

**Senate File 78 - Introduced**

SENATE FILE 78

BY ZAUN

**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.