



HOUSE OF REPRESENTATIVES

HB 2503

psychologists; licensure compact

Prime Sponsor: Representative Carter, LD 15

DPA Committee on Health
DPA Caucus and COW
X As Transmitted to the Governor

OVERVIEW

HB 2503 enacts the Psychologists Licensure Compact (Compact).

PROVISIONS

Purpose

1. States that this Compact is designed to achieve the following purposes and objectives:
 - a. Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state where the psychologist is not licensed to practice psychology;
 - b. Enhance the states' ability to protect the public's health and safety, especially client/patient safety;
 - c. Encourage the cooperation of Compact states in the areas of psychology licensure and regulation;
 - d. Facilitate the exchange of information between Compact states regarding psychologist licensure, adverse actions and disciplinary history;
 - e. Promote compliance with the laws governing psychological practice in each Compact state; and
 - f. Invest all Compact states with the authority to hold licensed psychologists accountable through the mutual recognition of Compact state licenses.

Home State Licensure

2. Specifies that the home state must be a Compact state where a psychologist is licensed to practice psychology.
3. Allows for a psychologist to hold one or more Compact state licenses at a time. If the psychologist is licensed in more than one Compact state, the home state is the Compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this Compact.
4. States that any Compact state may require a psychologist who has not been previously licensed in a Compact state to obtain and retain a license to be authorized to practice in the Compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under this Compact.

5. Provides that any Compact state may require a psychologist to obtain and retain a license to practice in the Compact state under circumstances not authorized by temporary authorization to practice under the terms of this Compact.
6. Authorizes a psychologist with a home state license to practice interjurisdictional telepsychology in a receiving state only if the Compact state:
 - a. Requires the psychologist to hold an active E. Passport;
 - b. Has a mechanism in place for receiving and investigating complaints about licensed individuals;
 - c. Notifies the Psychology Interjurisdictional Compact Commission (Commission) of any adverse action or significant investigatory information regarding a licensed individual;
 - d. Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other data checks compliant with the Federal Bureau of Investigation or other designee with similar authority no later than ten years after activation of the Compact; and
 - e. Complies with the rules and bylaws of the Commission.
7. Grants a psychologist that has a home state license temporary authorization to practice in a distant state only if the Compact state does the following:
 - a. Requires the psychologist to hold an active Interjurisdictional Practice Certificate (IPC);
 - b. Has a mechanism in place for receiving and investigating complaints about licensed individuals;
 - c. Notifies the Commission of any adverse action or significant investigatory information regarding a licensed individual;
 - d. Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other data checks compliant with the requirements of the Federal Bureau of Investigation or another designee with similar authority no later than ten years after activation of the Compact; and
 - e. Complies with the bylaws and rules of the Commission.

Compact Privilege to Practice Telepsychology

8. Requires Compact states to recognize the right of a psychologist who is licensed in a Compact state to practice telepsychology in other Compact states or receiving states in which the psychologist is not licensed to practice interjurisdictional telepsychology.
9. Specifies that a psychologist licensed to practice in a Compact state and exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this Compact must:
 - a. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:
 - i. Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees or authorized by provincial statute or royal charter to grant doctoral degrees; or
 - ii. A foreign college or university deemed to be equivalent by a foreign credential evaluation service that is a member of the national association of credential evaluation services or by a recognized foreign credential evaluation service; and
 - b. Hold a graduate degree in psychology that meets the following criteria:
 - i. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent

- institutional catalogues and brochures its intent to educate and train professional psychologists;
- ii. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;
 - iii. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;
 - iv. The program must consist of an integrated, organized sequence of study;
 - v. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;
 - vi. The designated director of the program must be a psychologist and a member of the core faculty;
 - vii. The program must have an identifiable body of students who are matriculated in that program for a degree;
 - viii. The program must include supervised practicum, internship or field training appropriate to the practice of psychology;
 - ix. The curriculum must encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degrees;
 - x. The program includes an acceptable residency as defined by the rules of the Commission.
- c. Possess a current, full and unrestricted license to practice psychology in a home state that is a Compact state;
 - d. Have no history of adverse action that violates the rules of the Commission;
 - e. Have no criminal record history reported on an identity history summary that violates the rules of the Commission;
 - f. Possess a current, active E.Passport;
 - g. Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology, criminal background and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the Commission; and
 - h. Meet other criteria as defined by the rules of the Commission.
10. Requires the home state to maintain authority over the license of a psychologist practicing in a receiving state under the authority to practice telepsychology.
11. Allows a psychologist practicing in a receiving state to be subject to the receiving state's scope of practice. A receiving state may limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take necessary actions to protect the health and safety of the receiving state's citizens. If a receiving state takes action, the state must promptly notify the home state and Commission.
12. Revokes a psychologist's E. Passport in a Compact state if their home state license is restricted, suspended or limited and the psychologist will not be eligible to practice telepsychology in that Compact state.

Compact Temporary Authorization to Practice

13. Requires Compact states to recognize the right of a psychologist who is licensed in a Compact state to practice temporarily in other Compact states or distant states in which the psychologist is not licensed as approved in the Compact.

14. Permits a psychologist to exercise temporary authorization to practice in a Compact state by meeting the following requirements:
 - a. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:
 - i. Regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or
 - ii. A foreign college or university deemed to be equivalent by a foreign credential evaluation service that is a member of the national association of credential evaluation services or by a recognized foreign credential evaluation service; and
 - b. Hold a graduate degree in psychology that meets the following criteria:
 - i. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;
 - ii. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;
 - iii. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;
 - iv. The program must consist of an integrated, organized sequence of study;
 - v. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;
 - vi. The designated director of the program must be a psychologist and a member of the core faculty;
 - vii. The program must have an identifiable body of students who are matriculated in that program for a degree;
 - viii. The program must include supervised practicum, internship or field training appropriate to the practice of psychology;
 - ix. The curriculum must encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degrees;
 - x. The program includes an acceptable residency as defined by the rules of the Commission;
 - c. Possess a current, full and unrestricted license to practice psychology in a home state that is a Compact state;
 - d. Have no history of adverse action that violates the rules of the Commission;
 - e. Have no criminal record history that violates the rules of the Commission;
 - f. Possess a current, active IPC;
 - g. Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the Commission; and
 - h. Meet other criteria as defined by the rules of the Commission.
15. Requires a psychologist who practices in a distant state under temporary authorization to practice within the scope of practice authorized by that distant state.
16. States that a psychologist practicing in a distant state will be subject to the distant state's authority and law. A distant state may limit or revoke a psychologist's temporary authorization to practice in that state and may take other necessary actions to protect the

health and safety of the citizens. If a distant state takes action, the state must promptly notify the home state and the Commission.

17. Revokes a psychologist's IPC if their license in any home state, Compact state or any other temporary authorization to practice in any distant state is restricted, suspended or limited.

Conditions of Telepsychology Practice in a Receiving State

18. Allows a psychologist to practice in a receiving state only if the psychologist initiates client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state or other conditions regarding telepsychology as determined by rules promulgated by the Commission.

Adverse Actions

19. Gives the home state power to impose adverse action against a psychologist's license issued by the home state. A distant state must have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.
20. Permits a receiving state to take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse action against a psychologist based on an adverse action taken by a distant state regarding temporary in person, face-to-face practice.
21. Authorizes a home state to terminate a psychologist's authority to practice and revoke their E. Passport if the home state takes adverse action against a psychologist's license.
22. States that if a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E. passport is revoked. A psychologist's temporary authorization to practice is terminated and the IPC is revoked as follows:
 - a. All home state disciplinary orders that impose adverse action must be reported to the Commission in accordance with the rules promulgated by the Commission. A Compact state must report adverse actions in accordance with the rules of the Commission;
 - b. In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in person, face-to-face practice in accordance with the rules of the Commission; and
 - c. Other actions may be imposed as determined by the rules of the Commission.
23. Requires the home state's psychology regulatory authority to investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee that occurred in a receiving state as it would if the conduct had occurred in the home state. Home state's law must control the determination of any adverse action against a psychologist's license.
24. Requires a distant state's psychology regulatory authority to investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under temporary authorization which occurred in that distant state as it would if the conduct occurred within the home state. A distant state's law must control the determination of any adverse action against a psychologist's temporary authority to practice.
25. Clarifies that a Compact state's decision for a psychologist to participate in an alternative program may be used in lieu of adverse action and that participation must remain nonpublic if required by the Compact state's law. Compact states must require psychologists not to provide telepsychology services or provide temporary psychological services in any other Compact state during the term of the alternative program.

26. Mandates that no other judicial or administrative remedies be available to a psychologist in the event a Compact state imposes an adverse action.

**Additional Authorities Invested in a Compact
State's Psychology Regulatory Authority**

27. Allows for a Compact state's psychology regulatory authority to have additional powers and authorities under the Compact to do the following:
- a. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas must be enforced in the latter state by any court of competent jurisdiction. The issuing state must pay witness fees, travel expenses, mileage and other required fees; and
 - b. Issue cease and desist or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology and/or temporary authorization to practice.
28. States that a psychologist, during the course of an investigation, may not change the psychologist's home state licensure. A home state's psychology regulatory authority is authorized to complete any pending investigations of a psychologist and take any actions deemed necessary under its law. The home state's psychology regulatory authority must promptly report the findings of the investigations to the Commission.
29. Permits the psychologist to change their home state licensure once any investigations have been completed. The Commission must promptly notify the new home state and all information provided to the Commission or distributed by Compact states must be confidential, filed under seal and used for investigatory or disciplinary purposes. The Commission may create additional rules for mandated or discretionary sharing of information by Compact states.

Coordinated Licensure Information System

30. Requires the Commission to provide for the development and maintenance of a coordinated database and reporting system that contains licensure and disciplinary action information on all psychologists or individuals to whom this Compact applies.
31. States that a Compact state must submit a uniform data set to the coordinated database on all licensees including the following requirements;
- a. Identifying information;
 - b. Licensure data;
 - c. Significant investigatory information;
 - d. Adverse actions against a psychologist's license;
 - e. An indicator that a psychologist's authority to practice interjurisdictional telepsychology and/or temporary authorization to practice is revoked;
 - f. Non-confidential information related to alternative program participation information;
 - g. Any denial of application for licensure and the reasons for the denial; and
 - h. Other information that may facilitate the administration of this Compact as determined by the rules of the Commission.
32. Mandates the coordinated database administrator must promptly notify all Compact states of any adverse action taken against or significant investigative information on any licensee in a Compact state.

33. States that Compact state's reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the Compact state reporting the information.
34. Requires for any information that is submitted to the coordinated database that is subsequently required to be expunged by the law of the Compact state reporting the information be removed from the coordinated database.

Establishment of the Psychology Interjurisdictional Compact Commission

35. Creates a joint public agency known as the Psychology Interjurisdictional Compact Commission as follows:
 - a. The Commission is a body politic and an instrumentality of the Compact states;
 - b. Venue is proper and judicial proceedings by or against the Commission must 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; and
 - c. Nothing in this Compact must be construed to be a waiver of sovereign immunity.
36. Establishes membership, voting and meetings requirements as follows:
 - a. The Commission must consist of one voting representative appointed by each Compact state who must serve as that state's commissioner. The state psychology regulatory authority must appoint its delegate. This delegate must be empowered to act on behalf of the Compact state. This delegate must be limited to:
 - i. The executive director or executive secretary or a similar executive;
 - ii. A current member of the state psychology regulatory authority of a Compact state; or
 - iii. A designee empowered with the appropriate delegate authority to act on behalf of the Compact state.
 - b. Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the Commission will be filled in accordance with the laws of the Compact state in which the vacancy exists;
 - c. Each commissioner must be entitled to one vote with regard to the promulgation of rules and creation of bylaws and must otherwise have an opportunity to participate in the business and affairs of the Commission. A commissioner must 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;
 - d. The Commission must meet at least once during each calendar year. Additional meetings will be held as set forth in the bylaws;
 - e. All meetings must be open to the public, and public notice of meetings will be given;
 - f. The Commission may convene in a closed, nonpublic meeting if the Commission must discuss:
 - i. Noncompliance of a Compact state with its obligations under the Compact;
 - ii. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
 - iii. Current, threatened or reasonably anticipated litigation against the Commission;
 - iv. The negotiation of contracts for the purchase or sale of goods, services or real estate;
 - v. An accusation against any person of a crime or formally censuring any person;

- vi. The disclosure of trade secrets or commercial or financial information that is privileged or confidential;
 - vii. The disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - viii. The disclosure of investigatory records compiled for law enforcement purposes;
 - ix. The disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or another committee charged with responsibility for investigation or determination of compliance issues pursuant to the Compact; or
 - x. Matters specifically exempted from disclosure by federal and state statute.
- g. If a meeting, or portion of a meeting, is closed, the Commission's legal counsel must certify that the meeting may be closed and reference each relevant exempting provision. The Commission must keep minutes that fully and clearly describe all matters discussed in a meeting and must provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons, including a description of the views expressed. All documents considered in connection with an action must be identified in the minutes. All minutes and documents of a closed meeting must remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.
37. Permits the Commission to prescribe bylaws or rules to govern its conduct to carry out the purposes and exercise the powers of the Compact by a majority vote of the commissioners including:
- a. Establishing the fiscal year of the Commission;
 - b. Providing reasonable standards and procedures:
 - i. For the establishment and meetings of other committees; and
 - ii. Governing any general or specific delegation of any authority or function of the Commission.
 - c. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with exceptions designed to protect the public's interest, the privacy of individuals of such proceedings and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed;
 - d. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission;
 - e. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar law of any Compact state, the bylaws must exclusively govern the personnel policies and programs of the Commission;
 - f. Promulgating a code of ethics to address permissible and prohibited activities of Commission members and employees;
 - g. Providing a mechanism for concluding the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact and after the payment and/or reserving of all of its debts and obligations;

- h. The Commission must publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compact states;
- i. The Commission must maintain its financial records in accordance with the bylaws; and
- j. The Commission must meet and take such actions as are consistent with the provisions of this Compact and the bylaws.

38. Designates powers to the Commission as follows:

- a. To promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rule must have the force and effect of law and must be binding in all Compact states;
- b. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law must not be affected;
- c. To purchase and maintain insurance and bonds;
- d. To borrow, accept or contract for services of personnel, including employees of a Compact state;
- e. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;
- f. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same, provided that at all times the Commission must strive to avoid any appearance of impropriety or conflict of interest;
- g. To lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve or use, any property, real, personal or mixed, provided that at all times the Commission must strive to avoid any appearance of impropriety;
- h. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;
- i. To establish a budget and make expenditures;
- j. To borrow money;
- k. To appoint committees, including advisory committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;
- l. To provide and receive information from, and to cooperate with, law enforcement agencies;
- m. To adopt and use an official seal; and
- n. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.

39. Mandates that elected officers serve as the executive board which must have the power to act on behalf of the Commission according to the following terms:

- a. The executive board shall be composed of the following six members:
 - i. Five voting members who are elected from the current membership of the Commission by the Commission; and

- ii. One ex officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.
 - b. The ex officio member must have served as staff with or a member on a state psychology regulatory authority and must be selected by its respective organization;
 - c. The Commission may remove any member of the executive board as provided in bylaws;
 - d. The executive board must meet at least annually;
 - e. The executive board must have the following duties and responsibilities:
 - i. Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact, fees paid by Compact states such as annual dues, and any other applicable fees;
 - ii. Ensure Compact administration services are appropriately provided, contractual or otherwise;
 - iii. Prepare and recommend the budget;
 - iv. Maintain financial records on behalf of the Commission;
 - v. Monitor Compact compliance of member states and provide compliance reports to the Commission;
 - vi. Establish additional committees as necessary; and
 - vii. Other duties as provided in rules or bylaws.
- 40. Outlines the financial structure of the Commission as follows:
 - a. The Commission must pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities;
 - b. The Commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services;
 - c. The Commission may levy on and collect an annual assessment from each Compact state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount must be allocated based on a formula to be determined by the Commission, which must promulgate a rule binding on all Compact states;
 - d. The Commission must not incur obligations of any kind prior to securing the funds adequate to meet the same, nor must the Commission pledge the credit of any of the Compact states, except by and with the authority of the Compact state; and
 - e. The Commission must keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission must be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission must be audited yearly by a certified or licensed public accountant, and the report of the audit must be included in and become part of the annual report of the Commission.
- 41. Provides qualified immunity, defense and indemnification provisions as follows:
 - a. The members, officers, executive director, employees and representatives of the Commission must be immune from suit and liability, either personally or in their official capacity for any claim for damage or loss of property or personal injury caused by or arising out of any actual or alleged act, error, omission or that the person against whom the claim has been made had a reasonable basis for believing such occurrences happened. Duties and responsibilities must protect any such person from suit or liability caused by intentional, wilful or wanton misconduct;

- b. The Commission must defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or that the person against whom the claim is made had a reasonable basis for believing such occurrences happens. Allows for nothing to prohibit that person from retaining their own counsel and the act did not result from that person's intentional, wilful or wanton misconduct; and
- c. The Commission must indemnify and hold harmless any member, officer, executive director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of the Commission employment or duties if the act did not result from intentional, wilful or wanton misconduct.

Rulemaking

- 42. Mandates that the Commission exercise its rulemaking powers and that all the rules and amendments must become binding as of the date specified in each rule or amendment.
- 43. States that if a majority of the legislatures of the Compact states reject a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, that rule will have no further force and effect in any Compact state.
- 44. Requires for rules or amendments to rules to be adopted at a regular or special meeting of the Commission.
- 45. Mandates that rules or amendments to the rules must be adopted at a regular or special meeting of the Commission, and at least sixty days in advance of the meeting at which the rule will be considered and voted on, the Commission must file a notice of proposed rulemaking as follows:
 - a. On the website of the Commission; and
 - b. On the website of each Compact state's psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.
- 46. Outlines the contents and notice of proposed rulemaking to include:
 - a. The proposed time, date and location of the meeting in which the rule will be considered and voted on;
 - b. The text of the proposed rule or amendment and the reason for the proposed rule;
 - c. A request for comments on the proposed rule from any interested person; and
 - d. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.
- 47. Allows the Commission to let people submit written data, facts, opinions and arguments prior to adopting a proposed rule which must be made available to the public.
- 48. Mandates the Commission to grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:
 - a. At least twenty-five people who submit comments that are independent of each other;
 - b. A governmental subdivision or agency; or
 - c. A duly appointed person in an association that has at least twenty-five members.
- 49. Requires the Commission to publish the place, time and date of a scheduled public hearing and the following to apply to a hearing:

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- a. All persons wishing to be heard at the hearing must notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing;
 - b. Hearings must be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing;
 - c. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This paragraph does not preclude the Commission from making a transcript or recording of the hearing if it so chooses; and
 - d. Nothing in this subsection shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this subsection.
50. States that following a scheduled hearing date or by the close of business on the scheduled hearing date, if the hearing was not held, the Commission must consider all written and oral comments that were received.
51. Requires the Commission by majority vote of all members to take final action on a proposed rule and determine the effective date of the rule based on the rulemaking record and the full text of that rule.
52. Gives the Commission the opportunity to proceed with promulgation of the proposed rule without a public hearing if no written notice of intent to attend the public hearing by interested parties is received.
53. Allows the Commission to consider and adopt an emergency rule, if an emergency exists, without prior notice or opportunity for comment or hearing, provided that the rulemaking procedures provided in the Compact are retroactively applied to the rule as soon as reasonably practicable but no later than 90 days after the effective date of the rule. An emergency rule is one that must be adopted immediately in order to:
- a. Meet an imminent threat to public health, safety or welfare;
 - b. Prevent a loss of Commission or Compact state funds;
 - c. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
 - d. Protect public health and safety.
54. Allows the Commission or any authorized committee of the Commission to make direct revisions to a previously adopted rule or amendment for purposes of correcting typographical, format or grammatical errors. Public notice of any revision must be posted on the Commission's website.
55. Mandates a revision must be subject to challenge by any person for a period of 30 days after posting and may be challenged only on grounds that the revision results in a material change to a rule.
56. Specifies that a challenge must be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action and if there is a challenge, the revision may not take effect without the approval of the Commission.

Oversight, Dispute Resolution and Enforcement

57. Outlines the oversight of the Commission as follows:

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- a. The executive, legislative and judicial branches of government in each Compact state must enforce this Compact and take all actions necessary to effectuate the Compact's purpose and intent.
 - b. All courts must take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a Compact state pertaining to any subject matter that may affect the powers, responsibilities or actions of the Commission
 - c. The Commission must be entitled to receive service of process in any proceeding and must have standing to intervene in a proceeding. Failure to provide service of process to the Commission will render a judgment as to the Commission.
58. States default, technical assistance and termination provisions as follows:
- a. If the Commission determines that a Compact state has defaulted in the performance of its obligations or responsibilities under this Compact or promulgated rules the Commission must:
 - i. Provide written notice to the defaulting state and other Compact states of the nature of the default, the proposed means of remedying the default or any other action taken by the Commission; and
 - ii. Provide remedial training and specific technical assistance regarding the default.
 - b. If a state that is in default fails to remedy the default, the defaulting state may be terminated from the Compact on an affirmative vote of a majority of the Compact states. All rights, privileges and benefits by this Compact must be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of any obligation or liabilities;
 - c. Termination of membership in the Compact must be imposed after all other means of securing compliance have been met. Notice of intent to suspend or terminate must be submitted by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature and each of the Compact states;
 - d. A Compact state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including obligations that extend beyond the effective date of termination;
 - e. The Commission must not bear any costs incurred by the state that is found to be in default or that has been terminated from the Compact unless agreed upon in writing between the Commission and the defaulting state; and
 - f. The defaulting state may appeal the action of the Commission by petitioning the United States District Court for the State of Georgia or the Federal District where the Compact has its principal offices. The prevailing member must be awarded all costs of the litigation including reasonable attorney's fees.
59. Outlines dispute resolution provision as follows:
- a. On request by a Compact state, the Commission must attempt to resolve disputes related to the Compact which arise among Compact states and between Compact and non-compact states; and
 - b. The Commission must promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the Commission.
60. Gives enforcement provisions and rules of this Compact as follows:
- a. The Commission, in the reasonable exercise of its discretion, must enforce the provisions and rules of this Compact;
 - b. By majority vote, the Commission may initiate legal action in the United States District Court for the State of Georgia or the Federal District where the Compact has its principal

offices against a Compact state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member must be awarded all costs of such litigation, including reasonable attorney's fees; and

- c. The remedies are not the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

Date of Implementation of the Commission and Associated Rules, Withdrawal and Amendments

- 61. Establishes that the Compact take effect on the date on which the Compact is enacted into law in the seventh Compact state. The effective provisions must be limited to the powers granted to the Commission relating to the assembly and promulgation of rules. The Commission must meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.
- 62. Mandates that any state that joins the Compact subsequent to the Commission's initial adoption of the rules must be subject to the rules as they exist on the date when the Compact becomes a law in that state. Any rule that is previously adopted by the Commission must have the full force and effect of law on the day the Compact becomes law.
- 63. Allows for a Compact state to withdraw from this Compact by enacting a repealing statute and is subject to the following:
 - a. A Compact state's withdrawal must not take effect until six months after enactment of the repealing statute; and
 - b. Withdrawal must not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this Compact before the date of withdrawal.
- 64. States that the Compact must not be construed to invalidate or prevent any psychology licensure agreement or other arrangement between a Compact state and a non-compact state that does not conflict with the provisions of this Compact.
- 65. Allows for the Compact to be amended by the compact states and makes no amendment to this Compact effective and binding on the Compact states until it is enacted into the law of all Compact states.

Construction and Severability

- 66. Makes this Compact liberally construed so as to effectuate the purposes. If the Compact is held contrary to the constitution of any state member the Compact remains in full force and effect as to the remaining Compact states.

Miscellaneous

- 67. Prohibits an employer from requiring a psychologist to seek licensure through the Compact as a condition of initial or continued employment as a psychologist in the state of Arizona.
- 68. Allows an employer to require a psychologist to obtain and maintain a license to practice psychology in multiple states if the psychologist is free to obtain and maintain the license by any means authorized by the laws of the respective states.
- 69. Requires the legal counsel or designee of the Commission to certify that meetings may be closed and must reference each relevant exempting provision.

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70. Requires the State Board of Psychologists Examiners (Board) to post on their public website notice of any Commission action that may affect a psychologist's license within 30 days after the action takes place.

71. Defines terms.

CURRENT LAW

Contained within Title 32, Chapter 19.1 are the laws relating to the practice of psychology. Included therein are licensing and education requirements along with applicable regulations.