

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1629

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE EVANS.

5461H.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 337.025, 337.029, and 337.033, RSMo, and to enact in lieu thereof seventeen new sections relating to the licensure of psychologists, with a contingent effective date for certain sections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 337.025, 337.029, and 337.033, RSMo, are repealed and seventeen
2 new sections enacted in lieu thereof, to be known as sections 337.025, 337.029, 337.033,
3 337.100, 337.105, 337.110, 337.115, 337.120, 337.125, 337.130, 337.135, 337.140, 337.145,
4 337.150, 337.155, 337.160, and 337.165, to read as follows:

337.025. 1. The provisions of this section shall govern the education and experience
2 requirements for initial licensure as a psychologist for the following persons:

3 (1) A person who has not matriculated in a graduate degree program which is primarily
4 psychological in nature on or before August 28, 1990; and

5 (2) A person who is matriculated after August 28, 1990, in a graduate degree program
6 designed to train professional psychologists.

7 2. Each applicant shall submit satisfactory evidence to the committee that the applicant
8 has received a doctoral degree in psychology from a recognized educational institution, and has
9 had at least one year of satisfactory supervised professional experience in the field of psychology.

10 3. A doctoral degree in psychology is defined as:

11 (1) A program accredited, or provisionally accredited, by the American Psychological
12 Association (**APA**), ~~[or]~~ the Canadian Psychological Association (**CPA**), **or the Psychological**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 **Clinical Science Accreditation System (PCSAS); provided that, such program includes a**
14 **supervised practicum, internship, field, or laboratory training appropriate to the practice**
15 **of psychology; or**

16 (2) A program designated or approved, including provisional approval, by the
17 Association of State and Provincial Psychology Boards or the Council for the National Register
18 of Health Service Providers in Psychology, or both; or

19 (3) A graduate program that meets all of the following criteria:

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

23 (b) The psychology program shall stand as a recognizable, coherent organizational entity
24 within the institution of higher education;

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

27 (d) The program shall be an integrated, organized, sequence of study;

28 (e) There shall be an identifiable psychology faculty and a psychologist responsible for
29 the program;

30 (f) The program shall have an identifiable body of students who are matriculated in that
31 program for a degree;

32 (g) The program shall include a supervised practicum, internship, field, or laboratory
33 training appropriate to the practice of psychology;

34 (h) The curriculum shall encompass a minimum of three academic years of full-time
35 graduate study, with a minimum of one year's residency at the educational institution granting
36 the doctoral degree; and

37 (i) Require the completion by the applicant of a core program in psychology which shall
38 be met by the completion and award of at least one three-semester-hour graduate credit course
39 or a combination of graduate credit courses totaling three semester hours or five quarter hours
40 in each of the following areas:

41 a. The biological bases of behavior such as courses in: physiological psychology,
42 comparative psychology, neuropsychology, sensation and perception, psychopharmacology;

43 b. The cognitive-affective bases of behavior such as courses in: learning, thinking,
44 motivation, emotion, and cognitive psychology;

45 c. The social bases of behavior such as courses in: social psychology, group
46 processes/dynamics, interpersonal relationships, and organizational and systems theory;

47 d. Individual differences such as courses in: personality theory, human development,
48 abnormal psychology, developmental psychology, child psychology, adolescent psychology,
49 psychology of aging, and theories of personality;

50 e. The scientific methods and procedures of understanding, predicting and influencing
51 human behavior such as courses in: statistics, experimental design, psychometrics, individual
52 testing, group testing, and research design and methodology.

53 4. Acceptable supervised professional experience may be accrued through preinternship,
54 internship, predoctoral postinternship, or postdoctoral experiences. The academic training
55 director or the postdoctoral training supervisor shall attest to the hours accrued to meet the
56 requirements of this section. Such hours shall consist of:

57 (1) A minimum of fifteen hundred hours of experience in a successfully completed
58 internship to be completed in not less than twelve nor more than twenty-four months; and

59 (2) A minimum of two thousand hours of experience consisting of any combination of
60 the following:

61 (a) Preinternship and predoctoral postinternship professional experience that occurs
62 following the completion of the first year of the doctoral program or at any time while in a
63 doctoral program after completion of a master's degree in psychology or equivalent as defined
64 by rule by the committee;

65 (b) Up to seven hundred fifty hours obtained while on the internship under subdivision
66 (1) of this subsection but beyond the fifteen hundred hours identified in subdivision (1) of this
67 subsection; or

68 (c) Postdoctoral professional experience obtained in no more than twenty-four
69 consecutive calendar months. In no case shall this experience be accumulated at a rate of more
70 than fifty hours per week. Postdoctoral supervised professional experience for prospective health
71 service providers and other applicants shall involve and relate to the delivery of psychological
72 services in accordance with professional requirements and relevant to the applicant's intended
73 area of practice.

74 5. Experience for those applicants who intend to seek health service provider
75 certification and who have completed a program in one or more of the American Psychological
76 Association designated health service provider delivery areas shall be obtained under the primary
77 supervision of a licensed psychologist who is also a health service provider or who otherwise
78 meets the requirements for health service provider certification. Experience for those applicants
79 who do not intend to seek health service provider certification shall be obtained under the
80 primary supervision of a licensed psychologist or such other qualified mental health professional
81 approved by the committee.

82 6. For postinternship and postdoctoral hours, the psychological activities of the applicant
83 shall be performed pursuant to the primary supervisor's order, control, and full professional
84 responsibility. The primary supervisor shall maintain a continuing relationship with the
85 applicant and shall meet with the applicant a minimum of one hour per month in face-to-face
86 individual supervision. Clinical supervision may be delegated by the primary supervisor to one
87 or more secondary supervisors who are qualified psychologists. The secondary supervisors shall
88 retain order, control, and full professional responsibility for the applicant's clinical work under
89 their supervision and shall meet with the applicant a minimum of one hour per week in
90 face-to-face individual supervision. If the primary supervisor is also the clinical supervisor,
91 meetings shall be a minimum of one hour per week. Group supervision shall not be acceptable
92 for supervised professional experience. The primary supervisor shall certify to the committee
93 that the applicant has complied with these requirements and that the applicant has demonstrated
94 ethical and competent practice of psychology. The changing by an agency of the primary
95 supervisor during the course of the supervised experience shall not invalidate the supervised
96 experience.

97 7. The committee by rule shall provide procedures for exceptions and variances from the
98 requirements for once a week face-to-face supervision due to vacations, illness, pregnancy, and
99 other good causes.

 337.029. 1. A psychologist licensed in another jurisdiction who has had no violations
2 and no suspensions and no revocation of a license to practice psychology in any jurisdiction may
3 receive a license in Missouri, provided the psychologist passes a written examination on
4 Missouri laws and regulations governing the practice of psychology and meets one of the
5 following criteria:

- 6 (1) Is a diplomate of the American Board of Professional Psychology;
- 7 (2) Is a member of the National Register of Health Service Providers in Psychology;
- 8 (3) Is currently licensed or certified as a psychologist in another jurisdiction who is then
9 a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement;
- 10 (4) Is currently licensed or certified as a psychologist in another state, territory of the
11 United States, or the District of Columbia and:
 - 12 (a) Has a doctoral degree in psychology from a program accredited, or provisionally
13 accredited, **either** by the American Psychological Association **or the Psychological Clinical
14 Science Accreditation System**, or that meets the requirements as set forth in subdivision (3) of
15 subsection 3 of section 337.025;
 - 16 (b) Has been licensed for the preceding five years; and
 - 17 (c) Has had no disciplinary action taken against the license for the preceding five years;

18 or

19 (5) Holds a current certificate of professional qualification (CPQ) issued by the
20 Association of State and Provincial Psychology Boards (ASPPB).

21 2. Notwithstanding the provisions of subsection 1 of this section, applicants may be
22 required to pass an oral examination as adopted by the committee.

23 3. A psychologist who receives a license for the practice of psychology in the state of
24 Missouri on the basis of reciprocity as listed in subsection 1 of this section or by endorsement
25 of the score from the examination of professional practice in psychology score will also be
26 eligible for and shall receive certification from the committee as a health service provider if the
27 psychologist meets one or more of the following criteria:

28 (1) Is a diplomate of the American Board of Professional Psychology in one or more of
29 the specialties recognized by the American Board of Professional Psychology as pertaining to
30 health service delivery;

31 (2) Is a member of the National Register of Health Service Providers in Psychology; or

32 (3) Has completed or obtained through education, training, or experience the requisite
33 knowledge comparable to that which is required pursuant to section 337.033.

337.033. 1. A licensed psychologist shall limit his or her practice to demonstrated areas
2 of competence as documented by relevant professional education, training, and experience. A
3 psychologist trained in one area shall not practice in another area without obtaining additional
4 relevant professional education, training, and experience through an acceptable program of
5 respecialization.

6 2. A psychologist may not represent or hold himself or herself out as a state certified or
7 registered psychological health service provider unless the psychologist has first received the
8 psychologist health service provider certification from the committee; provided, however,
9 nothing in this section shall be construed to limit or prevent a licensed, whether temporary,
10 provisional or permanent, psychologist who does not hold a health service provider certificate
11 from providing psychological services so long as such services are consistent with subsection
12 1 of this section.

13 3. "Relevant professional education and training" for health service provider
14 certification, except those entitled to certification pursuant to subsection 5 or 6 of this section,
15 shall be defined as a licensed psychologist whose graduate psychology degree from a recognized
16 educational institution is in an area designated by the American Psychological Association as
17 pertaining to health service delivery or a psychologist who subsequent to receipt of his or her
18 graduate degree in psychology has either completed a respecialization program from a
19 recognized educational institution in one or more of the American Psychological Association
20 recognized clinical health service provider areas and who in addition has completed at least one
21 year of postdegree supervised experience in such clinical area or a psychologist who has obtained

22 comparable education and training acceptable to the committee through completion of
23 postdoctoral fellowships or otherwise.

24 4. The degree or respecialization program certificate shall be obtained from a recognized
25 program of graduate study in one or more of the health service delivery areas designated by the
26 American Psychological Association as pertaining to health service delivery, which shall meet
27 one of the criteria established by subdivisions (1) to (3) of this subsection:

28 (1) A doctoral degree or completion of a recognized respecialization program in one or
29 more of the American Psychological Association designated health service provider delivery
30 areas which is accredited, or provisionally accredited, **either** by the American Psychological
31 Association **or the Psychological Clinical Science Accreditation System**; or

32 (2) A clinical or counseling psychology doctoral degree program or respecialization
33 program designated, or provisionally approved, by the Association of State and Provincial
34 Psychology Boards or the Council for the National Register of Health Service Providers in
35 Psychology, or both; or

36 (3) A doctoral degree or completion of a respecialization program in one or more of the
37 American Psychological Association designated health service provider delivery areas that meets
38 the following criteria:

39 (a) The program, wherever it may be administratively housed, shall be clearly identified
40 and labeled as being in one or more of the American Psychological Association designated health
41 service provider delivery areas;

42 (b) Such a program shall specify in pertinent institutional catalogues and brochures its
43 intent to educate and train professional psychologists in one or more of the American
44 Psychological Association designated health service provider delivery areas.

45 5. A person who is lawfully licensed as a psychologist pursuant to the provisions of this
46 chapter on August 28, 1989, or who has been approved to sit for examination prior to August 28,
47 1989, and who subsequently passes the examination shall be deemed to have met all
48 requirements for health service provider certification; provided, however, that such person shall
49 be governed by the provisions of subsection 1 of this section with respect to limitation of
50 practice.

51 6. Any person who is lawfully licensed as a psychologist in this state and who meets one
52 or more of the following criteria shall automatically, upon payment of the requisite fee, be
53 entitled to receive a health service provider certification from the committee:

54 (1) Is a diplomate of the American Board of Professional Psychology in one or more of
55 the specialties recognized by the American Board of Professional Psychology as pertaining to
56 health service delivery; or

57 (2) Is a member of the National Register of Health Service Providers in Psychology.

337.100. 1. Sections 337.100 to 337.165 shall be known as the "Psychology Interjurisdictional Compact". The party states find that:

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

(2) This compact is intended to regulate the day to day practice of telepsychology, the provision of psychological services using telecommunication technologies, by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority;

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

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

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

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

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

2. The general purposes of this compact are to:

(1) 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 which the psychologist is not licensed to practice psychology;

(2) Enhance the states' ability to protect the public's health and safety, especially client/patient safety;

(3) Encourage the cooperation of compact states in the areas of psychology licensure and regulation;

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

(5) Promote compliance with the laws governing psychological practice in each compact state; and

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

337.105. As used in this compact, the following terms shall mean:

- 2 **(1) "Adverse action", any action taken by a state psychology regulatory authority**
3 **which finds a violation of a statute or regulation that is identified by the state psychology**
4 **regulatory authority as discipline and is a matter of public record;**
- 5 **(2) "Association of State and Provincial Psychology Boards (ASPPB)", the**
6 **recognized membership organization composed of state and provincial psychology**
7 **regulatory authorities responsible for the licensure and registration of psychologists**
8 **throughout the United States and Canada;**
- 9 **(3) "Authority to practice interjurisdictional telepsychology", a licensed**
10 **psychologist's authority to practice telepsychology, within the limits authorized under this**
11 **compact, in another compact state;**
- 12 **(4) "Bylaws", those bylaws established by the psychology interjurisdictional**
13 **compact commission pursuant to section 337.145 for its governance, or for directing and**
14 **controlling its actions and conduct;**
- 15 **(5) "Client/patient", the recipient of psychological services, whether psychological**
16 **services are delivered in the context of healthcare, corporate, supervision, or consulting**
17 **services;**
- 18 **(6) "Commissioner", the voting representative appointed by each state psychology**
19 **regulatory authority pursuant to section 337.145;**
- 20 **(7) "Compact state", a state, the District of Columbia, or United States territory**
21 **that has enacted this compact legislation and which has not withdrawn pursuant to**
22 **subsection 3 of section 337.160 or been terminated pursuant to subsection 2 of section**
23 **337.155;**
- 24 **(8) "Coordinated licensure information system" also referred to as "coordinated**
25 **database", an integrated process for collecting, storing, and sharing information on**
26 **psychologists' licensure and enforcement activities related to psychology licensure laws,**
27 **which is administered by the recognized membership organization composed of state and**
28 **provincial psychology regulatory authorities;**
- 29 **(9) "Confidentiality", the principle that data or information is not made available**
30 **or disclosed to unauthorized persons or processes;**
- 31 **(10) "Day", any part of a day in which psychological work is performed;**
- 32 **(11) "Distant state", the compact state where a psychologist is physically present,**
33 **not through the use of telecommunications technologies, to provide temporary in-person,**
34 **face-to-face psychological services;**
- 35 **(12) "E.Passport", a certificate issued by the Association of State and Provincial**
36 **Psychology Boards (ASPPB) that promotes the standardization in the criteria of**

37 interjurisdictional telepsychology practice and facilitates the process for licensed
38 psychologists to provide telepsychological services across state lines;

39 (13) "Executive board", a group of directors elected or appointed to act on behalf
40 of, and within the powers granted to them by, the commission;

41 (14) "Home state", a compact state where a psychologist is licensed to practice
42 psychology. If the psychologist is licensed in more than one compact state and is practicing
43 under the authorization to practice interjurisdictional telepsychology, the home state is the
44 compact state where the psychologist is physically present when the telepsychological
45 services are delivered. If the psychologist is licensed in more than one compact state and
46 is practicing under the temporary authorization to practice, the home state is any compact
47 state where the psychologist is licensed;

48 (15) "Identity history summary", a summary of information retained by the
49 Federal Bureau of Investigation, or other designee with similar authority, in connection
50 with arrests and, in some instances, federal employment, naturalization, or military
51 service;

52 (16) "In-person, face-to-face", interactions in which the psychologist and the
53 client/patient are in the same physical space and which does not include interactions that
54 may occur through the use of telecommunication technologies;

55 (17) "Interjurisdictional practice certificate (IPC)", a certificate issued by the
56 Association of State and Provincial Psychology Boards (ASPPB) that grants temporary
57 authority to practice based on notification to the state psychology regulatory authority of
58 intention to practice temporarily, and verification of one's qualifications for such practice;

59 (18) "License", authorization by a state psychology regulatory authority to engage
60 in the independent practice of psychology, which would be unlawful without the
61 authorization;

62 (19) "Noncompact state", any state which is not at the time a compact state;

63 (20) "Psychologist", an individual licensed for the independent practice of
64 psychology;

65 (21) "Psychology interjurisdictional compact commission" also referred to as
66 "commission", the national administration of which all compact states are members;

67 (22) "Receiving state", a compact state where the client/patient is physically located
68 when the telepsychological services are delivered;

69 (23) "Rule", a written statement by the psychology interjurisdictional compact
70 commission promulgated pursuant to section 337.150 of the compact that is of general
71 applicability, implements, interprets, or prescribes a policy or provision of the compact,
72 or an organizational, procedural, or practice requirement of the commission and has the

73 force and effect of statutory law in a compact state, and includes the amendment, repeal
74 or suspension of an existing rule;

75 (24) "Significant investigatory information":

76 (a) Investigative information that a state psychology regulatory authority, after a
77 preliminary inquiry that includes notification and an opportunity to respond if required
78 by state law, has reason to believe, if proven true, would indicate more than a violation of
79 state statute or ethics code that would be considered more substantial than minor
80 infraction; or

81 (b) Investigative information that indicates that the psychologist represents an
82 immediate threat to public health and safety regardless of whether the psychologist has
83 been notified and had an opportunity to respond;

84 (25) "State", a state, commonwealth, territory, or possession of the United States,
85 the District of Columbia;

86 (26) "State psychology regulatory authority", the board, office or other agency with
87 the legislative mandate to license and regulate the practice of psychology;

88 (27) "Telepsychology", the provision of psychological services using
89 telecommunication technologies;

90 (28) "Temporary authorization to practice", a licensed psychologist's authority to
91 conduct temporary in-person, face-to-face practice, within the limits authorized under this
92 compact, in another compact state;

93 (29) "Temporary in-person, face-to-face practice", where a psychologist is
94 physically present, not through the use of telecommunications technologies, in the distant
95 state to provide for the practice of psychology for thirty days within a calendar year and
96 based on notification to the distant state.

337.110. 1. The home state shall be a compact state where a psychologist is licensed
2 to practice psychology.

3 2. A psychologist may hold one or more compact state licenses at a time. If the
4 psychologist is licensed in more than one compact state, the home state is the compact state
5 where the psychologist is physically present when the services are delivered as authorized
6 by the authority to practice interjurisdictional telepsychology under the terms of this
7 compact.

8 3. Any compact state may require a psychologist not previously licensed in a
9 compact state to obtain and retain a license to be authorized to practice in the compact
10 state under circumstances not authorized by the authority to practice interjurisdictional
11 telepsychology under the terms of this compact.

12 **4. Any compact state may require a psychologist to obtain and retain a license to**
13 **be authorized to practice in a compact state under circumstances not authorized by**
14 **temporary authorization to practice under the terms of this compact.**

15 **5. A home state's license authorizes a psychologist to practice in a receiving state**
16 **under the authority to practice interjurisdictional telepsychology only if the compact state:**

17 **(1) Currently requires the psychologist to hold an active E.Passport;**

18 **(2) Has a mechanism in place for receiving and investigating complaints about**
19 **licensed individuals;**

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

22 **(4) Requires an identity history summary of all applicants at initial licensure,**
23 **including the use of the results of fingerprints or other biometric data checks compliant**
24 **with the requirements of the Federal Bureau of Investigation, or other designee with**
25 **similar authority, no later than ten years after activation of the compact; and**

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

27 **6. A home state's license grants temporary authorization to practice to a**
28 **psychologist in a distant state only if the compact state:**

29 **(1) Currently requires the psychologist to hold an active IPC;**

30 **(2) Has a mechanism in place for receiving and investigating complaints about**
31 **licensed individuals;**

32 **(3) Notifies the commission, in compliance with the terms herein, of any adverse**
33 **action or significant investigatory information regarding a licensed individual;**

34 **(4) Requires an identity history summary of all applicants at initial licensure,**
35 **including the use of the results of fingerprints or other biometric data checks compliant**
36 **with the requirements of the Federal Bureau of Investigation, or other designee with**
37 **similar authority, no later than ten years after activation of the compact; and**

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

2 **337.115. 1. Compact states shall recognize the right of a psychologist, licensed in**
3 **a compact state in conformance with section 337.110, to practice telepsychology in**
4 **receiving states in which the psychologist is not licensed, under the authority to practice**
5 **interjurisdictional telepsychology as provided in the compact.**

6 **2. To exercise the authority to practice interjurisdictional telepsychology under the**
7 **terms and provisions of this compact, a psychologist licensed to practice in a compact state**
8 **shall:**

9 **(1) Hold a graduate degree in psychology from an institute of higher education that**
10 **was, at the time the degree was awarded:**

10 **(a) Regionally accredited by an accrediting body recognized by the United States**
11 **Department of Education to grant graduate degrees, or authorized by provincial statute**
12 **or royal charter to grant doctoral degrees; or**

13 **(b) A foreign college or university deemed to be equivalent to the requirements of**
14 **paragraph (a) of this subdivision by a foreign credential evaluation service that is a**
15 **member of the National Association of Credential Evaluation Services (NACES) or by a**
16 **recognized foreign credential evaluation service;**

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

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

22 **(b) The psychology program shall stand as a recognizable, coherent, organizational**
23 **entity within the institution;**

24 **(c) There shall be a clear authority and primary responsibility for the core and**
25 **specialty areas whether or not the program cuts across administrative lines;**

26 **(d) The program shall consist of an integrated, organized sequence of study;**

27 **(e) There shall be an identifiable psychology faculty sufficient in size and breadth**
28 **to carry out its responsibilities;**

29 **(f) The designated director of the program shall be a psychologist and a member**
30 **of the core faculty;**

31 **(g) The program shall have an identifiable body of students who are matriculated**
32 **in that program for a degree;**

33 **(h) The program shall include supervised practicum, internship, or field training**
34 **appropriate to the practice of psychology;**

35 **(i) The curriculum shall encompass a minimum of three academic years of full-time**
36 **graduate study for doctoral degree and a minimum of one academic year of full-time**
37 **graduate study for master's degree;**

38 **(j) The program includes an acceptable residency as defined by the rules of the**
39 **commission;**

40 **(3) Possess a current, full and unrestricted license to practice psychology in a home**
41 **state which is a compact state;**

42 **(4) Have no history of adverse action that violate the rules of the commission;**

43 **(5) Have no criminal record history reported on an identity history summary that**
44 **violates the rules of the commission;**

45 **(6) Possess a current, active E.Passport;**

46 **(7) Provide attestations in regard to areas of intended practice, conformity with**
47 **standards of practice, competence in telepsychology technology; criminal background; and**
48 **knowledge and adherence to legal requirements in the home and receiving states, and**
49 **provide a release of information to allow for primary source verification in a manner**
50 **specified by the commission; and**

51 **(8) Meet other criteria as defined by the rules of the commission.**

52 **3. The home state maintains authority over the license of any psychologist**
53 **practicing into a receiving state under the authority to practice interjurisdictional**
54 **telepsychology.**

55 **4. A psychologist practicing into a receiving state under the authority to practice**
56 **interjurisdictional telepsychology will be subject to the receiving state's scope of practice.**
57 **A receiving state may, in accordance with that state's due process law, limit or revoke a**
58 **psychologist's authority to practice interjurisdictional telepsychology in the receiving state**
59 **and may take any other necessary actions under the receiving state's applicable law to**
60 **protect the health and safety of the receiving state's citizens. If a receiving state takes**
61 **action, the state shall promptly notify the home state and the commission.**

62 **5. If a psychologist's license in any home state, another compact state, or any**
63 **authority to practice interjurisdictional telepsychology in any receiving state, is restricted,**
64 **suspended or otherwise limited, the E.Passport shall be revoked and therefore the**
65 **psychologist shall not be eligible to practice telepsychology in a compact state under the**
66 **authority to practice interjurisdictional telepsychology.**

337.120. 1. Compact states shall also recognize the right of a psychologist, licensed
2 **in a compact state in conformance with section 337.110, to practice temporarily in distant**
3 **states in which the psychologist is not licensed, as provided in the compact.**

4 **2. To exercise the temporary authorization to practice under the terms and**
5 **provisions of this compact, a psychologist licensed to practice in a compact state shall:**

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

8 **(a) Regionally accredited by an accrediting body recognized by the United States**
9 **Department of Education to grant graduate degrees, or authorized by provincial statute**
10 **or royal charter to grant doctoral degrees; or**

11 **(b) A foreign college or university deemed to be equivalent to the requirements of**
12 **paragraph (a) of this subdivision by a foreign credential evaluation service that is a**
13 **member of the National Association of Credential Evaluation Services (NACES) or by a**
14 **recognized foreign credential evaluation service;**

15 **(2) Hold a graduate degree in psychology that meets the following criteria:**

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

20 (b) The psychology program shall stand as a recognizable, coherent, organizational
21 entity within the institution;

22 (c) There shall be a clear authority and primary responsibility for the core and
23 specialty areas whether or not the program cuts across administrative lines;

24 (d) The program shall consist of an integrated, organized sequence of study;

25 (e) There shall be an identifiable psychology faculty sufficient in size and breadth
26 to carry out its responsibilities;

27 (f) The designated director of the program shall be a psychologist and a member
28 of the core faculty;

29 (g) The program shall have an identifiable body of students who are matriculated
30 in that program for a degree;

31 (h) The program shall include supervised practicum, internship, or field training
32 appropriate to the practice of psychology;

33 (i) The curriculum shall encompass a minimum of three academic years of full-time
34 graduate study for doctoral degrees and a minimum of one academic year of full-time
35 graduate study for master's degree;

36 (j) The program includes an acceptable residency as defined by the rules of the
37 commission;

38 (3) Possess a current, full and unrestricted license to practice psychology in a home
39 state which is a compact state;

40 (4) No history of adverse action that violate the rules of the commission;

41 (5) No criminal record history that violates the rules of the commission;

42 (6) Possess a current, active IPC;

43 (7) Provide attestations in regard to areas of intended practice and work experience
44 and provide a release of information to allow for primary source verification in a manner
45 specified by the commission; and

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

47 3. A psychologist practicing into a distant state under the temporary authorization
48 to practice shall practice within the scope of practice authorized by the distant state.

49 4. A psychologist practicing into a distant state under the temporary authorization
50 to practice will be subject to the distant state's authority and law. A distant state may, in
51 accordance with that state's due process law, limit or revoke a psychologist's temporary

52 authorization to practice in the distant state and may take any other necessary actions
53 under the distant state's applicable law to protect the health and safety of the distant state's
54 citizens. If a distant state takes action, the state shall promptly notify the home state and
55 the commission.

56 5. If a psychologist's license in any home state, another compact state, or any
57 temporary authorization to practice in any distant state, is restricted, suspended or
58 otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be
59 eligible to practice in a compact state under the temporary authorization to practice.

337.125. A psychologist may practice in a receiving state under the authority to
2 practice interjurisdictional telepsychology only in the performance of the scope of practice
3 for psychology as assigned by an appropriate state psychology regulatory authority, as
4 defined in the rules of the commission, and under the following circumstances:

5 (1) The psychologist initiates a client/patient contact in a home state via
6 telecommunications technologies with a client/patient in a receiving state;

7 (2) Other conditions regarding telepsychology as determined by rules promulgated
8 by the commission.

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

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

9 3. (1) If a home state takes adverse action against a psychologist's license, that
10 psychologist's authority to practice interjurisdictional telepsychology is terminated and the
11 E.Passport is revoked. Furthermore, that psychologist's temporary authorization to
12 practice is terminated and the IPC is revoked.

13 (2) All home state disciplinary orders which impose adverse action shall be
14 reported to the commission in accordance with the rules promulgated by the commission.
15 A compact state shall report adverse actions in accordance with the rules of the
16 commission.

17 (3) In the event discipline is reported on a psychologist, the psychologist will not be
18 eligible for telepsychology or temporary in-person, face-to-face practice in accordance with
19 the rules of the commission.

20 **(4) Other actions may be imposed as determined by the rules promulgated by the**
21 **commission.**

22 **4. A home state's psychology regulatory authority shall investigate and take**
23 **appropriate action with respect to reported inappropriate conduct engaged in by a licensee**
24 **which occurred in a receiving state as it would if such conduct had occurred by a licensee**
25 **within the home state. In such cases, the home state's law shall control in determining any**
26 **adverse action against a psychologist's license.**

27 **5. A distant state's psychology regulatory authority shall investigate and take**
28 **appropriate action with respect to reported inappropriate conduct engaged in by a**
29 **psychologist practicing under temporary authorization practice which occurred in that**
30 **distant state as it would if such conduct had occurred by a licensee within the home state.**
31 **In such cases, distant state's law shall control in determining any adverse action against**
32 **a psychologist's temporary authorization to practice.**

33 **6. Nothing in this compact shall override a compact state's decision that a**
34 **psychologist's participation in an alternative program may be used in lieu of adverse action**
35 **and that such participation shall remain non-public if required by the compact state's law.**
36 **Compact states shall require psychologists who enter any alternative programs to not**
37 **provide telepsychology services under the authority to practice interjurisdictional**
38 **telepsychology or provide temporary psychological services under the temporary**
39 **authorization to practice in any other compact state during the term of the alternative**
40 **program.**

41 **7. No other judicial or administrative remedies shall be available to a psychologist**
42 **in the event a compact state imposes an adverse action pursuant to subsection 3 of this**
43 **section.**

337.135. 1. In addition to any other powers granted under state law, a compact
2 **state's psychology regulatory authority shall have the authority under this compact to:**

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

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

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

337.140. 1. The commission shall provide for the development and maintenance
2 **of a coordinated licensure information system "coordinated database" and reporting**
3 **system containing licensure and disciplinary action information on all psychologist**
4 **individuals to whom this compact is applicable in all compact states as defined by the rules**
5 **of the commission.**

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

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

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

23 **4. Compact states reporting information to the coordinated database may designate**
24 **information that may not be shared with the public without the express permission of the**
25 **compact state reporting the information.**

26 **5. Any information submitted to the coordinated database that is subsequently**
27 **required to be expunged by the law of the compact state reporting the information shall**
28 **be removed from the coordinated database.**

337.145. 1. The compact states hereby create and establish a joint public agency
2 **known as the psychology interjurisdictional compact commission.**

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

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

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

11 **2. The commission shall consist of one voting representative appointed by each**
12 **compact state who shall serve as that state's commissioner. The state psychology**
13 **regulatory authority shall appoint its delegate. This delegate shall be empowered to act on**
14 **behalf of the compact state. This delegate shall be limited to:**

15 **(1) Executive director, executive secretary or similar executive;**

16 **(2) Current member of the state psychology regulatory authority of a compact**
17 **state; or**

18 **(3) Designee empowered with the appropriate delegate authority to act on behalf**
19 **of the compact state.**

20 **3. (1) Any commissioner may be removed or suspended from office as provided by**
21 **the law of the state from which the commissioner is appointed. Any vacancy occurring in**
22 **the commission shall be filled in accordance with the laws of the compact state in which the**
23 **vacancy exists.**

24 **(2) Each commissioner shall be entitled to one vote with regard to the promulgation**
25 **of rules and creation of bylaws and shall otherwise have an opportunity to participate in**
26 **the business and affairs of the commission. A commissioner shall vote in person or by such**

27 other means as provided in the bylaws. The bylaws may provide for commissioners'
28 participation in meetings by telephone or other means of communication.

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

31 (4) All meetings shall be open to the public, and public notice of meetings shall be
32 given in the same manner as required under the rulemaking provisions in section 337.150.

33 (5) The commission may convene in a closed, nonpublic meeting if the commission
34 shall discuss:

35 (a) Noncompliance of a compact state with its obligations under the compact;

36 (b) The employment, compensation, discipline or other personnel matters, practices
37 or procedures related to specific employees or other matters related to the commission's
38 internal personnel practices and procedures;

39 (c) Current, threatened, or reasonably anticipated litigation against the
40 commission;

41 (d) Negotiation of contracts for the purchase or sale of goods, services or real estate;

42 (e) Accusation against any person of a crime or formally censuring any person;

43 (f) Disclosure of trade secrets or commercial or financial information which is
44 privileged or confidential;

45 (g) Disclosure of information of a personal nature where disclosure would
46 constitute a clearly unwarranted invasion of personal privacy;

47 (h) Disclosure of investigatory records compiled for law enforcement purposes;

48 (i) Disclosure of information related to any investigatory reports prepared by or
49 on behalf of or for use of the commission or other committee charged with responsibility
50 for investigation or determination of compliance issues pursuant to the compact;

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

52 (6) If a meeting, or portion of a meeting, is closed pursuant to subdivision (5) of
53 subsection 3 of this section, the commission's legal counsel or designee shall certify that the
54 meeting may be closed and shall reference each relevant exempting provision. The
55 commission shall keep minutes which fully and clearly describe all matters discussed in a
56 meeting and shall provide a full and accurate summary of actions taken, of any person
57 participating in the meeting, and the reasons therefore, including a description of the views
58 expressed. All documents considered in connection with an action shall be identified in
59 such minutes. All minutes and documents of a closed meeting shall remain under seal,
60 subject to release only by a majority vote of the commission or order of a court of
61 competent jurisdiction.

62 **4. The commission shall, by a majority vote of the commissioners, prescribe bylaws**
63 **or rules to govern its conduct as may be necessary or appropriate to carry out the purposes**
64 **and exercise the powers of the compact, including but not limited to:**

65 **(1) Establishing the fiscal year of the commission;**

66 **(2) Providing reasonable standards and procedures:**

67 **(a) For the establishment and meetings of other committees; and**

68 **(b) Governing any general or specific delegation of any authority or function of the**
69 **commission;**

70 **(3) Providing reasonable procedures for calling and conducting meetings of the**
71 **commission, ensuring reasonable advance notice of all meetings and providing an**
72 **opportunity for attendance of such meetings by interested parties, with enumerated**
73 **exceptions designed to protect the public's interest, the privacy of individuals of such**
74 **proceedings, and proprietary information, including trade secrets. The commission may**
75 **meet in closed session only after a majority of the commissioners vote to close a meeting to**
76 **the public in whole or in part. As soon as practicable, the commission shall make public**
77 **a copy of the vote to close the meeting revealing the vote of each commissioner with no**
78 **proxy votes allowed;**

79 **(4) Establishing the titles, duties and authority and reasonable procedures for the**
80 **election of the officers of the commission;**

81 **(5) Providing reasonable standards and procedures for the establishment of the**
82 **personnel policies and programs of the commission. Notwithstanding any civil service or**
83 **other similar law of any compact state, the bylaws shall exclusively govern the personnel**
84 **policies and programs of the commission;**

85 **(6) Promulgating a code of ethics to address permissible and prohibited activities**
86 **of commission members and employees;**

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

90 **5. (1) The commission shall publish its bylaws in a convenient form and file a copy**
91 **thereof and a copy of any amendment thereto, with the appropriate agency or officer in**
92 **each of the compact states;**

93 **(2) The commission shall maintain its financial records in accordance with the**
94 **bylaws; and**

95 **(3) The commission shall meet and take such actions as are consistent with the**
96 **provisions of this compact and the bylaws.**

97 **6. The commission shall have the following powers:**

- 98 **(1) The authority to promulgate uniform rules to facilitate and coordinate**
99 **implementation and administration of this compact. The rule shall have the force and**
100 **effect of law and shall be binding in all compact states;**
- 101 **(2) To bring and prosecute legal proceedings or actions in the name of the**
102 **commission, provided that the standing of any state psychology regulatory authority or**
103 **other regulatory body responsible for psychology licensure to sue or be sued under**
104 **applicable law shall not be affected;**
- 105 **(3) To purchase and maintain insurance and bonds;**
- 106 **(4) To borrow, accept or contract for services of personnel, including, but not**
107 **limited to, employees of a compact state;**
- 108 **(5) To hire employees, elect or appoint officers, fix compensation, define duties,**
109 **grant such individuals appropriate authority to carry out the purposes of the compact, and**
110 **to establish the commission's personnel policies and programs relating to conflicts of**
111 **interest, qualifications of personnel, and other related personnel matters;**
- 112 **(6) To accept any and all appropriate donations and grants of money, equipment,**
113 **supplies, materials and services, and to receive, utilize and dispose of the same; provided**
114 **that at all times the commission shall strive to avoid any appearance of impropriety or**
115 **conflict of interest;**
- 116 **(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to**
117 **own, hold, improve or use, any property, real, personal or mixed; provided that at all times**
118 **the commission shall strive to avoid any appearance of impropriety;**
- 119 **(8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to**
120 **own, hold, improve or use, any property, real, personal or mixed; provided that at all times**
121 **the commission shall strive to avoid any appearance of impropriety;**
- 122 **(9) To establish a budget and make expenditures;**
- 123 **(10) To borrow money;**
- 124 **(11) To appoint committees, including advisory committees comprised of members,**
125 **state regulators, state legislators or their representatives, and consumer representatives,**
126 **and such other interested persons as may be designated in this compact and the bylaws;**
- 127 **(12) To provide and receive information from, and to cooperate with, law**
128 **enforcement agencies;**
- 129 **(13) To adopt and use an official seal; and**
- 130 **(14) To perform such other functions as may be necessary or appropriate to achieve**
131 **the purposes of this compact consistent with the state regulation of psychology licensure,**
132 **temporary in-person, face-to-face practice and telepsychology practice.**

133 **7. (1) The elected officers shall serve as the executive board, which shall have the**
134 **power to act on behalf of the commission according to the terms of this compact.**

135 **(2) The executive board shall be comprised of six members:**

136 **(a) Five voting members who are elected from the current membership of the**
137 **commission by the commission;**

138 **(b) One ex officio, nonvoting member from the recognized membership**
139 **organization composed of state and provincial psychology regulatory authorities.**

140 **(3) The ex officio member shall have served as staff or member on a state**
141 **psychology regulatory authority and will be selected by its respective organization.**

142 **(4) The commission may remove any member of the executive board as provided**
143 **in bylaws.**

144 **(5) The executive board shall meet at least annually.**

145 **(6) The executive board shall have the following duties and responsibilities:**

146 **(a) Recommend to the entire commission changes to the rules or bylaws, changes**
147 **to this compact legislation, fees paid by compact states such as annual dues, and any other**
148 **applicable fees;**

149 **(b) Ensure compact administration services are appropriately provided,**
150 **contractual or otherwise;**

151 **(c) Prepare and recommend the budget;**

152 **(d) Maintain financial records on behalf of the commission;**

153 **(e) Monitor compact compliance of member states and provide compliance reports**
154 **to the commission;**

155 **(f) Establish additional committees as necessary; and**

156 **(g) Other duties as provided in rules or bylaws.**

157 **8. (1) The commission shall pay, or provide for the payment of the reasonable**
158 **expenses of its establishment, organization and ongoing activities.**

159 **(2) The commission may accept any and all appropriate revenue sources, donations**
160 **and grants of money, equipment, supplies, materials and services.**

161 **(3) The commission may levy on and collect an annual assessment from each**
162 **compact state or impose fees on other parties to cover the cost of the operations and**
163 **activities of the commission and its staff which shall be in a total amount sufficient to cover**
164 **its annual budget as approved each year for which revenue is not provided by other**
165 **sources. The aggregate annual assessment amount shall be allocated based upon a formula**
166 **to be determined by the commission which shall promulgate a rule binding upon all**
167 **compact states.**

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

171 **(5) The commission shall keep accurate accounts of all receipts and disbursements.**
172 **The receipts and disbursements of the commission shall be subject to the audit and**
173 **accounting procedures established under its bylaws. However, all receipts and**
174 **disbursements of funds handled by the commission shall be audited yearly by a certified**
175 **or licensed public accountant and the report of the audit shall be included in and become**
176 **part of the annual report of the commission.**

177 **9. (1) The members, officers, executive director, employees and representatives of**
178 **the commission shall be immune from suit and liability, either personally or in their official**
179 **capacity, for any claim for damage to or loss of property or personal injury or other civil**
180 **liability caused by or arising out of any actual or alleged act, error or omission that**
181 **occurred, or that the person against whom the claim is made had a reasonable basis for**
182 **believing occurred within the scope of commission employment, duties or responsibilities;**
183 **provided that nothing in this subsection shall be construed to protect any such person from**
184 **suit or liability for any damage, loss, injury or liability caused by the intentional or willful**
185 **or wanton misconduct of that person.**

186 **(2) The commission shall defend any member, officer, executive director, employee**
187 **or representative of the commission in any civil action seeking to impose liability arising**
188 **out of any actual or alleged act, error or omission that occurred within the scope of**
189 **commission employment, duties or responsibilities, or that the person against whom the**
190 **claim is made had a reasonable basis for believing occurred within the scope of commission**
191 **employment, duties or responsibilities; provided that nothing herein shall be construed to**
192 **prohibit that person from retaining his or her own counsel; and provided further, that the**
193 **actual or alleged act, error or omission did not result from that person's intentional or**
194 **willful or wanton misconduct.**

195 **(3) The commission shall indemnify and hold harmless any member, officer,**
196 **executive director, employee or representative of the commission for the amount of any**
197 **settlement or judgment obtained against that person arising out of any actual or alleged**
198 **act, error or omission that occurred within the scope of commission employment, duties**
199 **or responsibilities, or that such person had a reasonable basis for believing occurred within**
200 **the scope of commission employment, duties or responsibilities, provided that the actual**
201 **or alleged act, error or omission did not result from the intentional or willful or wanton**
202 **misconduct of that person.**

337.150. 1. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

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

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

4. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission; and

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

5. The notice of proposed rulemaking shall include:

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

(2) The text of the proposed rule or amendment and the reason for the proposed rule;

(3) A request for comments on the proposed rule from any interested person;

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

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

7. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

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

(2) A governmental subdivision or agency; or

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

8. (1) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.

(2) All persons wishing to be heard at the hearing shall 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.

37 **(3) Hearings shall be conducted in a manner providing each person who wishes to**
38 **comment a fair and reasonable opportunity to comment orally or in writing.**

39 **(4) No transcript of the hearing is required, unless a written request for a transcript**
40 **is made, in which case the person requesting the transcript shall bear the cost of producing**
41 **the transcript. A recording may be made in lieu of a transcript under the same terms and**
42 **conditions as a transcript. This subdivision shall not preclude the commission from**
43 **making a transcript or recording of the hearing if it so chooses.**

44 **(5) Nothing in this section shall be construed as requiring a separate hearing on**
45 **each rule. Rules may be grouped for the convenience of the commission at hearings**
46 **required by this section.**

47 **9. Following the scheduled hearing date, or by the close of business on the**
48 **scheduled hearing date if the hearing was not held, the commission shall consider all**
49 **written and oral comments received.**

50 **10. The commission shall, by majority vote of all members, take final action on the**
51 **proposed rule and shall determine the effective date of the rule, if any, based on the**
52 **rulemaking record and the full text of the rule.**

53 **11. If no written notice of intent to attend the public hearing by interested parties**
54 **is received, the commission may proceed with promulgation of the proposed rule without**
55 **a public hearing.**

56 **12. Upon determination that an emergency exists, the commission may consider and**
57 **adopt an emergency rule without prior notice, opportunity for comment, or hearing,**
58 **provided that the usual rulemaking procedures provided in the compact and in this section**
59 **shall be retroactively applied to the rule as soon as reasonably possible, in no event later**
60 **than ninety days after the effective date of the rule. For the purposes of this provision, an**
61 **emergency rule is one that shall be adopted immediately in order to:**

62 **(1) Meet an imminent threat to public health, safety, or welfare;**

63 **(2) Prevent a loss of commission or compact state funds;**

64 **(3) Meet a deadline for the promulgation of an administrative rule that is**
65 **established by federal law or rule; or**

66 **(4) Protect public health and safety.**

67 **13. (1) The commission or an authorized committee of the commission may direct**
68 **revisions to a previously adopted rule or amendment for purposes of correcting**
69 **typographical errors, errors in format, errors in consistency, or grammatical errors.**
70 **Public notice of any revisions shall be posted on the website of the commission. The**
71 **revision shall be subject to challenge by any person for a period of thirty days after**

72 **posting. The revision may be challenged only on grounds that the revision results in a**
73 **material change to a rule.**

74 **(2) A challenge shall be made in writing, and delivered to the chair of the**
75 **commission prior to the end of the notice period. If no challenge is made, the revision will**
76 **take effect without further action. If the revision is challenged, the revision may not take**
77 **effect without the approval of the commission.**

337.155. 1. (1) The executive, legislative and judicial branches of state government
2 **in each compact state shall enforce this compact and take all actions necessary and**
3 **appropriate to effectuate the compact's purposes and intent. The provisions of this**
4 **compact and the rules promulgated hereunder shall have standing as statutory law.**

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

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

12 **2. (1) If the commission determines that a compact state has defaulted in the**
13 **performance of its obligations or responsibilities under this compact or the promulgated**
14 **rules, the commission shall:**

15 **(a) Provide written notice to the defaulting state and other compact states of the**
16 **nature of the default, the proposed means of remedying the default or any other action to**
17 **be taken by the commission; and**

18 **(b) Provide remedial training and specific technical assistance regarding the**
19 **default.**

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

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

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

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

35 **(6) The defaulting state may appeal the action of the commission by petitioning the**
36 **U.S. District Court for the state of Georgia or the federal district where the compact has**
37 **its principal offices. The prevailing member shall be awarded all costs of such litigation,**
38 **including reasonable attorney's fees.**

39 **3. (1) Upon request by a compact state, the commission shall attempt to resolve**
40 **disputes related to the compact which arise among compact states and between compact**
41 **and noncompact states.**

42 **(2) The commission shall promulgate a rule providing for both mediation and**
43 **binding dispute resolution for disputes that arise before the commission.**

44 **4. (1) The commission, in the reasonable exercise of its discretion, shall enforce the**
45 **provisions and rules of this compact.**

46 **(2) By majority vote, the commission may initiate legal action in the United States**
47 **District Court for the State of Georgia or the federal district where the compact has its**
48 **principal offices against a compact state in default to enforce compliance with the**
49 **provisions of the compact and its promulgated rules and bylaws. The relief sought may**
50 **include both injunctive relief and damages. In the event judicial enforcement is necessary,**
51 **the prevailing member shall be awarded all costs of such litigation, including reasonable**
52 **attorney's fees.**

53 **(3) The remedies herein shall not be the exclusive remedies of the commission. The**
54 **commission may pursue any other remedies available under federal or state law.**

337.160. 1. The compact shall come into effect on the date on which the compact
2 **is enacted into law in the seventh compact state. The provisions which become effective at**
3 **that time shall be limited to the powers granted to the commission relating to assembly and**
4 **the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking**
5 **powers necessary to the implementation and administration of the compact.**

6 **2. Any state which joins the compact subsequent to the commission's initial**
7 **adoption of the rules shall be subject to the rules as they exist on the date on which the**
8 **compact becomes law in that state. Any rule which has been previously adopted by the**
9 **commission shall have the full force and effect of law on the day the compact becomes law**
10 **in that state.**

11 **3. (1) Any compact state may withdraw from this compact by enacting a statute**
12 **repealing the same.**

13 **(2) A compact state's withdrawal shall not take effect until six months after**
14 **enactment of the repealing statute.**

15 **(3) Withdrawal shall not affect the continuing requirement of the withdrawing**
16 **state's psychology regulatory authority to comply with the investigative and adverse action**
17 **reporting requirements of this act prior to the effective date of withdrawal.**

18 **4. Nothing contained in this compact shall be construed to invalidate or prevent any**
19 **psychology licensure agreement or other cooperative arrangement between a compact state**
20 **and a noncompact state which does not conflict with the provisions of this compact.**

21 **5. This compact may be amended by the compact states. No amendment to this**
22 **compact shall become effective and binding upon any compact state until it is enacted into**
23 **the law of all compact states.**

337.165. This compact shall be liberally construed so as to effectuate the purposes
2 **thereof. If this compact shall be held contrary to the constitution of any state member**
3 **thereto, the compact shall remain in full force and effect as to the remaining compact**
4 **states.**

 Section B. Sections 337.100, 337.105, 337.110, 337.115, 337.120, 337.125, 337.130,
2 337.135, 337.140, 337.145, 337.150, 337.155, 337.160, and 337.165 of this act shall become
3 effective upon notification by the commission to the revisor of statutes that seven states have
4 adopted the psychology interjurisdictional compact.

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