

SENATE FILE NO. SF0037

Psychology Interjurisdictional Compact.

Sponsored by: Joint Labor, Health & Social Services Interim  
Committee

A BILL

for

1 AN ACT relating to professional licensing; adopting the  
2 Psychology Interjurisdictional Compact; authorizing the  
3 temporary and telemedicine based provision of psychology  
4 services by psychologists not licensed to practice  
5 psychology in Wyoming; providing for participation in the  
6 compact; making conforming amendments; assigning duties to  
7 the Wyoming state board of psychology; authorizing the  
8 fingerprinting and background investigation of psychology  
9 license applicants; and providing for an effective date.

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11 *Be It Enacted by the Legislature of the State of Wyoming:*

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13 **Section 1.** W.S. 33-27-201 and 33-27-202 are created to

14 read:

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ARTICLE 2

PSYCHOLOGY INTERJURISDICTIONAL COMPACT

**33-27-201. Short title.**

This article shall be known and may be cited as the "Psychology Interjurisdictional Compact."

**33-27-202. Compact provisions generally.**

The Psychology Interjurisdictional Compact is enacted into law and entered into on behalf of this state with all other states legally joining in the compact in a form substantially as follows:

ARTICLE I

PURPOSE

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

1 Whereas, this Compact is intended to regulate the day to day  
2 practice of telepsychology (i.e. the provision of  
3 psychological services using telecommunication technologies)  
4 by psychologists across state boundaries in the performance  
5 of their psychological practice as assigned by an  
6 appropriate authority; and

7

8 Whereas, this Compact is intended to regulate the temporary  
9 in-person, face-to-face practice of psychology by  
10 psychologists across state boundaries for 30 days within a  
11 calendar year in the performance of their psychological  
12 practice as assigned by an appropriate authority;

13

14 Whereas, this Compact is intended to authorize State  
15 Psychology Regulatory Authorities to afford legal  
16 recognition, in a manner consistent with the terms of the  
17 Compact, to psychologists licensed in another state;

18

19 Whereas, this Compact recognizes that states have a vested  
20 interest in protecting the public's health and safety  
21 through their licensing and regulation of psychologists and  
22 that such state regulation will best protect public health  
23 and safety;

1

2 Whereas, this Compact does not apply when a psychologist is  
3 licensed in both the Home and Receiving States; and

4

5 Whereas, this Compact does not apply to permanent in-person,  
6 face-to-face practice, it does allow for authorization of  
7 temporary psychological practice.

8

9 Consistent with these principles, this Compact is designed  
10 to achieve the following purposes and objectives:

11

12 1. Increase public access to professional  
13 psychological services by allowing for telepsychological  
14 practice across state lines as well as temporary in-person,  
15 face-to-face services into a state which the psychologist is  
16 not licensed to practice psychology;

17

18 2. Enhance the states' ability to protect the public's  
19 health and safety, especially client/patient safety;

20

21 3. Encourage the cooperation of Compact States in the  
22 areas of psychology licensure and regulation;

23

1           4. Facilitate the exchange of information between  
2 Compact States regarding psychologist licensure, adverse  
3 actions and disciplinary history;

4

5           5. Promote compliance with the laws governing  
6 psychological practice in each Compact State; and

7

8           6. Invest all Compact States with the authority to  
9 hold licensed psychologists accountable through the mutual  
10 recognition of Compact State licenses.

11

12   ARTICLE II

13   DEFINITIONS

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15           A. "Adverse Action" means: Any action taken by a State  
16 Psychology Regulatory Authority which finds a violation of a  
17 statute or regulation that is identified by the State  
18 Psychology Regulatory Authority as discipline and is a  
19 matter of public record.

20

21           B. "Association of State and Provincial Psychology  
22 Boards (ASPPB)" means: the recognized membership  
23 organization composed of State and Provincial Psychology

1 Regulatory Authorities responsible for the licensure and  
2 registration of psychologists throughout the United States  
3 and Canada.

4

5 C. "Authority to Practice Interjurisdictional  
6 Telepsychology" means: a licensed psychologist's authority  
7 to practice telepsychology, within the limits authorized  
8 under this Compact, in another Compact State.

9

10 D. "Bylaws" means: those Bylaws established by the  
11 Psychology Interjurisdictional Compact Commission pursuant  
12 to Article X for its governance, or for directing and  
13 controlling its actions and conduct.

14

15 E. "Client/Patient" means: the recipient of  
16 psychological services, whether psychological services are  
17 delivered in the context of healthcare, corporate,  
18 supervision, and/or consulting services.

19

20 F. "Commissioner" means: the voting representative  
21 appointed by each State Psychology Regulatory Authority  
22 pursuant to Article X.

23

1           G. "Compact State" means: a state, the District of  
2 Columbia, or United States territory that has enacted this  
3 Compact legislation and which has not withdrawn pursuant to  
4 Article XIII, Section C or been terminated pursuant to  
5 Article XII, Section B.

6

7           H. "Coordinated Licensure Information System" also  
8 referred to as "Coordinated Database" means: an integrated  
9 process for collecting, storing, and sharing information on  
10 psychologists' licensure and enforcement activities related  
11 to psychology licensure laws, which is administered by the  
12 recognized membership organization composed of State and  
13 Provincial Psychology Regulatory Authorities.

14

15           I. "Confidentiality" means: the principle that data or  
16 information is not made available or disclosed to  
17 unauthorized persons and/or processes.

18

19           J. "Day" means: any part of a day in which  
20 psychological work is performed.

21

22           K. "Distant State" means: the Compact State where a  
23 psychologist is physically present (not through the use of

1 telecommunications technologies), to provide temporary  
2 in-person, face-to-face psychological services.

3

4 L. "E.Passport" means: a certificate issued by the  
5 Association of State and Provincial Psychology Boards  
6 (ASPPB) that promotes the standardization in the criteria of  
7 interjurisdictional telepsychology practice and facilitates  
8 the process for licensed psychologists to provide  
9 telepsychological services across state lines.

10

11 M. "Executive Board" means: a group of directors  
12 elected or appointed to act on behalf of, and within the  
13 powers granted to them by, the Commission.

14

15 N. "Home State" means: a Compact State where a  
16 psychologist is licensed to practice psychology. If the  
17 psychologist is licensed in more than one Compact State and  
18 is practicing under the Authorization to Practice  
19 Interjurisdictional Telepsychology, the Home State is the  
20 Compact State where the psychologist is physically present  
21 when the telepsychological services are delivered. If the  
22 psychologist is licensed in more than one Compact State and  
23 is practicing under the Temporary Authorization to Practice,



1 the Home State is any Compact State where the psychologist  
2 is licensed.

3

4 O. "Identity History Summary" means: a summary of  
5 information retained by the FBI, or other designee with  
6 similar authority, in connection with arrests and, in some  
7 instances, federal employment, naturalization, or military  
8 service.

9

10 P. "In-Person, Face-to-Face" means: interactions in  
11 which the psychologist and the client/patient are in the  
12 same physical space and which does not include interactions  
13 that may occur through the use of telecommunication  
14 technologies.

15

16 Q. "Interjurisdictional Practice Certificate (IPC)"  
17 means: a certificate issued by the Association of State and  
18 Provincial Psychology Boards (ASPPB) that grants temporary  
19 authority to practice based on notification to the State  
20 Psychology Regulatory Authority of intention to practice  
21 temporarily, and verification of one's qualifications for  
22 such practice.

23

1           R. "License" means: authorization by a State  
2 Psychology Regulatory Authority to engage in the independent  
3 practice of psychology, which would be unlawful without the  
4 authorization.

5

6           S. "Non-Compact State" means: any State which is not  
7 at the time a Compact State.

8

9           T. "Psychologist" means: an individual licensed for  
10 the independent practice of psychology.

11

12           U. "Psychology Interjurisdictional Compact Commission"  
13 also referred to as "Commission" means: the national  
14 administration of which all Compact States are members.

15

16           V. "Receiving State" means: a Compact State where the  
17 client/patient is physically located when the  
18 telepsychological services are delivered.

19

20           W. "Rule" means: a written statement by the Psychology  
21 Interjurisdictional Compact Commission promulgated pursuant  
22 to Article XI of the Compact that is of general  
23 applicability, implements, interprets, or prescribes a

1 policy or provision of the Compact, or an organizational,  
2 procedural, or practice requirement of the Commission and  
3 has the force and effect of statutory law in a Compact  
4 State, and includes the amendment, repeal or suspension of  
5 an existing rule.

6

7 X. "Significant Investigatory Information" means:

8

9 1. Investigative information that a State  
10 Psychology Regulatory Authority, after a preliminary inquiry  
11 that includes notification and an opportunity to respond if  
12 required by state law, has reason to believe, if proven  
13 true, would indicate more than a violation of state statute  
14 or ethics code that would be considered more substantial  
15 than minor infraction; or

16

17 2. Investigative information that indicates that  
18 the psychologist represents an immediate threat to public  
19 health and safety regardless of whether the psychologist has  
20 been notified and/or had an opportunity to respond.

21

22 Y. "State" means: a state, commonwealth, territory, or  
23 possession of the United States, the District of Columbia.

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2           Z. "State Psychology Regulatory Authority" means: the  
3 Board, office or other agency with the legislative mandate  
4 to license and regulate the practice of psychology.

5

6           AA. "Telepsychology" means: the provision of  
7 psychological services using telecommunication technologies.

8

9           BB. "Temporary Authorization to Practice" means: a  
10 licensed psychologist's authority to conduct temporary  
11 in-person, face-to-face practice, within the limits  
12 authorized under this Compact, in another Compact State.

13

14           CC. "Temporary In-Person, Face-to-Face Practice"  
15 means: where a psychologist is physically present (not  
16 through the use of telecommunications technologies), in the  
17 Distant State to provide for the practice of psychology for  
18 30 days within a calendar year and based on notification to  
19 the Distant State.

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## ARTICLE III

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## HOME STATE LICENSURE

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1           A. The Home State shall be a Compact State where a  
2 psychologist is licensed to practice psychology.

3

4           B. A psychologist may hold one or more Compact State  
5 licenses at a time. If the psychologist is licensed in more  
6 than one Compact State, the Home State is the Compact State  
7 where the psychologist is physically present when the  
8 services are delivered as authorized by the Authority to  
9 Practice Interjurisdictional Telepsychology under the terms  
10 of this Compact.

11

12           C. Any Compact State may require a psychologist not  
13 previously licensed in a Compact State to obtain and retain  
14 a license to be authorized to practice in the Compact State  
15 under circumstances not authorized by the Authority to  
16 Practice Interjurisdictional Telepsychology under the terms  
17 of this Compact.

18

19           D. Any Compact State may require a psychologist to  
20 obtain and retain a license to be authorized to practice in  
21 a Compact State under circumstances not authorized by  
22 Temporary Authorization to Practice under the terms of this  
23 Compact.

1

2           E. A Home State's license authorizes a psychologist to  
3 practice in a Receiving State under the Authority to  
4 Practice Interjurisdictional Telepsychology only if the  
5 Compact State:

6

7           1. Currently requires the psychologist to hold an  
8 active E.Passport;

9

10           2. Has a mechanism in place for receiving and  
11 investigating complaints about licensed individuals;

12

13           3. Notifies the Commission, in compliance with  
14 the terms herein, of any adverse action or significant  
15 investigatory information regarding a licensed individual;

16

17           4. Requires an Identity History Summary of all  
18 applicants at initial licensure, including the use of the  
19 results of fingerprints or other biometric data checks  
20 compliant with the requirements of the Federal Bureau of  
21 Investigation FBI, or other designee with similar authority,  
22 no later than ten years after activation of the Compact; and

23

1           5. Complies with the Bylaws and Rules of the  
2 Commission.

3

4           F. A home State's license grants Temporary  
5 Authorization to Practice to a psychologist in a Distant  
6 State only if the Compact State:

7

8           1. Currently requires the psychologist to hold an  
9 active IPC;

10

11           2. Has a mechanism in place for receiving and  
12 investigating complaints about licensed individuals;

13

14           3. Notifies the Commission, in compliance with  
15 the terms herein, of any adverse action or significant  
16 investigatory information regarding a licensed individual;

17

18           4. Requires an Identity History Summary of all  
19 applicants at initial licensure, including the use of the  
20 results of fingerprints or other biometric data checks  
21 compliant with the requirements of the Federal Bureau of  
22 Investigation FBI, or other designee with similar authority,  
23 no later than ten years after activation of the Compact; and

1

2           5. Complies with the Bylaws and Rules of the  
3 Commission.

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## ARTICLE IV

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## COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

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8           A. Compact States shall recognize the right of a  
9 psychologist, licensed in a Compact State in conformance  
10 with Article III, to practice telepsychology in other  
11 Compact States (Receiving States) in which the psychologist  
12 is not licensed, under the Authority to Practice  
13 Interjurisdictional Telepsychology as provided in the  
14 Compact.

15

16           B. To exercise the Authority to Practice  
17 Interjurisdictional Telepsychology under the terms and  
18 provisions of this Compact, a psychologist licensed to  
19 practice in a Compact State must:

20

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



1

2

a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or

6

7

b. A foreign college or university deemed to be equivalent to 1 (a) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; and

12

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14

2. Hold a graduate degree in psychology that meets the following criteria:

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

1                   b. The psychology program must stand as a  
2 recognizable, coherent, organizational entity within the  
3 institution;

4

5                   c. There must be a clear authority and  
6 primary responsibility for the core and specialty areas  
7 whether or not the program cuts across administrative lines;

8

9                   d. The program must consist of an  
10 integrated, organized sequence of study;

11

12                   e. There must be an identifiable psychology  
13 faculty sufficient in size and breadth to carry out its  
14 responsibilities;

15

16                   f. The designated director of the program  
17 must be a psychologist and a member of the core faculty;

18

19                   g. The program must have an identifiable  
20 body of students who are matriculated in that program for a  
21 degree;

22

1           h. The program must include supervised  
2     practicum, internship, or field training appropriate to the  
3     practice of psychology;

4

5           i. The curriculum shall encompass a minimum  
6     of three academic years of full-time graduate study for  
7     doctoral degree and a minimum of one academic year of  
8     full-time graduate study for master's degree;

9

10          j. The program includes an acceptable  
11     residency as defined by the Rules of the Commission.

12

13          3. Possess a current, full and unrestricted  
14     license to practice psychology in a Home State which is a  
15     Compact State;

16

17          4. Have no history of adverse action that violate  
18     the Rules of the Commission;

19

20          5. Have no criminal record history reported on an  
21     Identity History Summary that violates the Rules of the  
22     Commission;

23

1           6. Possess a current, active E.Passport;

2

3           7. Provide attestations in regard to areas of  
4 intended practice, conformity with standards of practice,  
5 competence in telepsychology technology; criminal  
6 background; and knowledge and adherence to legal  
7 requirements in the home and receiving states, and provide a  
8 release of information to allow for primary source  
9 verification in a manner specified by the Commission; and

10

11           8. Meet other criteria as defined by the Rules of  
12 the Commission.

13

14           C. The Home State maintains authority over the license  
15 of any psychologist practicing into a Receiving State under  
16 the Authority to Practice Interjurisdictional  
17 Telepsychology.

18

19           D. A psychologist practicing into a Receiving State  
20 under the Authority to Practice Interjurisdictional  
21 Telepsychology will be subject to the Receiving State's  
22 scope of practice. A Receiving State may, in accordance with  
23 that state's due process law, limit or revoke a

1 psychologist's Authority to Practice Interjurisdictional  
2 Telepsychology in the Receiving State and may take any other  
3 necessary actions under the Receiving State's applicable law  
4 to protect the health and safety of the Receiving State's  
5 citizens. If a Receiving State takes action, the state shall  
6 promptly notify the Home State and the Commission.

7

8 E. If a psychologist's license in any Home State,  
9 another Compact State, or any Authority to Practice  
10 Interjurisdictional Telepsychology in any Receiving State,  
11 is restricted, suspended or otherwise limited, the  
12 E.Passport shall be revoked and therefore the psychologist  
13 shall not be eligible to practice telepsychology in a  
14 Compact State under the Authority to Practice  
15 Interjurisdictional Telepsychology.

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#### ARTICLE V

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#### COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

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20 A. Compact States shall also recognize the right of a  
21 psychologist, licensed in a Compact State in conformance  
22 with Article III, to practice temporarily in other Compact

1 States (Distant States) in which the psychologist is not  
2 licensed, as provided in the Compact.

3

4 B. To exercise the Temporary Authorization to Practice  
5 under the terms and provisions of this Compact, a  
6 psychologist licensed to practice in a Compact State must:

7

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

11

12 a. Regionally accredited by an accrediting  
13 body recognized by the U.S. Department of Education to grant  
14 graduate degrees, or authorized by Provincial Statute or  
15 Royal Charter to grant doctoral degrees; or

16

17 b. A foreign college or university deemed to  
18 be equivalent to 1 (a) above by a foreign credential  
19 evaluation service that is a member of the National  
20 Association of Credential Evaluation Services (NACES) or by  
21 a recognized foreign credential evaluation service; and

22

1           2. Hold a graduate degree in psychology that  
2 meets the following criteria:

3

4           a. The program, wherever it may be  
5 administratively housed, must be clearly identified and  
6 labeled as a psychology program. Such a program must specify  
7 in pertinent institutional catalogues and brochures its  
8 intent to educate and train professional psychologists;

9

10           b. The psychology program must stand as a  
11 recognizable, coherent, organizational entity within the  
12 institution;

13

14           c. There must be a clear authority and  
15 primary responsibility for the core and specialty areas  
16 whether or not the program cuts across administrative lines;

17

18           d. The program must consist of an  
19 integrated, organized sequence of study;

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21           e. There must be an identifiable psychology  
22 faculty sufficient in size and breadth to carry out its  
23 responsibilities;

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f. The designated director of the program must be a psychologist and a member of the core faculty;

g. The program must have an identifiable body of students who are matriculated in that program for a degree;

h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;

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

j. The program includes an acceptable residency as defined by the Rules of the Commission.

3. Possess a current, full and unrestricted license to practice psychology in a Home State which is a Compact State;



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2           4. No history of adverse action that violate the  
3 Rules of the Commission;

4

5           5. No criminal record history that violates the  
6 Rules of the Commission;

7

8           6. Possess a current, active IPC;

9

10           7. Provide attestations in regard to areas of  
11 intended practice and work experience and provide a release  
12 of information to allow for primary source verification in a  
13 manner specified by the Commission; and

14

15           8. Meet other criteria as defined by the Rules of  
16 the Commission.

17

18           C. A psychologist practicing into a Distant State  
19 under the Temporary Authorization to Practice shall practice  
20 within the scope of practice authorized by the Distant  
21 State.

22

1           D. A psychologist practicing into a Distant State  
2 under the Temporary Authorization to Practice will be  
3 subject to the Distant State's authority and law. A Distant  
4 State may, in accordance with that state's due process law,  
5 limit or revoke a psychologist's Temporary Authorization to  
6 Practice in the Distant State and may take any other  
7 necessary actions under the Distant State's applicable law  
8 to protect the health and safety of the Distant State's  
9 citizens. If a Distant State takes action, the state shall  
10 promptly notify the Home State and the Commission.

11

12           E. If a psychologist's license in any Home State,  
13 another Compact State, or any Temporary Authorization to  
14 Practice in any Distant State, is restricted, suspended or  
15 otherwise limited, the IPC shall be revoked and therefore  
16 the psychologist shall not be eligible to practice in a  
17 Compact State under the Temporary Authorization to Practice.

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19

#### ARTICLE VI

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#### CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

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22           A. A psychologist may practice in a Receiving State  
23 under the Authority to Practice Interjurisdictional

1 Telepsychology only in the performance of the scope of  
2 practice for psychology as assigned by an appropriate State  
3 Psychology Regulatory Authority, as defined in the Rules of  
4 the Commission, and under the following circumstances:

5

6           1. The psychologist initiates a client/patient  
7 contact in a Home State via telecommunications technologies  
8 with a client/patient in a Receiving State;

9

10           2. Other conditions regarding telepsychology as  
11 determined by Rules promulgated by the Commission.

12

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#### ARTICLE VII

14

#### ADVERSE ACTIONS

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16           A. A Home State shall have the power to impose adverse  
17 action against a psychologist's license issued by the Home  
18 State. A Distant State shall have the power to take adverse  
19 action on a psychologist's Temporary Authorization to  
20 Practice within that Distant State.

21

22           B. A Receiving State may take adverse action on a  
23 psychologist's Authority to Practice Interjurisdictional

1 Telepsychology within that Receiving State. A Home State may  
2 take adverse action against a psychologist based on an  
3 adverse action taken by a Distant State regarding temporary  
4 in-person, face-to-face practice.

5

6 C. If a Home State takes adverse action against a  
7 psychologist's license, that psychologist's Authority to  
8 Practice Interjurisdictional Telepsychology is terminated  
9 and the E.Passport is revoked. Furthermore, that  
10 psychologist's Temporary Authorization to Practice is  
11 terminated and the IPC is revoked.

12

13 1. All Home State disciplinary orders which  
14 impose adverse action shall be reported to the Commission in  
15 accordance with the Rules promulgated by the Commission. A  
16 Compact State shall report adverse actions in accordance  
17 with the Rules of the Commission;

18

19 2. In the event discipline is reported on a  
20 psychologist, the psychologist will not be eligible for  
21 telepsychology or temporary in-person, face-to-face practice  
22 in accordance with the Rules of the Commission;

23

1           3. Other actions may be imposed as determined by  
2 the Rules promulgated by the Commission.

3

4           D. A Home State's Psychology Regulatory Authority  
5 shall investigate and take appropriate action with respect  
6 to reported inappropriate conduct engaged in by a licensee  
7 which occurred in a Receiving State as it would if such  
8 conduct had occurred by a licensee within the Home State. In  
9 such cases, the Home State's law shall control in  
10 determining any adverse action against a psychologist's  
11 license.

12

13           E. A Distant State's Psychology Regulatory Authority  
14 shall investigate and take appropriate action with respect  
15 to reported inappropriate conduct engaged in by a  
16 psychologist practicing under Temporary Authorization  
17 Practice which occurred in that Distant State as it would if  
18 such conduct had occurred by a licensee within the Home  
19 State. In such cases, Distant State's law shall control in  
20 determining any adverse action against a psychologist's  
21 Temporary Authorization to Practice.

22

1 F. Nothing in this Compact shall override a Compact  
2 State's decision that a psychologist's participation in an  
3 alternative program may be used in lieu of adverse action  
4 and that such participation shall remain non-public if  
5 required by the Compact State's law. Compact States must  
6 require psychologists who enter any alternative programs to  
7 not provide telepsychology services under the Authority to  
8 Practice Interjurisdictional Telepsychology or provide  
9 temporary psychological services under the Temporary  
10 Authorization to Practice in any other Compact State during  
11 the term of the alternative program.

12

13 G. No other judicial or administrative remedies shall  
14 be available to a psychologist in the event a Compact State  
15 imposes an adverse action pursuant to subsection C, above.

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#### ARTICLE VIII

18

#### ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S

19

#### PSYCHOLOGY REGULATORY AUTHORITY

20

21 A. In addition to any other powers granted under state  
22 law, a Compact State's Psychology Regulatory Authority shall  
23 have the authority under this Compact to:

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

16

17           2. Issue cease and desist and/or injunctive  
18 relief orders to revoke a psychologist's Authority to  
19 Practice Interjurisdictional Telepsychology and/or Temporary  
20 Authorization to Practice;

21

22           3. During the course of any investigation, a  
23 psychologist may not change his/her Home State licensure. A

1 Home State Psychology Regulatory Authority is authorized to  
2 complete any pending investigations of a psychologist and to  
3 take any actions appropriate under its law. The Home State  
4 Psychology Regulatory Authority shall promptly report the  
5 conclusions of such investigations to the Commission. Once  
6 an investigation has been completed, and pending the outcome  
7 of said investigation, the psychologist may change his/her  
8 Home State licensure. The Commission shall promptly notify  
9 the new Home State of any such decisions as provided in the  
10 Rules of the Commission. All information provided to the  
11 Commission or distributed by Compact States pursuant to the  
12 psychologist shall be confidential, filed under seal and  
13 used for investigatory or disciplinary matters. The  
14 Commission may create additional rules for mandated or  
15 discretionary sharing of information by Compact States.

16

17

## ARTICLE IX

18

## COORDINATED LICENSURE INFORMATION SYSTEM

19

20 A. The Commission shall provide for the development  
21 and maintenance of a Coordinated Licensure Information  
22 System (Coordinated Database) and reporting system  
23 containing licensure and disciplinary action information on



1 all psychologists individuals to whom this Compact is  
2 applicable in all Compact States as defined by the Rules of  
3 the Commission.

4

5 B. Notwithstanding any other provision of state law to  
6 the contrary, a Compact State shall submit a uniform data  
7 set to the Coordinated Database on all licensees as required  
8 by the Rules of the Commission, including:

9

10 1. Identifying information;

11

12 2. Licensure data;

13

14 3. Significant investigatory information;

15

16 4. Adverse actions against a psychologist's  
17 license;

18

19 5. An indicator that a psychologist's Authority  
20 to Practice Interjurisdictional Telepsychology and/or  
21 Temporary Authorization to Practice is revoked;

22

1           6. Non-confidential information related to  
2 alternative program participation information;

3

4           7. Any denial of application for licensure, and  
5 the reasons for such denial; and

6

7           8. Other information which may facilitate the  
8 administration of this Compact, as determined by the Rules  
9 of the Commission.

10

11           C. The Coordinated Database administrator shall  
12 promptly notify all Compact States of any adverse action  
13 taken against, or significant investigative information on,  
14 any licensee in a Compact State.

15

16           D. Compact States reporting information to the  
17 Coordinated Database may designate information that may not  
18 be shared with the public without the express permission of  
19 the Compact State reporting the information.

20

21           E. Any information submitted to the Coordinated  
22 Database that is subsequently required to be expunged by the

1 law of the Compact State reporting the information shall be  
2 removed from the Coordinated Database.

3

4

ARTICLE X

5

ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT

6

COMMISSION

7

8 A. The Compact States hereby create and establish a  
9 joint public agency known as the Psychology  
10 Interjurisdictional Compact Commission.

11

12 1. The Commission is a body politic and an  
13 instrumentality of the Compact States;

14

15 2. Venue is proper and judicial proceedings by or  
16 against the Commission shall be brought solely and  
17 exclusively in a court of competent jurisdiction where the  
18 principal office of the Commission is located. The  
19 Commission may waive venue and jurisdictional defenses to  
20 the extent it adopts or consents to participate in  
21 alternative dispute resolution proceedings;

22

1           3. Nothing in this Compact shall be construed to  
2 be a waiver of sovereign immunity;

3

4           B. Membership, Voting, and Meetings.

5

6           1. The Commission shall consist of one voting  
7 representative appointed by each Compact State who shall  
8 serve as that state's Commissioner. The State Psychology  
9 Regulatory Authority shall appoint its delegate. This  
10 delegate shall be empowered to act on behalf of the Compact  
11 State. This delegate shall be limited to:

12

13           a. Executive Director, Executive Secretary  
14 or similar executive;

15

16           b. Current member of the State Psychology  
17 Regulatory Authority of a Compact State; or

18

19           c. Designee empowered with the appropriate  
20 delegate authority to act on behalf of the Compact State.

21

22           2. Any Commissioner may be removed or suspended  
23 from office as provided by the law of the state from which

1 the Commissioner is appointed. Any vacancy occurring in the  
2 Commission shall be filled in accordance with the laws of  
3 the Compact State in which the vacancy exists.

4

5           3. Each Commissioner shall be entitled to one (1)  
6 vote with regard to the promulgation of Rules and creation  
7 of Bylaws and shall otherwise have an opportunity to  
8 participate in the business and affairs of the Commission. A  
9 Commissioner shall vote in person or by such other means as  
10 provided in the Bylaws. The Bylaws may provide for  
11 Commissioners' participation in meetings by telephone or  
12 other means of communication.

13

14           4. The Commission shall meet at least once during  
15 each calendar year. Additional meetings shall be held as set  
16 forth in the Bylaws.

17

18           5. All meetings shall be open to the public, and  
19 public notice of meetings shall be given in the same manner  
20 as required under the rulemaking provisions in Article XI.

21

22           6. The Commission may convene in a closed,  
23 non-public meeting if the Commission must discuss:

1

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a. Non-compliance of a Compact State with its obligations under the Compact;

b. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation against the Commission;

d. Negotiation of contracts for the purchase or sale of goods, services or real estate;

e. Accusation against any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information which is privileged or confidential;

1           g. Disclosure of information of a personal  
2 nature where disclosure would constitute a clearly  
3 unwarranted invasion of personal privacy;

4

5           h. Disclosure of investigatory records  
6 compiled for law enforcement purposes;

7

8           i. Disclosure of information related to any  
9 investigatory reports prepared by or on behalf of or for use  
10 of the Commission or other committee charged with  
11 responsibility for investigation or determination of  
12 compliance issues pursuant to the Compact; or

13

14           j. Matters specifically exempted from  
15 disclosure by federal and state statute.

16

17           7. If a meeting, or portion of a meeting, is  
18 closed pursuant to this provision, the Commission's legal  
19 counsel or designee shall certify that the meeting may be  
20 closed and shall reference each relevant exempting  
21 provision. The Commission shall keep minutes which fully and  
22 clearly describe all matters discussed in a meeting and  
23 shall provide a full and accurate summary of actions taken,

1 of any person participating in the meeting, and the reasons  
2 therefore, including a description of the views expressed.  
3 All documents considered in connection with an action shall  
4 be identified in such minutes. All minutes and documents of  
5 a closed meeting shall remain under seal, subject to release  
6 only by a majority vote of the Commission or order of a  
7 court of competent jurisdiction.

8

9 C. The Commission shall, by a majority vote of the  
10 Commissioners, prescribe Bylaws and/or Rules to govern its  
11 conduct as may be necessary or appropriate to carry out the  
12 purposes and exercise the powers of the Compact, including  
13 but not limited to:

14

15 1. Establishing the fiscal year of the  
16 Commission;

17

18 2. Providing reasonable standards and procedures:

19

20 a. For the establishment and meetings of  
21 other committees; and

22



1                   b. Governing any general or specific  
2 delegation of any authority or function of the Commission.

3

4                   3. Providing reasonable procedures for calling  
5 and conducting meetings of the Commission, ensuring  
6 reasonable advance notice of all meetings and providing an  
7 opportunity for attendance of such meetings by interested  
8 parties, with enumerated exceptions designed to protect the  
9 public's interest, the privacy of individuals of such  
10 proceedings, and proprietary information, including trade  
11 secrets. The Commission may meet in closed session only  
12 after a majority of the Commissioners vote to close a  
13 meeting to the public in whole or in part. As soon as  
14 practicable, the Commission must make public a copy of the  
15 vote to close the meeting revealing the vote of each  
16 Commissioner with no proxy votes allowed;

17

18                   4. Establishing the titles, duties and authority  
19 and reasonable procedures for the election of the officers  
20 of the Commission;

21

22                   5. Providing reasonable standards and procedures  
23 for the establishment of the personnel policies and programs

1 of the Commission. Notwithstanding any civil service or  
2 other similar law of any Compact State, the Bylaws shall  
3 exclusively govern the personnel policies and programs of  
4 the Commission;

5

6           6. Promulgating a Code of Ethics to address  
7 permissible and prohibited activities of Commission members  
8 and employees;

9

10           7. Providing a mechanism for concluding the  
11 operations of the Commission and the equitable disposition  
12 of any surplus funds that may exist after the termination of  
13 the Compact after the payment and/or reserving of all of its  
14 debts and obligations;

15

16           8. The Commission shall publish its Bylaws in a  
17 convenient form and file a copy thereof and a copy of any  
18 amendment thereto, with the appropriate agency or officer in  
19 each of the Compact States;

20

21           9. The Commission shall maintain its financial  
22 records in accordance with the Bylaws; and

23

1           10. The Commission shall meet and take such  
2 actions as are consistent with the provisions of this  
3 Compact and the Bylaws.

4

5           D. The Commission shall have the following powers:

6

7           1. The authority to promulgate uniform rules to  
8 facilitate and coordinate implementation and administration  
9 of this Compact. The rule shall have the force and effect of  
10 law and shall be binding in all Compact States;

11

12           2. To bring and prosecute legal proceedings or  
13 actions in the name of the Commission, provided that the  
14 standing of any State Psychology Regulatory Authority or  
15 other regulatory body responsible for psychology licensure  
16 to sue or be sued under applicable law shall not be  
17 affected;

18

19           3. To purchase and maintain insurance and bonds;

20

21           4. To borrow, accept or contract for services of  
22 personnel, including, but not limited to, employees of a  
23 Compact State;

1

2           5. To hire employees, elect or appoint officers,  
3 fix compensation, define duties, grant such individuals  
4 appropriate authority to carry out the purposes of the  
5 Compact, and to establish the Commission's personnel  
6 policies and programs relating to conflicts of interest,  
7 qualifications of personnel, and other related personnel  
8 matters;

9

10           6. To accept any and all appropriate donations  
11 and grants of money, equipment, supplies, materials and  
12 services, and to receive, utilize and dispose of the same;  
13 provided that at all times the Commission shall strive to  
14 avoid any appearance of impropriety and/or conflict of  
15 interest;

16

17           7. To lease, purchase, accept appropriate gifts  
18 or donations of, or otherwise to own, hold, improve or use,  
19 any property, real, personal or mixed; provided that at all  
20 times the Commission shall strive to avoid any appearance of  
21 impropriety;

22

1           8. To sell, convey, mortgage, pledge, lease,  
2 exchange, abandon or otherwise dispose of any property real,  
3 personal or mixed;

4

5           9. To establish a budget and make expenditures;

6

7           10. To borrow money;

8

9           11. To appoint committees, including advisory  
10 committees comprised of Members, State regulators, State  
11 legislators or their representatives, and consumer  
12 representatives, and such other interested persons as may be  
13 designated in this Compact and the Bylaws;

14

15           12. To provide and receive information from, and  
16 to cooperate with, law enforcement agencies;

17

18           13. To adopt and use an official seal; and

19

20           14. To perform such other functions as may be  
21 necessary or appropriate to achieve the purposes of this  
22 Compact consistent with the state regulation of psychology

1 licensure, temporary in-person, face-to-face practice and  
2 telepsychology practice.

3

4 E. The Executive Board

5

6 The elected officers shall serve as the Executive Board,  
7 which shall have the power to act on behalf of the  
8 Commission according to the terms of this Compact.

9

10 1. The Executive Board shall be comprised of six  
11 members:

12

13 a. Five voting members who are elected from  
14 the current membership of the Commission by the Commission;

15

16 b. One ex-officio, nonvoting member from the  
17 recognized membership organization composed of State and  
18 Provincial Psychology Regulatory Authorities.

19

20 2. The ex-officio member must have served as  
21 staff or member on a State Psychology Regulatory Authority  
22 and will be selected by its respective organization.

23

1           3. The Commission may remove any member of the  
2 Executive Board as provided in Bylaws.

3

4           4. The Executive Board shall meet at least  
5 annually.

6

7           5. The Executive Board shall have the following  
8 duties and responsibilities:

9

10           a. Recommend to the entire Commission  
11 changes to the Rules or Bylaws, changes to this Compact  
12 legislation, fees paid by Compact States such as annual  
13 dues, and any other applicable fees;

14

15           b. Ensure Compact administration services  
16 are appropriately provided, contractual or otherwise;

17

18           c. Prepare and recommend the budget;

19

20           d. Maintain financial records on behalf of  
21 the Commission;

22

1 e. Monitor Compact compliance of member  
2 states and provide compliance reports to the Commission;

3

4 f. Establish additional committees as  
5 necessary; and

6

7 g. Other duties as provided in Rules or  
8 Bylaws.

9

10 F. Financing of the Commission

11

12 1. The Commission shall pay, or provide for the  
13 payment of the reasonable expenses of its establishment,  
14 organization and ongoing activities.

15

16 2. The Commission may accept any and all  
17 appropriate revenue sources, donations and grants of money,  
18 equipment, supplies, materials and services.

19

20 3. The Commission may levy on and collect an  
21 annual assessment from each Compact State or impose fees on  
22 other parties to cover the cost of the operations and  
23 activities of the Commission and its staff which must be in



1 a total amount sufficient to cover its annual budget as  
2 approved each year for which revenue is not provided by  
3 other sources. The aggregate annual assessment amount shall  
4 be allocated based upon a formula to be determined by the  
5 Commission which shall promulgate a rule binding upon all  
6 Compact States.

7

8           4. The Commission shall not incur obligations of  
9 any kind prior to securing the funds adequate to meet the  
10 same; nor shall the Commission pledge the credit of any of  
11 the Compact States, except by and with the authority of the  
12 Compact State.

13

14           5. The Commission shall keep accurate accounts of  
15 all receipts and disbursements. The receipts and  
16 disbursements of the Commission shall be subject to the  
17 audit and accounting procedures established under its  
18 Bylaws. However, all receipts and disbursements of funds  
19 handled by the Commission shall be audited yearly by a  
20 certified or licensed public accountant and the report of  
21 the audit shall be included in and become part of the annual  
22 report of the Commission.

23

1           G. Qualified Immunity, Defense, and Indemnification

2

3           1. The members, officers, Executive Director,  
4 employees and representatives of the Commission shall be  
5 immune from suit and liability, either personally or in  
6 their official capacity, for any claim for damage to or loss  
7 of property or personal injury or other civil liability  
8 caused by or arising out of any actual or alleged act, error  
9 or omission that occurred, or that the person against whom  
10 the claim is made had a reasonable basis for believing  
11 occurred within the scope of Commission employment, duties  
12 or responsibilities; provided that nothing in this paragraph  
13 shall be construed to protect any such person from suit  
14 and/or liability for any damage, loss, injury or liability  
15 caused by the intentional or willful or wanton misconduct of  
16 that person.

17

18           2. The Commission shall defend any member,  
19 officer, Executive Director, employee or representative of  
20 the Commission in any civil action seeking to impose  
21 liability arising out of any actual or alleged act, error or  
22 omission that occurred within the scope of Commission  
23 employment, duties or responsibilities, or that the person

1 against whom the claim is made had a reasonable basis for  
2 believing occurred within the scope of Commission  
3 employment, duties or responsibilities; provided that  
4 nothing herein shall be construed to prohibit that person  
5 from retaining his or her own counsel; and provided further,  
6 that the actual or alleged act, error or omission did not  
7 result from that person's intentional or willful or wanton  
8 misconduct.

9

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

22

23

ARTICLE XI

1

## RULEMAKING

2

3           A. The Commission shall exercise its rulemaking powers  
4 pursuant to the criteria set forth in this Article and the  
5 Rules adopted thereunder. Rules and amendments shall become  
6 binding as of the date specified in each rule or amendment.

7

8           B. If a majority of the legislatures of the Compact  
9 States rejects a rule, by enactment of a statute or  
10 resolution in the same manner used to adopt the Compact,  
11 then such rule shall have no further force and effect in any  
12 Compact State.

13

14           C. Rules or amendments to the rules shall be adopted  
15 at a regular or special meeting of the Commission.

16

17           D. Prior to promulgation and adoption of a final rule  
18 or Rules by the Commission, and at least sixty (60) days in  
19 advance of the meeting at which the rule will be considered  
20 and voted upon, the Commission shall file a Notice of  
21 Proposed Rulemaking:

22

23           1. On the website of the Commission; and

1

2           2. On the website of each Compact States'  
3 Psychology Regulatory Authority or the publication in which  
4 each state would otherwise publish proposed rules.

5

6           E. The Notice of Proposed Rulemaking shall include:

7

8           1. The proposed time, date, and location of the  
9 meeting in which the rule will be considered and voted upon;  
10

11           2. The text of the proposed rule or amendment and  
12 the reason for the proposed rule;

13

14           3. A request for comments on the proposed rule  
15 from any interested person; and

16

17           4. The manner in which interested persons may  
18 submit notice to the Commission of their intention to attend  
19 the public hearing and any written comments.

20

21           F. Prior to adoption of a proposed rule, the  
22 Commission shall allow persons to submit written data,

1 facts, opinions and arguments, which shall be made available  
2 to the public.

3

4 G. The Commission shall grant an opportunity for a  
5 public hearing before it adopts a rule or amendment if a  
6 hearing is requested by:

7

8 1. At least twenty-five (25) persons who submit  
9 comments independently of each other;

10

11 2. A governmental subdivision or agency; or

12

13 3. A duly appointed person in an association that  
14 has having at least twenty-five (25) members.

15

16 H. If a hearing is held on the proposed rule or  
17 amendment, the Commission shall publish the place, time, and  
18 date of the scheduled public hearing.

19

20 1. All persons wishing to be heard at the hearing  
21 shall notify the Executive Director of the Commission or  
22 other designated member in writing of their desire to appear

1 and testify at the hearing not less than five (5) business  
2 days before the scheduled date of the hearing.

3

4           2. Hearings shall be conducted in a manner  
5 providing each person who wishes to comment a fair and  
6 reasonable opportunity to comment orally or in writing.

7

8           3. No transcript of the hearing is required,  
9 unless a written request for a transcript is made, in which  
10 case the person requesting the transcript shall bear the  
11 cost of producing the transcript. A recording may be made in  
12 lieu of a transcript under the same terms and conditions as  
13 a transcript. This subsection shall not preclude the  
14 Commission from making a transcript or recording of the  
15 hearing if it so chooses.

16

17           4. Nothing in this section shall be construed as  
18 requiring a separate hearing on each rule. Rules may be  
19 grouped for the convenience of the Commission at hearings  
20 required by this section.

21

22           I. Following the scheduled hearing date, or by the  
23 close of business on the scheduled hearing date if the

1 hearing was not held, the Commission shall consider all  
2 written and oral comments received.

3

4 J. The Commission shall, by majority vote of all  
5 members, take final action on the proposed rule and shall  
6 determine the effective date of the rule, if any, based on  
7 the rulemaking record and the full text of the rule.

8

9 K. If no written notice of intent to attend the public  
10 hearing by interested parties is received, the Commission  
11 may proceed with promulgation of the proposed rule without a  
12 public hearing.

13

14 L. Upon determination that an emergency exists, the  
15 Commission may consider and adopt an emergency rule without  
16 prior notice, opportunity for comment, or hearing, provided  
17 that the usual rulemaking procedures provided in the Compact  
18 and in this section shall be retroactively applied to the  
19 rule as soon as reasonably possible, in no event later than  
20 ninety (90) days after the effective date of the rule. For  
21 the purposes of this provision, an emergency rule is one  
22 that must be adopted immediately in order to:

23



1           1. Meet an imminent threat to public health,  
2 safety, or welfare;

3

4           2. Prevent a loss of Commission or Compact State  
5 funds;

6

7           3. Meet a deadline for the promulgation of an  
8 administrative rule that is established by federal law or  
9 rule; or

10

11           4. Protect public health and safety.

12

13           M. The Commission or an authorized committee of the  
14 Commission may direct revisions to a previously adopted rule  
15 or amendment for purposes of correcting typographical  
16 errors, errors in format, errors in consistency, or  
17 grammatical errors. Public notice of any revisions shall be  
18 posted on the website of the Commission. The revision shall  
19 be subject to challenge by any person for a period of thirty  
20 (30) days after posting. The revision may be challenged  
21 only on grounds that the revision results in a material  
22 change to a rule. A challenge shall be made in writing, and  
23 delivered to the Chair of the Commission prior to the end of

1 the notice period. If no challenge is made, the revision  
2 will take effect without further action. If the revision is  
3 challenged, the revision may not take effect without the  
4 approval of the Commission.

5

6

## ARTICLE XII

7

### OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

8

9

#### A. Oversight.

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23

1. The Executive, Legislative and Judicial  
branches of state government in each Compact State shall  
enforce this Compact and take all actions necessary and  
appropriate to effectuate the Compact's purposes and intent.  
The provisions of this Compact and the rules promulgated  
hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the  
Compact and the rules in any judicial or administrative  
proceeding in a Compact State pertaining to the subject  
matter of this Compact which may affect the powers,  
responsibilities or actions of the Commission.

1           3. The Commission shall be entitled to receive  
2 service of process in any such proceeding, and shall have  
3 standing to intervene in such a proceeding for all purposes.  
4 Failure to provide service of process to the Commission  
5 shall render a judgment or order void as to the Commission,  
6 this Compact or promulgated rules.

7

8           B. Default, Technical Assistance, and Termination.

9

10           1. If the Commission determines that a Compact  
11 State has defaulted in the performance of its obligations or  
12 responsibilities under this Compact or the promulgated  
13 rules, the Commission shall:

14

15           a. Provide written notice to the defaulting  
16 state and other Compact States of the nature of the default,  
17 the proposed means of remedying the default and/or any other  
18 action to be taken by the Commission; and

19

20           b. Provide remedial training and specific  
21 technical assistance regarding the default.

22

1           2. If a state in default fails to remedy the  
2 default, the defaulting state may be terminated from the  
3 Compact upon an affirmative vote of a majority of the  
4 Compact States, and all rights, privileges and benefits  
5 conferred by this Compact shall be terminated on the  
6 effective date of termination. A remedy of the default does  
7 not relieve the offending state of obligations or  
8 liabilities incurred during the period of default.

9

10           3. Termination of membership in the Compact shall  
11 be imposed only after all other means of securing compliance  
12 have been exhausted. Notice of intent to suspend or  
13 terminate shall be submitted by the Commission to the  
14 Governor, the majority and minority leaders of the  
15 defaulting state's legislature, and each of the Compact  
16 States.

17

18           4. A Compact State which has been terminated is  
19 responsible for all assessments, obligations and liabilities  
20 incurred through the effective date of termination,  
21 including obligations which extend beyond the effective date  
22 of termination.

23

1           5. The Commission shall not bear any costs  
2 incurred by the state which is found to be in default or  
3 which has been terminated from the Compact, unless agreed  
4 upon in writing between the Commission and the defaulting  
5 state.

6  
7           6. The defaulting state may appeal the action of  
8 the Commission by petitioning the U.S. District Court for  
9 the state of Georgia or the federal district where the  
10 Compact has its principal offices. The prevailing member  
11 shall be awarded all costs of such litigation, including  
12 reasonable attorney's fees.

13  
14           C. Dispute Resolution.

15  
16           1. Upon request by a Compact State, the  
17 Commission shall attempt to resolve disputes related to the  
18 Compact which arise among Compact States and between Compact  
19 and Non-Compact States.

20  
21           2. The Commission shall promulgate a rule  
22 providing for both mediation and binding dispute resolution  
23 for disputes that arise before the commission.

1

2 D. Enforcement.

3

4 1. The Commission, in the reasonable exercise of  
5 its discretion, shall enforce the provisions and Rules of  
6 this Compact.

7

8 2. By majority vote, the Commission may initiate  
9 legal action in the United States District Court for the  
10 State of Georgia or the federal district where the Compact  
11 has its principal offices against a Compact State in default  
12 to enforce compliance with the provisions of the Compact and  
13 its promulgated Rules and Bylaws. The relief sought may  
14 include both injunctive relief and damages. In the event  
15 judicial enforcement is necessary, the prevailing member  
16 shall be awarded all costs of such litigation, including  
17 reasonable attorney's fees.

18

19 3. The remedies herein shall not be the exclusive  
20 remedies of the Commission. The Commission may pursue any  
21 other remedies available under federal or state law.

22

23

## ARTICLE XIII

1 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL  
2 COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND  
3 AMENDMENTS  
4

5 A. The Compact shall come into effect on the date on  
6 which the Compact is enacted into law in the seventh Compact  
7 State. The provisions which become effective at that time  
8 shall be limited to the powers granted to the Commission  
9 relating to assembly and the promulgation of rules.  
10 Thereafter, the Commission shall meet and exercise  
11 rulemaking powers necessary to the implementation and  
12 administration of the Compact.

13

14 B. Any state which joins the Compact subsequent to the  
15 Commission's initial adoption of the rules shall be subject  
16 to the rules as they exist on the date on which the Compact  
17 becomes law in that state. Any rule which has been  
18 previously adopted by the Commission shall have the full  
19 force and effect of law on the day the Compact becomes law  
20 in that state.

21

22 C. Any Compact State may withdraw from this Compact by  
23 enacting a statute repealing the same.

1

2           1. A Compact State's withdrawal shall not take  
3 effect until six (6) months after enactment of the repealing  
4 statute.

5

6           2. Withdrawal shall not affect the continuing  
7 requirement of the withdrawing State's Psychology Regulatory  
8 Authority to comply with the investigative and adverse  
9 action reporting requirements of this act prior to the  
10 effective date of withdrawal.

11

12           D. Nothing contained in this Compact shall be  
13 construed to invalidate or prevent any psychology licensure  
14 agreement or other cooperative arrangement between a Compact  
15 State and a Non-Compact State which does not conflict with  
16 the provisions of this Compact.

17

18           E. This Compact may be amended by the Compact States.  
19 No amendment to this Compact shall become effective and  
20 binding upon any Compact State until it is enacted into the  
21 law of all Compact States.

22

23

## ARTICLE XIV



## 1 CONSTRUCTION AND SEVERABILITY

2

3 This Compact shall be liberally construed so as to  
4 effectuate the purposes thereof. If this Compact shall be  
5 held contrary to the constitution of any state member  
6 thereto, the Compact shall remain in full force and effect  
7 as to the remaining Compact States.

8

9 **Section 2.** W.S. 33-27-114 by creating a new subsection  
10 (h), 33-27-116(f) and by creating new subsections (o) and  
11 (p), 33-27-117 by creating a new subsection (f), 33-27-118,  
12 33-27-119(d) and (e), 33-27-120(b)(xvi), (xvii) and by  
13 creating a new paragraph (xviii) and (c), 33-27-122(a), (f),  
14 (h)(intro) and by creating a new subsection (j) and  
15 33-27-123(a)(intro) and (viii) are amended to read:

16

17 **33-27-114. Exemptions.**

18

19 (h) Nothing in this act shall prevent a person from  
20 providing the psychological services authorized by the  
21 Psychology Interjurisdictional Compact, W.S. 33-27-202, if  
22 the person satisfies all the standards and conditions  
23 required by the Compact and complies with all compact

1 participation requirements imposed pursuant to rules adopted  
2 by the board.

3

4 **33-27-116. Powers and duties of the board.**

5

6 (f) The board shall establish reasonable fees ~~from~~for  
7 the issuance and renewal of licenses, certificates and its  
8 other services in its rules promulgated in accordance with  
9 the Wyoming Administrative Procedure Act as specified in  
10 W.S. 33-1-201.

11

12 (o) The board shall administer the provisions of the  
13 Psychology Interjurisdictional Compact pursuant to W.S.  
14 33-27-201 and 33-27-202, including factoring the annual  
15 assessment required under the Compact into its biennial  
16 budget, and may promulgate reasonable rules for the orderly  
17 administration of the Compact. The board shall immediately  
18 advise the legislature's joint labor, health and social  
19 services interim committee if the board determines that any  
20 assessment levied against Wyoming pursuant to the Psychology  
21 Interjurisdictional Compact is excessive when compared to  
22 the benefits of Compact participation or if any assessment  
23 is not proportionally adjusted to reflect the number of

1 licensed psychologists in Wyoming compared to the number of  
2 licensed psychologists in other compact states.

3  
4 (p) Pursuant to the Psychology Interjurisdictional  
5 Compact, W.S. 33-27-201 and 33-27-202, and consistent with  
6 W.S. 7-19-106(a)(xxviii) and 7-19-201(a)(xxv), the board  
7 shall require an identity history summary, as defined in the  
8 Compact, for all applicants for licensure as a psychologist  
9 and shall require applicants to submit to a background  
10 investigation including fingerprints or the submission of  
11 other biometric data compliant with the requirements of the  
12 federal bureau of investigation or other designee with  
13 similar authority.

14  
15 **33-27-117. Requirements for licensure.**

16  
17 (f) Notwithstanding the licensure requirements  
18 provided by this section, the board shall extend authority  
19 to perform the psychological services authorized by the  
20 Psychology Interjurisdictional Compact, W.S. 33-27-202, to  
21 any person who satisfies all the conditions and standards  
22 required by the Compact and who complies with all compact

1 participation requirements imposed pursuant to rules adopted  
2 by the board.

3

4 **33-27-118. Limitation of practice.**

5

6 The board shall ensure through rules and regulations and  
7 enforcement that those persons licensed or certified under  
8 this act, including persons providing psychological services  
9 pursuant to the Psychology Interjurisdictional Compact, W.S.  
10 33-27-202, limit their practice to demonstrated areas of  
11 competence.

12

13 **33-27-119. Practice without license.**

14

15 (d) No person whose license to practice as a  
16 psychologist in any jurisdiction has been suspended or  
17 revoked shall practice psychology in this state nor shall  
18 any person provide psychological services under the  
19 Psychology Interjurisdictional Compact, W.S. 33-27-202, when  
20 the person's practice rights have been removed pursuant to  
21 the terms of the Psychology Interjurisdictional Compact.

22 The board may suspend or revoke the license of that person  
23 and, if applicable, take all action consistent with the

1 Psychology Interjurisdictional Compact. The board may issue  
2 a new license whenever it deems the issuance to be safe and  
3 just and, if applicable, when consistent with the terms of  
4 the Psychology Interjurisdictional Compact.

5

6 (e) The board on its own motion may investigate any  
7 evidence or allegation that appears to show that any person  
8 is or may be in violation of any provision of this act or  
9 the Psychology Interjurisdictional Compact, W.S. 33-27-302.

10

11 **33-27-120. Grounds for denial, suspension or**  
12 **revocation of license and other disciplinary sanctions.**

13

14 (b) After notice and a hearing, the board may revoke,  
15 refuse to renew, reprimand, censure, limit the scope of  
16 practice, place on probation with or without terms,  
17 conditions or limitations or suspend licenses to practice  
18 psychology for any of the following acts or offenses:

19

20 (xvi) Violation of the code of ethics adopted in  
21 the rules and regulations of the board; ~~or~~

22

1           (xvii) Inability to practice psychology with  
2 reasonable skill and safety to patients or clients by reason  
3 of illness, inebriation, misuse of drugs, narcotics,  
4 alcohol, chemicals or any other substance or as a result of  
5 any mental or physical condition~~i-~~ or

6  
7           (xviii) Providing psychology services under the  
8 Psychology Interjurisdictional Compact, W.S. 33-27-202,  
9 without satisfying the standards and conditions imposed by  
10 the Compact or without complying with rules promulgated by  
11 the board related to providing psychological services under  
12 the Compact.

13  
14           (c) With respect to evidence of any conviction or the  
15 suspension or revocation of a license for the purposes of  
16 subsection (b) of this section, a certified copy of the  
17 record of conviction from the court entering the conviction,  
18 ~~or~~ from the state suspending or revoking the license, or  
19 from the coordinated licensure information system operated  
20 under the Psychology Interjurisdictional Compact, W.S.  
21 33-27-202, shall be conclusive evidence thereof.

22

23           **33-27-122. Board hearings and investigations.**

1

2 (a) The board may investigate or cause to be  
3 investigated any allegation or evidence that appears to show  
4 that a psychologist licensed to practice in this  
5 jurisdiction, including a person providing psychological  
6 services pursuant to the Psychology Interjurisdictional  
7 Compact, W.S. 33-27-202, and anyone under his supervision  
8 is, or may be, in violation of this act, in violation of the  
9 Psychology Interjurisdictional Compact or in violation of  
10 any of the rules and regulations adopted by the board.

11

12 (f) A psychologist may surrender his license when he  
13 is charged with any violation of this act, the Psychology  
14 Interjurisdictional Compact, W.S. 33-27-202 or board rules  
15 and regulations, and such surrender and acceptance by the  
16 board shall constitute acknowledgment by the person as an  
17 admission of guilt as charged. The circumstances of the  
18 surrender shall be reported in the same fashion as a  
19 revocation action.

20

21 (h) Subsequent to the holding of a hearing and the  
22 taking of evidence by the board as provided for in this  
23 section, if a majority of the board finds that a

1 psychologist is in violation of this act or the Psychology  
2 Interjurisdictional Compact, W.S. 33-27-202, or is guilty of  
3 any of the acts, offenses or conditions as enumerated by the  
4 board, the following actions may be taken:

5

6 (j) The board shall take all necessary action against  
7 a person violating the Psychology Interjurisdictional  
8 Compact, W.S. 33-27-202, as required by the Compact.

9

10 **33-27-123. Privileged communication.**

11

12 (a) In judicial proceedings, whether civil, criminal,  
13 or juvenile, in legislative and administrative proceedings,  
14 in proceedings related to the Psychology Interjurisdictional  
15 Compact, W.S. 33-27-202, and in proceedings preliminary and  
16 ancillary thereto, a patient or client, or his guardian or  
17 personal representative, may refuse to disclose or prevent  
18 the disclosure of confidential information, including  
19 information contained in administrative records,  
20 communicated to a person licensed or otherwise authorized to  
21 practice under this act, or to persons reasonably believed  
22 by the patient or client to be so licensed, and their  
23 agents, for the purpose of diagnosis, evaluation or



1 treatment of any mental or emotional condition or disorder.  
2 The psychologist shall not disclose any information  
3 communicated as described above in the absence of an express  
4 waiver of the privilege except in the following  
5 circumstances:

6

7 (viii) In the context of investigations and  
8 hearings brought by the patient or client and conducted by  
9 the board where violations of this act or the Psychology  
10 Interjurisdictional Compact, W.S. 33-27-202, are at issue.  
11 Information that is deemed to be of sensitive nature shall  
12 be inspected by the board in camera and the board shall  
13 determine whether or not the information shall become a part  
14 of the record and subject to public disclosure.

15

16 **Section 3.** This act is effective July 1, 2020.

17

18

(END)