

# SENATE BILL NO. 758

January 28, 2020, Introduced by Senators MACGREGOR, DALEY, LAUWERS, WOJNO, BIZON, HERTEL, SANTANA, JOHNSON, VANDERWALL, HOLLIER and SCHMIDT and referred to the Committee on Health Policy and Human Services.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 18201 (MCL 333.18201) and by adding sections  
16190 and 18211a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 16190. (1) The psychology interjurisdictional compact is  
2 enacted into law and entered into by this state as a party with all  
3 jurisdictions that legally join in the compact, in the form

1 substantially as follows:

2 PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)

3 ARTICLE I

4 PURPOSE

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

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

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

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

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

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

28 Whereas, this Compact does not apply to permanent in-person,  
29 face-to-face practice, it does allow for authorization of temporary

1 psychological practice.

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

4 1. Increase public access to professional psychological  
5 services by allowing for telepsychological practice across state  
6 lines as well as temporary in-person, face-to-face services into a  
7 state which the psychologist is not licensed to practice  
8 psychology;

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

11 3. Encourage the cooperation of Compact States in the areas of  
12 psychology licensure and regulation;

13 4. Facilitate the exchange of information between Compact  
14 States regarding psychologist licensure, adverse actions and  
15 disciplinary history;

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

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

## 21 ARTICLE II

### 22 DEFINITIONS

23 A. "Adverse Action" means any action taken by a State  
24 Psychology Regulatory Authority which finds a violation of a  
25 statute or regulation that is identified by the State Psychology  
26 Regulatory Authority as discipline and is a matter of public  
27 record.

28 B. "Association of State and Provincial Psychology Boards  
29 (ASPPB)" means the recognized membership organization composed of

1 State and Provincial Psychology Regulatory Authorities responsible  
2 for the licensure and registration of psychologists throughout the  
3 United States and Canada.

4 C. "Authority to Practice Interjurisdictional Telepsychology"  
5 means a licensed psychologist's authority to practice  
6 telepsychology, within the limits authorized under this Compact, in  
7 another Compact State.

8 D. "Bylaws" means those Bylaws established by the Psychology  
9 Interjurisdictional Compact Commission pursuant to Article X for  
10 its governance, or for directing and controlling its actions and  
11 conduct.

12 E. "Client/Patient" means the recipient of psychological  
13 services, whether psychological services are delivered in the  
14 context of healthcare, corporate, supervision, and/or consulting  
15 services.

16 F. "Commissioner" means the voting representative appointed by  
17 each State Psychology Regulatory Authority pursuant to Article X.

18 G. "Compact State" means a state, the District of Columbia, or  
19 United States territory that has enacted this Compact legislation  
20 and which has not withdrawn pursuant to Article XIII, Section C or  
21 been terminated pursuant to Article XII, Section B.

22 H. "Coordinated Licensure Information System" also referred to  
23 as "Coordinated Database" means an integrated process for  
24 collecting, storing, and sharing information on psychologists'  
25 licensure and enforcement activities related to psychology  
26 licensure laws, which is administered by the recognized membership  
27 organization composed of State and Provincial Psychology Regulatory  
28 Authorities.

29 I. "Confidentiality" means the principle that data or

1 information is not made available or disclosed to unauthorized  
2 persons and/or processes.

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

5 K. "Distant State" means the Compact State where a  
6 psychologist is physically present (not through the use of  
7 telecommunications technologies), to provide temporary in-person,  
8 face-to-face psychological services.

9 L. "E.Passport" means a certificate issued by the Association  
10 of State and Provincial Psychology Boards (ASPPB) that promotes the  
11 standardization in the criteria of interjurisdictional  
12 telepsychology practice and facilitates the process for licensed  
13 psychologists to provide telepsychological services across state  
14 lines.

15 M. "Executive Board" means a group of directors elected or  
16 appointed to act on behalf of, and within the powers granted to  
17 them by, the Commission.

18 N. "Home State" means a Compact State where a psychologist is  
19 licensed to practice psychology. If the psychologist is licensed in  
20 more than one Compact State and is practicing under the  
21 Authorization to Practice Interjurisdictional Telepsychology, the  
22 Home State is the Compact State where the psychologist is  
23 physically present when the telepsychological services are  
24 delivered. If the psychologist is licensed in more than one Compact  
25 State and is practicing under the Temporary Authorization to  
26 Practice, the Home State is any Compact State where the  
27 psychologist is licensed.

28 O. "Identity History Summary" means a summary of information  
29 retained by the Federal Bureau of Investigation, or other designee

1 with similar authority, in connection with arrests and, in some  
2 instances, federal employment, naturalization, or military service.

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

7 Q. "Interjurisdictional Practice Certificate (IPC)" means a  
8 certificate issued by the Association of State and Provincial  
9 Psychology Boards (ASPPB) that grants temporary authority to  
10 practice based on notification to the State Psychology Regulatory  
11 Authority of intention to practice temporarily, and verification of  
12 one's qualifications for such practice.

13 R. "License" means authorization by a State Psychology  
14 Regulatory Authority to engage in the independent practice of  
15 psychology, which would be unlawful without the authorization.

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

18 T. "Psychologist" means an individual licensed for the  
19 independent practice of psychology.

20 U. "Psychology Interjurisdictional Compact Commission" also  
21 referred to as "Commission" means the national administration of  
22 which all Compact States are members.

23 V. "Receiving State" means a Compact State where the  
24 client/patient is physically located when the telepsychological  
25 services are delivered.

26 W. "Rule" means a written statement by the Psychology  
27 Interjurisdictional Compact Commission promulgated pursuant to  
28 Article XI of the Compact that is of general applicability,  
29 implements, interprets, or prescribes a policy or provision of the

1 Compact, or an organizational, procedural, or practice requirement  
2 of the Commission and has the force and effect of statutory law in  
3 a Compact State, and includes the amendment, repeal or suspension  
4 of an existing rule.

5 X. "Significant Investigatory Information" means:

6 1. Investigative information that a State Psychology  
7 Regulatory Authority, after a preliminary inquiry that includes  
8 notification and an opportunity to respond if required by state  
9 law, has reason to believe, if proven true, would indicate more  
10 than a violation of state statute or ethics code that would be  
11 considered more substantial than minor infraction; or

12 2. Investigative information that indicates that the  
13 psychologist represents an immediate threat to public health and  
14 safety regardless of whether the psychologist has been notified  
15 and/or had an opportunity to respond.

16 Y. "State" means a state, commonwealth, territory, or  
17 possession of the United States, the District of Columbia.

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

21 AA. "Telepsychology" means the provision of psychological  
22 services using telecommunication technologies.

23 BB. "Temporary Authorization to Practice" means a licensed  
24 psychologist's authority to conduct temporary in-person, face-to-  
25 face practice, within the limits authorized under this Compact, in  
26 another Compact State.

27 CC. "Temporary In-Person, Face-to-Face Practice" means where a  
28 psychologist is physically present (not through the use of  
29 telecommunications technologies), in the Distant State to provide

1 for the practice of psychology for 30 days within a calendar year  
2 and based on notification to the Distant State.

3 ARTICLE III

4 HOME STATE LICENSURE

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

7 B. A psychologist may hold one or more Compact State licenses  
8 at a time. If the psychologist is licensed in more than one Compact  
9 State, the Home State is the Compact State where the psychologist  
10 is physically present when the services are delivered as authorized  
11 by the Authority to Practice Interjurisdictional Telepsychology  
12 under the terms of this Compact.

13 C. Any Compact State may require a psychologist not previously  
14 licensed in a Compact State to obtain and retain a license to be  
15 authorized to practice in the Compact State under circumstances not  
16 authorized by the Authority to Practice Interjurisdictional  
17 Telepsychology under the terms of this Compact.

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

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

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

27 2. Has a mechanism in place for receiving and investigating  
28 complaints about licensed individuals;

29 3. Notifies the Commission, in compliance with the terms



1 herein, of any adverse action or significant investigatory  
2 information regarding a licensed individual;

3 4. Requires an Identity History Summary of all applicants at  
4 initial licensure, including the use of the results of fingerprints  
5 or other biometric data checks compliant with the requirements of  
6 the Federal Bureau of Investigation, or other designee with similar  
7 authority, no later than ten years after activation of the Compact;  
8 and

9 5. Complies with the Bylaws and Rules of the Commission.

10 F. A Home State's license grants Temporary Authorization to  
11 Practice to a psychologist in a Distant State only if the Compact  
12 State:

13 1. Currently requires the psychologist to hold an active IPC;

14 2. Has a mechanism in place for receiving and investigating  
15 complaints about licensed individuals;

16 3. Notifies the Commission, in compliance with the terms  
17 herein, of any adverse action or significant investigatory  
18 information regarding a licensed individual;

19 4. Requires an Identity History Summary of all applicants at  
20 initial licensure, including the use of the results of fingerprints  
21 or other biometric data checks compliant with the requirements of  
22 the Federal Bureau of Investigation, or other designee with similar  
23 authority, no later than ten years after activation of the Compact;  
24 and

25 5. Complies with the Bylaws and Rules of the Commission.

#### 26 ARTICLE IV

#### 27 COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

28 A. Compact States shall recognize the right of a psychologist,  
29 licensed in a Compact State in conformance with Article III, to

1 practice telepsychology in other Compact States (Receiving States)  
2 in which the psychologist is not licensed, under the Authority to  
3 Practice Interjurisdictional Telepsychology as provided in the  
4 Compact.

5 B. To exercise the Authority to Practice Interjurisdictional  
6 Telepsychology under the terms and provisions of this Compact, a  
7 psychologist licensed to practice in a Compact State must:

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

10 a. Regionally accredited by an accrediting body recognized by  
11 the United States Department of Education to grant graduate  
12 degrees, OR authorized by Provincial Statute or Royal Charter to  
13 grant doctoral degrees; or

14 b. A foreign college or university deemed to be equivalent to  
15 1 (a) above by a foreign credential evaluation service that is a  
16 member of the National Association of Credential Evaluation  
17 Services (NACES) or by a recognized foreign credential evaluation  
18 service; and

19 2. Hold a graduate degree in psychology that meets the  
20 following criteria:

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

26 b. The psychology program must stand as a recognizable,  
27 coherent, organizational entity within the institution;

28 c. There must be a clear authority and primary responsibility  
29 for the core and specialty areas whether or not the program cuts

1 across administrative lines;

2 d. The program must consist of an integrated, organized  
3 sequence of study;

4 e. There must be an identifiable psychology faculty sufficient  
5 in size and breadth to carry out its responsibilities;

6 f. The designated director of the program must be a  
7 psychologist and a member of the core faculty;

8 g. The program must have an identifiable body of students who  
9 are matriculated in that program for a degree;

10 h. The program must include supervised practicum, internship,  
11 or field training appropriate to the practice of psychology;

12 i. The curriculum shall encompass a minimum of three academic  
13 years of full-time graduate study for doctoral degree and a minimum  
14 of one academic year of full-time graduate study for master's  
15 degree;

16 j. The program includes an acceptable residency as defined by  
17 the Rules of the Commission.

18 3. Possess a current, full and unrestricted license to  
19 practice psychology in a Home State which is a Compact State;

20 4. Have no history of adverse action that violate the Rules of  
21 the Commission;

22 5. Have no criminal record history reported on an Identity  
23 History Summary that violates the Rules of the Commission;

24 6. Possess a current, active E.Passport;

25 7. Provide attestations in regard to areas of intended  
26 practice, conformity with standards of practice, competence in  
27 telepsychology technology; criminal background; and knowledge and  
28 adherence to legal requirements in the home and receiving states,  
29 and provide a release of information to allow for primary source

1 verification in a manner specified by the Commission; and

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

4 C. The Home State maintains authority over the license of any  
5 psychologist practicing into a Receiving State under the Authority  
6 to Practice Interjurisdictional Telepsychology.

7 D. A psychologist practicing into a Receiving State under the  
8 Authority to Practice Interjurisdictional Telepsychology will be  
9 subject to the Receiving State's scope of practice. A Receiving  
10 State may, in accordance with that state's due process law, limit  
11 or revoke a psychologist's Authority to Practice  
12 Interjurisdictional Telepsychology in the Receiving State and may  
13 take any other necessary actions under the Receiving State's  
14 applicable law to protect the health and safety of the Receiving  
15 State's citizens. If a Receiving State takes action, the state  
16 shall promptly notify the Home State and the Commission.

17 E. If a psychologist's license in any Home State, another  
18 Compact State, or any Authority to Practice Interjurisdictional  
19 Telepsychology in any Receiving State, is restricted, suspended or  
20 otherwise limited, the E.Passport shall be revoked and therefore  
21 the psychologist shall not be eligible to practice telepsychology  
22 in a Compact State under the Authority to Practice  
23 Interjurisdictional Telepsychology.

## 24 ARTICLE V

### 25 COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

26 A. Compact States shall also recognize the right of a  
27 psychologist, licensed in a Compact State in conformance with  
28 Article III, to practice temporarily in other Compact States  
29 (Distant States) in which the psychologist is not licensed, as

1 provided in the Compact.

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

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

7 a. Regionally accredited by an accrediting body recognized by  
8 the United States Department of Education to grant graduate  
9 degrees, OR authorized by Provincial Statute or Royal Charter to  
10 grant doctoral degrees; or

11 b. A foreign college or university deemed to be equivalent to  
12 1 (a) above by a foreign credential evaluation service that is a  
13 member of the National Association of Credential Evaluation  
14 Services (NACES) or by a recognized foreign credential evaluation  
15 service; and

16 2. Hold a graduate degree in psychology that meets the  
17 following criteria:

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

23 b. The psychology program must stand as a recognizable,  
24 coherent, organizational entity within the institution;

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

28 d. The program must consist of an integrated, organized  
29 sequence of study;

1 e. There must be an identifiable psychology faculty sufficient  
2 in size and breadth to carry out its responsibilities;

3 f. The designated director of the program must be a  
4 psychologist and a member of the core faculty;

5 g. The program must have an identifiable body of students who  
6 are matriculated in that program for a degree;

7 h. The program must include supervised practicum, internship,  
8 or field training appropriate to the practice of psychology;

9 i. The curriculum shall encompass a minimum of three academic  
10 years of full-time graduate study for doctoral degrees and a  
11 minimum of one academic year of full-time graduate study for  
12 master's degree;

13 j. The program includes an acceptable residency as defined by  
14 the Rules of the Commission.

15 3. Possess a current, full and unrestricted license to  
16 practice psychology in a Home State which is a Compact State;

17 4. No history of adverse action that violate the Rules of the  
18 Commission;

19 5. No criminal record history that violates the Rules of the  
20 Commission;

21 6. Possess a current, active IPC;

22 7. Provide attestations in regard to areas of intended  
23 practice and work experience and provide a release of information  
24 to allow for primary source verification in a manner specified by  
25 the Commission; and

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

28 C. A psychologist practicing into a Distant State under the  
29 Temporary Authorization to Practice shall practice within the scope

1 of practice authorized by the Distant State.

2 D. A psychologist practicing into a Distant State under the  
3 Temporary Authorization to Practice will be subject to the Distant  
4 State's authority and law. A Distant State may, in accordance with  
5 that state's due process law, limit or revoke a psychologist's  
6 Temporary Authorization to Practice in the Distant State and may  
7 take any other necessary actions under the Distant State's  
8 applicable law to protect the health and safety of the Distant  
9 State's citizens. If a Distant State takes action, the state shall  
10 promptly notify the Home State and the Commission.

11 E. If a psychologist's license in any Home State, another  
12 Compact State, or any Temporary Authorization to Practice in any  
13 Distant State, is restricted, suspended or otherwise limited, the  
14 IPC shall be revoked and therefore the psychologist shall not be  
15 eligible to practice in a Compact State under the Temporary  
16 Authorization to Practice.

## 17 ARTICLE VI

### 18 CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

19 A. A psychologist may practice in a Receiving State under the  
20 Authority to Practice Interjurisdictional Telepsychology only in  
21 the performance of the scope of practice for psychology as assigned  
22 by an appropriate State Psychology Regulatory Authority, as defined  
23 in the Rules of the Commission, and under the following  
24 circumstances:

25 1. The psychologist initiates a client/patient contact in a  
26 Home State via telecommunications technologies with a  
27 client/patient in a Receiving State;

28 2. Other conditions regarding telepsychology as determined by  
29 Rules promulgated by the Commission.

## ARTICLE VII

## ADVERSE ACTIONS

A. A Home State shall have the power to impose adverse action against a psychologist's license issued by the Home State. A Distant State shall have the power to take adverse action on a psychologist's Temporary Authorization to Practice within that Distant State.

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

C. If a Home State takes adverse action against a psychologist's license, that psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's Temporary Authorization to Practice is terminated and the IPC is revoked.

1. All Home State disciplinary orders which impose adverse action shall be reported to the Commission in accordance with the Rules promulgated by the Commission. A Compact State shall report adverse actions in accordance with the Rules of the Commission.

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

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

D. A Home State's Psychology Regulatory Authority shall



1 investigate and take appropriate action with respect to reported  
2 inappropriate conduct engaged in by a licensee which occurred in a  
3 Receiving State as it would if such conduct had occurred by a  
4 licensee within the Home State. In such cases, the Home State's law  
5 shall control in determining any adverse action against a  
6 psychologist's license.

7 E. A Distant State's Psychology Regulatory Authority shall  
8 investigate and take appropriate action with respect to reported  
9 inappropriate conduct engaged in by a psychologist practicing under  
10 Temporary Authorization Practice which occurred in that Distant  
11 State as it would if such conduct had occurred by a licensee within  
12 the Home State. In such cases, Distant State's law shall control in  
13 determining any adverse action against a psychologist's Temporary  
14 Authorization to Practice.

15 F. Nothing in this Compact shall override a Compact State's  
16 decision that a psychologist's participation in an alternative  
17 program may be used in lieu of adverse action and that such  
18 participation shall remain non-public if required by the Compact  
19 State's law. Compact States must require psychologists who enter  
20 any alternative programs to not provide telepsychology services  
21 under the Authority to Practice Interjurisdictional Telepsychology  
22 or provide temporary psychological services under the Temporary  
23 Authorization to Practice in any other Compact State during the  
24 term of the alternative program.

25 G. No other judicial or administrative remedies shall be  
26 available to a psychologist in the event a Compact State imposes an  
27 adverse action pursuant to subsection C, above.

#### 28 ARTICLE VIII

#### 29 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY

## REGULATORY AUTHORITY

A. In addition to any other powers granted under state law, a Compact State's Psychology Regulatory Authority shall have the authority under this Compact to:

1. Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact State's Psychology Regulatory Authority for the attendance and testimony of witnesses, and/or the production of evidence from another Compact State shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing State Psychology Regulatory Authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

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

3. During the course of any investigation, a psychologist may not change his/her Home State licensure. A Home State Psychology Regulatory Authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The Home State Psychology Regulatory Authority shall promptly report the conclusions of such investigations to the Commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his/her Home State licensure. The Commission shall promptly notify the new Home State of any such

1 decisions as provided in the Rules of the Commission. All  
2 information provided to the Commission or distributed by Compact  
3 States pursuant to the psychologist shall be confidential, filed  
4 under seal and used for investigatory or disciplinary matters. The  
5 Commission may create additional rules for mandated or  
6 discretionary sharing of information by Compact States.

7 ARTICLE IX

8 COORDINATED LICENSURE INFORMATION SYSTEM

9 A. The Commission shall provide for the development and  
10 maintenance of a Coordinated Licensure Information System  
11 (Coordinated Database) and reporting system containing licensure  
12 and disciplinary action information on all psychologists  
13 individuals to whom this Compact is applicable in all Compact  
14 States as defined by the Rules of the Commission.

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

- 19 1. Identifying information;
- 20 2. Licensure data;
- 21 3. Significant investigatory information;
- 22 4. Adverse actions against a psychologist's license;
- 23 5. An indicator that a psychologist's Authority to Practice  
24 Interjurisdictional Telepsychology and/or Temporary Authorization  
25 to Practice is revoked;
- 26 6. Non-confidential information related to alternative program  
27 participation information;
- 28 7. Any denial of application for licensure, and the reasons  
29 for such denial; and

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

3           C. The Coordinated Database administrator shall promptly  
4 notify all Compact States of any adverse action taken against, or  
5 significant investigative information on, any licensee in a Compact  
6 State.

7           D. Compact States reporting information to the Coordinated  
8 Database may designate information that may not be shared with the  
9 public without the express permission of the Compact State  
10 reporting the information.

11          E. Any information submitted to the Coordinated Database that  
12 is subsequently required to be expunged by the law of the Compact  
13 State reporting the information shall be removed from the  
14 Coordinated Database.

15   ARTICLE X

16           ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT  
17   COMMISSION

18          A. The Compact States hereby create and establish a joint  
19 public agency known as the Psychology Interjurisdictional Compact  
20 Commission.

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

23          2. Venue is proper and judicial proceedings by or against the  
24 Commission shall be brought solely and exclusively in a court of  
25 competent jurisdiction where the principal office of the Commission  
26 is located. The Commission may waive venue and jurisdictional  
27 defenses to the extent it adopts or consents to participate in  
28 alternative dispute resolution proceedings.

29          3. Nothing in this Compact shall be construed to be a waiver

1 of sovereign immunity.

2 B. Membership, Voting, and Meetings

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

8 a. Executive Director, Executive Secretary or similar  
9 executive;

10 b. Current member of the State Psychology Regulatory Authority  
11 of a Compact State; OR

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

14 2. Any Commissioner may be removed or suspended from office as  
15 provided by the law of the state from which the Commissioner is  
16 appointed. Any vacancy occurring in the Commission shall be filled  
17 in accordance with the laws of the Compact State in which the  
18 vacancy exists.

19 3. Each Commissioner shall be entitled to one (1) vote with  
20 regard to the promulgation of Rules and creation of Bylaws and  
21 shall otherwise have an opportunity to participate in the business  
22 and affairs of the Commission. A Commissioner shall vote in person  
23 or by such other means as provided in the Bylaws. The Bylaws may  
24 provide for Commissioners' participation in meetings by telephone  
25 or other means of communication.

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

29 5. All meetings shall be open to the public, and public notice

1 of meetings shall be given in the same manner as required under the  
2 rulemaking provisions in Article XI.

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

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

7 b. The employment, compensation, discipline or other personnel  
8 matters, practices or procedures related to specific employees or  
9 other matters related to the Commission's internal personnel  
10 practices and procedures;

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

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

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

17 f. Disclosure of trade secrets or commercial or financial  
18 information which is privileged or confidential;

19 g. Disclosure of information of a personal nature where  
20 disclosure would constitute a clearly unwarranted invasion of  
21 personal privacy;

22 h. Disclosure of investigatory records compiled for law  
23 enforcement purposes;

24 i. Disclosure of information related to any investigatory  
25 reports prepared by or on behalf of or for use of the Commission or  
26 other committee charged with responsibility for investigation or  
27 determination of compliance issues pursuant to the Compact; or

28 j. Matters specifically exempted from disclosure by federal  
29 and state statute.

1        7. If a meeting, or portion of a meeting, is closed pursuant  
2 to this provision, the Commission's legal counsel or designee shall  
3 certify that the meeting may be closed and shall reference each  
4 relevant exempting provision. The Commission shall keep minutes  
5 which fully and clearly describe all matters discussed in a meeting  
6 and shall provide a full and accurate summary of actions taken, of  
7 any person participating in the meeting, and the reasons therefore,  
8 including a description of the views expressed. All documents  
9 considered in connection with an action shall be identified in such  
10 minutes. All minutes and documents of a closed meeting shall remain  
11 under seal, subject to release only by a majority vote of the  
12 Commission or order of a court of competent jurisdiction.

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

- 17        1. Establishing the fiscal year of the Commission;  
18        2. Providing reasonable standards and procedures:  
19        a. For the establishment and meetings of other committees; and  
20        b. Governing any general or specific delegation of any  
21 authority or function of the Commission;  
22        3. Providing reasonable procedures for calling and conducting  
23 meetings of the Commission, ensuring reasonable advance notice of  
24 all meetings and providing an opportunity for attendance of such  
25 meetings by interested parties, with enumerated exceptions designed  
26 to protect the public's interest, the privacy of individuals of  
27 such proceedings, and proprietary information, including trade  
28 secrets. The Commission may meet in closed session only after a  
29 majority of the Commissioners vote to close a meeting to the public

1 in whole or in part. As soon as practicable, the Commission must  
2 make public a copy of the vote to close the meeting revealing the  
3 vote of each Commissioner with no proxy votes allowed;

4 4. Establishing the titles, duties and authority and  
5 reasonable procedures for the election of the officers of the  
6 Commission;

7 5. Providing reasonable standards and procedures for the  
8 establishment of the personnel policies and programs of the  
9 Commission. Notwithstanding any civil service or other similar law  
10 of any Compact State, the Bylaws shall exclusively govern the  
11 personnel policies and programs of the Commission;

12 6. Promulgating a Code of Ethics to address permissible and  
13 prohibited activities of Commission members and employees;

14 7. Providing a mechanism for concluding the operations of the  
15 Commission and the equitable disposition of any surplus funds that  
16 may exist after the termination of the Compact after the payment  
17 and/or reserving of all of its debts and obligations;

18 8. The Commission shall publish its Bylaws in a convenient  
19 form and file a copy thereof and a copy of any amendment thereto,  
20 with the appropriate agency or officer in each of the Compact  
21 States;

22 9. The Commission shall maintain its financial records in  
23 accordance with the Bylaws; and

24 10. The Commission shall meet and take such actions as are  
25 consistent with the provisions of this Compact and the Bylaws.

26 D. The Commission shall have the following powers:

27 1. The authority to promulgate uniform rules to facilitate and  
28 coordinate implementation and administration of this Compact. The  
29 rule shall have the force and effect of law and shall be binding in



1 all Compact States;

2 2. To bring and prosecute legal proceedings or actions in the  
3 name of the Commission, provided that the standing of any State  
4 Psychology Regulatory Authority or other regulatory body  
5 responsible for psychology licensure to sue or be sued under  
6 applicable law shall not be affected;

7 3. To purchase and maintain insurance and bonds;

8 4. To borrow, accept or contract for services of personnel,  
9 including, but not limited to, employees of a Compact State;

10 5. To hire employees, elect or appoint officers, fix  
11 compensation, define duties, grant such individuals appropriate  
12 authority to carry out the purposes of the Compact, and to  
13 establish the Commission's personnel policies and programs relating  
14 to conflicts of interest, qualifications of personnel, and other  
15 related personnel matters;

16 6. To accept any and all appropriate donations and grants of  
17 money, equipment, supplies, materials and services, and to receive,  
18 utilize and dispose of the same; provided that at all times the  
19 Commission shall strive to avoid any appearance of impropriety  
20 and/or conflict of interest;

21 7. To lease, purchase, accept appropriate gifts or donations  
22 of, or otherwise to own, hold, improve or use, any property, real,  
23 personal or mixed; provided that at all times the Commission shall  
24 strive to avoid any appearance of impropriety;

25 8. To sell, convey, mortgage, pledge, lease, exchange, abandon  
26 or otherwise dispose of any property real, personal or mixed;

27 9. To establish a budget and make expenditures;

28 10. To borrow money;

29 11. To appoint committees, including advisory committees

1 comprised of Members, State regulators, State legislators or their  
2 representatives, and consumer representatives, and such other  
3 interested persons as may be designated in this Compact and the  
4 Bylaws;

5 12. To provide and receive information from, and to cooperate  
6 with, law enforcement agencies;

7 13. To adopt and use an official seal; and

8 14. To perform such other functions as may be necessary or  
9 appropriate to achieve the purposes of this Compact consistent with  
10 the state regulation of psychology licensure, temporary in-person,  
11 face-to-face practice and telepsychology practice.

12 E. The Executive Board

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

16 1. The Executive Board shall be comprised of six members:

17 a. Five voting members who are elected from the current  
18 membership of the Commission by the Commission;

19 b. One ex-officio, nonvoting member from the recognized  
20 membership organization composed of State and Provincial Psychology  
21 Regulatory Authorities.

22 2. The ex-officio member must have served as staff or member  
23 on a State Psychology Regulatory Authority and will be selected by  
24 its respective organization.

25 3. The Commission may remove any member of the Executive Board  
26 as provided in Bylaws.

27 4. The Executive Board shall meet at least annually.

28 5. The Executive Board shall have the following duties and  
29 responsibilities:

1           a. Recommend to the entire Commission changes to the Rules or  
2 Bylaws, changes to this Compact legislation, fees paid by Compact  
3 States such as annual dues, and any other applicable fees;

4           b. Ensure Compact administration services are appropriately  
5 provided, contractual or otherwise;

6           c. Prepare and recommend the budget;

7           d. Maintain financial records on behalf of the Commission;

8           e. Monitor Compact compliance of member states and provide  
9 compliance reports to the Commission;

10          f. Establish additional committees as necessary; and

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

12          F. Financing of the Commission

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

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

19          3. The Commission may levy on and collect an annual assessment  
20 from each Compact State or impose fees on other parties to cover  
21 the cost of the operations and activities of the Commission and its  
22 staff which must be in a total amount sufficient to cover its  
23 annual budget as approved each year for which revenue is not  
24 provided by other sources. The aggregate annual assessment amount  
25 shall be allocated based upon a formula to be determined by the  
26 Commission which shall promulgate a rule binding upon all Compact  
27 States.

28          4. The Commission shall not incur obligations of any kind  
29 prior to securing the funds adequate to meet the same; nor shall

1 the Commission pledge the credit of any of the Compact States,  
2 except by and with the authority of the Compact State.

3 5. The Commission shall keep accurate accounts of all receipts  
4 and disbursements. The receipts and disbursements of the Commission  
5 shall be subject to the audit and accounting procedures established  
6 under its Bylaws. However, all receipts and disbursements of funds  
7 handled by the Commission shall be audited yearly by a certified or  
8 licensed public accountant and the report of the audit shall be  
9 included in and become part of the annual report of the Commission.

10 G. Qualified Immunity, Defense, and Indemnification

11 1. The members, officers, Executive Director, employees and  
12 representatives of the Commission shall be immune from suit and  
13 liability, either personally or in their official capacity, for any  
14 claim for damage to or loss of property or personal injury or other  
15 civil liability caused by or arising out of any actual or alleged  
16 act, error or omission that occurred, or that the person against  
17 whom the claim is made had a reasonable basis for believing  
18 occurred within the scope of Commission employment, duties or  
19 responsibilities; provided that nothing in this paragraph shall be  
20 construed to protect any such person from suit and/or liability for  
21 any damage, loss, injury or liability caused by the intentional or  
22 willful or wanton misconduct of that person.

23 2. The Commission shall defend any member, officer, Executive  
24 Director, employee or representative of the Commission in any civil  
25 action seeking to impose liability arising out of any actual or  
26 alleged act, error or omission that occurred within the scope of  
27 Commission employment, duties or responsibilities, or that the  
28 person against whom the claim is made had a reasonable basis for  
29 believing occurred within the scope of Commission employment,

1 duties or responsibilities; provided that nothing herein shall be  
 2 construed to prohibit that person from retaining his or her own  
 3 counsel; and provided further, that the actual or alleged act,  
 4 error or omission did not result from that person's intentional or  
 5 willful or wanton misconduct.

6 3. The Commission shall indemnify and hold harmless any  
 7 member, officer, Executive Director, employee or representative of  
 8 the Commission for the amount of any settlement or judgment  
 9 obtained against that person arising out of any actual or alleged  
 10 act, error or omission that occurred within the scope of Commission  
 11 employment, duties or responsibilities, or that such person had a  
 12 reasonable basis for believing occurred within the scope of  
 13 Commission employment, duties or responsibilities, provided that  
 14 the actual or alleged act, error or omission did not result from  
 15 the intentional or willful or wanton misconduct of that person.

#### 16 ARTICLE XI

#### 17 RULEMAKING

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

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

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

28 D. Prior to promulgation and adoption of a final rule or Rules  
 29 by the Commission, and at least sixty (60) days in advance of the

1 meeting at which the rule will be considered and voted upon, the  
2 Commission shall file a Notice of Proposed Rulemaking:

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

7 E. The Notice of Proposed Rulemaking shall include:

- 8 1. The proposed time, date, and location of the meeting in  
9 which the rule will be considered and voted upon;
- 10 2. The text of the proposed rule or amendment and the reason  
11 for the proposed rule;

12 3. A request for comments on the proposed rule from any  
13 interested person; and

14 4. The manner in which interested persons may submit notice to  
15 the Commission of their intention to attend the public hearing and  
16 any written comments.

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

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

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

25 2. A governmental subdivision or agency; or

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

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

1 public hearing.

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

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

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

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

20 I. Following the scheduled hearing date, or by the close of  
21 business on the scheduled hearing date if the hearing was not held,  
22 the Commission shall consider all written and oral comments  
23 received.

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

28 K. If no written notice of intent to attend the public hearing  
29 by interested parties is received, the Commission may proceed with

1 promulgation of the proposed rule without a public hearing.

2 L. Upon determination that an emergency exists, the Commission  
3 may consider and adopt an emergency rule without prior notice,  
4 opportunity for comment, or hearing, provided that the usual  
5 rulemaking procedures provided in the Compact and in this section  
6 shall be retroactively applied to the rule as soon as reasonably  
7 possible, in no event later than ninety (90) days after the  
8 effective date of the rule. For the purposes of this provision, an  
9 emergency rule is one that must be adopted immediately in order to:

10 1. Meet an imminent threat to public health, safety, or  
11 welfare;

12 2. Prevent a loss of Commission or Compact State funds;

13 3. Meet a deadline for the promulgation of an administrative  
14 rule that is established by federal law or rule; or

15 4. Protect public health and safety.

16 M. The Commission or an authorized committee of the Commission  
17 may direct revisions to a previously adopted rule or amendment for  
18 purposes of correcting typographical errors, errors in format,  
19 errors in consistency, or grammatical errors. Public notice of any  
20 revisions shall be posted on the website of the Commission. The  
21 revision shall be subject to challenge by any person for a period  
22 of thirty (30) days after posting. The revision may be challenged  
23 only on grounds that the revision results in a material change to a  
24 rule. A challenge shall be made in writing, and delivered to the  
25 Chair of the Commission prior to the end of the notice period. If  
26 no challenge is made, the revision will take effect without further  
27 action. If the revision is challenged, the revision may not take  
28 effect without the approval of the Commission.

29 ARTICLE XII



OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

A. Oversight

1. The Executive, Legislative and Judicial branches of state government in each Compact State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a Compact State pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact or promulgated rules.

B. Default, Technical Assistance, and Termination

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

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

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

2. If a state in default fails to remedy the default, the defaulting state may be terminated from the Compact upon an

1 affirmative vote of a majority of the Compact States, and all  
2 rights, privileges and benefits conferred by this Compact shall be  
3 terminated on the effective date of termination. A remedy of the  
4 default does not relieve the offending state of obligations or  
5 liabilities incurred during the period of default.

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

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

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

20 6. The defaulting state may appeal the action of the  
21 Commission by petitioning the United States District Court for the  
22 State of Georgia or the federal district where the Compact has its  
23 principal offices. The prevailing member shall be awarded all costs  
24 of such litigation, including reasonable attorney's fees.

25 C. Dispute Resolution

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

29 2. The Commission shall promulgate a rule providing for both

1 mediation and binding dispute resolution for disputes that arise  
2 before the commission.

3 D. Enforcement

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

6 2. By majority vote, the Commission may initiate legal action  
7 in the United States District Court for the State of Georgia or the  
8 federal district where the Compact has its principal offices  
9 against a Compact State in default to enforce compliance with the  
10 provisions of the Compact and its promulgated Rules and Bylaws. The  
11 relief sought may include both injunctive relief and damages. In  
12 the event judicial enforcement is necessary, the prevailing member  
13 shall be awarded all costs of such litigation, including reasonable  
14 attorney's fees.

15 3. The remedies herein shall not be the exclusive remedies of  
16 the Commission. The Commission may pursue any other remedies  
17 available under federal or state law.

18 ARTICLE XIII

19 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL  
20 COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

21 A. The Compact shall come into effect on the date on which the  
22 Compact is enacted into law in the seventh Compact State. The  
23 provisions which become effective at that time shall be limited to  
24 the powers granted to the Commission relating to assembly and the  
25 promulgation of rules. Thereafter, the Commission shall meet and  
26 exercise rulemaking powers necessary to the implementation and  
27 administration of the Compact.

28 B. Any state which joins the Compact subsequent to the  
29 Commission's initial adoption of the rules shall be subject to the

1 rules as they exist on the date on which the Compact becomes law in  
2 that state. Any rule which has been previously adopted by the  
3 Commission shall have the full force and effect of law on the day  
4 the Compact becomes law in that state.

5 C. Any Compact State may withdraw from this Compact by  
6 enacting a statute repealing the same.

7 1. A Compact State's withdrawal shall not take effect until  
8 six (6) months after enactment of the repealing statute.

9 2. Withdrawal shall not affect the continuing requirement of  
10 the withdrawing State's Psychology Regulatory Authority to comply  
11 with the investigative and adverse action reporting requirements of  
12 this act prior to the effective date of withdrawal.

13 D. Nothing contained in this Compact shall be construed to  
14 invalidate or prevent any psychology licensure agreement or other  
15 cooperative arrangement between a Compact State and a Non-Compact  
16 State which does not conflict with the provisions of this Compact.

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

#### 21 ARTICLE XIV

#### 22 CONSTRUCTION AND SEVERABILITY

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

27 (2) Subsection (1) shall be known as the "psychology  
28 interjurisdictional compact".

29 Sec. 18201. (1) As used in this part:

1 (a) "Psychologist" means an individual **who is** licensed **or**  
2 **authorized** under this article to engage in the practice of  
3 psychology.

4 (b) "Practice of psychology" means the rendering to  
5 individuals, groups, organizations, or the public of services  
6 involving the application of principles, methods, and procedures of  
7 understanding, predicting, and influencing behavior for the  
8 purposes of the diagnosis, assessment related to diagnosis,  
9 prevention, amelioration, or treatment of mental or emotional  
10 disorders, disabilities or behavioral adjustment problems by means  
11 of psychotherapy, counseling, behavior modification, hypnosis,  
12 biofeedback techniques, psychological tests, or other verbal or  
13 behavioral means. The practice of psychology ~~shall~~**does** not include  
14 the practice of medicine such as prescribing drugs, performing  
15 surgery, or administering electro-convulsive therapy.

16 (2) In addition to the definitions in this part, article 1  
17 contains general definitions and principles of construction  
18 applicable to all articles in this code and part 161 contains  
19 definitions applicable to this part.

20 **Sec. 18211a. (1) A psychologist who has temporary**  
21 **authorization to practice under the psychology interjurisdictional**  
22 **compact or is authorized to practice interjurisdictional**  
23 **telepsychology under the psychology interjurisdictional compact is**  
24 **authorized to engage in the practice of psychology under this**  
25 **article.**

26 (2) For purposes of this article, including the obligations of  
27 an individual who is licensed as a psychologist under this part, a  
28 psychologist who has temporary authorization to practice under the  
29 psychology interjurisdictional compact or is authorized to practice

1 interjurisdictional telepsychology under the psychology  
2 interjurisdictional compact is considered a psychologist who is  
3 licensed under this part.

4 (3) As used in this section, "psychology interjurisdictional  
5 compact" means the psychology interjurisdictional compact as  
6 enacted in section 16190.