

P.L. 2021, CHAPTER 229, *approved September 24, 2021*
Assembly, No. 4205 (*First Reprint*)

1 **AN ACT** concerning psychological services and supplementing Title
2 45 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. The State of New Jersey enacts and enters into the
8 “Psychology Interjurisdictional Compact Act” with all other
9 jurisdictions that legally join in the compact in the form
10 substantially as follows:

11
12 I. Purpose.

13
14 Whereas, states license psychologists, in order to protect the
15 public through verification of education, training and experience
16 and ensure accountability for professional practice; and

17 Whereas, this compact is intended to regulate the day to day
18 practice of telepsychology, which is the provision of psychological
19 services using telecommunication technologies, by psychologists
20 across state boundaries in the performance of their psychological
21 practice as assigned by an appropriate authority; and

22 Whereas, this compact is intended to regulate the temporary in-
23 person, face-to-face practice of psychology by psychologists across
24 state boundaries for 30 days within a calendar year in the
25 performance of their psychological practice as assigned by an
26 appropriate authority;

27 Whereas, this compact is intended to authorize state psychology
28 regulatory authorities to afford legal recognition, in a manner
29 consistent with the terms of the compact, to psychologists licensed
30 in another state;

31 Whereas, this compact recognizes that states have a vested
32 interest in protecting the public's health and safety through their
33 licensing and regulation of psychologists and that such state
34 regulation will best protect public health and safety;

35 Whereas, this compact does not apply when a psychologist is
36 licensed in both the home and receiving states; and

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHE committee amendments adopted March 8, 2021.

1 Whereas, this compact does not apply to permanent in-person,
2 face-to-face practice, it does allow for authorization of temporary
3 psychological practice.

4 Consistent with these principles, this compact is designed to
5 achieve the following purposes and objectives: increase public
6 access to professional psychological services by allowing for
7 telepsychological practice across state lines as well as temporary in-
8 person, face-to-face services into a state in which the psychologist
9 is not licensed to practice psychology; enhance the states' ability to
10 protect the public's health and safety, especially client and patient
11 safety; encourage the cooperation of compact states in the areas of
12 psychology licensure and regulation; facilitate the exchange of
13 information between compact states regarding psychologist
14 licensure, adverse actions, and disciplinary history; promote
15 compliance with the laws governing psychological practice in each
16 compact state; and invest all compact states with the authority to
17 hold licensed psychologists accountable through the mutual
18 recognition of compact state licenses.

19
20 II. Definitions.

21
22 "Adverse action" means any action taken by a state psychology
23 regulatory authority ¹**【which】** that¹ finds a violation of a statute or
24 regulation that is identified by the state psychology regulatory
25 authority as discipline and is a matter of public record.

26 "Association of State and Provincial Psychology Boards
27 (ASPPB)" means the recognized membership organization
28 composed of state and provincial psychology regulatory authorities
29 responsible for the licensure and registration of psychologists
30 throughout the United States and Canada.

31 "Authority to ¹**【Practice Interjurisdictional Telepsychology】**
32 practice interjurisdictional telepsychology¹ " means a licensed
33 psychologist's authority to practice telepsychology, within the limits
34 authorized under this compact, in another compact state.

35 "Bylaws" means those bylaws established by the psychology
36 interjurisdictional compact commission pursuant to Article X for its
37 governance, or for directing and controlling its actions and conduct.

38 "Client or patient" means the recipient of psychological services,
39 whether psychological services are delivered in the context of
40 healthcare, corporate, supervision, or consulting services ¹**【, or**
41 **both】**¹.

42 "Commissioner" means the voting representative appointed by
43 each ¹**【State Psychology Regulatory Authority】** state psychology
44 regulatory authority¹ pursuant to Article X.

45 "Compact ¹**【State】** state¹ " means a state, the District of
46 Columbia, or United States territory that has enacted this compact
47 legislation and ¹**【which】** that¹ has not withdrawn pursuant to

1 '【section】 subsection¹ c. of Article XIII or been terminated
2 pursuant to '【section】 subsection¹ b. of Article XII.

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

9 "Confidentiality" means the principle that data or information is
10 not made available or disclosed to unauthorized persons or
11 processes, or both.

12 "Day" means any part of a day in which psychological work is
13 performed.

14 "Distant '【State】 state¹ " means the compact state where a
15 psychologist is physically present, not through the use of
16 telecommunications technologies, to provide temporary in-person,
17 face-to-face psychological services.

18 " '【E.Passport】 E.passport¹ " means a certificate issued by the
19 ASPPB that promotes the standardization in the criteria of
20 interjurisdictional telepsychology practice and facilitates the
21 process for licensed psychologists to provide telepsychological
22 services across state lines.

23 "Executive board" means a group of directors elected or
24 appointed to act on behalf of, and within the powers granted to them
25 by, the commission.

26 "Home '【State】 state¹ " means a compact state where a
27 psychologist is licensed to practice psychology. If the psychologist
28 is licensed in more than one compact state and is practicing under
29 the authorization to practice interjurisdictional telepsychology, the
30 home state is the compact state where the psychologist is physically
31 present when the telepsychological services are delivered. If the
32 psychologist is licensed in more than one compact state and is
33 practicing under the temporary authorization to practice, the home
34 state is any compact state where the psychologist is licensed.

35 "Identity '【History Summary】 history summary¹ " means a
36 summary of information retained by the Federal Bureau of
37 Investigation (FBI), or other designee with similar authority, in
38 connection with arrests and, in some instances, federal employment,
39 naturalization, or military service.

40 "In-person, face-to-face" means interactions in which the
41 psychologist and the client '【and】 or¹ patient are in the same
42 physical space '【and which】 . The term shall¹ does not include
43 interactions that may occur through the use of telecommunication
44 technologies.

45 "Interjurisdictional Practice Certificate '【(IPC)】¹ " 'or "IPC"¹
46 means a certificate issued by the ASPPB that grants temporary
47 authority to practice based on notification to the state psychology

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

3 "License" means '[::]' authorization by a state psychology
4 regulatory authority to engage in the independent practice of
5 psychology, which would be unlawful without the authorization.

6 "Non-compact state" means '[::]' any state '[:which] that' is not
7 at the time a compact state.

8 "Psychologist" means '[::]' an individual licensed for the
9 independent practice of psychology.

10 "Psychology Interjurisdictional Compact Commission" or
11 "Commission" means the national administration of which all
12 compact states are members.

13 "Receiving state" means a compact state where the client '[:,:] or
14 patient '[:], or both]' is physically located when the
15 telepsychological services are delivered.

16 "Rule" means a written statement by the Psychology
17 Interjurisdictional Compact Commission promulgated pursuant to
18 Article XI of the compact that is of general applicability,
19 implements, interprets, or prescribes a policy or provision of the
20 compact, or an organizational, procedural, or practice requirement
21 of the commission and has the force and effect of statutory law in a
22 compact state, and includes the amendment, repeal or suspension of
23 an existing rule.

24 "Significant '[:Investigatory Information] investigatory
25 information' " means investigative information that a state
26 psychology regulatory authority, after a preliminary inquiry that
27 includes notification and an opportunity to respond if required by
28 state law, has reason to believe, if proven true, would indicate more
29 than a violation of state statute or ethics code that would be
30 considered more substantial than minor infraction; or investigative
31 information that indicates that the psychologist represents an
32 immediate threat to public health and safety regardless of whether
33 the psychologist has been notified or had an opportunity to respond,
34 or both.

35 "State" means a state, commonwealth, territory, or possession of
36 the United States '[:,:] and' the District of Columbia.

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

40 "Telepsychology" means the provision of psychological services
41 using telecommunication technologies.

42 "Temporary authorization to practice" means a licensed
43 psychologist's authority to conduct temporary in-person, face-to-
44 face practice, within the limits authorized under this compact, in
45 another compact state.

46 "Temporary in-person, face-to-face practice" means where a
47 psychologist is physically present, not through the use of

1 telecommunications technologies, in the distant state to provide for
2 the practice of psychology for 30 days within a calendar year and
3 based on notification to the distant state.

4
5 III. Home State Licensure.

6
7 a. The home state shall be a compact state where a
8 psychologist is licensed to practice psychology.

9 b. A psychologist may hold one or more compact state licenses
10 at a time. ¹~~if~~ If¹ the psychologist is licensed in more than one
11 compact state, the home state is the compact state where the
12 psychologist is physically present when the services are delivered
13 as authorized by the authority to practice interjurisdictional
14 telepsychology under the terms of this compact.

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

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

24 e. A home state's license authorizes a psychologist to practice
25 in a receiving state under the authority to practice interjurisdictional
26 telepsychology only if the compact state: currently requires the
27 psychologist to hold an active e.passport; has a mechanism in place
28 for receiving and investigating complaints about licensed
29 individuals; notifies the commission, in compliance with the terms
30 herein, of any adverse action or significant investigatory
31 information regarding a licensed individual; requires an identity
32 history summary of all applicants at initial licensure, including the
33 use of the results of fingerprints or other biometric data checks
34 compliant with the requirements of the FBI, or other designee with
35 similar authority, no later than ¹~~ten~~ 10¹ years after activation of
36 the compact; and complies with the bylaws and rules of the
37 commission.

38 f. A home state's license grants temporary authorization to
39 practice to a psychologist in a distant state only if the compact state:
40 currently requires the psychologist to hold an active ¹~~ipc~~ IPC¹ ;
41 has a mechanism in place for receiving and investigating complaints
42 about licensed individuals; notifies the commission, in compliance
43 with the terms herein, of any adverse action or significant
44 investigatory information regarding a licensed individual; requires
45 an identity history summary of all applicants at initial licensure,
46 including the use of the results of fingerprints or other biometric
47 data checks compliant with the requirements of the federal bureau
48 of investigation, or other designee with similar authority, no later

1 than ten years after activation of the compact; and complies with
2 the bylaws and rules of the commission.

3
4 IV. Compact Privilege to Practice Telepsychology.

5
6 a. Compact states shall recognize the right of a psychologist,
7 licensed in a compact state in conformance with Article III, to
8 practice telepsychology in other compact states in which the
9 psychologist is not licensed, under the authority to practice
10 interjurisdictional telepsychology as provided in the compact.

11 b. To exercise the authority to practice interjurisdictional
12 telepsychology under the terms and provisions of this compact, a
13 psychologist licensed to practice in a compact state **¹['must'] shall¹** :

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

16 (a) regionally accredited by an accrediting body recognized by
17 the federal Department of Education to grant graduate degrees, or
18 authorized by Provincial Statute or Royal Charter to grant doctoral
19 degrees; or

20 (b) a foreign college or university deemed to be equivalent to by
21 a foreign credential evaluation service that is a member of the
22 National Association of Credential Evaluation Services or by a
23 recognized foreign credential evaluation service;

24 (2) Hold a graduate degree in psychology that meets the
25 following criteria: the program, wherever it may be administratively
26 housed, **¹['must'] shall¹** be clearly identified and labeled as a
27 psychology program. Such a program **¹['must'] shall¹** specify in
28 pertinent institutional catalogues and brochures its intent to educate
29 and train professional psychologists; the psychology program
30 **¹['must'] shall¹** stand as a recognizable, coherent, organizational
31 entity within the institution; there **¹['must'] shall¹** be a clear
32 authority and primary responsibility for the core and specialty areas
33 whether or not the program cuts across administrative lines; the
34 program **¹['must'] shall¹** consist of an integrated, organized
35 sequence of study; there **¹['must'] shall¹** be an identifiable
36 psychology faculty sufficient in size and breadth to carry out its
37 responsibilities; the designated director of the program **¹['must']**
38 **¹shall¹** be a psychologist and a member of the core faculty; the
39 program **¹['must'] shall¹** have an identifiable body of students who
40 are matriculated in that program for a degree; the program **¹['must']**
41 **¹shall¹** include supervised practicum, internship, or field training
42 appropriate to the practice of psychology; the curriculum shall
43 encompass a minimum of three academic years of full-time
44 graduate study for a doctoral degree and a minimum of one
45 academic year of full-time graduate study for a master's degree; the
46 program includes an acceptable residency as defined by the rules of
47 the commission;

(3) Possess a current, full and unrestricted license to practice psychology in a home state ¹**【which】** that¹ is a compact state; have no history of adverse action that violate the rules of the commission; have no criminal record history reported on an identity history summary that violates the rules of the commission; possess a current, active e.passport;

(4) Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and

(5) Provide a release of information to allow for primary source verification in a manner specified by the commission; and meet other criteria as defined by the rules of the commission.

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

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

e. If a psychologist's license in any home state, another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or otherwise limited, the e.passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

V. Compact Temporary Authorization to Practice.

a. Compact States shall also recognize the right of a psychologist, licensed in a compact state in conformance with Article ¹**【iii】** III¹, to practice temporarily in other distant states in which the psychologist is not licensed, as provided in the compact.

b. To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state ¹**【must】** shall¹ :

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

(a) Regionally accredited by an accrediting body recognized by the federal Department of Education to grant graduate degrees, or

1 authorized by Provincial Statute or Royal Charter to grant doctoral
2 degrees; or

3 (b) a foreign college or university deemed to be equivalent by a
4 foreign credential evaluation service that is a member of the
5 National Association of Credential Evaluation Services or by a
6 recognized foreign credential evaluation service;

7 (2) Hold a graduate degree in psychology that meets the
8 following criteria: the program, wherever it may be administratively
9 housed, **'[must] shall'** be clearly identified and labeled as a
10 psychology program and **'[must] shall'** specify in pertinent
11 institutional catalogues and brochures its intent to educate and train
12 professional psychologists; the psychology program **'[must] shall'**
13 stand as a recognizable, coherent, organizational entity within the
14 institution; there **'[must] shall'** be a clear authority and primary
15 responsibility for the core and specialty areas whether or not the
16 program cuts across administrative lines; the program **'[must]**
17 **shall'** consist of an integrated, organized sequence of study; there
18 **'[must] shall'** be an identifiable psychology faculty sufficient in
19 size and breadth to carry out its responsibilities; the designated
20 director of the program **'[must] shall'** be a psychologist and a
21 member of the core faculty; the program **'[must] shall'** have an
22 identifiable body of students who are matriculated in that program
23 for a degree; the program **'[must] shall'** include supervised
24 practicum, internship, or field training appropriate to the practice of
25 psychology; the curriculum shall encompass a minimum of three
26 academic years of full-time graduate study for doctoral degrees and
27 a minimum of one academic year of full-time graduate study for
28 master's degree; and the program includes an acceptable residency
29 as defined by the rules of the commission;

30 (3) Possess a current, full and unrestricted license to practice
31 psychology in a home state **'[which] that'** is a compact state; no
32 history of adverse action that violate the rules of the commission;
33 and have no criminal record history that violates the rules of the
34 commission;

35 (4) Possess a current, active IPC;

36 (5) Provide attestations in regard to areas of intended practice
37 and work experience and provide a release of information to allow
38 for primary source verification in a manner specified by the
39 commission; and

40 (6) Meet other criteria as defined by the rules of the
41 commission.

42 c. A psychologist practicing into a distant state under the
43 temporary authorization to practice shall practice within the scope
44 of practice authorized by the distant state.

45 d. A psychologist practicing into a distant state under the
46 temporary authorization to practice will be subject to the distant
47 state's authority and law. A distant state may, in accordance with

1 that state's due process law, limit or revoke a psychologist's
2 temporary authorization to practice in the distant state and may take
3 any other necessary actions under the distant state's applicable law
4 to protect the health and safety of the distant state's citizens. If a
5 distant state takes action, the state shall promptly notify the home
6 state and the commission.

7 e. If a psychologist's license in any home state, another
8 compact state, or any temporary authorization to practice in any
9 distant state, is restricted, suspended or otherwise limited, the IPC
10 shall be revoked and therefore the psychologist shall not be eligible
11 to practice in a compact state under the temporary authorization to
12 practice.

13 14 VI. Conditions of Telepsychology Practice in a Receiving State.

15
16 A psychologist may practice in a receiving state under the
17 authority to practice interjurisdictional telepsychology only in the
18 performance of the scope of practice for psychology as assigned by
19 an appropriate state psychology regulatory authority, as defined in
20 the rules of the commission, and under the following circumstances:
21 the psychologist initiates a client or patient ¹['[, or both,']¹ contact in
22 a home state via telecommunications technologies with a client or
23 patient ¹['[, or both,']¹ in a receiving state; and other conditions
24 regarding telepsychology as determined by rules promulgated by
25 the commission.

26 27 VII. Adverse Actions

28
29 a. A home state shall have the power to impose adverse action
30 against a psychologist's license issued by the home state. A distant
31 state shall have the power to take adverse action on a psychologist's
32 temporary authorization to practice within that distant State.

33 b. A receiving state may take adverse action on a psychologist's
34 authority to practice interjurisdictional telepsychology within that
35 receiving state. A home state may take adverse action against a
36 psychologist based on an adverse action taken by a distant state
37 regarding temporary in-person, face-to-face practice.

38 c. If a home state takes adverse action against a psychologist's
39 license, that psychologist's authority to practice interjurisdictional
40 telepsychology is terminated and the e.passport is revoked.
41 Furthermore, that psychologist's temporary authorization to practice
42 is terminated and the IPC is revoked. All home state disciplinary
43 orders ¹['[which] that']¹ impose adverse action shall be reported to the
44 commission in accordance with the rules promulgated by the
45 commission. A compact state shall report adverse actions in
46 accordance with the rules of the commission. In the event
47 discipline is reported on a psychologist, the psychologist will not be
48 eligible for telepsychology or temporary in-person, face-to-face

1 practice in accordance with the rules of the commission. Other
2 actions may be imposed as determined by the rules promulgated by
3 the commission.

4 d. A home state's psychology regulatory authority shall
5 investigate and take appropriate action with respect to reported
6 inappropriate conduct engaged in by a licensee ¹~~which~~ that¹
7 occurred in a receiving state as it would if such conduct had
8 occurred by a licensee within the home state. In such cases, the
9 home state's law shall control in determining any adverse action
10 against a psychologist's license.

11 e. A distant state's psychology regulatory authority shall
12 investigate and take appropriate action with respect to reported
13 inappropriate conduct engaged in by a psychologist practicing under
14 temporary authorization practice ¹~~which~~ that¹ occurred in that
15 distant state as it would if such conduct had occurred by a licensee
16 within the home state. In such cases, distant state's law shall
17 control in determining any adverse action against a psychologist's
18 temporary authorization to practice.

19 f. Nothing in this compact shall override a compact state's
20 decision that a psychologist's participation in an alternative program
21 may be used in lieu of adverse action and that such participation
22 shall remain non-public if required by the compact state's law.
23 ¹~~compact~~ Compact¹ states ¹~~must~~ shall¹ require psychologists
24 who enter any alternative programs to not provide telepsychology
25 services under the authority to practice interjurisdictional
26 telepsychology or provide temporary psychological services under
27 the temporary authorization to practice in any other compact state
28 during the term of the alternative program.

29 g. No other judicial or administrative remedies shall be
30 available to a psychologist in the event a compact state imposes an
31 adverse action pursuant to subsection c. of this section.

32
33 VIII. Additional Authorities Invested in a Compact State's
34 Psychology.

35
36 In addition to any other powers granted under state law, a
37 compact state's psychology regulatory authority shall have the
38 authority under this compact to: issue subpoenas, for both hearings
39 and investigations, which require the attendance and testimony of
40 witnesses and the production of evidence. ¹~~subpoenas~~
41 Subpoenas¹ issued by a compact state's psychology regulatory
42 authority for the attendance and testimony of witnesses, or the
43 production of evidence from another compact state, shall be
44 enforced in the latter state by any court of competent jurisdiction,
45 according to that court's practice and procedure in considering
46 subpoenas issued in its own proceedings. The issuing state
47 psychology regulatory authority shall pay any witness fees, travel
48 expenses, mileage, and other fees required by the service statutes of

1 the state where the witnesses, evidence, or both are located; and
2 issue cease and desist ¹**【and/or】 orders and**¹ injunctive relief orders
3 to revoke a psychologist's authority to practice interjurisdictional
4 telepsychology, temporary authorization to practice, or both.
5 During the course of any investigation, a psychologist may not
6 change his or her home state licensure. A home state psychology
7 regulatory authority is authorized to complete any pending
8 investigations of a psychologist and to take any actions appropriate
9 under its law. The home state psychology regulatory authority shall
10 promptly report the conclusions of such investigations to the
11 commission. Once an investigation has been completed, and
12 pending the outcome of said investigation, the psychologist may
13 change his or her home state licensure. The commission shall
14 promptly notify the new home state of any such decisions as
15 provided in the rules of the commission. All information provided
16 to the commission or distributed by compact states pursuant to the
17 psychologist shall be confidential, filed under seal, and used for
18 investigatory or disciplinary matters. The commission may create
19 additional rules for mandated or discretionary sharing of
20 information by compact states.

21
22 IX. Coordinated Licensure Information System.

23
24 a. The ¹**【Commission】** commission¹ shall provide for the
25 development and maintenance of a coordinated licensure
26 ¹**【information system (coordinated database)】** database¹ and
27 reporting system containing licensure and disciplinary action
28 information on all psychologists ¹**【individuals】**¹ to whom this
29 compact is applicable in all compact states as defined by the rules
30 of the commission.

31 b. Notwithstanding any other provision of state law to the
32 contrary, a compact state shall submit a uniform data set to the
33 coordinated database on all licensees as required by the rules of the
34 commission, including: identifying information; licensure data;
35 significant investigatory information; adverse actions against a
36 psychologist's license; an indicator that a psychologist's authority to
37 practice interjurisdictional telepsychology or temporary
38 authorization to practice is revoked; non-confidential information
39 related to alternative program participation information; any denial
40 of application for licensure, and the reasons for such denial; and
41 other information ¹**【which】** that¹ may facilitate the administration
42 of this compact, as determined by the rules of the commission.

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

46 d. Compact states reporting information to the coordinated
47 database may designate information that may not be shared with the

1 public without the express permission of the compact state reporting
2 the information.

3 e. Any information submitted to the coordinated database that
4 is subsequently required to be expunged by the law of the compact
5 state reporting the information shall be removed from the
6 coordinated database.

7

8 X. Establishment of the Psychology Interjurisdictional Compact
9 Commission.

10

11 a. The compact states hereby create and establish a joint public
12 agency known as the ¹**psychology interjurisdictional compact**
13 **commission** Psychology Interjurisdictional Compact Commission¹
14 The commission is a body politic and an instrumentality of the
15 compact States. Venue is proper and judicial proceedings by or
16 against the commission shall be brought solely and exclusively in a
17 court of competent jurisdiction where the principal office of the
18 commission is located. The commission may waive venue and
19 jurisdictional defenses to the extent it adopts or consents to
20 participate in alternative dispute resolution proceedings. Nothing in
21 this compact shall be construed to be a waiver of sovereign
22 immunity.

23 b. (1) The commission shall consist of one voting
24 representative appointed by each compact state who shall serve as
25 that state's commissioner. The state psychology regulatory
26 authority shall appoint its delegate. The delegate shall be
27 empowered to act on behalf of the compact state. The delegate
28 shall be either the executive director, executive secretary or similar
29 executive; current member of the state psychology regulatory
30 authority of a compact state; or designee empowered with the
31 appropriate delegate authority to act on behalf of the compact state.
32 Any commissioner may be removed or suspended from office as
33 provided by the law of the state from which the commissioner is
34 appointed. Any vacancy occurring in the commission shall be filled
35 in accordance with the laws of the compact state in which the
36 vacancy exists. Each commissioner shall be entitled to one vote
37 with regard to the promulgation of rules and creation of bylaws and
38 shall otherwise have an opportunity to participate in the business
39 and affairs of the commission. A commissioner shall vote in person
40 or by such other means as provided in the bylaws. The bylaws may
41 provide for commissioners' participation in meetings by telephone
42 or other means of communication. The commission shall meet at
43 least once during each calendar year. Additional meetings shall be
44 held as set forth in the bylaws. All meetings shall be open to the
45 public, and public notice of meetings shall be given in the same
46 manner as required under the rulemaking provisions in Article XI.
47 The commission may convene in a closed, non-public meeting if the
48 commission ¹**must** shall¹ discuss: non-compliance of a compact

1 state with its obligations under the compact; the employment,
2 compensation, discipline or other personnel matters, practices or
3 procedures related to specific employees or other matters related to
4 the commission's internal personnel practices and procedures;
5 current, threatened, or reasonably anticipated litigation against the
6 commission; negotiation of contracts for the purchase or sale of
7 goods, services or real estate; accusation against any person of a
8 crime or formally censuring any person; disclosure of trade secrets
9 or commercial or financial information ¹~~【which】~~ that¹ is privileged
10 or confidential; disclosure of information of a personal nature
11 where disclosure would constitute a clearly unwarranted invasion of
12 personal privacy; disclosure of investigatory records compiled for
13 law enforcement purposes; disclosure of information related to any
14 investigatory reports prepared by or on behalf of or for use of the
15 commission or other committee charged with responsibility for
16 investigation or determination of compliance issues pursuant to the
17 compact; or matters specifically exempted from disclosure by
18 federal and state statute.

19 (2) If a meeting, or portion of a meeting, is closed pursuant to
20 paragraph (1) of this subsection, the commission's legal counsel or
21 designee shall certify that the meeting may be closed and shall
22 reference each relevant exempting provision. The commission shall
23 keep minutes ¹~~【which】~~ that¹ fully and clearly describe all matters
24 discussed in a meeting and shall provide a full and accurate
25 summary of actions taken, of any person participating in the
26 meeting, and the reasons therefore, including a description of the
27 views expressed. All documents considered in connection with an
28 action shall be identified in such minutes. All minutes and
29 documents of a closed meeting shall remain under seal, subject to
30 release only by a majority vote of the commission or order of a
31 court of competent jurisdiction.

32 c. The commission shall, by a majority vote of the
33 commissioners, prescribe bylaws, rules, or both to govern its
34 conduct as may be necessary or appropriate to carry out the
35 purposes and exercise the powers of the compact, including but not
36 limited to: establishing the fiscal year of the commission; providing
37 reasonable standards and procedures ¹~~【:】~~¹ for the establishment and
38 meetings of other committees ¹~~【:】~~¹ and for governing any general
39 or specific delegation of any authority or function of the
40 commission; providing reasonable procedures for calling and
41 conducting meetings of the commission; establishing the titles,
42 duties and authority and reasonable procedures for the election of
43 the officers of the commission; providing reasonable standards and
44 procedures for the establishment of the personnel policies and
45 programs of the commission; promulgating a code of ethics to
46 address permissible and prohibited activities of commission
47 members and employees; providing a mechanism for concluding the
48 operations of the commission and the equitable disposition of any

1 surplus funds that may exist after the termination of the compact
2 after the payment and reserving of all of its debts and obligations;¹
3 and ensuring reasonable advance notice of all meetings and
4 providing an opportunity for attendance of such meetings by
5 interested parties, with enumerated exceptions designed to protect
6 the public's interest, the privacy of individuals of such proceedings,
7 and proprietary information, including trade secrets.

8 The commission may meet in closed session only after a majority
9 of the commissioners vote to close a meeting to the public in whole
10 or in part. As soon as practicable, the commission shall make
11 public a copy of the vote to close the meeting revealing the vote of
12 each commissioner with no proxy votes allowed ¹【; establishing the
13 titles, duties and authority and reasonable procedures for the
14 election of the officers of the commission; providing reasonable
15 standards and procedures for the establishment of the personnel
16 policies and programs of the commission】¹ .

17 Notwithstanding any civil service or other similar law of any
18 compact state, the bylaws shall exclusively govern the personnel
19 policies and programs of the commission ¹【; promulgating a code
20 of ethics to address permissible and prohibited activities of
21 commission members and employees; providing a mechanism for
22 concluding the operations of the commission and the equitable
23 disposition of any surplus funds that may exist after the termination
24 of the compact after the payment and reserving of all of its debts
25 and obligations; the】. The¹ commission shall publish its bylaws in
26 a convenient form and file a copy thereof and a copy of any
27 amendment thereto, with the appropriate agency or officer in each
28 of the compact states ¹【; the】.

29 The¹ commission shall maintain its financial records in
30 accordance with the bylaws, and shall meet and take such actions as
31 are consistent with the provisions of this compact and the bylaws.

32 d. The commission shall have the following powers:

33 (1) the authority to promulgate uniform rules to facilitate and
34 coordinate implementation and administration of this compact,
35 which rule shall have the force and effect of law and shall be
36 binding in all compact states;

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

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

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

45 (5) to hire employees, elect or appoint officers, fix
46 compensation, define duties, grant such individuals appropriate
47 authority to carry out the purposes of the compact, and to establish

1 the commission's personnel policies and programs relating to
2 conflicts of interest, qualifications of personnel, and other related
3 personnel matters;

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

9 (7) to lease, purchase, accept appropriate gifts or donations of,
10 or otherwise to own, hold, improve, or use, any **'[property,]'** real,
11 personal, or mixed **'property'** , provided that at all times the
12 commission shall strive to avoid any appearance of impropriety;

13 (8) to sell, convey, mortgage, pledge, lease, exchange, abandon
14 or otherwise dispose of any **'[property]'** real, personal **'.'** or mixed
15 **'property'** ;

16 (9) to establish a budget and make expenditures;

17 (10) to borrow money;

18 (11) to appoint committees, including advisory committees
19 comprised of members, state regulators, state legislators or their
20 representatives, and consumer representatives, and such other
21 interested persons as may be designated in this compact and the
22 bylaws; **'[to provide and receive information from, and]'**

23 (12) **'to provide and receive information from, and'** to
24 cooperate with, law enforcement agencies; **'[and]'**

25 (13) to adopt and use an official seal; and

26 **'(14)'** to perform such other functions as may be necessary or
27 appropriate to achieve the purposes of this compact consistent with
28 the state regulation of psychology licensure, temporary in-person
29 **'[.]'** face-to-face practice, and telepsychology practice.

30 e. The elected officers shall serve as the executive board, which
31 shall have the power to act on behalf of the commission according
32 to the terms of this compact.

33 (1) The executive board shall **'[be comprised of] comprise'** six
34 members: five voting members who are elected from the current
35 membership of the commission by the commission and one ex-
36 officio, nonvoting member from the recognized membership
37 organization composed of state and provincial psychology
38 regulatory authorities. The ex-officio member **'[must] shall'** have
39 served as staff or member on a state psychology regulatory
40 authority and will be selected by its respective organization. The
41 commission may remove any member of the executive board as
42 provided in bylaws. The executive board shall meet at least
43 annually.

44 (2) The executive board shall have the following duties and
45 responsibilities: recommend to the entire commission changes to the
46 rules or bylaws, changes to this compact legislation, fees paid by
47 compact states such as annual dues, and any other applicable fees;

1 ensure compact administration services are appropriately provided,
2 contractual or otherwise; prepare and recommend the budget;
3 maintain financial records on behalf of the commission; monitor
4 compact compliance of member states and provide compliance
5 reports to the commission; establish additional committees as
6 necessary; and other duties as provided in rules or bylaws.

7 f. ~~the~~ The¹ the commission shall pay, or provide for the
8 payment of ¹,¹ the reasonable expenses of its establishment,
9 organization and ongoing activities. The commission may accept
10 any and all appropriate revenue sources, donations, and grants of
11 money, equipment, supplies, materials and services. The
12 commission may levy on and collect an annual assessment from
13 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 ¹,¹
15 which ~~must~~ assessment shall¹ be in a total amount sufficient to
16 cover its annual budget as approved each year for which revenue is
17 not provided by other sources. The aggregate annual assessment
18 amount shall be allocated based upon a formula to be determined by
19 the commission ¹,¹ which shall promulgate a rule binding upon all
20 compact states. The commission shall not incur obligations of any
21 kind prior to securing the funds adequate to meet the same; nor
22 shall the commission pledge the credit of any of the compact states,
23 except by and with the authority of the compact state. ~~the~~ The¹
24 commission shall keep accurate accounts of all receipts and
25 disbursements. The receipts and disbursements of the commission
26 shall be subject to the audit and accounting procedures established
27 under its bylaws. All receipts and disbursements of funds handled
28 by the commission shall be audited yearly by a certified or licensed
29 public accountant ¹,¹ and the report of the audit shall be included in
30 ¹,¹ and become part of ¹,¹ the annual report of the commission.

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

1 whom the claim is made had a reasonable basis for believing
2 occurred within the scope of commission employment, duties or
3 responsibilities; provided that nothing herein shall be construed to
4 prohibit that person from retaining the person's own counsel; and
5 provided further, that the actual or alleged act, error, or omission
6 did not result from that person's intentional or willful or wanton
7 misconduct. The commission shall indemnify and hold harmless
8 any member, officer, executive director, employee, or
9 representative of the commission for the amount of any settlement
10 or judgment obtained against that person arising out of any actual or
11 alleged act, error or omission that occurred within the scope of
12 commission employment, duties, or responsibilities, or that such
13 person had a reasonable basis for believing occurred within the
14 scope of commission employment, duties, or responsibilities,
15 provided that the actual or alleged act, error, or omission did not
16 result from the intentional or willful or wanton misconduct of that
17 person.

18
19 XI. Rulemaking.

20
21 a. The ¹**【Commission】** commission¹ shall exercise its
22 rulemaking powers pursuant to the criteria set forth in this article
23 and the rules adopted thereunder. Rules and amendments shall
24 become binding as of the date specified in each rule or amendment.

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

29 c. Rules or amendments to the rules shall be adopted at a
30 regular or special meeting of the ¹**【Commission】** commission¹ .

31 d. Prior to promulgation and adoption of a final rule or rules by
32 the commission, and at least 60 days in advance of the meeting at
33 which the rule will be considered and voted upon, the commission
34 shall file a notice of proposed rulemaking: on the website of the
35 commission; and on the website of each compact states' psychology
36 regulatory authority or the publication in which each state would
37 otherwise publish proposed rules.

38 e. The notice of proposed rulemaking shall include: the
39 proposed time, date, and location of the meeting in which the rule
40 will be considered and voted upon; the text of the proposed rule or
41 amendment and the reason for the proposed rule; a request for
42 comments on the proposed rule from any interested person; and the
43 manner in which interested persons may submit notice to the
44 commission of their intention to attend the public hearing and any
45 written comments.

46 f. Prior to adoption of a proposed rule, the commission shall
47 allow persons to submit written data, facts, opinions, and arguments

1 ¹ which ¹submitted materials¹ shall be made available to the
2 public.

3 g. The commission shall grant an opportunity for a public
4 hearing before it adopts a rule or amendment if a hearing is
5 requested by: at least 25 persons who submit comments
6 independently of each other; a governmental subdivision or agency;
7 or a duly appointed person in an association that has ¹**["having"]**¹ at
8 least 25 members.

9 h. If a hearing is held on the proposed rule or amendment, the
10 commission shall publish the place, time, and date of the scheduled
11 public hearing. All persons wishing to be heard at the hearing shall
12 notify the executive director of the commission or other designated
13 member in writing of their desire to appear and testify at the hearing
14 not less than five business days before the scheduled date of the
15 hearing. Hearings shall be conducted in a manner providing each
16 person who wishes to comment a fair and reasonable opportunity to
17 comment orally or in writing. No transcript of the hearing is
18 required, unless a written request for a transcript is made, in which
19 case the person requesting the transcript shall bear the cost of
20 producing the transcript. A recording may be made in lieu of a
21 transcript under the same terms and conditions as a transcript. This
22 subsection shall not preclude the commission from making a
23 transcript or recording of the hearing if it so chooses. Nothing in
24 this section shall be construed as requiring a separate hearing on
25 each rule. Rules may be grouped for the convenience of the
26 commission at hearings required by this section.

27 i. Following the scheduled hearing date, or by the close of
28 business on the scheduled hearing date if the hearing was not held,
29 the commission shall consider all written and oral comments
30 received.

31 j. The commission shall, by majority vote of all members, take
32 final action on the proposed rule and shall determine the effective
33 date of the rule, if any, based on the rulemaking record and the full
34 text of the rule.

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

38 l. Upon determination that an emergency exists, the
39 commission may consider and adopt an emergency rule without
40 prior notice, opportunity for comment, or hearing, provided that the
41 usual rulemaking procedures provided in the compact and in this
42 section shall be retroactively applied to the rule as soon as
43 reasonably possible, in no event later than 90 days after the
44 effective date of the rule. For the purposes of this provision, an
45 emergency rule is one that ¹**["must"] shall**¹ be adopted immediately
46 in order to: meet an imminent threat to public health, safety, or
47 welfare; prevent a loss of commission or compact state funds; meet
48 a deadline for the promulgation of an administrative rule that is

1 established by federal law or rule; or protect public health and
2 safety.

3 m. The commission or an authorized committee of the
4 commission may direct revisions to a previously adopted rule or
5 amendment for purposes of correcting typographical errors, errors
6 in format, errors in consistency, or grammatical errors. Public
7 notice of any revisions shall be posted on the website of the
8 commission. The revision shall be subject to challenge by any
9 person for a period of 30 days after posting. The revision may be
10 challenged only on grounds that the revision results in a material
11 change to a rule. A challenge shall be made in writing ¹['.'] and
12 delivered to the chair of the commission prior to the end of the
13 notice period. If no challenge is made, the revision will take effect
14 without further action. If the revision is challenged, the revision
15 may not take effect without the approval of the commission.

16

17 XII. Oversight, Dispute Resolution, and Enforcement

18

19 a. The executive, legislative, and judicial branches of state
20 government in each compact state shall enforce this compact and
21 take all actions necessary and appropriate to effectuate the
22 compact's purposes and intent. The provisions of this ¹['Compact']
23 compact¹ and the rules promulgated hereunder shall have standing
24 as statutory law. All courts shall take judicial notice of the compact
25 and the rules in any judicial or administrative proceeding in a
26 compact state pertaining to the subject matter of this compact that
27 may affect the powers, responsibilities or actions of the
28 commission. The commission shall be entitled to receive service of
29 process in any such proceeding, and shall have standing to intervene
30 in such a proceeding for all purposes. Failure to provide service of
31 process to the commission shall render a judgment or order void as
32 to the commission, this compact or promulgated rules.

33 b. If the commission determines that a compact state has
34 defaulted in the performance of its obligations or responsibilities
35 under this compact or the promulgated rules, the commission shall:
36 provide written notice to the defaulting state and other compact
37 states of the nature of the default, the proposed means of remedying
38 the default, and any other action to be taken by the commission; and
39 provide remedial training and specific technical assistance
40 regarding the default. If a state in default fails to remedy the
41 default, the defaulting state may be terminated from the compact
42 upon an affirmative vote of a majority of the compact states, and all
43 rights, privileges, and benefits conferred by this compact shall be
44 terminated on the effective date of termination. A remedy of the
45 default shall not relieve the offending state of obligations or
46 liabilities incurred during the period of default. Termination of
47 membership in the compact shall be imposed only after all other
48 means of securing compliance have been exhausted. Notice of

1 intent to suspend or terminate shall be submitted by the commission
2 to the governor, the majority and minority leaders of the defaulting
3 state's legislature, and each of the compact states. A compact state
4 ¹~~['which]~~ that¹ has been terminated is responsible for all
5 assessments, obligations, and liabilities incurred through the
6 effective date of termination, including obligations ¹~~['which]~~ that¹
7 extend beyond the effective date of termination. The commission
8 shall not bear any costs incurred by the state ¹~~['which]~~ that¹ is
9 found to be in default or ¹~~['which]~~ that¹ has been terminated from
10 the compact, unless agreed upon in writing between the commission
11 and the defaulting state. The defaulting state may appeal the action
12 of the commission by petitioning the United States District Court
13 for the state of Georgia or the federal district where the compact has
14 its principal offices. The prevailing member shall be awarded all
15 costs of such litigation, including reasonable attorney's fees.

16 c. Upon request by a compact state, the commission shall
17 attempt to resolve disputes related to the compact ¹~~['which]~~ that¹
18 arise among compact states and between compact and non-compact
19 states. The commission shall promulgate a rule providing for both
20 mediation and binding dispute resolution for disputes that arise
21 before the commission.

22 d. The commission, in the reasonable exercise of its discretion,
23 shall enforce the provisions and rules of this compact. By majority
24 vote, the commission may initiate legal action in the United States
25 District Court for the state of Georgia or the federal district where
26 the compact has its principal offices against a compact state in
27 default to enforce compliance with the provisions of the compact
28 and its promulgated rules and bylaws. The relief sought may
29 include both injunctive relief and damages. In the event judicial
30 enforcement is necessary, the prevailing member shall be awarded
31 all costs of such litigation, including reasonable attorney's fees.
32 The remedies herein shall not be the exclusive remedies of the
33 commission. The commission may pursue any other remedies
34 available under federal or state law.

35
36 XIII. Date of Implementation of the Psychology
37 Interjurisdictional Compact Commission and Associated Rules,
38 Withdrawal, and Amendments.

39
40 a. The compact shall come into effect on the date on which the
41 compact is enacted into law in the seventh compact state. The
42 provisions ¹~~['which]~~ that¹ become effective at that time shall be
43 limited to the powers granted to the commission relating to
44 assembly and the promulgation of rules. Thereafter, the
45 commission shall meet and exercise rulemaking powers necessary
46 to the implementation and administration of the compact.

1 b. Any state ¹~~['which]~~ that¹ joins the compact subsequent to
2 the commission's initial adoption of the rules shall be subject to the
3 rules as they exist on the date on which the compact becomes law in
4 that state. Any rule ¹~~['which]~~ that¹ has been previously adopted by
5 the commission shall have the full force and effect of law on the
6 day the compact becomes law in that state.

7 c. Any compact state may withdraw from this compact by
8 enacting a statute repealing the same. A compact state's withdrawal
9 shall not take effect until six months after enactment of the
10 repealing statute. Withdrawal shall not affect the continuing
11 requirement of the withdrawing state's psychology regulatory
12 authority to comply with the investigative and adverse action
13 reporting requirements of this act prior to the effective date of
14 withdrawal.

15 d. Nothing contained in this compact shall be construed to
16 invalidate or prevent any psychology licensure agreement or other
17 cooperative arrangement between a compact state and a non-
18 compact state ¹~~['which]~~ that¹ does not conflict with the provisions
19 of this compact.

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

24
25 XIV. Construction and Severability.

26
27 a. This compact shall be liberally construed so as to effectuate
28 the purposes thereof. If this compact shall be held contrary to the
29 constitution of any state member thereto, the compact shall remain
30 in full force and effect as to the remaining compact states. When
31 the Governor executes the compact on behalf of this State and when
32 the compact is ratified by one or more other states, then the
33 compact shall become operative and effective between this State
34 and such other state or states. The Governor is hereby authorized
35 and directed to take such action as may be necessary to complete
36 the exchange of official documents between this State and any other
37 state ratifying the compact.

38 b. The compact administrator who represents this State, as
39 provided in the compact, shall not be entitled to any additional
40 compensation for the administrator's duties and responsibilities as
41 compact administrator but shall be entitled to reimbursement for
42 reasonable expenses actually incurred in connection with the
43 administrator's duties and responsibilities as compact administrator
44 in the same manner as for expenses incurred in connection with
45 other duties and responsibilities of office or employment.

46
47 2. This act shall take effect on the ¹~~['60]~~ 60th¹ day after the
48 date of enactment.

- 1
- 2
- 3
- Enters New Jersey into Psychology Interjurisdictional Compact.
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