

Senate Study Bill 3116 - Introduced

SENATE FILE _____

BY (PROPOSED COMMITTEE ON HEALTH
AND HUMAN SERVICES BILL BY
CHAIRPERSON WARME)

A BILL FOR

- 1 An Act enacting the psychology interjurisdictional compact.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **147M.1 Psychology**
2 **interjurisdictional compact.**

3 The psychology interjurisdictional compact is enacted into law
4 and entered into by this state with all states legally joining in
5 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 the
9 public through verification of education, training, and
10 experience, and ensure accountability for professional practice.

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

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

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

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

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

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

34 b. Consistent with these principles, this compact is designed
35 to achieve the following purposes and objectives:

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

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

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

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

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

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

18 2. *Article II — Definitions.*

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

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

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

33 d. "Bylaws" means those bylaws established by the psychology
34 interjurisdictional compact commission pursuant to article X for
35 its governance, or for directing and controlling its actions and

1 conduct.

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

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

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

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

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

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

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

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

35 m. "*Executive board*" means a group of directors elected or

1 appointed to act on behalf of, and within the powers granted to
2 them by, the commission.

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

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

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

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

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

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

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

35 *u.* "*Psychology interjurisdictional compact commission*" or

1 "commission" means the national administration of which all
2 compact states are members.

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

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

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

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

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

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

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

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

33 ab. "Temporary authorization to practice" means a licensed
34 psychologist's authority to conduct temporary in-person,
35 face-to-face practice, within the limits authorized under this

1 compact, in another compact state.

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

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

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

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

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

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

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

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

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

35 (3) Notifies the commission, in compliance with the terms

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

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

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

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

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

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

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

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

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

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

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

35 b. To exercise the authority to practice interjurisdictional

1 telepsychology under the terms and provisions of this compact, a
2 psychologist licensed to practice in a compact state shall meet
3 all of the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (4) Have no history of adverse action that violates the rules
13 of the commission.

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

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

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

23 (8) Meet other criteria as defined by the rules of the
24 commission.

25 c. The home state maintains authority over the license of any
26 psychologist practicing into a receiving state under the
27 authority to practice interjurisdictional telepsychology.

28 d. A psychologist practicing into a receiving state under the
29 authority to practice interjurisdictional telepsychology shall be
30 subject to the receiving state's scope of practice. A receiving
31 state may, in accordance with that state's due process law, limit
32 or revoke a psychologist's authority to practice
33 interjurisdictional telepsychology in the receiving state and may
34 take any other necessary actions under the receiving state's
35 applicable law to protect the health and safety of the receiving

1 state's citizens. If a receiving state takes action, the state
2 shall promptly notify the home state and the commission.

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

10 5. *Article V — Compact temporary authorization to*
11 *practice.*

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

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

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

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

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

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

34 (a) The program, wherever it may be administratively housed,
35 must be clearly identified and labeled as a psychology program.

1 Such a program must specify in pertinent institutional catalogues
2 and brochures its intent to educate and train professional
3 psychologists.

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

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

9 (d) The program must consist of an integrated, organized
10 sequence of study.

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

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

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

17 (h) The program must include supervised practicum,
18 internship, or field training appropriate to the practice of
19 psychology.

20 (i) The curriculum shall encompass a minimum of three
21 academic years of full-time graduate study for doctoral degrees
22 and a minimum of one academic year of full-time graduate study
23 for master's degrees.

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

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

28 (4) Have no history of adverse action that violates the rules
29 of the commission.

30 (5) Have no criminal record history that violates the rules
31 of the commission.

32 (6) Possess a current, active IPC.

33 (7) Provide attestations in regard to areas of intended
34 practice and work experience and provide a release of information
35 to allow for primary source verification in a manner specified by

1 the commission.

2 (8) Meet other criteria as defined by the rules of the
3 commission.

4 c. A psychologist practicing into a distant state under the
5 temporary authorization to practice shall practice within the
6 scope of practice authorized by the distant state.

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

16 e. If a psychologist's license in any home state, another
17 compact state, or any temporary authorization to practice in any
18 distant state, is restricted, suspended, or otherwise limited,
19 the IPC shall be revoked and the psychologist shall not be
20 eligible to practice in a compact state under the temporary
21 authorization to practice.

22 6. *Article VI — Conditions of telepsychology practice in a*
23 *receiving state.*

24 a. A psychologist may practice in a receiving state under the
25 authority to practice interjurisdictional telepsychology only in
26 the performance of the scope of practice for psychology as
27 assigned by an appropriate state psychology regulatory authority,
28 as defined in the rules of the commission, and under the
29 following circumstances:

30 (1) The psychologist initiates a client-patient contact in a
31 home state via telecommunications technologies with a
32 client-patient in a receiving state.

33 (2) Other conditions regarding telepsychology as determined
34 by rules promulgated by the commission.

35 7. *Article VII — Adverse actions.*

1 a. A home state shall have the power to impose adverse action
2 against a psychologist's license issued by the home state. A
3 distant state shall have the power to take adverse action on a
4 psychologist's temporary authorization to practice within that
5 distant state.

6 b. A receiving state may take adverse action on a
7 psychologist's authority to practice interjurisdictional
8 telepsychology within that receiving state. A home state may
9 take adverse action against a psychologist based on an adverse
10 action taken by a distant state regarding temporary in-person,
11 face-to-face practice.

12 c. If a home state takes adverse action against a
13 psychologist's license, that psychologist's authority to practice
14 interjurisdictional telepsychology is terminated and the
15 E.Passport is revoked. Furthermore, that psychologist's
16 temporary authorization to practice is terminated and the IPC is
17 revoked.

18 (1) All home state disciplinary orders which impose adverse
19 action shall be reported to the commission in accordance with the
20 rules promulgated by the commission. A compact state shall
21 report adverse actions in accordance with the rules of the
22 commission.

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

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

29 d. A home state's psychology regulatory authority shall
30 investigate and take appropriate action with respect to reported
31 inappropriate conduct engaged in by a licensee which occurred in
32 a receiving state as it would if such conduct had occurred by a
33 licensee within the home state. In such cases, the home state's
34 law shall control in determining any adverse action against a
35 psychologist's license.

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

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

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

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

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

27 (1) Issue subpoenas, for both hearings and investigations,
28 which require the attendance and testimony of witnesses and the
29 production of evidence. Subpoenas issued by a compact state's
30 psychology regulatory authority for the attendance and testimony
31 of witnesses or the production of evidence from another compact
32 state shall be enforced in the latter state by any court of
33 competent jurisdiction, according to that court's practice and
34 procedure in considering subpoenas issued in its own proceedings.
35 The issuing state psychology regulatory authority shall pay any

1 witness fees, travel expenses, mileage, and other fees required
2 by the service statutes of the state where the witnesses or
3 evidence are located.

4 (2) Issue cease and desist or injunctive relief orders to
5 revoke a psychologist's authority to practice interjurisdictional
6 telepsychology or temporary authorization to practice.

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

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

25 a. The commission shall provide for the development and
26 maintenance of a coordinated licensure information system and
27 reporting system containing licensure and disciplinary action
28 information on all psychologists individuals to whom this compact
29 is applicable in all compact states as defined by the rules of
30 the commission.

31 b. Notwithstanding any other provision of state law to the
32 contrary, a compact state shall submit a uniform data set to the
33 coordinated database on all licensees as required by the rules of
34 the commission, including all of the following:

35 (1) Identifying information.

1 (2) Licensure data.

2 (3) Significant investigatory information.

3 (4) Adverse actions against a psychologist's license.

4 (5) An indicator that a psychologist's authority to practice
5 interjurisdictional telepsychology or temporary authorization to
6 practice is revoked.

7 (6) Nonconfidential information related to alternative
8 program participation information.

9 (7) Any denial of application for licensure, and the reasons
10 for such denial.

11 (8) Other information which may facilitate the administration
12 of this compact, as determined by the rules of the commission.

13 c. The coordinated database administrator shall promptly
14 notify all compact states of any adverse action taken against, or
15 significant investigative information on, any licensee in a
16 compact state.

17 d. Compact states reporting information to the coordinated
18 database may designate information that may not be shared with
19 the public without the express permission of the compact state
20 reporting the information.

21 e. Any information submitted to the coordinated database that
22 is subsequently required to be expunged by the law of the compact
23 state reporting the information shall be removed from the
24 coordinated database.

25 10. *Article X — Establishment of the psychology*
26 *interjurisdictional compact commission.*

27 a. The compact states hereby create and establish a joint
28 public agency known as the psychology interjurisdictional compact
29 commission.

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

32 (2) Venue is proper and judicial proceedings by or against
33 the commission shall be brought solely and exclusively in a court
34 of competent jurisdiction where the principal office of the
35 commission is located. The commission may waive venue and

1 jurisdictional defenses to the extent it adopts or consents to
2 participate in alternative dispute resolution proceedings.

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

5 b. Membership, voting, and meetings.

6 (1) The commission shall consist of one voting representative
7 appointed by each compact state who shall serve as that state's
8 commissioner. The state psychology regulatory authority shall
9 appoint its delegate. This delegate shall be empowered to act on
10 behalf of the compact state. This delegate shall be limited to
11 one of the following:

12 (a) The executive director, executive secretary, or similar
13 executive.

14 (b) A current member of the state psychology regulatory
15 authority of a compact state.

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

18 (2) Any commissioner may be removed or suspended from office
19 as provided by the law of the state from which the commissioner
20 is appointed. Any vacancy occurring in the commission shall be
21 filled in accordance with the laws of the compact state in which
22 the vacancy exists.

23 (3) Each commissioner shall be entitled to one vote with
24 regard to the promulgation of rules and creation of bylaws and
25 shall otherwise have an opportunity to participate in the
26 business and affairs of the commission. A commissioner shall
27 vote in person or by such other means as provided in the bylaws.
28 The bylaws may provide for commissioners' participation in
29 meetings by telephone or other means of communication.

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

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

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

3 (a) Noncompliance of a compact state with its obligations
4 under this compact.

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

9 (c) Current, threatened, or reasonably anticipated litigation
10 against the commission.

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

13 (e) Accusation against any person of a crime or formal
14 censure of any person.

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

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

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

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

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

28 (7) If a meeting, or portion of a meeting, is closed pursuant
29 to subparagraph (6), the commission's legal counsel or designee
30 shall certify that the meeting may be closed and shall reference
31 each relevant exempting provision. The commission shall keep
32 minutes which fully and clearly describe all matters discussed in
33 a meeting and shall provide a full and accurate summary of
34 actions taken, of any person participating in the meeting, and
35 the reasons therefore, including a description of the views

1 expressed. All documents considered in connection with an action
2 shall be identified in such minutes. All minutes and documents
3 of a closed meeting shall remain under seal, subject to release
4 only by a majority vote of the commission or order of a court of
5 competent jurisdiction.

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

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

12 (2) Providing reasonable standards and procedures for all of
13 the following:

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

15 (b) Governing any general or specific delegation of any
16 authority or function of the commission.

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

29 (4) Establishing the titles, duties, and authority and
30 reasonable procedures for the election of the officers of the
31 commission.

32 (5) Providing reasonable standards and procedures for the
33 establishment of the personnel policies and programs of the
34 commission. Notwithstanding any civil service or other similar
35 law of any compact state, the bylaws shall exclusively govern the

1 personnel policies and programs of the commission.

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

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

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

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

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

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

17 (1) The authority to promulgate uniform rules to facilitate
18 and coordinate implementation and administration of this compact.
19 The rules shall have the force and effect of law and shall be
20 binding in all compact states.

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

26 (3) To purchase and maintain insurance and bonds.

27 (4) To borrow, accept, or contract for services of personnel,
28 including but not limited to employees of a compact state.

29 (5) To hire employees, elect or appoint officers, fix
30 compensation, define duties, grant such individuals appropriate
31 authority to carry out the purposes of the compact, and to
32 establish the commission's personnel policies and programs
33 relating to conflicts of interest, qualifications of personnel,
34 and other related personnel matters.

35 (6) To accept any and all appropriate donations and grants of

1 money, equipment, supplies, materials and services, and to
2 receive, utilize, and dispose of the same; provided that at all
3 times the commission shall strive to avoid any appearance of
4 impropriety or conflict of interest.

5 (7) To lease, purchase, accept appropriate gifts or donations
6 of, or otherwise to own, hold, improve, or use, any property,
7 real, personal, or mixed; provided that at all times the
8 commission shall strive to avoid any appearance of impropriety.

9 (8) To sell, convey, mortgage, pledge, lease, exchange,
10 abandon, or otherwise dispose of any property real, personal, or
11 mixed.

12 (9) To establish a budget and make expenditures.

13 (10) To borrow money.

14 (11) To appoint committees, including advisory committees
15 comprised of members, state regulators, state legislators or
16 their representatives, and consumer representatives, and such
17 other interested persons as may be designated in this compact and
18 the bylaws.

19 (12) To provide and receive information from, and to
20 cooperate with, law enforcement agencies.

21 (13) To adopt and use an official seal.

22 (14) To perform such other functions as may be necessary or
23 appropriate to achieve the purposes of this compact consistent
24 with the state regulation of psychology licensure, temporary
25 in-person, face-to-face practice, and telepsychology practice.

26 e. The executive board.

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

30 (1) The executive board shall be comprised of the following
31 six members:

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

34 (b) One ex officio, nonvoting member from the recognized
35 membership organization composed of state and provincial

1 psychology regulatory authorities.

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

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

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

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

10 (a) Recommend to the entire commission changes to the rules
11 or bylaws, changes to this compact legislation, fees paid by
12 compact states such as annual dues, and any other applicable
13 fees.

14 (b) Ensure compact administration services are appropriately
15 provided, contractual or otherwise.

16 (c) Prepare and recommend the budget.

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

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

20 (f) Establish additional committees as necessary.

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

22 *f.* Financing of the commission.

23 (1) The commission shall pay, or provide for the payment of,
24 the reasonable expenses of its establishment, organization, and
25 ongoing activities.

26 (2) The commission may accept any and all appropriate revenue
27 sources, donations and grants of money, equipment, supplies,
28 materials, and services.

29 (3) The commission may levy on and collect an annual
30 assessment from each compact state or impose fees on other
31 parties to cover the cost of the operations and activities of the
32 commission and its staff which must be in a total amount
33 sufficient to cover its annual budget as approved each year for
34 which revenue is not provided by other sources. The aggregate
35 annual assessment amount shall be allocated based upon a formula

1 to be determined by the commission which shall promulgate a rule
2 binding upon all compact states.

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

7 (5) The commission shall keep accurate accounts of all
8 receipts and disbursements. The receipts and disbursements of
9 the commission shall be subject to the audit and accounting
10 procedures established under its bylaws. However, all receipts
11 and disbursements of funds handled by the commission shall be
12 audited yearly by a certified or licensed public accountant and
13 the report of the audit shall be included in and become part of
14 the annual report of the commission.

15 g. Qualified immunity, defense, and indemnification.

16 (1) The members, officers, executive director, employees, and
17 representatives of the commission shall be immune from suit and
18 liability, either personally or in their official capacity, for
19 any claim for damage to or loss of property or personal injury or
20 other civil liability caused by or arising out of any actual or
21 alleged act, error, or omission that occurred, or that the person
22 against whom the claim is made had a reasonable basis for
23 believing occurred within the scope of commission employment,
24 duties, or responsibilities; provided that nothing in this
25 subparagraph shall be construed to protect any such person from
26 suit or liability for any damage, loss, injury, or liability
27 caused by the intentional or willful or wanton misconduct of that
28 person.

29 (2) The commission shall defend any member, officer,
30 executive director, employee, or representative of the commission
31 in any civil action seeking to impose liability arising out of
32 any actual or alleged act, error, or omission that occurred
33 within the scope of commission employment, duties, or
34 responsibilities, or that the person against whom the claim is
35 made had a reasonable basis for believing occurred within the

1 scope of commission employment, duties, or responsibilities;
2 provided that nothing in this subparagraph shall be construed to
3 prohibit that person from retaining the person's own counsel; and
4 provided further, that the actual or alleged act, error, or
5 omission did not result from that person's intentional or willful
6 or wanton misconduct.

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

18 11. *Article XI — Rulemaking.*

19 a. The commission shall exercise its rulemaking powers
20 pursuant to the criteria set forth in this article XI and the
21 rules adopted under this article XI. Rules and amendments shall
22 become binding as of the date specified in each rule or
23 amendment.

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

28 c. Rules or amendments to the rules shall be adopted at a
29 regular or special meeting of the commission.

30 d. Prior to promulgation and adoption of a final rule or
31 rules by the commission, and at least sixty days in advance of
32 the meeting at which the rule will be considered and voted upon,
33 the commission shall file a notice of proposed rulemaking on both
34 of the following:

35 (1) On the website of the commission.

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

4 e. The notice of proposed rulemaking shall include all of the
5 following:

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

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

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

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

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

18 g. The commission shall grant an opportunity for a public
19 hearing before it adopts a rule or amendment if a hearing is
20 requested by any of the following:

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

23 (2) A governmental subdivision or agency.

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

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

29 (1) All persons wishing to be heard at the hearing shall
30 notify the executive director of the commission or other
31 designated member in writing of their desire to appear and
32 testify at the hearing not less than five business days before
33 the scheduled date of the hearing.

34 (2) Hearings shall be conducted in a manner providing each
35 person who wishes to comment a fair and reasonable opportunity to

1 comment orally or in writing.

2 (3) No transcript of the hearing is required, unless a
3 written request for a transcript is made, in which case the
4 person requesting the transcript shall bear the cost of producing
5 the transcript. A recording may be made in lieu of a transcript
6 under the same terms and conditions as a transcript. This
7 subparagraph shall not preclude the commission from making a
8 transcript or recording of the hearing if it so chooses.

9 (4) Nothing in this article shall be construed as requiring a
10 separate hearing on each rule. Rules may be grouped for the
11 convenience of the commission at hearings required by this
12 article.

13 i. Following the scheduled hearing date, or by the close of
14 business on the scheduled hearing date if the hearing was not
15 held, the commission shall consider all written and oral comments
16 received.

17 j. The commission shall, by majority vote of all members,
18 take final action on the proposed rule and shall determine the
19 effective date of the rule, if any, based on the rulemaking
20 record and the full text of the rule.

21 k. If no written notice of intent to attend the public
22 hearing by interested parties is received, the commission may
23 proceed with promulgation of the proposed rule without a public
24 hearing.

25 l. Upon determination that an emergency exists, the
26 commission may consider and adopt an emergency rule without prior
27 notice, opportunity for comment, or hearing, provided that the
28 usual rulemaking procedures provided in this compact and in this
29 article shall be retroactively applied to the rule as soon as
30 reasonably possible, in no event later than ninety days after the
31 effective date of the rule. For the purposes of this paragraph,
32 an emergency rule is one that must be adopted immediately in
33 order to address any of the following:

34 (1) Meet an imminent threat to public health, safety, or
35 welfare.

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

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

4 (4) Protect public health and safety.

5 m. The commission or an authorized committee of the
6 commission may direct revisions to a previously adopted rule or
7 amendment for purposes of correcting typographical errors, errors
8 in format, errors in consistency, or grammatical errors. Public
9 notice of any revisions shall be posted on the website of the
10 commission. The revision shall be subject to challenge by any
11 person for a period of thirty days after posting. The revision
12 may be challenged only on grounds that the revision results in a
13 material change to a rule. A challenge shall be made in writing,
14 and delivered to the chair of the commission prior to the end of
15 the notice period. If no challenge is made, the revision will
16 take effect without further action. If the revision is
17 challenged, the revision shall not take effect without the
18 approval of the commission.

19 12. *Article XII — Oversight, dispute resolution, and*
20 *enforcement.*

21 a. *Oversight.*

22 (1) The executive, legislative, and judicial branches of
23 state government in each compact state shall enforce this compact
24 and take all actions necessary and appropriate to effectuate this
25 compact's purposes and intent. The provisions of this compact
26 and the rules promulgated under this compact shall have standing
27 as statutory law.

28 (2) All courts shall take judicial notice of this compact and
29 the rules in any judicial or administrative proceeding in a
30 compact state pertaining to the subject matter of this compact
31 which may affect the powers, responsibilities, or actions of the
32 commission.

33 (3) The commission shall be entitled to receive service of
34 process in any such proceeding, and shall have standing to
35 intervene in such a proceeding for all purposes. Failure to

1 provide service of process to the commission shall render a
2 judgment or order void as to the commission, this compact, or
3 promulgated rules.

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

5 (1) If the commission determines that a compact state has
6 defaulted in the performance of its obligations or
7 responsibilities under this compact or the promulgated rules, the
8 commission shall do all of the following:

9 (a) Provide written notice to the defaulting state and other
10 compact states of the nature of the default, the proposed means
11 of remedying the default, or any other action to be taken by the
12 commission.

13 (b) Provide remedial training and specific technical
14 assistance regarding the default.

15 (2) If a state in default fails to remedy the default, the
16 defaulting state may be terminated from this compact upon an
17 affirmative vote of a majority of the compact states, and all
18 rights, privileges, and benefits conferred by this compact shall
19 be terminated on the effective date of termination. A remedy of
20 the default does not relieve the offending state of obligations
21 or liabilities incurred during the period of default.

22 (3) Termination of membership in this compact shall be
23 imposed only after all other means of securing compliance have
24 been exhausted. Notice of intent to suspend or terminate shall
25 be submitted by the commission to the governor, the majority and
26 minority leaders of the defaulting state's legislature, and each
27 of the compact states.

28 (4) A compact state which has been terminated is responsible
29 for all assessments, obligations, and liabilities incurred
30 through the effective date of termination, including obligations
31 which extend beyond the effective date of termination.

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

1 (6) The defaulting state may appeal the action of the
2 commission by petitioning the United States district court for
3 the state of Georgia or the federal district where the compact
4 has its principal offices. The prevailing member shall be
5 awarded all costs of such litigation, including reasonable
6 attorney fees.

7 *c. Dispute resolution.*

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

11 (2) The commission shall promulgate a rule providing for both
12 mediation and binding dispute resolution for disputes that arise
13 before the commission.

14 *d. Enforcement.*

15 (1) The commission, in the reasonable exercise of its
16 discretion, shall enforce the provisions and rules of this
17 compact.

18 (2) By majority vote, the commission may initiate legal
19 action in the United States district court for the state of
20 Georgia or the federal district where the compact has its
21 principal offices against a compact state in default to enforce
22 compliance with the provisions of the compact and its promulgated
23 rules and bylaws. The relief sought may include both injunctive
24 relief and damages. In the event judicial enforcement is
25 necessary, the prevailing member shall be awarded all costs of
26 such litigation, including reasonable attorney's fees.

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

30 13. *Article XIII — Date of implementation of the psychology*
31 *interjurisdictional compact commission and associated rules,*
32 *withdrawal, and amendments.*

33 *a.* This compact shall come into effect on the date on which
34 the compact is enacted into law in the seventh compact state.
35 The provisions which become effective at that time shall be

1 This bill creates an interstate compact to allow psychologists
2 from other states to practice telepsychology with patients living
3 in Iowa, to practice "face-to-face" psychology on a temporary
4 basis in Iowa, and to allow Iowa psychologists to practice
5 telepsychology with patients in other states. The compact is
6 intended to authorize regulatory authorities to afford legal
7 recognition, in a manner consistent with the terms of the
8 compact, to psychologists licensed in another state. The compact
9 does not apply when a psychologist is licensed in both the "home"
10 and "receiving" states. A commission is created to oversee the
11 compact, which is effective upon the enactment into law by the
12 seventh compact state.

unofficial