AN ACT

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

Section A. Sections 208.217, 337.025, 337.029, 337.033, 552.020, 630.745, 630.945, and 632.005, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 9.270, 208.217, 337.025, 337.029, 337.033, 337.100, 337.105, 337.110, 337.115,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

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

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

   (1) "Data match", a method of comparing the department's information with that of another entity and identifying those records which appear in both files. This process is accomplished by a computerized comparison by which both the department and the entity utilize a computer readable electronic media format;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
(2) "Department", the Missouri department of social services;

(3) "Entity":

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

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

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

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

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

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

(6) "Request", any inquiry by the MO HealthNet division for the purpose of determining the existence of insurance where the department may have expended MO HealthNet benefits.

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

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

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

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

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

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

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

9. The provisions of this section that apply to the department of social services shall also apply to the department of mental health when contracting with any entity to supply information as provided for in this section regarding an individual receiving department of mental
337.025. 1. The provisions of this section shall govern the education and
experience requirements for initial licensure as a psychologist for the following
persons:
   (1) A person who has not matriculated in a graduate degree program
which is primarily psychological in nature on or before August 28, 1990; and
   (2) A person who is matriculated after August 28, 1990, in a graduate
degree program designed to train professional psychologists.

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

3. A doctoral degree in psychology is defined as:
   (1) A program accredited, or provisionally accredited, by the American
Psychological Association (APA), [or] the Canadian Psychological Association
(CPA), or the Psychological Clinical Science Accreditation System
(PCAS); provided that, such program includes a supervised practicum,
internship, field, or laboratory training appropriate to the practice of
psychology; or
   (2) A program designated or approved, including provisional approval, by
the Association of State and Provincial Psychology Boards or the Council for the
National Register of Health Service Providers in Psychology, or both; or
   (3) A graduate program that meets all of the following criteria:
      (a) The program, wherever it may be administratively housed, shall be
clearly identified and labeled as a psychology program. Such a program shall
specify in pertinent institutional catalogues and brochures its intent to educate
and train professional psychologists;
      (b) The psychology program shall stand as a recognizable, coherent
organizational entity within the institution of higher education;
      (c) There shall be a clear authority and primary responsibility for the core
and specialty areas whether or not the program cuts across administrative lines;
      (d) The program shall be an integrated, organized, sequence of study;
      (e) There shall be an identifiable psychology faculty and a psychologist
responsible for the program;
      (f) The program shall have an identifiable body of students who are
matriculated in that program for a degree;
(g) The program shall include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;

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

(i) Require the completion by the applicant of a core program in psychology which shall be met by the completion and award of at least one three-semester-hour graduate credit course or a combination of graduate credit courses totaling three semester hours or five quarter hours in each of the following areas:

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

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

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

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

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

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

(1) A minimum of fifteen hundred hours of experience in a successfully completed internship to be completed in not less than twelve nor more than twenty-four months; and

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

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

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

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

5. Experience for those applicants who intend to seek health service provider certification and who have completed a program in one or more of the American Psychological Association designated health service provider delivery areas shall be obtained under the primary supervision of a licensed psychologist who is also a health service provider or who otherwise meets the requirements for health service provider certification. Experience for those applicants who do not intend to seek health service provider certification shall be obtained under the primary supervision of a licensed psychologist or such other qualified mental health professional approved by the committee.

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

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

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

(1) Is a diplomate of the American Board of Professional Psychology;
(2) Is a member of the National Register of Health Service Providers in
Psychology;
(3) Is currently licensed or certified as a psychologist in another
jurisdiction who is then a signatory to the Association of State and Provincial
Psychology Board’s reciprocity agreement;
(4) Is currently licensed or certified as a psychologist in another state,
territory of the United States, or the District of Columbia and:
   (a) Has a doctoral degree in psychology from a program accredited, or
       provisionally accredited, either by the American Psychological Association or
       the Psychological Clinical Science Accreditation System, or that meets
       the requirements as set forth in subdivision (3) of subsection 3 of section 337.025;
   (b) Has been licensed for the preceding five years; and
   (c) Has had no disciplinary action taken against the license for the
       preceding five years; or
(5) Holds a current certificate of professional qualification (CPQ) issued
    by the Association of State and Provincial Psychology Boards (ASPPB).

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

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

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

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

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

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

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

3. "Relevant professional education and training" for health service provider certification, except those entitled to certification pursuant to subsection 5 or 6 of this section, shall be defined as a licensed psychologist whose graduate psychology degree from a recognized educational institution is in an area designated by the American Psychological Association as pertaining to health service delivery or a psychologist who subsequent to receipt of his or her graduate degree in psychology has either completed a respecialization program from a recognized educational institution in one or more of the American Psychological Association recognized clinical health service provider areas and who in addition has completed at least one year of postdegree supervised experience in such clinical area or a psychologist who has obtained comparable education and training acceptable to the committee through completion of postdoctoral fellowships or otherwise.
4. The degree or respecialization program certificate shall be obtained from a recognized program of graduate study in one or more of the health service delivery areas designated by the American Psychological Association as pertaining to health service delivery, which shall meet one of the criteria established by subdivisions (1) to (3) of this subsection:

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

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

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

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

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

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

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

(1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional
Psychology as pertaining to health service delivery; or
(2) Is a member of the National Register of Health Service Providers in Psychology.

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

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

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

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

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

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

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

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

2. The general purposes of this compact are to:

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

(2) Enhance the states' ability to protect the public's health and safety, especially client/patient safety;
(3) Encourage the cooperation of compact states in the areas of psychology licensure and regulation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(16) "In-person, face-to-face", interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies;
(17) "Interjurisdictional practice certificate (IPC)", a certificate
issued by the Association of State and Provincial Psychology Boards
(ASPPB) that grants temporary authority to practice based on
notification to the state psychology regulatory authority of intention
to practice temporarily, and verification of one's qualifications for such
practice;
(18) "License", authorization by a state psychology regulatory
authority to engage in the independent practice of psychology, which
would be unlawful without the authorization;
(19) "Noncompact state", any state which is not at the time a
compact state;
(20) "Psychologist", an individual licensed for the independent
practice of psychology;
(21) "Psychology interjurisdictional compact commission" also
referred to as "commission", the national administration of which all
compact states are members;
(22) "Receiving state", a compact state where the client/patient
is physically located when the telepsychological services are delivered;
(23) "Rule", a written statement by the psychology
interjurisdictional compact commission promulgated pursuant to
section 337.150 of the compact that is of general applicability,
implements, interprets, or prescribes a policy or provision of the
compact, or an organizational, procedural, or practice requirement of
the commission and has the force and effect of statutory law in a
compact state, and includes the amendment, repeal or suspension of an
existing rule;
(24) "Significant investigatory information":
(a) Investigative information that a state psychology regulatory
authority, after a preliminary inquiry that includes notification and an
opportunity to respond if required by state law, has reason to believe,
if proven true, would indicate more than a violation of state statute or
ethics code that would be considered more substantial than minor
infraction; or
(b) Investigative information that indicates that the psychologist
represents an immediate threat to public health and safety regardless
of whether the psychologist has been notified and had an opportunity
to respond;
(25) "State", a state, commonwealth, territory, or possession of the United States, the District of Columbia;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Have no history of adverse action that violate the rules of the
commission;
(5) Have no criminal record history reported on an identity history summary that violates the rules of the commission;
(6) Possess a current, active E.Passport;
(7) Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the commission; and
(8) Meet other criteria as defined by the rules of the commission.
3. The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.
4. A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect the health and safety of the receiving state's citizens. If a receiving state takes action, the state shall promptly notify the home state and the commission.
5. If a psychologist's license in any home state, another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.
337.120. 1. Compact states shall also recognize the right of a psychologist, licensed in a compact state in conformance with section 337.110, to practice temporarily in distant states in which the psychologist is not licensed, as provided in the compact.
2. To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:
(1) Hold a graduate degree in psychology from an institute of
higher education that was, at the time the degree was awarded:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) No history of adverse action that violate the rules of the commission;
(5) No criminal record history that violates the rules of the commission;
(6) Possess a current, active IPC;
(7) Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and
(8) Meet other criteria as defined by the rules of the commission.

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

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

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

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

(1) The psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state;
(2) Other conditions regarding telepsychology as determined by
337.130. 1. A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Identifying information;
(2) Licensure data;
(3) Significant investigatory information;
(4) Adverse actions against a psychologist's license;
(5) An indicator that a psychologist's authority to practice
interjurisdictional telepsychology or temporary authorization to
practice is revoked;
(6) Nonconfidential information related to alternative program
participation information;
(7) Any denial of application for licensure, and the reasons for
such denial; and
(8) Other information which may facilitate the administration of
this compact, as determined by the rules of the commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Noncompliance of a compact state with its obligations under
the compact;
(b) The employment, compensation, discipline or other personnel
matters, practices or procedures related to specific employees or other
matters related to the commission's internal personnel practices and
procedures;
(c) Current, threatened, or reasonably anticipated litigation
against the commission;
(d) Negotiation of contracts for the purchase or sale of goods,
services or real estate;
(e) Accusation against any person of a crime or formally
censuring any person;
(f) Disclosure of trade secrets or commercial or financial
information which is privileged or confidential;
(g) Disclosure of information of a personal nature where
disclosure would constitute a clearly unwarranted invasion of personal
privacy;
(h) Disclosure of investigatory records compiled for law
enforcement purposes;
(i) Disclosure of information related to any investigatory reports
prepared by or on behalf of or for use of the commission or other
committee charged with responsibility for investigation or
determination of compliance issues pursuant to the compact;
(j) Matters specifically exempted from disclosure by federal and
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
81 4. The commission shall, by a majority vote of the commissioners,
82 prescribe bylaws or rules to govern its conduct as may be necessary or
83 appropriate to carry out the purposes and exercise the powers of the
84 compact, including but not limited to:
85 (1) Establishing the fiscal year of the commission;
86 (2) Providing reasonable standards and procedures:
87 (a) For the establishment and meetings of other committees; and
88 (b) Governing any general or specific delegation of any authority
89 or function of the commission;
90 (3) Providing reasonable procedures for calling and conducting
91 meetings of the commission, ensuring reasonable advance notice of all
92 meetings and providing an opportunity for attendance of such meetings
93 by interested parties, with enumerated exceptions designed to protect
94 the public's interest, the privacy of individuals of such proceedings,
95 and proprietary information, including trade secrets. The commission
96 may meet in closed session only after a majority of the commissioners
97 vote to close a meeting to the public in whole or in part. As soon as
98 practicable, the commission shall make public a copy of the vote to
99 close the meeting revealing the vote of each commissioner with no
100 proxy votes allowed;
101 (4) Establishing the titles, duties and authority and reasonable
102 procedures for the election of the officers of the commission;
103 (5) Providing reasonable standards and procedures for the
104 establishment of the personnel policies and programs of the
105 commission. Notwithstanding any civil service or other similar law of
any compact state, the bylaws shall exclusively govern the personnel policies and programs of the commission;

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

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

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

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

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

6. The commission shall have the following powers:

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

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

(3) To purchase and maintain insurance and bonds;

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

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

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

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

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

(9) To establish a budget and make expenditures;

(10) To borrow money;

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

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

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

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

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

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

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

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

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

(4) The commission may remove any member of the executive board as provided in bylaws.
The executive board shall meet at least annually.

The executive board shall have the following duties and responsibilities:

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

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

(c) Prepare and recommend the budget;

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

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

(f) Establish additional committees as necessary; and

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

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

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

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

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

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

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

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

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

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

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

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

4. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:
   (1) On the website of the commission; and
   (2) On the website of each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

5. The notice of proposed rulemaking shall include:
   (1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
   (2) The text of the proposed rule or amendment and the reason for the proposed rule;
   (3) A request for comments on the proposed rule from any interested person;
   (4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

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

7. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:
   (1) At least twenty-five persons who submit comments independently of each other;
   (2) A governmental subdivision or agency; or
   (3) A duly appointed person in an association that has at least twenty-five members.
8. (1) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.

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

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

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

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

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

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

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

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

(1) Meet an imminent threat to public health, safety, or welfare;
(2) Prevent a loss of commission or compact state funds;
(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
(4) Protect public health and safety.

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

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

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

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

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

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

(a) Provide written notice to the defaulting state and other
compact states of the nature of the default, the proposed means of
remedying the default or any other action to be taken by the
commission; and
(b) Provide remedial training and specific technical assistance
regarding the default.
(2) If a state in default fails to remedy the default, the defaulting
state may be terminated from the compact upon an affirmative vote of
a majority of the compact states, and all rights, privileges and benefits
conferred by this compact shall be terminated on the effective date of
termination. A remedy of the default does not relieve the offending
state of obligations or liabilities incurred during the period of default.
(3) Termination of membership in the compact shall be imposed
only after all other means of securing compliance have been
exhausted. Notice of intent to suspend or terminate shall be submitted
by the commission to the governor, the majority and minority leaders
of the defaulting state's legislature, and each of the compact states.
(4) A compact state which has been terminated is responsible for
all assessments, obligations and liabilities incurred through the
effective date of termination, including obligations which extend
beyond the effective date of termination.
(5) The commission shall not bear any costs incurred by the state
which is found to be in default or which has been terminated from the
compact, unless agreed upon in writing between the commission and
the defaulting state.
(6) The defaulting state may appeal the action of the commission
by petitioning the U.S. District Court for the state of Georgia or the
federal district where the compact has its principal offices. The
prevailing member shall be awarded all costs of such litigation,
including reasonable attorney's fees.
3. (1) Upon request by a compact state, the commission shall
attempt to resolve disputes related to the compact which arise among
compact states and between compact and noncompact states.
(2) The commission shall promulgate a rule providing for both
mediation and binding dispute resolution for disputes that arise before
the commission.
4. (1) The commission, in the reasonable exercise of its
discretion, shall enforce the provisions and rules of this compact.
(2) By majority vote, the commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

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

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

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

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

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

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

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

5. This compact may be amended by the compact states. No
amendment to this compact shall become effective and binding upon
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
effectuate the purposes thereof. If this compact shall be held contrary
to the constitution of any state member thereto, the compact shall
remain in full force and effect as to the remaining compact states.

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

2. Whenever any judge has reasonable cause to believe that the accused
lacks mental fitness to proceed, the judge shall, upon his or her own
motion or upon motion filed by the state or by or on behalf of the accused, by
order of record, appoint one or more private psychiatrists or psychologists, as
defined in section 632.005, or physicians with a minimum of one year training or
experience in providing treatment or services to persons with an intellectual
disability or developmental disability or mental illness, who are neither
employees nor contractors of the department of mental health for purposes of
performing the examination in question, to examine the accused; or shall direct
the director to have the accused so examined by one or more psychiatrists or
psychologists, as defined in section 632.005, or physicians with a minimum of one
year training or experience in providing treatment or services to persons with an
intellectual disability, developmental disability, or mental illness. The order
shall direct that a written report or reports of such examination be filed with the
clerk of the court. No private physician, psychiatrist, or psychologist shall be
appointed by the court unless he or she has consented to act. The examinations
ordered shall be made at such time and place and under such conditions as the
court deems proper; except that, if the order directs the director of the
department to have the accused examined, the director, or his or her designee,
shall determine the time, place and conditions under which the examination shall
be conducted. The order may include provisions for the interview of witnesses
and may require the provision of police reports to the department for use in
evaluations. The department shall establish standards and provide training for
those individuals performing examinations pursuant to this section and section
552.030. No individual who is employed by or contracts with the department
shall be designated to perform an examination pursuant to this chapter unless
the individual meets the qualifications so established by the department. Any examination performed pursuant to this subsection shall be completed and filed with the court within sixty days of the order unless the court for good cause orders otherwise. Nothing in this section or section 552.030 shall be construed to permit psychologists to engage in any activity not authorized by chapter 337. One pretrial evaluation shall be provided at no charge to the defendant by the department. All costs of subsequent evaluations shall be assessed to the party requesting the evaluation.

3. A report of the examination made under this section shall include:
   (1) Detailed findings;
   (2) An opinion as to whether the accused has a mental disease or defect;
   (3) An opinion based upon a reasonable degree of medical or psychological certainty as to whether the accused, as a result of a mental disease or defect, lacks capacity to understand the proceedings against him or her or to assist in his or her own defense;
   (4) A recommendation as to whether the accused should be held in custody in a suitable hospital facility for treatment pending determination, by the court, of mental fitness to proceed; and
   (5) A recommendation as to whether the accused, if found by the court to be mentally fit to proceed, should be detained in such hospital facility pending further proceedings.

4. If the accused has pleaded lack of responsibility due to mental disease or defect or has given the written notice provided in subsection 2 of section 552.030, the court shall order the report of the examination conducted pursuant to this section to include, in addition to the information required in subsection 3 of this section, an opinion as to whether at the time of the alleged criminal conduct the accused, as a result of mental disease or defect, did not know or appreciate the nature, quality, or wrongfulness of his or her conduct or as a result of mental disease or defect was incapable of conforming his or her conduct to the requirements of law. A plea of not guilty by reason of mental disease or defect shall not be accepted by the court in the absence of any such pretrial evaluation which supports such a defense. In addition, if the accused has pleaded not guilty by reason of mental disease or defect, and the alleged crime is not a dangerous felony as defined in section 556.061, or those crimes set forth in subsection [11] 10 of section 552.040, or the attempts thereof, the court shall order the report of the examination to include an opinion as to whether or not the
accused should be immediately conditionally released by the court pursuant to the provisions of section 552.040 or should be committed to a mental health or developmental disability facility. If such an evaluation is conducted at the direction of the director of the department of mental health, the court shall also order the report of the examination to include an opinion as to the conditions of release which are consistent with the needs of the accused and the interest of public safety, including, but not limited to, the following factors:

1. Location and degree of necessary supervision of housing;
2. Location of and responsibilities for appropriate psychiatric, rehabilitation and aftercare services, including the frequency of such services;
3. Medication follow-up, including necessary testing to monitor medication compliance;
4. At least monthly contact with the department's forensic case monitor;
5. Any other conditions or supervision as may be warranted by the circumstances of the case.

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

6. The clerk of the court shall deliver copies of the report to the prosecuting or circuit attorney and to the accused or his or her counsel. The report shall not be a public record or open to the public. Within ten days after the filing of the report, both the defendant and the state shall, upon written request, be entitled to an order granting them an examination of the accused by a psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, of their own choosing and at their own expense. An examination performed pursuant to this subsection shall be completed and a report filed with the court within sixty days of the date it is received by the department or private psychiatrist, psychologist or physician unless the court, for good cause, orders otherwise. A copy shall be furnished the opposing party.

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

8. At a hearing on the issue pursuant to subsection 7 of this section, the
accused is presumed to have the mental fitness to proceed. The burden of proving
that the accused does not have the mental fitness to proceed is by a
preponderance of the evidence and the burden of going forward with the evidence
is on the party raising the issue. The burden of going forward shall be on the
state if the court raises the issue.

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

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

11. The following provisions shall apply after a commitment as provided
in this section:
Six months after such commitment, the court which ordered the accused committed shall order an examination by the head of the facility in which the accused is committed, or a qualified designee, to ascertain whether the accused is mentally fit to proceed and if not, whether there is a substantial probability that the accused will attain the mental fitness to proceed to trial in the foreseeable future. The order shall direct that written report or reports of the examination be filed with the clerk of the court within thirty days and the clerk shall deliver copies to the prosecuting attorney or circuit attorney and to the accused or his or her counsel. The report required by this subsection shall conform to the requirements under subsection 3 of this section with the additional requirement that it include an opinion, if the accused lacks mental fitness to proceed, as to whether there is a substantial probability that the accused will attain the mental fitness to proceed in the foreseeable future;

Within ten days after the filing of the report, both the accused and the state shall, upon written request, be entitled to an order granting them an examination of the accused by a psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, of their own choosing and at their own expense. An examination performed pursuant to this subdivision shall be completed and filed with the court within thirty days unless the court, for good cause, orders otherwise. A copy shall be furnished to the opposing party;

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

If the accused is found mentally fit to proceed, the criminal proceedings shall be resumed;

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

(6) If it is found that the accused lacks mental fitness to proceed and there is no substantial probability that the accused will be mentally fit to proceed in the reasonably foreseeable future, the court shall dismiss the charges without prejudice and the accused shall be discharged, but only if proper proceedings have been filed under chapter 632 or chapter 475, in which case those sections and no others will be applicable. The probate division of the circuit court shall have concurrent jurisdiction over the accused upon the filing of a proper pleading to determine if the accused shall be involuntarily detained under chapter 632, or to determine if the accused shall be declared incapacitated under chapter 475, and approved for admission by the guardian under section 632.120 or 633.120, to a mental health or developmental disability facility. When such proceedings are filed, the criminal charges shall be dismissed without prejudice if the court finds that the accused is mentally ill and should be committed or that he or she is incapacitated and should have a guardian appointed. The period of limitation on prosecuting any criminal offense shall be tolled during the period that the accused lacks mental fitness to proceed.

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

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

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

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

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

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

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

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

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

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

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

(1) "Comprehensive psychiatric services", any one, or any combination of two or more, of the following services to persons affected by mental disorders other than intellectual disabilities or developmental disabilities: inpatient, outpatient, day program or other partial hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education, rehabilitation, prevention, screening, transitional living, medical prevention and treatment for alcohol abuse, and medical prevention and treatment for drug abuse;

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

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

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

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

(6) "Head of mental health facility", superintendent or other chief administrative officer of a mental health facility, or his designee;
"Judicial day", any Monday, Tuesday, Wednesday, Thursday or Friday when the court is open for business, but excluding Saturdays, Sundays and legal holidays;

"Licensed physician", a physician licensed pursuant to the provisions of chapter 334 or a person authorized to practice medicine in this state pursuant to the provisions of section 334.150;

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

"Likelihood of serious harm" means any one or more of the following but does not require actual physical injury to have occurred:

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

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

(c) A substantial risk that serious physical harm will be inflicted by a person upon another as evidenced by recent overt acts, behavior or threats, including verbal threats, which have caused such harm or which would place a reasonable person in reasonable fear of sustaining such harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in physical harm previously being inflicted by a person upon another person;
(11) "Mental health coordinator", a mental health professional who has knowledge of the laws relating to hospital admissions and civil commitment and who is authorized by the director of the department, or his designee, to serve a designated geographic area or mental health facility and who has the powers, duties and responsibilities provided in this chapter;

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

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

(14) "Mental health program", any public or private residential facility, public or private hospital, public or private specialized service or public or private day program that can provide care, treatment, rehabilitation or services, either through its own staff or through contracted providers, in an inpatient or outpatient setting to persons with a mental disorder or mental illness or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the department. No correctional institution or facility or jail may be a mental health program within the meaning of this chapter;

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

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

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

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

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

(20) "Psychiatric physician assistant", a licensed physician assistant under chapter 334 and who has had at least two years of experience as a physician assistant in providing psychiatric treatment to individuals suffering from mental health disorders or a graduate of a postgraduate residency or fellowship for physician assistants in psychiatry;

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

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

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

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

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

[(23)] (26) "Treatment", any effort to accomplish a significant change in the mental or emotional conditions or the behavior of the patient consistent with generally recognized principles or standards in the mental health professions.

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