

2019 HOUSE HUMAN SERVICES COMMITTEE

HB 1343

2019 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

HB 1343
1/28/2019
31578

- Subcommittee
- Conference Committee

Committee Clerk Signature Nicole Klaman By Desarae Bergquist

Explanation or reason for introduction of bill/resolution:

Relating to the psychology interjurisdictional compact

Minutes:

Attachment 1-2

Chairman Weisz: Opened hearing

Representative Terry Jones: Introduction of bill. **(See attachment 1)** I am passing out the bill along with a single page as a talking point. This bill needs to be Passed or Failed in its entirety the way it is presented because it is a national basis. Potential oppositions may come from in state providers being concerned that there will be other competition trying to step in and do phycology work here; another concern was cost being expected to brigade ND phycology boarding and physiologic association.

Stopped 10:40

Chairman Weisz: Questions?

Representative Porter: Concerns about getting out. Is the only way a state can get out is to have this law removed and repealed? Every 2 years for our state. There is no way for ND to say, I want out.

13:13 Stopped

Representative Jones: What they projected was 80,000 a year. It is a valid concern. I think we have to weigh the benefits.

Representative Schneider: ND has shortage of psychologists. Do you see this as an opportunity to expand our access? Telepsychology?

Representative Jones: It may be easier to get people to practice here.

Representative Skroch: There was a concern raised about the physical absence of doctor to patient?

Representative Jones: A lot of discussion on Psychological evaluation. I'm not certain how you could get that good of a read on the evaluation. Assured, not as good as a 1 on 1.

Representative Skroch: Family member psychiatrist moved to NJ. My family member is getting help from NJ. They aren't listed in this pact.

Representative Jones: Not appropriate and shouldn't be doing it.

Representative Rohr: ND partnering with Canada?

Representative Jones: Yes, there was. Let's get started in US first and then expand. Compact for Nursing is in effect now.

Chairman Weisz: Support?

Courtney Koebele, Medical Association: This only applies to psychologist. Psychiatrist hand practice telemedicine if they have a license here.

Chairman Weisz: Support? Seeing none
Opposition? No opposition.

Closed hearing

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31690

Subcommittee
 Conference Committee

Committee Clerk: Elaine Stromme

Explanation or reason for introduction of bill/resolution:

Relating to the psychology interjurisdictional compact

Minutes:

Chairman Weisz Opened the Hearing on HB 1343:

Representative Rohr: Made the motion for a Do Not Pass on HB 1343

Representative Skroch: Seconded

A Roll Call Vote was taken Yes - 11 No - 1 Absent – 2

Do Not Pass Carries.

Representative Rohr: Will carry the HB 1343.

Hearing closed.

Date: 1-28-19
Roll Call Vote #: 1343

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1343

House Human Services Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Reconsider

Other Actions: _____

Motion Made By Rep. R. Rohr

Seconded By Rep. Skroch

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	X		Gretchen Dobervich	Adsent	
Karen M. Rohr – Vice Chairman	X		Mary Schneider	X	
Dick Anderson	Adsent	-			
Chuck Damschen	X				
Bill Devlin	X				
Clayton Fegley	X				
Dwight Kiefert	X				
Todd Porter	X				
Matthew Ruby	X				
Bill Tveit	X				
Greg Westlind	X				
Kathy Skroch	X				

Total (Yes) 11 No 1

Absent 2

Floor Assignment Rep Rohr

If the vote is on an amendment, briefly indicate intent:

Do Not Pass Carries

REPORT OF STANDING COMMITTEE

HB 1343: Human Services Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). HB 1343 was placed on the Eleventh order on the calendar.

2019 TESTIMONY

HB 1343

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1-28-19
AH 1

HB 1343

1. This bill is a psychology interjurisdictional compact, the compact allows the practice of psychology through electronic means "across state lines" and temporary, (up to 30 days) face to face practice across state lines
2. This bill is similar to Unified laws we have seen brought by Rep Klemin from the Uniform Law Commission.
3. The bill is drafted by PSYPACT and needs to be passed or failed substantially as it is
4. Chairman Koppelman, from your Judiciary Committee asked me to attend a two day conference in Washington DC on this bill during the interim.
5. We worked through the bill part by part and it seems to be in order.
6. There are 6 states that have passed the compact into law. The Psychology interjurisdictional compact commission can be formed when they have 7 member states
7. The six states that have already adopted the compact are AZ CO MO NV NE UT. IL is close to adopting it. eight states are introducing the compact soon. MD NH NM GA TX PA RI OK
8. It is hoped that all fifty states will adopt it to assist psychologists better serve our citizens
9. ND Psychiatric Association is neutral on the bill with concerns about the potential costs
10. ND State Board of Psychological Examiners is neutral with a concern about annual dues
11. The Department of Defense is strongly in support of this idea to help military families

The bill

Article 1 States the bills purpose on page 1

Article 2 Gives definitions on page 2

Article 3 explains Home State Licensure page 5

Article 4 defines Compact Privilege to Practice Telepsychology page 7

Article 5 explains Compact Temporary Authorization to Practice in other compact states page 9

Article 6 explains Conditions of Telepsychology Practice in a Receiving State page 11

Article 7 Deals with Adverse Actions page 11

Article 8 lists Additional Authorities Invested In A Compact State's Psychology Regulatory Authority page 13

Article 9 explains the Coordinated Licensure Information System page 13

Article 10 lays out the Establishment Of The Psychology Interjurisdictional Compact Commission

Article 11 Provides Rulemaking. Page 21

Article 12 explains Oversight, Dispute Resolution and Enforcement. Page 24

Article 13 Defines Date of Implementation Of The Psychology Interjurisdictional Compact Commission And Associated Rules, Withdrawal, and Amendments page 26

Article 14 explains Construction and Severability. Page 27

Potential opposition may come from in-state providers not wanting competition.

It can be noted they will be able to go out of our state as well with their services

The other concern is the costs of being a member

Even with these concerns and others that may be found, I believe this Compact can help the Citizens of North Dakota

Please give HB a Do-Pass Recommendation

Thank You

Terry B Jones. Representative District 4

Introduced by

Representatives Jones, Holman, K. Koppelman, J. Nelson

Senators Clemens, Hogan, Kannianen, O. Larsen, Rust

1 A BILL for an Act to create and enact chapter 43-32.1 of the North Dakota Century Code,
2 relating to the psychology interjurisdictional compact.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** Chapter 43-32.1 of the North Dakota Century Code is created and enacted as
5 follows:

6 **43-32.1-01. Psychology interjurisdictional compact.**

7 This interjurisdictional compact for psychology is entered with all jurisdictions legally joining
8 the compact in the form substantially as follows:

9 **ARTICLE I - PURPOSE**

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

12 Whereas, this compact is intended to regulate the day to day practice of telepsychology, the
13 provision of psychological services using telecommunication technologies, by psychologists
14 across state boundaries in the performance of their psychological practice as assigned by an
15 appropriate authority; and

16 Whereas, this compact is intended to regulate the temporary in-person, face-to-face
17 practice of psychology by psychologists across state boundaries for thirty days within a
18 calendar year in the performance of their psychological practice as assigned by an appropriate
19 authority;

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

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

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

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

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

- 10 1. Increase public access to professional psychological services by allowing for
11 telepsychological practice across state lines as well as temporary in-person,
12 face-to-face services into a state which the psychologist is not licensed to practice
13 psychology;
- 14 2. Enhance the states' ability to protect the public's health and safety, especially client or
15 patient safety;
- 16 3. Encourage the cooperation of compact states in the areas of psychology licensure and
17 regulation;
- 18 4. Facilitate the exchange of information between compact states regarding psychologist
19 licensure, adverse actions, and disciplinary history;
- 20 5. Promote compliance with the laws governing psychological practice in each compact
21 state; and
- 22 6. Invest all compact states with the authority to hold licensed psychologists accountable
23 through the mutual recognition of compact state licenses.

24 **ARTICLE II - DEFINITIONS**

- 25 1. "Adverse action" means any action taken by a state psychology regulatory authority
26 which finds a violation of a statute or regulation identified by the state psychology
27 regulatory authority as discipline and is a matter of public record.
- 28 2. "Association of state and provincial psychology boards" means the recognized
29 membership organization composed of state and provincial psychology regulatory
30 authorities responsible for the licensure and registration of psychologists throughout
31 the United States and Canada.

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1 3. "Authority to practice interjurisdictional telepsychology" means a licensed
2 psychologist's authority to practice telepsychology, within the limits authorized under
3 this compact, in another compact state.

4 4. "Bylaws" means those bylaws established by the psychology interjurisdictional
5 compact commission pursuant to article X for its governance or for directing and
6 controlling its actions and conduct.

7 5. "Client or patient" means the recipient of psychological services, whether
8 psychological services are delivered in the context of health care, corporate,
9 supervision, or consulting services.

10 6. "Commissioner" means the voting representative appointed by each state psychology
11 regulatory authority pursuant to article X.

12 7. "Compact state" means a state, the District of Columbia, or United States territory that
13 has enacted this compact legislation and which has not withdrawn pursuant to
14 article XIII or been terminated pursuant to article XII.

15 8. "Coordinated licensure information system" or "coordinated database" means an
16 integrated process for collecting, storing, and sharing information on psychologists'
17 licensure and enforcement activities related to psychology licensure laws, which is
18 administered by the recognized membership organization composed of state and
19 provincial psychology regulatory authorities.

20 9. "Confidentiality" means the principle that data or information is not made available or
21 disclosed to unauthorized persons or processes.

22 10. "Day" means any part of a day in which psychological work is performed.

23 11. "Distant state" means the compact state where a psychologist is physically present,
24 not through the use of telecommunications technologies, to provide temporary
25 in-person, face-to-face psychological services.

26 12. "E.Passport" means a certificate issued by the association of state and provincial
27 psychology boards that promotes the standardization in the criteria of interjurisdictional
28 telepsychology practice and facilitates the process for licensed psychologists to
29 provide telepsychological services across state lines.

30 13. "Executive board" means a group of directors elected or appointed to act on behalf of,
31 and within the powers granted to them by, the commission.

1 14. "Home state" means a compact state where a psychologist is licensed to practice
2 psychology. If the psychologist is licensed in more than one compact state and is
3 practicing under the authorization to practice interjurisdictional telepsychology, the
4 home state is the compact state where the psychologist is physically present when the
5 telepsychological services are delivered. If the psychologist is licensed in more than
6 one compact state and is practicing under the temporary authorization to practice, the
7 home state is any compact state where the psychologist is licensed.

8 15. "Identity history summary" means a summary of information retained by the federal
9 bureau of investigation, or other designee with similar authority, in connection with
10 arrests and, in some instances, federal employment, naturalization, or military service.

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

14 17. "Interjurisdictional practice certificate" means a certificate issued by the association of
15 state and provincial psychology boards that grants temporary authority to practice
16 based on notification to the state psychology regulatory authority of intention to
17 practice temporarily, and verification of one's qualifications for such practice.

18 18. "License" means authorization by a state psychology regulatory authority to engage in
19 the independent practice of psychology, which would be unlawful without the
20 authorization.

21 19. "Non-compact state" means any state that is not at the time a compact state.

22 20. "Psychologist" means an individual licensed for the independent practice of
23 psychology.

24 21. "Psychology interjurisdictional compact commission" or "commission" means the
25 national administration of which all compact states are members.

26 22. "Receiving state" means a compact state where the client or patient is physically
27 located when the telepsychological services are delivered.

28 23. "Rule" means a written statement by the psychology interjurisdictional compact
29 commission promulgated pursuant to article XI of the compact that is of general
30 applicability, implements, interprets, or prescribes a policy or provision of the compact,
31 or an organizational, procedural, or practice requirement of the commission and has

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1 the force and effect of statutory law in a compact state, and includes the amendment,
2 repeal, or suspension of an existing rule.

3 24. "Significant investigatory information" means:

4 a. Investigative information that a state psychology regulatory authority, after a
5 preliminary inquiry that includes notification and an opportunity to respond if
6 required by state law, has reason to believe, if proven true, would indicate more
7 than a violation of state statute or ethics code that would be considered more
8 substantial than minor infraction; or

9 b. Investigative information that indicates the psychologist represents an immediate
10 threat to public health and safety regardless of whether the psychologist has
11 been notified or had an opportunity to respond.

12 25. "State" means a state, commonwealth, territory, or possession of the United States,
13 and the District of Columbia.

14 26. "State psychology regulatory authority" means the board, office, or other agency with
15 the legislative mandate to license and regulate the practice of psychology.

16 27. "Telepsychology" means the provision of psychological services using
17 telecommunication technologies.

18 28. "Temporary authorization to practice" means a licensed psychologist's authority to
19 conduct temporary in-person, face-to-face practice, within the limits authorized under
20 this compact, in another compact state.

21 29. "Temporary in-person, face-to-face practice" means where a psychologist is physically
22 present, not through the use of telecommunications technologies, in the distant state
23 to provide for the practice of psychology for thirty days within a calendar year and
24 based on notification to the distant state.

25 **ARTICLE III - HOME STATE LICENSURE**

26 1. The home state is the compact state where a psychologist is licensed to practice
27 psychology.

28 2. A psychologist may hold one or more compact state licenses at a time. If the
29 psychologist is licensed in more than one compact state, the home state is the
30 compact state where the psychologist is physically present when the services are

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1 delivered as authorized by the authority to practice interjurisdictional telepsychology
2 under the terms of this compact.

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

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

10 5. A home state's license authorizes a psychologist to practice in a receiving state under
11 the authority to practice interjurisdictional telepsychology only if the compact state:
12 a. Currently requires the psychologist to hold an active E.Passport;
13 b. Has a mechanism in place for receiving and investigating complaints about
14 licensed individuals;
15 c. Notifies the commission, in compliance with the terms herein, of any adverse
16 action or significant investigatory information regarding a licensed individual;
17 d. Requires an identity history summary of all applicants at initial licensure,
18 including the use of the results of fingerprints or other biometric data checks
19 compliant with the requirements of the federal bureau of investigation, or other
20 designee with similar authority, no later than ten years after activation of the
21 compact; and
22 e. Complies with the bylaws and rules of the commission.

23 6. A home state's license grants temporary authorization to practice to a psychologist in a
24 distant state only if the compact state:
25 a. Currently requires the psychologist to hold an active interjurisdictional practice
26 certificate;
27 b. Has a mechanism in place for receiving and investigating complaints about
28 licensed individuals;
29 c. Notifies the commission, in compliance with the terms herein, of any adverse
30 action or significant investigatory information regarding a licensed individual;

- 1 d. Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the federal bureau of investigation, or other designee with similar authority, no later than ten years after activation of the compact; and
- 2 e. Complies with the bylaws and rules of the commission.

ARTICLE IV - COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

- 1 1. Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with article III, to practice telepsychology in other compact states, receiving states, in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the compact.
- 2 2. To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this compact, a psychologist licensed to practice in a compact state must:
 - 15 a. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:
 - 17 (1) Regionally accredited by an accrediting body recognized by the United States department of education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or
 - 19 (2) A foreign college or university deemed to be equivalent to paragraph 1 above by a foreign credential evaluation service that is a member of the national association of credential evaluation services or by a recognized foreign credential evaluation service; and
 - 24 b. Hold a graduate degree in psychology which meets the following criteria:
 - 25 (1) The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogs and brochures its intent to educate and train professional psychologists;
 - 29 (2) The psychology program must stand as a recognizable, coherent, organizational entity within the institution;

1 4. A psychologist practicing in a receiving state under the authority to practice
2 interjurisdictional telepsychology is subject to the receiving state's scope of practice. A
3 receiving state may, in accordance with that state's due process law, limit or revoke a
4 psychologist's authority to practice interjurisdictional telepsychology in the receiving
5 state and may take any other necessary actions under the receiving state's applicable
6 law to protect the health and safety of the receiving state's citizens. If a receiving state
7 takes action, the state shall promptly notify the home state and the commission.

8 5. If a psychologist's license in any home state, another compact state, or any authority
9 to practice interjurisdictional telepsychology in any receiving state is restricted,
10 suspended, or otherwise limited, the E.Passport must be revoked and therefore the
11 psychologist is not eligible to practice telepsychology in a compact state under the
12 authority to practice interjurisdictional telepsychology.

13 **ARTICLE V - COMPACT TEMPORARY AUTHORIZATION TO PRACTICE**

14 1. Compact states also shall recognize the right of a psychologist, licensed in a compact
15 state in conformance with article III, to practice temporarily in other compact states,
16 distant states, in which the psychologist is not licensed, as provided in the compact.

17 2. To exercise the temporary authorization to practice under the terms and provisions of
18 this compact, a psychologist licensed to practice in a compact state must:

19 a. Hold a graduate degree in psychology from an institute of higher education which
20 was, at the time the degree was awarded:

21 (1) Regionally accredited by an accrediting body recognized by the United
22 States department of education to grant graduate degrees, or authorized by
23 provincial statute or royal charter to grant doctoral degrees; or

24 (2) A foreign college or university deemed to be equivalent to paragraph 1
25 above by a foreign credential evaluation service that is a member of the
26 national association of credential evaluation services or by a recognized
27 foreign credential evaluation service; and

28 b. Hold a graduate degree in psychology which meets the following criteria:

29 (1) The program, wherever it may be administratively housed, must be
30 identified clearly and labeled as a psychology program. Such a program

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1 must specify in pertinent institutional catalogs and brochures its intent to
2 educate and train professional psychologists;

3 (2) The psychology program must stand as a recognizable, coherent,
4 organizational entity within the institution;

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

7 (4) The program must consist of an integrated, organized sequence of study;

8 (5) There must be an identifiable psychology faculty sufficient in size and
9 breadth to carry out its responsibilities;

10 (6) The designated director of the program must be a psychologist and a
11 member of the core faculty;

12 (7) The program must have an identifiable body of students who are
13 matriculated in that program for a degree;

14 (8) The program must include supervised practicum, internship, or field training
15 appropriate to the practice of psychology;

16 (9) The curriculum must encompass a minimum of three academic years of
17 full-time graduate study for doctoral degrees and a minimum of one
18 academic year of full-time graduate study for master's degree;

19 (10) The program includes an acceptable residency as defined by the rules of
20 the commission.

21 c. Possess a current, full and unrestricted license to practice psychology in a home
22 state that is a compact state;

23 d. No history of adverse action that violate the rules of the commission;

24 e. No criminal record history that violates the rules of the commission;

25 f. Possess a current, active interjurisdictional practice certificate;

26 g. Provide attestations in regard to areas of intended practice and work experience
27 and provide a release of information to allow for primary source verification in a
28 manner specified by the commission; and

29 h. Meet other criteria as defined by the rules of the commission.

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

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

8 5. If a psychologist's license in any home state, another compact state, or any temporary
9 authorization to practice in any distant state, is restricted, suspended or otherwise
10 limited, the interjurisdictional practice certificate must be revoked and therefore the
11 psychologist is not eligible to practice in a compact state under the temporary
12 authorization to practice.

13 **ARTICLE VI - CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE**

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

18 1. The psychologist initiates a client or patient contact in a home state via
19 telecommunications technologies with a client or patient in a receiving state;
20 2. Other conditions regarding telepsychology as determined by rules promulgated by the
21 commission.

22 **ARTICLE VII - ADVERSE ACTIONS**

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

26 2. A receiving state may take adverse action on a psychologist's authority to practice
27 interjurisdictional telepsychology within that receiving state. A home state may take
28 adverse action against a psychologist based on an adverse action taken by a distant
29 state regarding temporary in-person, face-to-face practice.

30 3. If a home state takes adverse action against a psychologist's license, that
31 psychologist's authority to practice interjurisdictional telepsychology is terminated and

1 the E.Passport is revoked. Furthermore, the psychologist's temporary authorization to
2 practice is terminated and the interjurisdictional practice certificate is revoked.

3 a. All home state disciplinary orders that impose adverse action shall be reported to
4 the commission in accordance with the rules promulgated by the commission. A
5 compact state shall report adverse actions in accordance with the rules of the
6 commission.

7 b. In the event discipline is reported on a psychologist, the psychologist will not be
8 eligible for telepsychology or temporary in-person, face-to-face practice in
9 accordance with the rules of the commission.

10 c. Other actions may be imposed as determined by the rules promulgated by the
11 commission.

12 4. A home state's psychology regulatory authority shall investigate and take appropriate
13 action with respect to reported inappropriate conduct engaged in by a licensee which
14 occurred in a receiving state as it would if the conduct had occurred by a licensee
15 within the home state. In those cases, the home state's law controls in determining
16 any adverse action against a psychologist's license.

17 5. A distant state's psychology regulatory authority shall investigate and take appropriate
18 action with respect to reported inappropriate conduct engaged in by a psychologist
19 practicing under the temporary authorization to practice which occurred in that distant
20 state as it would if the conduct had occurred by a licensee within the home state. In
21 those cases, the distant state's law controls in determining any adverse action against
22 a psychologist's temporary authorization to practice.

23 6. Nothing in this compact may override a compact state's decision that a psychologist's
24 participation in an alternative program may be used in lieu of adverse action and that
25 such participation must remain nonpublic if required by the compact state's law.
26 Compact states shall require psychologists who enter any alternative programs to not
27 provide telepsychology services under the authority to practice interjurisdictional
28 telepsychology or provide temporary psychological services under the temporary
29 authorization to practice in any other compact state during the term of the alternative
30 program.

1 7. No other judicial or administrative remedies are available to a psychologist in the event
2 a compact state imposes an adverse action pursuant to subsection 3 of this article.

3 **ARTICLE VIII - ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S**
4 **PSYCHOLOGY REGULATORY AUTHORITY**

5 A compact state's psychology regulatory authority, in addition to any other powers granted
6 under state law, is authorized under this compact to:

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

16 2. Issue cease and desist or injunctive relief orders to revoke a psychologist's authority to
17 practice interjurisdictional telepsychology or temporary authorization to practice.

18 3. During the course of any investigation, a psychologist may not change the
19 psychologist's home state licensure. A home state psychology regulatory authority is
20 authorized to complete any pending investigations of a psychologist and to take any
21 actions appropriate under its law. The home state psychology regulatory authority
22 promptly shall report the conclusions of the investigations to the commission. Once an
23 investigation has been completed, and pending the outcome of said investigation, the
24 psychologist may change the psychologist's home state licensure. The commission
25 shall promptly notify the new home state of any such decisions as provided in the rules
26 of the commission. All information provided to the commission or distributed by
27 compact states pursuant to the psychologist is confidential, filed under seal and used
28 for investigatory or disciplinary matters. The commission may create additional rules
29 for mandated or discretionary sharing of information by compact states.

30 **ARTICLE IX - COORDINATED LICENSURE INFORMATION SYSTEM**

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1. The commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure and disciplinary action information on all psychologists individuals to whom this compact is applicable in all compact states as defined by the rules of the commission.
2. Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission, including:
 - a. Identifying information;
 - b. Licensure data;
 - c. Significant investigatory information;
 - d. Adverse actions against a psychologist's license;
 - e. An indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked;
 - f. Nonconfidential information related to alternative program participation information;
 - g. Any denial of application for licensure, and the reasons for the denial; and
 - h. Other information that may facilitate the administration of this compact, as determined by the rules of the commission.
3. The coordinated database administrator promptly shall notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.
4. Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.
5. Any information submitted to the coordinated database that subsequently is required to be expunged by the law of the compact state reporting the information must be removed from the coordinated database.

**ARTICLE X - ESTABLISHMENT OF THE PSYCHOLOGY
INTERJURISDICTIONAL COMPACT COMMISSION**

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

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- 1 a. The commission is a body politic and an instrumentality of the compact states.
- 2 b. Venue is proper and judicial proceedings by or against the commission must be
3 brought solely and exclusively in a court of competent jurisdiction where the
4 principal office of the commission is located. The commission may waive venue
5 and jurisdictional defenses to the extent it adopts or consents to participate in
6 alternative dispute resolution proceedings.
- 7 c. Nothing in this compact may be construed to be a waiver of sovereign immunity.
- 8 2. a. The commission consists of one voting representative appointed by each
9 compact state who shall serve as that state's commissioner. The state
10 psychology regulatory authority shall appoint its delegate. This delegate is
11 empowered to act on behalf of the compact state. This delegate is limited to:
12 (1) Executive director, executive secretary or similar executive;
13 (2) Current member of the state psychology regulatory authority of a compact
14 state; or
15 (3) Designee empowered with the appropriate delegate authority to act on
16 behalf of the compact state.
- 17 b. Any commissioner may be removed or suspended from office as provided by the
18 law of the state from which the commissioner is appointed. Any vacancy
19 occurring in the commission must be filled in accordance with the laws of the
20 compact state in which the vacancy exists.
- 21 c. Each commissioner is entitled to one vote with regard to the promulgation of
22 rules and creation of bylaws and shall otherwise have an opportunity to
23 participate in the business and affairs of the commission. A commissioner shall
24 vote in person or by such other means as provided in the bylaws. The bylaws
25 may provide for commissioners' participation in meetings by telephone or other
26 means of communication.
- 27 d. The commission shall meet at least once during each calendar year. Additional
28 meetings must be held as set forth in the bylaws.
- 29 e. All meetings must be open to the public, and public notice of meetings must be
30 given in the same manner as required under the rulemaking provisions in
31 article XI.

1 f. The commission may convene in a closed, nonpublic meeting if the commission
2 must discuss:
3 (1) Non-compliance of a compact state with its obligations under the compact;
4 (2) The employment, compensation, discipline, or other personnel matters,
5 practices, or procedures related to specific employees or other matters
6 related to the commission's internal personnel practices and procedures;
7 (3) Current, threatened, or reasonably anticipated litigation against the
8 commission;
9 (4) Negotiation of contracts for the purchase or sale of goods, services, or real
10 estate;
11 (5) Accusation against any person of a crime or formally censuring any person;
12 (6) Disclosure of trade secrets or commercial or financial information which is
13 privileged or confidential;
14 (7) Disclosure of information of a personal nature when disclosure would
15 constitute a clearly unwarranted invasion of personal privacy;
16 (8) Disclosure of investigatory records compiled for law enforcement purposes;
17 (9) Disclosure of information related to any investigatory reports prepared by or
18 on behalf of or for use of the commission or other committee charged with
19 responsibility for investigation or determination of compliance issues
20 pursuant to the compact; or
21 (10) Matters specifically exempted from disclosure by federal and state statute.
22 g. If a meeting, or portion of a meeting, is closed under this article, the commission's
23 legal counsel or designee shall certify the meeting may be closed and shall
24 reference each relevant exempting provision. The commission shall keep minutes
25 that fully and clearly describe all matters discussed in a meeting and shall
26 provide a full and accurate summary of actions taken, of any person participating
27 in the meeting, and the reasons therefore, including a description of the views
28 expressed. All documents considered in connection with an action must be
29 identified in the minutes. All minutes and documents of a closed meeting must
30 remain under seal, subject to release only by a majority vote of the commission
31 or order of a court of competent jurisdiction.

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1 3. The commission, by a majority vote of the commissioners, shall prescribe bylaws or
2 rules, or both, to govern its conduct as may be necessary or appropriate to carry out
3 the purposes and exercise the powers of the compact, including:
4 a. Establishing the fiscal year of the commission;
5 b. Providing reasonable standards and procedures:
6 (1) For the establishment and meetings of other committees; and
7 (2) Governing any general or specific delegation of any authority or function of
8 the commission;
9 c. Providing reasonable procedures for calling and conducting meetings of the
10 commission, ensuring reasonable advance notice of all meetings and providing
11 an opportunity for attendance of such meetings by interested parties, with
12 enumerated exceptions designed to protect the public's interest, the privacy of
13 individuals of such proceedings, and proprietary information, including trade
14 secrets. The commission may meet in closed session only after a majority of the
15 commissioners vote to close a meeting to the public in whole or in part. As soon
16 as practicable, the commission shall make public a copy of the vote to close the
17 meeting revealing the vote of each commissioner with no proxy votes allowed;
18 d. Establishing the titles, duties and authority, and reasonable procedures for the
19 election of the officers of the commission;
20 e. Providing reasonable standards and procedures for the establishment of the
21 personnel policies and programs of the commission. Notwithstanding any civil
22 service or other similar law of any compact state, the bylaws exclusively govern
23 the personnel policies and programs of the commission;
24 f. Promulgating a code of ethics to address permissible and prohibited activities of
25 commission members and employees;
26 g. Providing a mechanism for concluding the operations of the commission and the
27 equitable disposition of any surplus funds that may exist after the termination of
28 the compact after the payment or reserving of all of its debts and obligations;
29 h. The commission shall publish its bylaws in a convenient form and file a copy
30 thereof, and a copy of any amendment, with the appropriate agency or officer in
31 each of the compact states;

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- 1 i. The commission shall maintain its financial records in accordance with the
2 bylaws; and
- 3 j. The commission shall meet and take such actions as are consistent with the
4 provisions of this compact and the bylaws.
- 5 4. The commission shall have the following powers:
 - 6 a. The authority to promulgate uniform rules to facilitate and coordinate
7 implementation and administration of this compact. The rules have the force and
8 effect of law and are binding in all compact states;
 - 9 b. To bring and prosecute legal proceedings or actions in the name of the
10 commission, provided the standing of any state psychology regulatory authority
11 or other regulatory body responsible for psychology licensure to sue or be sued
12 under applicable law may not be affected;
 - 13 c. To purchase and maintain insurance and bonds;
 - 14 d. To borrow, accept, or contract for services of personnel, including employees of a
15 compact state;
 - 16 e. To hire employees, elect or appoint officers, fix compensation, define duties,
17 grant such individuals appropriate authority to carry out the purposes of the
18 compact, and to establish the commission's personnel policies and programs
19 relating to conflicts of interest, qualifications of personnel, and other related
20 personnel matters;
 - 21 f. To accept any and all appropriate donations and grants of money, equipment,
22 supplies, materials, and services, and to receive, utilize, and dispose of the
23 same; provided that at all times the commission shall strive to avoid any
24 appearance of impropriety or conflict of interest;
 - 25 g. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
26 hold, improve or use, any property, whether real, personal or mixed; provided that
27 at all times the commission shall strive to avoid any appearance of impropriety;
 - 28 h. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
29 dispose of any property, whether real, personal or mixed;
 - 30 i. To establish a budget and make expenditures;
 - 31 j. To borrow money;

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- 1 k. To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;
- 2 l. To provide and receive information from, and to cooperate with, law enforcement agencies;
- 3 m. To adopt and use an official seal; and
- 4 n. To perform other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice, and telepsychology practice.
- 5 5. The elected officers shall serve as the executive board, which may act on behalf of the commission according to the terms of this compact.
 - 6 a. The executive board is comprised of six members:
 - 7 (1) Five voting members who are elected from the current membership of the commission by the commission;
 - 8 (2) One ex-officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.
 - 9 b. The ex-officio member must have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.
 - 10 c. The commission may remove any member of the executive board as provided in the bylaws.
 - 11 d. The executive board shall meet at least annually.
 - 12 e. The executive board has the following duties and responsibilities:
 - 13 (1) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact states such as annual dues, and any other applicable fees;
 - 14 (2) Ensure compact administration services are appropriately provided, contractual or otherwise;

1 reasonable basis for believing occurred within the scope of commission
2 employment, duties, or responsibilities. This subdivision may not be construed to
3 protect any such person from suit or liability for any damage, loss, injury, or
4 liability caused by the intentional or willful or wanton misconduct of that person.

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

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

ARTICLE XI - RULEMAKING

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

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

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- 1 3. Rules or amendments to the rules must be adopted at a regular or special meeting of
2 the commission.
- 3 4. Prior to promulgation and adoption of a final rule or rules by the commission, and at
4 least sixty days in advance of the meeting at which the rule will be considered and
5 voted upon, the commission shall file a notice of proposed rulemaking:
 - 6 a. On the website of the commission; and
 - 7 b. On the website of each compact states' psychology regulatory authority or the
8 publication in which each state would otherwise publish proposed rules.
- 9 5. The notice of proposed rulemaking must include:
 - 10 a. The proposed time, date, and location of the meeting in which the rule will be
11 considered and voted upon;
 - 12 b. The text of the proposed rule or amendment and the reason for the proposed
13 rule;
 - 14 c. A request for comments on the proposed rule from any interested person; and
 - 15 d. The manner in which an interested person may submit notice to the commission
16 of the person's intention to attend the public hearing and any written comments.
- 17 6. Prior to adoption of a proposed rule, the commission shall allow persons to submit
18 written data, facts, opinions, and arguments, which must be made available to the
19 public.
- 20 7. The commission shall grant an opportunity for a public hearing before it adopts a rule
21 or amendment if a hearing is requested by:
 - 22 a. At least twenty-five persons who submit comments independently of each other;
 - 23 b. A governmental subdivision or agency; or
 - 24 c. A duly appointed person in an association having at least twenty-five members.
- 25 8. If a hearing is held on the proposed rule or amendment, the commission shall publish
26 the place, time, and date of the scheduled public hearing.
 - 27 a. A person wishing to be heard at the hearing shall notify the executive director of
28 the commission or other designated member in writing of the person's desire to
29 appear and testify at the hearing not less than five business days before the
30 scheduled date of the hearing.

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- 1 b. Hearings must be conducted in a manner providing each person who wishes to
2 comment a fair and reasonable opportunity to comment orally or in writing.
- 3 c. No transcript of the hearing is required, unless a written request for a transcript is
4 made, in which case the person requesting the transcript shall bear the cost of
5 producing the transcript. A recording may be made in lieu of a transcript under
6 the same terms and conditions as a transcript. This subdivision does not preclude
7 the commission from making a transcript or recording of the hearing if it so
8 chooses.
- 9 d. Nothing in this article may be construed as requiring a separate hearing on each
10 rule. Rules may be grouped for the convenience of the commission at hearings
11 required by this article.
- 12 9. Following the scheduled hearing date, or by the close of business on the scheduled
13 hearing date if the hearing was not held, the commission shall consider all written and
14 oral comments received.
- 15 10. The commission, by majority vote of all members, shall take final action on the
16 proposed rule and shall determine the effective date of the rule, if any, based on the
17 rulemaking record and the full text of the rule.
- 18 11. If no written notice of intent to attend the public hearing by interested parties is
19 received, the commission may proceed with promulgation of the proposed rule without
20 a public hearing.
- 21 12. Upon determination that an emergency exists, the commission may consider and
22 adopt an emergency rule without prior notice, opportunity for comment, or hearing,
23 provided the usual rulemaking procedures provided in the compact and in this article
24 are retroactively applied to the rule as soon as reasonably possible, in no event later
25 than ninety days after the effective date of the rule. For the purposes of this provision,
26 an emergency rule is one that must be adopted immediately to:
 - 27 a. Meet an imminent threat to public health, safety, or welfare;
 - 28 b. Prevent a loss of commission or compact state funds;
 - 29 c. Meet a deadline for the promulgation of an administrative rule that is established
30 by federal law or rule; or
 - 31 d. Protect public health and safety.

1 13. The commission or an authorized committee of the commission may direct revisions to
2 a previously adopted rule or amendment for purposes of correcting typographical
3 errors, errors in format, errors in consistency, or grammatical errors. Public notice of
4 any revisions must be posted on the website of the commission. The revision is
5 subject to challenge by any person for a period of thirty days after posting. The
6 revision may be challenged only on grounds that the revision results in a material
7 change to a rule. A challenge must be made in writing, and delivered to the chair of the
8 commission before the end of the notice period. If a challenge is not made, the
9 revision will take effect without further action. If the revision is challenged, the revision
10 may not take effect without the approval of the commission.

ARTICLE XII - OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

12 1. a. The executive, legislative and judicial branches of state government in each
13 compact state shall enforce this compact and take all actions necessary and
14 appropriate to effectuate the compact's purposes and intent. The provisions of
15 this compact and the rules promulgated hereunder have standing as statutory
16 law.

17 b. All courts shall take judicial notice of the compact and the rules in any judicial or
18 administrative proceeding in a compact state pertaining to the subject matter of
19 this compact which may affect the powers, responsibilities, or actions of the
20 commission.

21 c. The commission is entitled to receive service of process in any such proceeding,
22 and has standing to intervene in such a proceeding for all purposes. Failure to
23 provide service of process to the commission renders a judgment or order void
24 as to the commission, this compact, or promulgated rules.

25 2. a. If the commission determines a compact state has defaulted in the performance
26 of its obligations or responsibilities under this compact or the promulgated rules,
27 the commission shall:

28 (1) Provide written notice to the defaulting state and other compact states of the
29 nature of the default, the proposed means of remedying the default, or any
30 other action to be taken by the commission; and

1 b. By majority vote, the commission may initiate legal action in the United States
2 district court for the state of Georgia or the federal district where the compact has
3 its principal offices against a compact state in default to enforce compliance with
4 the provisions of the compact and its promulgated rules and bylaws. The relief
5 sought may include both injunctive relief and damages. In the event judicial
6 enforcement is necessary, the prevailing member shall be awarded all costs of
7 such litigation, including reasonable attorney's fees.

8 c. The remedies herein are not the exclusive remedies of the commission. The
9 commission may pursue any other remedies available under federal or state law.

10 **ARTICLE XIII - DATE OF IMPLEMENTATION OF THE PSYCHOLOGY**

11 **INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED**
12 **RULES, WITHDRAWAL, AND AMENDMENTS**

13 1. The compact becomes effective on the date on which the compact statute is enacted
14 into law in the seventh compact state. The provisions, which become effective at that
15 time, are limited to the powers granted to the commission relating to assembly and the
16 promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking
17 powers necessary to the implementation and administration of the compact.

18 2. Any state which joins the compact subsequent to the commission's initial adoption of
19 the rules is subject to the rules as they exist on the date on which the compact
20 becomes law in that state. Any rule that has been previously adopted by the
21 commission has the full force and effect of law on the day the compact becomes law in
22 that state.

23 3. Any compact state may withdraw from this compact by enacting a statute repealing
24 the same.

25 a. A compact state's withdrawal may not take effect until six months after enactment
26 of the repealing statute.

27 b. Withdrawal may not affect the continuing requirement of the withdrawing state's
28 psychology regulatory authority to comply with the investigative and adverse
29 action reporting requirements of this act before the effective date of withdrawal.

30 4. Nothing contained in this compact may be construed to invalidate or prevent any
31 psychology licensure agreement or other cooperative arrangement between a

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1 compact state and a non-compact state that does not conflict with the provisions of
2 this compact.

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

6 **ARTICLE XIV - CONSTRUCTION AND SEVERABILITY**

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