

Introduced by

Senators K. Roers, Hogan, Lee

Representatives Nelson, Schreiber-Beck, Strinden

1 A BILL for an Act to create and enact a new section to chapter 43-32 and chapter 43-32.1 of the  
2 North Dakota Century Code, relating to predoctoral internships and adoption of the psychology  
3 interjurisdictional compact.

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

5 **SECTION 1.** A new section to chapter 43-32 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Predocctoral supervised psychological internship.**

8 The board may adopt rules and standards to establish a predoctoral supervised  
9 psychological internship program.

10 **SECTION 2.** Chapter 43-32.1 of the North Dakota Century Code is created and enacted as  
11 follows:

12 **43-32.1-01. Psychology interjurisdictional compact.**

13 **ARTICLE I - PURPOSE**

14 **WHEREAS,** states license psychologists, in order to protect the public through verification  
15 of education, training and experience and ensure accountability for professional practice; and

16 **WHEREAS,** this compact is intended to regulate the day-to-day practice of telepsychology  
17 (i.e. the provision of psychological services using telecommunication technologies) by  
18 psychologists across state boundaries in the performance of their psychological practice as  
19 assigned by appropriate authority; and

20 **WHEREAS,** this compact is intended to regulate the temporary in-person, face-to-face  
21 practice of psychology by psychologists across state boundaries for thirty days within a  
22 calendar year in the performance of their psychological practice as assigned by an appropriate  
23 authority;



- 1       2. "Association of state and provincial psychology boards" means the recognized  
2       membership organization composed of state psychology regulatory authorities  
3       responsible for the licensure and registration of psychologists throughout the United  
4       States and Canada.
- 5       3. "Authority to practice jurisdictional telepsychology" means a licensed psychologist's  
6       authority to practice telepsychology, within the limits authorized under this compact, in  
7       another compact state.
- 8       4. "Bylaws" means those bylaws established by the psychology interjurisdictional  
9       compact commission pursuant to article X for its governance, or for directing and  
10      controlling its actions and conduct.
- 11      5. "Client/patient" means the recipient of psychological services, whether psychological  
12      services are delivered in the context of health care, corporate, supervision, and/or  
13      consulting services.
- 14      6. "Commissioner" means the voting representative appointed by each state psychology  
15      regulatory authority pursuant to article X.
- 16      7. "Compact state" means a state, the District of Columbia, or United States territory that  
17      has enacted this compact legislation and which has not withdrawn pursuant to  
18      article XIII, subsection 3 or been terminated pursuant to article XII, subsection 2.
- 19      8. "Confidentiality" means the principle that data or information is not made available or  
20      disclosed to unauthorized persons or processes.
- 21      9. "Coordinated licensure information system" also referred to as "coordinated database"  
22      means an integrated process for collecting, storing, and sharing information on  
23      psychologists' licensure and enforcement activities related to psychology licensure  
24      laws, which is administered by the recognized, membership organization composed of  
25      state and provincial psychology regulatory authorities.
- 26      10. "Day" means any part of a day in which psychological work is performed.
- 27      11. "Distant state" means the compact state where a psychologist is physically present  
28      (not through the use of telecommunications technologies), to provide temporary  
29      in-person, face-to-face psychological services.
- 30      12. "E.passport" means a certificate issued by the association of state and provincial  
31      psychology boards that promotes the standardization in the criteria of interjurisdictional

- 1           telepsychology practice and facilitates the process for licensed psychologists to  
2           provide telepsychological services across state lines.
- 3       13.   "Executive board" means a group of directors elected or appointed to act on behalf of,  
4           and within the powers granted to them by, the commission.
- 5       14.   "Home state" means a compact state where a psychologist is licensed to practice  
6           psychology. If the psychologist is licensed in more than one compact state and is  
7           practicing under the authorization to practice interjurisdictional telepsychology, the  
8           home state is the compact state where the psychologist is physically present when the  
9           telepsychological services are delivered. If the psychologist is licensed in more than  
10          one compact state and is practicing under the temporary authorization to practice, the  
11          home state is any compact state where the psychologist is licensed.
- 12       15.   "Identity history summary" means a summary of information retained by the federal  
13          bureau of investigation, or other designee with similar authority, in connection with  
14          arrests and, in some instances, federal employment, naturalization, or military service.
- 15       16.   "In-person, face-to-face" means interactions in which the psychologist and the  
16          client/patient are in the same physical space and which does not include interactions  
17          that may occur through the use of telecommunication technologies.
- 18       17.   "Interjurisdictional practice certificate" means a certificate issued by the association of  
19          state and provincial psychology boards that grants temporary authority to practice  
20          based on notification to the state psychology regulatory authority of intention to  
21          practice temporarily, and verification of one's qualifications for such practice.
- 22       18.   "License" means authorization by a state psychology regulatory authority to engage in  
23          the independent practice of psychology, which would be unlawful without the  
24          authorization.
- 25       19.   "Noncompact state" means any state which is not at the time a compact state.
- 26       20.   "Psychologist" means an individual licensed for the independent practice of  
27          psychology.
- 28       21.   "Psychology interjurisdictional compact commission" also referred to as "commission"  
29          means the national administration of which all compact states are members.
- 30       22.   "Receiving state" means a compact state where the client/patient is physically located  
31          when the telepsychological services are delivered.



- 1       2. A psychologist may hold one or more compact state licenses at a time. If the  
2       psychologist is licensed in more than one compact state, the home state is the  
3       compact state where the psychologist is physically present when the services are  
4       delivered as authorized by the authority to practice interjurisdictional telepsychology  
5       under the terms of this compact.
- 6       3. Any compact state may require a psychologist not previously licensed in a compact  
7       state to obtain and retain a license to be authorized to practice in the compact state  
8       under circumstances not authorized by the authority to practice interjurisdictional  
9       telepsychology under the terms of this compact.
- 10      4. Any compact may require a psychologist to obtain and retain a license to be  
11      authorized to practice in a compact state under circumstances not authorized by  
12      temporary authorization to practice under the terms of this compact.
- 13      5. A home state's license authorizes a psychologist to practice in a receiving state under  
14      the authority to practice interjurisdictional telepsychology only if the compact state:
  - 15      a. Currently requires the psychologist to hold an active e.passport;
  - 16      b. Has a mechanism in place for receiving and investigation complaints about  
17      licensed individuals;
  - 18      c. Notifies to commission, in compliance with the terms herein, of any adverse  
19      action or significant investigatory information regarding a licensed individual;
  - 20      d. Requires an identity history summary of all applicants at initial licensure,  
21      including the use of the results of fingerprints or other biometric data checks  
22      compliant with the requirements of the federal bureau of investigation, or other  
23      designee with similar authority, no later than ten years after activation of the  
24      compact; and
  - 25      e. Complies with the bylaws and rules of the commission.
- 26      6. A home state's license grants temporary authorization to practice to a psychologist in a  
27      distant state only if the compact state:
  - 28      a. Currently requires the psychologist to hold an active interjurisdictional practice  
29      certificate;
  - 30      b. Has a mechanism in place for receiving and investigation complaints about  
31      licensed individuals;

- 1           c. Notifies the commission, in compliance with the terms herein, of any adverse  
2           action or significant investigatory information regarding a licensed individual;  
3           d. Requires an identity history summary of all applicants at initial licensure,  
4           including the use of the results of fingerprints or other biometric data checks  
5           compliant with the requirements of the federal bureau of investigation, or other  
6           designee with similar authority, no later than ten years after activation of the  
7           compact; and  
8           e. Complies with the bylaws and rules of the commission.

9           **ARTICLE IV - COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY**

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

- 1           (2) The psychology program must stand as a recognizable, coherent,
- 2                     organizational entity within the institution;
- 3           (3) There must be a clear authority and primary responsibility for the core and
- 4                     specialty areas whether or not the program cuts across administrative lines;
- 5           (4) The program must consist of an integrated, organized sequence of study;
- 6           (5) There must be an identifiable psychology faculty sufficient in size and
- 7                     breadth to carry out its responsibilities;
- 8           (6) The designated director of the program must be a psychologist and a
- 9                     member of the core faculty;
- 10          (7) The program must have an identifiable body of students who are
- 11                     matriculated in that program for a degree;
- 12          (8) The program must include supervised practicum, internship, or field training
- 13                     appropriate to the practice of psychology;
- 14          (9) The curriculum shall encompass a minimum of three academic years of full-
- 15                     time graduate study for doctoral degree and a minimum of one academic
- 16                     year of full-time graduate study for master's degree;
- 17          (10) The program includes an acceptable residency as defined by the rules of
- 18                     the commission.
- 19          c. Possess a current, full and unrestricted license to practice psychology in a home
- 20                     state which is a compact state;
- 21          d. Have no history of adverse action that violate the rules of the commission;
- 22          e. Have no criminal record history reported on an identity history summary that
- 23                     violates the rules of the commission;
- 24          f. Possess a current, active e.passport;
- 25          g. Provide attestations in regard to areas of intended practice, conformity with
- 26                     standards of practice, competence in telepsychology technology; criminal
- 27                     background; and knowledge and adherence to legal requirements in the home
- 28                     and receiving states, and provide a release of information to allow for primary
- 29                     source verification in a manner specified by the commission; and
- 30          h. Meet other criteria as defined by the rules of the commission.

1       3. The home state maintains authority over the license of any psychologist practicing into  
2       a receiving state under the authority to practice interjurisdictional telepsychology.

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

11      5. If a psychologist's license in any home state, another compact state, or any authority  
12      to practice interjurisdictional telepsychology in any receiving state, is restricted,  
13      suspended or otherwise limited, the e.passport shall be revoked and therefore the  
14      psychologist shall not be eligible to practice telepsychology in a compact state under  
15      the authority to practice interjurisdictional telepsychology.

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

17      1. Compact states shall also recognize the right of a psychologist, licensed in a compact  
18      state in conformance with article III, to practice temporarily in other compact states  
19      (distant states) in which the psychologist is not licensed, as provided in the compact.

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

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

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

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

31      b. Hold a graduate degree in psychology that meets the following criteria:

- 1           (1) The program, wherever it may be administratively housed, must be clearly
- 2           identified and labeled as a psychology program. Such a program must
- 3           specify in pertinent institutional catalogs and brochures its intent to educate
- 4           and train professional psychologists;
- 5           (2) The psychology program must stand as a recognizable, coherent,
- 6           organizational entity within the institution;
- 7           (3) There must be a clear authority and primary responsibility for the core and
- 8           specialty areas whether or not the program cuts across administrative lines;
- 9           (4) The program must consist of an integrated, organized sequence of study;
- 10          (5) There must be an identifiable psychology faculty sufficient in size and
- 11          breadth to carry out its responsibilities;
- 12          (6) The designated director of the program must be a psychologist and a
- 13          member of the core faculty;
- 14          (7) The program must have an identifiable body of students who are
- 15          matriculated in that program for a degree;
- 16          (8) The program must include supervised practicum, internship, or field training
- 17          appropriate to the practice of psychology;
- 18          (9) The curriculum shall encompass a minimum of three academic years of full-
- 19          time graduate study for doctoral degrees and a minimum of one academic
- 20          year of full-time graduate study for master's degree;
- 21          (10) The program includes an acceptable residency as defined by the rules of
- 22          the commission.
- 23          c. Possess a current, full and unrestricted license to practice psychology in a home
- 24          state which is a compact state;
- 25          d. No history of adverse action that violate the rules of the commission;
- 26          e. No criminal record history that violates the rules of the commission;
- 27          f. Possess a current, active interjurisdictional practice certificate;
- 28          g. Provide attestations in regard to areas of intended practice and work experience
- 29          and provide a release of information to allow for primary source verification in a
- 30          manner specified by the commission; and
- 31          h. Meet other criteria as defined by the rules of the commission.

- 1       3. A psychologist practicing into a distant state under the temporary authorization to  
2       practice shall practice within the scope of practice authorized by the distant state.
- 3       4. A psychologist practicing into a distant state under the temporary authorization to  
4       practice will be subject to the distant state's authority and law. A distant state may, in  
5       accordance with that state's due process law, limit or revoke a psychologist's  
6       temporary authorization to practice in the distant state and may take any other  
7       necessary actions under the distant state's applicable law to protect the health and  
8       safety of the distant state's citizens. If a distant state takes action, the state promptly  
9       shall notify the home state and the commission.
- 10      5. If a psychologist's license in any home state, another compact state, or any temporary  
11      authorization to practice in any distant state, is restricted, suspended, or otherwise  
12      limited, the interjurisdictional practice certificate shall be revoked and therefore the  
13      psychologist shall not be eligible to practice in a compact state under the temporary  
14      authorization to practice.

15                   **ARTICLE VI - CONDITIONS OF TELEPSYCHOLOGY PRACTICE**

16                                   **IN A RECEIVING STATE**

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

- 21           1. The psychologist initiates a client/patient contact in a home state via  
22           telecommunications technologies with a client/patient in a receiving state;
- 23           2. Other conditions regarding telepsychology as determined by rules promulgated by the  
24           commission.

25                   **ARTICLE VII - ADVERSE ACTIONS**

- 26           1. A home state shall have the power to impose adverse action against a psychologist's  
27           license issued by the home state. A distant state shall have the power to take adverse  
28           action on a psychologist's temporary authorization to practice within that distant state.
- 29           2. A receiving state may take adverse action on a psychologist's authority to practice  
30           interjurisdictional telepsychology within that receiving state. A home state may take

1 adverse action against a psychologist based on an adverse action taken by a distant  
2 state regarding temporary in-person, face-to-face practice.

3 3. If a home state takes adverse action against a psychologist's license, that  
4 psychologist's authority to practice interjurisdictional telepsychology is terminated and  
5 the e.passport is revoked. Furthermore, that psychologist's temporary authorization to  
6 practice is terminated and the interjurisdictional practice certificate is revoked.

7 a. All home state disciplinary orders which impose adverse action shall be reported  
8 to the commission in accordance with the rules promulgated by the commission.  
9 A compact state shall report adverse actions in accordance with the rules of the  
10 commission.

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

14 c. Other actions may be imposed as determined by the rules promulgated by the  
15 commission.

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

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

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

1           telepsychology or provide temporary psychological services under the temporary  
2           authorization to practice in any other compact state during the term of the alternative  
3           program.

4           7. No other judicial or administrative remedies shall be available to a psychologist in the  
5           event a compact state imposes an adverse action pursuant to this subsection.

6                           **ARTICLE VIII - ADDITIONAL AUTHORITIES INVESTED IN**

7                           **A COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY**

8           In addition to any other powers granted under state law, a compact state's psychology  
9           regulatory authority shall have the authority under this compact to:

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

19           2. Issue cease and desist and/or injunctive relief orders to revoke a psychologist's  
20           authority to practice interjurisdictional telepsychology and/or temporary authorization  
21           to practice.

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

1 investigatory or disciplinary matters. The commission may create additional rules for  
2 mandated or discretionary sharing of information by compact states.

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

- 4 1. The commission shall provide for the development and maintenance of a coordinated  
5 licensure information system (coordinated database) and reporting system containing  
6 licensure and disciplinary action information on all psychologists individuals to whom  
7 this compact is applicable in all compact states as defined by the rules of the  
8 commission.
- 9 2. Notwithstanding any other provision of state law to the contrary, a compact state shall  
10 submit a uniform data set to the coordinated database on all licensees as required by  
11 the rules of the commission, including:
- 12 a. Identifying information;
  - 13 b. Licensure data;
  - 14 c. Significant investigatory information;
  - 15 d. Adverse actions against a psychologist's license;
  - 16 e. An indicator that a psychologist's authority to practice interjurisdictional  
17 telepsychology and/or temporary authorization to practice is revoked;
  - 18 f. Nonconfidential information related to alternative program participation  
19 information;
  - 20 g. Any denial of application for licensure, and the reasons for such denial; and
  - 21 h. Other information which may facilitate the administration of this compact, as  
22 determined by the rules of the commission.
- 23 3. The coordinated database administrator promptly shall notify all compact states of any  
24 adverse action taken against, or significant investigative information on, any licensee  
25 in a compact state.
- 26 4. Compact states reporting information to the coordinated database may designate  
27 information that may not be shared with the public without the express permission of  
28 the compact state reporting the information.
- 29 5. Any information submitted to the coordinated database that is subsequently required  
30 to be expunged by the law of the compact state reporting the information shall be  
31 removed from the coordinated database.

**ARTICLE X - ESTABLISHMENT OF THE PSYCHOLOGY**

**INTERJURISDICTIONAL COMPACT COMMISSION**

1. The compact states hereby create and establish a joint public agency known as the psychology interjurisdictional compact commission.
  - a. The commission is a body politic and an instrumentality of the compact states.
  - b. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
  - c. Nothing in this compact shall be construed to be a waiver of sovereign immunity.
2. Membership, voting, and meetings.
  - a. The commission shall consist of one voting representative appointed by each compact state who shall serve as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:
    - (1) Executive director, executive secretary, or similar executive;
    - (2) Current member of the state psychology regulatory authority of a compact state; or
    - (3) Designee empowered with the appropriate delegate authority to act on behalf of the compact state.
  - b. Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the compact state in which the vacancy exists.
  - c. Each commissioner shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws

1           may provide for commissioners' participation in meetings by telephone or other  
2           means of communication.

3           d. The commission shall meet at least once during each calendar year. Additional  
4           meetings shall be held as set forth in the bylaws.

5           e. All meetings shall be open to the public, and public notice of meetings shall be  
6           given in the same manner as required under the rulemaking provisions in  
7           article XI.

8           f. The commission may convene in a closed, nonpublic meeting if the commission  
9           must discuss:

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

11           (2) The employment, compensation, discipline, or other personnel matters,  
12           practices or procedures related to specific employees or other matters

13           related to the commission's internal personnel practices, and procedures;

14           (3) Current, threatened, or reasonably anticipated litigation against the  
15           commission;

16           (4) Negotiation of contracts for the purchase or sale of goods, services, or real  
17           estate;

18           (5) Accusation against any person of a crime or formally censuring any person;

19           (6) Disclosure of trade secrets or commercial or financial information which is  
20           privileged or confidential;

21           (7) Disclosure of information of a personal nature where disclosure would  
22           constitute a clearly unwarranted invasion of personal privacy;

23           (8) Disclosure of investigatory records compiled for law enforcement purposes;

24           (9) Disclosure of information related to any investigatory reports prepared by or  
25           on behalf of or for use of the commission or other committee charged with

26           responsibility for investigation or determination of compliance issues  
27           pursuant to the compact; or

28           (10) Matters specifically exempted from disclosure by federal and state statute.

29           g. If a meeting, or portion of a meeting, is closed pursuant to this provision, the  
30           commission's legal counsel or designee shall certify that the meeting may be

31           closed and shall reference each relevant exempting provision. The commission

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

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

11           a. Establishing the fiscal year of the commission;

12           b. Providing reasonable standards and procedures:

13                 (1) For the establishment and meetings of other committees; and

14                 (2) Governing any general or specific delegation of any authority or function of  
15                 the commission;

16           c. Providing reasonable procedures for calling and conducting meetings of the  
17           commission, ensuring reasonable advance notice of all meetings and providing  
18           an opportunity for attendance of such meetings by interested parties, with  
19           enumerated exceptions designed to protect the public's interest, the privacy of  
20           individuals of such proceedings, and proprietary information, including trade  
21           secrets. The commission may meet in closed session only after a majority of the  
22           commissioners vote to close a meeting to the public in whole or in part. As soon  
23           as practicable, the commission must make public a copy of the vote to close the  
24           meeting revealing the vote of each commissioner with no proxy votes allowed;

25           d. Establishing the titles, duties and authority and reasonable procedures for the  
26           election of the officers of the commission;

27           e. Providing reasonable standards and procedures for the establishment of the  
28           personnel policies and programs of the commission. Notwithstanding any civil  
29           service or other similar law of any compact state, the bylaws shall exclusively  
30           govern the personnel policies and programs of the commission;

- 1           f. Promulgating a code of ethics to address permissible and prohibited activities of  
2           commission members and employees;
- 3           g. Providing a mechanism for concluding the operations of the commission and the  
4           equitable disposition of any surplus funds that may exist after the termination of  
5           the compact after the payment and/or reserving of all of its debts and obligations;
- 6           h. The commission shall publish its bylaws in a convenient form and file a copy  
7           thereof and a copy of any amendment thereto, with the appropriate agency or  
8           officer in each of the compact states;
- 9           i. The commission shall maintain its financial records in accordance with the  
10          bylaws; and
- 11          j. The commission shall meet and take such actions as are consistent with the  
12          provisions of this compact and the bylaws.
- 13          4. The commission shall have the following powers:
- 14           a. The authority to promulgate uniform rules to facilitate and coordinate  
15           implementation and administration of this compact. The rule shall have the force  
16           and effect of law and shall be binding in all compact states;
- 17           b. To bring and prosecute legal proceedings or actions in the name of the  
18           commission, provided that the standing of any state psychology regulatory  
19           authority or other regulatory body responsible for psychology licensure to sue or  
20           be sued under applicable law shall not be affected;
- 21           c. To purchase and maintain insurance and bonds;
- 22           d. To borrow, accept, or contract for services of personnel, including, but not limited  
23           to, employees of a compact state;
- 24           e. To hire employees, elect or appoint officers, fix compensation, define duties,  
25           grant such individuals appropriate authority to carry out the purposes of the  
26           compact, and to establish the commission's personnel policies and programs  
27           relating to conflicts of interest, qualifications of personnel, and other related  
28           personnel matters;
- 29           f. To accept any and all appropriate donations and grants of money, equipment,  
30           supplies, materials and services, and to receive, utilize and dispose of the same;

- 1                   provided that at all times the commission shall strive to avoid any appearance of  
2                   impropriety and/or conflict of interest;
- 3           g.   To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,  
4                   hold, improve or use, any property, real, personal or mixed; provided that at all  
5                   times the commission shall strive to avoid any appearance of impropriety;
- 6           h.   To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
7                   dispose of any property real, personal or mixed;
- 8           i.   To establish a budget and make expenditures;
- 9           j.   To borrow money;
- 10          k.   To appoint committees, including advisory committees comprised of members,  
11                   state regulators, state legislators or their representatives, and consumer  
12                   representatives, and such other interested persons as may be designated in this  
13                   compact and the bylaws;
- 14          l.   To provide and receive information from, and to cooperate with, law enforcement  
15                   agencies;
- 16          m.   To adopt and use an official seal; and
- 17          n.   To perform such other functions as may be necessary or appropriate to achieve  
18                   the purposes of this compact consistent with the state regulation of psychology  
19                   licensure, temporary in-person, face-to-face practice, and telepsychology  
20                   practice.
- 21          5.   The executive board. The elected officers shall serve as the executive board, which  
22                   shall have the power to act on behalf of the commission according to the terms of this  
23                   compact.
- 24          a.   The executive board shall be comprised of six members:
- 25                   (1)   Five voting members who are elected from the current membership of the  
26                                commission by the commission; and
- 27                   (2)   One ex officio, nonvoting member from the recognized membership  
28                                organization composed of state and provincial psychology regulatory  
29                                authorities.

- 1           b. The ex officio member must have served as staff or member on a state  
2           psychology regulatory authority and will be selected by its respective  
3           organization.
- 4           c. The commission may remove any member of the executive board as provided in  
5           bylaws.
- 6           d. The executive board shall meet at least annually.
- 7           e. The executive board shall have the following duties and responsibilities:
- 8           (1) Recommend to the entire commission changes to the rules or bylaws,  
9           changes to this compact legislation, fees paid by compact states such as  
10           annual dues, and any other applicable fees;
- 11           (2) Ensure compact administration services are appropriately provided,  
12           contractual or otherwise;
- 13           (3) Prepare and recommend the budget;
- 14           (4) Maintain financial records on behalf of the commission;
- 15           (5) Monitor compact compliance of member states and provide compliance  
16           reports to the commission;
- 17           (6) Establish additional committees as necessary; and
- 18           (7) Other duties as provided in rules or bylaws.
- 19        6. Financing of the commission.
- 20           a. The commission shall pay, or provide for the payment of the reasonable  
21           expenses of its establishment, organization and ongoing activities.
- 22           b. The commission may accept any and all appropriate revenue sources, donations,  
23           and grants of money, equipment, supplies, materials, and services.
- 24           c. The commission may levy on and collect an annual assessment from each  
25           compact state or impose fees on other parties to cover the cost of the operations  
26           and activities of the commission and its staff which must be in a total amount  
27           sufficient to cover its annual budget as approved each year for which revenue is  
28           not provided by other sources. The aggregate annual assessment amount shall  
29           be allocated based upon a formula to be determined by the commission which  
30           shall promulgate a rule binding upon all compact states.

- 1           d. The commission shall not incur obligations of any kind prior to securing the funds  
2           adequate to meet the same; nor shall the commission pledge the credit of any of  
3           the compact states, except by and with the authority of the compact state.
- 4           e. The commission shall keep accurate accounts of all receipts and disbursements.  
5           The receipts and disbursements of the commission shall be subject to the audit  
6           and accounting procedures established under its bylaws. However, all receipts  
7           and disbursements of funds handled by the commission shall be audited yearly  
8           by a certified or 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          7. Qualified immunity, defense, and indemnification.
- 11           a. The members, officers, executive director, employees, and representatives of the  
12           commission shall be immune from suit and liability, either personally or in their  
13           official capacity, for any claim for damage to or loss of property or personal injury  
14           or other civil liability caused by or arising out of any actual or alleged act, error, or  
15           omission that occurred, or that the person against whom the claim is made had a  
16           reasonable basis for believing occurred within the scope of commission  
17           employment, duties or responsibilities; provided that nothing in this subdivision  
18           shall be construed to protect any such person from suit and/or liability for any  
19           damage, loss, injury or liability caused by the intentional or willful or wanton  
20           misconduct of that person.
- 21           b. The commission shall defend any member, officer, executive director, employee,  
22           or representative of the commission in any civil action seeking to impose liability  
23           arising out of any actual or alleged act, error, or omission that occurred within the  
24           scope of commission employment, duties, or responsibilities, or that the person  
25           against whom the claim is made had a reasonable basis for believing occurred  
26           within the scope of commission employment, duties, or responsibilities; provided  
27           that nothing herein shall be construed to prohibit that person from retaining his or  
28           her own counsel; and provided further, that the actual or alleged act, error, or  
29           omission did not result from that person's intentional or willful or wanton  
30           misconduct.



- 1           d. The manner in which interested persons may submit notice to the commission of  
2           their intention to attend the public hearing and any written comments.
- 3       6. Prior to adoption of a proposed rule, the commission shall allow persons to submit  
4       written data, facts, opinions, and arguments, which shall be made available to the  
5       public.
- 6       7. The commission shall grant an opportunity for a public hearing before it adopts a rule  
7       or amendment if a hearing is requested by:
- 8           a. At least twenty-five persons who submit comments independently of each other;  
9           b. A governmental subdivision or agency; or
- 10          c. A duly appointed person in an association that has having at least twenty-five  
11          members.
- 12       8. If a hearing is held on the proposed rule or amendment, the commission shall publish  
13       the place, time, and date of the scheduled public hearing.
- 14           a. All persons wishing to be heard at the hearing shall notify the executive director  
15           of the commission or other designated member in writing of their desire to appear  
16           and testify at the hearing not less than five business days before the scheduled  
17           date of the hearing.
- 18           b. Hearings shall be conducted in a manner providing each person who wishes to  
19           comment a fair and reasonable opportunity to comment orally or in writing.
- 20           c. No transcript of the hearing is required, unless a written request for a transcript is  
21           made, in which case the person requesting the transcript shall bear the cost of  
22           producing the transcript. A recording may be made in lieu of a transcript under  
23           the same terms and conditions as a transcript. This subsection shall not preclude  
24           the commission from making a transcript or recording of the hearing if it so  
25           chooses.
- 26           d. Nothing in this section shall be construed as requiring a separate hearing on  
27           each rule. Rules may be grouped for the convenience of the commission at  
28           hearings required by this section.
- 29       9. Following the scheduled hearing date, or by the close of business on the scheduled  
30       hearing date if the hearing was not held, the commission shall consider all written and  
31       oral comments received.

- 1        10. By majority vote of all members, the commission shall take final action on the  
2            proposed rule and shall determine the effective date of the rule, if any, based on the  
3            rulemaking record and the full text of the rule.
- 4        11. If no written notice of intent to attend the public hearing by interested parties is  
5            received, the commission may proceed with promulgation of the proposed rule without  
6            a public hearing.
- 7        12. Upon determination that an emergency exists, the commission may consider and  
8            adopt an emergency rule without prior notice, opportunity for comment, or hearing,  
9            provided that the usual rulemaking procedures provided in the compact and in this  
10           section shall be retroactively applied to the rule as soon as reasonably possible, in no  
11           event later than ninety days after the effective date of the rule. For the purposes of this  
12           provision, an emergency rule is one that must be adopted immediately in order to:
- 13           a. Meet an imminent threat to public health, safety, or welfare;  
14           b. Prevent a loss of commission or compact state funds;  
15           c. Meet a deadline for the promulgation of an administrative rule that is established  
16           by federal law or rule; or  
17           d. Protect public health and safety.
- 18        13. The commission or an authorized committee of the commission may direct revisions to  
19           a previously adopted rule or amendment for purposes of correcting typographical  
20           errors, errors in format, errors in consistency, or grammatical errors. Public notice of  
21           any revisions shall be posted on the website of the commission. The revision shall be  
22           subject to challenge by any person for a period of thirty days after posting. The  
23           revision may be challenged only on grounds that the revision results in a material  
24           change to a rule. A challenge shall be made in writing, and delivered to the chair of the  
25           commission prior to the end of the notice period. If no challenge is made, the revision  
26           will take effect without further action. If the revision is challenged, the revision may not  
27           take effect without the approval of the commission.

28        **ARTICLE XII - OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

- 29        1. Oversight.
- 30           a. The executive, legislative, and judicial branches of state government in each  
31           compact state shall enforce this compact and take all actions necessary and

1           appropriate to effectuate the compact's purposes and intent. The provisions of  
2           this compact and the rules promulgated hereunder shall have standing as  
3           statutory law.

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

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

12          2. Default, technical assistance, and termination.

13          a. If the commission determines that a compact state has defaulted in the  
14          performance of its obligations or responsibilities under this compact or the  
15          promulgated rules, the commission shall:

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

19               (2) Provide remedial training and specific technical assistance regarding the  
20               default.

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

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

- 1           d. A compact state which has been terminated is responsible for all assessments,  
2           obligations, and liabilities incurred through the effective date of termination,  
3           including obligations which extend beyond the effective date of termination.  
4           e. The commission shall not bear any costs incurred by the state which is found to  
5           be in default or which has been terminated from the compact, unless agreed  
6           upon in writing between the commission and the defaulting state.  
7           f. The defaulting state may appeal the action of the commission by petitioning the  
8           United States district court for the state of Georgia or the federal district where  
9           the compact has its principal offices. The prevailing member shall be awarded all  
10          costs of such litigation, including reasonable attorney's fees.

11        3. Dispute resolution.

- 12          a. Upon request by a compact state, the commission shall attempt to resolve  
13          disputes related to the compact which arise among compact states and between  
14          compact and noncompact states.  
15          b. The commission shall promulgate a rule providing for both mediation and binding  
16          dispute resolution for disputes that arise before the commission.

17        4. Enforcement.

- 18          a. The commission, in the reasonable exercise of its discretion, shall enforce the  
19          provisions and rules of this compact.  
20          b. By majority vote, the commission may initiate legal action in the United States  
21          district court for the state of Georgia or the federal district where the compact has  
22          its principal offices against a compact state in default to enforce compliance with  
23          the provisions of the compact and its promulgated rules and bylaws. The relief  
24          sought may include both injunctive relief and damages. In the event judicial  
25          enforcement is necessary, the prevailing member shall be awarded all costs of  
26          such litigation, including reasonable attorney's fees.  
27          c. The remedies herein shall not be the exclusive remedies of the commission. The  
28          commission may pursue any other remedies available under federal or state law.

29                   **ARTICLE XIII - DATE OF IMPLEMENTATION OF THE PSYCHOLOGY**  
30                   **INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED**  
31                   **RULES, WITHDRAWAL, AND AMENDMENTS**

- 1       1. The compact shall come into effect on the date on which the compact is enacted into  
2       law in the seventh compact state. The provisions which become effective at that time  
3       shall be limited to the powers granted to the commission relating to assembly and the  
4       promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking  
5       powers necessary to the implementation and administration of the compact.
- 6       2. Any state which joins the compact subsequent to the commission's initial adoption of  
7       the rules shall be subject to the rules as they exist on the date on which the compact  
8       becomes law in that state. Any rule which has been previously adopted by the  
9       commission shall have the full force and effect of law on the day the compact  
10      becomes law in that state.
- 11      3. Any compact state may withdraw from this compact by enacting a statute repealing  
12      the same.
  - 13      a. A compact state's withdrawal shall not take effect until six months after  
14      enactment of the repealing statute.
  - 15      b. Withdrawal shall not affect the continuing requirement of the withdrawing state's  
16      psychology regulatory authority to comply with the investigative and adverse  
17      action reporting requirements of this act prior to the effective date of withdrawal.
- 18      4. Nothing contained in this compact shall be construed to invalidate or prevent any  
19      psychology licensure agreement or other cooperative arrangement between a  
20      compact state and a noncompact state which does not conflict with the provisions of  
21      this compact.
- 22      5. This compact may be amended by the compact states. No amendment to this  
23      compact shall become effective and binding upon any compact state until it is enacted  
24      into the law of all compact states.

#### **ARTICLE XIV - CONSTRUCTION AND SEVERABILITY**

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