

**HOUSE BILL No. 2209**

By Committee on Health and Human Services

2-3

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1 AN ACT concerning the behavioral sciences; relating to psychology;  
2 practice and licensing thereof; enacting the psychology  
3 interjurisdictional compact; providing for interjurisdictional  
4 authorization to practice telepsychology and temporary in-person, face-  
5 to-face psychology.  
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. This section shall be known and may be cited as the  
9 psychology interjurisdictional compact (PSYPACT).

10 ARTICLE I

11 PURPOSE

12 WHEREAS, States license psychologists in order to protect the public  
13 through verification of education, training and experience and ensure  
14 accountability for professional practice; and

15 WHEREAS, This compact is intended to regulate the day-to-day  
16 practice of telepsychology, the provision of psychological services using  
17 telecommunications technologies, by psychologists across state boundaries  
18 in the performance of their psychological practice as assigned by an  
19 appropriate authority; and

20 WHEREAS, This compact is intended to regulate the temporary in-  
21 person, face-to-face practice of psychology by psychologists across state  
22 boundaries for 30 days within a calendar year in the performance of their  
23 psychological practice as assigned by an appropriate authority; and

24 WHEREAS, This compact is intended to authorize state psychology  
25 regulatory authorities to afford legal recognition, in a manner consistent  
26 with the terms of the compact, to psychologists licensed in another state;  
27 and

28 WHEREAS, This compact recognizes that states have a vested interest  
29 in protecting the public's health and safety through their licensing and  
30 regulation of psychologists and that such state regulation will best protect  
31 public health and safety; and

32 WHEREAS, This compact does not apply when a psychologist is  
33 licensed in both the home and receiving states; and

34 WHEREAS, This compact does not apply to permanent in-person,

1 face-to-face practice, but it does allow for authorization of temporary  
2 psychological practice.

3 Consistent with these principles, this compact is designed to achieve  
4 the following purposes and objectives:

5 (a) Increase public access to professional psychological services by  
6 allowing for telepsychological practice across state lines as well as  
7 temporary in-person, face-to-face services into a state which the  
8 psychologist is not licensed to practice psychology;

9 (b) enhance the states' ability to protect the public's health and safety,  
10 especially client/patient safety;

11 (c) encourage the cooperation of compact states in the areas of  
12 psychology licensure and regulation;

13 (d) facilitate the exchange of information between compact states  
14 regarding psychologist licensure, adverse actions and disciplinary history;

15 (e) promote compliance with the laws governing psychological  
16 practice in each compact state; and

17 (f) invest all compact states with the authority to hold licensed  
18 psychologists accountable through the mutual recognition of compact state  
19 licenses.

## 20 ARTICLE II

### 21 DEFINITIONS

22 (a) "Adverse action" means any action taken by a state psychology  
23 regulatory authority that finds a violation of a statute or regulation that is  
24 identified by the state psychology regulatory authority as discipline and is  
25 a matter of public record.

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

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

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

36 (e) "Client/patient" means the recipient of psychological services,  
37 whether psychological services are delivered in the context of healthcare,  
38 corporate, supervision or consulting services.

39 (f) "Commissioner" means the voting representative appointed by  
40 each state psychology regulatory authority pursuant to article X.

41 (g) "Compact state" means a state, the District of Columbia or a  
42 United States territory that has enacted this compact legislation and that  
43 has not withdrawn pursuant to article XIII(c) or been terminated pursuant

1 to article XII(b).

2 (h) "Coordinated licensure information system" or "coordinated  
3 database" means an integrated process for collecting, storing and sharing  
4 information on psychologists' licensure and enforcement activities related  
5 to psychology licensure laws, administered by the recognized membership  
6 organization composed of state and provincial psychology regulatory  
7 authorities.

8 (i) "Confidentiality" means the principle that data or information is  
9 not made available or disclosed to unauthorized persons or processes.

10 (j) "Day" means any part of a day in which psychological work is  
11 performed.

12 (k) "Distant state" means the compact state where a psychologist is  
13 physically present, not through the use of telecommunications  
14 technologies, to provide temporary in-person, face-to-face psychological  
15 services.

16 (l) "E.passport" means a certificate issued by the association of state  
17 and provincial psychology boards that promotes the standardization in the  
18 criteria of interjurisdictional telepsychology practice and facilitates the  
19 process for licensed psychologists to provide telepsychological services  
20 across state lines.

21 (m) "Executive board" means a group of directors elected or  
22 appointed to act on behalf of, and within the powers granted to them by,  
23 the commission.

24 (n) "Home state" means a compact state where a psychologist is  
25 licensed to practice psychology. If the psychologist is licensed in more  
26 than one compact state and is practicing under the authorization to practice  
27 interjurisdictional telepsychology, the "home state" is the compact state  
28 where the psychologist is physically present when the telepsychological  
29 services are delivered. If the psychologist is licensed in more than one  
30 compact state and is practicing under the temporary authorization to  
31 practice, the "home state" is any compact state where the psychologist is  
32 licensed.

33 (o) "Identity history summary" means a summary of information  
34 retained by the federal bureau of investigation, or other designee with  
35 similar authority, in connection with arrests and, in some instances, federal  
36 employment, naturalization or military service.

37 (p) "In-person, face-to-face" means interactions in which the  
38 psychologist and the client/patient are in the same physical space and does  
39 not include interactions that may occur through the use of  
40 telecommunications technologies.

41 (q) "Interjurisdictional practice certificate" means a certificate issued  
42 by the association of state and provincial psychology boards that grants  
43 temporary authority to practice based on notification to the state

1 psychology regulatory authority of intention to practice temporarily, and  
2 verification of one's qualifications for such practice.

3 (r) "License" means authorization by a state psychology regulatory  
4 authority to engage in the independent practice of psychology that would  
5 be unlawful without the authorization.

6 (s) "Non-compact state" means any state that is not, at the time, a  
7 compact state.

8 (t) "Psychologist" means an individual licensed for the independent  
9 practice of psychology.

10 (u) "Psychology interjurisdictional compact commission" or  
11 "commission" means the national administration of which all compact  
12 states are members.

13 (v) "Receiving state" means a compact state where the client/patient  
14 is physically located when the telepsychological services are delivered.

15 (w) "Rule" means a written statement by the psychology  
16 interjurisdictional compact commission promulgated pursuant to article XI  
17 that:

18 (1) Is of general applicability;

19 (2) implements, interprets or prescribes a policy or provision of the  
20 compact, or an organizational, procedural or practice requirement of the  
21 commission;

22 (3) has the force and effect of statutory law in a compact state; and

23 (4) includes the amendment, repeal or suspension of an existing rule.

24 (x) "Significant investigatory information" means:

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

30 (2) investigative information that indicates that the psychologist  
31 represents an immediate threat to public health and safety, regardless of  
32 whether the psychologist has been notified or had an opportunity to  
33 respond.

34 (y) "State" means a state, commonwealth, territory or possession of  
35 the United States or the District of Columbia.

36 (z) "State psychology regulatory authority" means the board, office or  
37 other agency with the legislative mandate to license and regulate the  
38 practice of psychology.

39 (aa) "Telepsychology" means the provision of psychological services  
40 using telecommunications technologies.

41 (bb) "Temporary authorization to practice" means a licensed  
42 psychologist's authority to conduct temporary in-person, face-to-face  
43 practice, within the limits authorized under this compact, in another

1 compact state.

2 (cc) "Temporary in-person, face-to-face practice" means a  
3 psychologist is physically present, not through the use of  
4 telecommunications technologies, in the distant state to provide for the  
5 practice of psychology for 30 days within a calendar year and based on  
6 notification to the distant state.

7 ARTICLE III

8 HOME STATE LICENSURE

9 (a) The home state shall be a compact state where a psychologist is  
10 licensed to practice psychology.

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

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

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

25 (e) A home state's license authorizes a psychologist to practice in a  
26 receiving state under the authority to practice interjurisdictional  
27 telepsychology only if the compact state:

28 (1) Currently requires the psychologist to hold an active e.passport;

29 (2) has a mechanism in place for receiving and investigating  
30 complaints about licensed individuals;

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

34 (4) requires an identity history summary of all applicants at initial  
35 licensure, including the use of the results of fingerprints or other biometric  
36 data checks compliant with the requirements of the federal bureau of  
37 investigation, or other designee with similar authority, not later than 10  
38 years after activation of the compact; and

39 (5) complies with the bylaws and rules of the commission.

40 (f) A home state's license grants temporary authorization to practice  
41 to a psychologist in a distant state only if the compact state:

42 (1) Currently requires the psychologist to hold an active  
43 interjurisdictional practice certificate;

1 (2) has a mechanism in place for receiving and investigating  
2 complaints about licensed individuals;

3 (3) notifies the commission, in compliance with the terms herein, of  
4 any adverse action or significant investigatory information regarding a  
5 licensed individual;

6 (4) requires an identity history summary of all applicants at initial  
7 licensure, including the use of the results of fingerprints or other biometric  
8 data checks compliant with the requirements of the federal bureau of  
9 investigation, or other designee with similar authority, not later than 10  
10 years after activation of the compact; and

11 (5) complies with the bylaws and rules of the commission.

#### 12 ARTICLE IV

#### 13 COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

14 (a) Compact states shall recognize the right of a psychologist,  
15 licensed in a compact state in conformance with article III, to practice  
16 telepsychology in other compact states, or receiving states, in which the  
17 psychologist is not licensed, under the authority to practice  
18 interjurisdictional telepsychology as provided in the compact.

19 (b) To exercise the authority to practice interjurisdictional  
20 telepsychology under the terms and provisions of this compact, a  
21 psychologist licensed to practice in a compact state shall:

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

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

28 (B) a foreign college or university deemed to be equivalent to  
29 subparagraph (A) by a foreign credential evaluation service that is a  
30 member of the national association of credential evaluation services or by  
31 a recognized foreign credential evaluation service;

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

34 (A) The program, wherever it may be administratively housed, shall  
35 be clearly identified and labeled as a psychology program. Such program  
36 must specify in pertinent institutional catalogs and brochures its intent to  
37 educate and train professional psychologists;

38 (B) the psychology program shall stand as a recognizable, coherent,  
39 organizational entity within the institution;

40 (C) there shall be a clear authority and primary responsibility for the  
41 core and specialty areas, whether or not the program cuts across  
42 administrative lines;

43 (D) the program shall consist of an integrated, organized sequence of

1 study;

2 (E) there shall be an identifiable psychology faculty sufficient in size  
3 and breadth to carry out its responsibilities;

4 (F) the designated director of the program shall be a psychologist and  
5 a member of the core faculty;

6 (G) the program shall have an identifiable body of students who are  
7 matriculated in that program for a degree;

8 (H) the program shall include supervised practicum, internship or  
9 field training appropriate to the practice of psychology;

10 (I) the curriculum shall encompass a minimum of three academic  
11 years of full-time graduate study for a doctoral degree and a minimum of  
12 one academic year of full-time graduate study for a master's degree; and

13 (J) the program includes an acceptable residency as defined by the  
14 rules of the commission;

15 (3) possess a current, full and unrestricted license to practice  
16 psychology in a home state that is a compact state;

17 (4) have no history of adverse action that violates the rules of the  
18 commission;

19 (5) have no criminal record history reported on an identity history  
20 summary that violates the rules of the commission;

21 (6) possess a current, active e.passport;

22 (7) provide attestations in regard to areas of intended practice,  
23 conformity with standards of practice, competence in telepsychology  
24 technology, criminal background and knowledge and adherence to legal  
25 requirements in the home and receiving states and provide a release of  
26 information to allow for primary source verification in a manner specified  
27 by the commission; and

28 (8) meet other criteria as defined by the rules of the commission.

29 (c) The home state maintains authority over the license of any  
30 psychologist practicing into a receiving state under the authority to  
31 practice interjurisdictional telepsychology.

32 (d) A psychologist practicing into a receiving state under the authority  
33 to practice interjurisdictional telepsychology shall be subject to the  
34 receiving state's scope of practice. A receiving state may, in accordance  
35 with that state's due process law, limit or revoke a psychologist's authority  
36 to practice interjurisdictional telepsychology in the receiving state and may  
37 take any other necessary actions under the receiving state's applicable law  
38 to protect the health and safety of the receiving state's citizens. If a  
39 receiving state takes action, the state shall promptly notify the home state  
40 and the commission.

41 (e) If a psychologist's license in any home state or another compact  
42 state, or any authority to practice interjurisdictional telepsychology in any  
43 receiving state, is restricted, suspended or otherwise limited, the e.passport

1 shall be revoked and therefore the psychologist shall not be eligible to  
2 practice telepsychology in a compact state under the authority to practice  
3 interjurisdictional telepsychology.

#### 4 ARTICLE V

#### 5 COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

6 (a) Compact states shall also recognize the right of a psychologist,  
7 licensed in a compact state in conformance with Article III, to practice  
8 temporarily in other compact states, or distant states, in which the  
9 psychologist is not licensed, as provided in the compact.

10 (b) To exercise the temporary authorization to practice under the  
11 terms and provisions of this compact, a psychologist licensed to practice in  
12 a compact state shall:

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

15 (A) Regionally accredited by an accrediting body recognized by the  
16 United States department of education to grant graduate degrees or  
17 authorized by provincial statute or royal charter to grant doctoral degrees;  
18 or

19 (B) a foreign college or university deemed to be equivalent to  
20 subparagraph (A) by a foreign credential evaluation service that is a  
21 member of the national association of credential evaluation services or by  
22 a recognized foreign credential evaluation service;

23 (2) hold a graduate degree in psychology that meets the following  
24 criteria:

25 (A) The program, wherever it may be administratively housed, shall  
26 be clearly identified and labeled as a psychology program. Such a program  
27 must specify in pertinent institutional catalogs and brochures its intent to  
28 educate and train professional psychologists;

29 (B) the psychology program shall stand as a recognizable, coherent,  
30 organizational entity within the institution;

31 (C) there shall be a clear authority and primary responsibility for the  
32 core and specialty areas, whether or not the program cuts across  
33 administrative lines;

34 (D) the program shall consist of an integrated, organized sequence of  
35 study;

36 (E) there shall be an identifiable psychology faculty sufficient in size  
37 and breadth to carry out its responsibilities;

38 (F) the designated director of the program shall be a psychologist and  
39 a member of the core faculty;

40 (G) the program shall have an identifiable body of students who are  
41 matriculated in that program for a degree;

42 (H) the program shall include supervised practicum, internship or  
43 field training appropriate to the practice of psychology;



- 1 (I) the curriculum shall encompass a minimum of three academic
- 2 years of full-time graduate study for doctoral degrees and a minimum of
- 3 one academic year of full-time graduate study for master's degrees; and
- 4 (J) the program includes an acceptable residency as defined by the
- 5 rules of the commission;
- 6 (3) possess a current, full and unrestricted license to practice
- 7 psychology in a home state that is a compact state;
- 8 (4) no history of adverse action that violate the rules of the
- 9 commission;
- 10 (5) no criminal record history that violates the rules of the
- 11 commission;
- 12 (6) possess a current, active interjurisdictional practice certificate;
- 13 (7) provide attestations in regard to areas of intended practice and
- 14 work experience and provide a release of information to allow for primary
- 15 source verification in a manner specified by the commission; and
- 16 (8) meet other criteria as defined by the rules of the commission.
- 17 (c) A psychologist practicing into a distant state under the temporary
- 18 authorization to practice shall practice within the scope of practice
- 19 authorized by the distant state.
- 20 (d) A psychologist practicing into a distant state under the temporary
- 21 authorization to practice shall be subject to the distant state's authority and
- 22 law. A distant state may, in accordance with that state's due process law,
- 23 limit or revoke a psychologist's temporary authorization to practice in the
- 24 distant state and may take any other necessary actions under the distant
- 25 state's applicable law to protect the health and safety of the distant state's
- 26 citizens. If a distant state takes action, the state shall promptly notify the
- 27 home state and the commission.
- 28 (e) If a psychologist's license in any home state or another compact
- 29 state, or any temporary authorization to practice in any distant state, is
- 30 restricted, suspended or otherwise limited, the interjurisdictional practice
- 31 certificate shall be revoked and therefore the psychologist shall not be
- 32 eligible to practice in a compact state under the temporary authorization to
- 33 practice.

34 ARTICLE VI  
 35 CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING  
 36 STATE

37 A psychologist may practice in a receiving state under the authority to  
 38 practice interjurisdictional telepsychology only in the performance of the  
 39 scope of practice for psychology as assigned by an appropriate state  
 40 psychology regulatory authority, as defined in the rules of the commission,  
 41 and under the following circumstances:

- 42 (a) The psychologist initiates a client/patient contact in a home state
- 43 via telecommunications technologies with a client/patient in a receiving

1 state; and

2 (b) other conditions regarding telepsychology as determined by rules  
3 promulgated by the commission.

4 ARTICLE VII

5 ADVERSE ACTIONS

6 (a) A home state shall have the power to impose adverse action  
7 against a psychologist's license issued by the home state. A distant state  
8 shall have the power to take adverse action on a psychologist's temporary  
9 authorization to practice within that distant state.

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

15 (c) If a home state takes adverse action against a psychologist's  
16 license, that psychologist's authority to practice interjurisdictional  
17 telepsychology is terminated and the e.passport is revoked. Furthermore,  
18 that psychologist's temporary authorization to practice is terminated and  
19 the interjurisdictional practice certificate is revoked.

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

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

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

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

36 (e) A distant state's psychology regulatory authority shall investigate  
37 and take appropriate action with respect to reported inappropriate conduct  
38 engaged in by a psychologist practicing under temporary authorization  
39 practice that occurred in that distant state as it would if such conduct had  
40 occurred by a licensee within the home state. In such cases, the distant  
41 state's law shall control in determining any adverse action against a  
42 psychologist's temporary authorization to practice.

43 (f) Nothing in this compact shall override a compact state's decision

1 that a psychologist's participation in an alternative program may be used in  
2 lieu of adverse action and that such participation shall remain non-public if  
3 required by the compact state's law. Compact states shall require  
4 psychologists who enter any alternative programs to not provide  
5 telepsychology services under the authority to practice interjurisdictional  
6 telepsychology or provide temporary psychological services under the  
7 temporary authorization to practice in any other compact state during the  
8 term of the alternative program.

9 (g) No other judicial or administrative remedies shall be available to a  
10 psychologist in the event a compact state imposes an adverse action  
11 pursuant to subsection (c).

#### 12 ARTICLE VIII

#### 13 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S 14 PSYCHOLOGY REGULATORY AUTHORITY

15 In addition to any other powers granted under state law, a compact  
16 state's psychology regulatory authority shall have the authority under this  
17 compact to:

18 (a) Issue subpoenas, for both hearings and investigations, that require  
19 the attendance and testimony of witnesses and the production of evidence.  
20 Subpoenas issued by a compact state's psychology regulatory authority for  
21 the attendance and testimony of witnesses or the production of evidence  
22 from another compact state shall be enforced in the latter state by any  
23 court of competent jurisdiction, according to that court's practice and  
24 procedure in considering subpoenas issued in its own proceedings. The  
25 issuing state psychology regulatory authority shall pay any witness fees,  
26 travel expenses, mileage and other fees required by the service statutes of  
27 the state where the witnesses or evidence are located; and

28 (b) issue cease and desist or injunctive relief orders to revoke a  
29 psychologist's authority to practice interjurisdictional telepsychology or  
30 temporary authorization to practice.

31 (c) During the course of any investigation, a psychologist may not  
32 change such psychologist's home state licensure. A home state psychology  
33 regulatory authority is authorized to complete any pending investigations  
34 of a psychologist and to take any actions appropriate under its law. The  
35 home state psychology regulatory authority shall promptly report the  
36 conclusions of such investigations to the commission. Once an  
37 investigation has been completed, and pending the outcome of such  
38 investigation, the psychologist may change the psychologist's home state  
39 licensure. The commission shall promptly notify the new home state of  
40 any such decisions as provided in the rules of the commission. All  
41 information provided to the commission or distributed by compact states  
42 pursuant to the psychologist shall be confidential, filed under seal and used  
43 for investigatory or disciplinary matters. The commission may create

1 additional rules for mandated or discretionary sharing of information by  
 2 compact states.

3 ARTICLE IX

4 COORDINATED LICENSURE INFORMATION SYSTEM

5 (a) The Commission shall provide for the development and  
 6 maintenance of a coordinated licensure information system and reporting  
 7 system containing licensure and disciplinary action information on all  
 8 individuals to whom this compact is applicable in all compact states as  
 9 defined by the rules of the commission.

10 (b) Notwithstanding any other provision of state law to the contrary, a  
 11 compact state shall submit a uniform data set to the coordinated database  
 12 on all licensees as required by the rules of the commission, including:

- 13 (1) Identifying information;
- 14 (2) licensure data;
- 15 (3) significant investigatory information;
- 16 (4) adverse actions against a psychologist's license;
- 17 (5) an indicator that a psychologist's authority to practice  
 18 interjurisdictional telepsychology or temporary authorization to practice is  
 19 revoked;
- 20 (6) non-confidential information related to alternative program  
 21 participation information;
- 22 (7) any denial of application for licensure and the reasons for such  
 23 denial; and
- 24 (8) other information that may facilitate the administration of this  
 25 compact, as determined by the rules of the commission.

26 (c) The coordinated database administrator shall promptly notify all  
 27 compact states of any adverse action taken against, or significant  
 28 investigative information on, any licensee in a compact state.

29 (d) Compact states reporting information to the coordinated database  
 30 may designate information that may not be shared with the public without  
 31 the express permission of the compact state reporting the information.

32 (e) Any information submitted to the coordinated database that is  
 33 subsequently required to be expunged by the law of the compact state  
 34 reporting the information shall be removed from the coordinated database.

35 ARTICLE X

36 ESTABLISHMENT OF THE PSYCHOLOGY

37 INTERJURISDICTIONAL COMPACT COMMISSION

38 (a) The compact states hereby create and establish a joint public  
 39 agency known as the psychology interjurisdictional compact commission.

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

42 (2) Venue is proper and judicial proceedings by or against the  
 43 commission shall be brought solely and exclusively in a court of

1 competent jurisdiction where the principal office of the commission is  
2 located. The commission may waive venue and jurisdictional defenses to  
3 the extent it adopts or consents to participate in alternative dispute  
4 resolution proceedings.

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

7 (b) *Membership, Voting, and Meetings.*

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

13 (A) The executive director, executive secretary or similar executive;

14 (B) a current member of the state psychology regulatory authority of  
15 a compact state; or

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

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

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

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

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

33 (6) The commission may convene in a closed, non-public meeting if  
34 the commission must discuss:

35 (A) Non-compliance of a compact state with its obligations under the  
36 compact;

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

41 (C) current, threatened or reasonably anticipated litigation against the  
42 commission;

43 (D) negotiation of contracts for the purchase or sale of goods,

1 services or real estate;

2 (E) accusation against any person of a crime or formally censuring  
3 any person;

4 (F) disclosure of trade secrets or commercial or financial information  
5 that is privileged or confidential;

6 (G) disclosure of information of a personal nature where disclosure  
7 would constitute a clearly unwarranted invasion of personal privacy;

8 (H) disclosure of investigatory records compiled for law enforcement  
9 purposes;

10 (I) disclosure of information related to any investigatory reports  
11 prepared by or on behalf of or for use of the commission or other  
12 committee charged with responsibility for investigation or determination  
13 of compliance issues pursuant to the compact; or

14 (J) matters specifically exempted from disclosure by federal and state  
15 statute.

16 (7) If a meeting, or portion of a meeting, is closed pursuant to this  
17 provision, the commission's legal counsel or designee shall certify that the  
18 meeting may be closed and shall reference each relevant exempting  
19 provision. The commission shall keep minutes that fully and clearly  
20 describe all matters discussed in a meeting and shall provide a full and  
21 accurate summary of actions taken of any person participating in the  
22 meeting and the reasons therefor, including a description of the views  
23 expressed. All documents considered in connection with an action shall be  
24 identified in such minutes. All minutes and documents of a closed meeting  
25 shall remain under seal, subject to release only by a majority vote of the  
26 commission or order of a court of competent jurisdiction.

27 (c) The commission shall, by a majority vote of the commissioners,  
28 prescribe bylaws or rules to govern its conduct as may be necessary or  
29 appropriate to carry out the purposes and exercise the powers of the  
30 compact, including, but not limited to:

31 (1) Establishing the fiscal year of the commission;

32 (2) providing reasonable standards and procedures:

33 (A) For the establishment and meetings of other committees; and

34 (B) governing any general or specific delegation of any authority or  
35 function of the commission;

36 (3) providing reasonable procedures for calling and conducting  
37 meetings of the commission, ensuring reasonable advance notice of all  
38 meetings and providing an opportunity for attendance of such meetings by  
39 interested parties, with enumerated exceptions designed to protect the  
40 public's interest, the privacy of individuals of such proceedings and  
41 proprietary information, including trade secrets. The commission may  
42 meet in closed session only after a majority of the commissioners vote to  
43 close a meeting to the public in whole or in part. As soon as practicable,

1 the commission shall make public a copy of the vote to close the meeting  
2 revealing the vote of each commissioner, with no proxy votes allowed;

3 (4) establishing the titles, duties and authority and reasonable  
4 procedures for the election of the officers of the commission;

5 (5) providing reasonable standards and procedures for the  
6 establishment of the personnel policies and programs of the commission.  
7 Notwithstanding any civil service or other similar law of any compact  
8 state, the bylaws shall exclusively govern the personnel policies and  
9 programs of the commission;

10 (6) promulgating a code of ethics to address permissible and  
11 prohibited activities of commission members and employees;

12 (7) providing a mechanism for concluding the operations of the  
13 commission and the equitable disposition of any surplus funds that may  
14 exist after the termination of the compact after the payment or reserving of  
15 all of its debts and obligations;

16 (8) the commission shall publish its bylaws in a convenient form and  
17 file a copy thereof and a copy of any amendment thereto with the  
18 appropriate agency or officer in each of the compact states;

19 (9) the commission shall maintain its financial records in accordance  
20 with the bylaws; and

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

23 (d) The commission shall have the following powers:

24 (1) The authority to promulgate uniform rules to facilitate and  
25 coordinate implementation and administration of this compact. Such  
26 uniform rules shall have the force and effect of law and shall be binding in  
27 all compact states;

28 (2) to bring and prosecute legal proceedings or actions in the name of  
29 the commission, provided that the standing of any state psychology  
30 regulatory authority or other regulatory body responsible for psychology  
31 licensure to sue or be sued under applicable law shall not be affected;

32 (3) to purchase and maintain insurance and bonds;

33 (4) to borrow, accept or contract for services of personnel, including,  
34 but not limited to, employees of a compact state;

35 (5) to hire employees, elect or appoint officers, fix compensation,  
36 define duties, grant such individuals appropriate authority to carry out the  
37 purposes of the compact, and to establish the commission's personnel  
38 policies and programs relating to conflicts of interest, qualifications of  
39 personnel and other related personnel matters;

40 (6) to accept any and all appropriate donations and grants of money,  
41 equipment, supplies, materials and services, and to receive, utilize and  
42 dispose of the same, provided that at all times the commission shall strive  
43 to avoid any appearance of impropriety or conflict of interest;

- 1 (7) to lease, purchase, accept appropriate gifts or donations of, or  
2 otherwise to own, hold, improve or use, any real or personal property, or  
3 mixed, provided that at all times the commission shall strive to avoid any  
4 appearance of impropriety;
- 5 (8) to sell, convey, mortgage, pledge, lease, exchange, abandon or  
6 otherwise dispose of any real or personal property, or mixed;
- 7 (9) to establish a budget and make expenditures;
- 8 (10) to borrow money;
- 9 (11) to appoint committees, including advisory committees comprised  
10 of members, state regulators, state legislators or their representatives,  
11 consumer representatives and such other interested persons as may be  
12 designated in this compact and the bylaws;
- 13 (12) to provide and receive information from, and to cooperate with,  
14 law enforcement agencies;
- 15 (13) to adopt and use an official seal; and
- 16 (14) to perform such other functions as may be necessary or  
17 appropriate to achieve the purposes of this compact consistent with the  
18 state regulation of psychology licensure, temporary in-person, face-to-face  
19 practice and telepsychology practice.
- 20 (e) *The Executive Board.* The elected officers shall serve as the  
21 executive board, and the executive board shall have the power to act on  
22 behalf of the commission according to the terms of this compact.
- 23 (1) The executive board shall be comprised of six members:
  - 24 (A) Five voting members who are elected from the current  
25 membership of the commission by the commission; and
  - 26 (B) one ex-officio, nonvoting member from the recognized  
27 membership organization composed of state and provincial psychology  
28 regulatory authorities.
- 29 (2) The ex-officio member shall have served as staff or member on a  
30 state psychology regulatory authority and shall be selected by its  
31 respective organization.
- 32 (3) The commission may remove any member of the executive board  
33 as provided in bylaws.
- 34 (4) The executive board shall meet at least annually.
- 35 (5) The executive board shall have the following duties and  
36 responsibilities:
  - 37 (A) Recommend to the entire commission changes to the rules or  
38 bylaws, changes to this compact legislation, fees paid by compact states,  
39 such as annual dues and any other applicable fees;
  - 40 (B) ensure compact administration services are appropriately  
41 provided, contractual or otherwise;
  - 42 (C) prepare and recommend the budget;
  - 43 (D) maintain financial records on behalf of the commission;



1 (E) monitor compact compliance of member states and provide  
2 compliance reports to the commission;

3 (F) establish additional committees as necessary; and

4 (G) other duties as provided in rules or bylaws.

5 (f) *Financing of the Commission.*

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

9 (2) The commission may accept any and all appropriate revenue  
10 sources, donations and grants of money, equipment, supplies, materials  
11 and services.

12 (3) The commission may levy on and collect an annual assessment  
13 from each compact state or impose fees on other parties to cover the cost  
14 of the operations and activities of the commission and its staff which must  
15 be in a total amount sufficient to cover its annual budget as approved each  
16 year for which revenue is not provided by other sources. The aggregate  
17 annual assessment amount shall be allocated based upon a formula to be  
18 determined by the commission, and the commission shall promulgate a  
19 rule binding upon all compact states.

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

24 (5) The commission shall keep accurate accounts of all receipts and  
25 disbursements. The receipts and disbursements of the commission shall be  
26 subject to the audit and accounting procedures established under its  
27 bylaws. However, all receipts and disbursements of funds handled by the  
28 commission shall be audited yearly by a certified or licensed public  
29 accountant and the report of the audit shall be included in and become part  
30 of the annual report of the commission.

31 (g) *Qualified immunity, defense, and indemnification.*

32 (1) The members, officers, executive director, employees and  
33 representatives of the commission shall be immune from suit and liability,  
34 either personally or in their official capacity, for any claim for damage to  
35 or loss of property or personal injury or other civil liability caused by or  
36 arising out of any actual or alleged act, error or omission that occurred, or  
37 that the person against whom the claim is made had a reasonable basis for  
38 believing occurred, within the scope of commission employment, duties or  
39 responsibilities, provided that nothing in this paragraph shall be construed  
40 to protect any such person from suit or liability for any damage, loss,  
41 injury or liability caused by the intentional or willful or wanton  
42 misconduct of that person.

43 (2) The commission shall defend any member, officer, executive

1 director, employee or representative of the commission in any civil action  
2 seeking to impose liability arising out of any actual or alleged act, error or  
3 omission that occurred within the scope of commission employment,  
4 duties or responsibilities, or that the person against whom the claim is  
5 made had a reasonable basis for believing occurred within the scope of  
6 commission employment, duties or responsibilities: *Provided*, That  
7 nothing herein shall be construed to prohibit that person from retaining  
8 such person's own counsel: *And provided further*, That the actual or alleged  
9 act, error or omission did not result from that person's intentional or willful  
10 or wanton misconduct.

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

20 ARTICLE XI  
21 RULEMAKING

22 (a) The commission shall exercise its rulemaking powers pursuant to  
23 the criteria set forth in this article and the rules adopted thereunder. Rules  
24 and amendments shall become binding as of the date specified in each rule  
25 or amendment.

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

30 (c) Rules or amendments to the rules shall be adopted at a regular or  
31 special meeting of the commission.

32 (d) Prior to promulgation and adoption of a final rule or rules by the  
33 commission, and at least 60 days in advance of the meeting at which the  
34 rule will be considered and voted upon, the commission shall file a notice  
35 of proposed rulemaking:

36 (1) On the website of the commission; and

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

40 (e) The notice of proposed rulemaking shall include:

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

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

1 proposed rule;

2 (3) a request for comments on the proposed rule from any interested  
3 person; and

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

7 (f) Prior to adoption of a proposed rule, the commission shall allow  
8 persons to submit written data, facts, opinions and arguments, which shall  
9 be made available to the public.

10 (g) The commission shall grant an opportunity for a public hearing  
11 before it adopts a rule or amendment if a hearing is requested by:

12 (1) At least 25 persons who submit comments independently of each  
13 other;

14 (2) a governmental subdivision or agency; or

15 (3) a duly appointed person in an association that has at least 25  
16 members.

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

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

24 (2) Hearings shall be conducted in a manner providing each person  
25 who wishes to comment a fair and reasonable opportunity to comment  
26 orally or in writing.

27 (3) No transcript of the hearing is required unless a written request for  
28 a transcript is made, in which case the person requesting the transcript  
29 shall bear the cost of producing the transcript. A recording may be made in  
30 lieu of a transcript under the same terms and conditions as a transcript.  
31 This paragraph shall not preclude the commission from making a  
32 transcript or recording of the hearing if the commission so chooses.

33 (4) Nothing in this article shall be construed as requiring a separate  
34 hearing on each rule. Rules may be grouped for the convenience of the  
35 commission at hearings required by this section.

36 (i) Following the scheduled hearing date, or by the close of business  
37 on the scheduled hearing date if the hearing was not held, the commission  
38 shall consider all written and oral comments received.

39 (j) The commission shall, by majority vote of all members, take final  
40 action on the proposed rule and shall determine the effective date of the  
41 rule, if any, based on the rulemaking record and the full text of the rule.

42 (k) If no written notice of intent to attend the public hearing by  
43 interested parties is received, the commission may proceed with

1 promulgation of the proposed rule without a public hearing.

2 (l) Upon determination that an emergency exists, the commission  
3 may consider and adopt an emergency rule without prior notice,  
4 opportunity for comment, or hearing, provided that the usual rulemaking  
5 procedures provided in the compact and in this article shall be  
6 retroactively applied to the rule as soon as reasonably possible, in no event  
7 later than 90 days after the effective date of the rule. For the purposes of  
8 this provision, an emergency rule is one that must be adopted immediately  
9 in order to:

- 10 (1) Meet an imminent threat to public health, safety or welfare;  
11 (2) prevent a loss of commission or compact state funds;  
12 (3) meet a deadline for the promulgation of an administrative rule that  
13 is established by federal law or rule; or

14 (4) protect public health and safety.

15 (m) The commission or an authorized committee of the commission  
16 may direct revisions to a previously adopted rule or amendment for  
17 purposes of correcting typographical errors, errors in format, errors in  
18 consistency or grammatical errors. Public notice of any revisions shall be  
19 posted on the website of the commission. The revision shall be subject to  
20 challenge by any person for a period of 30 days after posting. The revision  
21 may be challenged only on grounds that the revision results in a material  
22 change to a rule. A challenge shall be made in writing and delivered to the  
23 chair of the commission prior to the end of the notice period. If no  
24 challenge is made, the revision shall take effect without further action. If  
25 the revision is challenged, the revision may not take effect without the  
26 approval of the commission.

## 27 ARTICLE XII

### 28 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

29 (a) *Oversight.*

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

35 (2) All courts shall take judicial notice of the compact and the rules in  
36 any judicial or administrative proceeding in a compact state pertaining to  
37 the subject matter of this compact that may affect the powers,  
38 responsibilities or actions of the commission.

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

1 (b) *Default, Technical Assistance and Termination.*

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

5 (A) Provide written notice to the defaulting state and other compact  
6 states of the nature of the default, the proposed means of remedying the  
7 default and any other action to be taken by the commission; and

8 (B) provide remedial training and specific technical assistance  
9 regarding the default.

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

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

21 (4) A compact state that has been terminated is responsible for all  
22 assessments, obligations and liabilities incurred through the effective date  
23 of termination, including obligations that extend beyond the effective date  
24 of termination.

25 (5) The commission shall not bear any costs incurred by the state that  
26 is found to be in default or that has been terminated from the compact,  
27 unless agreed upon in writing between the commission and the defaulting  
28 state.

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

34 (c) *Dispute resolution.*

35 (1) Upon request by a compact state, the commission shall attempt to  
36 resolve disputes related to the compact that arise among compact states  
37 and between compact and non-compact states.

38 (2) The commission shall promulgate a rule providing for both  
39 mediation and binding dispute resolution for disputes that arise before the  
40 commission.

41 (d) *Enforcement.*

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

1 (2) By majority vote, the commission may initiate legal action in the  
2 United States district court for the state of Georgia or the federal district  
3 where the compact has its principal offices against a compact state in  
4 default to enforce compliance with the provisions of the compact and its  
5 promulgated rules and bylaws. The relief sought may include both  
6 injunctive relief and damages. In the event judicial enforcement is  
7 necessary, the prevailing member shall be awarded all costs of such  
8 litigation, including reasonable attorney fees.

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

### 12 ARTICLE XIII

#### 13 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY 14 INTERJURISDICTIONAL COMPACT COMMISSION AND 15 ASSOCIATED RULES, WITHDRAWAL AND AMENDMENTS

16 (a) The compact shall come into effect on the date on which the  
17 compact is enacted into law in the 7<sup>th</sup> compact state. The provisions that  
18 become effective at that time shall be limited to the powers granted to the  
19 commission relating to assembly and the promulgation of rules. Thereafter,  
20 the commission shall meet and exercise rulemaking powers necessary to  
21 the implementation and administration of the compact.

22 (b) Any state that joins the compact subsequent to the commission's  
23 initial adoption of the rules shall be subject to the rules as they exist on the  
24 date on which the compact becomes law in that state. Any rule that has  
25 been previously adopted by the commission shall have the full force and  
26 effect of law on the day the compact becomes law in that state.

27 (c) Any compact state may withdraw from this compact by enacting a  
28 statute repealing the same.

29 (1) A compact state's withdrawal shall not take effect until six months  
30 after enactment of the repealing statute.

31 (2) Withdrawal shall not affect the continuing requirement of the  
32 withdrawing state's psychology regulatory authority to comply with the  
33 investigative and adverse action reporting requirements of this act prior to  
34 the effective date of withdrawal.

35 (d) Nothing contained in this compact shall be construed to invalidate  
36 or prevent any psychology licensure agreement or other cooperative  
37 arrangement between a compact state and a non-compact state that does  
38 not conflict with the provisions of this compact.

39 (e) This compact may be amended by the compact states. No  
40 amendment to this compact shall become effective and binding upon any  
41 compact state until it is enacted into the law of all compact states.

### 42 ARTICLE XIV

#### 43 CONSTRUCTION AND SEVERABILITY

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

5       Sec. 2. This act shall take effect and be in force from and after  
6 **January 1, 2022, and** its publication in the ~~statute book~~ *Kansas register*.