

SECOND REGULAR SESSION

HOUSE BILL NO. 1896

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SWAN.

5486H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 337, RSMo, by adding thereto fourteen new sections relating to the psychology interjurisdictional compact, with a delayed effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 337, RSMo, is amended by adding thereto fourteen new sections, to
2 be known as sections 337.100, 337.105, 337.110, 337.115, 337.120, 337.125, 337.130, 337.135,
3 337.140, 337.145, 337.150, 337.155, 337.160, and 337.165, to read as follows:

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

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

23 2. The general purposes of this compact are to:

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

27 (2) Enhance the states' ability to protect the public's health and safety, especially
28 client/patient safety;

29 (3) Encourage the cooperation of compact states in the areas of psychology
30 licensure and regulation;

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

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

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

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

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

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

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

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

- 15 (5) "Client/patient", the recipient of psychological services, whether psychological
16 services are delivered in the context of healthcare, corporate, supervision, or consulting
17 services;
- 18 (6) "Commissioner", the voting representative appointed by each state psychology
19 regulatory authority pursuant to section 337.145;
- 20 (7) "Compact state", a state, the District of Columbia, or United States territory
21 that has enacted this compact legislation and which has not withdrawn pursuant to
22 subsection 3 of section 337.160 or been terminated pursuant to subsection 2 of section
23 337.155;
- 24 (8) "Coordinated licensure information system" also referred to as "coordinated
25 database", an integrated process for collecting, storing, and sharing information on
26 psychologists' licensure and enforcement activities related to psychology licensure laws,
27 which is administered by the recognized membership organization composed of state and
28 provincial psychology regulatory authorities;
- 29 (9) "Confidentiality", the principle that data or information is not made available
30 or disclosed to unauthorized persons or processes;
- 31 (10) "Day", any part of a day in which psychological work is performed;
- 32 (11) "Distant state", the compact state where a psychologist is physically present,
33 not through the use of telecommunications technologies, to provide temporary in-person,
34 face-to-face psychological services;
- 35 (12) "E.Passport", a certificate issued by the Association of State and Provincial
36 Psychology Boards (ASPPB) that promotes the standardization in the criteria of
37 interjurisdictional telepsychology practice and facilitates the process for licensed
38 psychologists to provide telepsychological services across state lines;
- 39 (13) "Executive board", a group of directors elected or appointed to act on behalf
40 of, and within the powers granted to them by, the commission;
- 41 (14) "Home state", a compact state where a psychologist is licensed to practice
42 psychology. If the psychologist is licensed in more than one compact state and is practicing
43 under the authorization to practice interjurisdictional telepsychology, the home state is the
44 compact state where the psychologist is physically present when the telepsychological
45 services are delivered. If the psychologist is licensed in more than one compact state and
46 is practicing under the temporary authorization to practice, the home state is any compact
47 state where the psychologist is licensed;
- 48 (15) "Identity history summary", a summary of information retained by the
49 Federal Bureau of Investigation, or other designee with similar authority, in connection

50 with arrests and, in some instances, federal employment, naturalization, or military
51 service;

52 (16) "In-person, face-to-face", interactions in which the psychologist and the
53 client/patient are in the same physical space and which does not include interactions that
54 may occur through the use of telecommunication technologies;

55 (17) "Interjurisdictional practice certificate (IPC)", a certificate issued by the
56 Association of State and Provincial Psychology Boards (ASPPB) that grants temporary
57 authority to practice based on notification to the state psychology regulatory authority of
58 intention to practice temporarily, and verification of one's qualifications for such practice;

59 (18) "License", authorization by a state psychology regulatory authority to engage
60 in the independent practice of psychology, which would be unlawful without the
61 authorization;

62 (19) "Noncompact state", any state which is not at the time a compact state;

63 (20) "Psychologist", an individual licensed for the independent practice of
64 psychology;

65 (21) "Psychology interjurisdictional compact commission" also referred to as
66 "commission", the national administration of which all compact states are members;

67 (22) "Receiving state", a compact state where the client/patient is physically located
68 when the telepsychological services are delivered;

69 (23) "Rule", a written statement by the psychology interjurisdictional compact
70 commission promulgated pursuant to section 337.150 of the compact that is of general
71 applicability, implements, interprets, or prescribes a policy or provision of the compact,
72 or an organizational, procedural, or practice requirement of the commission and has the
73 force and effect of statutory law in a compact state, and includes the amendment, repeal
74 or suspension of an existing rule;

75 (24) "Significant investigatory information":

76 (a) Investigative information that a state psychology regulatory authority, after a
77 preliminary inquiry that includes notification and an opportunity to respond if required
78 by state law, has reason to believe, if proven true, would indicate more than a violation of
79 state statute or ethics code that would be considered more substantial than minor
80 infraction; or

81 (b) Investigative information that indicates that the psychologist represents an
82 immediate threat to public health and safety regardless of whether the psychologist has
83 been notified and had an opportunity to respond;

84 (25) "State", a state, commonwealth, territory, or possession of the United States,
85 the District of Columbia;

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

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

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

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

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

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

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

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

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

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

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

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

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

- 26 **(5) Complies with the bylaws and rules of the commission.**
- 27 **6. A home state's license grants temporary authorization to practice to a**
28 **psychologist in a distant state only if the compact state:**
- 29 **(1) Currently requires the psychologist to hold an active IPC;**
- 30 **(2) Has a mechanism in place for receiving and investigating complaints about**
31 **licensed individuals;**
- 32 **(3) Notifies the commission, in compliance with the terms herein, of any adverse**
33 **action or significant investigatory information regarding a licensed individual;**
- 34 **(4) Requires an identity history summary of all applicants at initial licensure,**
35 **including the use of the results of fingerprints or other biometric data checks compliant**
36 **with the requirements of the Federal Bureau of Investigation, or other designee with**
37 **similar authority, no later than ten years after activation of the compact; and**
- 38 **(5) Complies with the bylaws and rules of the commission.**
- 337.115. 1. Compact states shall recognize the right of a psychologist, licensed in**
2 **a compact state in conformance with section 337.110, to practice telepsychology in**
3 **receiving states in which the psychologist is not licensed, under the authority to practice**
4 **interjurisdictional telepsychology as provided in the compact.**
- 5 **2. To exercise the authority to practice interjurisdictional telepsychology under the**
6 **terms and provisions of this compact, a psychologist licensed to practice in a compact state**
7 **shall:**
- 8 **(1) Hold a graduate degree in psychology from an institute of higher education that**
9 **was, at the time the degree was awarded:**
- 10 **(a) Regionally accredited by an accrediting body recognized by the United States**
11 **Department of Education to grant graduate degrees, or authorized by provincial statute**
12 **or royal charter to grant doctoral degrees; or**
- 13 **(b) A foreign college or university deemed to be equivalent to the requirements of**
14 **paragraph (a) of this subdivision by a foreign credential evaluation service that is a**
15 **member of the National Association of Credential Evaluation Services (NACES) or by a**
16 **recognized foreign credential evaluation service;**
- 17 **(2) Hold a graduate degree in psychology that meets the following criteria:**
- 18 **(a) The program, wherever it may be administratively housed, shall be clearly**
19 **identified and labeled as a psychology program. Such a program shall specify in pertinent**
20 **institutional catalogues and brochures its intent to educate and train professional**
21 **psychologists;**
- 22 **(b) The psychology program shall stand as a recognizable, coherent, organizational**
23 **entity within the institution;**

- 24 (c) There shall be a clear authority and primary responsibility for the core and
25 specialty areas whether or not the program cuts across administrative lines;
- 26 (d) The program shall consist of an integrated, organized sequence of study;
- 27 (e) There shall be an identifiable psychology faculty sufficient in size and breadth
28 to carry out its responsibilities;
- 29 (f) The designated director of the program shall be a psychologist and a member
30 of the core faculty;
- 31 (g) The program shall have an identifiable body of students who are matriculated
32 in that program for a degree;
- 33 (h) The program shall include supervised practicum, internship, or field training
34 appropriate to the practice of psychology;
- 35 (i) The curriculum shall encompass a minimum of three academic years of full-time
36 graduate study for doctoral degree and a minimum of one academic year of full-time
37 graduate study for master's degree;
- 38 (j) The program includes an acceptable residency as defined by the rules of the
39 commission;
- 40 (3) Possess a current, full and unrestricted license to practice psychology in a home
41 state which is a compact state;
- 42 (4) Have no history of adverse action that violate the rules of the commission;
- 43 (5) Have no criminal record history reported on an identity history summary that
44 violates the rules of the commission;
- 45 (6) Possess a current, active E.Passport;
- 46 (7) Provide attestations in regard to areas of intended practice, conformity with
47 standards of practice, competence in telepsychology technology; criminal background; and
48 knowledge and adherence to legal requirements in the home and receiving states, and
49 provide a release of information to allow for primary source verification in a manner
50 specified by the commission; and
- 51 (8) Meet other criteria as defined by the rules of the commission.
- 52 3. The home state maintains authority over the license of any psychologist
53 practicing into a receiving state under the authority to practice interjurisdictional
54 telepsychology.
- 55 4. A psychologist practicing into a receiving state under the authority to practice
56 interjurisdictional telepsychology will be subject to the receiving state's scope of practice.
57 A receiving state may, in accordance with that state's due process law, limit or revoke a
58 psychologist's authority to practice interjurisdictional telepsychology in the receiving state
59 and may take any other necessary actions under the receiving state's applicable law to

60 protect the health and safety of the receiving state's citizens. If a receiving state takes
61 action, the state shall promptly notify the home state and the commission.

62 5. If a psychologist's license in any home state, another compact state, or any
63 authority to practice interjurisdictional telepsychology in any receiving state, is restricted,
64 suspended or otherwise limited, the E.Passport shall be revoked and therefore the
65 psychologist shall not be eligible to practice telepsychology in a compact state under the
66 authority to practice interjurisdictional telepsychology.

337.120. 1. Compact states shall also recognize the right of a psychologist, licensed
2 in a compact state in conformance with section 337.110, to practice temporarily in distant
3 states in which the psychologist is not licensed, as provided in the compact.

4 2. To exercise the temporary authorization to practice under the terms and
5 provisions of this compact, a psychologist licensed to practice in a compact state shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (4) No history of adverse action that violate the rules of the commission;

41 (5) No criminal record history that violates the rules of the commission;

42 (6) Possess a current, active IPC;

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

46 (8) Meet other criteria as defined by the rules of the commission.

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

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

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

2 337.125. A psychologist may practice in a receiving state under the authority to
3 practice interjurisdictional telepsychology only in the performance of the scope of practice
4 for psychology as assigned by an appropriate state psychology regulatory authority, as
defined in the rules of the commission, and under the following circumstances:

5 (1) The psychologist initiates a client/patient contact in a home state via
6 telecommunications technologies with a client/patient in a receiving state;

7 (2) Other conditions regarding telepsychology as determined by rules promulgated
8 by the commission.

**337.130. 1. A home state shall have the power to impose adverse action against a
2 psychologist's license issued by the home state. A distant state shall have the power to take
3 adverse action on a psychologist's temporary authorization to practice within that distant
4 state.**

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

9 **3. (1) If a home state takes adverse action against a psychologist's license, that
10 psychologist's authority to practice interjurisdictional telepsychology is terminated and the
11 E.Passport is revoked. Furthermore, that psychologist's temporary authorization to
12 practice is terminated and the IPC is revoked.**

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

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

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

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

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

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

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

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

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

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

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

25 commission may create additional rules for mandated or discretionary sharing of
26 information by compact states.

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

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

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

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

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

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

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

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

4 (2) Venue is proper and judicial proceedings by or against the commission shall be
5 brought solely and exclusively in a court of competent jurisdiction where the principal
6 office of the commission is located. The commission may waive venue and jurisdictional

7 defenses to the extent it adopts or consents to participate in alternative dispute resolution
8 proceedings.

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

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

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

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

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

20 3. (1) Any commissioner may be removed or suspended from office as provided by
21 the law of the state from which the commissioner is appointed. Any vacancy occurring in
22 the commission shall be filled in accordance with the laws of the compact state in which the
23 vacancy exists.

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

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

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

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

35 (a) Noncompliance of a compact state with its obligations under the compact;

36 (b) The employment, compensation, discipline or other personnel matters, practices
37 or procedures related to specific employees or other matters related to the commission's
38 internal personnel practices and procedures;

39 (c) Current, threatened, or reasonably anticipated litigation against the
40 commission;

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

42 (e) Accusation against any person of a crime or formally censuring any person;

43 (f) Disclosure of trade secrets or commercial or financial information which is
44 privileged or confidential;

45 (g) Disclosure of information of a personal nature where disclosure would
46 constitute a clearly unwarranted invasion of personal privacy;

47 (h) Disclosure of investigatory records compiled for law enforcement purposes;

48 (i) Disclosure of information related to any investigatory reports prepared by or
49 on behalf of or for use of the commission or other committee charged with responsibility
50 for investigation or determination of compliance issues pursuant to the compact;

51 (j) Matters specifically exempted from disclosure by federal and state statute.

52 (6) If a meeting, or portion of a meeting, is closed pursuant to subdivision (5) of
53 subsection 3 of this section, the commission's legal counsel or designee shall certify that the
54 meeting may be closed and shall reference each relevant exempting provision. The
55 commission shall keep minutes which fully and clearly describe all matters discussed in a
56 meeting and shall provide a full and accurate summary of actions taken, of any person
57 participating in the meeting, and the reasons therefore, including a description of the views
58 expressed. All documents considered in connection with an action shall be identified in
59 such minutes. All minutes and documents of a closed meeting shall remain under seal,
60 subject to release only by a majority vote of the commission or order of a court of
61 competent jurisdiction.

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

65 (1) Establishing the fiscal year of the commission;

66 (2) Providing reasonable standards and procedures:

67 (a) For the establishment and meetings of other committees; and

68 (b) Governing any general or specific delegation of any authority or function of the
69 commission;

70 (3) Providing reasonable procedures for calling and conducting meetings of the
71 commission, ensuring reasonable advance notice of all meetings and providing an
72 opportunity for attendance of such meetings by interested parties, with enumerated
73 exceptions designed to protect the public's interest, the privacy of individuals of such
74 proceedings, and proprietary information, including trade secrets. The commission may
75 meet in closed session only after a majority of the commissioners vote to close a meeting to
76 the public in whole or in part. As soon as practicable, the commission shall make public
77 a copy of the vote to close the meeting revealing the vote of each commissioner with no
78 proxy votes allowed;

79 (4) Establishing the titles, duties and authority and reasonable procedures for the
80 election of the officers of the commission;

81 (5) Providing reasonable standards and procedures for the establishment of the
82 personnel policies and programs of the commission. Notwithstanding any civil service or
83 other similar law of any compact state, the bylaws shall exclusively govern the personnel
84 policies and programs of the commission;

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

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

90 5. (1) The commission shall publish its bylaws in a convenient form and file a copy
91 thereof and a copy of any amendment thereto, with the appropriate agency or officer in
92 each of the compact states;

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

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

97 6. The commission shall have the following powers:

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

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

105 (3) To purchase and maintain insurance and bonds;

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

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

112 (6) To accept any and all appropriate donations and grants of money, equipment,
113 supplies, materials and services, and to receive, utilize and dispose of the same; provided

114 that at all times the commission shall strive to avoid any appearance of impropriety or
115 conflict of interest;

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

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

122 (9) To establish a budget and make expenditures;

123 (10) To borrow money;

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

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

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

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

133 7. (1) The elected officers shall serve as the executive board, which shall have the
134 power to act on behalf of the commission according to the terms of this compact.

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

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

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

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

142 (4) The commission may remove any member of the executive board as provided
143 in bylaws.

144 (5) The executive board shall meet at least annually.

145 (6) The executive board shall have the following duties and responsibilities:

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

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

151 (c) Prepare and recommend the budget;

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

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

155 (f) Establish additional committees as necessary; and

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

157 8. (1) The commission shall pay, or provide for the payment of the reasonable
158 expenses of its establishment, organization and ongoing activities.

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

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

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

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

177 9. (1) The members, officers, executive director, employees and representatives of
178 the commission shall be immune from suit and liability, either personally or in their official
179 capacity, for any claim for damage to or loss of property or personal injury or other civil
180 liability caused by or arising out of any actual or alleged act, error or omission that
181 occurred, or that the person against whom the claim is made had a reasonable basis for
182 believing occurred within the scope of commission employment, duties or responsibilities;
183 provided that nothing in this subsection shall be construed to protect any such person from

suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

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

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

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

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

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

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

(1) On the website of the commission; and

(2) On the website of each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

5. The notice of proposed rulemaking shall include:

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

18 (2) The text of the proposed rule or amendment and the reason for the proposed
19 rule;

20 (3) A request for comments on the proposed rule from any interested person;

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

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

26 7. The commission shall grant an opportunity for a public hearing before it adopts
27 a rule or amendment if a hearing is requested by:

28 (1) At least twenty-five persons who submit comments independently of each other;

29 (2) A governmental subdivision or agency; or

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

31 8. (1) If a hearing is held on the proposed rule or amendment, the commission shall
32 publish the place, time, and date of the scheduled public hearing.

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

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

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

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

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

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

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

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

62 **(1) Meet an imminent threat to public health, safety, or welfare;**

63 **(2) Prevent a loss of commission or compact state funds;**

64 **(3) Meet a deadline for the promulgation of an administrative rule that is**
65 **established by federal law or rule; or**

66 **(4) Protect public health and safety.**

67 **13. (1) The commission or an authorized committee of the commission may direct**
68 **revisions to a previously adopted rule or amendment for purposes of correcting**
69 **typographical errors, errors in format, errors in consistency, or grammatical errors.**
70 **Public notice of any revisions shall be posted on the website of the commission. The**
71 **revision shall be subject to challenge by any person for a period of thirty days after**
72 **posting. The revision may be challenged only on grounds that the revision results in a**
73 **material change to a rule.**

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

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

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

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

12 **2. (1) If the commission determines that a compact state has defaulted in the**
13 **performance of its obligations or responsibilities under this compact or the promulgated**
14 **rules, the commission shall:**

15 **(a) Provide written notice to the defaulting state and other compact states of the**
16 **nature of the default, the proposed means of remedying the default or any other action to**
17 **be taken by the commission; and**

18 **(b) Provide remedial training and specific technical assistance regarding the**
19 **default.**

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

25 **(3) Termination of membership in the compact shall be imposed only after all other**
26 **means of securing compliance have been exhausted. Notice of intent to suspend or**
27 **terminate shall be submitted by the commission to the governor, the majority and minority**
28 **leaders of the defaulting state's legislature, and each of the compact states.**

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

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

35 **(6) The defaulting state may appeal the action of the commission by petitioning the**
36 **U.S. District Court for the state of Georgia or the federal district where the compact has**
37 **its principal offices. The prevailing member shall be awarded all costs of such litigation,**
38 **including reasonable attorney's fees.**

39 **3. (1) Upon request by a compact state, the commission shall attempt to resolve**
40 **disputes related to the compact which arise among compact states and between compact**
41 **and noncompact states.**

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

44 **4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the**
45 **provisions and rules of this compact.**

46 **(2) By majority vote, the commission may initiate legal action in the United States**
47 **District Court for the State of Georgia or the federal district where the compact has its**

48 principal offices against a compact state in default to enforce compliance with the
49 provisions of the compact and its promulgated rules and bylaws. The relief sought may
50 include both injunctive relief and damages. In the event judicial enforcement is necessary,
51 the prevailing member shall be awarded all costs of such litigation, including reasonable
52 attorney's fees.

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

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

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

11 3. (1) Any compact state may withdraw from this compact by enacting a statute
12 repealing the same.

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

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

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

21 5. This compact may be amended by the compact states. No amendment to this
22 compact shall become effective and binding upon any compact state until it is enacted into
23 the law of all compact states.

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

Section B. This act shall become effective upon notification by the commission to the
2 revisor of statutes that seven states have adopted the psychology interjurisdictional compact.