

2024 South Dakota Legislature

Draft 298

Requested by: **Representative** Rehfeldt

1 **An Act to adopt the psychology interjurisdictional licensure compact.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That a NEW SECTION be added to title 36:**

4 PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)

5 ARTICLE I

6 PURPOSE

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

10 Whereas, this Compact is intended to regulate the day to day practice of
11 telepsychology (i.e. the provision of psychological services using telecommunication
12 technologies) by psychologists across state boundaries in the performance of their
13 psychological practice as assigned by an appropriate authority; and

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

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

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

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

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

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

- 1 1. Increase public access to professional psychological services by allowing for
2 telepsychological practice across state lines as well as temporary in-person, face-
3 to-face services into a state which the psychologist is not licensed to practice
4 psychology;
- 5 2. Enhance the states' ability to protect the public's health and safety, especially
6 client/patient safety;
- 7 3. Encourage the cooperation of Compact States in the areas of psychology licensure
8 and regulation;
- 9 4. Facilitate the exchange of information between Compact States regarding
10 psychologist licensure, adverse actions and disciplinary history;
- 11 5. Promote compliance with the laws governing psychological practice in each
12 Compact State; and
- 13 6. Invest all Compact States with the authority to hold licensed psychologists
14 accountable through the mutual recognition of Compact State licenses.

15 ARTICLE II

16 DEFINITIONS

- 17
- 18 A. "Adverse Action" means: Any action taken by a State Psychology Regulatory
19 Authority which finds a violation of a statute or regulation that is identified by the
20 State Psychology Regulatory Authority as discipline and is a matter of public record.
- 21 B. "Association of State and Provincial Psychology Boards (ASPPB)" means: the
22 recognized membership organization composed of State and Provincial Psychology
23 Regulatory Authorities responsible for the licensure and registration of
24 psychologists throughout the United States and Canada.
- 25 C. "Authority to Practice Interjurisdictional Telepsychology" means: a licensed
26 psychologist's authority to practice telepsychology, within the limits authorized
27 under this Compact, in another Compact State.
- 28 D. "Bylaws" means: those Bylaws established by the Psychology Interjurisdictional
29 Compact Commission pursuant to Article X for its governance, or for directing and
30 controlling its actions and conduct.
- 31 E. "Client/Patient" means: the recipient of psychological services, whether
32 psychological services are delivered in the context of healthcare, corporate,
33 supervision, and/or consulting services.
- 34 F. "Commissioner" means: the voting representative appointed by each State
35 Psychology Regulatory Authority pursuant to Article X.

- 1 G. "Compact State" means: a state, the District of Columbia, or United States territory
2 that has enacted this Compact legislation and which has not withdrawn pursuant
3 to Article XIII, Section C or been terminated pursuant to Article XII, Section B.
- 4 H. "Coordinated Licensure Information System" also referred to as "Coordinated
5 Database" means: an integrated process for collecting, storing, and sharing
6 information on psychologists' licensure and enforcement activities related to
7 psychology licensure laws, which is administered by the recognized membership
8 organization composed of State and Provincial Psychology Regulatory Authorities.
- 9 I. "Confidentiality" means: the principle that data or information is not made available
10 or disclosed to unauthorized persons and/or processes.
- 11 J. "Day" means: any part of a day in which psychological work is performed.
- 12 K. "Distant State" means: the Compact State where a psychologist is physically
13 present (not through the use of telecommunications technologies), to provide
14 temporary in-person, face-to-face psychological services.
- 15 L. "E.Passport" means: a certificate issued by the Association of State and Provincial
16 Psychology Boards (ASPPB) that promotes the standardization in the criteria of
17 interjurisdictional telepsychology practice and facilitates the process for licensed
18 psychologists to provide telepsychological services across state lines.
- 19 M. "Executive Board" means: a group of directors elected or appointed to act on behalf
20 of, and within the powers granted to them by, the Commission.
- 21 N. "Home State" means: a Compact State where a psychologist is licensed to practice
22 psychology. If the psychologist is licensed in more than one Compact State and is
23 practicing under the Authorization to Practice Interjurisdictional Telepsychology,
24 the Home State is the Compact State where the psychologist is physically present
25 when the telepsychological services are delivered. If the psychologist is licensed in
26 more than one Compact State and is practicing under the Temporary Authorization
27 to Practice, the Home State is any Compact State where the psychologist is
28 licensed.
- 29 O. "Identity History Summary" means: a summary of information retained by the FBI,
30 or other designee with similar authority, in connection with arrests and, in some
31 instances, federal employment, naturalization, or military service.
- 32 P. "In-Person, Face-to-Face" means: interactions in which the psychologist and the
33 client/patient are in the same physical space and which does not include
34 interactions that may occur through the use of telecommunication technologies.

- 1 Q. "Interjurisdictional Practice Certificate (IPC)" means: a certificate issued by the
2 Association of State and Provincial Psychology Boards (ASPPB) that grants
3 temporary authority to practice based on notification to the State Psychology
4 Regulatory Authority of intention to practice temporarily, and verification of one's
5 qualifications for such practice.
- 6 R. "License" means: authorization by a State Psychology Regulatory Authority to
7 engage in the independent practice of psychology, which would be unlawful without
8 the authorization.
- 9 S. "Non-Compact State" means: any State which is not at the time a Compact State.
- 10 T. "Psychologist" means: an individual licensed for the independent practice of
11 psychology.
- 12 U. "Psychology Interjurisdictional Compact Commission" also referred to as
13 "Commission" means: the national administration of which all Compact States are
14 members.
- 15 V. "Receiving State" means: a Compact State where the client/patient is physically
16 located when the telepsychological services are delivered.
- 17 W. "Rule" means: a written statement by the Psychology Interjurisdictional Compact
18 Commission promulgated pursuant to Article XI of the Compact that is of general
19 applicability, implements, interprets, or prescribes a policy or provision of the
20 Compact, or an organizational, procedural, or practice requirement of the
21 Commission and has the force and effect of statutory law in a Compact State, and
22 includes the amendment, repeal or suspension of an existing rule.
- 23 X. "Significant Investigatory Information" means:
- 24 1. Investigative information that a State Psychology Regulatory Authority,
25 after a preliminary inquiry that includes notification and an opportunity to
26 respond if required by state law, has reason to believe, if proven true, would
27 indicate more than a violation of state statute or ethics code that would be
28 considered more substantial than minor infraction; or
- 29 2. Investigative information that indicates that the psychologist represents an
30 immediate threat to public health and safety regardless of whether the
31 psychologist has been notified and/or had an opportunity to respond.
- 32 Y. "State" means: a state, commonwealth, territory, or possession of the United
33 States, the District of Columbia.
- 34 Z. "State Psychology Regulatory Authority" means: the Board, office or other agency
35 with the legislative mandate to license and regulate the practice of psychology.

- 1 AA. "Telepsychology" means: the provision of psychological services using
2 telecommunication technologies.
- 3 BB. "Temporary Authorization to Practice" means: a licensed psychologist's authority
4 to conduct temporary in-person, face-to-face practice, within the limits authorized
5 under this Compact, in another Compact State.
- 6 CC. "Temporary In-Person, Face-to-Face Practice" means: where a psychologist is
7 physically present (not through the use of telecommunications technologies), in
8 the Distant State to provide for the practice of psychology for 30 days within a
9 calendar year and based on notification to the Distant State.

10
11 ARTICLE III

12 HOME STATE LICENSURE

- 13 A. The Home State shall be a Compact State where a psychologist is licensed to
14 practice psychology.
- 15 B. A psychologist may hold one or more Compact State licenses at a time. If the
16 psychologist is licensed in more than one Compact State, the Home State is the
17 Compact State where the psychologist is physically present when the services are
18 delivered as authorized by the Authority to Practice Interjurisdictional
19 Telepsychology under the terms of this Compact.
- 20 C. Any Compact State may require a psychologist not previously licensed in a
21 Compact State to obtain and retain a license to be authorized to practice in the
22 Compact State under circumstances not authorized by the Authority to Practice
23 Interjurisdictional Telepsychology under the terms of this Compact.
- 24 D. Any Compact State may require a psychologist to obtain and retain a license to be
25 authorized to practice in a Compact State under circumstances not authorized by
26 Temporary Authorization to Practice under the terms of this Compact.
- 27 E. A Home State's license authorizes a psychologist to practice in a Receiving State
28 under the Authority to Practice Interjurisdictional Telepsychology only if the
29 Compact State:
- 30 1. Currently requires the psychologist to hold an active E.Passport;
 - 31 2. Has a mechanism in place for receiving and investigating complaints about
32 licensed individuals;
 - 33 3. Notifies the Commission, in compliance with the terms herein, of any
34 adverse action or significant investigatory information regarding a licensed
35 individual;

- 1 4. Requires an Identity History Summary of all applicants at initial licensure,
 2 including the use of the results of fingerprints or other biometric data checks
 3 compliant with the requirements of the Federal Bureau of Investigation FBI,
 4 or other designee with similar authority, no later than ten years after
 5 activation of the Compact; and
- 6 5. Complies with the Bylaws and Rules of the Commission.
- 7 F. A Home State's license grants Temporary Authorization to Practice to a
 8 psychologist in a Distant State only if the Compact State:
- 9 1. Currently requires the psychologist to hold an active IPC;
 10 2. Has a mechanism in place for receiving and investigating complaints about
 11 licensed individuals;
 12 3. Notifies the Commission, in compliance with the terms herein, of any
 13 adverse action or significant investigatory information regarding a licensed
 14 individual;
 15 4. Requires an Identity History Summary of all applicants at initial licensure,
 16 including the use of the results of fingerprints or other biometric data checks
 17 compliant with the requirements of the Federal Bureau of Investigation FBI,
 18 or other designee with similar authority, no later than ten years after
 19 activation of the Compact; and
 20 5. Complies with the Bylaws and Rules of the Commission.

ARTICLE IV

COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

- 24 A. Compact States shall recognize the right of a psychologist, licensed in a Compact
 25 State in conformance with Article III, to practice telepsychology in other Compact
 26 States (Receiving States) in which the psychologist is not licensed, under the
 27 Authority to Practice Interjurisdictional Telepsychology as provided in the Compact.
- 28 B. To exercise the Authority to Practice Interjurisdictional Telepsychology under the
 29 terms and provisions of this Compact, a psychologist licensed to practice in a
 30 Compact State must:
- 31 1. Hold a graduate degree in psychology from an institute of higher education
 32 that was, at the time the degree was awarded:
- 33 a. Regionally accredited by an accrediting body recognized by the U.S.
 34 Department of Education to grant graduate degrees, OR authorized
 35 by Provincial Statute or Royal Charter to grant doctoral degrees; OR

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

- 1 7. Provide attestations in regard to areas of intended practice, conformity with
2 standards of practice, competence in telepsychology technology; criminal
3 background; and knowledge and adherence to legal requirements in the
4 home and receiving states, and provide a release of information to allow for
5 primary source verification in a manner specified by the Commission; and
6 8. Meet other criteria as defined by the Rules of the Commission.
- 7 C. The Home State maintains authority over the license of any psychologist practicing
8 into Receiving State under the Authority to Practice Interjurisdictional
9 Telepsychology.
- 10 D. A psychologist practicing into a Receiving State under the Authority to Practice
11 Interjurisdictional Telepsychology will be subject to the Receiving State’s scope of
12 practice. A Receiving State may, in accordance with that state’s due process law,
13 limit or revoke a psychologist’s Authority to Practice Interjurisdictional
14 Telepsychology in the Receiving State and may take any other necessary actions
15 under the Receiving State’s applicable law to protect the health and safety of the
16 Receiving State’s citizens. If a Receiving State takes action, the state shall
17 promptly notify the Home State and the Commission.
- 18 E. If a psychologist’s license in any Home State, another Compact State, or any
19 Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is
20 restricted, suspended or otherwise limited, the E.Passport shall be revoked and
21 therefore the psychologist shall not be eligible to practice telepsychology in a
22 Compact State under the Authority to Practice Interjurisdictional Telepsychology.

ARTICLE V

COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

- 26 A. Compact States shall also recognize the right of a psychologist, licensed in a
27 Compact State in conformance with Article III, to practice temporarily in other
28 Compact States (Distant States) in which the psychologist is not licensed, as
29 provided in the Compact.
- 30 B. To exercise the Temporary Authorization to Practice under the terms and provisions
31 of this Compact, a psychologist licensed to practice in a Compact State must:
- 32 1. Hold a graduate degree in psychology from an institute of higher education
33 that was, at the time the degree was awarded:

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

- 1 5. No criminal record history that violates the Rules of the Commission;
 2 6. Possess a current, active IPC;
 3 7. Provide attestations in regard to areas of intended practice and work
 4 experience and provide a release of information to allow for primary source
 5 verification in a manner specified by the Commission; and
 6 8. Meet other criteria as defined by the Rules of the Commission.
- 7 C. A psychologist practicing into a Distant State under the Temporary Authorization
 8 to Practice shall practice within the scope of practice authorized by the Distant
 9 State.
- 10 D. A psychologist practicing into a Distant State under the Temporary Authorization
 11 to Practice will be subject to the Distant State’s authority and law. A Distant State
 12 may, in accordance with that state’s due process law, limit or revoke a
 13 psychologist’s Temporary Authorization to Practice in the Distant State and may
 14 take any other necessary actions under the Distant State’s applicable law to protect
 15 the health and safety of the Distant State’s citizens. If a Distant State takes action,
 16 the state shall promptly notify the Home State and the Commission.
- 17 E. If a psychologist’s license in any Home State, another Compact State, or any
 18 Temporary Authorization to Practice in any Distant State, is restricted, suspended
 19 or otherwise limited, the IPC shall be revoked and therefore the psychologist shall
 20 not be eligible to practice in a Compact State under the Temporary Authorization
 21 to Practice.

ARTICLE VI

CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

- 24 A. A psychologist may practice in a Receiving State under the Authority to Practice
 25 Interjurisdictional Telepsychology only in the performance of the scope of practice
 26 for psychology as assigned by an appropriate State Psychology Regulatory
 27 Authority, as defined in the Rules of the Commission, and under the following
 28 circumstances:
- 29 1. The psychologist initiates a client/patient contact in a Home State via
 30 telecommunications technologies with a client/patient in a Receiving State;
 31 2. Other conditions regarding telepsychology as determined by Rules
 32 promulgated by the Commission.

ARTICLE VII ADVERSE

ACTIONS

- 1
- 2 A. A Home State shall have the power to impose adverse action against a
3 psychologist's license issued by the Home State. A Distant State shall have the
4 power to take adverse action on a psychologist's Temporary Authorization to
5 Practice within that Distant State.
- 6 B. A Receiving State may take adverse action on a psychologist's Authority to Practice
7 Interjurisdictional Telepsychology within that Receiving State. A Home State may
8 take adverse action against a psychologist based on an adverse action taken by a
9 Distant State regarding temporary in-person, face-to-face practice.
- 10 C. If a Home State takes adverse action against a psychologist's license, that
11 psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated
12 and the E.Passport is revoked. Furthermore, that psychologist's Temporary
13 Authorization to Practice is terminated and the IPC is revoked.
- 14 1. All Home State disciplinary orders which impose adverse action shall be
15 reported to the Commission in accordance with the Rules promulgated by
16 the Commission. A Compact State shall report adverse actions in
17 accordance with the Rules of the Commission.
- 18 2. In the event discipline is reported on a psychologist, the psychologist will
19 not be eligible for telepsychology or temporary in-person, face-to-face
20 practice in accordance with the Rules of the Commission.
- 21 3. Other actions may be imposed as determined by the Rules promulgated by
22 the Commission.
- 23 D. A Home State's Psychology Regulatory Authority shall investigate and take
24 appropriate action with respect to reported inappropriate conduct engaged in by a
25 licensee which occurred in a Receiving State as it would if such conduct had
26 occurred by a licensee within the Home State. In such cases, the Home State's law
27 shall control in determining any adverse action against a psychologist's license.
- 28 E. A Distant State's Psychology Regulatory Authority shall investigate and take
29 appropriate action with respect to reported inappropriate conduct engaged in by a
30 psychologist practicing under Temporary Authorization Practice which occurred in
31 that Distant State as it would if such conduct had occurred by a licensee within the
32 Home State. In such cases, Distant State's law shall control in determining any
33 adverse action against a psychologist's Temporary Authorization to Practice.
- 34 F. Nothing in this Compact shall override a Compact State's decision that a
35 psychologist's participation in an alternative program may be used in lieu of

1 adverse action and that such participation shall remain non-public if required by
 2 the Compact State's law. Compact States must require psychologists who enter
 3 any alternative programs to not provide telepsychology services under the
 4 Authority to Practice Interjurisdictional Telepsychology or provide temporary
 5 psychological services under the Temporary Authorization to Practice in any other
 6 Compact State during the term of the alternative program.

7 G. No other judicial or administrative remedies shall be available to a psychologist in
 8 the event a Compact State imposes an adverse action pursuant to subsection C,
 9 above.

11 ARTICLE VIII

12 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY 13 REGULATORY AUTHORITY

14 A. In addition to any other powers granted under state law, a Compact State's
 15 Psychology Regulatory Authority shall have the authority under this Compact to:

- 16 1. Issue subpoenas, for both hearings and investigations, which require the
 17 attendance and testimony of witnesses and the production of evidence.
 18 Subpoenas issued by a Compact State's Psychology Regulatory Authority
 19 for the attendance and testimony of witnesses, and/or the production of
 20 evidence from another Compact State shall be enforced in the latter state
 21 by any court of competent jurisdiction, according to that court's practice
 22 and procedure in considering subpoenas issued in its own proceedings. The
 23 issuing State Psychology Regulatory Authority shall pay any witness fees,
 24 travel expenses, mileage and other fees required by the service statutes of
 25 the state where the witnesses and/or evidence are located; and
- 26 2. Issue cease and desist and/or injunctive relief orders to revoke a
 27 psychologist's Authority to Practice Interjurisdictional Telepsychology
 28 and/or Temporary Authorization to Practice.
- 29 3. During the course of any investigation, a psychologist may not change
 30 his/her Home State licensure. A Home State Psychology Regulatory
 31 Authority is authorized to complete any pending investigations of a
 32 psychologist and to take any actions appropriate under its law. The Home
 33 State Psychology Regulatory Authority shall promptly report the conclusions
 34 of such investigations to the Commission. Once an investigation has been
 35 completed, and pending the outcome of said investigation, the psychologist

1 may change his/her Home State licensure. The Commission shall promptly
2 notify the new Home State of any such decisions as provided in the Rules
3 of the Commission. All information provided to the Commission or
4 distributed by Compact States pursuant to the psychologist shall be
5 confidential, filed under seal and used for investigatory or disciplinary
6 matters. The Commission may create additional rules for mandated or
7 discretionary sharing of information by Compact States.

8

9 ARTICLE IX

10 COORDINATED LICENSURE INFORMATION SYSTEM

- 11 A. The Commission shall provide for the development and maintenance of a
12 Coordinated Licensure Information System (Coordinated Database) and reporting
13 system containing licensure and disciplinary action information on all psychologists
14 individuals to whom this Compact is applicable in all Compact States as defined by
15 the Rules of the Commission.
- 16 B. Notwithstanding any other provision of state law to the contrary, a Compact State
17 shall submit a uniform data set to the Coordinated Database on all licensees as
18 required by the Rules of the Commission, including:
- 19 1. Identifying information;
 - 20 2. Licensure data;
 - 21 3. Significant investigatory information;
 - 22 4. Adverse actions against a psychologist's license;
 - 23 5. An indicator that a psychologist's Authority to Practice Interjurisdictional
24 Telepsychology and/or Temporary Authorization to Practice is revoked;
 - 25 6. Non-confidential information related to alternative program participation
26 information;
 - 27 7. Any denial of application for licensure, and the reasons for such denial; and
 - 28 8. Other information which may facilitate the administration of this Compact,
29 as determined by the Rules of the Commission.
- 30 C. The Coordinated Database administrator shall promptly notify all Compact States
31 of any adverse action taken against, or significant investigative information on, any
32 licensee in a Compact State.
- 33 D. Compact States reporting information to the Coordinated Database may designate
34 information that may not be shared with the public without the express permission
35 of the Compact State reporting the information.

1 E. Any information submitted to the Coordinated Database that is subsequently
2 required to be expunged by the law of the Compact State reporting the information
3 shall be removed from the Coordinated Database.

4
5 ARTICLE X

6 ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

7 A. The Compact States hereby create and establish a joint public agency known as
8 the Psychology Interjurisdictional Compact Commission.

9 1. The Commission is a body politic and an instrumentality of the Compact
10 States.

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

16 3. Nothing in this Compact shall be construed to be a waiver of sovereign
17 immunity.

18 B. Membership, Voting, and Meetings

19 1. The Commission shall consist of one voting representative appointed by
20 each Compact State who shall serve as that state's Commissioner. The
21 State Psychology Regulatory Authority shall appoint its delegate. This
22 delegate shall be empowered to act on behalf of the Compact State. This
23 delegate shall be limited to:

24 a. Executive Director, Executive Secretary or similar executive;

25 b. Current member of the State Psychology Regulatory Authority of a
26 Compact State; OR

27 c. Designee empowered with the appropriate delegate authority to act
28 on behalf of the Compact State.

29 2. Any Commissioner may be removed or suspended from office as provided
30 by the law of the state from which the Commissioner is appointed. Any
31 vacancy occurring in the Commission shall be filled in accordance with the
32 laws of the Compact State in which the vacancy exists.

33 3. Each Commissioner shall be entitled to one (1) vote with regard to the
34 promulgation of Rules and creation of Bylaws and shall otherwise have an
35 opportunity to participate in the business and affairs of the Commission. A

- 1 Commissioner shall vote in person or by such other means as provided in
2 the Bylaws. The Bylaws may provide for Commissioners' participation in
3 meetings by telephone or other means of communication.
- 4 4. The Commission shall meet at least once during each calendar year.
5 Additional meetings shall be held as set forth in the Bylaws.
- 6 5. All meetings shall be open to the public, and public notice of meetings shall
7 be given in the same manner as required under the rulemaking provisions
8 in Article XI.
- 9 6. The Commission may convene in a closed, non-public meeting if the
10 Commission must discuss:
- 11 a. Non-compliance of a Compact State with its obligations under the
12 Compact;
- 13 b. The employment, compensation, discipline or other personnel
14 matters, practices or procedures related to specific employees or
15 other matters related to the Commission's internal personnel
16 practices and procedures;
- 17 c. Current, threatened, or reasonably anticipated litigation against the
18 Commission;
- 19 d. Negotiation of contracts for the purchase or sale of goods, services
20 or real estate;
- 21 e. Accusation against any person of a crime or formally censuring any
22 person;
- 23 f. Disclosure of trade secrets or commercial or financial information
24 which is privileged or confidential;
- 25 g. Disclosure of information of a personal nature where disclosure
26 would constitute a clearly unwarranted invasion of personal privacy;
- 27 h. Disclosure of investigatory records compiled for law enforcement
28 purposes;
- 29 i. Disclosure of information related to any investigatory reports
30 prepared by or on behalf of or for use of the Commission or other
31 committee charged with responsibility for investigation or
32 determination of compliance issues pursuant to the Compact; or
- 33 j. Matters specifically exempted from disclosure by federal and state
34 statute.

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

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

16 1. Establishing the fiscal year of the Commission;

17 2. Providing reasonable standards and procedures:

18 a. For the establishment and meetings of other committees; and

19 b. Governing any general or specific delegation of any authority or
20 function of the Commission;

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

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

33 5. Providing reasonable standards and procedures for the establishment of the
34 personnel policies and programs of the Commission. Notwithstanding any

- 1 civil service or other similar law of any Compact State, the Bylaws shall
2 exclusively govern the personnel policies and programs of the Commission;
3 6. Promulgating a Code of Ethics to address permissible and prohibited
4 activities of Commission members and employees;
5 7. Providing a mechanism for concluding the operations of the Commission
6 and the equitable disposition of any surplus funds that may exist after the
7 termination of the Compact after the payment and/or reserving of all of its
8 debts and obligations;
9 8. The Commission shall publish its Bylaws in a convenient form and file a copy
10 thereof and a copy of any amendment thereto, with the appropriate agency
11 or officer in each of the Compact States;
12 9. The Commission shall maintain its financial records in accordance with the
13 Bylaws; and
14 10. The Commission shall meet and take such actions as are consistent with the
15 provisions of this Compact and the Bylaws.
16 D. The Commission shall have the following powers:
17 1. The authority to promulgate uniform rules to facilitate and coordinate
18 implementation and administration of this Compact. The rule shall have the
19 force and effect of law and shall be binding in all Compact States;
20 2. To bring and prosecute legal proceedings or actions in the name of the
21 Commission, provided that the standing of any State Psychology Regulatory
22 Authority or other regulatory body responsible for psychology licensure to
23 sue or be sued under applicable law shall not be affected;
24 3. To purchase and maintain insurance and bonds;
25 4. To borrow, accept or contract for services of personnel, including, but not
26 limited to, employees of a Compact State;
27 5. To hire employees, elect or appoint officers, fix compensation, define duties,
28 grant such individuals appropriate authority to carry out the purposes of the
29 Compact, and to establish the Commission's personnel policies and
30 programs relating to conflicts of interest, qualifications of personnel, and
31 other related personnel matters;
32 6. To accept any and all appropriate donations and grants of money,
33 equipment, supplies, materials and services, and to receive, utilize and
34 dispose of the same; provided that at all times the Commission shall strive
35 to avoid any appearance of impropriety and/or conflict of interest;

- 1 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise
2 to own, hold, improve or use, any property, real, personal or mixed;
3 provided that at all times the Commission shall strive to avoid any
4 appearance of impropriety;
- 5 8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise
6 dispose of any property real, personal or mixed;
- 7 9. To establish a budget and make expenditures;
- 8 10. To borrow money;
- 9 11. To appoint committees, including advisory committees comprised of
10 Members, State regulators, State legislators or their representatives, and
11 consumer representatives, and such other interested persons as may be
12 designated in this Compact and the Bylaws;
- 13 12. To provide and receive information from, and to cooperate with, law
14 enforcement agencies;
- 15 13. To adopt and use an official seal; and
- 16 14. To perform such other functions as may be necessary or appropriate to
17 achieve the purposes of this Compact consistent with the state regulation
18 of psychology licensure, temporary in-person, face-to-face practice and
19 telepsychology practice.

20 E. The Executive Board

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

- 23 1. The Executive Board shall be comprised of six members:
 - 24 a. Five voting members who are elected from the current membership
25 of the Commission by the Commission;
 - 26 b. One ex-officio, nonvoting member from the recognized membership
27 organization composed of State and Provincial Psychology
28 Regulatory Authorities.
- 29 2. The ex-officio member must have served as staff or member on a State
30 Psychology Regulatory Authority and will be selected by its respective
31 organization.
- 32 3. The Commission may remove any member of the Executive Board as
33 provided in Bylaws.
- 34 4. The Executive Board shall meet at least annually.
- 35 5. The Executive Board shall have the following duties and responsibilities:

- 1 a. Recommend to the entire Commission changes to the Rules or
- 2 Bylaws, changes to this Compact legislation, fees paid by Compact
- 3 States such as annual dues, and any other applicable fees;
- 4 b. Ensure Compact administration services are appropriately provided,
- 5 contractual or otherwise;
- 6 c. Prepare and recommend the budget;
- 7 d. Maintain financial records on behalf of the Commission;
- 8 e. Monitor Compact compliance of member states and provide
- 9 compliance reports to the Commission;
- 10 f. Establish additional committees as necessary; and
- 11 g. Other duties as provided in Rules or Bylaws.

12 F. Financing of the Commission

- 13 1. The Commission shall pay, or provide for the payment of the reasonable
- 14 expenses of its establishment, organization and ongoing activities.
- 15 2. The Commission may accept any and all appropriate revenue sources,
- 16 donations and grants of money, equipment, supplies, materials and
- 17 services.
- 18 3. The Commission may levy on and collect an annual assessment from each
- 19 Compact State or impose fees on other parties to cover the cost of the
- 20 operations and activities of the Commission and its staff which must be in
- 21 a total amount sufficient to cover its annual budget as approved each year
- 22 for which revenue is not provided by other sources. The aggregate annual
- 23 assessment amount shall be allocated based upon a formula to be
- 24 determined by the Commission which shall promulgate a rule binding upon
- 25 all Compact States.
- 26 4. The Commission shall not incur obligations of any kind prior to securing the
- 27 funds adequate to meet the same; nor shall the Commission pledge the
- 28 credit of any of the Compact States, except by and with the authority of the
- 29 Compact State.
- 30 5. The Commission shall keep accurate accounts of all receipts and
- 31 disbursements. The receipts and disbursements of the Commission shall be
- 32 subject to the audit and accounting procedures established under its
- 33 Bylaws. However, all receipts and disbursements of funds handled by the
- 34 Commission shall be audited yearly by a certified or licensed public

1 accountant and the report of the audit shall be included in and become part
2 of the annual report of the Commission.

3 G. Qualified Immunity, Defense, and Indemnification

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

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

24 3. The Commission shall indemnify and hold harmless any member, officer,
25 Executive Director, employee or representative of the Commission for the
26 amount of any settlement or judgment obtained against that person arising
27 out of any actual or alleged act, error or omission that occurred within the
28 scope of Commission employment, duties or responsibilities, or that such
29 person had a reasonable basis for believing occurred within the scope of
30 Commission employment, duties or responsibilities, provided that the actual
31 or alleged act, error or omission did not result from the intentional or willful
32 or wanton misconduct of that person.

33
34 ARTICLE XI
35 RULEMAKING

- 1 A. The Commission shall exercise its rulemaking powers pursuant to the criteria set
2 forth in this Article and the Rules adopted thereunder. Rules and amendments shall
3 become binding as of the date specified in each rule or amendment.
- 4 B. If a majority of the legislatures of the Compact States rejects a rule, by enactment
5 of a statute or resolution in the same manner used to adopt the Compact, then
6 such rule shall have no further force and effect in any Compact State.
- 7 C. Rules or amendments to the rules shall be adopted at a regular or special meeting
8 of the Commission.
- 9 D. Prior to promulgation and adoption of a final rule or Rules by the Commission, and
10 at least sixty (60) days in advance of the meeting at which the rule will be
11 considered and voted upon, the Commission shall file a Notice of Proposed
12 Rulemaking:
- 13 1. On the website of the Commission; and
14 2. On the website of each Compact States' Psychology Regulatory Authority or
15 the publication in which each state would otherwise publish proposed rules.
- 16 E. The Notice of Proposed Rulemaking shall include:
- 17 1. The proposed time, date, and location of the meeting in which the rule will
18 be considered and voted upon;
19 2. The text of the proposed rule or amendment and the reason for the
20 proposed rule;
21 3. A request for comments on the proposed rule from any interested person;
22 and
23 4. The manner in which interested persons may submit notice to the
24 Commission of their intention to attend the public hearing and any written
25 comments.
- 26 F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit
27 written data, facts, opinions and arguments, which shall be made available to the
28 public.
- 29 G. The Commission shall grant an opportunity for a public hearing before it adopts a
30 rule or amendment if a hearing is requested by:
- 31 1. At least twenty-five (25) persons who submit comments independently of
32 each other;
33 2. A governmental subdivision or agency; or
34 3. A duly appointed person in an association that has having at least twenty-
35 five (25) members.

- 1 H. If a hearing is held on the proposed rule or amendment, the Commission shall
2 publish the place, time, and date of the scheduled public hearing.
- 3 1. All persons wishing to be heard at the hearing shall notify the Executive
4 Director of the Commission or other designated member in writing of their
5 desire to appear and testify at the hearing not less than five (5) business
6 days before the scheduled date of the hearing.
- 7 2. Hearings shall be conducted in a manner providing each person who wishes
8 to comment a fair and reasonable opportunity to comment orally or in
9 writing.
- 10 3. No transcript of the hearing is required, unless a written request for a
11 transcript is made, in which case the person requesting the transcript shall
12 bear the cost of producing the transcript. A recording may be made in lieu
13 of a transcript under the same terms and conditions as a transcript. This
14 subsection shall not preclude the Commission from making a transcript or
15 recording of the hearing if it so chooses.
- 16 4. Nothing in this section shall be construed as requiring a separate hearing
17 on each rule. Rules may be grouped for the convenience of the Commission
18 at hearings required by this section.
- 19 I. Following the scheduled hearing date, or by the close of business on the scheduled
20 hearing date if the hearing was not held, the Commission shall consider all written
21 and oral comments received.
- 22 J. The Commission shall, by majority vote of all members, take final action on the
23 proposed rule and shall determine the effective date of the rule, if any, based on
24 the rulemaking record and the full text of the rule.
- 25 K. If no written notice of intent to attend the public hearing by interested parties is
26 received, the Commission may proceed with promulgation of the proposed rule
27 without a public hearing.
- 28 L. Upon determination that an emergency exists, the Commission may consider and
29 adopt an emergency rule without prior notice, opportunity for comment, or
30 hearing, provided that the usual rulemaking procedures provided in the Compact
31 and in this section shall be retroactively applied to the rule as soon as reasonably
32 possible, in no event later than ninety (90) days after the effective date of the rule.
33 For the purposes of this provision, an emergency rule is one that must be adopted
34 immediately in order to:
- 35 1. Meet an imminent threat to public health, safety, or welfare;

- 1 2. Prevent a loss of Commission or Compact State funds;
- 2 3. Meet a deadline for the promulgation of an administrative rule that is
- 3 established by federal law or rule; or
- 4 4. Protect public health and safety.

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

17 ARTICLE XII

18 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

19 A. Oversight

- 20 1. The Executive, Legislative and Judicial branches of state government in
21 each Compact State shall enforce this Compact and take all actions
22 necessary and appropriate to effectuate the Compact's purposes and intent.
23 The provisions of this Compact and the rules promulgated hereunder shall
24 have standing as statutory law.
- 25 2. All courts shall take judicial notice of the Compact and the rules in any
26 judicial or administrative proceeding in a Compact State pertaining to the
27 subject matter of this Compact which may affect the powers, responsibilities
28 or actions of the Commission.
- 29 3. The Commission shall be entitled to receive service of process in any such
30 proceeding, and shall have standing to intervene in such a proceeding for
31 all purposes. Failure to provide service of process to the Commission shall
32 render a judgment or order void as to the Commission, this Compact or
33 promulgated rules.

34 B. Default, Technical Assistance, and Termination

- 1 1. If the Commission determines that a Compact State has defaulted in the
2 performance of its obligations or responsibilities under this Compact or the
3 promulgated rules, the Commission shall:
 - 4 a. Provide written notice to the defaulting state and other Compact
5 States of the nature of the default, the proposed means of
6 remediating the default and/or any other action to be taken by the
7 Commission; and
 - 8 b. Provide remedial training and specific technical assistance regarding
9 the default.
- 10 2. If a state in default fails to remedy the default, the defaulting state may be
11 terminated from the Compact upon an affirmative vote of a majority of the
12 Compact States, and all rights, privileges and benefits conferred by this
13 Compact shall be terminated on the effective date of termination. A remedy
14 of the default does not relieve the offending state of obligations or liabilities
15 incurred during the period of default.
- 16 3. Termination of membership in the Compact shall be imposed only after all
17 other means of securing compliance have been exhausted. Notice of intent
18 to suspend or terminate shall be submitted by the Commission to the
19 Governor, the majority and minority leaders of the defaulting state's
20 legislature, and each of the Compact States.
- 21 4. A Compact State which has been terminated is responsible for all
22 assessments, obligations and liabilities incurred through the effective date
23 of termination, including obligations which extend beyond the effective date
24 of termination.
- 25 5. The Commission shall not bear any costs incurred by the state which is
26 found to be in default or which has been terminated from the Compact,
27 unless agreed upon in writing between the Commission and the defaulting
28 state.
- 29 6. The defaulting state may appeal the action of the Commission by petitioning
30 the U.S. District Court for the state of Georgia or the federal district where
31 the Compact has its principal offices. The prevailing member shall be
32 awarded all costs of such litigation, including reasonable attorney's fees.

33 C. Dispute Resolution

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

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

6 D. Enforcement

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

9 2. By majority vote, the Commission may initiate legal action in the United
 10 States District Court for the State of Georgia or the federal district where
 11 the Compact has its principal offices against a Compact State in default to
 12 enforce compliance with the provisions of the Compact and its promulgated
 13 Rules and Bylaws. The relief sought may include both injunctive relief and
 14 damages. In the event judicial enforcement is necessary, the prevailing
 15 member shall be awarded all costs of such litigation, including reasonable
 16 attorney's fees.

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

20
 21 ARTICLE XIII

22 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL
 23 COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND
 24 AMENDMENTS

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

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

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

3 1. A Compact State’s withdrawal shall not take effect until six (6) months after
4 enactment of the repealing statute.

5 2. Withdrawal shall not affect the continuing requirement of the withdrawing
6 State’s Psychology Regulatory Authority to comply with the investigative
7 and adverse action reporting requirements of this act prior to the effective
8 date of withdrawal.

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

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

16

17

ARTICLE XIV

18

CONSTRUCTION AND SEVERABILITY

19

This Compact shall be liberally construed so as to effectuate the purposes thereof.

20

If this Compact shall be held contrary to the constitution of any state member thereto,

21

the Compact shall remain in full force and effect as to the remaining Compact States.

22