

1 SB102
2 203095-5
3 By Senators Jones, Givhan, Elliott, Whatley, Sessions,
4 Williams and Livingston
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1 SB102

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4 ENROLLED, An Act,

5 Relating to the licensed practice of psychology; to
6 provide and adopt the Psychology Interjurisdictional Compact
7 to allow licensed psychologists to practice among compact
8 states in a limited manner; to provide eligibility
9 requirements for licensed psychologists to practice pursuant
10 to the compact; to provide for a coordinated licensure
11 information system, joint investigations, and disciplinary
12 actions; to establish the Psychology Interjurisdictional
13 Compact Commission, and to provide for membership, powers, and
14 duties, and provide for rulemaking functions of the
15 commission; and to provide for oversight of the compact,
16 enforcement of the compact, default procedures, dispute
17 resolution, withdrawal of compact states, and dissolution of
18 the compact.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. PURPOSE

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

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

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

12 Whereas, this compact is intended to authorize state
13 psychology regulatory authorities to afford legal recognition,
14 in a manner consistent with the terms of the compact, to
15 psychologists licensed in another state; and

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

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

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

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

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

11 2. Enhance the ability of the compact states to
12 protect the public's health and safety, especially
13 client/patient safety.

14 3. Encourage the cooperation of compact states in
15 the areas of psychology licensure and regulation.

16 4. Facilitate the exchange of information between
17 compact states regarding psychologist licensure, adverse
18 actions, and disciplinary history.

19 5. Promote compliance with the laws governing
20 psychological practice in each compact state.

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

24 Section 2. DEFINITIONS

1 As used in this section, the following terms have
2 the following meanings:

3 (1) ADVERSE ACTION. Any action taken by a state
4 psychology regulatory authority which finds a violation of a
5 law or regulation that is identified by the state psychology
6 regulatory authority as discipline and is a matter of public
7 record.

8 (2) ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY
9 BOARDS (ASPPB). The recognized membership organization
10 composed of state and provincial psychology regulatory
11 authorities responsible for the licensure and registration of
12 psychologists throughout the United States and Canada.

13 (3) AUTHORITY TO PRACTICE INTERJURISDICTIONAL
14 TELEPSYCHOLOGY. A licensed psychologist's authority to
15 practice telepsychology, within the limits authorized under
16 this compact, in another compact state.

17 (4) BYLAWS. Those bylaws established by the
18 Psychology Interjurisdictional Compact Commission pursuant to
19 Section 10 for its governance, or for directing and
20 controlling its actions and conduct.

21 (5) CLIENT/PATIENT. The recipient of psychological
22 services, whether psychological services are delivered in the
23 context of health care, corporate, supervision, or consulting
24 services.

1 (6) COMMISSIONER. The voting representative
2 appointed by each state psychology regulatory authority
3 pursuant to Section 10.

4 (7) COMPACT STATE. A state, the District of
5 Columbia, or United States territory that has enacted this
6 compact legislation and that has not withdrawn pursuant to
7 Section 13, subsection (c) or been terminated pursuant to
8 Section 12, subsection (b).

9 (8) COORDINATED LICENSURE INFORMATION SYSTEM or
10 COORDINATED DATABASE. An integrated process for collecting,
11 storing, and sharing information on psychologists' licensure
12 and enforcement activities related to psychology licensure
13 laws, which is administered by the recognized membership
14 organization composed of state and provincial psychology
15 regulatory authorities.

16 (9) CONFIDENTIALITY. The principle that data or
17 information is not made available or disclosed to unauthorized
18 persons or processes.

19 (10) DAY. Any part of a day in which psychological
20 work is performed.

21 (11) DISTANT STATE. The compact state where a
22 psychologist is physically present, not through the use of
23 telecommunications technologies, to provide temporary
24 in-person, face-to-face psychological services.

1 (12) E.PASSPORT. A certificate issued by the
2 Association of State and Provincial Psychology Boards (ASPPB)
3 that promotes the standardization in the criteria of
4 interjurisdictional telepsychology practice and facilitates
5 the process for licensed psychologists to provide
6 telepsychological services across state lines.

7 (13) EXECUTIVE BOARD. A group of directors elected
8 or appointed to act on behalf of, and within the powers
9 granted to them by, the commission.

10 (14) HOME STATE. A compact state where a
11 psychologist is licensed to practice psychology. If the
12 psychologist is licensed in more than one compact state and is
13 practicing under the authorization to practice
14 interjurisdictional telepsychology, the home state is the
15 compact state where the psychologist is physically present
16 when the telepsychological services are delivered. If the
17 psychologist is licensed in more than one compact state and is
18 practicing under the temporary authorization to practice, the
19 home state is any compact state where the psychologist is
20 licensed.

21 (15) IDENTITY HISTORY SUMMARY. A summary of
22 information retained by the Federal Bureau of Investigation,
23 or other designee with similar authority, in connection with
24 arrests and, in some instances, federal employment,
25 naturalization, or military service.

1 (16) IN-PERSON, FACT-TO-FACE. Interactions in which
2 the psychologist and the client/patient are in the same
3 physical space and which does not include interactions that
4 may occur through the use of telecommunication technologies.

5 (17) INTERJURISDICTIONAL PRACTICE CERTIFICATE (IPC).
6 A certificate issued by the Association of State and
7 Provincial Psychology Boards (ASPPB) that grants temporary
8 authority to practice based on notification to the state
9 psychology regulatory authority of intention to practice
10 temporarily, and verification of one's qualifications for such
11 practice.

12 (18) LICENSE. Authorization by a state psychology
13 regulatory authority to engage in the independent practice of
14 psychology, which would be unlawful without the authorization.

15 (19) NON-COMPACT STATE. Any state which is not at
16 the time a compact state.

17 (20) PSYCHOLOGIST. An individual licensed for the
18 independent practice of psychology.

19 (21) PSYCHOLOGY INTERJURISDICTIONAL COMPACT
20 COMMISSION or COMMISSION. The national administration of which
21 all compact states are members.

22 (22) RECEIVING STATE. A compact state where the
23 client/patient is physically located when the
24 telepsychological services are delivered.

1 (23) RULE. A written statement by the Psychology
2 Interjurisdictional Compact Commission adopted pursuant to
3 Section 11 of the compact that is of general applicability,
4 implements, interprets, or prescribes a policy or provision of
5 the compact, or an organizational, procedural, or practice
6 requirement of the commission, and has the force and effect of
7 statutory law in a compact state, and includes the amendment,
8 repeal, or suspension of an existing rule.

9 (24) SIGNIFICANT INVESTIGATORY INFORMATION. Either
10 of the following:

11 a. Investigative information that a state psychology
12 regulatory authority, after a preliminary inquiry that
13 includes notification and an opportunity to respond if
14 required by state law, has reason to believe, if proven true,
15 would indicate more than a violation of state law or ethics
16 code that would be considered more substantial than minor
17 infraction.

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

22 (25) STATE. A state, commonwealth, territory, or
23 possession of the United States, or the District of Columbia.

1 (26) STATE PSYCHOLOGY REGULATORY AUTHORITY. The
2 board, office, or other agency with the legislative mandate to
3 license and regulate the practice of psychology.

4 (27) TELEPSYCHOLOGY. The provision of psychological
5 services using telecommunication technologies.

6 (28) TEMPORARY AUTHORIZATION TO PRACTICE. A licensed
7 psychologist's authority to conduct temporary in-person,
8 face-to-face practice, within the limits authorized under this
9 compact, in another compact state.

10 (29) TEMPORARY IN-PERSON, FACE-TO-FACE PRACTICE.
11 Where a psychologist is physically present, not through the
12 use of telecommunications technologies, in the distant state
13 to provide for the practice of psychology for 30 days within a
14 calendar year and based on notification to the distant state.

15 Section 3. HOME STATE LICENSURE

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

18 (b) A psychologist may hold one or more compact
19 state licenses at a time. If the psychologist is licensed in
20 more than one compact state, the home state is the compact
21 state where the psychologist is physically present when the
22 services are delivered as authorized by the authority to
23 practice interjurisdictional telepsychology under the terms of
24 this compact.

1 (c) Any compact state may require a psychologist not
2 previously licensed in a compact state to obtain and retain a
3 license to be authorized to practice in the compact state
4 under circumstances not authorized by the authority to
5 practice interjurisdictional telepsychology under the terms of
6 this compact.

7 (d) Any compact state may require a psychologist to
8 obtain and retain a license to be authorized to practice in a
9 compact state under circumstances not authorized by temporary
10 authorization to practice under the terms of this compact.

11 (e) A home state's license authorizes a psychologist
12 to practice in a receiving state under the authority to
13 practice interjurisdictional telepsychology only if the
14 compact state:

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

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

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

22 (4) Requires an identity history summary of all
23 applicants at initial licensure, including the use of the
24 results of fingerprints or other biometric data checks
25 compliant with the requirements of the Federal Bureau of

1 Investigation, or other designee with similar authority, no
2 later than 10 years after activation of the compact; and

3 (5) Complies with the bylaws and rules of the
4 commission.

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

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

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

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

15 (4) Requires an identity history summary of all
16 applicants at initial licensure, including the use of the
17 results of fingerprints or other biometric data checks
18 compliant with the requirements of the Federal Bureau of
19 Investigation, or other designee with similar authority, no
20 later than 10 years after activation of the compact; and

21 (5) Complies with the bylaws and rules of the
22 commission.

23 Section 4. COMPACT PRIVILEGE TO PRACTICE
24 TELEPSYCHOLOGY

1 (a) Compact states shall recognize the right of a
2 psychologist, licensed in a compact state in conformance with
3 Section 3, to practice telepsychology in other compact states
4 in which the psychologist is not licensed, under the authority
5 to practice interjurisdictional telepsychology as provided in
6 the compact.

7 (b) To exercise the authority to practice
8 interjurisdictional telepsychology under the terms and
9 provisions of this compact, a psychologist licensed to
10 practice in a compact state must:

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

14 a. Regionally accredited by an accrediting body
15 recognized by the U.S. Department of Education to grant
16 graduate degrees, or authorized by provincial statute or royal
17 charter to grant doctoral degrees; or

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

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

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

6 b. The psychology program must stand as a
7 recognizable, coherent, organizational entity within the
8 institution.

9 c. There must be a clear authority and primary
10 responsibility for the core and specialty areas whether or not
11 the program cuts across administrative lines.

12 d. The program must consist of an integrated,
13 organized sequence of study.

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

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

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

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

24 i. The curriculum shall encompass a minimum of three
25 academic years of full-time graduate study for a doctoral

1 degree and a minimum of one academic year of full-time
2 graduate study for a master's degree.

3 j. The program includes an acceptable residency as
4 defined by the rules of the commission.

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

8 (4) Have no history of adverse action that violates
9 the rules of the commission;

10 (5) Have no criminal record history reported on an
11 identity history summary that violates the rules of the
12 commission;

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

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

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

23 (c) The home state maintains authority over the
24 license of any psychologist practicing into a receiving state

1 under the authority to practice interjurisdictional
2 telepsychology.

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

14 (e) If a psychologist's license in any home state,
15 another compact state, or any authority to practice
16 interjurisdictional telepsychology in any receiving state, is
17 restricted, suspended, or otherwise limited, the E.Passport
18 shall be revoked and therefore the psychologist shall not be
19 eligible to practice telepsychology in a compact state under
20 the authority to practice interjurisdictional telepsychology.

21 Section 5. COMPACT TEMPORARY AUTHORIZATION TO
22 PRACTICE

23 (a) Compact states shall also recognize the right of
24 a psychologist, licensed in a compact state in conformance
25 with Section 3, to practice temporarily in other compact

1 states (distant states) in which the psychologist is not
2 licensed, as provided in the compact.

3 (b) To exercise the temporary authority to practice
4 under the terms and provisions of this compact, a psychologist
5 licensed to practice in a compact state must:

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

9 a. Regionally accredited by an accrediting body
10 recognized by the U.S. Department of Education to grant
11 graduate degrees, or authorized by provincial statute or royal
12 charter to grant doctoral degrees; or

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

18 (2) Hold a graduate degree in psychology that meets
19 all of the following criteria:

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

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

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

7 d. The program must consist of an integrated,
8 organized sequence of study.

9 e. There must be an identifiable psychology faculty
10 sufficient in size and breadth to carry out its
11 responsibilities.

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

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

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

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

23 j. The program includes an acceptable residency as
24 defined by the rules of the commission.

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

4 (4) Have no history of adverse action that violates
5 the rules of the commission;

6 (5) Have no criminal record history that violates
7 the rules of the commission;

8 (6) Possess a current, active IPC;

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

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

15 (c) A psychologist practicing into a distant state
16 under the temporary authorization to practice shall practice
17 within the scope of practice authorized by the distant state.

18 (d) A psychologist practicing into a distant state
19 under the temporary authorization to practice shall be subject
20 to the distant state's authority and law. A distant state, in
21 accordance with that state's due process law, may limit or
22 revoke a psychologist's temporary authorization to practice in
23 the distant state and may take any other necessary actions
24 under the distant state's applicable law to protect the health
25 and safety of the distant state's residents. If a distant

1 state takes action, the state shall promptly notify the home
2 state and the commission.

3 (e) If a psychologist's license in any home state,
4 another compact state, or any temporary authorization to
5 practice in any distant state, is restricted, suspended, or
6 otherwise limited, the IPC shall be revoked and the
7 psychologist shall not be eligible to practice in a compact
8 state under the temporary authorization to practice.

9 Section 6. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN
10 A RECEIVING STATE

11 A psychologist may practice in a receiving state
12 under the authority to practice interjurisdictional
13 telepsychology only in the performance of the scope of
14 practice for psychology as assigned by an appropriate state
15 psychology regulatory authority, as defined in the rules of
16 the commission, and under the following circumstances:

17 (1) The psychologist initiates a client/patient
18 contact in a home state via telecommunications technologies
19 with a client/patient in a receiving state.

20 (2) Other conditions regarding telepsychology as
21 determined by rules adopted by the commission.

22 Section 7. ADVERSE ACTIONS

23 (a) A home state may impose adverse action against a
24 psychologist's license issued by the home state. A distant
25 state shall have the power to take adverse action on a

1 psychologist's temporary authorization to practice within that
2 distant state.

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

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

15 (1) All home state disciplinary orders that impose
16 adverse action shall be reported to the commission in
17 accordance with the rules adopted by the commission. A compact
18 state shall report adverse actions in accordance with the
19 rules of the commission.

20 (2) In the event discipline is reported on a
21 psychologist, the psychologist shall not be eligible for
22 telepsychology or temporary in-person, face-to-face practice
23 in accordance with the rules of the commission.

24 (3) Other actions may be imposed as determined by
25 the rules adopted by the commission.

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

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

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

1 authorization to practice in any other compact state during
2 the term of the alternative program.

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

6 Section 8. ADDITIONAL AUTHORITIES INVESTED IN A
7 COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY

8 In addition to any other powers granted under state
9 law, a compact state's psychology regulatory authority shall
10 have the authority under this compact to:

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

24 (2) Issue cease and desist or injunctive relief
25 orders to revoke a psychologist's authority to practice

1 interjurisdictional telepsychology or temporary authorization
2 to practice.

3 (3) During the course of any investigation, a
4 psychologist may not change his or her home state licensure. A
5 home state psychology regulatory authority may complete any
6 pending investigations of a psychologist and take any actions
7 appropriate under its laws. The home state psychology
8 regulatory authority shall promptly report the conclusions of
9 such investigations to the commission. Once an investigation
10 has been completed, and pending the outcome of the
11 investigation, the psychologist may change his or her home
12 state licensure. The commission shall promptly notify the new
13 home state of any such decisions as provided in the rules of
14 the commission. All information provided to the commission or
15 distributed by compact states pursuant to the psychologist
16 shall be confidential, filed under seal, and used for
17 investigatory or disciplinary matters. The commission may
18 create additional rules for mandated or discretionary sharing
19 of information by compact states.

20 Section 9. COORDINATED LICENSURE INFORMATION SYSTEM

21 (a) The commission shall provide for the development
22 and maintenance of a coordinated licensure information system
23 (coordinated database) and reporting system containing
24 licensure and disciplinary action information on all

1 individual psychologists to whom this compact is applicable in
2 all compact states as defined by the rules of the commission.

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

7 (1) Identifying information;

8 (2) Licensure data;

9 (3) Significant investigatory information;

10 (4) Adverse actions against a psychologist's
11 license;

12 (5) An indicator that a psychologist's authority to
13 practice interjurisdictional telepsychology or temporary
14 authorization to practice is revoked;

15 (6) Non-confidential information related to
16 alternative program participation information;

17 (7) Any denial of application for licensure, and the
18 reasons for such denial; and

19 (8) Other information that may facilitate the
20 administration of this compact, as determined by the rules of
21 the commission.

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

1 (d) Compact states reporting information to the
2 coordinated database may designate information that may not be
3 shared with the public without the express permission of the
4 compact state reporting the information.

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

9 Section 10. ESTABLISHMENT OF THE PSYCHOLOGY
10 INTERJURISDICTIONAL COMPACT COMMISSION

11 (a) The compact states create and establish a joint
12 public agency known as the Psychology Interjurisdictional
13 Compact Commission.

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

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

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

25 (b) Membership, Voting, and Meetings.

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

7 a. Executive director, executive secretary, or
8 similar executive;

9 b. Current member of the state psychology regulatory
10 authority of a compact state; or

11 c. Designee empowered with the appropriate delegate
12 authority to act on behalf of the compact state.

13 (2) Any commissioner may be removed or suspended
14 from office as provided by the law of the state from which the
15 commissioner is appointed. Any vacancy occurring in the
16 commission shall be filled in accordance with the laws of the
17 compact state in which the vacancy exists.

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

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

4 (5) All meetings shall be open to the public, and
5 public notice of meetings shall be given in the same manner as
6 required under the rulemaking provisions in Section 11.

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

9 a. Non-compliance of a compact state with its
10 obligations under the compact;

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

15 c. Current, threatened, or reasonably anticipated
16 litigation against the commission;

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

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

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

23 g. Disclosure of information of a personal nature
24 where disclosure would constitute a clearly unwarranted
25 invasion of personal privacy;

1 h. Disclosure of investigatory records compiled for
2 law enforcement purposes;

3 i. Disclosure of information related to any
4 investigatory reports prepared by, or on behalf of, or for use
5 of, the commission or other committee charged with
6 responsibility for investigation or determination of
7 compliance issues pursuant to the compact; or

8 j. Matters specifically exempted from disclosure by
9 federal and state statute.

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

24 (c) The commission, by a majority vote of the
25 commissioners, shall adopt bylaws or rules, or both, to govern

1 its conduct as may be necessary or appropriate to carry out
2 the purposes and exercise the powers of the compact,
3 including, but not limited to:

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

5 (2) Providing reasonable standards and procedures:

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

8 b. Governing any general or specific delegation of
9 any authority or function of the commission.

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

22 (4) Establishing the titles, duties, and authority
23 and reasonable procedures for the election of the officers of
24 the commission;

1 (5) Providing reasonable standards and procedures
2 for the establishment of the personnel policies and programs
3 of the commission. Notwithstanding any civil service or other
4 similar law of any compact state, the bylaws shall exclusively
5 govern the personnel policies and programs of the commission;

6 (6) Adopting a code of ethics to address permissible
7 and prohibited activities of commission members and employees;

8 (7) Providing a mechanism for concluding the
9 operations of the commission and the equitable disposition of
10 any surplus funds that may exist after the termination of the
11 compact after the payment or reserving of all of its debts and
12 obligations;

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

17 (9) The commission shall maintain its financial
18 records in accordance with the bylaws; and

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

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

23 (1) To adopt uniform rules to facilitate and
24 coordinate implementation and administration of this compact.

1 The rules shall have the force and effect of law and shall be
2 binding in all compact states.

3 (2) To bring and prosecute legal proceedings or
4 actions in the name of the commission, provided that the
5 standing of any state psychology regulatory authority or other
6 regulatory body responsible for psychology licensure to sue or
7 be sued under applicable law shall not be affected.

8 (3) To purchase and maintain insurance and bonds.

9 (4) To borrow, accept, or contract for services of
10 personnel, including, but not limited to, employees of a
11 compact state.

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

18 (6) To accept any and all appropriate donations and
19 grants of money, equipment, supplies, materials, and services,
20 and to receive, utilize, and dispose of the same, provided
21 that at all times the commission shall strive to avoid any
22 appearance of impropriety or conflict of interest.

23 (7) To lease, purchase, accept appropriate gifts or
24 donations of, or otherwise to own, hold, improve, or use, any
25 property, real, personal, or mixed, provided that at all times

1 the commission shall strive to avoid any appearance of
2 impropriety.

3 (8) To sell, convey, mortgage, pledge, lease,
4 exchange, abandon, or otherwise dispose of any property, real,
5 personal, or mixed.

6 (9) To establish a budget and make expenditures.

7 (10) To borrow money.

8 (11) To appoint committees, including advisory
9 committees comprised of members, state regulators, state
10 legislators or their representatives, and consumer
11 representatives, and such other interested persons as may be
12 designated in this compact and the bylaws.

13 (12) To provide and receive information from, and to
14 cooperate with, law enforcement agencies.

15 (13) To adopt and use an official seal.

16 (14) To perform such other functions as may be
17 necessary or appropriate to achieve the purposes of this
18 compact consistent with the state regulation of psychology
19 licensure, temporary in-person, face-to-face practice, and
20 telepsychology practice.

21 (e) The Executive Board. The elected officers shall
22 serve as the executive board, which shall have the power to
23 act on behalf of the commission according to the terms of this
24 compact.

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

3 a. Five voting members who are elected from the
4 current membership of the commission by the commission.

5 b. One ex officio, nonvoting member from the
6 recognized membership organization composed of state and
7 provincial psychology regulatory authorities.

8 (2) The ex officio member must have served as staff
9 or member on a state psychology regulatory authority and be
10 selected by its respective organization.

11 (3) The commission may remove any member of the
12 executive board as provided in its bylaws.

13 (4) The executive board shall meet at least
14 annually.

15 (5) The executive board shall have the following
16 duties and responsibilities:

17 a. Recommend to the entire commission changes to the
18 rules or bylaws, changes to this compact legislation, fees
19 paid by compact states such as annual dues, and any other
20 applicable fees.

21 b. Ensure compact administration services are
22 appropriately provided, contractual or otherwise.

23 c. Prepare and recommend the budget.

24 d. Maintain financial records on behalf of the
25 commission.

1 e. Monitor compact compliance of member states and
2 provide compliance reports to the commission.

3 f. Establish additional committees as necessary.

4 g. Other duties as provided in rules or bylaws.

5 (f) Financing of the commission.

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

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

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

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

1 (5) The commission shall keep accurate accounts of
2 all receipts and disbursements. The receipts and disbursements
3 of the commission shall be subject to the audit and accounting
4 procedures established under its bylaws. However, all receipts
5 and disbursements of funds handled by the commission shall be
6 audited yearly by a certified or licensed public accountant
7 and the report of the audit shall be included in and become
8 part of the annual report of the commission.

9 (g) Qualified Immunity, Defense, and
10 Indemnification.

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 their
14 official capacity, for any claim for damage to, or loss of,
15 property or personal injury or other civil liability caused by
16 or arising out of any actual or alleged act, error, or
17 omission that occurred, or that the person against whom the
18 claim is made had a reasonable basis for believing occurred
19 within the scope of commission employment, duties, or
20 responsibilities; nothing in this subdivision shall be
21 construed to protect any such person from suit or liability
22 for any damage, loss, injury, or liability caused by the
23 intentional or willful or wanton misconduct of that person.

24 (2) The commission shall defend any member, officer,
25 executive director, employee, or representative of the

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

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

24 Section 11. RULEMAKING

1 (a) The commission shall exercise its rulemaking
2 powers pursuant to the criteria set forth in this section and
3 the rules adopted pursuant to this section. Rules and
4 amendments shall become binding as of the date specified in
5 each rule or amendment.

6 (b) If a majority of the legislatures of the compact
7 states rejects a rule, by enactment of a law or resolution in
8 the same manner used to adopt the compact, then such rule
9 shall have no further force and effect in any compact state.

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

12 (d) Prior to adoption of a final rule or rules by
13 the commission, and at least 60 days in advance of the meeting
14 at which the rule will be considered and voted upon, the
15 commission shall file a Notice of Proposed Rulemaking:

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

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

20 (e) The Notice of Proposed Rulemaking shall include:

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

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

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

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

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

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

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

15 (2) A governmental subdivision or agency; or

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

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

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

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

4 (3) No transcript of the hearing is required, unless
5 a written request for a transcript is made, in which case the
6 person requesting the transcript shall bear the cost of
7 producing the transcript. A recording may be made in lieu of a
8 transcript under the same terms and conditions as a
9 transcript. This subdivision shall not preclude the commission
10 from making a transcript or recording of the hearing if it so
11 chooses.

12 (4) Nothing in this subsection shall be construed as
13 requiring a separate hearing on each rule. Rules may be
14 grouped for the convenience of the commission at hearings
15 required by this subsection.

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

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

24 (k) If no written notice of intent to attend the
25 public hearing by interested parties is received, the

1 commission may proceed with adoption of the proposed rule
2 without a public hearing.

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

12 (1) Meet an imminent threat to public health,
13 safety, or welfare;

14 (2) Prevent a loss of commission or compact state
15 funds;

16 (3) Meet a deadline for the adoption of an
17 administrative rule that is established by federal law or
18 regulation; or

19 (4) Protect public health and safety.

20 (m) The commission or an authorized committee of the
21 commission may direct revisions to a previously adopted rule
22 or amendment for purposes of correcting typographical errors,
23 errors in format, errors in consistency, or grammatical
24 errors. Public notice of any revisions shall be posted on the
25 website of the commission. The revision shall be subject to

1 challenge by any person for a period of 30 days after posting.
2 The revision may be challenged only on grounds that the
3 revision results in a material change to a rule. A challenge
4 shall be made in writing and delivered to the chair of the
5 commission prior to the end of the notice period. If no
6 challenge is made, the revision will take effect without
7 further action. If the revision is challenged, the revision
8 may not take effect without the approval of the commission.

9 Section 12. OVERSIGHT, DISPUTE RESOLUTION, AND
10 ENFORCEMENT

11 (a) Oversight.

12 (1) The executive, legislative, and judicial
13 branches of state government in each compact state shall
14 enforce this compact and take all actions necessary and
15 appropriate to effectuate the compact's purposes and intent.
16 This compact and the rules adopted hereunder shall have
17 standing as statutory law.

18 (2) All courts shall take judicial notice of the
19 compact and the rules in any judicial or administrative
20 proceeding in a compact state pertaining to the subject matter
21 of this compact which may affect the powers, responsibilities,
22 or actions of the commission.

23 (3) The commission shall be entitled to receive
24 service of process in any such proceeding, and shall have
25 standing to intervene in such a proceeding for all purposes.

1 Failure to provide service of process to the commission shall
2 render a judgment or order void as to the commission, this
3 compact, or adopted rules.

4 (b) Default, Technical Assistance, and Termination.

5 (1) If the commission determines that a compact
6 state has defaulted in the performance of its obligations or
7 responsibilities under this compact or the adopted rules, the
8 commission shall:

9 a. Provide written notice to the defaulting state
10 and other compact states of the nature of the default, the
11 proposed means of remedying the default or any other action to
12 be taken by the commission; and

13 b. Provide remedial training and specific technical
14 assistance regarding the default.

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

23 (3) Termination of membership in the compact shall
24 be imposed only after all other means of securing compliance
25 have been exhausted. Notice of intent to suspend or terminate

1 shall be submitted by the commission to the Governor, the
2 majority and minority leaders of the defaulting state's
3 legislature, and each of the compact states.

4 (4) A compact state that has been terminated is
5 responsible for all assessments, obligations, and liabilities
6 incurred through the effective date of termination, including
7 obligations that extend beyond the effective date of
8 termination.

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

13 (6) The defaulting state may appeal the action of
14 the commission by petitioning the U.S. District Court for the
15 State of Georgia or the federal district where the compact has
16 its principal offices. The prevailing member shall be awarded
17 all costs of such litigation, including reasonable attorney's
18 fees.

19 (c) Dispute Resolution.

20 (1) Upon request by a compact state, the commission
21 shall attempt to resolve disputes related to the compact which
22 arise among compact states and between compact and non-compact
23 states.

1 (2) The commission shall adopt a rule providing for
2 both mediation and binding dispute resolution for disputes
3 that arise before the commission.

4 (d) Enforcement.

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

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

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

20 Section 13. DATE OF IMPLEMENTATION OF THE PSYCHOLOGY
21 INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES,
22 WITHDRAWAL, AND AMENDMENTS

23 (a) The compact shall come into effect on the date
24 on which the compact is enacted into law in the seventh
25 compact state. The provisions which become effective at that

1 time shall be limited to the powers granted to the commission
2 relating to assembly and the adoption of rules. Thereafter,
3 the commission shall meet and exercise rulemaking powers
4 necessary to the implementation and administration of the
5 compact.

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

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

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

18 (2) Withdrawal shall not affect the continuing
19 requirement of the withdrawing state's psychology regulatory
20 authority to comply with the investigative and adverse action
21 reporting requirements of this section prior to the effective
22 date of withdrawal.

23 (d) Nothing contained in this compact shall be
24 construed to invalidate or prevent any psychology licensure
25 agreement or other cooperative arrangement between a compact

1 state and a non-compact state which does not conflict with
2 this compact.

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

7 Section 14. CONSTRUCTION AND SEVERABILITY

8 This compact shall be liberally construed so as to
9 effectuate the purposes thereof. If this compact shall be held
10 contrary to the constitution of any state member thereto, the
11 compact shall remain in full force and effect as to the
12 remaining compact states.

13 Section 15. Except as to judicial proceedings for
14 the enforcement of this compact among member states,
15 individuals may pursue judicial proceedings related to this
16 compact in any Alabama state or federal court that would
17 otherwise have competent jurisdiction.

18 Section 16. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB102

Senate 04-FEB-21

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 04-MAR-21

Senate concurred in House amendment 09-MAR-21

By: Senator Jones