

SECOND REGULAR SESSION

SENATE BILL NO. 733

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIFTON.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4431S.011

AN ACT

To amend chapter 337, RSMo, by adding thereto fourteen new sections relating to the psychology interjurisdictional compact, with a delayed effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 337, RSMo, is amended by adding thereto fourteen
2 new sections, to be known as sections 337.100, 337.105, 337.110, 337.115,
3 337.120, 337.125, 337.130, 337.135, 337.140, 337.145, 337.150, 337.155, 337.160,
4 and 337.165, to read as follows:

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

3 **(1) States license psychologists, in order to protect the public
4 through verification of education, training and experience and ensure
5 accountability for professional practice;**

6 **(2) This compact is intended to regulate the day to day practice
7 of telepsychology, the provision of psychological services using
8 telecommunication technologies, by psychologists across state
9 boundaries in the performance of their psychological practice as
10 assigned by an appropriate authority;**

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

15 **(4) This compact is intended to authorize state psychology
16 regulatory authorities to afford legal recognition, in a manner
17 consistent with the terms of the compact, to psychologists licensed in
18 another state;**

19 **(5) This compact recognizes that states have a vested interest in**

20 protecting the public's health and safety through their licensing and
21 regulation of psychologists and that such state regulation will best
22 protect public health and safety;

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

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

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

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

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

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

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

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

42 (6) Invest all compact states with the authority to hold licensed
43 psychologists accountable through the mutual recognition of compact
44 state licenses.

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

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

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

11 (3) "Authority to practice interjurisdictional telepsychology", a
12 licensed psychologist's authority to practice telepsychology, within the

13 limits authorized under this compact, in another compact state;

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

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

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

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

26 (8) "Coordinated licensure information system" also referred to
27 as "coordinated database", an integrated process for collecting, storing,
28 and sharing information on psychologists' licensure and enforcement
29 activities related to psychology licensure laws, which is administered
30 by the recognized membership organization composed of state and
31 provincial psychology regulatory authorities;

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

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

36 (11) "Distant state", the compact state where a psychologist is
37 physically present, not through the use of telecommunications
38 technologies, to provide temporary in-person, face-to-face psychological
39 services;

40 (12) "E.Passport", a certificate issued by the Association of State
41 and Provincial Psychology Boards (ASPPB) that promotes the
42 standardization in the criteria of interjurisdictional telepsychology
43 practice and facilitates the process for licensed psychologists to
44 provide telepsychological services across state lines;

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

48 (14) "Home state", a compact state where a psychologist is
49 licensed to practice psychology. If the psychologist is licensed in more

50 than one compact state and is practicing under the authorization to
51 practice interjurisdictional telepsychology, the home state is the
52 compact state where the psychologist is physically present when the
53 telepsychological services are delivered. If the psychologist is licensed
54 in more than one compact state and is practicing under the temporary
55 authorization to practice, the home state is any compact state where
56 the psychologist is licensed;

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

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

65 (17) "Interjurisdictional practice certificate (IPC)", a certificate
66 issued by the Association of State and Provincial Psychology Boards
67 (ASPPB) that grants temporary authority to practice based on
68 notification to the state psychology regulatory authority of intention
69 to practice temporarily, and verification of one's qualifications for such
70 practice;

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

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

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

78 (21) "Psychology interjurisdictional compact commission" also
79 referred to as "commission", the national administration of which all
80 compact states are members;

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

83 (23) "Rule", a written statement by the psychology
84 interjurisdictional compact commission promulgated pursuant to
85 section 337.150 of the compact that is of general applicability,
86 implements, interprets, or prescribes a policy or provision of the

87 compact, or an organizational, procedural, or practice requirement of
88 the commission and has the force and effect of statutory law in a
89 compact state, and includes the amendment, repeal or suspension of an
90 existing rule;

91 (24) "Significant investigatory information":

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

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

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

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

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

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

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

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

3 2. A psychologist may hold one or more compact state licenses at
4 a time. If the psychologist is licensed in more than one compact state,
5 the home state is the compact state where the psychologist is physically
6 present when the services are delivered as authorized by the authority

7 to practice interjurisdictional telepsychology under the terms of this
8 compact.

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

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

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

21 (1) Currently requires the psychologist to hold an active
22 E.Passport;

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

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

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

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

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

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

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

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

42 (4) Requires an identity history summary of all applicants at
43 initial licensure, including the use of the results of fingerprints or

44 other biometric data checks compliant with the requirements of the
45 Federal Bureau of Investigation, or other designee with similar
46 authority, no later than ten years after activation of the compact; and
47 (5) Complies with the bylaws and rules of the commission.

337.115. 1. Compact states shall recognize the right of a
2 psychologist, licensed in a compact state in conformance with section
3 337.110, to practice telepsychology in receiving states in which the
4 psychologist is not licensed, under the authority to practice
5 interjurisdictional telepsychology as provided in the compact.

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

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

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

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

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

22 (a) The program, wherever it may be administratively housed,
23 shall be clearly identified and labeled as a psychology program. Such
24 a program shall specify in pertinent institutional catalogues and
25 brochures its intent to educate and train 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 responsibility
29 for the core and specialty areas whether or not the program cuts across
30 administrative lines;

31 (d) The program shall consist of an integrated, organized
32 sequence of study;

33 (e) There shall be an identifiable psychology faculty sufficient in

34 size and breadth to carry out its responsibilities;

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

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

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

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

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

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

48 (4) Have no history of adverse action that violate the rules of the
49 commission;

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

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

53 (7) Provide attestations in regard to areas of intended practice,
54 conformity with standards of practice, competence in telepsychology
55 technology; criminal background; and knowledge and adherence to
56 legal requirements in the home and receiving states, and provide a
57 release of information to allow for primary source verification in a
58 manner specified by the commission; and

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

60 3. The home state maintains authority over the license of any
61 psychologist practicing into a receiving state under the authority to
62 practice interjurisdictional telepsychology.

63 4. A psychologist practicing into a receiving state under the
64 authority to practice interjurisdictional telepsychology will be subject
65 to the receiving state's scope of practice. A receiving state may, in
66 accordance with that state's due process law, limit or revoke a
67 psychologist's authority to practice interjurisdictional telepsychology
68 in the receiving state and may take any other necessary actions under
69 the receiving state's applicable law to protect the health and safety of
70 the receiving state's citizens. If a receiving state takes action, the state

71 shall promptly notify the home state and the commission.

72 5. If a psychologist's license in any home state, another compact
73 state, or any authority to practice interjurisdictional telepsychology in
74 any receiving state, is restricted, suspended or otherwise limited, the
75 E.Passport shall be revoked and therefore the psychologist shall not be
76 eligible to practice telepsychology in a compact state under the
77 authority to practice interjurisdictional telepsychology.

 337.120. 1. Compact states shall also recognize the right of a
2 psychologist, licensed in a compact state in conformance with section
3 337.110, to practice temporarily in distant states in which the
4 psychologist is not licensed, as provided in the compact.

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

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

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

14 (b) A foreign college or university deemed to be equivalent to the
15 requirements of paragraph (a) of this subdivision by a foreign
16 credential evaluation service that is a member of the National
17 Association of Credential Evaluation Services (NACES) or by a
18 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 housed,
22 shall be clearly identified and labeled as a psychology program. Such
23 a program shall specify in pertinent institutional catalogues and
24 brochures its intent to educate and train 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 responsibility
28 for the core and specialty areas whether or not the program cuts across
29 administrative lines;

30 (d) The program shall consist of an integrated, organized

31 **sequence of study;**

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

34 **(f) The designated director of the program shall be a**
35 **psychologist and a member of the core faculty;**

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

38 **(h) The program shall include supervised practicum, internship,**
39 **or field training appropriate to the practice of psychology;**

40 **(i) The curriculum shall encompass a minimum of three academic**
41 **years of full-time graduate study for doctoral degrees and a minimum**
42 **of one academic year of full-time graduate study for master's degree;**

43 **(j) The program includes an acceptable residency as defined by**
44 **the rules of the commission;**

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

47 **(4) No history of adverse action that violate the rules of the**
48 **commission;**

49 **(5) No criminal record history that violates the rules of the**
50 **commission;**

51 **(6) Possess a current, active IPC;**

52 **(7) Provide attestations in regard to areas of intended practice**
53 **and work experience and provide a release of information to allow for**
54 **primary source verification in a manner specified by the commission;**
55 **and**

56 **(8) Meet other criteria as defined by the rules of the commission.**

57 **3. A psychologist practicing into a distant state under the**
58 **temporary authorization to practice shall practice within the scope of**
59 **practice authorized by the distant state.**

60 **4. A psychologist practicing into a distant state under the**
61 **temporary authorization to practice will be subject to the distant**
62 **state's authority and law. A distant state may, in accordance with that**
63 **state's due process law, limit or revoke a psychologist's temporary**
64 **authorization to practice in the distant state and may take any other**
65 **necessary actions under the distant state's applicable law to protect the**
66 **health and safety of the distant state's citizens. If a distant state takes**
67 **action, the state shall promptly notify the home state and the**

68 **commission.**

69 **5. If a psychologist's license in any home state, another compact**
70 **state, or any temporary authorization to practice in any distant state,**
71 **is restricted, suspended or otherwise limited, the IPC shall be revoked**
72 **and therefore the psychologist shall not be eligible to practice in a**
73 **compact state under the temporary authorization to practice.**

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

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

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

337.130. 1. A home state shall have the power to impose adverse
2 **action against a psychologist's license issued by the home state. A**
3 **distant state shall have the power to take adverse action on a**
4 **psychologist's temporary authorization to practice within that distant**
5 **state.**

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

11 **3. (1) If a home state takes adverse action against a**
12 **psychologist's license, that psychologist's authority to practice**
13 **interjurisdictional telepsychology is terminated and the E.Passport is**
14 **revoked. Furthermore, that psychologist's temporary authorization to**
15 **practice is terminated and the IPC is revoked.**

16 **(2) All home state disciplinary orders which impose adverse**
17 **action shall be reported to the commission in accordance with the rules**
18 **promulgated by the commission. A compact state shall report adverse**
19 **actions in accordance with the rules of the commission.**

20 **(3) In the event discipline is reported on a psychologist, the**
21 **psychologist will not be eligible for telepsychology or temporary**

22 in-person, face-to-face practice in accordance with the rules of the
23 commission.

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

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

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

40 6. Nothing in this compact shall override a compact state's
41 decision that a psychologist's participation in an alternative program
42 may be used in lieu of adverse action and that such participation shall
43 remain non-public if required by the compact state's law. Compact
44 states shall require psychologists who enter any alternative programs
45 to not provide telepsychology services under the authority to practice
46 interjurisdictional telepsychology or provide temporary psychological
47 services under the temporary authorization to practice in any other
48 compact state during the term of the alternative program.

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

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

4 (1) Issue subpoenas, for both hearings and investigations, which
5 require the attendance and testimony of witnesses and the production
6 of evidence. Subpoenas issued by a compact state's psychology
7 regulatory authority for the attendance and testimony of witnesses, or

8 the production of evidence from another compact state shall be
9 enforced in the latter state by any court of competent jurisdiction,
10 according to that court's practice and procedure in considering
11 subpoenas issued in its own proceedings. The issuing state psychology
12 regulatory authority shall pay any witness fees, travel expenses,
13 mileage and other fees required by the service statutes of the state
14 where the witnesses or evidence are located; and

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

18 2. During the course of any investigation, a psychologist may not
19 change his or her home state licensure. A home state psychology
20 regulatory authority is authorized to complete any pending
21 investigations of a psychologist and to take any actions appropriate
22 under its law. The home state psychology regulatory authority shall
23 promptly report the conclusions of such investigations to the
24 commission. Once an investigation has been completed, and pending
25 the outcome of said investigation, the psychologist may change his or
26 her home state licensure. The commission shall promptly notify the
27 new home state of any such decisions as provided in the rules of the
28 commission. All information provided to the commission or distributed
29 by compact states pursuant to the psychologist shall be confidential,
30 filed under seal and used for investigatory or disciplinary matters. The
31 commission may create additional rules for mandated or discretionary
32 sharing of information by compact states.

337.140. 1. The commission shall provide for the development
2 and maintenance of a coordinated licensure information system
3 "coordinated database" and reporting system containing licensure and
4 disciplinary action information on all psychologist individuals to whom
5 this compact is applicable in all compact states as defined by the rules
6 of the commission.

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

11 (1) Identifying information;

12 (2) Licensure data;

- 13 **(3) Significant investigatory information;**
14 **(4) Adverse actions against a psychologist's license;**
15 **(5) An indicator that a psychologist's authority to practice**
16 **interjurisdictional telepsychology or temporary authorization to**
17 **practice is revoked;**
18 **(6) Nonconfidential information related to alternative program**
19 **participation information;**
20 **(7) Any denial of application for licensure, and the reasons for**
21 **such denial; and**
22 **(8) Other information which may facilitate the administration of**
23 **this compact, as determined by the rules of the commission.**

24 **3. The coordinated database administrator shall promptly notify**
25 **all compact states of any adverse action taken against, or significant**
26 **investigative information on, any licensee in a compact state.**

27 **4. Compact states reporting information to the coordinated**
28 **database may designate information that may not be shared with the**
29 **public without the express permission of the compact state reporting**
30 **the information.**

31 **5. Any information submitted to the coordinated database that**
32 **is subsequently required to be expunged by the law of the compact**
33 **state reporting the information shall be removed from the coordinated**
34 **database.**

337.145. 1. The compact states hereby create and establish a
2 **joint public agency known as the psychology interjurisdictional**
3 **compact commission.**

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

6 **(2) Venue is proper and judicial proceedings by or against the**
7 **commission shall be brought solely and exclusively in a court of**
8 **competent jurisdiction where the principal office of the commission is**
9 **located. The commission may waive venue and jurisdictional defenses**
10 **to the extent it adopts or consents to participate in alternative dispute**
11 **resolution proceedings.**

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

14 **2. The commission shall consist of one voting representative**
15 **appointed by each compact state who shall serve as that state's**

16 commissioner. The state psychology regulatory authority shall appoint
17 its delegate. This delegate shall be empowered to act on behalf of the
18 compact state. This delegate shall be limited to:

19 (1) Executive director, executive secretary or similar executive;

20 (2) Current member of the state psychology regulatory authority
21 of a compact state; or

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

24 3. (1) Any commissioner may be removed or suspended from
25 office as provided by the law of the state from which the commissioner
26 is appointed. Any vacancy occurring in the commission shall be filled
27 in accordance with the laws of the compact state in which the vacancy
28 exists.

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

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

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

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

43 (a) Noncompliance of a compact state with its obligations under
44 the compact;

45 (b) The employment, compensation, discipline or other personnel
46 matters, practices or procedures related to specific employees or other
47 matters related to the commission's internal personnel practices and
48 procedures;

49 (c) Current, threatened, or reasonably anticipated litigation
50 against the commission;

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

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

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

57 (g) Disclosure of information of a personal nature where
58 disclosure would constitute a clearly unwarranted invasion of personal
59 privacy;

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

62 (i) Disclosure of information related to any investigatory reports
63 prepared by or on behalf of or for use of the commission or other
64 committee charged with responsibility for investigation or
65 determination of compliance issues pursuant to the compact;

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

68 (6) If a meeting, or portion of a meeting, is closed pursuant to
69 subdivision (5) of subsection 3 of this section, the commission's legal
70 counsel or designee shall certify that the meeting may be closed and
71 shall reference each relevant exempting provision. The commission
72 shall keep minutes which fully and clearly describe all matters
73 discussed in a meeting and shall provide a full and accurate summary
74 of actions taken, of any person participating in the meeting, and the
75 reasons therefore, including a description of the views expressed. All
76 documents considered in connection with an action shall be identified
77 in such minutes. All minutes and documents of a closed meeting shall
78 remain under seal, subject to release only by a majority vote of the
79 commission or order of a court of competent jurisdiction.

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

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

85 (2) Providing reasonable standards and procedures:

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

87 (b) Governing any general or specific delegation of any authority
88 or function of the commission;

89 (3) Providing reasonable procedures for calling and conducting

90 meetings of the commission, ensuring reasonable advance notice of all
91 meetings and providing an opportunity for attendance of such meetings
92 by interested parties, with enumerated exceptions designed to protect
93 the public's interest, the privacy of individuals of such proceedings,
94 and proprietary information, including trade secrets. The commission
95 may meet in closed session only after a majority of the commissioners
96 vote to close a meeting to the public in whole or in part. As soon as
97 practicable, the commission shall make public a copy of the vote to
98 close the meeting revealing the vote of each commissioner with no
99 proxy votes allowed;

100 (4) Establishing the titles, duties and authority and reasonable
101 procedures for the election of the officers of the commission;

102 (5) Providing reasonable standards and procedures for the
103 establishment of the personnel policies and programs of the
104 commission. Notwithstanding any civil service or other similar law of
105 any compact state, the bylaws shall exclusively govern the personnel
106 policies and programs of the commission;

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

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

113 5. (1) The commission shall publish its bylaws in a convenient
114 form and file a copy thereof and a copy of any amendment thereto, with
115 the appropriate agency or officer in each of the compact states;

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

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

120 6. The commission shall have the following powers:

121 (1) The authority to promulgate uniform rules to facilitate and
122 coordinate implementation and administration of this compact. The
123 rule shall have the force and effect of law and shall be binding in all
124 compact states;

125 (2) To bring and prosecute legal proceedings or actions in the
126 name of the commission, provided that the standing of any state

127 **psychology regulatory authority or other regulatory body responsible**
128 **for psychology licensure to sue or be sued under applicable law shall**
129 **not be affected;**

130 **(3) To purchase and maintain insurance and bonds;**

131 **(4) To borrow, accept or contract for services of personnel,**
132 **including, but not limited to, employees of a compact state;**

133 **(5) To hire employees, elect or appoint officers, fix compensation,**
134 **define duties, grant such individuals appropriate authority to carry out**
135 **the purposes of the compact, and to establish the commission's**
136 **personnel policies and programs relating to conflicts of interest,**
137 **qualifications of personnel, and other related personnel matters;**

138 **(6) To accept any and all appropriate donations and grants of**
139 **money, equipment, supplies, materials and services, and to receive,**
140 **utilize and dispose of the same; provided that at all times the**
141 **commission shall strive to avoid any appearance of impropriety or**
142 **conflict of interest;**

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

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

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

152 **(10) To borrow money;**

153 **(11) To appoint committees, including advisory committees**
154 **comprised of members, state regulators, state legislators or their**
155 **representatives, and consumer representatives, and such other**
156 **interested persons as may be designated in this compact and the**
157 **bylaws;**

158 **(12) To provide and receive information from, and to cooperate**
159 **with, law enforcement agencies;**

160 **(13) To adopt and use an official seal; and**

161 **(14) To perform such other functions as may be necessary or**
162 **appropriate to achieve the purposes of this compact consistent with the**
163 **state regulation of psychology licensure, temporary in-person,**

164 face-to-face practice and telepsychology practice.

165 7. (1) The elected officers shall serve as the executive board,
166 which shall have the power to act on behalf of the commission
167 according to the terms of this compact.

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

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

171 (b) One ex officio, nonvoting member from the recognized
172 membership organization composed of state and provincial psychology
173 regulatory authorities.

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

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

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

180 (6) The executive board shall have the following duties and
181 responsibilities:

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

185 (b) Ensure compact administration services are appropriately
186 provided, contractual or otherwise;

187 (c) Prepare and recommend the budget;

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

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

191 (f) Establish additional committees as necessary; and

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

193 8. (1) The commission shall pay, or provide for the payment of
194 the reasonable expenses of its establishment, organization and ongoing
195 activities.

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

199 (3) The commission may levy on and collect an annual
200 assessment from each compact state or impose fees on other parties to

201 cover the cost of the operations and activities of the commission and its
202 staff which shall be in a total amount sufficient to cover its annual
203 budget as approved each year for which revenue is not provided by
204 other sources. The aggregate annual assessment amount shall be
205 allocated based upon a formula to be determined by the commission
206 which shall promulgate a rule binding upon all compact states.

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

211 (5) The commission shall keep accurate accounts of all receipts
212 and disbursements. The receipts and disbursements of the commission
213 shall be subject to the audit and accounting procedures established
214 under its bylaws. However, all receipts and disbursements of funds
215 handled by the commission shall be audited yearly by a certified or
216 licensed public accountant and the report of the audit shall be included
217 in and become part of the annual report of the commission.

218 9. (1) The members, officers, executive director, employees and
219 representatives of the commission shall be immune from suit and
220 liability, either personally or in their official capacity, for any claim for
221 damage to or loss of property or personal injury or other civil liability
222 caused by or arising out of any actual or alleged act, error or omission
223 that occurred, or that the person against whom the claim is made had
224 a reasonable basis for believing occurred within the scope of
225 commission employment, duties or responsibilities; provided that
226 nothing in this subsection shall be construed to protect any such
227 person from suit or liability for any damage, loss, injury or liability
228 caused by the intentional or willful or wanton misconduct of that
229 person.

230 (2) The commission shall defend any member, officer, executive
231 director, employee or representative of the commission in any civil
232 action seeking to impose liability arising out of any actual or alleged
233 act, error or omission that occurred within the scope of commission
234 employment, duties or responsibilities, or that the person against whom
235 the claim is made had a reasonable basis for believing occurred within
236 the scope of commission employment, duties or responsibilities;
237 provided that nothing herein shall be construed to prohibit that person

238 from retaining his or her own counsel; and provided further, that the
239 actual or alleged act, error or omission did not result from that
240 person's intentional or willful or wanton misconduct.

241 (3) The commission shall indemnify and hold harmless any
242 member, officer, executive director, employee or representative of the
243 commission for the amount of any settlement or judgment obtained
244 against that person arising out of any actual or alleged act, error or
245 omission that occurred within the scope of commission employment,
246 duties or responsibilities, or that such person had a reasonable basis
247 for believing occurred within the scope of commission employment,
248 duties or responsibilities, provided that the actual or alleged act, error
249 or omission did not result from the intentional or willful or wanton
250 misconduct of that person.

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

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

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

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

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

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

19 5. The notice of proposed rulemaking shall include:

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

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

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

25 interested person;

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

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

32 7. The commission shall grant an opportunity for a public
33 hearing before it adopts a rule or amendment if a hearing is requested
34 by:

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

37 (2) A governmental subdivision or agency; or

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

40 8. (1) If a hearing is held on the proposed rule or amendment,
41 the commission shall publish the place, time, and date of the scheduled
42 public hearing.

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

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

50 (4) No transcript of the hearing is required, unless a written
51 request for a transcript is made, in which case the person requesting
52 the transcript shall bear the cost of producing the transcript. A
53 recording may be made in lieu of a transcript under the same terms
54 and conditions as a transcript. This subdivision shall not preclude the
55 commission from making a transcript or recording of the hearing if it
56 so chooses.

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

60 9. Following the scheduled hearing date, or by the close of
61 business on the scheduled hearing date if the hearing was not held, the

62 commission shall consider all written and oral comments received.

63 10. The commission shall, by majority vote of all members, take
64 final action on the proposed rule and shall determine the effective date
65 of the rule, if any, based on the rulemaking record and the full text of
66 the rule.

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

70 12. Upon determination that an emergency exists, the
71 commission may consider and adopt an emergency rule without prior
72 notice, opportunity for comment, or hearing, provided that the usual
73 rulemaking procedures provided in the compact and in this section
74 shall be retroactively applied to the rule as soon as reasonably possible,
75 in no event later than ninety days after the effective date of the
76 rule. For the purposes of this provision, an emergency rule is one that
77 shall be adopted immediately in order to:

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

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

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

82 (4) Protect public health and safety.

83 13. (1) The commission or an authorized committee of the
84 commission may direct revisions to a previously adopted rule or
85 amendment for purposes of correcting typographical errors, errors in
86 format, errors in consistency, or grammatical errors. Public notice of
87 any revisions shall be posted on the website of the commission. The
88 revision shall be subject to challenge by any person for a period of
89 thirty days after posting. The revision may be challenged only on
90 grounds that the revision results in a material change to a rule.

91 (2) A challenge shall be made in writing, and delivered to the
92 chair of the commission prior to the end of the notice period. If no
93 challenge is made, the revision will take effect without further action.
94 If the revision is challenged, the revision may not take effect without
95 the approval of the commission.

337.155. 1. (1) The executive, legislative and judicial branches
2 of state government in each compact state shall enforce this compact
3 and take all actions necessary and appropriate to effectuate the

4 compact's purposes and intent. The provisions of this compact and the
5 rules promulgated hereunder shall have standing as statutory law.

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

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

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

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

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

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

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

35 (4) A compact state which has been terminated is responsible for
36 all assessments, obligations and liabilities incurred through the
37 effective date of termination, including obligations which extend
38 beyond the effective date of termination.

39 (5) The commission shall not bear any costs incurred by the state
40 which is found to be in default or which has been terminated from the

41 compact, unless agreed upon in writing between the commission and
42 the defaulting state.

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

48 3. (1) Upon request by a compact state, the commission shall
49 attempt to resolve disputes related to the compact which arise among
50 compact states and between compact and noncompact states.

51 (2) The commission shall promulgate a rule providing for both
52 mediation and binding dispute resolution for disputes that arise before
53 the commission.

54 4. (1) The commission, in the reasonable exercise of its
55 discretion, shall enforce the provisions and rules of this compact.

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

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

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

8 2. Any state which joins the compact subsequent to the
9 commission's initial adoption of the rules shall be subject to the rules
10 as they exist on the date on which the compact becomes law in that
11 state. Any rule which has been previously adopted by the commission

12 shall have the full force and effect of law on the day the compact
13 becomes law in that state.

14 **3. (1) Any compact state may withdraw from this compact by**
15 **enacting a statute repealing the same.**

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

18 **(3) Withdrawal shall not affect the continuing requirement of the**
19 **withdrawing state's psychology regulatory authority to comply with the**
20 **investigative and adverse action reporting requirements of this act**
21 **prior to the effective date of withdrawal.**

22 **4. Nothing contained in this compact shall be construed to**
23 **invalidate or prevent any psychology licensure agreement or other**
24 **cooperative arrangement between a compact state and a noncompact**
25 **state which does not conflict with the provisions of this compact.**

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

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

 Section B. This act shall become effective upon notification by the
2 commission to the revisor of statutes that seven states have adopted the
3 psychology interjurisdictional compact.

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