

House Bill 26

By: Representatives Belton of the 112th, Hitchens of the 161st, Williams of the 168th, Blackmon of the 146th, Glanton of the 75th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 39 of Title 43 of the Official Code of Georgia Annotated, relating to
2 psychologists, so as to enter into an interstate compact known as the "Psychology
3 Interjurisdictional Compact"; to authorize the State Board of Examiners of Psychologists to
4 administer the compact in this state; to revise provisions relating to exceptions to licensure;
5 to provide for the purposes of the compact; to provide definitions; to provide for home state
6 licensure; to establish and provide for the privilege to practice telepsychology; to provide for
7 the temporary authorization to practice by psychologists within and through states who enter
8 the compact and the conditions therefor; to provide for adverse actions by each compacting
9 state relating to psychologists from other states who may be practicing telemedicine or
10 temporary practice in another state; to provide for additional regulatory authority for the
11 State Board of Examiners of Psychologists and the similar boards of other states entering the
12 compact; to provide for a coordinated licensure information system among states entering
13 the compact; to establish the Psychology Interjurisdictional Compact Commission and its
14 powers and conditions; to provide for rulemaking by such commission; to provide for
15 oversight, dispute resolution, and enforcement by members of the compact and such
16 commission; to provide for an implementation date of the compact and such commission; to
17 provide for construction and severability of membership in the commission; to provide for
18 related matters; to repeal conflicting laws; and for other purposes.

19 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA**

20 **SECTION 1.**

21 Chapter 39 of Title 43 of the Official Code of Georgia Annotated, relating to psychologists,
22 is amended by revising Code Section 43-39-6, relating to powers of the State Board of
23 Examiners of Psychologists, as follows:

24 "43-39-6.

25 The board shall have authority to establish a code of conduct and of ethics, to administer
26 oaths, to summon witnesses, and to take testimony in all matters relating to its duties. The

27 board shall issue licenses to practice psychology to all persons who shall present
 28 satisfactory evidence of attainments and qualifications under this chapter and the rules and
 29 regulations of the board. Such licenses shall be attested by the division director under the
 30 board's adopted seal, and it shall give absolute authority to the person to whom it is issued
 31 to practice psychology in this state. It shall be the duty of the division director, under the
 32 direction of the board, to aid the prosecuting attorneys in the enforcement of this chapter
 33 and the prosecution of all persons charged with the violation of its provisions. The board
 34 shall have authority to administer and participate in the 'Psychology Interjurisdictional
 35 Compact (Psypact)' set out in Article 2 of this chapter and to recognize and permit the
 36 authority to practice interjurisdictional telepsychology and temporary practice in Georgia
 37 as established by such compact."

38 **SECTION 2.**

39 Said chapter is further amended by revising Code Section 43-39-7, relating to practicing
 40 without a license, use of title, and exceptions, as follows:

41 "43-39-7.

42 A person who is not licensed under this chapter shall not practice psychology, shall not use
 43 the title 'psychologist,' and shall not imply that he or she is a psychologist. If any person
 44 shall practice psychology or hold himself or herself out as being engaged in the practice
 45 of psychology and shall not then possess in full force a valid license to practice psychology
 46 under the laws of this state, such person shall be in violation of this chapter. The following
 47 are exceptions:

48 (1) Nothing in this chapter shall require licensure for a person who is certified as a
 49 school psychologist by the Professional Standards Commission while that person is
 50 working as an employee in an educational institution recognized by the State Board of
 51 Examiners of Psychologists as meeting satisfactory accreditation standards, provided that
 52 no fees are charged directly to clients or through a third party;

53 (2) Nothing in this chapter shall be construed to prevent the teaching of psychology or
 54 the conduct of psychological research, provided that such teaching or research does not
 55 involve the delivery or supervision of direct psychological services to individuals or
 56 groups of individuals by an unlicensed person. Any person holding a doctoral degree in
 57 psychology while working as an employee in a research laboratory, college, or university
 58 recognized by the board as meeting satisfactory accreditation standards may use the title
 59 'psychologist' in conjunction with activities permitted by this paragraph, provided that no
 60 fees are charged directly to clients or through a third party;

61 (3) Nothing in this chapter shall require licensure for a person who was engaged in the
 62 practice of psychology as an employee of an agency or department of the state

63 government, any of its political subdivisions, or community service boards as defined in
 64 Code Section 37-2-2 either prior to July 1, 1996, at a state intermediate care or skilled
 65 care facility for persons with mental retardation or prior to July 1, 1997, at any other
 66 facilities or offices of the entities previously mentioned, but only when that person is
 67 engaged in that practice as an employee of such entities;

68 (4) Nothing in this chapter shall be construed to limit the activities and services of a
 69 person in the employ of or serving for an established and recognized religious
 70 organization, provided that the title 'psychologist' is not used by a person not licensed and
 71 that the person does not imply that he or she is a psychologist;

72 (5) Persons who hold a doctoral degree in psychology may practice under the supervision
 73 of a licensed psychologist in order to obtain the experience required for licensure;

74 (6) Nothing in this chapter shall be construed to prohibit any person from engaging in
 75 the lawful practice of medicine, nursing, professional counseling, social work, and
 76 marriage and family therapy, as provided for under other state law, provided that such
 77 person shall not use the title 'psychologist' nor imply that he or she is a psychologist;

78 (7) Nothing in this chapter shall be construed to prevent students, trainees, or assistants
 79 from engaging in activities defined as the practice of psychology, provided such persons
 80 are under the direct supervision and responsibility of a licensed psychologist and the
 81 student, trainee, or assistant does not represent himself or herself to be a psychologist.
 82 The board shall establish rules and regulations for the supervision of persons exempted
 83 under this paragraph;

84 (8) An individual licensed to practice psychology in another jurisdiction may practice
 85 psychology in Georgia without applying for a license, so long as the requirements for a
 86 license in the other jurisdiction are equal to or exceed the requirements for licensure in
 87 Georgia, and the psychologist limits that person's practice in Georgia to no more than 30
 88 days per year, as defined in the rules and regulations of the board; ~~and~~

89 (9) An individual permitted the authority to practice interjurisdictional telepsychology,
 90 temporary practice, or both, pursuant to the 'Psychology Interjurisdictional Compact
 91 (Psypact)' set out in Article 2 of this chapter may practice psychology in this state in
 92 accordance with the provisions of such compact; and

93 ~~(9)~~(10) Nothing in this chapter shall be construed as prohibiting any person licensed
 94 under Chapter 10A of this title from providing services he or she is authorized to perform
 95 under Chapter 10A of this title, including, but not limited to, administering and
 96 interpreting educational and vocational tests; functional assessments; interest inventories;
 97 tests that evaluate marital and family functioning; mental health symptom screening and
 98 assessment instruments that evaluate emotional, mental, behavioral, and interpersonal
 99 problems or conditions, including substance use, health, and disability; or any other

100 assessments or tests which the person is qualified to employ by virtue of his or her
 101 education, training, or experience within the scope of practice of professional counselors.
 102 The Georgia Composite Board of Professional Counselors, Social Workers, and Marriage
 103 and Family Therapists shall have sole authority to regulate assessment and testing
 104 performed by persons licensed under Chapter 10A of this title."

105 **SECTION 3.**

106 Said chapter is further amended by redesignating the existing provisions of said chapter as
 107 Article 1, by replacing "this chapter" with "this article" everywhere such term occurs in the
 108 new article, and by adding a new article, to read as follows:

109 "ARTICLE 2

110 43-39-21.

111 This article shall be known and may be cited as the 'Psychology Interjurisdictional
 112 Compact (Psypact).'

113 43-39-22.

114 The Psychology Interjurisdictional Compact (Psypact) is enacted into law and entered into
 115 by the State of Georgia with any and all other states legally joining therein in the form
 116 substantially as follows:

117 PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)

118 ARTICLE I

119 PURPOSE

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

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

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

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

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

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

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

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

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

147 2. Enhance the states' ability to protect the public's health and safety, especially
 148 client/patient safety;

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

151 4. Facilitate the exchange of information between Compact States regarding
 152 psychologist licensure, Adverse Actions, and disciplinary history;

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

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

157 ARTICLE II

158 DEFINITIONS

159 A. "Adverse Action" means: any action taken by a State Psychology Regulatory
 160 Authority which finds a violation of a statute or regulation that is identified by the State
 161 Psychology Regulatory Authority as discipline and is a matter of public record.

162 B. "Association of State and Provincial Psychology Boards (ASPPB)" means: the
 163 recognized membership organization composed of State and Provincial Psychology
 164 Regulatory Authorities responsible for the licensure and registration of psychologists
 165 throughout the United States and Canada.

- 166 C. "Authority to Practice Interjurisdictional Telepsychology" means: a licensed
167 psychologist's authority to practice telepsychology, within the limits authorized under
168 this Compact, in another Compact State.
- 169 D. "Bylaws" means: those Bylaws established by the Psychology Interjurisdictional
170 Compact Commission pursuant to Article X for its governance, or for directing and
171 controlling its actions and conduct.
- 172 E. "Client/Patient" means: the recipient of psychological services, whether
173 psychological services are delivered in the context of healthcare, corporate, supervision,
174 or consulting services or any combination thereof.
- 175 F. "Commissioner" means: the voting representative appointed by each State
176 Psychology Regulatory Authority pursuant to Article X.
- 177 G. "Compact State" means: a state, the District of Columbia, or United States territory
178 that has enacted this Compact legislation and which has not withdrawn pursuant to
179 Article XIII, Section C or been terminated pursuant to Article XII, Section B.
- 180 H. "Coordinated Licensure Information System" also referred to as "Coordinated
181 Database" means: an integrated process for collecting, storing, and sharing information
182 on psychologists' licensure and enforcement activities related to psychology licensure
183 laws, which is administered by the recognized membership organization composed of
184 State and Provincial Psychology Regulatory Authorities.
- 185 I. "Confidentiality" means: the principle that data or information is not made available
186 or disclosed to unauthorized persons or processes, or both.
- 187 J. "Day" means: any part of a day in which psychological work is performed.
- 188 K. "Distant State" means: the Compact State where a psychologist is physically present
189 (not through the use of telecommunications technologies), to provide temporary
190 in-person, face-to-face psychological services.
- 191 L. "E.Passport" means: a certificate issued by the Association of State and Provincial
192 Psychology Boards (ASPPB) that promotes the standardization in the criteria of
193 interjurisdictional telepsychology practice and facilitates the process for licensed
194 psychologists to provide telepsychological services across state lines.
- 195 M. "Executive Board" means: a group of directors elected or appointed to act on behalf
196 of, and within the powers granted to them by, the Commission.
- 197 N. "Home State" means: a Compact State where a psychologist is licensed to practice
198 psychology. If the psychologist is licensed in more than one Compact State and is
199 practicing under the Authorization to Practice Interjurisdictional Telepsychology, the
200 Home State is the Compact State where the psychologist is physically present when the
201 telepsychological services are delivered. If the psychologist is licensed in more than

202 one Compact State and is practicing under the Temporary Authorization to Practice, the
203 Home State is any Compact State where the psychologist is licensed.

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

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

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

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

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

219 T. "Psychologist" means: an individual licensed for the independent practice of
220 psychology.

221 U. "Psychology Interjurisdictional Compact Commission" also referred to as
222 "Commission" means: the national administration of which all Compact States are
223 members.

224 V. "Receiving State" means: a Compact State where the client/patient is physically
225 located when the telepsychological services are delivered.

226 W. "Rule" means: a written statement by the Psychology Interjurisdictional Compact
227 Commission promulgated pursuant to Article XI of the Compact that is of general
228 applicability, implements, interprets, or prescribes a policy or provision of the Compact,
229 or an organizational, procedural, or practice requirement of the Commission and has the
230 force and effect of statutory law in a Compact State, and includes the amendment,
231 repeal or suspension of an existing rule.

232 X. "Significant Investigatory Information" means:

233 1. investigative information that a State Psychology Regulatory Authority, after a
234 preliminary inquiry that includes notification and an opportunity to respond if
235 required by state law, has reason to believe, if proven true, would indicate more than
236 a violation of a state statute or ethics code that would be considered more substantial
237 than a minor infraction; or

238 2. investigative information that indicates that the psychologist represents an
 239 immediate threat to public health and safety regardless of whether the psychologist
 240 has been notified or had an opportunity to respond.

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

243 Z. "State Psychology Regulatory Authority" means: the Board, office or other agency
 244 with the legislative mandate to license and regulate the practice of psychology.

245 AA. "Telepsychology" means: the provision of psychological services using
 246 telecommunication technologies.

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

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

254 ARTICLE III

255 HOME STATE LICENSURE

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

258 B. A psychologist may hold one or more Compact State licenses at a time. If the
 259 psychologist is licensed in more than one Compact State, the Home State is the
 260 Compact State where the psychologist is physically present when the services are
 261 delivered as authorized by the Authority to Practice Interjurisdictional Telepsychology
 262 under the terms of this Compact.

263 C. Any Compact State may require a psychologist not previously licensed in a
 264 Compact State to obtain and retain a license to be authorized to practice in the Compact
 265 State under circumstances not authorized by the Authority to Practice Interjurisdictional
 266 Telepsychology under the terms of this Compact.

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

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

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

- 274 2. Has a mechanism in place for receiving and investigating complaints about
 275 licensed individuals;
- 276 3. Notifies the Commission, in compliance with the terms herein, of any Adverse
 277 Action or Significant Investigatory Information regarding a licensed individual;
- 278 4. Requires an Identity History Summary of all applicants at initial licensure,
 279 including the use of the results of fingerprints or other biometric data checks
 280 compliant with the requirements of the Federal Bureau of Investigation (FBI), or
 281 other designee with similar authority, no later than ten years after activation of the
 282 Compact; and
- 283 5. Complies with the Bylaws and Rules of the Commission.
- 284 F. A Home State's license grants Temporary Authorization to Practice to a psychologist
 285 in a Distant State only if the Compact State:
- 286 1. Currently requires the psychologist to hold an active IPC;
- 287 2. Has a mechanism in place for receiving and investigating complaints about
 288 licensed individuals;
- 289 3. Notifies the Commission, in compliance with the terms herein, of any Adverse
 290 Action or Significant Investigatory Information regarding a licensed individual;
- 291 4. Requires an Identity History Summary of all applicants at initial licensure,
 292 including the use of the results of fingerprints or other biometric data checks
 293 compliant with the requirements of the Federal Bureau of Investigation (FBI), or
 294 other designee with similar authority, no later than ten years after activation of the
 295 Compact; and
- 296 5. Complies with the Bylaws and Rules of the Commission.

ARTICLE IV

COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

- 297 A. Compact States shall recognize the right of a psychologist, licensed in a Compact
 298 State in conformance with Article III, to practice telepsychology in other Compact
 299 States (Receiving States) in which the psychologist is not licensed, under the Authority
 300 to Practice Interjurisdictional Telepsychology as provided in the Compact.
- 301 B. To exercise the Authority to Practice Interjurisdictional Telepsychology under the
 302 terms and provisions of this Compact, a psychologist licensed to practice in a Compact
 303 State must:
- 304 1. Hold a graduate degree in psychology from an institute of higher education that
 305 was, at the time the degree was awarded:
- 306
- 307

- 308 a. Regionally accredited by an accrediting body recognized by the U.S. Department
 309 of Education to grant graduate degrees, OR authorized by Provincial Statute or
 310 Royal Charter to grant doctoral degrees; OR
- 311 b. A foreign college or university deemed to be equivalent to 1 (a) above by a
 312 foreign credential evaluation service that is a member of the National Association
 313 of Credential Evaluation Services (NACES) or by a recognized foreign credential
 314 evaluation service; AND
- 315 2. Hold a graduate degree in psychology that meets the following criteria:
- 316 a. The program, wherever it may be administratively housed, must be clearly
 317 identified and labeled as a psychology program. Such a program must specify in
 318 pertinent institutional catalogues and brochures its intent to educate and train
 319 professional psychologists;
- 320 b. The psychology program must stand as a recognizable, coherent, organizational
 321 entity within the institution;
- 322 c. There must be a clear authority and primary responsibility for the core and
 323 specialty areas whether or not the program cuts across administrative lines;
- 324 d. The program must consist of an integrated, organized sequence of study;
- 325 e. There must be an identifiable psychology faculty sufficient in size and breadth
 326 to carry out its responsibilities;
- 327 f. The designated director of the program must be a psychologist and a member of
 328 the core faculty;
- 329 g. The program must have an identifiable body of students who are matriculated in
 330 that program for a degree;
- 331 h. The program must include supervised practicum, internship, or field training
 332 appropriate to the practice of psychology;
- 333 i. The curriculum shall encompass a minimum of three academic years of full-time
 334 graduate study for a doctoral degree and a minimum of one academic year of
 335 full-time graduate study for a master's degree; and
- 336 j. The program includes an acceptable residency as defined by the Rules of the
 337 Commission.
- 338 3. Possess a current, full, and unrestricted license to practice psychology in a Home
 339 State which is a Compact State;
- 340 4. Have no history of Adverse Action that violates the Rules of the Commission;
- 341 5. Have no criminal record history reported on an Identity History Summary that
 342 violates the Rules of the Commission;
- 343 6. Possess a current, active E.Passport;

344 7. Provide attestations in regard to areas of intended practice, conformity with
 345 standards of practice, competence in telepsychology technology; criminal
 346 background; and knowledge and adherence to legal requirements in the home and
 347 receiving states, and provide a release of information to allow for primary source
 348 verification in a manner specified by the Commission; and

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

350 C. The Home State maintains authority over the license of any psychologist practicing
 351 into a Receiving State under the Authority to Practice Interjurisdictional
 352 Telepsychology.

353 D. A psychologist practicing in a Receiving State under the Authority to Practice
 354 Interjurisdictional Telepsychology will be subject to the Receiving State's scope of
 355 practice. A Receiving State may, in accordance with that state's due process law, limit
 356 or revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology in
 357 the Receiving State and may take any other necessary actions under the Receiving
 358 State's applicable law to protect the health and safety of the Receiving State's citizens.
 359 If a Receiving State takes action, the state shall promptly notify the Home State and the
 360 Commission.

361 E. If a psychologist's license in any Home State, another Compact State, or any
 362 Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is
 363 restricted, suspended, or otherwise limited, the E.Passport shall be revoked and
 364 therefore the psychologist shall not be eligible to practice telepsychology in a Compact
 365 State under the Authority to Practice Interjurisdictional Telepsychology.

366 ARTICLE V

367 COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

368 A. Compact States shall also recognize the right of a psychologist, licensed in a
 369 Compact State in conformance with Article III, to practice temporarily in other
 370 Compact States (Distant States) in which the psychologist is not licensed, as provided
 371 in the Compact.

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

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

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

- 379 b. A foreign college or university deemed to be equivalent to 1 (a) above by a
380 foreign credential evaluation service that is a member of the National Association
381 of Credential Evaluation Services (NACES) or by a recognized foreign credential
382 evaluation service; AND
- 383 2. Hold a graduate degree in psychology that meets the following criteria:
- 384 a. The program, wherever it may be administratively housed, must be clearly
385 identified and labeled as a psychology program. Such a program must specify in
386 pertinent institutional catalogues and brochures its intent to educate and train
387 professional psychologists;
- 388 b. The psychology program must stand as a recognizable, coherent, organizational
389 entity within the institution;
- 390 c. There must be a clear authority and primary responsibility for the core and
391 specialty areas whether or not the program cuts across administrative lines;
- 392 d. The program must consist of an integrated, organized sequence of study;
- 393 e. There must be an identifiable psychology faculty sufficient in size and breadth
394 to carry out its responsibilities;
- 395 f. The designated director of the program must be a psychologist and a member of
396 the core faculty;
- 397 g. The program must have an identifiable body of students who are matriculated in
398 that program for a degree;
- 399 h. The program must include supervised practicum, internship, or field training
400 appropriate to the practice of psychology;
- 401 i. The curriculum shall encompass a minimum of three academic years of full-time
402 graduate study for a doctoral degree and a minimum of one academic year of
403 full-time graduate study for a master's degree; and
- 404 j. The program includes an acceptable residency as defined by the Rules of the
405 Commission.
- 406 3. Possess a current, full, and unrestricted license to practice psychology in a Home
407 State which is a Compact State;
- 408 4. Have no history of Adverse Action that violates the Rules of the Commission;
- 409 5. Have no criminal record history that violates the Rules of the Commission;
- 410 6. Possess a current, active IPC;
- 411 7. Provide attestations in regard to areas of intended practice and work experience
412 and provide a release of information to allow for primary source verification in a
413 manner specified by the Commission; and
- 414 8. Meet other criteria as defined by the Rules of the Commission.

415 C. A psychologist practicing in a Distant State under the Temporary Authorization to
 416 Practice shall practice within the scope of practice authorized by the Distant State.

417 D. A psychologist practicing in a Distant State under the Temporary Authorization to
 418 Practice will be subject to the Distant State's authority and law. A Distant State may,
 419 in accordance with that state's due process law, limit or revoke a psychologist's
 420 Temporary Authorization to Practice in the Distant State and may take any other
 421 necessary actions under the Distant State's applicable law to protect the health and
 422 safety of the Distant State's citizens. If a Distant State takes action, the state shall
 423 promptly notify the Home State and the Commission.

424 E. If a psychologist's license in any Home State, another Compact State, or any
 425 Temporary Authorization to Practice in any Distant State, is restricted, suspended, or
 426 otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be
 427 eligible to practice in a Compact State under the Temporary Authorization to Practice.

428 ARTICLE VI

429 CONDITIONS OF TELEPSYCHOLOGY PRACTICE

430 IN A RECEIVING STATE

431 A. A psychologist may practice in a Receiving State under the Authority to Practice
 432 Interjurisdictional Telepsychology only in the performance of the scope of practice for
 433 psychology as assigned by an appropriate State Psychology Regulatory Authority, as
 434 defined in the Rules of the Commission, and under the following circumstances:

- 435 1. The psychologist initiates a client/patient contact in a Home State via
 436 telecommunications technologies with a client/patient in a Receiving State; and
- 437 2. Other conditions regarding telepsychology as determined by Rules promulgated
 438 by the Commission.

439 ARTICLE VII

440 ADVERSE ACTIONS

441 A. A Home State shall have the power to impose Adverse Action against a
 442 psychologist's license issued by the Home State. A Distant State shall have the power
 443 to take Adverse Action on a psychologist's Temporary Authorization to Practice within
 444 that Distant State.

445 B. A Receiving State may take Adverse Action on a psychologist's Authority to
 446 Practice Interjurisdictional Telepsychology within that Receiving State. A Home State
 447 may take Adverse Action against a psychologist based on an Adverse Action taken by
 448 a Distant State regarding temporary in-person, face-to-face practice.

449 C. If a Home State takes Adverse Action against a psychologist's license, that
450 psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated
451 and the E.Passport is revoked. Furthermore, that psychologist's Temporary
452 Authorization to Practice is terminated and the IPC is revoked.

453 1. All Home State disciplinary orders which impose Adverse Action shall be reported
454 to the Commission in accordance with the Rules promulgated by the Commission.
455 A Compact State shall report Adverse Actions in accordance with the Rules of the
456 Commission.

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

460 3. Other actions may be imposed as determined by the Rules promulgated by the
461 Commission.

462 D. A Home State's Psychology Regulatory Authority shall investigate and take
463 appropriate action with respect to reported inappropriate conduct engaged in by a
464 licensee which occurred in a Receiving State as it would if such conduct had occurred
465 by a licensee within the Home State. In such cases, the Home State's law shall control
466 in determining any Adverse Action against a psychologist's license.

467 E. A Distant State's Psychology Regulatory Authority shall investigate and take
468 appropriate action with respect to reported inappropriate conduct engaged in by a
469 psychologist practicing under Temporary Authorization to Practice which occurred in
470 that Distant State as it would if such conduct had occurred by a licensee within the
471 Home State. In such cases, Distant State's law shall control in determining any Adverse
472 Action against a psychologist's Temporary Authorization to Practice.

473 F. Nothing in this Compact shall override a Compact State's decision that a
474 psychologist's participation in an alternative program may be used in lieu of Adverse
475 Action and that such participation shall remain non-public if required by the Compact
476 State's law. Compact States must require psychologists who enter any alternative
477 programs to not provide telepsychology services under the Authority to Practice
478 Interjurisdictional Telepsychology or provide temporary psychological services under
479 the Temporary Authorization to Practice in any other Compact State during the term
480 of the alternative program.

481 G. No other judicial or administrative remedies shall be available to a psychologist in
482 the event a Compact State 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, the production of evidence, or any combination of the foregoing 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, evidence, or both, are located; and

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

B. During the course of any investigation, a psychologist may not change his/her Home State licensure. A Home State Psychology Regulatory Authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The Home State Psychology Regulatory Authority shall promptly report the conclusions of such investigations to the Commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his/her Home State licensure. The Commission shall promptly notify the new Home State of any such decisions as provided in the Rules of the Commission. All information provided to the Commission or distributed by Compact States pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The Commission may create additional rules for mandated or discretionary sharing of information by Compact States.

ARTICLE IX

COORDINATED LICENSURE INFORMATION SYSTEM

A. The Commission shall provide for the development and maintenance of a Coordinated Licensure Information System (Coordinated Database) and reporting system containing licensure and disciplinary action information on all psychologists to

518 whom this Compact is applicable in all Compact States as defined by the Rules of the
 519 Commission.

520 B. Notwithstanding any other provision of state law to the contrary, a Compact State
 521 shall submit a uniform data set to the Coordinated Database on all licensees as required
 522 by the Rules of the Commission, including:

523 1. Identifying information;

524 2. Licensure data;

525 3. Significant Investigatory Information;

526 4. Adverse Actions against a psychologist's license;

527 5. An indicator that a psychologist's Authority to Practice Interjurisdictional
 528 Telepsychology, Temporary Authorization to Practice, or both, is revoked;

529 6. Nonconfidential information related to alternative program participation
 530 information;

531 7. Any denial of application for licensure, and the reasons for such denial; and

532 8. Other information which may facilitate the administration of this Compact, as
 533 determined by the Rules of the Commission.

534 C. The Coordinated Database administrator shall promptly notify all Compact States
 535 of any Adverse Action taken against, or significant investigative information on, any
 536 licensee in a Compact State.

537 D. Compact States reporting information to the Coordinated Database may designate
 538 information that may not be shared with the public without the express permission of
 539 the Compact State reporting the information.

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

543 ARTICLE X

544 ESTABLISHMENT OF THE

545 PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

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

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

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

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

555 B. Membership, Voting, and Meetings

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

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

561 b. Current member of the State Psychology Regulatory Authority of a Compact
 562 State; OR

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

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

569 3. Each Commissioner shall be entitled to one (1) vote with regard to the
 570 promulgation of Rules and creation of Bylaws and shall otherwise have an
 571 opportunity to participate in the business and affairs of the Commission. A
 572 Commissioner shall vote in person or by such other means as provided in the Bylaws.
 573 The Bylaws may provide for Commissioners' participation in meetings by telephone
 574 or other means of communication.

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

577 5. All meetings shall be open to the public, and public notice of meetings shall be
 578 given in the same manner as required under the rulemaking provisions in Article XI.

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

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

582 b. The employment, compensation, discipline, or other personnel matters, practices,
 583 or procedures related to specific employees or other matters related to the
 584 Commission's internal personnel practices and procedures;

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

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

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

588 f. Disclosure of trade secrets or commercial or financial information which is
 589 privileged or confidential;

- 590 g. Disclosure of information of a personal nature where disclosure would constitute
 591 a clearly unwarranted invasion of personal privacy;
 592 h. Disclosure of investigatory records compiled for law enforcement purposes;
 593 i. Disclosure of information related to any investigatory reports prepared by or on
 594 behalf of or for use of the Commission or other committee charged with
 595 responsibility for investigation or determination of compliance issues pursuant to
 596 the Compact; or
 597 j. Matters specifically exempted from disclosure by federal and state statute.

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

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

- 611 1. Establishing the fiscal year of the Commission;
 612 2. Providing reasonable standards and procedures:
 613 a. for the establishment and meetings of other committees; and
 614 b. governing any general or specific delegation of any authority or function of the
 615 Commission;
 616 3. Providing reasonable procedures for calling and conducting meetings of the
 617 Commission, ensuring reasonable advance notice of all meetings and providing an
 618 opportunity for attendance of such meetings by interested parties, with enumerated
 619 exceptions designed to protect the public's interest, the privacy of individuals of such
 620 proceedings, and proprietary information, including trade secrets. The Commission
 621 may meet in closed session only after a majority of the Commissioners vote to close
 622 a meeting to the public in whole or in part. As soon as practicable, the Commission
 623 must make public a copy of the vote to close the meeting revealing the vote of each
 624 Commissioner with no proxy votes allowed;
 625 4. Establishing the titles, duties and authority and reasonable procedures for the
 626 election of the officers of the Commission;

- 627 5. Providing reasonable standards and procedures for the establishment of the
 628 personnel policies and programs of the Commission. Notwithstanding any civil
 629 service or other similar law of any Compact State, the Bylaws shall exclusively
 630 govern the personnel policies and programs of the Commission;
- 631 6. Promulgating a Code of Ethics to address permissible and prohibited activities of
 632 Commission members and employees;
- 633 7. Providing a mechanism for concluding the operations of the Commission and the
 634 equitable disposition of any surplus funds that may exist after the termination of the
 635 Compact after the payment and/or reserving of all of its debts and obligations;
- 636 8. Publishing its Bylaws in a convenient form and filing a copy thereof and a copy
 637 of any amendment thereto, with the appropriate agency or officer in each of the
 638 Compact States;
- 639 9. Maintaining its financial records in accordance with the Bylaws; and
- 640 10. Meeting and taking such actions as are consistent with the provisions of this
 641 Compact and the Bylaws.

642 D. The Commission shall have the following powers:

- 643 1. To promulgate uniform rules to facilitate and coordinate implementation and
 644 administration of this Compact. The rule shall have the force and effect of law and
 645 shall be binding in all Compact States;
- 646 2. To bring and prosecute legal proceedings or actions in the name of the
 647 Commission, provided that the standing of any State Psychology Regulatory
 648 Authority or other regulatory body responsible for psychology licensure to sue or be
 649 sued under applicable law shall not be affected;
- 650 3. To purchase and maintain insurance and bonds;
- 651 4. To borrow, accept, or contract for services of personnel, including, but not limited
 652 to, employees of a Compact State;
- 653 5. To hire employees, elect or appoint officers, fix compensation, define duties, grant
 654 such individuals appropriate authority to carry out the purposes of the Compact, and
 655 establish the Commission's personnel policies and programs relating to conflicts of
 656 interest, qualifications of personnel, and other related personnel matters;
- 657 6. To accept any and all appropriate donations and grants of money, equipment,
 658 supplies, materials and services, and to receive, utilize, and dispose of the same;
 659 provided that at all times the Commission shall strive to avoid any appearance of
 660 impropriety or conflict of interest;
- 661 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
 662 hold, improve or use, any property, real, personal, or mixed; provided that at all times
 663 the Commission shall strive to avoid any appearance of impropriety;

- 664 8. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
 665 of any property real, personal, or mixed;
 666 9. To establish a budget and make expenditures;
 667 10. To borrow money;
 668 11. To appoint committees, including advisory committees comprised of members,
 669 State regulators, State legislators or their representatives, and consumer
 670 representatives, and such other interested persons as may be designated in this
 671 Compact and the Bylaws;
 672 12. To provide and receive information from, and to cooperate with, law enforcement
 673 agencies;
 674 13. To adopt and use an official seal; and
 675 14. To perform such other functions as may be necessary or appropriate to achieve
 676 the purposes of this Compact consistent with the state regulation of psychology
 677 licensure, temporary in-person, face-to-face practice and telepsychology practice.

678 E. The Executive Board

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

- 681 1. The Executive Board shall be comprised of six members:
 682 a. Five voting members who are elected from the current membership of the
 683 Commission by the Commission; and
 684 b. One ex-officio, nonvoting member from the recognized membership
 685 organization composed of State and Provincial Psychology Regulatory Authorities.
 686 2. The ex-officio member must have served as staff or member on a State Psychology
 687 Regulatory Authority and will be selected by its respective organization.
 688 3. The Commission may remove any member of the Executive Board as provided in
 689 Bylaws.
 690 4. The Executive Board shall meet at least annually.
 691 5. The Executive Board shall have the following duties and responsibilities:
 692 a. Recommend to the entire Commission changes to the Rules or Bylaws, changes
 693 to this Compact legislation, fees paid by Compact States such as annual dues, and
 694 any other applicable fees;
 695 b. Ensure Compact administration services are appropriately provided, contractual
 696 or otherwise;
 697 c. Prepare and recommend the budget;
 698 d. Maintain financial records on behalf of the Commission;
 699 e. Monitor Compact compliance of member states and provide compliance reports
 700 to the Commission;

701 f. Establish additional committees as necessary; and

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

703 F. Financing of the Commission

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

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

708 3. The Commission may levy on and collect an annual assessment from each
709 Compact State or impose fees on other parties to cover the cost of the operations and
710 activities of the Commission and its staff which must be in a total amount sufficient
711 to cover its annual budget as approved each year for which revenue is not provided
712 by other sources. The aggregate annual assessment amount shall be allocated based
713 upon a formula to be determined by the Commission which shall promulgate a rule
714 binding upon all Compact States.

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

718 5. The Commission shall keep accurate accounts of all receipts and disbursements.
719 The receipts and disbursements of the Commission shall be subject to the audit and
720 accounting procedures established under its Bylaws. However, all receipts and
721 disbursements of funds handled by the Commission shall be audited yearly by a
722 certified or licensed public accountant and the report of the audit shall be included in
723 and become part of the annual report of the Commission.

724 G. Qualified Immunity, Defense, and Indemnification

725 1. The members, officers, Executive Director, employees, and representatives of the
726 Commission shall be immune from suit and liability, either personally or in their
727 official capacity, for any claim for damage to or loss of property or personal injury
728 or other civil liability caused by or arising out of any actual or alleged act, error, or
729 omission that occurred, or that the person against whom the claim is made had a
730 reasonable basis for believing occurred within the scope of Commission employment,
731 duties or responsibilities; provided that nothing in this paragraph shall be construed
732 to protect any such person from suit or liability for any damage, loss, injury or
733 liability caused by the intentional or willful or wanton misconduct of that person.

734 2. The Commission shall defend any member, officer, Executive Director, employee,
735 or representative of the Commission in any civil action seeking to impose liability
736 arising out of any actual or alleged act, error, or omission that occurred within the
737 scope of Commission employment, duties, or responsibilities, or that the person

738 against whom the claim is made had a reasonable basis for believing occurred within
 739 the scope of Commission employment, duties, or responsibilities; provided that
 740 nothing herein shall be construed to prohibit that person from retaining his or her own
 741 counsel; and provided further, that the actual or alleged act, error, or omission did not
 742 result from that person's intentional or willful or wanton misconduct.

743 3. The Commission shall indemnify and hold harmless any member, officer,
 744 Executive Director, employee, or representative of the Commission for the amount
 745 of any settlement or judgment obtained against that person arising out of any actual
 746 or alleged act, error or omission that occurred within the scope of Commission
 747 employment, duties, or responsibilities, or that such person had a reasonable basis for
 748 believing occurred within the scope of Commission employment, duties or
 749 responsibilities, provided that the actual or alleged act, error, or omission did not
 750 result from the intentional or willful or wanton misconduct of that person.

751 ARTICLE XI

752 RULEMAKING

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

756 B. If a majority of the legislatures of the Compact States rejects a rule, by enactment
 757 of a statute or resolution in the same manner used to adopt the Compact, then such rule
 758 shall have no further force and effect in any Compact State.

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

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

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

767 E. The Notice of Proposed Rulemaking shall include:

- 768 1. The proposed time, date, and location of the meeting in which the rule will be
 769 considered and voted upon;
- 770 2. The text of the proposed rule or amendment and the reason for the proposed rule;
- 771 3. A request for comments on the proposed rule from any interested person; and
- 772 4. The manner in which interested persons may submit notice to the Commission of
 773 their intention to attend the public hearing and any written comments.

774 F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit
 775 written data, facts, opinions, and arguments, which shall be made available to the
 776 public.

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

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

781 2. A governmental subdivision or agency; or

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

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

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

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

792 3. No transcript of the hearing is required, unless a written request for a transcript is
 793 made, in which case the person requesting the transcript shall bear the cost of
 794 producing the transcript. A recording may be made in lieu of a transcript under the
 795 same terms and conditions as a transcript. This subsection shall not preclude the
 796 Commission from making a transcript or recording of the hearing if it so chooses.

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

800 I. Following the scheduled hearing date, or by the close of business on the scheduled
 801 hearing date if the hearing was not held, the Commission shall consider all written and
 802 oral comments received.

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

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

809 L. Upon determination that an emergency exists, the Commission may consider and
 810 adopt an emergency rule without prior notice, opportunity for comment, or hearing.

811 provided that the usual rulemaking procedures provided in the Compact and in this
 812 section shall be retroactively applied to the rule as soon as reasonably possible, in no
 813 event later than ninety (90) days after the effective date of the rule. For the purposes
 814 of this provision, an emergency rule is one that must be adopted immediately in order
 815 to:

- 816 1. Meet an imminent threat to public health, safety, or welfare;
- 817 2. Prevent a loss of Commission or Compact State funds;
- 818 3. Meet a deadline for the promulgation of an administrative rule that is established
 819 by federal law or rule; or
- 820 4. Protect public health and safety.

821 M. The Commission or an authorized committee of the Commission may direct
 822 revisions to a previously adopted rule or amendment for purposes of correcting
 823 typographical errors, errors in format, errors in consistency, or grammatical errors.
 824 Public notice of any revisions shall be posted on the website of the Commission. The
 825 revision shall be subject to challenge by any person for a period of thirty (30) days after
 826 posting. The revision may be challenged only on grounds that the revision results in
 827 a material change to a rule. A challenge shall be made in writing, and delivered to the
 828 Chair of the Commission prior to the end of the notice period. If no challenge is made,
 829 the revision will take effect without further action. If the revision is challenged, the
 830 revision may not take effect without the approval of the Commission.

831 ARTICLE XII

832 OVERSIGHT, DEFAULT, DISPUTE RESOLUTION, AND ENFORCEMENT

833 A. Oversight

- 834 1. The Executive, Legislative, and Judicial branches of state government in each
 835 Compact State shall enforce this Compact and take all actions necessary and
 836 appropriate to effectuate the Compact's purposes and intent. The provisions of this
 837 Compact and the rules promulgated hereunder shall have standing as statutory law.
- 838 2. All courts shall take judicial notice of the Compact and the rules in any judicial or
 839 administrative proceeding in a Compact State pertaining to the subject matter of this
 840 Compact which may affect the powers, responsibilities, or actions of the Commission.
- 841 3. The Commission shall be entitled to receive service of process in any such
 842 proceeding, and shall have standing to intervene in such a proceeding for all purposes.
 843 Failure to provide service of process to the Commission shall render a judgment or
 844 order void as to the Commission, this Compact or promulgated rules.

845 B. Default, Technical Assistance, and Termination

846 1. If the Commission determines that a Compact State has defaulted in the
847 performance of its obligations or responsibilities under this Compact or the
848 promulgated rules, the Commission shall:

849 a. Provide written notice to the defaulting state and other Compact States of the
850 nature of the default, the proposed means of remedying the default, and any other
851 action to be taken by the Commission; and

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

853 2. If a state in default fails to remedy the default, the defaulting state may be
854 terminated from the Compact upon an affirmative vote of a majority of the Compact
855 States, and all rights, privileges, and benefits conferred by this Compact shall be
856 terminated on the effective date of termination. A remedy of the default does not
857 relieve the offending state of obligations or liabilities incurred during the period of
858 default.

859 3. Termination of membership in the Compact shall be imposed only after all other
860 means of securing compliance have been exhausted. Notice of intent to suspend or
861 terminate shall be submitted by the Commission to the Governor, the majority and
862 minority leaders of the defaulting state's legislature, and each of the Compact States.

863 4. A Compact State which has been terminated is responsible for all assessments,
864 obligations, and liabilities incurred through the effective date of termination,
865 including obligations which extend beyond the effective date of termination.

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

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

873 C. Dispute Resolution

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

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

879 D. Enforcement

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

- 882 2. By majority vote, the Commission may initiate legal action in the United States
 883 District Court for the State of Georgia or the federal district where the Compact has
 884 its principal offices against a Compact State in default to enforce compliance with the
 885 provisions of the Compact and its promulgated Rules and Bylaws. The relief sought
 886 may include both injunctive relief and damages. In the event judicial enforcement is
 887 necessary, the prevailing member shall be awarded all costs of such litigation,
 888 including reasonable attorney's fees.
- 889 3. The remedies herein shall not be the exclusive remedies of the Commission. The
 890 Commission may pursue any other remedies available under federal or state law.

891 ARTICLE XIII

892 DATE OF IMPLEMENTATION OF

893 THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

894 AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

- 895 A. The Compact shall come into effect on the date on which the Compact is enacted
 896 into law in the seventh Compact State. The provisions which become effective at that
 897 time shall be limited to the powers granted to the Commission relating to assembly and
 898 the promulgation of rules. Thereafter, the Commission shall meet and exercise
 899 rulemaking powers necessary to the implementation and administration of the Compact.
- 900 B. Any state which joins the Compact subsequent to the Commission's initial adoption
 901 of the rules shall be subject to the rules as they exist on the date on which the Compact
 902 becomes law in that state. Any rule which has been previously adopted by the
 903 Commission shall have the full force and effect of law on the day the Compact becomes
 904 law in that state.
- 905 C. Any Compact State may withdraw from this Compact by enacting a statute
 906 repealing the same.
- 907 1. A Compact State's withdrawal shall not take effect until six (6) months after
 908 enactment of the repealing statute.
- 909 2. Withdrawal shall not affect the continuing requirement of the withdrawing State's
 910 Psychology Regulatory Authority to comply with the investigative and Adverse
 911 Action reporting requirements of this act prior to the effective date of withdrawal.
- 912 D. Nothing contained in this Compact shall be construed to invalidate or prevent any
 913 psychology licensure agreement or other cooperative arrangement between a Compact
 914 State and a Non-Compact State which does not conflict with the provisions of this
 915 Compact.

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

919 ARTICLE XIV

920 CONSTRUCTION AND SEVERABILITY

921 This Compact shall be liberally construed so as to effectuate the purposes thereof. If
922 this Compact shall be held contrary to the constitution of any state member thereto, the
923 Compact shall remain in full force and effect as to the remaining Compact States."

924 **SECTION 4.**

925 All laws and parts of laws in conflict with this Act are repealed.