suit or liability for any damage, loss, injury or liability
3 caused by the intentional or willful or wanton misconduct of that
4 person.

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

17 (3) The commission shall indemnify and hold harmless any
18 member, officer, executive director, employee or representative
19 of the commission for the amount of any settlement or judgment
20 obtained against that person arising out of any actual or alleged
21 act, error or omission that occurred within the scope of
22 commission employment, duties or responsibilities, or that such
23 person had a reasonable basis for believing occurred within the
24 scope of commission employment, duties or responsibilities,
25 provided that the actual or alleged act, error or omission did
26 not result from the intentional or willful or wanton misconduct
27 of that person.

28 337.150. 1. The commission shall exercise its rulemaking
29 powers pursuant to the criteria set forth in this section and the

1 rules adopted thereunder. Rules and amendments shall become
2 binding as of the date specified in each rule or amendment.

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

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

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

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

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

17 5. The notice of proposed rulemaking shall include:

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

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

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

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

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

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

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

6 (2) A governmental subdivision or agency; or

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

9 8. (1) If a hearing is held on the proposed rule or
10 amendment, the commission shall publish the place, time, and date
11 of the scheduled public hearing.

12 (2) All persons wishing to be heard at the hearing shall
13 notify the executive director of the commission or other
14 designated member in writing of their desire to appear and
15 testify at the hearing not less than five business days before
16 the scheduled date of the hearing.

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

20 (4) No transcript of the hearing is required, unless a
21 written request for a transcript is made, in which case the
22 person requesting the transcript shall bear the cost of producing
23 the transcript. A recording may be made in lieu of a transcript
24 under the same terms and conditions as a transcript. This
25 subdivision shall not preclude the commission from making a
26 transcript or recording of the hearing if it so chooses.

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

1 section.

2 9. Following the scheduled hearing date, or by the close of
3 business on the scheduled hearing date if the hearing was not
4 held, the commission shall consider all written and oral comments
5 received.

6 10. The commission shall, by majority vote of all members,
7 take final action on the proposed rule and shall determine the
8 effective date of the rule, if any, based on the rulemaking
9 record and the full text of the rule.

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

14 12. Upon determination that an emergency exists, the
15 commission may consider and adopt an emergency rule without prior
16 notice, opportunity for comment, or hearing, provided that the
17 usual rulemaking procedures provided in the compact and in this
18 section shall be retroactively applied to the rule as soon as
19 reasonably possible, in no event later than ninety days after the
20 effective date of the rule. For the purposes of this provision,
21 an emergency rule is one that shall be adopted immediately in
22 order to:

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

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

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

29 (4) Protect public health and safety.

1 13. (1) The commission or an authorized committee of the
2 commission may direct revisions to a previously adopted rule or
3 amendment for purposes of correcting typographical errors, errors
4 in format, errors in consistency, or grammatical errors. Public
5 notice of any revisions shall be posted on the website of the
6 commission. The revision shall be subject to challenge by any
7 person for a period of thirty days after posting. The revision
8 may be challenged only on grounds that the revision results in a
9 material change to a rule.

10 (2) A challenge shall be made in writing, and delivered to
11 the chair of the commission prior to the end of the notice
12 period. If no challenge is made, the revision will take effect
13 without further action. If the revision is challenged, the
14 revision may not take effect without the approval of the
15 commission.

16 337.155. 1. (1) The executive, legislative and judicial
17 branches of state government in each compact state shall enforce
18 this compact and take all actions necessary and appropriate to
19 effectuate the compact's purposes and intent. The provisions of
20 this compact and the rules promulgated hereunder shall have
21 standing as statutory law.

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

27 (3) The commission shall be entitled to receive service of
28 process in any such proceeding, and shall have standing to
29 intervene in such a proceeding for all purposes. Failure to

1 provide service of process to the commission shall render a
2 judgment or order void as to the commission, this compact or
3 promulgated rules.

4 2. (1) If the commission determines that a compact state
5 has defaulted in the performance of its obligations or
6 responsibilities under this compact or the promulgated rules, the
7 commission shall:

8 (a) Provide written notice to the defaulting state and
9 other compact states of the nature of the default, the proposed
10 means of remedying the default or any other action to be taken by
11 the commission; and

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

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

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

27 (4) A compact state which has been terminated is
28 responsible for all assessments, obligations and liabilities
29 incurred through the effective date of termination, including

1 obligations which extend beyond the effective date of
2 termination.

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

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

12 3. (1) Upon request by a compact state, the commission
13 shall attempt to resolve disputes related to the compact which
14 arise among compact states and between compact and noncompact
15 states.

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

19 4. (1) The commission, in the reasonable exercise of its
20 discretion, shall enforce the provisions and rules of this
21 compact.

22 (2) By majority vote, the commission may initiate legal
23 action in the United States District Court for the State of
24 Georgia or the federal district where the compact has its
25 principal offices against a compact state in default to enforce
26 compliance with the provisions of the compact and its promulgated
27 rules and bylaws. The relief sought may include both injunctive
28 relief and damages. In the event judicial enforcement is
29 necessary, the prevailing member shall be awarded all costs of

1 such litigation, including reasonable attorney's fees.

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

5 337.160. 1. The compact shall come into effect on the date
6 on which the compact is enacted into law in the seventh compact
7 state. The provisions which become effective at that time shall
8 be limited to the powers granted to the commission relating to
9 assembly and the promulgation of rules. Thereafter, the
10 commission shall meet and exercise rulemaking powers necessary to
11 the implementation and administration of the compact.

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

18 3. (1) Any compact state may withdraw from this compact by
19 enacting a statute repealing the same.

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

22 (3) Withdrawal shall not affect the continuing requirement
23 of the withdrawing state's psychology regulatory authority to
24 comply with the investigative and adverse action reporting
25 requirements of this act prior to the effective date of
26 withdrawal.

27 4. Nothing contained in this compact shall be construed to
28 invalidate or prevent any psychology licensure agreement or other
29 cooperative arrangement between a compact state and a noncompact

1 state which does not conflict with the provisions of this
2 compact.

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

7 337.165. This compact shall be liberally construed so as to
8 effectuate the purposes thereof. If this compact shall be held
9 contrary to the constitution of any state member thereto, the
10 compact shall remain in full force and effect as to the remaining
11 compact states.

12 Section B. The enactment of sections 337.100, 337.105,
13 337.110, 337.115, 337.120, 337.125, 337.130, 337.135, 337.140,
14 337.145, 337.150, 337.155, 337.160, and 337.165 of this act shall
15 become effective upon notification by the commission to the
16 revisor of statutes that seven states have adopted the psychology
17 interjurisdictional compact."; and

18 Further amend the title and enacting clause accordingly.