

House File 2094 - Introduced

HOUSE FILE 2094

BY MITCHELL

A BILL FOR

1 An Act adopting the psychology interjurisdictional compact.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 147E.1 Psychology
2 interjurisdictional compact.

3 The psychology interjurisdictional compact is enacted into
4 law and entered into by this state with all states legally
5 joining in the compact in the form substantially as follows:

6 1. *Article I — Purpose.*

7 a. The party states find that:

8 (1) States license psychologists, in order to protect
9 the public through verification of education, training,
10 and experience, and ensure accountability for professional
11 practice.

12 (2) This compact is intended to regulate the day-to-day
13 practice of telepsychology, in which psychological services are
14 provided using telecommunication technologies, by psychologists
15 across state boundaries in the performance of their
16 psychological practice as assigned by an appropriate authority.

17 (3) This compact is intended to regulate the temporary
18 in-person, face-to-face practice of psychology by psychologists
19 across state boundaries for thirty days within a calendar year
20 in the performance of their psychological practice as assigned
21 by an appropriate authority.

22 (4) This compact is intended to authorize state psychology
23 regulatory authorities to afford legal recognition, in a manner
24 consistent with the terms of the compact, to psychologists
25 licensed in another state.

26 (5) This compact recognizes that states have a vested
27 interest in protecting the public's health and safety through
28 their licensing and regulation of psychologists and that such
29 state regulation will best protect public health and safety.

30 (6) This compact does not apply when a psychologist is
31 licensed in both the home and receiving states.

32 (7) This compact does not apply to permanent in-person,
33 face-to-face practice, but it does allow for authorization of
34 temporary psychological practice.

35 b. Consistent with these principles, this compact is

1 designed to achieve the following purposes and objectives:

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

7 (2) Enhance the states' ability to protect the public's
8 health and safety, especially client-patient safety.

9 (3) Encourage the cooperation of compact states in the areas
10 of psychology licensure and regulation.

11 (4) Facilitate the exchange of information between compact
12 states regarding psychologist licensure, adverse actions, and
13 disciplinary history.

14 (5) Promote compliance with the laws governing
15 psychological practice in each compact state.

16 (6) Invest all compact states with the authority to
17 hold licensed psychologists accountable through the mutual
18 recognition of compact state licenses.

19 2. *Article II — Definitions.*

20 a. "Adverse action" means any action taken by a state
21 psychology regulatory authority which finds a violation
22 of a statute or regulation that is identified by the state
23 psychology regulatory authority as discipline and is a matter
24 of public record.

25 b. "Association of state and provincial psychology boards"
26 means the recognized membership organization composed of state
27 and provincial psychology regulatory authorities responsible
28 for the licensure and registration of psychologists throughout
29 the United States and Canada.

30 c. "Authority to practice interjurisdictional telepsychology"
31 means a licensed psychologist's authority to practice
32 telepsychology, within the limits authorized under this
33 compact, in another compact state.

34 d. "Bylaws" means those bylaws established by the psychology
35 interjurisdictional compact commission pursuant to article

1 X for its governance, or for directing and controlling its
2 actions and conduct.

3 *e. "Client-patient"* means the recipient of psychological
4 services, whether psychological services are delivered in the
5 context of health care, corporate, supervision, or consulting
6 services.

7 *f. "Commissioner"* means the voting representative appointed
8 by each state psychology regulatory authority pursuant to
9 article X.

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

14 *h. "Confidentiality"* means the principle that data or
15 information is not made available or disclosed to unauthorized
16 persons or processes.

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

24 *j. "Day"* means any part of a day in which psychological work
25 is performed.

26 *k. "Distant state"* means the compact state where a
27 psychologist is physically present, not through the use
28 of telecommunications technologies, to provide temporary
29 in-person, face-to-face psychological services.

30 *l. "E.Passport"* means a certificate issued by the
31 association of state and provincial psychology boards
32 that promotes the standardization in the criteria of
33 interjurisdictional telepsychology practice and facilitates the
34 process for licensed psychologists to provide telepsychological
35 services across state lines.

1 *m. "Executive board"* means a group of directors elected or
2 appointed to act on behalf of, and within the powers granted to
3 them by, the commission.

4 *n. "Home state"* means a compact state where a psychologist
5 is licensed to practice psychology. If the psychologist is
6 licensed in more than one compact state and is practicing
7 under the authorization to practice interjurisdictional
8 telepsychology, the home state is the compact state where the
9 psychologist is physically present when the telepsychological
10 services are delivered. If the psychologist is licensed
11 in more than one compact state and is practicing under the
12 temporary authorization to practice, the home state is any
13 compact state where the psychologist is licensed.

14 *o. "Identity history summary"* means a summary of information
15 retained by the federal bureau of investigation (FBI), or other
16 designee with similar authority, in connection with arrests
17 and, in some instances, federal employment, naturalization, or
18 military service.

19 *p. "In-person, face-to-face"* means interactions in which the
20 psychologist and the client-patient are in the same physical
21 space and which does not include interactions that may occur
22 through the use of telecommunication technologies.

23 *q. "Interjurisdictional practice certificate" or "IPC"*
24 means a certificate issued by the association of state and
25 provincial psychology boards that grants temporary authority
26 to practice based on notification to the state psychology
27 regulatory authority of intention to practice temporarily, and
28 verification of one's qualifications for such practice.

29 *r. "License"* means authorization by a state psychology
30 regulatory authority to engage in the independent practice of
31 psychology, which would be unlawful without the authorization.

32 *s. "Noncompact state"* means any state which is not at the
33 time a compact state.

34 *t. "Psychologist"* means an individual licensed for the
35 independent practice of psychology.

1 u. "*Psychology interjurisdictional compact commission*" or
2 "*commission*" means the national administration of which all
3 compact states are members.

4 v. "*Receiving state*" means a compact state where the
5 client-patient is physically located when the telepsychological
6 services are delivered.

7 w. "*Rule*" means a written statement by the psychology
8 interjurisdictional compact commission promulgated pursuant
9 to article XI that is of general applicability, implements,
10 interprets, or prescribes a policy or provision of this
11 compact, or an organizational, procedural, or practice
12 requirement of the commission and has the force and effect of
13 statutory law in a compact state, and includes the amendment,
14 repeal, or suspension of an existing rule.

15 x. "*Significant investigatory information*" means any of the
16 following:

17 (1) Investigative information that a state psychology
18 regulatory authority, after a preliminary inquiry that includes
19 notification and an opportunity to respond if required by state
20 law, has reason to believe, if proven true, would indicate more
21 than a violation of state statute or ethics code that would be
22 considered more substantial than a minor infraction.

23 (2) Investigative information that indicates that the
24 psychologist represents an immediate threat to public health
25 and safety regardless of whether the psychologist has been
26 notified or had an opportunity to respond.

27 y. "*State*" means a state, commonwealth, territory, or
28 possession of the United States, or the District of Columbia.

29 z. "*State psychology regulatory authority*" means the board,
30 office, or other agency with the legislative mandate to license
31 and regulate the practice of psychology.

32 aa. "*Telepsychology*" means the provision of psychological
33 services using telecommunication technologies.

34 ab. "*Temporary authorization to practice*" means a licensed
35 psychologist's authority to conduct temporary in-person,

1 face-to-face practice, within the limits authorized under this
2 compact, in another compact state.

3 *ac.* "Temporary in-person, face-to-face practice" means where
4 a psychologist is physically present, not through the use
5 of telecommunications technologies, in the distant state to
6 provide for the practice of psychology for thirty days within a
7 calendar year and based on notification to the distant state.

8 3. *Article III — Home state licensure.*

9 *a.* The home state shall be a compact state where a
10 psychologist is licensed to practice psychology.

11 *b.* A psychologist may hold one or more compact state
12 licenses at a time. If the psychologist is licensed in more
13 than one compact state, the home state is the compact state
14 where the psychologist is physically present when the services
15 are delivered as authorized by the authority to practice
16 interjurisdictional telepsychology under the terms of this
17 compact.

18 *c.* Any compact state may require a psychologist not
19 previously licensed in a compact state to obtain and retain
20 a license to be authorized to practice in the compact state
21 under circumstances not authorized by the authority to practice
22 interjurisdictional telepsychology under the terms of this
23 compact.

24 *d.* Any compact state may require a psychologist to obtain
25 and retain a license to be authorized to practice in a
26 compact state under circumstances not authorized by temporary
27 authorization to practice under the terms of this compact.

28 *e.* A home state's license authorizes a psychologist to
29 practice in a receiving state under the authority to practice
30 interjurisdictional telepsychology only if the compact state
31 meets all of the following requirements:

32 (1) Currently requires the psychologist to hold an active
33 E.Passport.

34 (2) Has a mechanism in place for receiving and investigating
35 complaints about licensed individuals.

1 (3) Notifies the commission, in compliance with the terms
2 herein, of any adverse action or significant investigatory
3 information regarding a licensed individual.

4 (4) Requires an identity history summary of all applicants
5 at initial licensure, including the use of the results of
6 fingerprints or other biometric data checks compliant with the
7 requirements of the federal bureau of investigation (FBI), or
8 other designee with similar authority, no later than ten years
9 after activation of the this compact.

10 (5) Complies with the bylaws and rules of the commission.

11 f. A home state's license grants temporary authorization
12 to practice to a psychologist in a distant state only if the
13 compact state meets all of the following requirements:

14 (1) Currently requires the psychologist to hold an active
15 IPC.

16 (2) Has a mechanism in place for receiving and investigating
17 complaints about licensed individuals.

18 (3) Notifies the commission, in compliance with the terms
19 herein, of any adverse action or significant investigatory
20 information regarding a licensed individual.

21 (4) Requires an identity history summary of all applicants
22 at initial licensure, including the use of the results of
23 fingerprints or other biometric data checks compliant with the
24 requirements of the federal bureau of investigation (FBI), or
25 other designee with similar authority, no later than ten years
26 after activation of this compact.

27 (5) Complies with the bylaws and rules of the commission.

28 4. *Article IV — Compact privilege to practice*
29 *telepsychology.*

30 a. Compact states shall recognize the right of a
31 psychologist, licensed in a compact state in conformance with
32 article III, to practice telepsychology in receiving states in
33 which the psychologist is not licensed, under the authority to
34 practice interjurisdictional telepsychology as provided in this
35 compact.

1 *b.* To exercise the authority to practice interjurisdictional
2 telepsychology under the terms and provisions of this compact,
3 a psychologist licensed to practice in a compact state shall
4 meet all of the following requirements:

5 (1) Hold a graduate degree in psychology from an institution
6 of higher education that was either of the following, at the
7 time the degree was awarded:

8 (a) Regionally accredited by an accrediting body recognized
9 by the United States department of education to grant graduate
10 degrees, or authorized by provincial statute or royal charter
11 to grant doctoral degrees.

12 (b) A foreign college or university deemed to be equivalent
13 to subparagraph (1), subparagraph division (a), by a foreign
14 credential evaluation service that is a member of the national
15 association of credential evaluation services or by a
16 recognized foreign credential evaluation service.

17 (2) Hold a graduate degree in psychology that meets all of
18 the following criteria:

19 (a) The program, wherever it may be administratively
20 housed, must be clearly identified and labeled as a
21 psychology program. Such a program must specify in pertinent
22 institutional catalogues and brochures its intent to educate
23 and train professional 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
27 responsibility for the core and specialty areas whether or not
28 the program cuts across administrative lines.

29 (d) The program must consist of an integrated, organized
30 sequence of study.

31 (e) There must be an identifiable psychology
32 faculty sufficient in size and breadth to carry out its
33 responsibilities.

34 (f) The designated director of the program must be a
35 psychologist and a member of the core faculty.

1 (g) The program must have an identifiable body of students
2 who are matriculated in that program for a degree.

3 (h) The program must include supervised practicum,
4 internship, or field training appropriate to the practice of
5 psychology.

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

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

12 (3) Possess a current, full, and unrestricted license to
13 practice psychology in a home state which is a compact state.

14 (4) Have no history of adverse action that violates the
15 rules of the commission.

16 (5) Have no criminal record history reported on an identity
17 history summary that violates the rules of the commission.

18 (6) Possess a current, active E.Passport.

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

26 (8) Meet other criteria as defined by the rules of the
27 commission.

28 *c.* The home state maintains authority over the license of
29 any psychologist practicing into a receiving state under the
30 authority to practice interjurisdictional telepsychology.

31 *d.* A psychologist practicing into a receiving state under
32 the authority to practice interjurisdictional telepsychology
33 shall be subject to the receiving state's scope of practice.
34 A receiving state may, in accordance with that state's due
35 process law, limit or revoke a psychologist's authority to

1 practice interjurisdictional telepsychology in the receiving
2 state and may take any other necessary actions under the
3 receiving state's applicable law to protect the health and
4 safety of the receiving state's citizens. If a receiving state
5 takes action, the state shall promptly notify the home state
6 and the commission.

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

14 5. *Article V — Compact temporary authorization to practice.*

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

19 b. To exercise the temporary authorization to practice
20 under the terms and provisions of this compact, a psychologist
21 licensed to practice in a compact state shall meet all of the
22 following requirements:

23 (1) Hold a graduate degree in psychology from an institution
24 of higher education that was either of the following, at the
25 time the degree was awarded:

26 (a) Regionally accredited by an accrediting body recognized
27 by the United States department of education to grant graduate
28 degrees, or authorized by provincial statute or royal charter
29 to grant doctoral degrees.

30 (b) A foreign college or university deemed to be equivalent
31 to subparagraph (1), subparagraph division (a), by a foreign
32 credential evaluation service that is a member of the national
33 association of credential evaluation services or by a
34 recognized foreign credential evaluation service.

35 (2) Hold a graduate degree in psychology that meets all of

1 the following criteria:

2 (a) The program, wherever it may be administratively
3 housed, must be clearly identified and labeled as a
4 psychology program. Such a program must specify in pertinent
5 institutional catalogues and brochures its intent to educate
6 and train professional psychologists.

7 (b) The psychology program must stand as a recognizable,
8 coherent, organizational entity within the institution.

9 (c) There must be a clear authority and primary
10 responsibility for the core and specialty areas whether or not
11 the program cuts across administrative lines.

12 (d) The program must consist of an integrated, organized
13 sequence of study.

14 (e) There must be an identifiable psychology
15 faculty sufficient in size and breadth to carry out its
16 responsibilities.

17 (f) The designated director of the program must be a
18 psychologist and a member of the core faculty.

19 (g) The program must have an identifiable body of students
20 who are matriculated in that program for a degree.

21 (h) The program must include supervised practicum,
22 internship, or field training appropriate to the practice of
23 psychology.

24 (i) The curriculum shall encompass a minimum of three
25 academic years of full-time graduate study for doctoral degrees
26 and a minimum of one academic year of full-time graduate study
27 for master's degrees.

28 (j) The program includes an acceptable residency as defined
29 by the rules of the commission.

30 (3) Possess a current, full, and unrestricted license to
31 practice psychology in a home state which is a compact state.

32 (4) Have no history of adverse action that violates the
33 rules of the commission.

34 (5) Have no criminal record history that violates the rules
35 of the commission.

1 (6) Possess a current, active IPC.

2 (7) Provide attestations in regard to areas of intended
3 practice and work experience and provide a release of
4 information to allow for primary source verification in a
5 manner specified by the commission.

6 (8) Meet other criteria as defined by the rules of the
7 commission.

8 c. A psychologist practicing into a distant state under the
9 temporary authorization to practice shall practice within the
10 scope of practice authorized by the distant state.

11 d. A psychologist practicing into a distant state under the
12 temporary authorization to practice shall be subject to the
13 distant state's authority and law. A distant state may, in
14 accordance with that state's due process law, limit or revoke
15 a psychologist's temporary authorization to practice in the
16 distant state and may take any other necessary actions under
17 the distant state's applicable law to protect the health and
18 safety of the distant state's citizens. If a distant state
19 takes action, the state shall promptly notify the home state
20 and the commission.

21 e. If a psychologist's license in any home state, another
22 compact state, or any temporary authorization to practice in
23 any distant state, is restricted, suspended, or otherwise
24 limited, the IPC shall be revoked and the psychologist shall
25 not be eligible to practice in a compact state under the
26 temporary authorization to practice.

27 6. *Article VI — Conditions of telepsychology practice in a*
28 *receiving state.*

29 a. A psychologist may practice in a receiving state under
30 the authority to practice interjurisdictional telepsychology
31 only in the performance of the scope of practice for psychology
32 as assigned by an appropriate state psychology regulatory
33 authority, as defined in the rules of the commission, and under
34 the following circumstances:

35 (1) The psychologist initiates a client-patient contact

1 in a home state via telecommunications technologies with a
2 client-patient in a receiving state.

3 (2) Other conditions regarding telepsychology as determined
4 by rules promulgated by the commission.

5 7. *Article VII — Adverse actions.*

6 a. A home state shall have the power to impose adverse
7 action against a psychologist's license issued by the home
8 state. A distant state shall have the power to take adverse
9 action on a psychologist's temporary authorization to practice
10 within that distant state.

11 b. A receiving state may take adverse action on a
12 psychologist's authority to practice interjurisdictional
13 telepsychology within that receiving state. A home state may
14 take adverse action against a psychologist based on an adverse
15 action taken by a distant state regarding temporary in-person,
16 face-to-face practice.

17 c. If a home state takes adverse action against a
18 psychologist's license, that psychologist's authority to
19 practice interjurisdictional telepsychology is terminated and
20 the E.Passport is revoked. Furthermore, that psychologist's
21 temporary authorization to practice is terminated and the IPC
22 is revoked.

23 (1) All home state disciplinary orders which impose adverse
24 action shall be reported to the commission in accordance with
25 the rules promulgated by the commission. A compact state shall
26 report adverse actions in accordance with the rules of the
27 commission.

28 (2) In the event discipline is reported on a psychologist,
29 the psychologist shall not be eligible for telepsychology or
30 temporary in-person, face-to-face practice in accordance with
31 the rules of the commission.

32 (3) Other actions may be imposed as determined by the rules
33 promulgated by the commission.

34 d. A home state's psychology regulatory authority shall
35 investigate and take appropriate action with respect to

1 reported inappropriate conduct engaged in by a licensee which
2 occurred in a receiving state as it would if such conduct had
3 occurred by a licensee within the home state. In such cases,
4 the home state's law shall control in determining any adverse
5 action against a psychologist's license.

6 e. A distant state's psychology regulatory authority
7 shall investigate and take appropriate action with respect to
8 reported inappropriate conduct engaged in by a psychologist
9 practicing under temporary authorization to practice which
10 occurred in that distant state as it would if such conduct
11 had occurred by a licensee within the home state. In such
12 cases, the distant state's law shall control in determining any
13 adverse action against a psychologist's temporary authorization
14 to practice.

15 f. Nothing in this compact shall override a compact state's
16 decision that a psychologist's participation in an alternative
17 program may be used in lieu of adverse action and that such
18 participation shall remain nonpublic if required by the compact
19 state's law. Compact states shall require psychologists who
20 enter any alternative programs to not provide telepsychology
21 services under the authority to practice interjurisdictional
22 telepsychology or provide temporary psychological services
23 under the temporary authorization to practice in any other
24 compact state during the term of the alternative program.

25 g. No other judicial or administrative remedies shall
26 be available to a psychologist in the event a compact state
27 imposes an adverse action pursuant to paragraph "c".

28 8. *Article VIII — Additional authorities invested in a*
29 *compact state's psychology regulatory authority.*

30 a. In addition to any other powers granted under state law,
31 a compact state's psychology regulatory authority shall have
32 the authority under this compact to do all of the following:

33 (1) Issue subpoenas, for both hearings and investigations,
34 which require the attendance and testimony of witnesses and
35 the production of evidence. Subpoenas issued by a compact

1 state's psychology regulatory authority for the attendance
2 and testimony of witnesses or the production of evidence from
3 another compact state shall be enforced in the latter state by
4 any court of competent jurisdiction, according to that court's
5 practice and procedure in considering subpoenas issued in its
6 own proceedings. The issuing state psychology regulatory
7 authority shall pay any witness fees, travel expenses, mileage,
8 and other fees required by the service statutes of the state
9 where the witnesses or evidence are located.

10 (2) Issue cease and desist or injunctive relief
11 orders to revoke a psychologist's authority to practice
12 interjurisdictional telepsychology or temporary authorization
13 to practice.

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

31 9. *Article IX — Coordinated licensure information system.*

32 a. The commission shall provide for the development and
33 maintenance of a coordinated licensure information system and
34 reporting system containing licensure and disciplinary action
35 information on all psychologists individuals to whom this

1 compact is applicable in all compact states as defined by the
2 rules of the commission.

3 **b.** Notwithstanding any other provision of state law to the
4 contrary, a compact state shall submit a uniform data set to
5 the coordinated database on all licensees as required by the
6 rules of the commission, including all of the following:

- 7 (1) Identifying information.
- 8 (2) Licensure data.
- 9 (3) Significant investigatory information.
- 10 (4) Adverse actions against a psychologist's license.
- 11 (5) An indicator that a psychologist's authority to
12 practice interjurisdictional telepsychology or temporary
13 authorization to practice is revoked.
- 14 (6) Nonconfidential information related to alternative
15 program participation information.
- 16 (7) Any denial of application for licensure, and the reasons
17 for such denial.
- 18 (8) Other information which may facilitate the
19 administration of this compact, as determined by the rules of
20 the commission.

21 **c.** The coordinated database administrator shall promptly
22 notify all compact states of any adverse action taken against,
23 or significant investigative information on, any licensee in a
24 compact state.

25 **d.** Compact states reporting information to the coordinated
26 database may designate information that may not be shared with
27 the public without the express permission of the compact state
28 reporting the information.

29 **e.** Any information submitted to the coordinated database
30 that is subsequently required to be expunged by the law of the
31 compact state reporting the information shall be removed from
32 the coordinated database.

33 10. *Article X — Establishment of the psychology*
34 *interjurisdictional compact commission.*

35 **a.** The compact states hereby create and establish a joint

1 public agency known as the psychology interjurisdictional
2 compact commission.

3 (1) The commission is a body politic and an instrumentality
4 of the compact states.

5 (2) Venue is proper and judicial proceedings by or against
6 the commission shall be brought solely and exclusively in a
7 court of competent jurisdiction where the principal office of
8 the commission is located. The commission may waive venue and
9 jurisdictional defenses to the extent it adopts or consents to
10 participate in alternative dispute resolution proceedings.

11 (3) Nothing in this compact shall be construed to be a
12 waiver of sovereign immunity.

13 *b. Membership, voting, and meetings.*

14 (1) The commission shall consist of one voting
15 representative appointed by each compact state who shall serve
16 as that state's commissioner. The state psychology regulatory
17 authority shall appoint its delegate. This delegate shall be
18 empowered to act on behalf of the compact state. This delegate
19 shall be limited to one of the following:

20 (a) The executive director, executive secretary, or similar
21 executive.

22 (b) A current member of the state psychology regulatory
23 authority of a compact state.

24 (c) A designee empowered with the appropriate delegate
25 authority to act on behalf of the compact state.

26 (2) Any commissioner may be removed or suspended from office
27 as provided by the law of the state from which the commissioner
28 is appointed. Any vacancy occurring in the commission shall
29 be filled in accordance with the laws of the compact state in
30 which the vacancy exists.

31 (3) Each commissioner shall be entitled to one vote with
32 regard to the promulgation of rules and creation of bylaws
33 and shall otherwise have an opportunity to participate in
34 the business and affairs of the commission. A commissioner
35 shall vote in person or by such other means as provided

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

4 (4) The commission shall meet at least once during each
5 calendar year. Additional meetings shall be held as set forth
6 in the bylaws.

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

10 (6) The commission may convene in a closed, nonpublic
11 meeting if the commission must discuss any of the following:

12 (a) Noncompliance of a compact state with its obligations
13 under this compact.

14 (b) The employment, compensation, discipline, or other
15 personnel matters, practices, or procedures related to specific
16 employees or other matters related to the commission's internal
17 personnel practices and procedures.

18 (c) Current, threatened, or reasonably anticipated
19 litigation against the commission.

20 (d) Negotiation of contracts for the purchase or sale of
21 goods, services, or real estate.

22 (e) Accusation against any person of a crime or formal
23 censure of any person.

24 (f) Disclosure of trade secrets or commercial or financial
25 information which is privileged or confidential.

26 (g) Disclosure of information of a personal nature where
27 disclosure would constitute a clearly unwarranted invasion of
28 personal privacy.

29 (h) Disclosure of investigatory records compiled for law
30 enforcement purposes.

31 (i) Disclosure of information related to any investigatory
32 reports prepared by or on behalf of or for use of the
33 commission or other committee charged with responsibility for
34 investigation or determination of compliance issues pursuant
35 to the compact.

1 (j) Matters specifically exempted from disclosure by
2 federal and state statute.

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

16 c. The commission shall, by a majority vote of the
17 commissioners, prescribe bylaws or rules to govern its conduct
18 as may be necessary or appropriate to carry out the purposes
19 and exercise the powers of this compact, including but not
20 limited to or providing for all of the following:

21 (1) Establishing the fiscal year of the commission.

22 (2) Providing reasonable standards and procedures for all
23 of the following:

24 (a) The establishment and meetings of other committees.

25 (b) Governing any general or specific delegation of any
26 authority or function of the commission.

27 (3) Providing reasonable procedures for calling and
28 conducting meetings of the commission, ensuring reasonable
29 advance notice of all meetings and providing an opportunity
30 for attendance of such meetings by interested parties,
31 with enumerated exceptions designed to protect the public's
32 interest, the privacy of individuals of such proceedings,
33 and proprietary information, including trade secrets. The
34 commission may meet in closed session only after a majority
35 of the commissioners vote to close a meeting to the public in

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

4 (4) Establishing the titles, duties, and authority and
5 reasonable procedures for the election of the officers of the
6 commission.

7 (5) Providing reasonable standards and procedures for the
8 establishment of the personnel policies and programs of the
9 commission. Notwithstanding any civil service or other similar
10 law of any compact state, the bylaws shall exclusively govern
11 the personnel policies and programs of the commission.

12 (6) Promulgating a code of ethics to address permissible and
13 prohibited activities of commission members and employees.

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

18 (8) The commission shall publish its bylaws in a convenient
19 form and file a copy thereof and a copy of any amendment
20 thereto, with the appropriate agency or officer in each of the
21 compact states.

22 (9) The commission shall maintain its financial records in
23 accordance with the bylaws.

24 (10) The commission shall meet and take such actions as are
25 consistent with the provisions of this compact and the bylaws.

26 *d.* The commission shall have all of the following powers:

27 (1) The authority to promulgate uniform rules to facilitate
28 and coordinate implementation and administration of this
29 compact. The rules shall have the force and effect of law and
30 shall be binding in all compact states.

31 (2) To bring and prosecute legal proceedings or actions in
32 the name of the commission, provided that the standing of any
33 state psychology regulatory authority or other regulatory body
34 responsible for psychology licensure to sue or be sued under
35 applicable law shall not be affected.

- 1 (3) To purchase and maintain insurance and bonds.
- 2 (4) To borrow, accept, or contract for services of
3 personnel, including but not limited to employees of a compact
4 state.
- 5 (5) To hire employees, elect or appoint officers, fix
6 compensation, define duties, grant such individuals appropriate
7 authority to carry out the purposes of the compact, and to
8 establish the commission's personnel policies and programs
9 relating to conflicts of interest, qualifications of personnel,
10 and other related personnel matters.
- 11 (6) To accept any and all appropriate donations and grants
12 of money, equipment, supplies, materials and services, and to
13 receive, utilize, and dispose of the same; provided that at all
14 times the commission shall strive to avoid any appearance of
15 impropriety or conflict of interest.
- 16 (7) To lease, purchase, accept appropriate gifts or
17 donations of, or otherwise to own, hold, improve, or use,
18 any property, real, personal, or mixed; provided that at all
19 times the commission shall strive to avoid any appearance of
20 impropriety.
- 21 (8) To sell, convey, mortgage, pledge, lease, exchange,
22 abandon, or otherwise dispose of any property real, personal,
23 or mixed.
- 24 (9) To establish a budget and make expenditures.
- 25 (10) To borrow money.
- 26 (11) To appoint committees, including advisory committees
27 comprised of members, state regulators, state legislators or
28 their representatives, and consumer representatives, and such
29 other interested persons as may be designated in this compact
30 and the bylaws.
- 31 (12) To provide and receive information from, and to
32 cooperate with, law enforcement agencies.
- 33 (13) To adopt and use an official seal.
- 34 (14) To perform such other functions as may be necessary or
35 appropriate to achieve the purposes of this compact consistent

1 with the state regulation of psychology licensure, temporary
2 in-person, face-to-face practice, and telepsychology practice.

3 *e. The executive board.*

4 The elected officers shall serve as the executive board,
5 which shall have the power to act on behalf of the commission
6 according to the terms of this compact.

7 (1) The executive board shall be comprised of the following
8 six members:

9 (a) Five voting members who are elected from the current
10 membership of the commission by the commission.

11 (b) One ex officio, nonvoting member from the recognized
12 membership organization composed of state and provincial
13 psychology regulatory authorities.

14 (2) The ex officio member must have served as staff or
15 member on a state psychology regulatory authority and shall be
16 selected by its respective organization.

17 (3) The commission may remove any member of the executive
18 board as provided in the bylaws.

19 (4) The executive board shall meet at least annually.

20 (5) The executive board shall have all of the following
21 duties and responsibilities:

22 (a) Recommend to the entire commission changes to the rules
23 or bylaws, changes to this compact legislation, fees paid by
24 compact states such as annual dues, and any other applicable
25 fees.

26 (b) Ensure compact administration services are
27 appropriately provided, contractual or otherwise.

28 (c) Prepare and recommend the budget.

29 (d) Maintain financial records on behalf of the commission.

30 (e) Monitor compact compliance of member states and provide
31 compliance reports to the commission.

32 (f) Establish additional committees as necessary.

33 (g) Other duties as provided in the rules or bylaws.

34 *f. Financing of the commission.*

35 (1) The commission shall pay, or provide for the payment of,

1 the reasonable expenses of its establishment, organization, and
2 ongoing activities.

3 (2) The commission may accept any and all appropriate
4 revenue sources, donations and grants of money, equipment,
5 supplies, materials, and services.

6 (3) The commission may levy on and collect an annual
7 assessment from each compact state or impose fees on other
8 parties to cover the cost of the operations and activities of
9 the commission and its staff which must be in a total amount
10 sufficient to cover its annual budget as approved each year
11 for which revenue is not provided by other sources. The
12 aggregate annual assessment amount shall be allocated based
13 upon a formula to be determined by the commission which shall
14 promulgate a rule binding upon all compact states.

15 (4) The commission shall not incur obligations of any kind
16 prior to securing the funds adequate to meet the same; nor
17 shall the commission pledge the credit of any of the compact
18 states, except by and with the authority of the compact state.

19 (5) The commission shall keep accurate accounts of all
20 receipts and disbursements. The receipts and disbursements of
21 the commission shall be subject to the audit and accounting
22 procedures established under its bylaws. However, all receipts
23 and disbursements of funds handled by the commission shall be
24 audited yearly by a certified or licensed public accountant and
25 the report of the audit shall be included in and become part of
26 the annual report of the commission.

27 *g. Qualified immunity, defense, and indemnification.*

28 (1) The members, officers, executive director, employees,
29 and representatives of the commission shall be immune from suit
30 and liability, either personally or in their official capacity,
31 for any claim for damage to or loss of property or personal
32 injury or other civil liability caused by or arising out of any
33 actual or alleged act, error, or omission that occurred, or
34 that the person against whom the claim is made had a reasonable
35 basis for believing occurred within the scope of commission

1 employment, duties, or responsibilities; provided that nothing
2 in this subparagraph shall be construed to protect any such
3 person from suit or liability for any damage, loss, injury,
4 or liability caused by the intentional or willful or wanton
5 misconduct of that person.

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

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

30 11. *Article XI — Rulemaking.*

31 a. The commission shall exercise its rulemaking powers
32 pursuant to the criteria set forth in this article XI and the
33 rules adopted under this article XI. Rules and amendments
34 shall become binding as of the date specified in each rule or
35 amendment.

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

5 *c.* Rules or amendments to the rules shall be adopted at a
6 regular or special meeting of the commission.

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

12 (1) On the website of the commission.

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

16 *e.* The notice of proposed rulemaking shall include all of
17 the following:

18 (1) The proposed time, date, and location of the meeting in
19 which the rule will be considered and voted upon.

20 (2) The text of the proposed rule or amendment and the
21 reason for the proposed rule.

22 (3) A request for comments on the proposed rule from any
23 interested person.

24 (4) The manner in which interested persons may submit notice
25 to the commission of their intention to attend the public
26 hearing and any written comments.

27 *f.* Prior to adoption of a proposed rule, the commission
28 shall allow persons to submit written data, facts, opinions,
29 and arguments, which shall be made available to the public.

30 *g.* The commission shall grant an opportunity for a public
31 hearing before it adopts a rule or amendment if a hearing is
32 requested by any of the following:

33 (1) At least twenty-five persons who submit comments
34 independently of each other.

35 (2) A governmental subdivision or agency.

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

3 *h.* If a hearing is held on the proposed rule or amendment,
4 the commission shall publish the place, time, and date of the
5 scheduled public hearing.

6 (1) All persons wishing to be heard at the hearing shall
7 notify the executive director of the commission or other
8 designated member in writing of their desire to appear and
9 testify at the hearing not less than five business days before
10 the scheduled date of the hearing.

11 (2) Hearings shall be conducted in a manner providing each
12 person who wishes to comment a fair and reasonable opportunity
13 to comment orally or in writing.

14 (3) No transcript of the hearing is required, unless
15 a written request for a transcript is made, in which case
16 the person requesting the transcript shall bear the cost of
17 producing the transcript. A recording may be made in lieu of a
18 transcript under the same terms and conditions as a transcript.
19 This subparagraph shall not preclude the commission from making
20 a transcript or recording of the hearing if it so chooses.

21 (4) Nothing in this article shall be construed as requiring
22 a separate hearing on each rule. Rules may be grouped for the
23 convenience of the commission at hearings required by this
24 article.

25 *i.* Following the scheduled hearing date, or by the close
26 of business on the scheduled hearing date if the hearing was
27 not held, the commission shall consider all written and oral
28 comments received.

29 *j.* The commission shall, by majority vote of all members,
30 take final action on the proposed rule and shall determine the
31 effective date of the rule, if any, based on the rulemaking
32 record and the full text of the rule.

33 *k.* If no written notice of intent to attend the public
34 hearing by interested parties is received, the commission may
35 proceed with promulgation of the proposed rule without a public

1 hearing.

2 1. Upon determination that an emergency exists, the
3 commission may consider and adopt an emergency rule without
4 prior notice, opportunity for comment, or hearing, provided
5 that the usual rulemaking procedures provided in this compact
6 and in this article shall be retroactively applied to the rule
7 as soon as reasonably possible, in no event later than ninety
8 days after the effective date of the rule. For the purposes of
9 this paragraph, an emergency rule is one that must be adopted
10 immediately in order to address any of the following:

11 (1) Meet an imminent threat to public health, safety, or
12 welfare.

13 (2) Prevent a loss of commission or compact state funds.

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

16 (4) Protect public health and safety.

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

31 12. *Article XII — Oversight, dispute resolution, and*
32 *enforcement.*

33 *a. Oversight.*

34 (1) The executive, legislative, and judicial branches
35 of state government in each compact state shall enforce this

1 compact and take all actions necessary and appropriate to
2 effectuate this compact's purposes and intent. The provisions
3 of this compact and the rules promulgated under this compact
4 shall have standing as statutory law.

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

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

16 *b. Default, technical assistance, and termination.*

17 (1) If the commission determines that a compact state
18 has defaulted in the performance of its obligations or
19 responsibilities under this compact or the promulgated rules,
20 the commission shall do all of the following:

21 (a) Provide written notice to the defaulting state and other
22 compact states of the nature of the default, the proposed means
23 of remedying the default, or any other action to be taken by
24 the commission.

25 (b) Provide remedial training and specific technical
26 assistance regarding the default.

27 (2) If a state in default fails to remedy the default, the
28 defaulting state may be terminated from this compact upon an
29 affirmative vote of a majority of the compact states, and all
30 rights, privileges, and benefits conferred by this compact
31 shall be terminated on the effective date of termination. A
32 remedy of the default does not relieve the offending state
33 of obligations or liabilities incurred during the period of
34 default.

35 (3) Termination of membership in this compact shall be

1 imposed only after all other means of securing compliance have
2 been exhausted. Notice of intent to suspend or terminate shall
3 be submitted by the commission to the governor, the majority
4 and minority leaders of the defaulting state's legislature, and
5 each of the compact states.

6 (4) A compact state which has been terminated is
7 responsible for all assessments, obligations, and liabilities
8 incurred through the effective date of termination, including
9 obligations which extend beyond the effective date of
10 termination.

11 (5) The commission shall not bear any costs incurred by
12 the state which is found to be in default or which has been
13 terminated from this compact, unless agreed upon in writing
14 between the commission and the defaulting state.

15 (6) The defaulting state may appeal the action of the
16 commission by petitioning the United States district court for
17 the District of Columbia or the federal district where the
18 compact has its principal offices. The prevailing member shall
19 be awarded all costs of such litigation, including reasonable
20 attorney fees.

21 *c. Dispute resolution.*

22 (1) Upon request by a compact state, the commission shall
23 attempt to resolve disputes related to this compact which arise
24 among compact states and between compact and noncompact states.

25 (2) The commission shall promulgate a rule providing for
26 both mediation and binding dispute resolution for disputes that
27 arise before the commission.

28 *d. Enforcement.*

29 (1) The commission, in the reasonable exercise of its
30 discretion, shall enforce the provisions and rules of this
31 compact.

32 (2) By majority vote, the commission may initiate legal
33 action in the United States district court for the District
34 of Columbia or the federal district where the compact has
35 its principal offices against a compact state in default to

1 enforce compliance with the provisions of the compact and its
2 promulgated rules and bylaws. The relief sought may include
3 both injunctive relief and damages. In the event judicial
4 enforcement is necessary, the prevailing member shall be
5 awarded all costs of such litigation, including reasonable
6 attorney's fees.

7 (3) The remedies in this article shall not be the exclusive
8 remedies of the commission. The commission may pursue any
9 other remedies available under federal or state law.

10 13. *Article XIII — Date of implementation of the psychology*
11 *interjurisdictional compact commission and associated rules,*
12 *withdrawal, and amendments.*

13 a. This compact shall come into effect on the date on which
14 the compact is enacted into law in the seventh compact state.
15 The provisions which become effective at that time shall be
16 limited to the powers granted to the commission relating to
17 assembly and the promulgation of rules. Thereafter, the
18 commission shall meet and exercise rulemaking powers necessary
19 to the implementation and administration of this compact.

20 b. Any state which joins the compact subsequent to the
21 commission's initial adoption of the rules shall be subject
22 to the rules as they exist on the date on which the compact
23 becomes law in that state. Any rule which has been previously
24 adopted by the commission shall have the full force and effect
25 of law on the day the compact becomes law in that state.

26 c. Any compact state may withdraw from this compact by
27 enacting a statute repealing the compact.

28 (1) A compact state's withdrawal shall not take effect until
29 six months after enactment of the repealing statute.

30 (2) Withdrawal shall not affect the continuing requirement
31 of the withdrawing state's psychology regulatory authority to
32 comply with the investigative and adverse action reporting
33 requirements of this compact prior to the effective date of
34 withdrawal.

35 d. Nothing contained in this compact shall be construed to

1 invalidate or prevent any psychology licensure agreement or
2 other cooperative arrangement between a compact state and a
3 noncompact state which does not conflict with the provisions of
4 this compact.

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

9 14. *Article XIV — Construction and severability.* This
10 compact shall be liberally construed so as to effectuate the
11 purposes thereof. If this compact shall be held contrary to
12 the constitution of any compact state, the compact shall remain
13 in full force and effect as to the remaining compact states.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill creates an interstate compact to allow
18 psychologists from other states to practice telepsychology with
19 patients living in Iowa, to practice "face-to-face" psychology
20 on a temporary basis in Iowa, and to allow Iowa psychologists
21 to practice telepsychology with patients in other states. The
22 compact is intended to authorize regulatory authorities to
23 afford legal recognition, in a manner consistent with the terms
24 of the compact, to psychologists licensed in another state.
25 The compact does not apply when a psychologist is licensed
26 in both the "home" and "receiving" states. A commission is
27 created to oversee the compact, which is effective upon the
28 enactment into law by the seventh compact state.