

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1896

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SWAN.

5486H.01P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 337.025, 337.029, and 337.033, RSMo, to enact in lieu thereof seventeen new sections relating to the practice of psychology, with a delayed effective date.

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

Section A. Sections 337.025, 337.029, and 337.033, RSMo, are repealed and seventeen  
2 new sections enacted in lieu thereof, to be known as sections 337.025, 337.029, 337.033,  
3 337.100, 337.105, 337.110, 337.115, 337.120, 337.125, 337.130, 337.135, 337.140, 337.145,  
4 337.150, 337.155, 337.160, and 337.165, to read as follows:

337.025. 1. The provisions of this section shall govern the education and experience  
2 requirements for initial licensure as a psychologist for the following persons:

3 (1) A person who has not matriculated in a graduate degree program which is primarily  
4 psychological in nature on or before August 28, 1990; and

5 (2) A person who is matriculated after August 28, 1990, in a graduate degree program  
6 designed to train professional psychologists.

7 2. Each applicant shall submit satisfactory evidence to the committee that the applicant  
8 has received a doctoral degree in psychology from a recognized educational institution, and has  
9 had at least one year of satisfactory supervised professional experience in the field of psychology.

10 3. A doctoral degree in psychology is defined as:

11 (1) A program accredited, or provisionally accredited, by the American Psychological  
12 Association (APA), ~~[or]~~ the Canadian Psychological Association (CPA), or the **Psychological**  
13 **Clinical Science Accreditation System (PCSAS); provided that, such program includes a**

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.

14 **supervised practicum, internship, field, or laboratory training appropriate to the practice**  
15 **of psychology;** or

16 (2) A program designated or approved, including provisional approval, by the  
17 Association of State and Provincial Psychology Boards or the Council for the National Register  
18 of Health Service Providers in Psychology, or both; or

19 (3) A graduate program that meets all of the following criteria:

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

23 (b) The psychology program shall stand as a recognizable, coherent organizational entity  
24 within the institution of higher education;

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

27 (d) The program shall be an integrated, organized, sequence of study;

28 (e) There shall be an identifiable psychology faculty and a psychologist responsible for  
29 the program;

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

32 (g) The program shall include a supervised practicum, internship, field, or laboratory  
33 training appropriate to the practice of psychology;

34 (h) The curriculum shall encompass a minimum of three academic years of full-time  
35 graduate study, with a minimum of one year's residency at the educational institution granting  
36 the doctoral degree; and

37 (i) Require the completion by the applicant of a core program in psychology which shall  
38 be met by the completion and award of at least one three-semester-hour graduate credit course  
39 or a combination of graduate credit courses totaling three semester hours or five quarter hours  
40 in each of the following areas:

41 a. The biological bases of behavior such as courses in: physiological psychology,  
42 comparative psychology, neuropsychology, sensation and perception, psychopharmacology;

43 b. The cognitive-affective bases of behavior such as courses in: learning, thinking,  
44 motivation, emotion, and cognitive psychology;

45 c. The social bases of behavior such as courses in: social psychology, group  
46 processes/dynamics, interpersonal relationships, and organizational and systems theory;

47 d. Individual differences such as courses in: personality theory, human development,  
48 abnormal psychology, developmental psychology, child psychology, adolescent psychology,  
49 psychology of aging, and theories of personality;

50 e. The scientific methods and procedures of understanding, predicting and influencing  
51 human behavior such as courses in: statistics, experimental design, psychometrics, individual  
52 testing, group testing, and research design and methodology.

53 4. Acceptable supervised professional experience may be accrued through preinternship,  
54 internship, predoctoral postinternship, or postdoctoral experiences. The academic training  
55 director or the postdoctoral training supervisor shall attest to the hours accrued to meet the  
56 requirements of this section. Such hours shall consist of:

57 (1) A minimum of fifteen hundred hours of experience in a successfully completed  
58 internship to be completed in not less than twelve nor more than twenty-four months; and

59 (2) A minimum of two thousand hours of experience consisting of any combination of  
60 the following:

61 (a) Preinternship and predoctoral postinternship professional experience that occurs  
62 following the completion of the first year of the doctoral program or at any time while in a  
63 doctoral program after completion of a master's degree in psychology or equivalent as defined  
64 by rule by the committee;

65 (b) Up to seven hundred fifty hours obtained while on the internship under subdivision  
66 (1) of this subsection but beyond the fifteen hundred hours identified in subdivision (1) of this  
67 subsection; or

68 (c) Postdoctoral professional experience obtained in no more than twenty-four  
69 consecutive calendar months. In no case shall this experience be accumulated at a rate of more  
70 than fifty hours per week. Postdoctoral supervised professional experience for prospective health  
71 service providers and other applicants shall involve and relate to the delivery of psychological  
72 services in accordance with professional requirements and relevant to the applicant's intended  
73 area of practice.

74 5. Experience for those applicants who intend to seek health service provider  
75 certification and who have completed a program in one or more of the American Psychological  
76 Association designated health service provider delivery areas shall be obtained under the primary  
77 supervision of a licensed psychologist who is also a health service provider or who otherwise  
78 meets the requirements for health service provider certification. Experience for those applicants  
79 who do not intend to seek health service provider certification shall be obtained under the  
80 primary supervision of a licensed psychologist or such other qualified mental health professional  
81 approved by the committee.

82 6. For postinternship and postdoctoral hours, the psychological activities of the applicant  
83 shall be performed pursuant to the primary supervisor's order, control, and full professional  
84 responsibility. The primary supervisor shall maintain a continuing relationship with the  
85 applicant and shall meet with the applicant a minimum of one hour per month in face-to-face

86 individual supervision. Clinical supervision may be delegated by the primary supervisor to one  
87 or more secondary supervisors who are qualified psychologists. The secondary supervisors shall  
88 retain order, control, and full professional responsibility for the applicant's clinical work under  
89 their supervision and shall meet with the applicant a minimum of one hour per week in face-to-  
90 face individual supervision. If the primary supervisor is also the clinical supervisor, meetings  
91 shall be a minimum of one hour per week. Group supervision shall not be acceptable for  
92 supervised professional experience. The primary supervisor shall certify to the committee that  
93 the applicant has complied with these requirements and that the applicant has demonstrated  
94 ethical and competent practice of psychology. The changing by an agency of the primary  
95 supervisor during the course of the supervised experience shall not invalidate the supervised  
96 experience.

97 7. The committee by rule shall provide procedures for exceptions and variances from the  
98 requirements for once a week face-to-face supervision due to vacations, illness, pregnancy, and  
99 other good causes.

337.029. 1. A psychologist licensed in another jurisdiction who has had no violations  
2 and no suspensions and no revocation of a license to practice psychology in any jurisdiction may  
3 receive a license in Missouri, provided the psychologist passes a written examination on  
4 Missouri laws and regulations governing the practice of psychology and meets one of the  
5 following criteria:

- 6 (1) Is a diplomate of the American Board of Professional Psychology;
- 7 (2) Is a member of the National Register of Health Service Providers in Psychology;
- 8 (3) Is currently licensed or certified as a psychologist in another jurisdiction who is then  
9 a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement;
- 10 (4) Is currently licensed or certified as a psychologist in another state, territory of the  
11 United States, or the District of Columbia and:
  - 12 (a) Has a doctoral degree in psychology from a program accredited, or provisionally  
13 accredited, **either** by the American Psychological Association **or the Psychological Clinical  
14 Science Accreditation System**, or that meets the requirements as set forth in subdivision (3) of  
15 subsection 3 of section 337.025;
  - 16 (b) Has been licensed for the preceding five years; and
  - 17 (c) Has had no disciplinary action taken against the license for the preceding five years;
- 18 or
- 19 (5) Holds a current certificate of professional qualification (CPQ) issued by the  
20 Association of State and Provincial Psychology Boards (ASPPB).

21 2. Notwithstanding the provisions of subsection 1 of this section, applicants may be  
22 required to pass an oral examination as adopted by the committee.

23           3. A psychologist who receives a license for the practice of psychology in the state of  
24 Missouri on the basis of reciprocity as listed in subsection 1 of this section or by endorsement  
25 of the score from the examination of professional practice in psychology score will also be  
26 eligible for and shall receive certification from the committee as a health service provider if the  
27 psychologist meets one or more of the following criteria:

28           (1) Is a diplomate of the American Board of Professional Psychology in one or more of  
29 the specialties recognized by the American Board of Professional Psychology as pertaining to  
30 health service delivery;

31           (2) Is a member of the National Register of Health Service Providers in Psychology; or

32           (3) Has completed or obtained through education, training, or experience the requisite  
33 knowledge comparable to that which is required pursuant to section 337.033.

337.033. 1. A licensed psychologist shall limit his or her practice to demonstrated areas  
2 of competence as documented by relevant professional education, training, and experience. A  
3 psychologist trained in one area shall not practice in another area without obtaining additional  
4 relevant professional education, training, and experience through an acceptable program of  
5 respecialization.

6           2. A psychologist may not represent or hold himself or herself out as a state certified or  
7 registered psychological health service provider unless the psychologist has first received the  
8 psychologist health service provider certification from the committee; provided, however,  
9 nothing in this section shall be construed to limit or prevent a licensed, whether temporary,  
10 provisional or permanent, psychologist who does not hold a health service provider certificate  
11 from providing psychological services so long as such services are consistent with subsection  
12 1 of this section.

13           3. "Relevant professional education and training" for health service provider  
14 certification, except those entitled to certification pursuant to subsection 5 or 6 of this section,  
15 shall be defined as a licensed psychologist whose graduate psychology degree from a recognized  
16 educational institution is in an area designated by the American Psychological Association as  
17 pertaining to health service delivery or a psychologist who subsequent to receipt of his or her  
18 graduate degree in psychology has either completed a respecialization program from a  
19 recognized educational institution in one or more of the American Psychological Association  
20 recognized clinical health service provider areas and who in addition has completed at least one  
21 year of postdegree supervised experience in such clinical area or a psychologist who has obtained  
22 comparable education and training acceptable to the committee through completion of  
23 postdoctoral fellowships or otherwise.

24           4. The degree or respecialization program certificate shall be obtained from a recognized  
25 program of graduate study in one or more of the health service delivery areas designated by the

26 American Psychological Association as pertaining to health service delivery, which shall meet  
27 one of the criteria established by subdivisions (1) to (3) of this subsection:

28 (1) A doctoral degree or completion of a recognized respecialization program in one or  
29 more of the American Psychological Association designated health service provider delivery  
30 areas which is accredited, or provisionally accredited, **either** by the American Psychological  
31 Association **or the Psychological Clinical Science Accreditation System**; or

32 (2) A clinical or counseling psychology doctoral degree program or respecialization  
33 program designated, or provisionally approved, by the Association of State and Provincial  
34 Psychology Boards or the Council for the National Register of Health Service Providers in  
35 Psychology, or both; or

36 (3) A doctoral degree or completion of a respecialization program in one or more of the  
37 American Psychological Association designated health service provider delivery areas that meets  
38 the following criteria:

39 (a) The program, wherever it may be administratively housed, shall be clearly identified  
40 and labeled as being in one or more of the American Psychological Association designated health  
41 service provider delivery areas;

42 (b) Such a program shall specify in pertinent institutional catalogues and brochures its  
43 intent to educate and train professional psychologists in one or more of the American  
44 Psychological Association designated health service provider delivery areas.

45 5. A person who is lawfully licensed as a psychologist pursuant to the provisions of this  
46 chapter on August 28, 1989, or who has been approved to sit for examination prior to August 28,  
47 1989, and who subsequently passes the examination shall be deemed to have met all  
48 requirements for health service provider certification; provided, however, that such person shall  
49 be governed by the provisions of subsection 1 of this section with respect to limitation of  
50 practice.

51 6. Any person who is lawfully licensed as a psychologist in this state and who meets one  
52 or more of the following criteria shall automatically, upon payment of the requisite fee, be  
53 entitled to receive a health service provider certification from the committee:

54 (1) Is a diplomate of the American Board of Professional Psychology in one or more of  
55 the specialties recognized by the American Board of Professional Psychology as pertaining to  
56 health service delivery; or

57 (2) Is a member of the National Register of Health Service Providers in Psychology.

**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;**

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.**

**337.125. A psychologist may practice in a receiving state under the authority to**  
2 **practice interjurisdictional telepsychology only in the performance of the scope of practice**  
3 **for psychology as assigned by an appropriate state psychology regulatory authority, as**  
4 **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**  
184 **suit or liability for any damage, loss, injury or liability caused by the intentional or willful**  
185 **or wanton misconduct of that person.**

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

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

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

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

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

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

12           **(1) On the website of the commission; and**

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

15           **5. The notice of proposed rulemaking shall include:**

16           **(1) The proposed time, date, and location of the meeting in which the rule will be**  
17 **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. Sections 337.100, 337.105, 337.110, 337.115, 337.120, 337.125, 337.130,  
2 337.135, 337.140, 337.145, 337.150, 337.155, 337.160, and 337.165 shall become effective upon  
3 notification by the commission to the revisor of statutes that seven states have adopted the  
4 psychology interjurisdictional compact.

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