

HOUSE BILL NO. 5489

October 28, 2021, Introduced by Reps. Brabec, Roth, Breen, Tisdell, Kahle, Kuppa, Young, Liberati, Aiyash, Cherry, Sneller, Haadsma, Camilleri, Hood, Ellison, Garza, O'Neal, LaGrand, Cambensy, Hammoud, Koleszar, Lasinski, Brenda Carter, Hertel, Rogers, Sabo, Thanedar, Puri, Cynthia Johnson, Coleman, Sowerby, Bellino, Whiteford, Hall, O'Malley, Maddock, Beson, Markkanen, Rendon, Mueller, Lightner, Posthumus, Bollin, Griffin, Eisen, Outman, Allor, Calley, Green, Yancey, Brann, Frederick, Howell and Meerman and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 16190.

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
4 substantially as follows:

1 PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)

2 ARTICLE I

3 PURPOSE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 ARTICLE II

21 DEFINITIONS

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

26 B. "Association of State and Provincial Psychology Boards
27 (ASPPB)" means the recognized membership organization composed of
28 State and Provincial Psychology Regulatory Authorities responsible
29 for the licensure and registration of psychologists throughout the

1 United States and Canada.

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

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

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

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

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

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

27 I. "Confidentiality" means the principle that data or
28 information is not made available or disclosed to unauthorized
29 persons and/or processes.

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

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

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

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

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

26 O. "Identity History Summary" means a summary of information
27 retained by the Federal Bureau of Investigation, or other designee
28 with similar authority, in connection with arrests and, in some
29 instances, federal employment, naturalization, or military service.

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

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

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

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

16 T. "Psychologist" means an individual licensed for the
17 independent practice of psychology.

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

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

24 W. "Rule" means a written statement by the Psychology
25 Interjurisdictional Compact Commission promulgated pursuant to
26 Article XI of the Compact that is of general applicability,
27 implements, interprets, or prescribes a policy or provision of the
28 Compact, or an organizational, procedural, or practice requirement
29 of the Commission and has the force and effect of statutory law in

1 a Compact State, and includes the amendment, repeal or suspension
2 of an existing rule.

3 X. "Significant Investigatory Information" means:

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

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

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

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

19 AA. "Telepsychology" means the provision of psychological
20 services using telecommunication technologies.

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

25 CC. "Temporary In-Person, Face-to-Face Practice" means where a
26 psychologist is physically present (not through the use of
27 telecommunications technologies), in the Distant State to provide
28 for the practice of psychology for 30 days within a calendar year
29 and based on notification to the Distant State.

ARTICLE III

HOME STATE LICENSURE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 ARTICLE IV

25 COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

26 A. Compact States shall recognize the right of a psychologist,
27 licensed in a Compact State in conformance with Article III, to
28 practice telepsychology in other Compact States (Receiving States)
29 in which the psychologist is not licensed, under the Authority to

1 Practice Interjurisdictional Telepsychology as provided in the
2 Compact.

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

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

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

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

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

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

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

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

29 d. The program must consist of an integrated, organized

1 sequence of study;

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

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

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

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

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

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

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

18 4. Have no history of adverse action that violate the Rules of
19 the Commission;

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

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

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

29 8. Meet other criteria as defined by the Rules of the

1 Commission.

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

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

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

22 ARTICLE V

23 COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

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

29 B. To exercise the Temporary Authorization to Practice under

1 the terms and provisions of this Compact, a psychologist licensed
2 to practice in a Compact State must:

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

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

9 b. A foreign college or university deemed to be equivalent to
10 1 (a) above by a foreign credential evaluation service that is a
11 member of the National Association of Credential Evaluation
12 Services (NACES) or by a recognized foreign credential evaluation
13 service; and

14 2. Hold a graduate degree in psychology that meets the
15 following criteria:

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

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

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

26 d. The program must consist of an integrated, organized
27 sequence of study;

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

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

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

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

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

11 j. The program includes an acceptable residency as defined by
12 the Rules of the Commission.

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

15 4. No history of adverse action that violate the Rules of the
16 Commission;

17 5. No criminal record history that violates the Rules of the
18 Commission;

19 6. Possess a current, active IPC;

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

24 8. Meet other criteria as defined by the Rules of the
25 Commission.

26 C. A psychologist practicing into a Distant State under the
27 Temporary Authorization to Practice shall practice within the scope
28 of practice authorized by the Distant State.

29 D. A psychologist practicing into a Distant State under the

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

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

15 ARTICLE VI

16 CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

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

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

26 2. Other conditions regarding telepsychology as determined by
27 Rules promulgated by the Commission.

28 ARTICLE VII

29 ADVERSE ACTIONS

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

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

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

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

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

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

27 D. A Home State's Psychology Regulatory Authority shall
28 investigate and take appropriate action with respect to reported
29 inappropriate conduct engaged in by a licensee which occurred in a

1 Receiving State as it would if such conduct had occurred by a
2 licensee within the Home State. In such cases, the Home State's law
3 shall control in determining any adverse action against a
4 psychologist's license.

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

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

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

26 ARTICLE VIII

27 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY 28 REGULATORY AUTHORITY

29 A. In addition to any other powers granted under state law, a

1 Compact State's Psychology Regulatory Authority shall have the
2 authority under this Compact to:

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

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

18 3. During the course of any investigation, a psychologist may
19 not change his/her Home State licensure. A Home State Psychology
20 Regulatory Authority is authorized to complete any pending
21 investigations of a psychologist and to take any actions
22 appropriate under its law. The Home State Psychology Regulatory
23 Authority shall promptly report the conclusions of such
24 investigations to the Commission. Once an investigation has been
25 completed, and pending the outcome of said investigation, the
26 psychologist may change his/her Home State licensure. The
27 Commission shall promptly notify the new Home State of any such
28 decisions as provided in the Rules of the Commission. All
29 information provided to the Commission or distributed by Compact

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

5 ARTICLE IX

6 COORDINATED LICENSURE INFORMATION SYSTEM

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

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

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

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

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

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

13 ARTICLE X

14 ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT 15 COMMISSION

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

19 1. The Commission is a body politic and an instrumentality of
20 the Compact States.

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

27 3. Nothing in this Compact shall be construed to be a waiver
28 of sovereign immunity.

29 B. Membership, Voting, and Meetings

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

6 a. Executive Director, Executive Secretary or similar
7 executive;

8 b. Current member of the State Psychology Regulatory Authority
9 of a Compact State; OR

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

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

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

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

27 5. All meetings shall be open to the public, and public notice
28 of meetings shall be given in the same manner as required under the
29 rulemaking provisions in Article XI.

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

3 a. Non-compliance of a Compact State with its obligations
4 under the Compact;

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

9 c. Current, threatened, or reasonably anticipated litigation
10 against the Commission;

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

13 e. Accusation against any person of a crime or formally
14 censuring any person;

15 f. Disclosure of trade secrets or commercial or financial
16 information which is privileged or confidential;

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

20 h. Disclosure of investigatory records compiled for law
21 enforcement purposes;

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

26 j. Matters specifically exempted from disclosure by federal
27 and state statute.

28 7. If a meeting, or portion of a meeting, is closed pursuant
29 to this provision, the Commission's legal counsel or designee shall

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

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

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

1 vote of each Commissioner with no proxy votes allowed;

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

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

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

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

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

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

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

24 D. The Commission shall have the following powers:

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

29 2. To bring and prosecute legal proceedings or actions in the

1 name of the Commission, provided that the standing of any State
2 Psychology Regulatory Authority or other regulatory body
3 responsible for psychology licensure to sue or be sued under
4 applicable law shall not be affected;

5 3. To purchase and maintain insurance and bonds;

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

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

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

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

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

25 9. To establish a budget and make expenditures;

26 10. To borrow money;

27 11. To appoint committees, including advisory committees
28 comprised of Members, State regulators, State legislators or their
29 representatives, and consumer representatives, and such other

1 interested persons as may be designated in this Compact and the
2 Bylaws;

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

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

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

10 E. The Executive Board

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

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

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

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

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

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

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

26 5. The Executive Board shall have the following duties and
27 responsibilities:

28 a. Recommend to the entire Commission changes to the Rules or
29 Bylaws, changes to this Compact legislation, fees paid by Compact

1 States such as annual dues, and any other applicable fees;

2 b. Ensure Compact administration services are appropriately
3 provided, contractual or otherwise;

4 c. Prepare and recommend the budget;

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

6 e. Monitor Compact compliance of member states and provide
7 compliance reports to the Commission;

8 f. Establish additional committees as necessary; and

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

10 F. Financing of the Commission

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

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

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

26 4. The Commission shall not incur obligations of any kind
27 prior to securing the funds adequate to meet the same; nor shall
28 the Commission pledge the credit of any of the Compact States,
29 except by and with the authority of the Compact State.

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

8 G. Qualified Immunity, Defense, and Indemnification

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

21 2. The Commission shall defend any member, officer, Executive
22 Director, employee or representative of the Commission in any civil
23 action seeking to impose liability arising out of any actual or
24 alleged act, error or omission that occurred within the scope of
25 Commission employment, duties or responsibilities, or that the
26 person against whom the claim is made had a reasonable basis for
27 believing occurred within the scope of Commission employment,
28 duties or responsibilities; provided that nothing herein shall be
29 construed to prohibit that person from retaining his or her own

1 counsel; and provided further, that the actual or alleged act,
2 error or omission did not result from that person's intentional or
3 willful or wanton misconduct.

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

14 ARTICLE XI

15 RULEMAKING

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

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

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

26 D. Prior to promulgation and adoption of a final rule or Rules
27 by the Commission, and at least sixty (60) days in advance of the
28 meeting at which the rule will be considered and voted upon, the
29 Commission shall file a Notice of Proposed Rulemaking:

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

5 E. The Notice of Proposed Rulemaking shall include:

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

8 2. The text of the proposed rule or amendment and the reason
9 for the proposed rule;

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

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

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

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

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

23 2. A governmental subdivision or agency; or

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

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

29 1. All persons wishing to be heard at the hearing shall notify

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

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

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

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

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

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

26 K. If no written notice of intent to attend the public hearing
27 by interested parties is received, the Commission may proceed with
28 promulgation of the proposed rule without a public hearing.

29 L. Upon determination that an emergency exists, the Commission

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

8 1. Meet an imminent threat to public health, safety, or
9 welfare;

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

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

13 4. Protect public health and safety.

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

27 ARTICLE XII

28 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

29 A. Oversight

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

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

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

16 B. Default, Technical Assistance, and Termination

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

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

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

26 2. If a state in default fails to remedy the default, the
27 defaulting state may be terminated from the Compact upon an
28 affirmative vote of a majority of the Compact States, and all
29 rights, privileges and benefits conferred by this Compact shall be

1 terminated on the effective date of termination. A remedy of the
2 default does not relieve the offending state of obligations or
3 liabilities incurred during the period of default.

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

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

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

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

23 C. Dispute Resolution

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

27 2. The Commission shall promulgate a rule providing for both
28 mediation and binding dispute resolution for disputes that arise
29 before the commission.

1 D. Enforcement

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

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

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

16 ARTICLE XIII

17 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL
18 COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

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

26 B. Any state which joins the Compact subsequent to the
27 Commission's initial adoption of the rules shall be subject to the
28 rules as they exist on the date on which the Compact becomes law in
29 that state. Any rule which has been previously adopted by the

Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

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

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

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

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

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

ARTICLE XIV

CONSTRUCTION AND SEVERABILITY

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

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

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. ____ or House Bill No. 5488 (request no. 03246'21) of the 101st Legislature is enacted into law.