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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3823

02/26/2020 Authored by Morrison, Schomacker, Kiel, Freiberg, Cantrell and others
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health occupations; creating a psychology interjurisdictional compact;
1.3 appropriating money; proposing coding for new law in Minnesota Statutes, chapter
1.4 148.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [148.9051] PSYCHOLOGY INTERJURISDICTIONAL COMPACT
1.7 (PSYPACT).

1.8 The psychology interjurisdictional compact is enacted into law and entered into with all
1.9 other jurisdictions legally joining in it in the form substantially specified in this section.

1.10 ARTICLE I

1.11 PURPOSE

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

1.14 Whereas, this compact is intended to regulate the day to day practice of telepsychology
1.15 by psychologists across state boundaries in the performance of their psychological practice
1.16 as assigned by an appropriate authority;

1.17 Whereas, this compact is intended to regulate the temporary in-person, face-to-face
1.18 practice of psychology by psychologists across state boundaries for 30 days within a calendar
1.19 year in the performance of their psychological practice as assigned by an appropriate
1.20 authority;

2.1 Whereas, this compact is intended to authorize state psychology regulatory authorities
2.2 to afford legal recognition, in a manner consistent with the terms of the compact, to
2.3 psychologists licensed in another state;

2.4 Whereas, this compact recognizes that states have a vested interest in protecting the
2.5 public's health and safety through their licensing and regulation of psychologists and that
2.6 such state regulation will best protect public health and safety;

2.7 Whereas, this compact does not apply when a psychologist is licensed in both the home
2.8 and receiving states; and

2.9 Whereas, this compact does not apply to permanent in-person, face-to-face practice; it
2.10 does allow for authorization of temporary psychological practice.

2.11 Consistent with these principles, this compact is designed to achieve the following
2.12 purposes and objectives:

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

2.16 (2) enhance the states' ability to protect the public's health and safety, especially client
2.17 and patient safety;

2.18 (3) encourage the cooperation of compact states in the areas of psychology licensure
2.19 and regulation;

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

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

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

2.26 ARTICLE II

2.27 DEFINITIONS

2.28 As used in this compact, the following terms have the meanings given them.

2.29 A. "Adverse action" means any action taken by a state psychology regulatory authority
2.30 which finds a violation of a statute or regulation that is identified by the state psychology
2.31 regulatory authority as discipline and is a matter of public record.

3.1 B. "Association of State and Provincial Psychology Boards" or "ASPPB" means the
3.2 recognized membership organization composed of state and provincial psychology regulatory
3.3 authorities responsible for the licensure and registration of psychologists throughout the
3.4 United States and Canada.

3.5 C. "Authority to practice interjurisdictional telepsychology" means a licensed
3.6 psychologist's authority to practice telepsychology, within the limits authorized under this
3.7 compact, in another compact state.

3.8 D. "Bylaws" means those bylaws established by the Psychology Interjurisdictional
3.9 Compact Commission pursuant to Article X for its governance or for directing and controlling
3.10 its actions and conduct.

3.11 E. "Client" and "patient" means the recipient of psychological services, including
3.12 psychological services that are delivered in the context of healthcare, corporate, supervision,
3.13 or consulting services.

3.14 F. "Commissioner" means the voting representative appointed by each state psychology
3.15 regulatory authority pursuant to Article X.

3.16 G. "Compact state" means a state, the District of Columbia, or a United States territory
3.17 that has enacted this compact legislation and which has not withdrawn pursuant to Article
3.18 XIII, section C, or been terminated pursuant to Article XII, section B.

3.19 H. "Coordinated Licensure Information System" also referred to as "coordinated database"
3.20 means an integrated process for collecting, storing, and sharing information on psychologists'
3.21 licensure and enforcement activities related to psychology licensure laws, which is
3.22 administered by the recognized membership organization composed of state and provincial
3.23 psychology regulatory authorities.

3.24 I. "Confidentiality" means data or information is not made available or disclosed to
3.25 unauthorized persons or processes.

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

3.27 K. "Distant state" means the compact state where a psychologist is physically present
3.28 to provide temporary in-person and face-to-face psychological services, not through the use
3.29 of telecommunications technologies.

3.30 L. "E.Passport" means a certificate issued by the ASPPB that promotes the standardization
3.31 in the criteria of interjurisdictional telepsychology practice and facilitates the process for
3.32 licensed psychologists to provide telepsychological services across state lines.

4.1 M. "Executive Board" means a group of directors elected or appointed to act on behalf
4.2 of and within the powers granted to them by the commission.

4.3 N. "Home state" means a compact state where a psychologist is licensed to practice
4.4 psychology. If the psychologist is licensed in more than one compact state and is practicing
4.5 under the authorization to practice interjurisdictional telepsychology, the home state is the
4.6 compact state where the psychologist is physically present when the telepsychological
4.7 services are delivered. If the psychologist is licensed in more than one compact state and
4.8 is practicing under the temporary authorization to practice, the home state is any compact
4.9 state where the psychologist is licensed.

4.10 O. "Identity history summary" means a summary of information retained by the FBI, or
4.11 other designee with similar authority, in connection with arrests and, in some instances,
4.12 federal employment, naturalization, or military service.

4.13 P. "In-person, face-to-face" means interactions in which the psychologist and the client
4.14 or patient are in the same physical space and does not include interactions that may occur
4.15 through the use of telecommunication technologies.

4.16 Q. "Interjurisdictional Practice Certificate" or "IPC" means a certificate issued by ASPPB
4.17 that grants temporary authority to practice based on notification to the state psychology
4.18 regulatory authority of the intention to practice temporarily and the verification of the
4.19 psychologist's qualifications for such practice.

4.20 R. "License" means authorization by a state psychology regulatory authority to engage
4.21 in the independent practice of psychology, which would be unlawful without the
4.22 authorization.

4.23 S. "Noncompact state" means any state which is not at the time a compact state.

4.24 T. "Psychologist" means an individual licensed for the independent practice of
4.25 psychology.

4.26 U. "Psychology Interjurisdictional Compact Commission" also referred to as
4.27 "commission" means the national administration of which all compact states are members.

4.28 V. "Receiving state" means a compact state where the client or patient is physically
4.29 located when the telepsychological services are delivered.

4.30 W. "Rule" means a written statement by the Psychology Interjurisdictional Compact
4.31 Commission that is promulgated pursuant to Article XI and is of general applicability and
4.32 implements, interprets, or prescribes a policy or provision of the compact, or an
4.33 organizational, procedural, or practice requirement of the commission, and that has the force

5.1 and effect of a statutory law in a compact state, and that includes the amendment, repeal,
 5.2 or suspension of an existing rule.

5.3 X. "Significant investigatory information" means:

5.4 (1) investigative information that a state psychology regulatory authority, after a
 5.5 preliminary inquiry that includes notification and an opportunity to respond if required by
 5.6 state law, has reason to believe, if proven true, would indicate more than a violation of state
 5.7 statute or ethics code and that would be considered more substantial than a minor infraction;
 5.8 or

5.9 (2) investigative information that indicates the psychologist represents an immediate
 5.10 threat to public health and safety regardless of whether the psychologist has been notified
 5.11 and had an opportunity to respond.

5.12 Y. "State" means a state, commonwealth, territory, or possession of the United States;
 5.13 or the District of Columbia.

5.14 Z. "State psychology regulatory authority" means the board, office, or other agency with
 5.15 the legislative mandate to license and regulate the practice of psychology.

5.16 AA. "Telepsychology" means the provision of psychological services using
 5.17 telecommunication technologies.

5.18 BB. "Temporary authorization to practice" means a licensed psychologist's authority to
 5.19 conduct temporary in-person, face-to-face practice, within the limits authorized under this
 5.20 compact, in another compact state.

5.21 CC. "Temporary in-person, face-to-face practice" means a psychologist is physically
 5.22 present, and not through the use of telecommunications technologies, in the distant state to
 5.23 provide for the practice of psychology for 30 days within a calendar year and is based on
 5.24 notification to the distant state.

5.25 ARTICLE III

5.26 HOME STATE LICENSURE

5.27 A. The home state shall be a compact state where a psychologist is licensed to practice
 5.28 psychology.

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

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

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

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

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

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

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

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

6.19 (5) complies with the bylaws and rules of the commission.

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

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

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

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

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

6.31 (5) complies with the bylaws and rules of the commission.

7.1

ARTICLE IV

7.2

COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

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A. Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with Article III, to practice telepsychology in other compact states (receiving states) in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the compact.

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

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7.10

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

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(a) regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or

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

7.17

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

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7.20

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

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

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

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(d) the program must consist of an integrated, organized sequence of study;

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

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

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

8.1 (h) the program must include supervised practicum, internship, or field training
8.2 appropriate to the practice of psychology;

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

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

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

8.10 (4) have no history of adverse action that violates the rules of the commission;

8.11 (5) have no criminal record history reported on an identity history summary that violates
8.12 the rules of the commission;

8.13 (6) possess a current, active E.Passport;

8.14 (7) provide attestations in regard to areas of intended practice, conformity with standards
8.15 of practice, competence in telepsychology technology; criminal background; and knowledge
8.16 and adherence to legal requirements in the home and receiving states, and provide a release
8.17 of information to allow for primary source verification in a manner specified by the
8.18 commission; and

8.19 (8) meet other criteria as defined by the rules of the commission.

8.20 C. The home state maintains authority over the license of any psychologist practicing
8.21 into a receiving state under the authority to practice interjurisdictional telepsychology.

8.22 D. A psychologist practicing into a receiving state under the authority to practice
8.23 interjurisdictional telepsychology will be subject to the receiving state's scope of practice.
8.24 A receiving state may, in accordance with that state's due process law, limit or revoke a
8.25 psychologist's authority to practice interjurisdictional telepsychology in the receiving state
8.26 and may take any other necessary actions under the receiving state's applicable law to protect
8.27 the health and safety of the receiving state's citizens. If a receiving state takes action, the
8.28 state shall promptly notify the home state and the commission.

8.29 E. If a psychologist's license in any home state, another compact state, or any authority
8.30 to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended,
8.31 or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall

9.1 not be eligible to practice telepsychology in a compact state under the authority to practice
9.2 interjurisdictional telepsychology.

9.3 **ARTICLE V**

9.4 **COMPACT TEMPORARY AUTHORIZATION TO PRACTICE**

9.5 A. Compact states shall also recognize the right of a psychologist, licensed in a compact
9.6 state in conformance with Article III, to practice temporarily in other compact states (distant
9.7 states) in which the psychologist is not licensed, as provided in the compact.

9.8 B. To exercise the temporary authorization to practice under the terms and provisions
9.9 of this compact, a psychologist licensed to practice in a compact state must:

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

9.12 (a) regionally accredited by an accrediting body recognized by the U.S. Department of
9.13 Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter
9.14 to grant doctoral degrees; or

9.15 (b) a foreign college or university deemed to be equivalent to item (a) by a foreign
9.16 credential evaluation service that is a member of the National Association of Credential
9.17 Evaluation Services (NACES) or by a recognized foreign credential evaluation service;

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

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

9.22 (b) the psychology program must stand as a recognizable, coherent, organizational entity
9.23 within the institution;

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

9.26 (d) the program must consist of an integrated, organized sequence of study;

9.27 (e) there must be an identifiable psychology faculty sufficient in size and breadth to
9.28 carry out its responsibilities;

9.29 (f) the designated director of the program must be a psychologist and a member of the
9.30 core faculty;

10.1 (g) the program must have an identifiable body of students who are matriculated in that
10.2 program for a degree;

10.3 (h) the program must include supervised practicum, internship, or field training
10.4 appropriate to the practice of psychology;

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

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

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

10.12 (4) have no history of adverse action that violate the rules of the commission;

10.13 (5) have no criminal record history that violates the rules of the commission;

10.14 (6) possess a current, active IPC;

10.15 (7) provide attestations in regard to areas of intended practice and work experience and
10.16 provide a release of information to allow for primary source verification in a manner specified
10.17 by the commission; and

10.18 (8) meet other criteria as defined by the rules of the commission.

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

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

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

10.32 **ARTICLE VI**

11.1 **CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE**

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

11.6 (1) the psychologist initiates a client or patient contact in a home state via
 11.7 telecommunications technologies with a client or patient in a receiving state; and

11.8 (2) according to other conditions regarding telepsychology as determined by rules
 11.9 promulgated by the commission.

11.10 **ARTICLE VII**

11.11 **ADVERSE ACTIONS**

11.12 A. A home state shall have the power to impose adverse action against a psychologist's
 11.13 license issued by the home state. A distant state shall have the power to take adverse action
 11.14 on a psychologist's temporary authorization to practice within that distant state.

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

11.19 C. If a home state takes adverse action against a psychologist's license, that psychologist's
 11.20 authority to practice interjurisdictional telepsychology is terminated and the E.Passport is
 11.21 revoked. Furthermore, that psychologist's temporary authorization to practice is terminated
 11.22 and the IPC is revoked.

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

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

11.29 (3) Other actions may be imposed as determined by the rules promulgated by the
 11.30 commission.

11.31 D. A home state's psychology regulatory authority shall investigate and take appropriate
 11.32 action with respect to reported inappropriate conduct engaged in by a licensee which occurred

12.1 in a receiving state as it would if such conduct had occurred by a licensee within the home
 12.2 state. In such cases, the home state's law shall control in determining any adverse action
 12.3 against a psychologist's license.

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

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

12.17 G. No other judicial or administrative remedies shall be available to a psychologist in
 12.18 the event a compact state imposes an adverse action pursuant to paragraph C.

12.19 ARTICLE VIII

12.20 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S 12.21 PSYCHOLOGY REGULATORY AUTHORITY

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

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

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

13.1 B. During the course of any investigation, a psychologist may not change the
 13.2 psychologist's home state licensure. A home state psychology regulatory authority is
 13.3 authorized to complete any pending investigations of a psychologist and to take any actions
 13.4 appropriate under its law. The home state psychology regulatory authority shall promptly
 13.5 report the conclusions of such investigations to the commission. Once an investigation has
 13.6 been completed, and pending the outcome of the investigation, the psychologist may change
 13.7 the psychologist's home state licensure. The commission shall promptly notify the new
 13.8 home state of any such decisions as provided in the rules of the commission. All information
 13.9 provided to the commission or distributed by compact states pursuant to the psychologist
 13.10 shall be confidential, filed under seal, and used for investigatory or disciplinary matters.
 13.11 The commission may create additional rules for mandated or discretionary sharing of
 13.12 information by compact states.

ARTICLE IX

COORDINATED LICENSURE INFORMATION SYSTEM

13.15 A. The commission shall provide for the development and maintenance of a coordinated
 13.16 licensure information system, coordinated database, and reporting system containing licensure
 13.17 and disciplinary action information on all psychologists to whom this compact is applicable
 13.18 in all compact states as defined by the rules of the commission.

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

13.22 (1) identifying information;

13.23 (2) licensure data;

13.24 (3) significant investigatory information;

13.25 (4) adverse actions against a psychologist's license;

13.26 (5) an indicator that a psychologist's authority to practice interjurisdictional
 13.27 telepsychology and temporary authorization to practice is revoked;

13.28 (6) nonconfidential information related to alternative program participation information;

13.29 (7) any denial of application for licensure and the reasons for the denial; and

13.30 (8) other information which may facilitate the administration of this compact, as
 13.31 determined by the rules of the commission.

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

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

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

14.10 ARTICLE X

14.11 ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT

14.12 COMMISSION

14.13 A. The compact states hereby create and establish a joint public agency known as the
 14.14 Psychology Interjurisdictional Compact Commission.

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

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

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

14.21 B. Membership, voting, and meetings:

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

14.26 (a) executive director, executive secretary, or similar executive;

14.27 (b) current member of the state psychology regulatory authority of a compact state; or

14.28 (c) designee empowered with the appropriate delegate authority to act on behalf of the
 14.29 compact state.

14.30 (2) Any commissioner may be removed or suspended from office as provided by the
 14.31 law of the state from which the commissioner is appointed. Any vacancy occurring in the

15.1 commission shall be filled in accordance with the laws of the compact state in which the
15.2 vacancy exists.

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

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

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

15.12 (6) The commission may convene in a closed, nonpublic meeting if the commission
15.13 must discuss:

15.14 (a) non-compliance of a compact state with its obligations under the compact;

15.15 (b) employment, compensation, discipline, or other personnel matters, practices or
15.16 procedures related to specific employees, or other matters related to the commission's internal
15.17 personnel practices and procedures;

15.18 (c) current, threatened, or reasonably anticipated litigation against the commission;

15.19 (d) negotiation of contracts for the purchase or sale of goods, services, or real estate;

15.20 (e) accusation against any person of a crime or formally censuring any person;

15.21 (f) disclosure of trade secrets or commercial or financial information which is privileged
15.22 or confidential;

15.23 (g) disclosure of information of a personal nature where disclosure would constitute a
15.24 clearly unwarranted invasion of personal privacy;

15.25 (h) disclosure of investigatory records compiled for law enforcement purposes;

15.26 (i) disclosure of information related to any investigatory reports prepared by or on behalf
15.27 of or for use of the commission or other committee charged with responsibility for
15.28 investigation or determination of compliance issues pursuant to the compact; or

15.29 (j) matters specifically exempted from disclosure by federal and state statute.

15.30 (7) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
15.31 commission's legal counsel or designee shall certify that the meeting may be closed and

16.1 shall reference each relevant exempting provision. The commission shall keep minutes
16.2 which fully and clearly describe all matters discussed in a meeting and shall provide a full
16.3 and accurate summary of actions taken by any person participating in the meeting and the
16.4 reasons therefore, including a description of the views expressed. All documents considered
16.5 in connection with an action shall be identified in such minutes. All minutes and documents
16.6 of a closed meeting shall remain under seal, subject to release only by a majority vote of
16.7 the commission or order of a court of competent jurisdiction.

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

16.11 (1) establishing the fiscal year of the commission;

16.12 (2) providing reasonable standards and procedures:

16.13 (a) for the establishment and meetings of other committees; and

16.14 (b) governing any general or specific delegation of any authority or function of the
16.15 commission;

16.16 (3) providing reasonable procedures for calling and conducting meetings of the
16.17 commission, ensuring reasonable advance notice of all meetings and providing an opportunity
16.18 for attendance of such meetings by interested parties, with enumerated exceptions designed
16.19 to protect the public's interest, the privacy of individuals of such proceedings, and proprietary
16.20 information, including trade secrets. The commission may meet in closed session only after
16.21 a majority of the commissioners vote to close a meeting to the public in whole or in part.
16.22 As soon as practicable, the commission must make public a copy of the vote to close the
16.23 meeting revealing the vote of each commissioner with no proxy votes allowed;

16.24 (4) establishing the titles, duties, authority, and reasonable procedures for the election
16.25 of the officers of the commission;

16.26 (5) providing reasonable standards and procedures for the establishment of the personnel
16.27 policies and programs of the commission. Notwithstanding any civil service or other similar
16.28 law of any compact state, the bylaws shall exclusively govern the personnel policies and
16.29 programs of the commission;

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

17.1 (7) providing a mechanism for concluding the operations of the commission and the
17.2 equitable disposition of any surplus funds that may exist after the termination of the compact
17.3 after the payment and reserving of all of its debts and obligations;

17.4 (8) the commission shall publish its bylaws in a convenient form and file a copy thereof
17.5 and a copy of any amendment thereto, with the appropriate agency or officer in each of the
17.6 compact states;

17.7 (9) the commission shall maintain its financial records in accordance with the bylaws;
17.8 and

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

17.11 D. The commission shall have the following powers:

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

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

17.19 (3) to purchase and maintain insurance and bonds;

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

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

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

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

18.1 (8) to sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
18.2 of any property, real, personal, or mixed;

18.3 (9) to establish a budget and make expenditures;

18.4 (10) to borrow money;

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

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

18.10 (13) to adopt and use an official seal; and

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

18.14 E. The Executive Board:

18.15 The elected officers shall serve as the Executive Board, which shall have the power to
18.16 act on behalf of the commission according to the terms of this compact.

18.17 (1) The Executive Board shall be comprised of six members:

18.18 (a) five voting members who are elected by the commission from the current membership
18.19 of the commission; and

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

18.22 (2) The ex-officio member must have served as staff or member on a state psychology
18.23 regulatory authority and will be selected by its respective organization.

18.24 (3) The commission may remove any member of the Executive Board as provided in
18.25 the bylaws.

18.26 (4) The Executive Board shall meet at least annually.

18.27 (5) The Executive Board shall have the following duties and responsibilities:

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

19.1 (b) ensure compact administration services are appropriately provided, contractual or
19.2 otherwise;

19.3 (c) prepare and recommend the budget;

19.4 (d) maintain financial records on behalf of the commission;

19.5 (e) monitor compact compliance of member states and provide compliance reports to
19.6 the commission;

19.7 (f) establish additional committees as necessary; and

19.8 (g) other duties as provided in rules or bylaws.

19.9 F. Financing of the commission:

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

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

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

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

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

19.29 G. Qualified immunity, defense, and indemnification:

19.30 (1) The members, officers, executive director, employees, and representatives of the
19.31 commission shall be immune from suit and liability, either personally or in their official
19.32 capacity, for any claim for damage to or loss of property or personal injury or other civil

20.1 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
 20.2 or that the person against whom the claim is made had a reasonable basis for believing
 20.3 occurred, within the scope of commission employment, duties, or responsibilities; provided
 20.4 that nothing in this paragraph shall be construed to protect any such person from suit and
 20.5 liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton
 20.6 misconduct of that person.

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

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

20.24 ARTICLE XI

20.25 RULEMAKING

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

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

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

21.1 D. Prior to promulgation and adoption of a final rule or rules by the commission, and at
21.2 least 60 days in advance of the meeting at which the rule will be considered and voted upon,
21.3 the commission shall file a notice of proposed rulemaking:

21.4 (1) on the website of the commission; and

21.5 (2) on the website of each compact state's psychology regulatory authority or the
21.6 publication in which each state would otherwise publish proposed rules.

21.7 E. The notice of proposed rulemaking shall include:

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

21.10 (2) the text of the proposed rule or amendment and the reason for the proposed rule;

21.11 (3) a request for comments on the proposed rule from any interested person; and

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

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

21.16 G. The commission shall grant an opportunity for a public hearing before it adopts a
21.17 rule or amendment if a hearing is requested by:

21.18 (1) at least 25 persons who submit comments independently of each other;

21.19 (2) a governmental subdivision or agency; or

21.20 (3) a duly appointed person in an association that has at least 25 members.

21.21 H. If a hearing is held on the proposed rule or amendment, the commission shall publish
21.22 the place, time, and date of the scheduled public hearing.

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

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

21.28 (3) No transcript of the hearing is required, unless a written request for a transcript is
21.29 made, in which case the person requesting the transcript shall bear the cost of producing
21.30 the transcript. A recording may be made in lieu of a transcript under the same terms and

22.1 conditions as a transcript. This subsection shall not preclude the commission from making
22.2 a transcript or recording of the hearing if it so chooses.

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

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

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

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

22.15 L. Upon determination that an emergency exists, the commission may consider and
22.16 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided
22.17 that the usual rulemaking procedures provided in the compact and in this section shall be
22.18 retroactively applied to the rule as soon as reasonably possible, in no event later than 90
22.19 days after the effective date of the rule. For the purposes of this provision, an emergency
22.20 rule is one that must be adopted immediately in order to:

22.21 (1) meet an imminent threat to public health, safety, or welfare;

22.22 (2) prevent a loss of commission or compact state funds;

22.23 (3) meet a deadline for the promulgation of an administrative rule that is established by
22.24 federal law or rule; or

22.25 (4) protect public health and safety.

22.26 M. The commission or an authorized committee of the commission may direct revisions
22.27 to a previously adopted rule or amendment for purposes of correcting typographical errors,
22.28 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions
22.29 shall be posted on the website of the commission. The revision shall be subject to challenge
22.30 by any person for a period of 30 days after posting. The revision may be challenged only
22.31 on grounds that the revision results in a material change to a rule. A challenge shall be made
22.32 in writing, and delivered to the chair of the commission prior to the end of the notice period.

23.1 If no challenge is made, the revision will take effect without further action. If the revision
 23.2 is challenged, the revision may not take effect without the approval of the commission.

23.3 **ARTICLE XII**

23.4 **OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

23.5 **A. Oversight:**

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

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

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

23.17 **B. Default, technical assistance, and termination:**

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

23.21 (a) provide written notice to the defaulting state and other compact states of the nature
 23.22 of the default, the proposed means of remedying the default, and any other action to be
 23.23 taken by the commission; and

23.24 (b) provide remedial training and specific technical assistance regarding the default.

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

23.30 (3) Termination of membership in the compact shall be imposed only after all other
 23.31 means of securing compliance have been exhausted. Notice of intent to suspend or terminate

24.1 shall be submitted by the commission to the governor, the majority and minority leaders of
 24.2 the defaulting state's legislature, and each of the compact states.

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

24.6 (5) The commission shall not bear any costs incurred by the state which is found to be
 24.7 in default or which has been terminated from the compact, unless agreed upon in writing
 24.8 between the commission and the defaulting state.

24.9 (6) The defaulting state may appeal the action of the commission by petitioning the
 24.10 United States District Court for the state of Georgia or the federal district where the compact
 24.11 has its principal offices. The prevailing member shall be awarded all costs of such litigation,
 24.12 including reasonable attorney fees.

24.13 C. Dispute resolution:

24.14 (1) Upon request by a compact state, the commission shall attempt to resolve disputes
 24.15 related to the compact which arise among compact states and between compact and
 24.16 noncompact states.

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

24.19 D. Enforcement:

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

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

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

24.30

ARTICLE XIII

25.1 **DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL**
 25.2 **COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND**
 25.3 **AMENDMENTS**

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

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

25.13 C. Any compact state may withdraw from this compact by enacting a statute repealing
 25.14 the same.

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

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

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

25.23 E. This compact may be amended by the compact states. No amendment to this compact
 25.24 shall become effective and binding upon any compact state until it is enacted into the law
 25.25 of all compact states.

25.26 **ARTICLE XIV**

25.27 **CONSTRUCTION AND SEVERABILITY**

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

26.1 Sec. 2. **APPROPRIATION.**

26.2 \$..... in fiscal year 2021 is appropriated from the state government special revenue fund
26.3 to the Board of Psychologists to implement the provisions of Minnesota Statutes, section
26.4 148.9051.

26.5 Sec. 3. **EFFECTIVE DATE.**

26.6 Section 1 is effective on the date the compact is enacted into law in the seventh compact
26.7 state. The Minnesota Board of Psychology shall publish the effective date of the compact
26.8 in the State Register and on the board's website.