



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1391

Introduced 2/9/2017, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

New Act

Creates the Psychology Interjurisdictional Compact Act. Provides that the State of Illinois enters into the Psychology Interjurisdictional Compact and sets forth the provisions of the Compact. Provides that the purposes of the Compact are to increase public access to professional psychological services by allowing for telepsychological practice across state lines and temporary in-person services in which the psychologist is not licensed to practice psychology, enhance the states' ability to protect the public's health and safety, encourage the cooperation of Compact States in the areas of psychology licensure and regulation, facilitate the exchange of information between Compact States regarding psychologist licensure, adverse actions, and disciplinary history, promote compliance with the laws governing psychological practice in each Compact State, and invest all Compact States with the authority to hold licensed psychologists accountable through the mutual recognition of Compact State licenses. The Compact contains provisions concerning home state licensure, Compact privilege to practice telepsychology, Compact temporary authorization to practice, conditions of telepsychology practice in a receiving state, adverse actions, additional authorities invested in a Compact State's psychology regulatory authority, a coordinated licensure information system, establishment of the Psychology Interjurisdictional Compact Commission, rulemaking, oversight, dispute resolution and enforcement, and the date of implementation of the Compact.

LRB100 04115 SMS 14120 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Psychology Interjurisdictional Compact Act.

6 Section 5. Psychology Interjurisdictional Compact. The
7 State of Illinois enters into the Psychology
8 Interjurisdictional Compact in substantially the following
9 form with all other states joining the Compact:

10 PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)

11 ARTICLE I

12 PURPOSE

13 Whereas, states license psychologists, in order to protect
14 the public through verification of education, training and
15 experience and ensure accountability for professional
16 practice; and

17 Whereas, this Compact is intended to regulate the day to
18 day practice of telepsychology (i.e. the provision of
19 psychological services using telecommunication technologies)
20 by psychologists across state boundaries in the performance of
21 their psychological practice as assigned by an appropriate
22 authority; and

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

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

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

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

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

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

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

26 2. Enhance the states' ability to protect the public's

1 health and safety, especially client/patient safety;

2 3. Encourage the cooperation of Compact States in the
3 areas of psychology licensure and regulation;

4 4. Facilitate the exchange of information between
5 Compact States regarding psychologist licensure, adverse
6 actions and disciplinary history;

7 5. Promote compliance with the laws governing
8 psychological practice in each Compact State; and

9 6. Invest all Compact States with the authority to hold
10 licensed psychologists accountable through the mutual
11 recognition of Compact State licenses.

12 ARTICLE II

13 DEFINITIONS

14 A. "Adverse Action" means: Any action taken by a State
15 Psychology Regulatory Authority which finds a violation of a
16 statute or regulation that is identified by the State
17 Psychology Regulatory Authority as discipline and is a matter
18 of public record.

19 B. "Association of State and Provincial Psychology Boards
20 (ASPPB)" means: the recognized membership organization
21 composed of State and Provincial Psychology Regulatory
22 Authorities responsible for the licensure and registration of
23 psychologists throughout the United States and Canada.

24 C. "Authority to Practice Interjurisdictional
25 Telepsychology" means: a licensed psychologist's authority to

1 practice telepsychology, within the limits authorized under
2 this Compact, in another Compact State.

3 D. "Bylaws" means: those Bylaws established by the
4 Psychology Interjurisdictional Compact Commission pursuant to
5 Section X for its governance, or for directing and controlling
6 its actions and conduct.

7 E. "Client/Patient" means: the recipient of psychological
8 services, whether psychological services are delivered in the
9 context of healthcare, corporate, supervision, and/or
10 consulting services.

11 F. "Commissioner" means: the voting representative
12 appointed by each State Psychology Regulatory Authority
13 pursuant to Section X.

14 G. "Compact State" means: a state, the District of
15 Columbia, or United States territory that has enacted this
16 Compact legislation and which has not withdrawn pursuant to
17 Article XIII, Section C or been terminated pursuant to Article
18 XII, Section B.

19 H. "Coordinated Licensure Information System" also
20 referred to as "Coordinated Database" means: an integrated
21 process for collecting, storing, and sharing information on
22 psychologists' licensure and enforcement activities related to
23 psychology licensure laws, which is administered by the
24 recognized membership organization composed of State and
25 Provincial Psychology Regulatory Authorities.

26 I. "Confidentiality" means: the principle that data or

1 information is not made available or disclosed to unauthorized
2 persons and/or processes.

3 J. "Day" means: any part of a day in which psychological
4 work is performed.

5 K. "Distant State" means: the Compact State where a
6 psychologist is physically present (not through the use of
7 telecommunications technologies), to provide temporary
8 in-person, face-to-face psychological services.

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

15 M. "Executive Board" means: a group of directors elected or
16 appointed to act on behalf of, and within the powers granted to
17 them by, the Commission.

18 N. "Home State" means: a Compact State where a psychologist
19 is licensed to practice psychology. If the psychologist is
20 licensed in more than one Compact State and is practicing under
21 the Authorization to Practice Interjurisdictional
22 Telepsychology, the Home State is the Compact State where the
23 psychologist is physically present when the telepsychological
24 services are delivered. If the psychologist is licensed in more
25 than one Compact State and is practicing under the Temporary
26 Authorization to Practice, the Home State is any Compact State

1 where the psychologist is licensed.

2 O. "Identity History Summary" means: a summary of
3 information retained by the FBI, or other designee with similar
4 authority, in connection with arrests and, in some instances,
5 federal employment, naturalization, or military service.

6 P. "In-Person, Face-to-Face" means: interactions in which
7 the psychologist and the client/patient are in the same
8 physical space and which does not include interactions that may
9 occur through the use of telecommunication technologies.

10 Q. "Interjurisdictional Practice Certificate (IPC)" means:
11 a certificate issued by the Association of State and Provincial
12 Psychology Boards (ASPPB) that grants temporary authority to
13 practice based on notification to the State Psychology
14 Regulatory Authority of intention to practice temporarily, and
15 verification of one's qualifications for such practice.

16 R. "License" means: authorization by a State Psychology
17 Regulatory Authority to engage in the independent practice of
18 psychology, which would be unlawful without the authorization.

19 S. "Non-Compact State" means: any State which is not at the
20 time a Compact State.

21 T. "Psychologist" means: an individual licensed for the
22 independent practice of psychology.

23 U. "Psychology Interjurisdictional Compact Commission"
24 also referred to as "Commission" means: the national
25 administration of which all Compact States are members.

26 V. "Receiving State" means: a Compact State where the

1 client/patient is physically located when the
2 telepsychological services are delivered.

3 W. "Rule" means: a written statement by the Psychology
4 Interjurisdictional Compact Commission promulgated pursuant to
5 Section XI of the Compact that is of general applicability,
6 implements, interprets, or prescribes a policy or provision of
7 the Compact, or an organizational, procedural, or practice
8 requirement of the Commission and has the force and effect of
9 statutory law in a Compact State, and includes the amendment,
10 repeal or suspension of an existing rule.

11 X. "Significant Investigatory Information" means:

12 1. investigative information that a State Psychology
13 Regulatory Authority, after a preliminary inquiry that
14 includes notification and an opportunity to respond if
15 required by state law, has reason to believe, if proven
16 true, would indicate more than a violation of state statute
17 or ethics code that would be considered more substantial
18 than minor infraction; or

19 2. investigative information that indicates that the
20 psychologist represents an immediate threat to public
21 health and safety regardless of whether the psychologist
22 has been notified and/or had an opportunity to respond.

23 Y. "State" means: a state, commonwealth, territory, or
24 possession of the United States, the District of Columbia.

25 Z. "State Psychology Regulatory Authority" means: the
26 Board, office or other agency with the legislative mandate to

1 license and regulate the practice of psychology.

2 AA. "Telepsychology" means: the provision of psychological
3 services using telecommunication technologies.

4 BB. "Temporary Authorization to Practice" means: a
5 licensed psychologist's authority to conduct temporary
6 in-person, face-to-face practice, within the limits authorized
7 under this Compact, in another Compact State.

8 CC. "Temporary In-Person, Face-to-Face Practice" means:
9 where a psychologist is physically present (not through the use
10 of telecommunications technologies), in the Distant State to
11 provide for the practice of psychology for 30 days within a
12 calendar year and based on notification to the Distant State.

13 ARTICLE III

14 HOME STATE LICENSURE

15 A. The Home State shall be a Compact State where a
16 psychologist is licensed to practice psychology.

17 B. A psychologist may hold one or more Compact State
18 licenses at a time. If the psychologist is licensed in more
19 than one Compact State, the Home State is the Compact State
20 where the psychologist is physically present when the services
21 are delivered as authorized by the Authority to Practice
22 Interjurisdictional Telepsychology under the terms of this
23 Compact.

24 C. Any Compact State may require a psychologist not
25 previously licensed in a Compact State to obtain and retain a

1 license to be authorized to practice in the Compact State under
2 circumstances not authorized by the Authority to Practice
3 Interjurisdictional Telepsychology under the terms of this
4 Compact.

5 D. Any Compact State may require a psychologist to obtain
6 and retain a license to be authorized to practice in a Compact
7 State under circumstances not authorized by Temporary
8 Authorization to Practice under the terms of this Compact.

9 E. A Home State's license authorizes a psychologist to
10 practice in a Receiving State under the Authority to Practice
11 Interjurisdictional Telepsychology only if the Compact State:

12 1. Currently requires the psychologist to hold an
13 active E.Passport;

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

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

19 4. Requires an Identity History Summary of all
20 applicants at initial licensure, including the use of the
21 results of fingerprints or other biometric data checks
22 compliant with the requirements of the Federal Bureau of
23 Investigation FBI, or other designee with similar
24 authority, no later than ten years after activation of the
25 Compact; and

26 5. Complies with the Bylaws and Rules of the

1 Commission.

2 F. A Home State's license grants Temporary Authorization to
3 Practice to a psychologist in a Distant State only if the
4 Compact State:

5 1. Currently requires the psychologist to hold an
6 active IPC;

7 2. Has a mechanism in place for receiving and
8 investigating complaints about licensed individuals;

9 3. Notifies the Commission, in compliance with the
10 terms herein, of any adverse action or significant
11 investigatory information regarding a licensed individual;

12 4. Requires an Identity History Summary of all
13 applicants at initial licensure, including the use of the
14 results of fingerprints or other biometric data checks
15 compliant with the requirements of the Federal Bureau of
16 Investigation FBI, or other designee with similar
17 authority, no later than ten years after activation of the
18 Compact; and

19 5. Complies with the Bylaws and Rules of the
20 Commission.

21 ARTICLE IV

22 COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

23 A. Compact States shall recognize the right of a
24 psychologist, licensed in a Compact State in conformance with
25 Article III, to practice telepsychology in other Compact States

1 (Receiving States) in which the psychologist is not licensed,
2 under the Authority to Practice Interjurisdictional
3 Telepsychology as provided in the Compact.

4 B. To exercise the Authority to Practice
5 Interjurisdictional Telepsychology under the terms and
6 provisions of this Compact, a psychologist licensed to practice
7 in a Compact State must:

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

11 a. Regionally accredited by an accrediting body
12 recognized by the U.S. Department of Education to grant
13 graduate degrees, OR authorized by Provincial Statute
14 or Royal Charter to grant doctoral degrees; OR

15 b. A foreign college or university deemed to be
16 equivalent to 1 (a) above by a foreign credential
17 evaluation service that is a member of the National
18 Association of Credential Evaluation Services (NACES)
19 or by a recognized foreign credential evaluation
20 service; AND

21 2. Hold a graduate degree in psychology that meets the
22 following criteria:

23 a. The program, wherever it may be
24 administratively housed, must be clearly identified
25 and labeled as a psychology program. Such a program
26 must specify in pertinent institutional catalogues and

1 brochures its intent to educate and train professional
2 psychologists;

3 b. The psychology program must stand as a
4 recognizable, coherent, organizational entity within
5 the institution;

6 c. There must be a clear authority and primary
7 responsibility for the core and specialty areas
8 whether or not the program cuts across administrative
9 lines;

10 d. The program must consist of an integrated,
11 organized sequence of study;

12 e. There must be an identifiable psychology
13 faculty sufficient in size and breadth to carry out its
14 responsibilities;

15 f. The designated director of the program must be a
16 psychologist and a member of the core faculty;

17 g. The program must have an identifiable body of
18 students who are matriculated in that program for a
19 degree;

20 h. The program must include supervised practicum,
21 internship, or field training appropriate to the
22 practice of psychology;

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

1 j. The program includes an acceptable residency as
2 defined by the Rules of the Commission.

3 3. Possess a current, full and unrestricted license to
4 practice psychology in a Home State which is a Compact
5 State;

6 4. Have no history of adverse action that violate the
7 Rules of the Commission;

8 5. Have no criminal record history reported on an
9 Identity History Summary that violates the Rules of the
10 Commission;

11 6. Possess a current, active E.Passport;

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

19 8. Meet other criteria as defined by the Rules of the
20 Commission.

21 C. The Home State maintains authority over the license of
22 any psychologist practicing into a Receiving State under the
23 Authority to Practice Interjurisdictional Telepsychology.

24 D. A psychologist practicing into a Receiving State under
25 the Authority to Practice Interjurisdictional Telepsychology
26 will be subject to the Receiving State's scope of practice. A

1 Receiving State may, in accordance with that state's due
2 process law, limit or revoke a psychologist's Authority to
3 Practice Interjurisdictional Telepsychology in the Receiving
4 State and may take any other necessary actions under the
5 Receiving State's applicable law to protect the health and
6 safety of the Receiving State's citizens. If a Receiving State
7 takes action, the state shall promptly notify the Home State
8 and the Commission.

9 E. If a psychologist's license in any Home State, another
10 Compact State, or any Authority to Practice
11 Interjurisdictional Telepsychology in any Receiving State, is
12 restricted, suspended or otherwise limited, the E.Passport
13 shall be revoked and therefore the psychologist shall not be
14 eligible to practice telepsychology in a Compact State under
15 the Authority to Practice Interjurisdictional Telepsychology.

16 ARTICLE V

17 COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

18 A. Compact States shall also recognize the right of a
19 psychologist, licensed in a Compact State in conformance with
20 Article III, to practice temporarily in other Compact States
21 (Distant States) in which the psychologist is not licensed, as
22 provided in the Compact.

23 B. To exercise the Temporary Authorization to Practice
24 under the terms and provisions of this Compact, a psychologist
25 licensed to practice in a Compact State must:

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

4 a. Regionally accredited by an accrediting body
5 recognized by the U.S. Department of Education to grant
6 graduate degrees, OR authorized by Provincial Statute
7 or Royal Charter to grant doctoral degrees; OR

8 b. A foreign college or university deemed to be
9 equivalent to 1 (a) above by a foreign credential
10 evaluation service that is a member of the National
11 Association of Credential Evaluation Services (NACES)
12 or by a recognized foreign credential evaluation
13 service; AND

14 2. Hold a graduate degree in psychology that meets the
15 following criteria:

16 a. The program, wherever it may be
17 administratively housed, must be clearly identified
18 and labeled as a psychology program. Such a program
19 must specify in pertinent institutional catalogues and
20 brochures its intent to educate and train professional
21 psychologists;

22 b. The psychology program must stand as a
23 recognizable, coherent, organizational entity within
24 the institution;

25 c. There must be a clear authority and primary
26 responsibility for the core and specialty areas

1 whether or not the program cuts across administrative
2 lines;

3 d. The program must consist of an integrated,
4 organized sequence of study;

5 e. There must be an identifiable psychology
6 faculty sufficient in size and breadth to carry out its
7 responsibilities;

8 f. The designated director of the program must be a
9 psychologist and a member of the core faculty;

10 g. The program must have an identifiable body of
11 students who are matriculated in that program for a
12 degree;

13 h. The program must include supervised practicum,
14 internship, or field training appropriate to the
15 practice of psychology;

16 i. The curriculum shall encompass a minimum of
17 three academic years of full- time graduate study for
18 doctoral degrees and a minimum of one academic year of
19 full-time graduate study for master's degree;

20 j. The program includes an acceptable residency as
21 defined by the Rules of the Commission.

22 3. Possess a current, full and unrestricted license to
23 practice psychology in a Home State which is a Compact
24 State;

25 4. No history of adverse action that violate the Rules
26 of the Commission;

1 5. No criminal record history that violates the Rules
2 of the Commission;

3 6. Possess a current, active IPC;

4 7. Provide attestations in regard to areas of intended
5 practice and work experience and provide a release of
6 information to allow for primary source verification in a
7 manner specified by the Commission; and

8 8. Meet other criteria as defined by the Rules of the
9 Commission.

10 C. A psychologist practicing into a Distant State under the
11 Temporary Authorization to Practice shall practice within the
12 scope of practice authorized by the Distant State.

13 D. A psychologist practicing into a Distant State under the
14 Temporary Authorization to Practice will be subject to the
15 Distant State's authority and law. A Distant State may, in
16 accordance with that state's due process law, limit or revoke a
17 psychologist's Temporary Authorization to Practice in the
18 Distant State and may take any other necessary actions under
19 the Distant State's applicable law to protect the health and
20 safety of the Distant State's citizens. If a Distant State
21 takes action, the state shall promptly notify the Home State
22 and the Commission.

23 E. If a psychologist's license in any Home State, another
24 Compact State, or any Temporary Authorization to Practice in
25 any Distant State, is restricted, suspended or otherwise
26 limited, the IPC shall be revoked and therefore the

1 psychologist shall not be eligible to practice in a Compact
2 State under the Temporary Authorization to Practice.

3 ARTICLE VI

4 CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

5 A. A psychologist may practice in a Receiving State under
6 the Authority to Practice Interjurisdictional Telepsychology
7 only in the performance of the scope of practice for psychology
8 as assigned by an appropriate State Psychology Regulatory
9 Authority, as defined in the Rules of the Commission, and under
10 the following circumstances:

11 1. The psychologist initiates a client/patient contact
12 in a Home State via telecommunications technologies with a
13 client/patient in a Receiving State;

14 2. Other conditions regarding telepsychology as
15 determined by Rules promulgated by the Commission.

16 ARTICLE VII

17 ADVERSE ACTIONS

18 A. A Home State shall have the power to impose adverse
19 action against a psychologist's license issued by the Home
20 State. A Distant State shall have the power to take adverse
21 action on a psychologist's Temporary Authorization to Practice
22 within that Distant State.

23 B. A Receiving State may take adverse action on a
24 psychologist's Authority to Practice Interjurisdictional

1 Telepsychology within that Receiving State. A Home State may
2 take adverse action against a psychologist based on an adverse
3 action taken by a Distant State regarding temporary in-person,
4 face-to-face practice.

5 C. If a Home State takes adverse action against a
6 psychologist's license, that psychologist's Authority to
7 Practice Interjurisdictional Telepsychology is terminated and
8 the E.Passport is revoked. Furthermore, that psychologist's
9 Temporary Authorization to Practice is terminated and the IPC
10 is revoked.

11 1. All Home State disciplinary orders which impose
12 adverse action shall be reported to the Commission in
13 accordance with the Rules promulgated by the Commission. A
14 Compact State shall report adverse actions in accordance
15 with the Rules of the Commission.

16 2. In the event discipline is reported on a
17 psychologist, the psychologist will not be eligible for
18 telepsychology or temporary in-person, face-to-face
19 practice in accordance with the Rules of the Commission.

20 3. Other actions may be imposed as determined by the
21 Rules promulgated by the Commission.

22 D. A Home State's Psychology Regulatory Authority shall
23 investigate and take appropriate action with respect to
24 reported inappropriate conduct engaged in by a licensee which
25 occurred in a Receiving State as it would if such conduct had
26 occurred by a licensee within the Home State. In such cases,

1 the Home State's law shall control in determining any adverse
2 action against a psychologist's license.

3 E. A Distant State's Psychology Regulatory Authority shall
4 investigate and take appropriate action with respect to
5 reported inappropriate conduct engaged in by a psychologist
6 practicing under Temporary Authorization Practice which
7 occurred in that Distant State as it would if such conduct had
8 occurred by a licensee within the Home State. In such cases,
9 Distant State's law shall control in determining any adverse
10 action against a psychologist's Temporary Authorization to
11 Practice.

12 F. Nothing in this Compact shall override a Compact State's
13 decision that a psychologist's participation in an alternative
14 program may be used in lieu of adverse action and that such
15 participation shall remain non-public if required by the
16 Compact State's law. Compact States must require psychologists
17 who enter any alternative programs to not provide
18 telepsychology services under the Authority to Practice
19 Interjurisdictional Telepsychology or provide temporary
20 psychological services under the Temporary Authorization to
21 Practice in any other Compact State during the term of the
22 alternative program.

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

ARTICLE VIII

ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S

PSYCHOLOGY REGULATORY AUTHORITY

A. 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, and/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 and/or evidence are located; and

2. Issue cease and desist and/or injunctive relief orders to revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice.

3. During the course of any investigation, a psychologist may not change his/her Home State licensure. A

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

17 ARTICLE IX

18 COORDINATED LICENSURE INFORMATION SYSTEM

19 A. The Commission shall provide for the development and
20 maintenance of a Coordinated Licensure Information System
21 (Coordinated Database) and reporting system containing
22 licensure and disciplinary action information on all
23 psychologists individuals to whom this Compact is applicable in
24 all Compact States as defined by the Rules of the Commission.

25 B. Notwithstanding any other provision of state law to the

1 contrary, a Compact State shall submit a uniform data set to
2 the Coordinated Database on all licensees as required by the
3 Rules of the Commission, including:

- 4 1. Identifying information;
- 5 2. Licensure data;
- 6 3. Significant investigatory information;
- 7 4. Adverse actions against a psychologist's license;
- 8 5. An indicator that a psychologist's Authority to
9 Practice Interjurisdictional Telepsychology and/or
10 Temporary Authorization to Practice is revoked;
- 11 6. Non-confidential information related to alternative
12 program participation information;
- 13 7. Any denial of application for licensure, and the
14 reasons for such denial; and
- 15 8. Other information which may facilitate the
16 administration of this Compact, as determined by the Rules
17 of the Commission.

18 C. The Coordinated Database administrator shall promptly
19 notify all Compact States of any adverse action taken against,
20 or significant investigative information on, any licensee in a
21 Compact State.

22 D. Compact States reporting information to the Coordinated
23 Database may designate information that may not be shared with
24 the public without the express permission of the Compact State
25 reporting the information.

26 E. Any information submitted to the Coordinated Database

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

4 ARTICLE X

5 ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT

6 COMMISSION

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

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

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

19 3. Nothing in this Compact shall be construed to be a
20 waiver of sovereign immunity.

21 B. Membership, Voting, and Meetings

22 1. The Commission shall consist of one voting
23 representative appointed by each Compact State who shall
24 serve as that state's Commissioner. The State Psychology
25 Regulatory Authority shall appoint its delegate. This

1 delegate shall be empowered to act on behalf of the Compact
2 State. This delegate shall be limited to:

3 a. Executive Director, Executive Secretary or
4 similar executive;

5 b. Current member of the State Psychology
6 Regulatory Authority of a Compact State; OR

7 c. Designee empowered with the appropriate
8 delegate authority to act on behalf of the Compact
9 State.

10 2. Any Commissioner may be removed or suspended from
11 office as provided by the law of the state from which the
12 Commissioner is appointed. Any vacancy occurring in the
13 Commission shall be filled in accordance with the laws of
14 the Compact State in which the vacancy exists.

15 3. Each Commissioner shall be entitled to one (1) vote
16 with regard to the promulgation of Rules and creation of
17 Bylaws and shall otherwise have an opportunity to
18 participate in the business and affairs of the Commission.
19 A Commissioner shall vote in person or by such other means
20 as provided in the Bylaws. The Bylaws may provide for
21 Commissioners' participation in meetings by telephone or
22 other means of communication.

23 4. The Commission shall meet at least once during each
24 calendar year. Additional meetings shall be held as set
25 forth in the Bylaws.

26 5. All meetings shall be open to the public, and public

1 notice of meetings shall be given in the same manner as
2 required under the rulemaking provisions in Article XI.

3 6. The Commission may convene in a closed, non-public
4 meeting if the Commission must discuss:

5 a. Non-compliance of a Compact State with its
6 obligations under the Compact;

7 b. The employment, compensation, discipline or
8 other personnel matters, practices or procedures
9 related to specific employees or other matters related
10 to the Commission's internal personnel practices and
11 procedures;

12 c. Current, threatened, or reasonably anticipated
13 litigation against the Commission;

14 d. Negotiation of contracts for the purchase or
15 sale of goods, services or real estate;

16 e. Accusation against any person of a crime or
17 formally censuring any person;

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

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

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

26 i. Disclosure of information related to any

1 investigatory reports prepared by or on behalf of or
2 for use of the Commission or other committee charged
3 with responsibility for investigation or determination
4 of compliance issues pursuant to the Compact; or

5 j. Matters specifically exempted from disclosure
6 by federal and state statute.

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

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

26 1. Establishing the fiscal year of the Commission;

- 1 2. Providing reasonable standards and procedures:
- 2 a. for the establishment and meetings of other
- 3 committees; and
- 4 b. governing any general or specific delegation of
- 5 any authority or function of the Commission;
- 6 3. Providing reasonable procedures for calling and
- 7 conducting meetings of the Commission, ensuring reasonable
- 8 advance notice of all meetings and providing an opportunity
- 9 for attendance of such meetings by interested parties, with
- 10 enumerated exceptions designed to protect the public's
- 11 interest, the privacy of individuals of such proceedings,
- 12 and proprietary information, including trade secrets. The
- 13 Commission may meet in closed session only after a majority
- 14 of the Commissioners vote to close a meeting to the public
- 15 in whole or in part. As soon as practicable, the Commission
- 16 must make public a copy of the vote to close the meeting
- 17 revealing the vote of each Commissioner with no proxy votes
- 18 allowed;
- 19 4. Establishing the titles, duties and authority and
- 20 reasonable procedures for the election of the officers of
- 21 the Commission;
- 22 5. Providing reasonable standards and procedures for
- 23 the establishment of the personnel policies and programs of
- 24 the Commission. Notwithstanding any civil service or other
- 25 similar law of any Compact State, the Bylaws shall
- 26 exclusively govern the personnel policies and programs of

1 the Commission;

2 6. Promulgating a Code of Ethics to address permissible
3 and prohibited activities of Commission members and
4 employees;

5 7. Providing a mechanism for concluding the operations
6 of the Commission and the equitable disposition of any
7 surplus funds that may exist after the termination of the
8 Compact after the payment and/or reserving of all of its
9 debts and obligations;

10 8. The Commission shall publish its Bylaws in a
11 convenient form and file a copy thereof and a copy of any
12 amendment thereto, with the appropriate agency or officer
13 in each of the Compact States;

14 9. The Commission shall maintain its financial records
15 in accordance with the Bylaws; and

16 10. The Commission shall meet and take such actions as
17 are consistent with the provisions of this Compact and the
18 Bylaws.

19 D. The Commission shall have the following powers:

20 1. The authority to promulgate uniform rules to
21 facilitate and coordinate implementation and
22 administration of this Compact. The rule shall have the
23 force and effect of law and shall be binding in all Compact
24 States;

25 2. To bring and prosecute legal proceedings or actions
26 in the name of the Commission, provided that the standing

1 of any State Psychology Regulatory Authority or other
2 regulatory body responsible for psychology licensure to
3 sue or be sued under applicable law shall not be affected;

4 3. To purchase and maintain insurance and bonds;

5 4. To borrow, accept or contract for services of
6 personnel, including, but not limited to, employees of a
7 Compact State;

8 5. To hire employees, elect or appoint officers, fix
9 compensation, define duties, grant such individuals
10 appropriate authority to carry out the purposes of the
11 Compact, and to establish the Commission's personnel
12 policies and programs relating to conflicts of interest,
13 qualifications of personnel, and other related personnel
14 matters;

15 6. To accept any and all appropriate donations and
16 grants of money, equipment, supplies, materials and
17 services, and to receive, utilize and dispose of the same;
18 provided that at all times the Commission shall strive to
19 avoid any appearance of impropriety and/or conflict of
20 interest;

21 7. To lease, purchase, accept appropriate gifts or
22 donations of, or otherwise to own, hold, improve or use,
23 any property, real, personal or mixed; provided that at all
24 times the Commission shall strive to avoid any appearance
25 of impropriety;

26 8. To sell, convey, mortgage, pledge, lease, exchange,

1 abandon or otherwise dispose of any property real, personal
2 or mixed;

3 9. To establish a budget and make expenditures;

4 10. To borrow money;

5 11. To appoint committees, including advisory
6 committees comprised of Members, State regulators, State
7 legislators or their representatives, and consumer
8 representatives, and such other interested persons as may
9 be designated in this Compact and the Bylaws;

10 12. To provide and receive information from, and to
11 cooperate with, law enforcement agencies;

12 13. To adopt and use an official seal; and

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

18 E. The Executive Board

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

22 1. The Executive Board shall be comprised of six
23 members:

24 a. Five voting members who are elected from the
25 current membership of the Commission by the
26 Commission;

1 b. One ex-officio, nonvoting member from the
2 recognized membership organization composed of State
3 and Provincial Psychology Regulatory Authorities.

4 2. The ex-officio member must have served as staff or
5 member on a State Psychology Regulatory Authority and will
6 be selected by its respective organization.

7 3. The Commission may remove any member of the
8 Executive Board as provided in Bylaws.

9 4. The Executive Board shall meet at least annually.

10 5. The Executive Board shall have the following duties
11 and responsibilities:

12 a. Recommend to the entire Commission changes to
13 the Rules or Bylaws, changes to this Compact
14 legislation, fees paid by Compact States such as annual
15 dues, and any other applicable fees;

16 b. Ensure Compact administration services are
17 appropriately provided, contractual or otherwise;

18 c. Prepare and recommend the budget;

19 d. Maintain financial records on behalf of the
20 Commission;

21 e. Monitor Compact compliance of member states and
22 provide compliance reports to the Commission;

23 f. Establish additional committees as necessary;
24 and

25 g. Other duties as provided in Rules or Bylaws.

26 F. Financing of the Commission

1 1. The Commission shall pay, or provide for the payment
2 of the reasonable expenses of its establishment,
3 organization and ongoing activities.

4 2. The Commission may accept any and all appropriate
5 revenue sources, donations and grants of money, equipment,
6 supplies, materials and services.

7 3. The Commission may levy on and collect an annual
8 assessment from each Compact State or impose fees on other
9 parties to cover the cost of the operations and activities
10 of the Commission and its staff which must be in a total
11 amount sufficient to cover its annual budget as approved
12 each year for which revenue is not provided by other
13 sources. The aggregate annual assessment amount shall be
14 allocated based upon a formula to be determined by the
15 Commission which shall promulgate a rule binding upon all
16 Compact States.

17 4. The Commission shall not incur obligations of any
18 kind prior to securing the funds adequate to meet the same;
19 nor shall the Commission pledge the credit of any of the
20 Compact States, except by and with the authority of the
21 Compact State.

22 5. The Commission shall keep accurate accounts of all
23 receipts and disbursements. The receipts and disbursements
24 of the Commission shall be subject to the audit and
25 accounting procedures established under its Bylaws.
26 However, all receipts and disbursements of funds handled by

1 the Commission shall be audited yearly by a certified or
2 licensed public accountant and the report of the audit
3 shall be included in and become part of the annual report
4 of the Commission.

5 G. Qualified Immunity, Defense, and Indemnification

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

20 2. The Commission shall defend any member, officer,
21 Executive Director, employee or representative of the
22 Commission in any civil action seeking to impose liability
23 arising out of any actual or alleged act, error or omission
24 that occurred within the scope of Commission employment,
25 duties or responsibilities, or that the person against whom
26 the claim is made had a reasonable basis for believing

1 occurred within the scope of Commission employment, duties
2 or responsibilities; provided that nothing herein shall be
3 construed to prohibit that person from retaining his or her
4 own counsel; and provided further, that the actual or
5 alleged act, error or omission did not result from that
6 person's intentional or willful or wanton misconduct.

7 3. The Commission shall indemnify and hold harmless any
8 member, officer, Executive Director, employee or
9 representative of the Commission for the amount of any
10 settlement or judgment obtained against that person
11 arising out of any actual or alleged act, error or omission
12 that occurred within the scope of Commission employment,
13 duties or responsibilities, or that such person had a
14 reasonable basis for believing occurred within the scope of
15 Commission employment, duties or responsibilities,
16 provided that the actual or alleged act, error or omission
17 did not result from the intentional or willful or wanton
18 misconduct of that person.

19 ARTICLE XI

20 RULEMAKING

21 A. The Commission shall exercise its rulemaking powers
22 pursuant to the criteria set forth in this Article and the
23 Rules adopted thereunder. Rules and amendments shall become
24 binding as of the date specified in each rule or amendment.

25 B. If a majority of the legislatures of the Compact States

1 rejects a rule, by enactment of a statute or resolution in the
2 same manner used to adopt the Compact, then such rule shall
3 have no further force and effect in any Compact State.

4 C. Rules or amendments to the rules shall be adopted at a
5 regular or special meeting of the Commission.

6 D. Prior to promulgation and adoption of a final rule or
7 Rules by the Commission, and at least sixty (60) days in
8 advance of the meeting at which the rule will be considered and
9 voted upon, the Commission shall file a Notice of Proposed
10 Rulemaking:

- 11 1. On the website of the Commission; and
- 12 2. On the website of each Compact States' Psychology
13 Regulatory Authority or the publication in which each state
14 would otherwise publish proposed rules.

15 E. The Notice of Proposed Rulemaking shall include:

- 16 1. The proposed time, date, and location of the meeting
17 in which the rule will be considered and voted upon;
- 18 2. The text of the proposed rule or amendment and the
19 reason for the proposed rule;
- 20 3. A request for comments on the proposed rule from any
21 interested person; and
- 22 4. The manner in which interested persons may submit
23 notice to the Commission of their intention to attend the
24 public hearing and any written comments.

25 F. Prior to adoption of a proposed rule, the Commission
26 shall allow persons to submit written data, facts, opinions and

1 arguments, which shall be made available to the public.

2 G. The Commission shall grant an opportunity for a public
3 hearing before it adopts a rule or amendment if a hearing is
4 requested by:

5 1. At least twenty-five (25) persons who submit
6 comments independently of each other;

7 2. A governmental subdivision or agency; or

8 3. A duly appointed person in an association that has
9 having at least twenty-five (25) members.

10 H. If a hearing is held on the proposed rule or amendment,
11 the Commission shall publish the place, time, and date of the
12 scheduled public hearing.

13 1. All persons wishing to be heard at the hearing shall
14 notify the Executive Director of the Commission or other
15 designated member in writing of their desire to appear and
16 testify at the hearing not less than five (5) business days
17 before the scheduled date of the hearing.

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

21 3. No transcript of the hearing is required, unless a
22 written request for a transcript is made, in which case the
23 person requesting the transcript shall bear the cost of
24 producing the transcript. A recording may be made in lieu
25 of a transcript under the same terms and conditions as a
26 transcript. This subsection shall not preclude the

1 Commission from making a transcript or recording of the
2 hearing if it so chooses.

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

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

11 J. The Commission shall, by majority vote of all members,
12 take final action on the proposed rule and shall determine the
13 effective date of the rule, if any, based on the rulemaking
14 record and the full text of the rule.

15 K. If no written notice of intent to attend the public
16 hearing by interested parties is received, the Commission may
17 proceed with promulgation of the proposed rule without a public
18 hearing.

19 L. Upon determination that an emergency exists, the
20 Commission may consider and adopt an emergency rule without
21 prior notice, opportunity for comment, or hearing, provided
22 that the usual rulemaking procedures provided in the Compact
23 and in this section shall be retroactively applied to the rule
24 as soon as reasonably possible, in no event later than ninety
25 (90) days after the effective date of the rule. For the
26 purposes of this provision, an emergency rule is one that must

1 be adopted immediately in order to:

2 1. Meet an imminent threat to public health, safety, or
3 welfare;

4 2. Prevent a loss of Commission or Compact State funds;

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

8 4. Protect public health and safety.

9 M. The Commission or an authorized committee of the
10 Commission may direct revisions to a previously adopted rule or
11 amendment for purposes of correcting typographical errors,
12 errors in format, errors in consistency, or grammatical errors.
13 Public notice of any revisions shall be posted on the website
14 of the Commission. The revision shall be subject to challenge
15 by any person for a period of thirty (30) days after posting.
16 The revision may be challenged only on grounds that the
17 revision results in a material change to a rule.

18 A challenge shall be made in writing, and delivered to the
19 Chair of the Commission prior to the end of the notice period.
20 If no challenge is made, the revision will take effect without
21 further action. If the revision is challenged, the revision may
22 not take effect without the approval of the Commission.

23 ARTICLE XII

24 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

25 A. Oversight

1 1. The Executive, Legislative and Judicial branches of
2 state government in each Compact State shall enforce this
3 Compact and take all actions necessary and appropriate to
4 effectuate the Compact's purposes and intent. The
5 provisions of this Compact and the rules promulgated
6 hereunder shall have standing as statutory law.

7 2. All courts shall take judicial notice of the Compact
8 and the rules in any judicial or administrative proceeding
9 in a Compact State pertaining to the subject matter of this
10 Compact which may affect the powers, responsibilities or
11 actions of the Commission.

12 3. The Commission shall be entitled to receive service
13 of process in any such proceeding, and shall have standing
14 to intervene in such a proceeding for all purposes. Failure
15 to provide service of process to the Commission shall
16 render a judgment or order void as to the Commission, this
17 Compact or promulgated rules.

18 B. Default, Technical Assistance, and Termination

19 1. If the Commission determines that a Compact State
20 has defaulted in the performance of its obligations or
21 responsibilities under this Compact or the promulgated
22 rules, the Commission shall:

23 a. Provide written notice to the defaulting state
24 and other Compact States of the nature of the default,
25 the proposed means of remedying the default and/or any
26 other action to be taken by the Commission; and

1 b. Provide remedial training and specific
2 technical assistance regarding the default.

3 2. If a state in default fails to remedy the default,
4 the defaulting state may be terminated from the Compact
5 upon an affirmative vote of a majority of the Compact
6 States, and all rights, privileges and benefits conferred
7 by this Compact shall be terminated on the effective date
8 of termination. A remedy of the default does not relieve
9 the offending state of obligations or liabilities incurred
10 during the period of default.

11 3. Termination of membership in the Compact shall be
12 imposed only after all other means of securing compliance
13 have been exhausted. Notice of intent to suspend or
14 terminate shall be submitted by the Commission to the
15 Governor, the majority and minority leaders of the
16 defaulting state's legislature, and each of the Compact
17 States.

18 4. A Compact State which has been terminated is
19 responsible for all assessments, obligations and
20 liabilities incurred through the effective date of
21 termination, including obligations which extend beyond the
22 effective date of termination.

23 5. The Commission shall not bear any costs incurred by
24 the state which is found to be in default or which has been
25 terminated from the Compact, unless agreed upon in writing
26 between the Commission and the defaulting state.

1 6. The defaulting state may appeal the action of the
2 Commission by petitioning the U.S. District Court for the
3 state of Georgia or the federal district where the Compact
4 has its principal offices. The prevailing member shall be
5 awarded all costs of such litigation, including reasonable
6 attorney's fees.

7 C. Dispute Resolution

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

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

15 D. Enforcement

16 1. The Commission, in the reasonable exercise of its
17 discretion, shall enforce the provisions and Rules of this
18 Compact.

19 2. By majority vote, the Commission may initiate legal
20 action in the United States District Court for the State of
21 Georgia or the federal district where the Compact has its
22 principal offices against a Compact State in default to
23 enforce compliance with the provisions of the Compact and
24 its promulgated Rules and Bylaws. The relief sought may
25 include both injunctive relief and damages. In the event
26 judicial enforcement is necessary, the prevailing member

1 shall be awarded all costs of such litigation, including
2 reasonable attorney's fees.

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

6 ARTICLE XIII

7 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL
8 COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND
9 AMENDMENTS

10 A. The Compact shall come into effect on the date on which
11 the Compact is enacted into law in the seventh Compact State.
12 The provisions which become effective at that time shall be
13 limited to the powers granted to the Commission relating to
14 assembly and the promulgation of rules. Thereafter, the
15 Commission shall meet and exercise rulemaking powers necessary
16 to the implementation and administration of the Compact.

17 B. Any state which joins the Compact subsequent to the
18 Commission's initial adoption of the rules shall be subject to
19 the rules as they exist on the date on which the Compact
20 becomes law in that state. Any rule which has been previously
21 adopted by the Commission shall have the full force and effect
22 of law on the day the Compact becomes law in that state.

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

25 1. A Compact State's withdrawal shall not take effect

