

REFERENCE TITLE: **psychologists; licensure compact**

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2503

Introduced by
Representative Carter

AN ACT

**AMENDING TITLE 32, CHAPTER 19.1, ARTICLE 3, ARIZONA REVISED STATUTES, BY
ADDING SECTION 32-2087; RELATING TO THE STATE BOARD OF PSYCHOLOGIST
EXAMINERS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 19.1, article 3, Arizona Revised
3 Statutes, is amended by adding section 32-2087, to read:

4 32-2087. Psychology interjurisdictional compact

5 ARTICLE I

6 PURPOSE

7 WHEREAS, STATES LICENSE PSYCHOLOGISTS IN ORDER TO PROTECT THE PUBLIC
8 THROUGH VERIFICATION OF EDUCATION, TRAINING AND EXPERIENCE AND TO ENSURE
9 ACCOUNTABILITY FOR PROFESSIONAL PRACTICE; AND

10 WHEREAS, THIS COMPACT IS INTENDED TO REGULATE THE DAY-TO-DAY PRACTICE
11 OF TELEPSYCHOLOGY, WHICH IS THE PROVISION OF PSYCHOLOGICAL SERVICES USING
12 TELECOMMUNICATION TECHNOLOGIES, BY PSYCHOLOGISTS ACROSS STATE BOUNDARIES IN
13 THE PERFORMANCE OF THEIR PSYCHOLOGICAL PRACTICE AS ASSIGNED BY AN APPROPRIATE
14 AUTHORITY; AND

15 WHEREAS, THIS COMPACT IS INTENDED TO REGULATE THE TEMPORARY IN-PERSON,
16 FACE-TO-FACE PRACTICE OF PSYCHOLOGY BY PSYCHOLOGISTS ACROSS STATE BOUNDARIES
17 FOR THIRTY DAYS WITHIN A CALENDAR YEAR IN THE PERFORMANCE OF THEIR
18 PSYCHOLOGICAL PRACTICE AS ASSIGNED BY AN APPROPRIATE AUTHORITY;

19 WHEREAS, THIS COMPACT IS INTENDED TO AUTHORIZE STATE PSYCHOLOGY
20 REGULATORY AUTHORITIES TO AFFORD LEGAL RECOGNITION, IN A MANNER CONSISTENT
21 WITH THE TERMS OF THE COMPACT, TO PSYCHOLOGISTS LICENSED IN ANOTHER STATE;

22 WHEREAS, THIS COMPACT RECOGNIZES THAT STATES HAVE A VESTED INTEREST IN
23 PROTECTING THE PUBLIC'S HEALTH AND SAFETY THROUGH THEIR LICENSING AND
24 REGULATION OF PSYCHOLOGISTS AND THAT SUCH STATE REGULATION WILL BEST PROTECT
25 PUBLIC HEALTH AND SAFETY;

26 WHEREAS, THIS COMPACT DOES NOT APPLY WHEN A PSYCHOLOGIST IS LICENSED IN
27 BOTH THE HOME AND RECEIVING STATES; AND

28 WHEREAS, THIS COMPACT DOES NOT APPLY TO PERMANENT IN-PERSON,
29 FACE-TO-FACE PRACTICE, BUT IT DOES ALLOW FOR AUTHORIZATION OF TEMPORARY
30 PSYCHOLOGICAL PRACTICE.

31 CONSISTENT WITH THESE PRINCIPLES, THIS COMPACT IS DESIGNED TO ACHIEVE
32 THE FOLLOWING PURPOSES AND OBJECTIVES:

33 1. INCREASE PUBLIC ACCESS TO PROFESSIONAL PSYCHOLOGICAL SERVICES BY
34 ALLOWING FOR TELEPSYCHOLOGICAL PRACTICE ACROSS STATE LINES AS WELL AS
35 TEMPORARY IN-PERSON, FACE-TO-FACE SERVICES INTO A STATE WHERE THE
36 PSYCHOLOGIST IS NOT LICENSED TO PRACTICE PSYCHOLOGY;

37 2. ENHANCE THE STATES' ABILITY TO PROTECT THE PUBLIC'S HEALTH AND
38 SAFETY, ESPECIALLY CLIENT/PATIENT SAFETY;

39 3. ENCOURAGE THE COOPERATION OF COMPACT STATES IN THE AREAS OF
40 PSYCHOLOGY LICENSURE AND REGULATION;

41 4. FACILITATE THE EXCHANGE OF INFORMATION BETWEEN COMPACT STATES
42 REGARDING PSYCHOLOGIST LICENSURE, ADVERSE ACTIONS AND DISCIPLINARY HISTORY;

43 5. PROMOTE COMPLIANCE WITH THE LAWS GOVERNING PSYCHOLOGICAL PRACTICE
44 IN EACH COMPACT STATE; AND

1 PROCESS FOR LICENSED PSYCHOLOGISTS TO PROVIDE TELEPSYCHOLOGICAL SERVICES
2 ACROSS STATE LINES.

3 M. "EXECUTIVE BOARD" MEANS A GROUP OF DIRECTORS ELECTED OR APPOINTED
4 TO ACT ON BEHALF OF, AND WITHIN THE POWERS GRANTED TO THEM BY, THE
5 COMMISSION.

6 N. "HOME STATE" MEANS A COMPACT STATE WHERE A PSYCHOLOGIST IS LICENSED
7 TO PRACTICE PSYCHOLOGY. IF THE PSYCHOLOGIST IS LICENSED IN MORE THAN ONE
8 COMPACT STATE AND IS PRACTICING UNDER THE AUTHORIZATION TO PRACTICE
9 INTERJURISDICTIONAL TELEPSYCHOLOGY, THE HOME STATE IS THE COMPACT STATE WHERE
10 THE PSYCHOLOGIST IS PHYSICALLY PRESENT WHEN THE TELEPSYCHOLOGICAL SERVICES
11 ARE DELIVERED. IF THE PSYCHOLOGIST IS LICENSED IN MORE THAN ONE COMPACT
12 STATE AND IS PRACTICING UNDER THE TEMPORARY AUTHORIZATION TO PRACTICE, THE
13 HOME STATE IS ANY COMPACT STATE WHERE THE PSYCHOLOGIST IS LICENSED.

14 O. "IDENTITY HISTORY SUMMARY" MEANS A SUMMARY OF INFORMATION RETAINED
15 BY THE FEDERAL BUREAU OF INVESTIGATION OR ANOTHER DESIGNEE WITH SIMILAR
16 AUTHORITY IN CONNECTION WITH ARRESTS AND IN SOME INSTANCES, FEDERAL
17 EMPLOYMENT, NATURALIZATION OR 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 SPACE AND DOES
20 NOT INCLUDE INTERACTIONS THAT MAY OCCUR THROUGH THE USE OF TELECOMMUNICATION
21 TECHNOLOGIES.

22 Q. "INTERJURISDICTIONAL PRACTICE CERTIFICATE" OR "IPC" MEANS A
23 CERTIFICATE ISSUED BY THE ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY
24 BOARDS THAT GRANTS TEMPORARY AUTHORITY TO PRACTICE BASED ON NOTIFICATION TO
25 THE STATE PSYCHOLOGY REGULATORY AUTHORITY OF INTENTION TO PRACTICE
26 TEMPORARILY, AND VERIFICATION OF ONE'S QUALIFICATIONS FOR SUCH PRACTICE.

27 R. "LICENSE" MEANS AUTHORIZATION BY A STATE PSYCHOLOGY REGULATORY
28 AUTHORITY TO ENGAGE IN THE INDEPENDENT PRACTICE OF PSYCHOLOGY, WHICH WOULD BE
29 UNLAWFUL WITHOUT THE AUTHORIZATION.

30 S. "NON-COMPACT STATE" MEANS ANY STATE THAT IS NOT AT THE TIME A
31 COMPACT STATE.

32 T. "PSYCHOLOGIST" MEANS AN INDIVIDUAL WHO IS LICENSED FOR THE
33 INDEPENDENT PRACTICE OF PSYCHOLOGY.

34 U. "PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION" OR "COMMISSION"
35 MEANS THE NATIONAL ADMINISTRATION OF WHICH ALL COMPACT STATES ARE MEMBERS.

36 V. "RECEIVING STATE" MEANS A COMPACT STATE WHERE THE CLIENT/PATIENT IS
37 PHYSICALLY LOCATED WHEN THE TELEPSYCHOLOGICAL SERVICES ARE DELIVERED.

38 W. "RULE" MEANS A WRITTEN STATEMENT BY THE PSYCHOLOGY
39 INTERJURISDICTIONAL COMPACT COMMISSION PROMULGATED PURSUANT TO ARTICLE XI OF
40 THIS COMPACT THAT IS OF GENERAL APPLICABILITY, THAT IMPLEMENTS, INTERPRETS OR
41 PRESCRIBES A POLICY OR PROVISION OF THE COMPACT OR AN ORGANIZATIONAL,
42 PROCEDURAL OR PRACTICE REQUIREMENT OF THE COMMISSION AND THAT HAS THE FORCE
43 AND EFFECT OF STATUTORY LAW IN A COMPACT STATE, AND INCLUDES THE AMENDMENT,
44 REPEAL OR SUSPENSION OF AN EXISTING RULE.

1 X. "SIGNIFICANT INVESTIGATORY INFORMATION" MEANS EITHER OF THE
2 FOLLOWING:

3 1. INVESTIGATIVE INFORMATION THAT A STATE PSYCHOLOGY REGULATORY
4 AUTHORITY, AFTER A PRELIMINARY INQUIRY THAT INCLUDES NOTIFICATION AND AN
5 OPPORTUNITY TO RESPOND IF REQUIRED BY STATE LAW, HAS REASON TO BELIEVE, IF
6 PROVEN TRUE, WOULD INDICATE MORE THAN A VIOLATION OF STATE STATUTE OR ETHICS
7 CODE THAT WOULD BE CONSIDERED MORE SUBSTANTIAL THAN A MINOR INFRACTION.

8 2. INVESTIGATIVE INFORMATION THAT INDICATES THAT THE PSYCHOLOGIST
9 REPRESENTS AN IMMEDIATE THREAT TO PUBLIC HEALTH AND SAFETY REGARDLESS OF
10 WHETHER THE PSYCHOLOGIST HAS BEEN NOTIFIED OR HAD AN OPPORTUNITY TO RESPOND.

11 Y. "STATE" MEANS A STATE, COMMONWEALTH, TERRITORY OR POSSESSION OF THE
12 UNITED STATES OR THE DISTRICT OF COLUMBIA.

13 Z. "STATE PSYCHOLOGY REGULATORY AUTHORITY" MEANS THE BOARD, OFFICE OR
14 OTHER AGENCY WITH THE LEGISLATIVE MANDATE TO LICENSE AND REGULATE THE
15 PRACTICE OF PSYCHOLOGY.

16 AA. "TELEPSYCHOLOGY" MEANS THE PROVISION OF PSYCHOLOGICAL SERVICES
17 USING TELECOMMUNICATION TECHNOLOGIES.

18 BB. "TEMPORARY AUTHORIZATION TO PRACTICE" MEANS A LICENSED
19 PSYCHOLOGIST'S AUTHORITY TO CONDUCT TEMPORARY IN-PERSON, FACE-TO-FACE
20 PRACTICE, WITHIN THE LIMITS AUTHORIZED UNDER THIS COMPACT, IN ANOTHER COMPACT
21 STATE.

22 CC. "TEMPORARY IN-PERSON, FACE-TO-FACE PRACTICE" MEANS THAT A
23 PSYCHOLOGIST IS PHYSICALLY PRESENT, NOT THROUGH THE USE OF TELECOMMUNICATIONS
24 TECHNOLOGIES, IN THE DISTANT STATE TO PROVIDE FOR THE PRACTICE OF PSYCHOLOGY
25 FOR THIRTY DAYS WITHIN A CALENDAR YEAR, BASED ON NOTIFICATION TO THE DISTANT
26 STATE.

27 ARTICLE III

28 HOME STATE LICENSURE

29 A. THE HOME STATE SHALL BE A COMPACT STATE WHERE A PSYCHOLOGIST IS
30 LICENSED TO PRACTICE PSYCHOLOGY.

31 B. A PSYCHOLOGIST MAY HOLD ONE OR MORE COMPACT STATE LICENSES AT A
32 TIME. IF THE PSYCHOLOGIST IS LICENSED IN MORE THAN ONE COMPACT STATE, THE
33 HOME STATE IS THE COMPACT STATE WHERE THE PSYCHOLOGIST IS PHYSICALLY PRESENT
34 WHEN THE SERVICES ARE DELIVERED AS AUTHORIZED BY THE AUTHORITY TO PRACTICE
35 INTERJURISDICTIONAL TELEPSYCHOLOGY UNDER THE TERMS OF THIS COMPACT.

36 C. ANY COMPACT STATE MAY REQUIRE A PSYCHOLOGIST WHO HAS NOT BEEN
37 PREVIOUSLY LICENSED IN A COMPACT STATE TO OBTAIN AND RETAIN A LICENSE TO BE
38 AUTHORIZED TO PRACTICE IN THE COMPACT STATE UNDER CIRCUMSTANCES NOT
39 AUTHORIZED BY THE AUTHORITY TO PRACTICE INTERJURISDICTIONAL TELEPSYCHOLOGY
40 UNDER THE TERMS OF THIS COMPACT.

41 D. ANY COMPACT STATE MAY REQUIRE A PSYCHOLOGIST TO OBTAIN AND RETAIN A
42 LICENSE TO BE AUTHORIZED TO PRACTICE IN A COMPACT STATE UNDER CIRCUMSTANCES
43 NOT AUTHORIZED BY TEMPORARY AUTHORIZATION TO PRACTICE UNDER THE TERMS OF THIS
44 COMPACT.

1 E. A HOME STATE'S LICENSE AUTHORIZES A PSYCHOLOGIST TO PRACTICE IN A
2 RECEIVING STATE UNDER THE AUTHORITY TO PRACTICE INTERJURISDICTIONAL
3 TELEPSYCHOLOGY ONLY IF THE COMPACT STATE:

4 1. CURRENTLY REQUIRES THE PSYCHOLOGIST TO HOLD AN ACTIVE E.PASSPORT;
5 2. HAS A MECHANISM IN PLACE FOR RECEIVING AND INVESTIGATING COMPLAINTS
6 ABOUT LICENSED INDIVIDUALS;

7 3. NOTIFIES THE COMMISSION, IN COMPLIANCE WITH THE TERMS IN THIS
8 COMPACT, OF ANY ADVERSE ACTION OR SIGNIFICANT INVESTIGATORY INFORMATION
9 REGARDING A LICENSED INDIVIDUAL;

10 4. REQUIRES AN IDENTITY HISTORY SUMMARY OF ALL APPLICANTS AT INITIAL
11 LICENSURE, INCLUDING THE USE OF THE RESULTS OF FINGERPRINTS OR OTHER
12 BIOMETRIC DATA CHECKS COMPLIANT WITH THE REQUIREMENTS OF THE FEDERAL BUREAU
13 OF INVESTIGATION OR ANOTHER DESIGNEE WITH SIMILAR AUTHORITY, NO LATER THAN
14 TEN YEARS AFTER ACTIVATION OF THE COMPACT; AND

15 5. COMPLIES WITH THE BYLAWS AND RULES OF THE COMMISSION.

16 F. A HOME STATE'S LICENSE GRANTS TEMPORARY AUTHORIZATION TO PRACTICE
17 TO A PSYCHOLOGIST IN A DISTANT STATE ONLY IF THE COMPACT STATE:

18 1. CURRENTLY REQUIRES THE PSYCHOLOGIST TO HOLD AN ACTIVE IPC;
19 2. HAS A MECHANISM IN PLACE FOR RECEIVING AND INVESTIGATING COMPLAINTS
20 ABOUT LICENSED INDIVIDUALS;

21 3. NOTIFIES THE COMMISSION, IN COMPLIANCE WITH THE TERMS IN THIS
22 COMPACT, OF ANY ADVERSE ACTION OR SIGNIFICANT INVESTIGATORY INFORMATION
23 REGARDING A LICENSED INDIVIDUAL;

24 4. REQUIRES AN IDENTITY HISTORY SUMMARY OF ALL APPLICANTS AT INITIAL
25 LICENSURE, INCLUDING THE USE OF THE RESULTS OF FINGERPRINTS OR OTHER
26 BIOMETRIC DATA CHECKS COMPLIANT WITH THE REQUIREMENTS OF THE FEDERAL BUREAU
27 OF INVESTIGATION OR ANOTHER DESIGNEE WITH SIMILAR AUTHORITY, NO LATER THAN
28 TEN YEARS AFTER ACTIVATION OF THE COMPACT; AND

29 5. COMPLIES WITH THE BYLAWS AND RULES OF THE COMMISSION.

30 ARTICLE IV

31 COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

32 A. COMPACT STATES SHALL RECOGNIZE THE RIGHT OF A PSYCHOLOGIST WHO IS
33 LICENSED IN A COMPACT STATE IN CONFORMANCE WITH ARTICLE III OF THIS COMPACT
34 TO PRACTICE TELEPSYCHOLOGY IN OTHER COMPACT STATES, OR RECEIVING STATES, IN
35 WHICH THE PSYCHOLOGIST IS NOT LICENSED, UNDER THE AUTHORITY TO PRACTICE
36 INTERJURISDICTIONAL TELEPSYCHOLOGY AS PROVIDED IN THIS COMPACT.

37 B. TO EXERCISE THE AUTHORITY TO PRACTICE INTERJURISDICTIONAL
38 TELEPSYCHOLOGY UNDER THE TERMS AND PROVISIONS OF THIS COMPACT, A PSYCHOLOGIST
39 LICENSED TO PRACTICE IN A COMPACT STATE MUST MEET ALL OF THE FOLLOWING:

40 1. HOLD A GRADUATE DEGREE IN PSYCHOLOGY FROM AN INSTITUTE OF HIGHER
41 EDUCATION THAT WAS, AT THE TIME THE DEGREE WAS AWARDED:

42 (a) REGIONALLY ACCREDITED BY AN ACCREDITING BODY RECOGNIZED BY THE
43 UNITED STATES DEPARTMENT OF EDUCATION TO GRANT GRADUATE DEGREES OR AUTHORIZED
44 BY PROVINCIAL STATUTE OR ROYAL CHARTER TO GRANT DOCTORAL DEGREES; OR

- 1 (b) A FOREIGN COLLEGE OR UNIVERSITY DEEMED TO BE EQUIVALENT TO
2 SUBDIVISION (a) OF THIS PARAGRAPH BY A FOREIGN CREDENTIAL EVALUATION SERVICE
3 THAT IS A MEMBER OF THE NATIONAL ASSOCIATION OF CREDENTIAL EVALUATION
4 SERVICES OR BY A RECOGNIZED FOREIGN CREDENTIAL EVALUATION SERVICE; AND
5 2. HOLD A GRADUATE DEGREE IN PSYCHOLOGY THAT MEETS THE FOLLOWING
6 CRITERIA:
7 (a) THE PROGRAM, WHEREVER IT MAY BE ADMINISTRATIVELY HOUSED, MUST BE
8 CLEARLY IDENTIFIED AND LABELED AS A PSYCHOLOGY PROGRAM. SUCH A PROGRAM MUST
9 SPECIFY IN PERTINENT INSTITUTIONAL CATALOGUES AND BROCHURES ITS INTENT TO
10 EDUCATE AND TRAIN PROFESSIONAL PSYCHOLOGISTS;
11 (b) THE PSYCHOLOGY PROGRAM MUST STAND AS A RECOGNIZABLE, COHERENT,
12 ORGANIZATIONAL ENTITY WITHIN THE INSTITUTION;
13 (c) THERE MUST BE A CLEAR AUTHORITY AND PRIMARY RESPONSIBILITY FOR THE
14 CORE AND SPECIALTY AREAS WHETHER OR NOT THE PROGRAM CUTS ACROSS
15 ADMINISTRATIVE LINES;
16 (d) THE PROGRAM MUST CONSIST OF AN INTEGRATED, ORGANIZED SEQUENCE OF
17 STUDY;
18 (e) THERE MUST BE AN IDENTIFIABLE PSYCHOLOGY FACULTY SUFFICIENT IN
19 SIZE AND BREADTH TO CARRY OUT ITS RESPONSIBILITIES;
20 (f) THE DESIGNATED DIRECTOR OF THE PROGRAM MUST BE A PSYCHOLOGIST AND
21 A MEMBER OF THE CORE FACULTY;
22 (g) THE PROGRAM MUST HAVE AN IDENTIFIABLE BODY OF STUDENTS WHO ARE
23 MATRICULATED IN THAT PROGRAM FOR A DEGREE;
24 (h) THE PROGRAM MUST INCLUDE SUPERVISED PRACTICUM, INTERNSHIP OR FIELD
25 TRAINING APPROPRIATE TO THE PRACTICE OF PSYCHOLOGY;
26 (i) THE CURRICULUM SHALL ENCOMPASS A MINIMUM OF THREE ACADEMIC YEARS
27 OF FULL-TIME GRADUATE STUDY FOR DOCTORAL DEGREES AND A MINIMUM OF ONE
28 ACADEMIC YEAR OF FULL-TIME GRADUATE STUDY FOR MASTER'S DEGREES;
29 (j) THE PROGRAM INCLUDES AN ACCEPTABLE RESIDENCY AS DEFINED BY THE
30 RULES OF THE COMMISSION.
31 3. POSSESS A CURRENT, FULL AND UNRESTRICTED LICENSE TO PRACTICE
32 PSYCHOLOGY IN A HOME STATE THAT IS A COMPACT STATE;
33 4. HAVE NO HISTORY OF ADVERSE ACTION THAT VIOLATES THE RULES OF THE
34 COMMISSION;
35 5. HAVE NO CRIMINAL RECORD HISTORY REPORTED ON AN IDENTITY HISTORY
36 SUMMARY THAT VIOLATES THE RULES OF THE COMMISSION;
37 6. POSSESS A CURRENT, ACTIVE E.PASSPORT;
38 7. PROVIDE ATTESTATIONS IN REGARD TO AREAS OF INTENDED PRACTICE,
39 CONFORMITY WITH STANDARDS OF PRACTICE, COMPETENCE IN TELEPSYCHOLOGY
40 TECHNOLOGY, CRIMINAL BACKGROUND AND KNOWLEDGE AND ADHERENCE TO LEGAL
41 REQUIREMENTS IN THE HOME AND RECEIVING STATES, AND PROVIDE A RELEASE OF
42 INFORMATION TO ALLOW FOR PRIMARY SOURCE VERIFICATION IN A MANNER SPECIFIED BY
43 THE COMMISSION; AND
44 8. MEET OTHER CRITERIA AS DEFINED BY THE RULES OF THE COMMISSION.

1 C. A PSYCHOLOGIST PRACTICING INTO A RECEIVING STATE UNDER THE
2 AUTHORITY TO PRACTICE INTERJURISDICTIONAL TELEPSYCHOLOGY SHALL PRACTICE
3 WITHIN AREAS OF COMPETENCIES AND THE SCOPE OF PRACTICE AUTHORIZED BY THE HOME
4 STATE.

5 D. A PSYCHOLOGIST PRACTICING INTO A RECEIVING STATE UNDER THE
6 AUTHORITY TO PRACTICE INTERJURISDICTIONAL TELEPSYCHOLOGY WILL BE SUBJECT TO
7 THE HOME STATE'S AUTHORITY AND LAWS. A RECEIVING STATE MAY, IN ACCORDANCE
8 WITH THAT STATE'S DUE PROCESS LAW, LIMIT OR REVOKE A PSYCHOLOGIST'S AUTHORITY
9 TO PRACTICE INTERJURISDICTIONAL TELEPSYCHOLOGY IN THE RECEIVING STATE AND MAY
10 TAKE ANY OTHER NECESSARY ACTIONS UNDER THE RECEIVING STATE'S APPLICABLE LAW
11 TO PROTECT THE HEALTH AND SAFETY OF THE RECEIVING STATE'S CITIZENS. IF A
12 RECEIVING STATE TAKES ACTION, THE STATE SHALL PROMPTLY NOTIFY THE HOME STATE
13 AND THE COMMISSION.

14 E. IF A PSYCHOLOGIST'S LICENSE IN ANY HOME STATE OR ANOTHER COMPACT
15 STATE, OR ANY AUTHORITY TO PRACTICE INTERJURISDICTIONAL TELEPSYCHOLOGY IN ANY
16 RECEIVING STATE, IS RESTRICTED, SUSPENDED OR OTHERWISE LIMITED, THE
17 E.PASSPORT SHALL BE REVOKED AND THE PSYCHOLOGIST IS NOT ELIGIBLE TO PRACTICE
18 TELEPSYCHOLOGY IN A COMPACT STATE UNDER THE AUTHORITY TO PRACTICE
19 INTERJURISDICTIONAL TELEPSYCHOLOGY.

20 ARTICLE V

21 COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

22 A. COMPACT STATES SHALL ALSO RECOGNIZE THE RIGHT OF A PSYCHOLOGIST WHO
23 IS LICENSED IN A COMPACT STATE IN CONFORMANCE WITH ARTICLE III OF THIS
24 COMPACT TO PRACTICE TEMPORARILY IN OTHER COMPACT STATES, OR DISTANT STATES,
25 IN WHICH THE PSYCHOLOGIST IS NOT LICENSED, AS PROVIDED IN THIS COMPACT.

26 B. TO EXERCISE THE TEMPORARY AUTHORIZATION TO PRACTICE UNDER THE TERMS
27 AND PROVISIONS OF THIS COMPACT, A PSYCHOLOGIST LICENSED TO PRACTICE IN A
28 COMPACT STATE MUST MEET ALL OF THE FOLLOWING:

29 1. HOLD A GRADUATE DEGREE IN PSYCHOLOGY FROM AN INSTITUTE OF HIGHER
30 EDUCATION THAT WAS, AT THE TIME THE DEGREE WAS AWARDED:

31 (a) REGIONALLY ACCREDITED BY AN ACCREDITING BODY RECOGNIZED BY THE
32 UNITED STATES DEPARTMENT OF EDUCATION TO GRANT GRADUATE DEGREES, OR
33 AUTHORIZED BY PROVINCIAL STATUTE OR ROYAL CHARTER TO GRANT DOCTORAL DEGREES;
34 OR

35 (b) A FOREIGN COLLEGE OR UNIVERSITY DEEMED TO BE EQUIVALENT TO
36 SUBDIVISION (a) OF THIS PARAGRAPH BY A FOREIGN CREDENTIAL EVALUATION SERVICE
37 THAT IS A MEMBER OF THE NATIONAL ASSOCIATION OF CREDENTIAL EVALUATION
38 SERVICES OR BY A RECOGNIZED FOREIGN CREDENTIAL EVALUATION SERVICE; AND

39 2. HOLD A GRADUATE DEGREE IN PSYCHOLOGY THAT MEETS THE FOLLOWING
40 CRITERIA:

41 (a) THE PROGRAM, WHEREVER IT MAY BE ADMINISTRATIVELY HOUSED, MUST BE
42 CLEARLY IDENTIFIED AND LABELED AS A PSYCHOLOGY PROGRAM. SUCH A PROGRAM MUST
43 SPECIFY IN PERTINENT INSTITUTIONAL CATALOGUES AND BROCHURES ITS INTENT TO
44 EDUCATE AND TRAIN PROFESSIONAL PSYCHOLOGISTS;

- 1 (b) THE PSYCHOLOGY PROGRAM MUST STAND AS A RECOGNIZABLE, COHERENT,
2 ORGANIZATIONAL ENTITY WITHIN THE INSTITUTION;
- 3 (c) THERE MUST BE A CLEAR AUTHORITY AND PRIMARY RESPONSIBILITY FOR THE
4 CORE AND SPECIALTY AREAS WHETHER OR NOT THE PROGRAM CUTS ACROSS
5 ADMINISTRATIVE LINES;
- 6 (d) THE PROGRAM MUST CONSIST OF AN INTEGRATED, ORGANIZED SEQUENCE OF
7 STUDY;
- 8 (e) THERE MUST BE AN IDENTIFIABLE PSYCHOLOGY FACULTY SUFFICIENT IN
9 SIZE AND BREADTH TO CARRY OUT ITS RESPONSIBILITIES;
- 10 (f) THE DESIGNATED DIRECTOR OF THE PROGRAM MUST BE A PSYCHOLOGIST AND
11 A MEMBER OF THE CORE FACULTY;
- 12 (g) THE PROGRAM MUST HAVE AN IDENTIFIABLE BODY OF STUDENTS WHO ARE
13 MATRICULATED IN THAT PROGRAM FOR A DEGREE;
- 14 (h) THE PROGRAM MUST INCLUDE SUPERVISED PRACTICUM, INTERNSHIP OR FIELD
15 TRAINING APPROPRIATE TO THE PRACTICE OF PSYCHOLOGY;
- 16 (i) THE CURRICULUM SHALL ENCOMPASS A MINIMUM OF THREE ACADEMIC YEARS
17 OF FULL-TIME GRADUATE STUDY FOR DOCTORAL DEGREES AND A MINIMUM OF ONE
18 ACADEMIC YEAR OF FULL-TIME GRADUATE STUDY FOR MASTER'S DEGREES;
- 19 (j) THE PROGRAM INCLUDES AN ACCEPTABLE RESIDENCY AS DEFINED BY THE
20 RULES OF THE COMMISSION.
- 21 3. POSSESS A CURRENT, FULL AND UNRESTRICTED LICENSE TO PRACTICE
22 PSYCHOLOGY IN A HOME STATE THAT IS A COMPACT STATE;
- 23 4. HAVE NO HISTORY OF ADVERSE ACTION THAT VIOLATES THE RULES OF THE
24 COMMISSION;
- 25 5. HAVE NO CRIMINAL RECORD HISTORY THAT VIOLATES THE RULES OF THE
26 COMMISSION;
- 27 6. POSSESS A CURRENT, ACTIVE IPC;
- 28 7. PROVIDE ATTESTATIONS IN REGARD TO AREAS OF INTENDED PRACTICE AND
29 WORK EXPERIENCE AND PROVIDE A RELEASE OF INFORMATION TO ALLOW FOR PRIMARY
30 SOURCE VERIFICATION IN A MANNER SPECIFIED BY THE COMMISSION; AND
- 31 8. MEET OTHER CRITERIA AS DEFINED BY THE RULES OF THE COMMISSION.
- 32 C. A PSYCHOLOGIST PRACTICING INTO A DISTANT STATE UNDER THE TEMPORARY
33 AUTHORIZATION TO PRACTICE SHALL PRACTICE WITHIN THE SCOPE OF PRACTICE
34 AUTHORIZED BY THE DISTANT STATE.
- 35 D. A PSYCHOLOGIST PRACTICING INTO A DISTANT STATE UNDER THE TEMPORARY
36 AUTHORIZATION TO PRACTICE WILL BE SUBJECT TO THE DISTANT STATE'S AUTHORITY
37 AND LAW. A DISTANT STATE MAY, IN ACCORDANCE WITH THAT STATE'S DUE PROCESS
38 LAW, LIMIT OR REVOKE A PSYCHOLOGIST'S TEMPORARY AUTHORIZATION TO PRACTICE IN
39 THE DISTANT STATE AND MAY TAKE ANY OTHER NECESSARY ACTIONS UNDER THE DISTANT
40 STATE'S APPLICABLE LAW TO PROTECT THE HEALTH AND SAFETY OF THE DISTANT
41 STATE'S CITIZENS. IF A DISTANT STATE TAKES ACTION, THE STATE SHALL PROMPTLY
42 NOTIFY THE HOME STATE AND THE COMMISSION.
- 43 E. IF A PSYCHOLOGIST'S LICENSE IN ANY HOME STATE OR ANOTHER COMPACT
44 STATE, OR ANY TEMPORARY AUTHORIZATION TO PRACTICE IN ANY DISTANT STATE, IS
45 RESTRICTED, SUSPENDED OR OTHERWISE LIMITED, THE IPC SHALL BE REVOKED AND THE

1 PSYCHOLOGIST IS NOT ELIGIBLE TO PRACTICE IN A COMPACT STATE UNDER THE
2 TEMPORARY AUTHORIZATION TO PRACTICE.

3 ARTICLE VI
4 CONDITIONS OF TELEPSYCHOLOGY PRACTICE
5 IN A RECEIVING STATE

6 A PSYCHOLOGIST MAY PRACTICE IN A RECEIVING STATE UNDER THE AUTHORITY TO
7 PRACTICE INTERJURISDICTIONAL TELEPSYCHOLOGY ONLY IN THE PERFORMANCE OF THE
8 SCOPE OF PRACTICE FOR PSYCHOLOGY AS ASSIGNED BY AN APPROPRIATE STATE
9 PSYCHOLOGY REGULATORY AUTHORITY, AS DEFINED IN THE RULES OF THE COMMISSION,
10 AND UNDER THE FOLLOWING CIRCUMSTANCES:

11 1. THE PSYCHOLOGIST INITIATES A CLIENT/PATIENT CONTACT IN A HOME STATE
12 VIA TELECOMMUNICATIONS TECHNOLOGIES WITH A CLIENT/PATIENT IN A RECEIVING
13 STATE;

14 2. OTHER CONDITIONS REGARDING TELEPSYCHOLOGY AS DETERMINED BY RULES
15 PROMULGATED BY THE COMMISSION.

16 ARTICLE VII
17 ADVERSE ACTIONS

18 A. A HOME STATE SHALL HAVE THE POWER TO IMPOSE ADVERSE ACTION AGAINST
19 A PSYCHOLOGIST'S LICENSE ISSUED BY THE HOME STATE. A DISTANT STATE SHALL
20 HAVE THE POWER TO TAKE ADVERSE ACTION ON A PSYCHOLOGIST'S TEMPORARY
21 AUTHORIZATION TO PRACTICE WITHIN THAT DISTANT STATE.

22 B. A RECEIVING STATE MAY TAKE ADVERSE ACTION ON A PSYCHOLOGIST'S
23 AUTHORITY TO PRACTICE INTERJURISDICTIONAL TELEPSYCHOLOGY WITHIN THAT
24 RECEIVING STATE. A HOME STATE MAY TAKE ADVERSE ACTION AGAINST A PSYCHOLOGIST
25 BASED ON AN ADVERSE ACTION TAKEN BY A DISTANT STATE REGARDING TEMPORARY
26 IN-PERSON, FACE-TO-FACE PRACTICE.

27 C. IF A HOME STATE TAKES ADVERSE ACTION AGAINST A PSYCHOLOGIST'S
28 LICENSE, THAT PSYCHOLOGIST'S AUTHORITY TO PRACTICE INTERJURISDICTIONAL
29 TELEPSYCHOLOGY IS TERMINATED AND THE E.PASSPORT IS REVOKED. FURTHERMORE,
30 THAT PSYCHOLOGIST'S TEMPORARY AUTHORIZATION TO PRACTICE IS TERMINATED AND THE
31 IPC IS REVOKED AS FOLLOWS:

32 1. ALL HOME STATE DISCIPLINARY ORDERS THAT IMPOSE ADVERSE ACTION SHALL
33 BE REPORTED TO THE COMMISSION IN ACCORDANCE WITH THE RULES PROMULGATED BY THE
34 COMMISSION. A COMPACT STATE SHALL REPORT ADVERSE ACTIONS IN ACCORDANCE WITH
35 THE RULES OF THE COMMISSION.

36 2. IN THE EVENT DISCIPLINE IS REPORTED ON A PSYCHOLOGIST, THE
37 PSYCHOLOGIST WILL NOT BE ELIGIBLE FOR TELEPSYCHOLOGY OR TEMPORARY IN-PERSON,
38 FACE-TO-FACE PRACTICE IN ACCORDANCE WITH THE RULES OF THE COMMISSION.

39 3. OTHER ACTIONS MAY BE IMPOSED AS DETERMINED BY THE RULES OF THE
40 COMMISSION.

41 D. A HOME STATE'S PSYCHOLOGY REGULATORY AUTHORITY SHALL INVESTIGATE
42 AND TAKE APPROPRIATE ACTION WITH RESPECT TO REPORTED INAPPROPRIATE CONDUCT
43 ENGAGED IN BY A LICENSEE THAT OCCURRED IN A RECEIVING STATE AS IT WOULD IF
44 SUCH CONDUCT HAD OCCURRED BY A LICENSEE WITHIN THE HOME STATE. IN SUCH

1 CASES, THE HOME STATE'S LAW SHALL CONTROL IN DETERMINING ANY ADVERSE ACTION
2 AGAINST A PSYCHOLOGIST'S LICENSE.

3 E. A DISTANT STATE'S PSYCHOLOGY REGULATORY AUTHORITY SHALL INVESTIGATE
4 AND TAKE APPROPRIATE ACTION WITH RESPECT TO REPORTED INAPPROPRIATE CONDUCT
5 ENGAGED IN BY A PSYCHOLOGIST PRACTICING UNDER TEMPORARY AUTHORIZATION
6 PRACTICE WHICH OCCURRED IN THAT DISTANT STATE AS IT WOULD IF SUCH CONDUCT HAD
7 OCCURRED BY A LICENSEE WITHIN THE HOME STATE. IN SUCH CASES, THE DISTANT
8 STATE'S LAW SHALL CONTROL IN DETERMINING ANY ADVERSE ACTION AGAINST A
9 PSYCHOLOGIST'S TEMPORARY AUTHORIZATION TO PRACTICE.

10 F. NOTHING IN THIS COMPACT SHALL OVERRIDE A COMPACT STATE'S DECISION
11 THAT A PSYCHOLOGIST'S PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN
12 LIEU OF ADVERSE ACTION AND THAT SUCH PARTICIPATION SHALL REMAIN NONPUBLIC IF
13 REQUIRED BY THE COMPACT STATE'S LAW. COMPACT STATES MUST REQUIRE
14 PSYCHOLOGISTS WHO ENTER ANY ALTERNATIVE PROGRAMS TO NOT PROVIDE
15 TELEPSYCHOLOGY SERVICES UNDER THE AUTHORITY TO PRACTICE INTERJURISDICTIONAL
16 TELEPSYCHOLOGY OR PROVIDE TEMPORARY PSYCHOLOGICAL SERVICES UNDER THE
17 TEMPORARY AUTHORIZATION TO PRACTICE IN ANY OTHER COMPACT STATE DURING THE
18 TERM OF THE ALTERNATIVE PROGRAM.

19 G. NO OTHER JUDICIAL OR ADMINISTRATIVE REMEDIES SHALL BE AVAILABLE TO
20 A PSYCHOLOGIST IN THE EVENT A COMPACT STATE IMPOSES AN ADVERSE ACTION
21 PURSUANT TO SUBSECTION C OF THIS ARTICLE.

22 ARTICLE VIII

23 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT
24 STATE'S PSYCHOLOGY REGULATORY AUTHORITY

25 A. IN ADDITION TO ANY OTHER POWERS GRANTED UNDER STATE LAW, A COMPACT
26 STATE'S PSYCHOLOGY REGULATORY AUTHORITY SHALL HAVE THE AUTHORITY UNDER THIS
27 COMPACT TO:

28 1. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT REQUIRE
29 THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF EVIDENCE.
30 SUBPOENAS ISSUED BY A COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY FOR THE
31 ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE FROM
32 ANOTHER COMPACT STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT OF
33 COMPETENT JURISDICTION, ACCORDING TO THAT COURT'S PRACTICE AND PROCEDURE IN
34 CONSIDERING SUBPOENAS ISSUED IN ITS OWN PROCEEDINGS. THE ISSUING STATE
35 PSYCHOLOGY REGULATORY AUTHORITY SHALL PAY ANY WITNESS FEES, TRAVEL EXPENSES,
36 MILEAGE AND OTHER FEES REQUIRED BY THE SERVICE STATUTES OF THE STATE WHERE
37 THE WITNESSES OR EVIDENCE ARE LOCATED; AND

38 2. ISSUE CEASE AND DESIST OR INJUNCTIVE RELIEF ORDERS TO REVOKE A
39 PSYCHOLOGIST'S AUTHORITY TO PRACTICE INTERJURISDICTIONAL TELEPSYCHOLOGY
40 AND/OR TEMPORARY AUTHORIZATION TO PRACTICE.

41 B. DURING THE COURSE OF ANY INVESTIGATION, A PSYCHOLOGIST MAY NOT
42 CHANGE THE PSYCHOLOGIST'S HOME STATE LICENSURE. A HOME STATE PSYCHOLOGY
43 REGULATORY AUTHORITY IS AUTHORIZED TO COMPLETE ANY PENDING INVESTIGATIONS OF
44 A PSYCHOLOGIST AND TO TAKE ANY ACTIONS APPROPRIATE UNDER ITS LAW. THE HOME
45 STATE PSYCHOLOGY REGULATORY AUTHORITY SHALL PROMPTLY REPORT THE CONCLUSIONS

1 OF SUCH INVESTIGATIONS TO THE COMMISSION. ONCE AN INVESTIGATION HAS BEEN
2 COMPLETED, AND PENDING THE OUTCOME OF SAID INVESTIGATION, THE PSYCHOLOGIST
3 MAY CHANGE THE PSYCHOLOGIST'S HOME STATE LICENSURE. THE COMMISSION SHALL
4 PROMPTLY NOTIFY THE NEW HOME STATE OF ANY SUCH DECISIONS AS PROVIDED IN THE
5 RULES OF THE COMMISSION. ALL INFORMATION PROVIDED TO THE COMMISSION OR
6 DISTRIBUTED BY COMPACT STATES PURSUANT TO THE PSYCHOLOGIST SHALL BE
7 CONFIDENTIAL, FILED UNDER SEAL AND USED FOR INVESTIGATORY OR DISCIPLINARY
8 MATTERS. THE COMMISSION MAY CREATE ADDITIONAL RULES FOR MANDATED OR
9 DISCRETIONARY SHARING OF INFORMATION BY COMPACT STATES.

10 ARTICLE IX

11 COORDINATED LICENSURE INFORMATION SYSTEM

12 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT AND MAINTENANCE OF
13 A COORDINATED DATABASE AND REPORTING SYSTEM CONTAINING LICENSURE AND
14 DISCIPLINARY ACTION INFORMATION ON ALL PSYCHOLOGISTS OR INDIVIDUALS TO WHOM
15 THIS COMPACT IS APPLICABLE IN ALL COMPACT STATES AS DEFINED BY THE RULES OF
16 THE COMMISSION.

17 B. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE CONTRARY, A
18 COMPACT STATE SHALL SUBMIT A UNIFORM DATA SET TO THE COORDINATED DATABASE ON
19 ALL LICENSEES AS REQUIRED BY THE RULES OF THE COMMISSION, INCLUDING:

- 20 1. IDENTIFYING INFORMATION;
- 21 2. LICENSURE DATA;
- 22 3. SIGNIFICANT INVESTIGATORY INFORMATION;
- 23 4. ADVERSE ACTIONS AGAINST A PSYCHOLOGIST'S LICENSE;
- 24 5. AN INDICATOR THAT A PSYCHOLOGIST'S AUTHORITY TO PRACTICE
25 INTERJURISDICTIONAL TELEPSYCHOLOGY AND/OR TEMPORARY AUTHORIZATION TO PRACTICE
26 IS REVOKED;
- 27 6. NONCONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE PROGRAM
28 PARTICIPATION INFORMATION;
- 29 7. ANY DENIAL OF APPLICATION FOR LICENSURE AND THE REASONS FOR SUCH
30 DENIAL; AND

31 8. OTHER INFORMATION THAT MAY FACILITATE THE ADMINISTRATION OF THIS
32 COMPACT, AS DETERMINED BY THE RULES OF THE COMMISSION.

33 C. THE COORDINATED DATABASE ADMINISTRATOR SHALL PROMPTLY NOTIFY ALL
34 COMPACT STATES OF ANY ADVERSE ACTION TAKEN AGAINST, OR SIGNIFICANT
35 INVESTIGATIVE INFORMATION ON, ANY LICENSEE IN A COMPACT STATE.

36 D. COMPACT STATES REPORTING INFORMATION TO THE COORDINATED DATABASE
37 MAY DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH THE PUBLIC WITHOUT THE
38 EXPRESS PERMISSION OF THE COMPACT STATE REPORTING THE INFORMATION.

39 E. ANY INFORMATION SUBMITTED TO THE COORDINATED DATABASE THAT IS
40 SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY THE LAW OF THE COMPACT STATE
41 REPORTING THE INFORMATION SHALL BE REMOVED FROM THE COORDINATED DATABASE.

ARTICLE X
ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL
COMPACT COMMISSION

A. THE COMPACT STATES HEREBY CREATE AND ESTABLISH A JOINT PUBLIC AGENCY KNOWN AS THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION AS FOLLOWS:

1. THE COMMISSION IS A BODY POLITIC AND AN INSTRUMENTALITY OF THE COMPACT STATES.

2. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST THE COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A COURT OF COMPETENT JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS LOCATED. THE COMMISSION MAY WAIVE VENUE AND JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS.

3. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A WAIVER OF SOVEREIGN IMMUNITY.

B. MEMBERSHIP, VOTING AND MEETINGS ARE AS FOLLOWS:

1. THE COMMISSION SHALL CONSIST OF ONE VOTING REPRESENTATIVE APPOINTED BY EACH COMPACT STATE WHO SHALL SERVE AS THAT STATE'S COMMISSIONER. THE STATE PSYCHOLOGY REGULATORY AUTHORITY SHALL APPOINT ITS DELEGATE. THIS DELEGATE SHALL BE EMPOWERED TO ACT ON BEHALF OF THE COMPACT STATE. THIS DELEGATE SHALL BE LIMITED TO:

(a) THE EXECUTIVE DIRECTOR OR EXECUTIVE SECRETARY OR A SIMILAR EXECUTIVE;

(b) A CURRENT MEMBER OF THE STATE PSYCHOLOGY REGULATORY AUTHORITY OF A COMPACT STATE; OR

(c) A DESIGNEE EMPOWERED WITH THE APPROPRIATE DELEGATE AUTHORITY TO ACT ON BEHALF OF THE COMPACT STATE.

2. ANY COMMISSIONER MAY BE REMOVED OR SUSPENDED FROM OFFICE AS PROVIDED BY THE LAW OF THE STATE FROM WHICH THE COMMISSIONER IS APPOINTED. ANY VACANCY OCCURRING IN THE COMMISSION SHALL BE FILLED IN ACCORDANCE WITH THE LAWS OF THE COMPACT STATE IN WHICH THE VACANCY EXISTS.

3. EACH COMMISSIONER SHALL BE ENTITLED TO ONE VOTE WITH REGARD TO THE PROMULGATION OF RULES AND CREATION OF BYLAWS AND SHALL OTHERWISE HAVE AN OPPORTUNITY TO PARTICIPATE IN THE BUSINESS AND AFFAIRS OF THE COMMISSION. A COMMISSIONER SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS AS PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE FOR COMMISSIONERS' PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS OF COMMUNICATION.

4. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH CALENDAR YEAR. ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN THE BYLAWS.

5. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC NOTICE OF MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER THE RULEMAKING PROVISIONS IN ARTICLE XI OF THIS COMPACT.

1 6. THE COMMISSION MAY CONVENE IN A CLOSED, NONPUBLIC MEETING IF THE
2 COMMISSION MUST DISCUSS:

3 (a) NONCOMPLIANCE OF A COMPACT STATE WITH ITS OBLIGATIONS UNDER THE
4 COMPACT;

5 (b) THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER PERSONNEL
6 MATTERS, PRACTICES OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES OR OTHER
7 MATTERS RELATED TO THE COMMISSION'S INTERNAL PERSONNEL PRACTICES AND
8 PROCEDURES;

9 (c) CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION AGAINST
10 THE COMMISSION;

11 (d) THE NEGOTIATION OF CONTRACTS FOR THE PURCHASE OR SALE OF GOODS,
12 SERVICES OR REAL ESTATE;

13 (e) AN ACCUSATION AGAINST ANY PERSON OF A CRIME OR FORMALLY CENSURING
14 ANY PERSON;

15 (f) THE DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL
16 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;

17 (g) THE DISCLOSURE OF INFORMATION OF A PERSONAL NATURE WHERE
18 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL
19 PRIVACY;

20 (h) THE DISCLOSURE OF INVESTIGATORY RECORDS COMPILED FOR LAW
21 ENFORCEMENT PURPOSES;

22 (i) THE DISCLOSURE OF INFORMATION RELATED TO ANY INVESTIGATORY REPORTS
23 PREPARED BY OR ON BEHALF OF OR FOR USE OF THE COMMISSION OR ANOTHER COMMITTEE
24 CHARGED WITH RESPONSIBILITY FOR INVESTIGATION OR DETERMINATION OF COMPLIANCE
25 ISSUES PURSUANT TO THE COMPACT; OR

26 (j) MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL AND STATE
27 STATUTE.

28 7. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED PURSUANT TO THIS
29 PROVISION, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE SHALL CERTIFY THAT THE
30 MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTING PROVISION.
31 THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY DESCRIBE ALL MATTERS
32 DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF
33 ACTIONS TAKEN, OF ANY PERSON PARTICIPATING IN THE MEETING, AND THE REASONS
34 THEREFORE, INCLUDING A DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS
35 CONSIDERED IN CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN SUCH MINUTES.
36 ALL MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL,
37 SUBJECT TO RELEASE ONLY BY A MAJORITY VOTE OF THE COMMISSION OR ORDER OF A
38 COURT OF COMPETENT JURISDICTION.

39 C. THE COMMISSION SHALL, BY A MAJORITY VOTE OF THE COMMISSIONERS,
40 PRESCRIBE BYLAWS OR RULES TO GOVERN ITS CONDUCT AS MAY BE NECESSARY OR
41 APPROPRIATE TO CARRY OUT THE PURPOSES AND EXERCISE THE POWERS OF THIS
42 COMPACT, INCLUDING:

- 43 1. ESTABLISHING THE FISCAL YEAR OF THE COMMISSION;
- 44 2. PROVIDING REASONABLE STANDARDS AND PROCEDURES;

45 (a) FOR THE ESTABLISHMENT AND MEETINGS OF OTHER COMMITTEES; AND

1 (b) GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF ANY AUTHORITY OR
2 FUNCTION OF THE COMMISSION;

3 3. PROVIDING REASONABLE PROCEDURES FOR CALLING AND CONDUCTING MEETINGS
4 OF THE COMMISSION, ENSURING REASONABLE ADVANCE NOTICE OF ALL MEETINGS AND
5 PROVIDING AN OPPORTUNITY FOR ATTENDANCE OF SUCH MEETINGS BY INTERESTED
6 PARTIES, WITH ENUMERATED EXCEPTIONS DESIGNED TO PROTECT THE PUBLIC'S
7 INTEREST, THE PRIVACY OF INDIVIDUALS OF SUCH PROCEEDINGS AND PROPRIETARY
8 INFORMATION, INCLUDING TRADE SECRETS. THE COMMISSION MAY MEET IN CLOSED
9 SESSION ONLY AFTER A MAJORITY OF THE COMMISSIONERS VOTE TO CLOSE A MEETING TO
10 THE PUBLIC IN WHOLE OR IN PART. AS SOON AS PRACTICABLE, THE COMMISSION MUST
11 MAKE PUBLIC A COPY OF THE VOTE TO CLOSE THE MEETING REVEALING THE VOTE OF
12 EACH COMMISSIONER WITH NO PROXY VOTES ALLOWED;

13 4. ESTABLISHING THE TITLES, DUTIES AND AUTHORITY AND REASONABLE
14 PROCEDURES FOR THE ELECTION OF THE OFFICERS OF THE COMMISSION;

15 5. PROVIDING REASONABLE STANDARDS AND PROCEDURES FOR THE ESTABLISHMENT
16 OF THE PERSONNEL POLICIES AND PROGRAMS OF THE COMMISSION. NOTWITHSTANDING
17 ANY CIVIL SERVICE OR OTHER SIMILAR LAW OF ANY COMPACT STATE, THE BYLAWS SHALL
18 EXCLUSIVELY GOVERN THE PERSONNEL POLICIES AND PROGRAMS OF THE COMMISSION;

19 6. PROMULGATING A CODE OF ETHICS TO ADDRESS PERMISSIBLE AND PROHIBITED
20 ACTIVITIES OF COMMISSION MEMBERS AND EMPLOYEES;

21 7. PROVIDING A MECHANISM FOR CONCLUDING THE OPERATIONS OF THE
22 COMMISSION AND THE EQUITABLE DISPOSITION OF ANY SURPLUS FUNDS THAT MAY EXIST
23 AFTER THE TERMINATION OF THE COMPACT AND AFTER THE PAYMENT AND/OR RESERVING
24 OF ALL OF ITS DEBTS AND OBLIGATIONS;

25 8. THE COMMISSION SHALL PUBLISH ITS BYLAWS IN A CONVENIENT FORM AND
26 FILE A COPY THEREOF AND A COPY OF ANY AMENDMENT THERETO, WITH THE APPROPRIATE
27 AGENCY OR OFFICER IN EACH OF THE COMPACT STATES;

28 9. THE COMMISSION SHALL MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE
29 WITH THE BYLAWS; AND

30 10. THE COMMISSION SHALL MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT
31 WITH THE PROVISIONS OF THIS COMPACT AND THE BYLAWS.

32 D. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

33 1. TO PROMULGATE UNIFORM RULES TO FACILITATE AND COORDINATE
34 IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT. THE RULE SHALL HAVE THE
35 FORCE AND EFFECT OF LAW AND SHALL BE BINDING IN ALL COMPACT STATES;

36 2. TO BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN THE NAME OF
37 THE COMMISSION, PROVIDED THAT THE STANDING OF ANY STATE PSYCHOLOGY REGULATORY
38 AUTHORITY OR OTHER REGULATORY BODY RESPONSIBLE FOR PSYCHOLOGY LICENSURE TO
39 SUE OR BE SUED UNDER APPLICABLE LAW SHALL NOT BE AFFECTED;

40 3. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS;

41 4. TO BORROW, ACCEPT OR CONTRACT FOR SERVICES OF PERSONNEL, INCLUDING
42 EMPLOYEES OF A COMPACT STATE;

43 5. TO HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX COMPENSATION,
44 DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE AUTHORITY TO CARRY OUT THE
45 PURPOSES OF THE COMPACT AND ESTABLISH THE COMMISSION'S PERSONNEL POLICIES AND

1 PROGRAMS RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL AND
2 OTHER RELATED PERSONNEL MATTERS;

3 6. TO ACCEPT ANY AND ALL APPROPRIATE DONATIONS AND GRANTS OF MONEY,
4 EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES, AND TO RECEIVE, UTILIZE AND
5 DISPOSE OF THE SAME, PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL STRIVE
6 TO AVOID ANY APPEARANCE OF IMPROPRIETY OR CONFLICT OF INTEREST;

7 7. TO LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR DONATIONS OF, OR
8 OTHERWISE OWN, HOLD, IMPROVE OR USE, ANY PROPERTY, REAL, PERSONAL OR MIXED,
9 PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL STRIVE TO AVOID ANY
10 APPEARANCE OF IMPROPRIETY;

11 8. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR
12 OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL OR MIXED;

13 9. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES;

14 10. TO BORROW MONEY;

15 11. TO APPOINT COMMITTEES, INCLUDING ADVISORY COMMITTEES COMPOSED OF
16 MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR THEIR REPRESENTATIVES, AND
17 CONSUMER REPRESENTATIVES, AND SUCH OTHER INTERESTED PERSONS AS MAY BE
18 DESIGNATED IN THIS COMPACT AND THE BYLAWS;

19 12. TO PROVIDE AND RECEIVE INFORMATION FROM, AND TO COOPERATE WITH,
20 LAW ENFORCEMENT AGENCIES;

21 13. TO ADOPT AND USE AN OFFICIAL SEAL; AND

22 14. TO PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE
23 TO ACHIEVE THE PURPOSES OF THIS COMPACT CONSISTENT WITH THE STATE REGULATION
24 OF PSYCHOLOGY LICENSURE, TEMPORARY IN-PERSON, FACE-TO-FACE PRACTICE AND
25 TELEPSYCHOLOGY PRACTICE.

26 E. THE ELECTED OFFICERS SHALL SERVE AS THE EXECUTIVE BOARD, WHICH
27 SHALL HAVE THE POWER TO ACT ON BEHALF OF THE COMMISSION ACCORDING TO THE
28 TERMS OF THIS COMPACT AS FOLLOWS:

29 1. THE EXECUTIVE BOARD SHALL BE COMPOSED OF THE FOLLOWING SIX MEMBERS:

30 (a) FIVE VOTING MEMBERS WHO ARE ELECTED FROM THE CURRENT MEMBERSHIP OF
31 THE COMMISSION BY THE COMMISSION;

32 (b) ONE EX OFFICIO, NONVOTING MEMBER FROM THE RECOGNIZED MEMBERSHIP
33 ORGANIZATION COMPOSED OF STATE AND PROVINCIAL PSYCHOLOGY REGULATORY
34 AUTHORITIES.

35 2. THE EX OFFICIO MEMBER MUST HAVE SERVED AS STAFF WITH OR A MEMBER ON
36 A STATE PSYCHOLOGY REGULATORY AUTHORITY AND WILL BE SELECTED BY ITS
37 RESPECTIVE ORGANIZATION.

38 3. THE COMMISSION MAY REMOVE ANY MEMBER OF THE EXECUTIVE BOARD AS
39 PROVIDED IN BYLAWS.

40 4. THE EXECUTIVE BOARD SHALL MEET AT LEAST ANNUALLY.

41 5. THE EXECUTIVE BOARD SHALL HAVE THE FOLLOWING DUTIES AND
42 RESPONSIBILITIES:

43 (a) RECOMMEND TO THE ENTIRE COMMISSION CHANGES TO THE RULES OR BYLAWS,
44 CHANGES TO THIS COMPACT, FEES PAID BY COMPACT STATES SUCH AS ANNUAL DUES, AND
45 ANY OTHER APPLICABLE FEES;

- 1 (b) ENSURE COMPACT ADMINISTRATION SERVICES ARE APPROPRIATELY PROVIDED,
2 CONTRACTUAL OR OTHERWISE;
- 3 (c) PREPARE AND RECOMMEND THE BUDGET;
- 4 (d) MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE COMMISSION;
- 5 (e) MONITOR COMPACT COMPLIANCE OF MEMBER STATES AND PROVIDE COMPLIANCE
6 REPORTS TO THE COMMISSION;
- 7 (f) ESTABLISH ADDITIONAL COMMITTEES AS NECESSARY; AND
- 8 (g) OTHER DUTIES AS PROVIDED IN RULES OR BYLAWS.
- 9 F. THE FINANCING OF THE COMMISSION SHALL BE AS FOLLOWS:
 - 10 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE
11 REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING
12 ACTIVITIES.
 - 13 2. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE REVENUE SOURCES,
14 DONATIONS AND GRANTS OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES.
 - 15 3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT FROM
16 EACH COMPACT STATE OR IMPOSE FEES ON OTHER PARTIES TO COVER THE COST OF THE
17 OPERATIONS AND ACTIVITIES OF THE COMMISSION AND ITS STAFF, WHICH MUST BE IN A
18 TOTAL AMOUNT SUFFICIENT TO COVER ITS ANNUAL BUDGET AS APPROVED EACH YEAR FOR
19 WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE ANNUAL
20 ASSESSMENT AMOUNT SHALL BE ALLOCATED BASED ON A FORMULA TO BE DETERMINED BY
21 THE COMMISSION, WHICH SHALL PROMULGATE A RULE BINDING ON ALL COMPACT STATES.
 - 22 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND PRIOR TO
23 SECURING THE FUNDS ADEQUATE TO MEET THE SAME, NOR SHALL THE COMMISSION PLEDGE
24 THE CREDIT OF ANY OF THE COMPACT STATES, EXCEPT BY AND WITH THE AUTHORITY OF
25 THE COMPACT STATE.
 - 26 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND
27 DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE COMMISSION SHALL BE
28 SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS BYLAWS.
29 HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF FUNDS HANDLED BY THE COMMISSION
30 SHALL BE AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE
31 REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT
32 OF THE COMMISSION.
- 33 G. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION PROVISIONS ARE AS
34 FOLLOWS:
 - 35 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND
36 REPRESENTATIVES OF THE COMMISSION SHALL BE IMMUNE FROM SUIT AND LIABILITY,
37 EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE TO
38 OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR
39 ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED, OR
40 THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR
41 BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR
42 RESPONSIBILITIES, EXCEPT THAT NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO
43 PROTECT ANY SUCH PERSON FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY
44 OR LIABILITY CAUSED BY THE INTENTIONAL OR WILFUL OR WANTON MISCONDUCT OF THAT
45 PERSON.

1 3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY INTERESTED
2 PERSON; AND
3 4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT NOTICE TO THE
4 COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC HEARING AND ANY WRITTEN
5 COMMENTS.
6 F. PRIOR TO ADOPTION OF A PROPOSED RULE, THE COMMISSION SHALL ALLOW
7 PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS AND ARGUMENTS, WHICH SHALL BE
8 MADE AVAILABLE TO THE PUBLIC.
9 G. THE COMMISSION SHALL GRANT AN OPPORTUNITY FOR A PUBLIC HEARING
10 BEFORE IT ADOPTS A RULE OR AMENDMENT IF A HEARING IS REQUESTED BY:
11 1. AT LEAST TWENTY-FIVE PERSONS WHO SUBMIT COMMENTS INDEPENDENTLY OF
12 EACH OTHER;
13 2. A GOVERNMENTAL SUBDIVISION OR AGENCY; OR
14 3. A DULY APPOINTED PERSON IN AN ASSOCIATION THAT HAS AT LEAST
15 TWENTY-FIVE MEMBERS.
16 H. IF A HEARING IS HELD ON THE PROPOSED RULE OR AMENDMENT, THE
17 COMMISSION SHALL PUBLISH THE PLACE, TIME AND DATE OF THE SCHEDULED PUBLIC
18 HEARING. THE FOLLOWING APPLY TO A HEARING:
19 1. ALL PERSONS WISHING TO BE HEARD AT THE HEARING SHALL NOTIFY THE
20 EXECUTIVE DIRECTOR OF THE COMMISSION OR OTHER DESIGNATED MEMBER IN WRITING OF
21 THEIR DESIRE TO APPEAR AND TESTIFY AT THE HEARING NOT LESS THAN FIVE BUSINESS
22 DAYS BEFORE THE SCHEDULED DATE OF THE HEARING.
23 2. HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH PERSON WHO
24 WISHES TO COMMENT A FAIR AND REASONABLE OPPORTUNITY TO COMMENT ORALLY OR IN
25 WRITING.
26 3. NO TRANSCRIPT OF THE HEARING IS REQUIRED, UNLESS A WRITTEN REQUEST
27 FOR A TRANSCRIPT IS MADE, IN WHICH CASE THE PERSON REQUESTING THE TRANSCRIPT
28 SHALL BEAR THE COST OF PRODUCING THE TRANSCRIPT. A RECORDING MAY BE MADE IN
29 LIEU OF A TRANSCRIPT UNDER THE SAME TERMS AND CONDITIONS AS A TRANSCRIPT.
30 THIS PARAGRAPH DOES NOT PRECLUDE THE COMMISSION FROM MAKING A TRANSCRIPT OR
31 RECORDING OF THE HEARING IF IT SO CHOOSES.
32 4. NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED AS REQUIRING A
33 SEPARATE HEARING ON EACH RULE. RULES MAY BE GROUPED FOR THE CONVENIENCE OF
34 THE COMMISSION AT HEARINGS REQUIRED BY THIS SUBSECTION.
35 I. FOLLOWING THE SCHEDULED HEARING DATE, OR BY THE CLOSE OF BUSINESS
36 ON THE SCHEDULED HEARING DATE IF THE HEARING WAS NOT HELD, THE COMMISSION
37 SHALL CONSIDER ALL WRITTEN AND ORAL COMMENTS RECEIVED.
38 J. THE COMMISSION, BY MAJORITY VOTE OF ALL MEMBERS, SHALL TAKE FINAL
39 ACTION ON THE PROPOSED RULE AND SHALL DETERMINE THE EFFECTIVE DATE OF THE
40 RULE, IF ANY, BASED ON THE RULEMAKING RECORD AND THE FULL TEXT OF THE RULE.
41 K. IF NO WRITTEN NOTICE OF INTENT TO ATTEND THE PUBLIC HEARING BY
42 INTERESTED PARTIES IS RECEIVED, THE COMMISSION MAY PROCEED WITH PROMULGATION
43 OF THE PROPOSED RULE WITHOUT A PUBLIC HEARING.
44 L. ON A DETERMINATION THAT AN EMERGENCY EXISTS, THE COMMISSION MAY
45 CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT PRIOR NOTICE, OPPORTUNITY FOR

1 COMMENT OR HEARING, PROVIDED THAT THE USUAL RULEMAKING PROCEDURES PROVIDED IN
2 THE COMPACT AND IN THIS SECTION SHALL BE RETROACTIVELY APPLIED TO THE RULE AS
3 SOON AS REASONABLY PRACTICABLE BUT NOT LATER THAN NINETY DAYS AFTER THE
4 EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS SUBSECTION, AN
5 EMERGENCY RULE IS ONE THAT MUST BE ADOPTED IMMEDIATELY IN ORDER TO:

- 6 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE;
- 7 2. PREVENT A LOSS OF COMMISSION OR COMPACT STATE FUNDS;
- 8 3. MEET A DEADLINE FOR THE PROMULGATION OF AN ADMINISTRATIVE RULE THAT
9 IS ESTABLISHED BY FEDERAL LAW OR RULE; OR
- 10 4. PROTECT PUBLIC HEALTH AND SAFETY.

11 M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE COMMISSION MAY
12 DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR AMENDMENT FOR PURPOSES OF
13 CORRECTING TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY OR
14 GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON THE
15 WEBSITE OF THE COMMISSION. THE REVISION SHALL BE SUBJECT TO CHALLENGE BY ANY
16 PERSON FOR A PERIOD OF THIRTY DAYS AFTER POSTING. THE REVISION MAY BE
17 CHALLENGED ONLY ON GROUNDS THAT THE REVISION RESULTS IN A MATERIAL CHANGE TO
18 A RULE. A CHALLENGE SHALL BE MADE IN WRITING AND DELIVERED TO THE CHAIR OF
19 THE COMMISSION PRIOR TO THE END OF THE NOTICE PERIOD. IF NO CHALLENGE IS
20 MADE, THE REVISION WILL TAKE EFFECT WITHOUT FURTHER ACTION. IF THE REVISION
21 IS CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE APPROVAL OF THE
22 COMMISSION.

23 ARTICLE XII

24 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

25 A. OVERSIGHT OF THE COMMISSION IS AS FOLLOWS:

26 1. THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES OF STATE
27 GOVERNMENT IN EACH COMPACT STATE SHALL ENFORCE THIS COMPACT AND TAKE ALL
28 ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THE COMPACT'S PURPOSES AND
29 INTENT. THE PROVISIONS OF THIS COMPACT AND THE RULES PROMULGATED HEREUNDER
30 SHALL HAVE STANDING AS STATUTORY LAW.

31 2. ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT AND THE RULES
32 IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A COMPACT STATE PERTAINING TO
33 THE SUBJECT MATTER OF THIS COMPACT THAT MAY AFFECT THE POWERS,
34 RESPONSIBILITIES OR ACTIONS OF THE COMMISSION.

35 3. THE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE OF PROCESS IN
36 ANY SUCH PROCEEDING AND SHALL HAVE STANDING TO INTERVENE IN SUCH A PROCEEDING
37 FOR ALL PURPOSES. FAILURE TO PROVIDE SERVICE OF PROCESS TO THE COMMISSION
38 SHALL RENDER A JUDGMENT OR ORDER VOID AS TO THE COMMISSION, THIS COMPACT OR
39 PROMULGATED RULES.

40 B. DEFAULT, TECHNICAL ASSISTANCE AND TERMINATION PROVISIONS ARE AS
41 FOLLOWS:

42 1. IF THE COMMISSION DETERMINES THAT A COMPACT STATE HAS DEFAULTED IN
43 THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER THIS COMPACT OR
44 THE PROMULGATED RULES, THE COMMISSION SHALL:

1 (a) PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND OTHER COMPACT
2 STATES OF THE NATURE OF THE DEFAULT, THE PROPOSED MEANS OF REMEDYING THE
3 DEFAULT OR ANY OTHER ACTION TO BE TAKEN BY THE COMMISSION; AND

4 (b) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE
5 REGARDING THE DEFAULT.

6 2. IF A STATE IN DEFAULT FAILS TO REMEDY THE DEFAULT, THE DEFAULTING
7 STATE MAY BE TERMINATED FROM THE COMPACT ON AN AFFIRMATIVE VOTE OF A MAJORITY
8 OF THE COMPACT STATES, AND ALL RIGHTS, PRIVILEGES AND BENEFITS CONFERRED BY
9 THIS COMPACT SHALL BE TERMINATED ON THE EFFECTIVE DATE OF TERMINATION. A
10 REMEDY OF THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR
11 LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.

12 3. TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE IMPOSED ONLY
13 AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN EXHAUSTED. NOTICE OF
14 INTENT TO SUSPEND OR TERMINATE SHALL BE SUBMITTED BY THE COMMISSION TO THE
15 GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF THE DEFAULTING STATE'S
16 LEGISLATURE AND EACH OF THE COMPACT STATES.

17 4. A COMPACT STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL
18 ASSESSMENTS, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE
19 OF TERMINATION, INCLUDING OBLIGATIONS WHICH EXTEND BEYOND THE EFFECTIVE DATE
20 OF TERMINATION.

21 5. THE COMMISSION SHALL NOT BEAR ANY COSTS INCURRED BY THE STATE THAT
22 IS FOUND TO BE IN DEFAULT OR THAT HAS BEEN TERMINATED FROM THE COMPACT,
23 UNLESS AGREED ON IN WRITING BETWEEN THE COMMISSION AND THE DEFAULTING STATE.

24 6. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE COMMISSION BY
25 PETITIONING THE UNITED STATES DISTRICT COURT FOR THE STATE OF GEORGIA OR THE
26 FEDERAL DISTRICT WHERE THE COMPACT HAS ITS PRINCIPAL OFFICES. THE PREVAILING
27 MEMBER SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE
28 ATTORNEY FEES.

29 C. DISPUTE RESOLUTION PROVISIONS ARE AS FOLLOWS:

30 1. ON REQUEST BY A COMPACT STATE, THE COMMISSION SHALL ATTEMPT TO
31 RESOLVE DISPUTES RELATED TO THE COMPACT WHICH ARISE AMONG COMPACT STATES AND
32 BETWEEN COMPACT AND NON-COMPACT STATES.

33 2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR BOTH MEDIATION
34 AND BINDING DISPUTE RESOLUTION FOR DISPUTES THAT ARISE BEFORE THE COMMISSION.

35 D. ENFORCEMENT PROVISIONS ARE AS FOLLOWS:

36 1. THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS DISCRETION, SHALL
37 ENFORCE THE PROVISIONS AND RULES OF THIS COMPACT.

38 2. BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL ACTION IN THE
39 UNITED STATES DISTRICT COURT FOR THE STATE OF GEORGIA OR THE FEDERAL DISTRICT
40 WHERE THE COMPACT HAS ITS PRINCIPAL OFFICES AGAINST A COMPACT STATE IN
41 DEFAULT TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF THE COMPACT AND ITS
42 PROMULGATED RULES AND BYLAWS. THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE
43 RELIEF AND DAMAGES. IN THE EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE
44 PREVAILING MEMBER SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING
45 REASONABLE ATTORNEY FEES.

