

SENATE FILE NO. SF0026

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 license renewals; and providing for
10 an effective date.

11

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

13

14 **Section 1.** W.S. 33-27-201 and 33-27-202 are created to
15 read:

1

2

ARTICLE 2

3

PSYCHOLOGY INTERJURISDICTIONAL COMPACT

4

5

33-27-201. Short title.

6

7

This article shall be known and may be cited as the

8

"Psychology Interjurisdictional Compact."

9

10

33-27-202. Compact provisions generally.

11

12

The Psychology Interjurisdictional Compact is enacted into

13

law and entered into on behalf of this state with all other

14

states legally joining in the Compact in a form

15

substantially as follows:

16

17

ARTICLE I

18

PURPOSE

19

20

Whereas, states license psychologists in order to protect

21

the public through verification of education, training and

22

experience and ensure accountability for professional

23

practice; and

1

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

8

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

15

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

20

21 Whereas, this Compact recognizes that states have a vested
22 interest in protecting the public's health and safety
23 through their licensing and regulation of psychologists and

1 that such state regulation will best protect public health
2 and safety;

3

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

6

7 Whereas, this Compact does not apply to permanent in-person,
8 face-to-face practice; however, it does allow for
9 authorization of temporary psychological practice.

10

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

13

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

19

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

22

1 3. Encourage the cooperation of Compact States in the
2 areas of psychology licensure and regulation;

3

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

7

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

10

11 6. Invest all Compact States with the authority to
12 hold licensed psychologists accountable through the mutual
13 recognition of Compact State licenses.

14

15 ARTICLE II

16 DEFINITIONS

17

18 A. "Adverse Action" means any action taken by a State
19 Psychology Regulatory Authority that finds a violation of a
20 statute or regulation that is identified by the State
21 Psychology Regulatory Authority as discipline and is a
22 matter of public record;

23

1 B. "Association of State and Provincial Psychology
2 Boards (ASPPB)" means the recognized membership organization
3 composed of State and Provincial Psychology Regulatory
4 Authorities responsible for the licensure and registration
5 of psychologists throughout the United States and Canada;

6

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

11

12 D. "Bylaws" means those bylaws established by the
13 Psychology Interjurisdictional Compact Commission pursuant
14 to Article X of this Compact for its governance, or for
15 directing and controlling its actions and conduct;

16

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

21

1 F. "Commissioner" means the voting representative
2 appointed by each State Psychology Regulatory Authority
3 pursuant to Article X of this Compact;
4

5 G. "Compact State" means a state, the District of
6 Columbia or United States territory that has enacted this
7 Compact legislation and which has not withdrawn pursuant to
8 Article XIII, Section C of this Compact or been terminated
9 pursuant to Article XII, Section B of this Compact;
10

11 H. "Coordinated Licensure Information System", also
12 referred to as "Coordinated Database", means an integrated
13 process for collecting, storing and sharing information on
14 psychologists' licensure and enforcement activities related
15 to psychology licensure laws, which is administered by the
16 recognized membership organization composed of State and
17 Provincial Psychology Regulatory Authorities;
18

19 I. "Confidentiality" means the principle that data or
20 information is not made available or disclosed to
21 unauthorized persons and/or processes;
22

1 J. "Day" means any part of a day in which
2 psychological work is performed;

3

4 K. "Distant State" means the Compact State where a
5 psychologist is physically present (not through the use of
6 telecommunications technologies) to provide temporary
7 in-person, face-to-face psychological services;

8

9 L. "E.Passport" means a certificate issued by the
10 Association of State and Provincial Psychology Boards
11 (ASPPB) that promotes standardization in the criteria of
12 interjurisdictional telepsychology practice and facilitates
13 the process for licensed psychologists to provide
14 telepsychological services across state lines;

15

16 M. "Executive Board" means a group of directors
17 elected or appointed to act on behalf of, and within the
18 powers granted to them by, the Commission;

19

20 N. "Home State" means a Compact State where a
21 psychologist is licensed to practice psychology. If the
22 psychologist is licensed in more than one (1) Compact State
23 and is practicing under the Authorization to Practice

1 Interjurisdictional Telepsychology, the Home State is the
2 Compact State where the psychologist is physically present
3 when the telepsychological services are delivered. If the
4 psychologist is licensed in more than one (1) Compact State
5 and is practicing under the Temporary Authorization to
6 Practice, the Home State is any Compact State where the
7 psychologist is licensed;

8

9 O. "Identity History Summary" means a summary of
10 information retained by the FBI, or other designee with
11 similar authority, in connection with arrests and, in some
12 instances, federal employment, naturalization or military
13 service;

14

15 P. "In-Person, Face-to-Face" means interactions in
16 which the psychologist and the client/patient are in the
17 same physical space and that does not include interactions
18 that may occur through the use of telecommunication
19 technologies;

20

21 Q. "Interjurisdictional Practice Certificate (IPC)"
22 means a certificate issued by the Association of State and
23 Provincial Psychology Boards (ASPPB) that grants temporary

1 authority to practice based on notification to the State
2 Psychology Regulatory Authority of intention to practice
3 temporarily and verification of one's qualifications for
4 such practice;

5

6 R. "License" means authorization by a State Psychology
7 Regulatory Authority to engage in the independent practice
8 of psychology, which would be unlawful without the
9 authorization;

10

11 S. "Non-Compact State" means any State which is not at
12 the time a Compact State;

13

14 T. "Psychologist" means an individual licensed for the
15 independent practice of psychology;

16

17 U. "Psychology Interjurisdictional Compact
18 Commission", also referred to as "Commission", means the
19 national administration of which all Compact States are
20 members;

21

1 V. "Receiving State" means a Compact State where the
2 client/patient is physically located when the
3 telepsychological services are delivered;

4

5 W. "Rule" means a written statement by the Psychology
6 Interjurisdictional Compact Commission promulgated pursuant
7 to Article XI of this Compact that is of general
8 applicability and that implements, interprets or prescribes
9 a policy or provision of the Compact, or an organizational,
10 procedural or practice requirement of the Commission, and
11 that has the force and effect of statutory law in a Compact
12 State, and includes the amendment, repeal or suspension of
13 an existing rule;

14

15 X. "Significant Investigatory Information" means:

16

17 1. Investigative information that a State
18 Psychology Regulatory Authority, after a preliminary inquiry
19 that includes notification and an opportunity to respond if
20 required by state law, has reason to believe, if proven
21 true, would indicate more than a violation of state statute
22 or ethics code that would be considered more substantial
23 than minor infraction; or

1

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

6

7 Y. "State" means a state, commonwealth, territory or
8 possession of the United States or the District of Columbia;

9

10 Z. "State Psychology Regulatory Authority" means the
11 Board, office or other agency with the legislative mandate
12 to license and regulate the practice of psychology;

13

14 AA. "Telepsychology" means the provision of
15 psychological services using telecommunication technologies;

16

17 BB. "Temporary Authorization to Practice" means a
18 licensed psychologist's authority to conduct temporary
19 in-person, face-to-face practice, within the limits
20 authorized under this Compact, in another Compact State;

21

22 CC. "Temporary In-Person, Face-to-Face Practice" means
23 where a psychologist is physically present (not through the

1 use of telecommunications technologies) in the Distant State
2 to provide for psychology services for thirty (30) days
3 within a calendar year and based on notification to the
4 Distant State.

5

6

ARTICLE III

7

HOME STATE LICENSURE

8

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

11

12 B. A psychologist may hold one (1) or more Compact
13 State licenses at a time. If the psychologist is licensed in
14 more than one (1) Compact State, the Home State is the
15 Compact State where the psychologist is physically present
16 when the services are delivered as authorized by the
17 Authority to Practice Interjurisdictional Telepsychology
18 under the terms of this Compact.

19

20 C. Any Compact State may require a psychologist not
21 previously licensed in a Compact State to obtain and retain
22 a license to be authorized to practice in the Compact State
23 under circumstances not authorized by the Authority to

1 Practice Interjurisdictional Telepsychology under the terms
2 of this Compact.

3

4 D. Any Compact State may require a psychologist to
5 obtain and retain a license to be authorized to practice in
6 a Compact State under circumstances not authorized by
7 Temporary Authorization to Practice under the terms of this
8 Compact.

9

10 E. A Home State's license authorizes a psychologist to
11 practice in a Receiving State under the Authority to
12 Practice Interjurisdictional Telepsychology only if the
13 Compact State:

14

15 1. Currently requires the psychologist to hold an
16 active E.Passport;

17

18 2. Has a mechanism in place for receiving and
19 investigating complaints about licensed persons;

20

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

1

2 4. Requires an Identity History Summary of all
3 applicants at initial licensure, including the use of the
4 results of fingerprints or other biometric data checks
5 compliant with the requirements of the Federal Bureau of
6 Investigation (FBI), or other designee with similar
7 authority, no later than ten (10) years after activation of
8 the Compact; and

9

10 5. Complies with the Bylaws and Rules of the
11 Commission.

12

13 F. A Home State's license grants Temporary
14 Authorization to Practice to a psychologist in a Distant
15 State only if the Compact State:

16

17 1. Currently requires the psychologist to hold an
18 active Interjurisdictional Practice Certificate;

19

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

22

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

4

5 4. Requires an Identity History Summary of all
6 applicants at initial licensure, including the use of the
7 results of fingerprints or other biometric data checks
8 compliant with the requirements of the Federal Bureau of
9 Investigation (FBI), or other designee with similar
10 authority, no later than ten (10) years after activation of
11 the Compact; and

12

13 5. Complies with the Bylaws and Rules of the
14 Commission.

15

16

ARTICLE IV

17

COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

18

19 A. Compact States shall recognize the right of a
20 psychologist, licensed in a Compact State in conformance
21 with Article III of this Compact, to practice telepsychology
22 in other Compact States (Receiving States) in which the
23 psychologist is not licensed under the Authority to Practice

1 Interjurisdictional Telepsychology as provided in the
2 Compact.

3

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

8

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

12

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

17

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

23

1 2. Hold a graduate degree in psychology that
2 meets all of 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;

20

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

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

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 (3) academic years of full-time graduate study for doctoral degrees and a minimum of one (1) academic year of full-time graduate study for master's degrees;

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;

1

2 4. Have no history of adverse action that
3 violates the Rules of the Commission;

4

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

8

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

10

11 7. Provide attestations in regard to areas of
12 intended practice, conformity with standards of practice,
13 competence in telepsychology technology, criminal background
14 and knowledge and adherence to legal requirements in the
15 home and receiving states, and provide a release of
16 information to allow for primary source verification in a
17 manner specified by the Commission; and

18

19 8. Meet other criteria as defined by the Rules of
20 the Commission.

21

22 C. The Home State shall maintain authority over the
23 license of any psychologist practicing into a Receiving

1 State under the Authority to Practice Interjurisdictional
2 Telepsychology.

3

4 D. A psychologist practicing in a Receiving State
5 under the Authority to Practice Interjurisdictional
6 Telepsychology shall be subject to the Receiving State's
7 scope of practice. A Receiving State may, in accordance with
8 that state's due process law, limit or revoke a
9 psychologist's Authority to Practice Interjurisdictional
10 Telepsychology in the Receiving State and may take any other
11 necessary actions under the Receiving State's applicable law
12 to protect the health and safety of the Receiving State's
13 citizens. If a Receiving State takes action, the state shall
14 promptly notify the Home State and the Commission.

15

16 E. If a psychologist's license in any Home State,
17 another Compact State or any Authority to Practice
18 Interjurisdictional Telepsychology in any Receiving State is
19 restricted, suspended or otherwise limited, the
20 psychologist's E.Passport shall be revoked and therefore the
21 psychologist shall not be eligible to practice
22 telepsychology in a Compact State under the Authority to
23 Practice Interjurisdictional Telepsychology.

1

2

ARTICLE V

3

COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

4

5 A. Compact States shall also recognize the right of a
6 psychologist, licensed in a Compact State in conformance
7 with Article III of this Compact, to practice temporarily in
8 other Compact States (Distant States) in which the
9 psychologist is not licensed, as provided in this Compact.

10

11 B. To exercise the Temporary Authorization to Practice
12 under the terms and provisions of this Compact, a
13 psychologist licensed to practice in a Compact State shall:

14

15 1. Hold a graduate degree in psychology from an
16 institute of higher education that was, at the time the
17 degree was awarded:

18

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

23

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

6

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

9

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

15

16 b. The psychology program must stand as a
17 recognizable, coherent organizational entity within the
18 institution;

19

20 c. There must be clear authority and primary
21 responsibility for the core and specialty areas whether or
22 not the program cuts across administrative lines;

23

1 d. The program must consist of an
2 integrated, organized sequence of study;

3
4 e. There must be an identifiable psychology
5 faculty sufficient in size and breadth to carry out its
6 responsibilities;

7
8 f. The designated director of the program
9 must be a psychologist and a member of the core faculty;

10
11 g. The program must have an identifiable
12 body of students who are matriculated in that program for a
13 degree;

14
15 h. The program must include supervised
16 practicum, internship or field training appropriate to the
17 practice of psychology;

18
19 i. The curriculum shall encompass a minimum
20 of three (3) academic years of full-time graduate study for
21 doctoral degrees and a minimum of one (1) academic year of
22 full-time graduate study for master's degrees;

23

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

3

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

7

8 4. No history of adverse action that violates the
9 Rules of the Commission;

10

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

13

14 6. Possess a current, active Interjurisdictional
15 Practice Certificate;

16

17 7. Provide attestations in regard to areas of
18 intended practice and work experience and provide a release
19 of information to allow for primary source verification in a
20 manner specified by the Commission; and

21

22 8. Meet other criteria as defined by the Rules of
23 the Commission.

1

2 C. A psychologist practicing in a Distant State under
3 the Temporary Authorization to Practice shall practice
4 within the scope of practice authorized by the Distant
5 State.

6

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

17

18 E. If a psychologist's license in any Home State or
19 another Compact State or any Temporary Authorization to
20 Practice in any Distant State is restricted, suspended or
21 otherwise limited, the Interjurisdictional Practice
22 Certificate shall be revoked and therefore the psychologist

1 shall not be eligible to practice in a Compact State under
2 the Temporary Authorization to Practice.

3

4

ARTICLE VI

5

CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

6

7 A. A psychologist may practice in a Receiving State
8 under the Authority to Practice Interjurisdictional
9 Telepsychology only in the performance of the scope of
10 practice for psychology as assigned by an appropriate State
11 Psychology Regulatory Authority, as defined in the Rules of
12 the Commission, and under the following circumstances:

13

14 1. The psychologist initiates a client/patient
15 contact in a Home State via telecommunications technologies
16 with a client/patient in a Receiving State;

17

18 2. Other conditions regarding telepsychology as
19 determined by Rules promulgated by the Commission.

20

21

ARTICLE VII

22

ADVERSE ACTIONS

23

1 A. A Home State shall have the power to impose adverse
2 action against a psychologist's license issued by the Home
3 State. A Distant State shall have the power to take adverse
4 action on a psychologist's Temporary Authorization to
5 Practice within that Distant State.

6

7 B. A Receiving State may take adverse action on a
8 psychologist's Authority to Practice Interjurisdictional
9 Telepsychology within that Receiving State. A Home State may
10 take adverse action against a psychologist based on an
11 adverse action taken by a Distant State regarding temporary
12 in-person, face-to-face practice.

13

14 C. If a Home State takes adverse action against a
15 psychologist's license, that psychologist's Authority to
16 Practice Interjurisdictional Telepsychology is terminated
17 and the E.Passport is revoked. Furthermore, that
18 psychologist's Temporary Authorization to Practice is
19 terminated and the Interjurisdictional Practice Certificate
20 is revoked.

21

22 1. All Home State disciplinary orders which
23 constitute adverse action shall be reported to the

1 Commission in accordance with the Rules promulgated by the
2 Commission. A Compact State shall report adverse actions in
3 accordance with the Rules of the Commission;

4

5 2. In the event adverse action is reported on a
6 psychologist, the psychologist will not be eligible for
7 telepsychology or temporary in-person, face-to-face practice
8 in accordance with the Rules of the Commission;

9

10 3. Other actions may be imposed as determined by
11 the Rules promulgated by the Commission.

12

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

21

22 E. A Distant State's Psychology Regulatory Authority
23 shall investigate and take appropriate action with respect

1 to reported inappropriate conduct engaged in by a
2 psychologist practicing under Temporary Authorization to
3 Practice which occurred in that Distant State as it would if
4 such conduct had occurred by a licensee within the Home
5 State. In such cases, Distant State's law shall control in
6 determining any adverse action against a psychologist's
7 Temporary Authorization to Practice.

8

9 F. Nothing in this Compact shall override a Compact
10 State's decision that a psychologist's participation in an
11 alternative program may be used in lieu of adverse action
12 and that such participation shall remain non-public if
13 required by the Compact State's law. Compact States shall
14 prohibit psychologists who enter any alternative programs
15 from providing telepsychology services under the Authority
16 to Practice Interjurisdictional Telepsychology or under the
17 Temporary Authorization to Practice in any other Compact
18 State during the term of the alternative program.

19

20 G. No other judicial or administrative remedies shall
21 be available to a psychologist in the event a Compact State
22 imposes an adverse action pursuant to subsection C above.

23

1

ARTICLE VIII

2

ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S

3

PSYCHOLOGY REGULATORY AUTHORITY

4

5

6

7

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

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

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

1 2. Issue cease and desist and/or injunctive
2 relief orders to revoke a psychologist's Authority to
3 Practice Interjurisdictional Telepsychology and/or Temporary
4 Authorization to Practice;

5

6 3. During the course of any investigation, a
7 psychologist may not change his/her Home State licensure. A
8 Home State Psychology Regulatory Authority is authorized to
9 complete any pending investigations of a psychologist and to
10 take any actions appropriate under its law. The Home State
11 Psychology Regulatory Authority shall promptly report the
12 conclusions of such investigations to the Commission. Once
13 an investigation has been completed, and pending the outcome
14 of said investigation, the psychologist may change his/her
15 Home State licensure. The Commission shall promptly notify
16 the new Home State of any such decisions as provided in the
17 Rules of the Commission. All information provided to the
18 Commission or distributed by Compact States concerning the
19 psychologist shall be confidential, filed under seal and
20 used for investigatory or disciplinary matters. The
21 Commission may create additional rules for mandated or
22 discretionary sharing of information by Compact States.

23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

ARTICLE IX

COORDINATED LICENSURE INFORMATION SYSTEM

A. The Commission shall provide for the development and maintenance of a Coordinated Licensure Information System (Coordinated Database) and reporting system containing licensure and disciplinary action information on all psychologists individuals to whom this Compact is applicable in all Compact States as defined by the Rules of the Commission.

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

1. Identifying information;
2. Licensure data;
3. Significant investigatory information;

1 4. Adverse actions against a psychologist's
2 license;

3

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

7

8 6. Non-confidential information related to
9 alternative program participation information;

10

11 7. Any denial of application for licensure and
12 the reasons for such denial; and

13

14 8. Other information which may facilitate the
15 administration of this Compact, as determined by the Rules
16 of the Commission.

17

18 C. The Coordinated Database administrator shall
19 promptly notify all Compact States of any adverse action
20 taken against, or significant investigative information on,
21 any licensee in a Compact State.

22

1 D. Compact States reporting information to the
2 Coordinated Database may designate information that may not
3 be shared with the public without the express permission of
4 the Compact State reporting the information.

5

6 E. Any information submitted to the Coordinated
7 Database that is subsequently required to be expunged by the
8 law of the Compact State reporting the information shall be
9 removed from the Coordinated Database.

10

11

ARTICLE X

12

ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT

13

COMMISSION

14

15 A. The Compact States hereby create and establish a
16 joint public agency known as the Psychology
17 Interjurisdictional Compact Commission.

18

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

21

22 2. Venue is proper and judicial proceedings by or
23 against the Commission shall be brought solely and

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

6

7 3. Nothing in this Compact shall be construed to
8 be a waiver of sovereign immunity.

9

10 B. Membership, Voting and Meetings.

11

12 1. The Commission shall consist of one (1) voting
13 representative appointed by each Compact State who shall
14 serve as that state's Commissioner. The State Psychology
15 Regulatory Authority shall appoint its delegate. This
16 delegate shall be empowered to act on behalf of the Compact
17 State. This delegate shall be limited to:

18

19 a. The Executive Director, Executive
20 Secretary or similar executive;

21

22 b. Current member of the State Psychology
23 Regulatory Authority of a Compact State; or

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

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

2. Any Commissioner may be removed or suspended from office as provided by the law of the state from which the Commissioner is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the Compact State in which the vacancy exists.

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

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

1 5. All meetings shall be open to the public, and
2 public notice of meetings shall be given in the same manner
3 as required under the rulemaking provisions in Article XI of
4 this Compact.

5

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

8

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

11

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

16

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

19

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

22

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

3

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

7

8 g. Disclosure of information of a personal
9 nature where disclosure would constitute a clearly
10 unwarranted invasion of personal privacy;

11

12 h. Disclosure of investigatory records
13 compiled for law enforcement purposes;

14

15 i. Disclosure of information related to any
16 investigatory reports prepared by or on behalf of or for use
17 of the Commission or other committee of the Commission
18 charged with responsibility for investigation or
19 determination of compliance issues pursuant to the Compact;
20 or

21

22 j. Matters specifically exempted from
23 disclosure by federal and state law.

1

2 7. If a meeting, or portion of a meeting, is
3 closed pursuant to this provision, the Commission's legal
4 counsel or designee shall certify that the meeting may be
5 closed and shall reference each relevant exempting
6 provision. The Commission shall keep minutes that fully and
7 clearly describe all matters discussed in a meeting and
8 shall provide a full and accurate summary of actions taken,
9 of any person participating in the meeting and the reasons
10 therefore, including a description of the views expressed.
11 All documents considered in connection with an action shall
12 be identified in such minutes. All minutes and documents of
13 a closed meeting shall remain under seal, subject to release
14 only by a majority vote of the Commission or order of a
15 court of competent jurisdiction.

16

17 C. The Commission shall, by a majority vote of the
18 Commissioners, prescribe Bylaws and/or Rules to govern its
19 conduct as may be necessary or appropriate to carry out the
20 purposes and exercise the powers of the Compact, including
21 but not limited to:

22

1 1. Establishing the fiscal year of the
2 Commission;

3

4 2. Providing reasonable standards and procedures:

5

6 a. For the establishment and meetings of
7 committees; and

8

9 b. Governing any general or specific
10 delegation of any authority or function of the Commission.

11

12 3. Providing reasonable procedures for calling
13 and conducting meetings of the Commission, ensuring
14 reasonable advance notice of all meetings and providing an
15 opportunity for attendance at such meetings of interested
16 parties, with enumerated exceptions designed to protect the
17 public's interest, the privacy of individuals of such
18 proceedings and proprietary information, including trade
19 secrets. The Commission may meet in closed session only
20 after a majority of the Commissioners vote to close a
21 meeting to the public in whole or in part. As soon as
22 practicable, the Commission must make public a copy of the

1 vote to close the meeting revealing the vote of each
2 Commissioner with no proxy votes allowed;

3

4 4. Establishing the titles, duties and authority
5 and reasonable procedures for the election of the officers
6 of the Commission;

7

8 5. Providing reasonable standards and procedures
9 for the establishment of the personnel policies and programs
10 of the Commission. Notwithstanding any civil service or
11 other similar law of any Compact State, the Bylaws shall
12 exclusively govern the personnel policies and programs of
13 the Commission;

14

15 6. Promulgating a Code of Ethics to address
16 permissible and prohibited activities of Commission members
17 and employees;

18

19 7. Providing a mechanism for concluding the
20 operations of the Commission and the equitable disposition
21 of any surplus funds that may exist after the termination of
22 the Compact after the payment and/or reserving of all of its
23 debts and obligations;

1

2 8. The Commission shall publish its Bylaws in a
3 convenient form and file a copy thereof and a copy of any
4 amendment thereto, with the appropriate agency or officer in
5 each of the Compact States;

6

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

9

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

13

14 D. The Commission shall have the following powers:

15

16 1. The authority to promulgate uniform rules to
17 facilitate and coordinate implementation and administration
18 of this Compact. The rule shall have the force and effect of
19 law and shall be binding in all Compact States;

20

21 2. To bring and prosecute legal proceedings or
22 actions in the name of the Commission, provided that the
23 standing of any State Psychology Regulatory Authority or

1 other regulatory body responsible for psychology licensure
2 to sue or be sued under applicable law shall not be
3 affected;

4

5 3. To purchase and maintain insurance and bonds;

6

7 4. To borrow, accept or contract for services of
8 personnel, including, but not limited to, employees of a
9 Compact State;

10

11 5. To hire employees, elect or appoint officers,
12 fix compensation, define duties, grant such individuals
13 appropriate authority to carry out the purposes of the
14 Compact and to establish the Commission's personnel policies
15 and programs relating to conflicts of interest,
16 qualifications of personnel and other related personnel
17 matters;

18

19 6. To accept any and all appropriate donations
20 and grants of money, equipment, supplies, materials and
21 services, and to receive, utilize and dispose of the same;
22 provided that at all times the Commission shall strive to

1 avoid any appearance of impropriety and/or conflict of
2 interest;

3

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

9

10 8. To sell, convey, mortgage, pledge, lease,
11 exchange, abandon or otherwise dispose of any property real,
12 personal or mixed;

13

14 9. To establish a budget and make expenditures;

15

16 10. To borrow money;

17

18 11. To appoint committees, including advisory
19 committees comprised of Members, state regulators, state
20 legislators or their representatives, and consumer
21 representatives, and such other interested persons as may be
22 designated in this Compact and the Bylaws;

23

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

3

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

5

6 14. To perform such other functions as may be
7 necessary or appropriate to achieve the purposes of this
8 Compact consistent with the state regulation of psychology
9 licensure, temporary in-person, face-to-face practice and
10 telepsychology practice.

11

12 E. The Executive Board. Persons elected pursuant to
13 this paragraph shall serve as the Executive Board, which
14 shall have the power to act on behalf of the Commission
15 according to the terms of this Compact.

16

17 1. The Executive Board shall be comprised of six
18 (6) members:

19

20 a. Five (5) voting members who are elected
21 from the current membership of the Commission by the
22 Commission;

23

1 b. One (1) ex-officio, nonvoting member from
2 the recognized membership organization that shall be
3 composed of State and Provincial Psychology Regulatory
4 Authorities.

5

6 2. The ex-officio member shall have served as
7 staff or member on a State Psychology Regulatory Authority
8 and will be selected by its respective organization.

9

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

12

13 4. The Executive Board shall meet at least
14 annually.

15

16 5. The Executive Board shall have the following
17 duties and responsibilities:

18

19 a. Recommend to the entire Commission
20 changes to the Rules or Bylaws, changes to this Compact
21 legislation, fees paid by Compact States such as annual
22 dues, and any other applicable fees;

23

1 b. Ensure Compact administration services
2 are appropriately provided, contractual or otherwise;

3

4 c. Prepare and recommend the budget;

5

6 d. Maintain financial records on behalf of
7 the Commission;

8

9 e. Monitor Compact compliance of member
10 states and provide compliance reports to the Commission;

11

12 f. Establish additional committees as
13 necessary; and

14

15 g. Other duties as provided in Rules or
16 Bylaws.

17

18 F. Financing of the Commission

19

20 1. The Commission shall pay, or provide for the
21 payment of, the reasonable expenses of its establishment,
22 organization and ongoing activities.

23

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

4
5 3. The Commission may levy on and collect an
6 annual assessment from each Compact State or impose fees on
7 other parties to cover the cost of the operations and
8 activities of the Commission and its staff which must be in
9 a total amount sufficient to cover its annual budget as
10 approved each year for which revenue is not provided by
11 other sources. The aggregate annual assessment amount shall
12 be allocated based upon a formula to be determined by the
13 Commission which shall promulgate a rule binding upon all
14 Compact States.

15
16 4. The Commission shall not incur obligations of
17 any kind prior to securing the funds adequate to meet the
18 same; nor shall the Commission pledge the credit of any of
19 the Compact States, except by and with the authority of the
20 Compact State.

21
22 5. The Commission shall keep accurate accounts of
23 all receipts and disbursements. The receipts and

1 disbursements of the Commission shall be subject to the
2 audit and accounting procedures established under its
3 Bylaws. However, all receipts and disbursements of funds
4 handled by the Commission shall be audited yearly by a
5 certified or licensed public accountant and the report of
6 the audit shall be included in and become part of the annual
7 report of the Commission.

8

9 G. Qualified Immunity, Defense and Indemnification

10

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

1 caused by the intentional or willful or wanton misconduct of
2 that person.

3

4 2. The Commission shall defend any member,
5 officer, Executive Director, employee or representative of
6 the Commission in any civil action seeking to impose
7 liability arising out of any actual or alleged act, error or
8 omission that occurred within the scope of Commission
9 employment, duties or responsibilities, or that the person
10 against whom the claim is made had a reasonable basis for
11 believing occurred within the scope of Commission
12 employment, duties or responsibilities; provided that
13 nothing herein shall be construed to prohibit that person
14 from retaining his or her own counsel; and provided further,
15 that the actual or alleged act, error or omission did not
16 result from that person's intentional or willful or wanton
17 misconduct.

18

19 3. The Commission shall indemnify and hold
20 harmless any member, officer, Executive Director, employee
21 or representative of the Commission for the amount of any
22 settlement or judgment obtained against that person arising
23 out of any actual or alleged act, error or omission that

1 occurred within the scope of Commission employment, duties
2 or responsibilities, or that such person had a reasonable
3 basis for believing occurred within the scope of Commission
4 employment, duties or responsibilities, provided that the
5 actual or alleged act, error or omission did not result from
6 the intentional or willful or wanton misconduct of that
7 person.

8

9

ARTICLE XI

10

RULEMAKING

11

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

16

17 B. If a majority of the legislatures of the Compact
18 States rejects a rule, by enactment of a statute or
19 resolution in the same manner used to adopt the Compact,
20 then such rule shall have no further force and effect in any
21 Compact State.

22

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

3

4 D. Prior to promulgation and adoption of a final rule
5 or rules by the Commission, and at least sixty (60) days in
6 advance of the meeting at which the rule will be considered
7 and voted upon, the Commission shall file a Notice of
8 Proposed Rulemaking:

9

10 1. On the website of the Commission; and

11

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

15

16 E. The Notice of Proposed Rulemaking shall include:

17

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

20

21 2. The text of the proposed rule or amendment and
22 the reason for the proposed rule;

23

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

3

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

7

8 F. Prior to adoption of a proposed rule, the
9 Commission shall allow persons to submit written data,
10 facts, opinions and arguments, which shall be made available
11 to the public.

12

13 G. The Commission shall grant an opportunity for a
14 public hearing before it adopts a rule or amendment if a
15 hearing is requested by:

16

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

19

20 2. A governmental subdivision or agency; or

21

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

1

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

5

6 1. All persons wishing to be heard at the hearing
7 shall notify the Executive Director of the Commission or
8 other designated commissioner in writing of their desire to
9 appear and testify at the hearing not less than five (5)
10 business days before the scheduled date of the hearing.

11

12 2. Hearings shall be conducted in a manner
13 providing each person who wishes to comment a fair and
14 reasonable opportunity to comment orally or in writing.

15

16 3. No transcript of the hearing is required,
17 unless a written request for a transcript is made, in which
18 case the person requesting the transcript shall bear the
19 cost of producing the transcript. A recording may be made in
20 lieu of a transcript under the same terms and conditions as
21 a transcript. This subsection shall not preclude the
22 Commission from making a transcript or recording of the
23 hearing if it so chooses.

1

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

6

7 I. Following the scheduled hearing date, or by the
8 close of business on the scheduled hearing date if the
9 hearing was not held, the Commission shall consider all
10 written and oral comments received.

11

12 J. The Commission shall, by majority vote of all
13 commissioners, take final action on the proposed rule and
14 shall determine the effective date of the rule, if any,
15 based on the rulemaking record and the full text of the
16 rule.

17

18 K. If no written notice of intent to attend the public
19 hearing by interested parties is received, the Commission
20 may proceed with promulgation of the proposed rule without a
21 public hearing.

22

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

10

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

13

14 2. Prevent a loss of Commission or Compact State
15 funds;

16

17 3. Meet a deadline for the promulgation of an
18 administrative rule that is established by federal law or
19 rule; or

20

21 4. Protect public health and safety.

22

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

16

17

ARTICLE XII

18

OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

19

20

A. Oversight.

21

22

23

1. The Executive, Legislative and Judicial
branches of state government in each Compact State shall

1 enforce this Compact and take all actions necessary and
2 appropriate to effectuate the Compact's purposes and intent.
3 The provisions of this Compact and the rules promulgated
4 hereunder shall have standing as statutory law.

5

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

11

12 3. The Commission shall be entitled to receive
13 service of process in any such proceeding, and shall have
14 standing to intervene in such a proceeding for all purposes.
15 Failure to provide service of process to the Commission
16 shall render a judgment or order void as to the Commission,
17 this Compact or promulgated rules.

18

19 B. Default, Technical Assistance and Termination.

20

21 1. If the Commission determines that a Compact
22 State has defaulted in the performance of its obligations or

1 responsibilities under this Compact or the promulgated
2 rules, the Commission shall:

3

4 a. Provide written notice to the defaulting
5 state and other Compact States of the nature of the default,
6 the proposed means of remedying the default and/or any other
7 action to be taken by the Commission; and

8

9 b. Provide remedial training and specific
10 technical assistance regarding the default.

11

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

20

21 3. Termination of membership in the Compact shall
22 be imposed only after all other reasonable means of securing
23 compliance have been exhausted. Notice of intent to suspend

1 or terminate shall be submitted by the Commission to the
2 Governor, the majority and minority leaders of the
3 defaulting state's legislature and each of the Compact
4 States.

5

6 4. A Compact State which has been terminated is
7 responsible for all assessments, obligations and liabilities
8 incurred through the effective date of termination,
9 including obligations which extend beyond the effective date
10 of termination.

11

12 5. The Commission shall not bear any costs
13 incurred by the state which is found to be in default or
14 which has been terminated from the Compact, unless agreed
15 upon in writing between the Commission and the defaulting
16 state.

17

18 6. The defaulting state may appeal the action of
19 the Commission by petitioning the U.S. District Court for
20 the state of Georgia or the federal district where the
21 Compact has its principal offices. The prevailing
22 commissioner shall be awarded all costs of such litigation,
23 including reasonable attorney's fees.

1

2 C. Dispute Resolution.

3

4 1. Upon request by a Compact State, the
5 Commission shall attempt to resolve disputes related to the
6 Compact which arise among Compact States and between Compact
7 and Non-Compact States.

8

9 2. The Commission shall promulgate a rule
10 providing for both mediation and binding dispute resolution
11 for disputes that arise before the Commission.

12

13 D. Enforcement.

14

15 1. The Commission, in the reasonable exercise of
16 its discretion, shall enforce the provisions and Rules of
17 this Compact.

18

19 2. By majority vote of the Commissioners, the
20 Commission may initiate legal action in the United States
21 District Court for the State of Georgia or the federal
22 district where the Compact has its principal offices against
23 a Compact State in default to enforce compliance with the

1 provisions of the Compact and its promulgated Rules and
2 Bylaws. The relief sought may include both injunctive relief
3 and damages. In the event judicial enforcement is necessary,
4 the prevailing commissioner shall be awarded all costs of
5 such litigation, including reasonable attorney's fees.

6

7 3. The remedies herein shall not be the exclusive
8 remedies of the Commission. The Commission may pursue any
9 other remedies available under federal or state law.

10

11

ARTICLE XIII

12 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL

13 COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND

14

AMENDMENTS

15

16 A. The Compact shall come into effect on the date on
17 which the Compact is enacted into law in the seventh Compact
18 State. The provisions which become effective at that time
19 shall be limited to the powers granted to the Commission
20 relating to assembly and the promulgation of rules.
21 Thereafter, the Commission shall meet and exercise
22 rulemaking powers necessary to the implementation and
23 administration of the Compact.

1

2 B. Any state which joins the Compact subsequent to the
3 Commission's initial adoption of the rules shall be subject
4 to the rules as they exist on the date on which the Compact
5 becomes law in that state. Any rule which has been
6 previously adopted by the Commission shall have the full
7 force and effect of law on the day the Compact becomes law
8 in that state.

9

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

12

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

16

17 2. Withdrawal shall not affect the continuing
18 requirement of the withdrawing State's Psychology Regulatory
19 Authority to comply with the investigative and adverse
20 action reporting requirements of this act prior to the
21 effective date of withdrawal.

22

1 D. Nothing contained in this Compact shall be
2 construed to invalidate or prevent any psychology licensure
3 agreement or other cooperative arrangement between a Compact
4 State and a Non-Compact State which does not conflict with
5 the provisions of this Compact.

6

7 E. This Compact may be amended by the Compact States.
8 No amendment to this Compact shall become effective and
9 binding upon any Compact State until it is enacted into the
10 law of all Compact States.

11

12 ARTICLE XIV

13 CONSTRUCTION AND SEVERABILITY

14

15 This Compact shall be liberally construed so as to
16 effectuate the purposes thereof. If this Compact shall be
17 held contrary to the constitution of any state member
18 thereto, the Compact shall remain in full force and effect
19 as to the remaining Compact States.

20

21 **Section 2.** W.S. 33-27-114 by creating a new subsection
22 (h), 33-27-116(f) and by creating new subsections (p)
23 through (r), 33-27-117 by creating new subsections (f) and

1 (g), 33-27-118, 33-27-119(d) and (e), 33-27-120(b)(xvi),
2 (xvii) and by creating a new paragraph (xviii) and (c),
3 33-27-122(a), (f), (h)(intro), (i) through (iii) and by
4 creating a new subsection (j) and 33-27-123(a)(intro) and
5 (viii) are amended to read:

6

7 **33-27-114. Exemptions.**

8

9 (h) Nothing in this act shall prevent a person from
10 providing the psychological services authorized by the
11 Psychology Interjurisdictional Compact, W.S. 33-27-202, if
12 the person satisfies all the standards and conditions
13 required by the compact and complies with all compact
14 participation requirements imposed pursuant to rules adopted
15 by the board.

16

17 **33-27-116. Powers and duties of the board.**

18

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

1

2 (p) The board shall administer the provisions of the
3 Psychology Interjurisdictional Compact pursuant to W.S.
4 33-27-201 and 33-27-202, including factoring the annual
5 assessment required under the compact into its biennial
6 budget, and may promulgate reasonable rules for the orderly
7 administration of the compact. The board shall immediately
8 advise the legislature's joint labor, health and social
9 services interim committee if the board determines that any
10 assessment levied against Wyoming pursuant to the Psychology
11 Interjurisdictional Compact is excessive when compared to
12 the benefits of compact participation or if any assessment
13 is not proportionally adjusted to reflect the number of
14 licensed psychologists in Wyoming compared to the number of
15 licensed psychologists in other compact states.

16

17 (q) Pursuant to the Psychology Interjurisdictional
18 Compact, W.S. 33-27-201 and 33-27-202, and consistent with
19 W.S. 7-19-106(a)(xxviii) and 7-19-201(a)(xxv), the board
20 shall require an identity history summary, as defined in the
21 compact, for all applicants for licensure as a psychologist
22 and shall require applicants to submit to a background
23 investigation including fingerprints or the submission of

1 other biometric data compliant with the requirements of the
2 federal bureau of investigation or other designee with
3 similar authority.

4
5 (r) The board shall require every person licensed
6 under this act who has not previously completed an identity
7 history summary, as defined in the Psychology
8 Interjurisdictional Compact, W.S. 33-27-201 and 33-27-202,
9 including the required background investigation as provided
10 for by the compact and consistent with W.S.
11 7-19-106(a)(xxviii), 7-19-201(a)(xxv) and 33-27-116(p), to
12 do so as part of the person's next license renewal.

13
14 **33-27-117. Requirements for licensure.**

15
16 (f) Notwithstanding the licensure requirements
17 provided by this section, the board shall extend authority
18 to perform the psychological services authorized by the
19 Psychology Interjurisdictional Compact, W.S. 33-27-202, to
20 any person who satisfies all the conditions and standards
21 required by the compact and who complies with all compact
22 participation requirements imposed pursuant to rules adopted
23 by the board.

1

2 (g) Persons providing psychological services pursuant
3 to the Psychology Interjurisdictional Compact, W.S.
4 33-27-202, shall be required to obtain an E.Passport and an
5 interjurisdictional practice certificate issued by the
6 Association of State and Provincial Psychology Boards.

7

8 **33-27-118. Limitation of practice.**

9

10 The board shall ensure through rules and regulations and
11 enforcement that those persons licensed or certified under
12 this act, including persons providing psychological services
13 pursuant to the Psychology Interjurisdictional Compact, W.S.
14 33-27-202, limit their practice to demonstrated areas of
15 competence.

16

17 **33-27-119. Practice without license.**

18

19 (d) Any person whose license to practice as a
20 psychologist, behavior analyst or assistant behavior analyst
21 in any jurisdiction has been suspended or revoked and which
22 license has not been reinstated shall not practice
23 psychology or behavior analysis in this state, nor shall any

1 person provide psychological services under the Psychology
2 Interjurisdictional Compact, W.S. 33-27-202, when the
3 person's practice rights have been removed pursuant to the
4 terms of the Psychology Interjurisdictional Compact. The
5 board may suspend or revoke the license of any person under
6 this subsection, and, if applicable, take all action
7 consistent with the Psychology Interjurisdictional Compact.
8 The board may issue a new license whenever it deems the
9 issuance to be safe and just and, if applicable, when
10 consistent with the terms of the Psychology
11 Interjurisdictional Compact.

12

13 (e) The board on its own motion may investigate any
14 evidence or allegation that appears to show that any person
15 is or may be in violation of any provision of this act or
16 the Psychology Interjurisdictional Compact, W.S. 33-27-202.

17

18 **33-27-120. Grounds for denial, suspension or**
19 **revocation of license and other disciplinary sanctions.**

20

21 (b) After notice and a hearing, the board may revoke,
22 refuse to renew, reprimand, censure, limit the scope of
23 practice, place on probation with or without terms,

1 conditions or limitations or suspend licenses to practice
2 psychology or behavior analysis for any of the following
3 acts or offenses:

4

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

7

8 (xvii) Inability to practice psychology or
9 behavior analysis with reasonable skill and safety to
10 patients or clients by reason of illness, inebriation,
11 misuse of drugs, narcotics, alcohol, chemicals or any other
12 substance or as a result of any mental or physical
13 condition;~~or~~ or

14

15 (xviii) Providing psychology services under the
16 Psychology Interjurisdictional Compact, W.S. 33-27-202,
17 without satisfying the standards and conditions imposed by
18 the compact or without complying with rules promulgated by
19 the board related to providing psychological services under
20 the compact.

21

22 (c) With respect to evidence of any conviction or the
23 suspension or revocation of a license for the purposes of

1 subsection (b) of this section, a certified copy of the
2 record of conviction from the court entering the conviction,
3 ~~or~~ from the state suspending or revoking the license, or
4 from the coordinated licensure information system operated
5 under the Psychology Interjurisdictional Compact, W.S.
6 33-27-202, shall be conclusive evidence thereof.

7

8 **33-27-122. Board hearings and investigations.**

9

10 (a) The board may investigate or cause to be
11 investigated any allegation or evidence that appears to show
12 that a psychologist, behavior analyst or assistant behavior
13 analyst licensed to practice in this jurisdiction, including
14 a person providing psychological services pursuant to the
15 Psychology Interjurisdictional Compact, W.S. 33-27-202, and
16 anyone under his supervision is, or may be, in violation of
17 this act, in violation of the Psychology Interjurisdictional
18 Compact or in violation of any of the rules adopted by the
19 board.

20

21 (f) A psychologist, behavior analyst or assistant
22 behavior analyst may surrender his license when he is
23 charged with any violation of this act, the Psychology

1 Interjurisdictional Compact, W.S. 33-27-202 or board rules
2 and regulations, and such surrender and acceptance by the
3 board shall constitute acknowledgment by the person as an
4 admission of guilt as charged. The circumstances of the
5 surrender shall be reported in the same fashion as a
6 revocation action.

7

8 (h) Subsequent to the holding of a hearing and the
9 taking of evidence by the board as provided for in this
10 section, if a majority of the board finds that a
11 psychologist, behavior analyst or assistant behavior analyst
12 is in violation of this act or the Psychology
13 Interjurisdictional Compact, W.S. 33-27-202, or is guilty of
14 any of the acts, offenses or conditions as enumerated by the
15 board, the following actions may be taken:

16

17 (i) The board may revoke or suspend the license
18 or ability to practice under the Psychology
19 Interjurisdictional Compact, W.S. 33-27-202;

20

21 (ii) The board may suspend imposition of a
22 revocation or suspension of a license or ability to practice

1 under the Psychology Interjurisdictional Compact, W.S.
2 33-27-202;

3
4 (iii) The board may impose revocation or
5 suspension of a license or ability to practice under the
6 Psychology Interjurisdictional Compact, W.S. 33-27-202, but
7 suspend enforcement thereof by placing the psychologist,
8 behavior analyst or assistant behavior analyst on probation,
9 which probation shall be revocable if the board finds the
10 conditions of the probation order are not being followed. As
11 a condition of probation the board may require the
12 psychologist, behavior analyst or assistant behavior analyst
13 to submit to care, counseling or treatment by a professional
14 designated by the board. The expense of the action shall be
15 borne by the probationer. The board may at any time modify
16 the conditions of the probation and may include among them
17 any reasonable condition for the purpose of the protection
18 of the public, or for the purpose of the rehabilitation of
19 the probationer, or both;

20
21 (j) The board shall take all necessary action against
22 a person violating the Psychology Interjurisdictional
23 Compact, W.S. 33-27-202, as required by the compact.

1

2 **33-27-123. Privileged communication.**

3

4 (a) In judicial proceedings, whether civil, criminal,
5 or juvenile, in legislative and administrative proceedings,
6 in proceedings related to the Psychology Interjurisdictional
7 Compact, W.S. 33-27-202, and in proceedings preliminary and
8 ancillary thereto, a patient or client, or his guardian or
9 personal representative, may refuse to disclose or prevent
10 the disclosure of confidential information, including
11 information contained in administrative records,
12 communicated to a person licensed or otherwise authorized to
13 practice under this act, the Psychology Interjurisdictional
14 Compact, W.S. 33-27-202 or to persons reasonably believed by
15 the patient or client to be so licensed, and their agents,
16 for the purpose of diagnosis, evaluation or treatment of any
17 mental or emotional condition or disorder. The psychologist,
18 behavior analyst or assistant behavior analyst shall not
19 disclose any information communicated as described above in
20 the absence of an express waiver of the privilege except in
21 the following circumstances:

22

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

10 **Section 3.** This act is effective immediately upon
11 completion of all acts necessary for a bill to become law as
12 provided by Article 4, Section 8 of the Wyoming
13 Constitution.
14

15 (END)