



General Assembly

February Session, 2022

Substitute Bill No. 5046



**AN ACT ADOPTING THE INTERSTATE MEDICAL LICENSURE
COMPACT AND PSYCHOLOGY INTERJURISDICTIONAL COMPACT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2022*) The Interstate Medical
2 Licensure Compact is hereby enacted into law and entered into by the
3 state of Connecticut with any and all states legally joining therein in
4 accordance with its terms. The compact is substantially as follows:

5 "INTERSTATE MEDICAL LICENSURE COMPACT

6 SECTION 1. PURPOSE

7 In order to strengthen access to health care, and in recognition of the
8 advances in the delivery of health care, the member states of the
9 Interstate Medical Licensure Compact have allied in common purpose
10 to develop a comprehensive process that complements the existing
11 licensing and regulatory authority of state medical boards, provides a
12 streamlined process that allows physicians to become licensed in
13 multiple states, thereby enhancing the portability of a medical license
14 and ensuring the safety of patients. The compact creates another
15 pathway for licensure and does not otherwise change a state's existing
16 licensure requirements for physicians. The compact also adopts the
17 prevailing standard for licensure and affirms that the practice of

18 medicine occurs where the patient is located at the time of the physician-
19 patient encounter, and therefore, requires the physician to be under the
20 jurisdiction of the state medical board where the patient is located. State
21 medical boards that participate in the compact retain the jurisdiction to
22 impose an adverse action against a license to practice medicine in such
23 state issued to a physician through the procedures in the compact.

24 SECTION 2. DEFINITIONS

25 As used in section 1, this section, and sections 3 to 24, inclusive, of the
26 compact:

27 (1) "Bylaws" means those bylaws established by the Interstate
28 Commission pursuant to section 11 of the compact.

29 (2) "Commissioner" means the voting representative appointed by
30 each member board pursuant to section 11 of the compact.

31 (3) "Compact" means the Interstate Medical Licensure Compact.

32 (4) "Conviction" means a finding by a court that an individual is
33 guilty of a criminal offense through adjudication, or entry of a plea of
34 guilt or no contest to the charge by the offender. Evidence of an entry of
35 a conviction of a criminal offense by the court shall be considered final
36 for purposes of disciplinary action by a member board.

37 (5) "Expedited license" means a full and unrestricted medical license
38 granted by a member state to an eligible physician through the process
39 set forth in the compact.

40 (6) "Interstate Commission" means the interstate commission created
41 pursuant to section 11 of the compact.

42 (7) "License" means authorization by a member state for a physician
43 to engage in the practice of medicine, which would be unlawful without
44 authorization.

45 (8) "Medical Practice Act" means laws and regulations governing the

46 practice of allopathic and osteopathic medicine within a member state.

47 (9) "Member board" means a state agency in a member state that acts
48 in the sovereign interests of the state by protecting the public through
49 licensure, regulation and education of physicians as directed by the state
50 government.

51 (10) "Member state" means a state that has enacted the compact.

52 (11) "Practice of medicine" means the clinical prevention, diagnosis
53 or treatment of human disease, injury or condition requiring a physician
54 to obtain and maintain a license in compliance with the Medical Practice
55 Act of a member state.

56 (12) "Physician" means any person who:

57 (A) Is a graduate of a medical school accredited by the Liaison
58 Committee on Medical Education, the Commission on Osteopathic
59 College Accreditation or a medical school listed in the International
60 Medical Education Directory or its equivalent;

61 (B) Passed each component of the United States Medical Licensing
62 Examination or the Comprehensive Osteopathic Medical Licensing
63 Examination within three attempts, or any of said examination's
64 predecessor examinations accepted by a state medical board as an
65 equivalent examination for licensure purposes;

66 (C) Successfully completed graduate medical education approved by
67 the Accreditation Council for Graduate Medical Education or the
68 American Osteopathic Association;

69 (D) Holds specialty certification or a time-unlimited specialty
70 certificate recognized by the American Board of Medical Specialties or
71 the American Osteopathic Association's Bureau of Osteopathic
72 Specialists;

73 (E) Possesses a full and unrestricted license to engage in the practice

74 of medicine issued by a member board;

75 (F) Has never been convicted, received adjudication, deferred
76 adjudication, community supervision or deferred disposition for any
77 offense by a court of appropriate jurisdiction;

78 (G) Has never held a license authorizing the practice of medicine
79 subjected to discipline by a licensing agency in any state, federal or
80 foreign jurisdiction, excluding any action related to nonpayment of fees
81 related to a license;

82 (H) Has never had a controlled substance license or permit
83 suspended or revoked by a state or the United States Drug Enforcement
84 Administration; and

85 (I) Is not under active investigation by a licensing agency or law
86 enforcement authority in any state, federal or foreign jurisdiction.

87 (13) "Offense" means a felony, gross misdemeanor or crime of moral
88 turpitude.

89 (14) "Rule" means a written statement by the Interstate Commission
90 promulgated pursuant to section 12 of the compact that is of general
91 applicability, implements, interprets or prescribes a policy or provision
92 of the compact, or an organizational, procedural or practice requirement
93 of the Interstate Commission, and has the force and effect of statutory
94 law in a member state, and includes the amendment, repeal or
95 suspension of an existing rule.

96 (15) "State" means any state, commonwealth, district or territory of
97 the United States.

98 (16) "State of principal license" means a member state where a
99 physician holds a license to practice medicine and that has been
100 designated as such by the physician for purposes of registration and
101 participation in the compact.

102 SECTION 3. ELIGIBILITY

103 (a) A physician shall meet the eligibility requirements set forth in
104 subparagraphs (A) to (I), inclusive, of subdivision (12) of section 2 of the
105 compact to receive an expedited license under the terms and provisions
106 of the compact.

107 (b) A physician who does not meet the requirements set forth in
108 subparagraphs (A) to (I), inclusive, of subdivision (12) of section 2 of the
109 compact may obtain a license to practice medicine in a member state if
110 the individual complies with all laws and requirements, other than the
111 compact, relating to the issuance of a license to practice medicine in such
112 state.

113 SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

114 (a) A physician shall designate a member state as the state of principal
115 license for purposes of registration for expedited licensure through the
116 compact if the physician possesses a full and unrestricted license to
117 practice medicine in such state, and the state is:

118 (1) The state of principal residence for the physician;

119 (2) The state where at least twenty-five per cent of the practice of
120 medicine occurs;

121 (3) The location of the physician's employer; or

122 (4) If no state qualifies under subdivision (1), (2) or (3) of this
123 subsection, the state designated as state of residence for purpose of
124 federal income tax.

125 (b) A physician may redesignate a member state as state of principal
126 license at any time, provided the state meets the requirements of
127 subsection (a) of this section.

128 (c) The Interstate Commission is authorized to develop rules to
129 facilitate redesignation of another member state as the state of principal

130 license.

131 SECTION 5. APPLICATION AND ISSUANCE OF EXPEDITED
132 LICENSURE

133 (a) A physician seeking licensure through the compact shall file an
134 application for an expedited license with the member board of the state
135 selected by the physician as the state of principal license.

136 (b) Upon receipt of an application for an expedited license, the
137 member board within the state selected as the state of principal license
138 shall evaluate whether the physician is eligible for expedited licensure
139 and issue a letter of qualification, verifying or denying the physician's
140 eligibility, to the Interstate Commission.

141 (1) Static qualifications, including, but not limited to, verification of
142 medical education, graduate medical education, results of any medical
143 or licensing examination and other qualifications as determined by the
144 Interstate Commission through rule, shall not be subject to additional
145 primary source verification where already primary source verified by
146 the state of principal license.

147 (2) The member board within the state selected as the state of
148 principal license shall, in the course of verifying eligibility, perform a
149 criminal background check of an applicant, including, but not limited
150 to, the use of the results of fingerprint or other biometric data checks
151 compliant with the requirements of the Federal Bureau of Investigation,
152 with the exception of federal employees who have suitability
153 determination in accordance with 5 CFR 731.202.

154 (3) Appeal on the determination of eligibility shall be made to the
155 member state where the application was filed and shall be subject to the
156 law of such state.

157 (c) Upon verification in subsection (b) of this section, a physician
158 eligible for an expedited license shall complete the registration process
159 established by the Interstate Commission to receive a license in a

160 member state selected pursuant to subsection (a) of this section,
161 including, but not limited to, the payment of any applicable fees.

162 (d) After receiving verification of eligibility under subsection (b) of
163 this section and any fees under subsection (c) of this section, a member
164 board shall issue an expedited license to the physician. This license shall
165 authorize the physician to practice medicine in the issuing state
166 consistent with the Medical Practice Act and all applicable laws and
167 regulations of the issuing member board and member state.

168 (e) An expedited license shall be valid for a period consistent with the
169 licensure period in the member state and in the same manner as
170 required for other physicians holding a full and unrestricted license in
171 the member state.

172 (f) An expedited license obtained through the compact shall be
173 terminated if a physician fails to maintain a license in the state of
174 principal licensure for a nondisciplinary reason, without redesignation
175 of a new state of principal licensure.

176 (g) The Interstate Commission is authorized to develop rules
177 regarding the application process, including, but not limited to,
178 payment of any applicable fees, and the issuance of an expedited license.

179 SECTION 6. FEES FOR EXPEDITED LICENSURE

180 (a) A member state issuing an expedited license authorizing the
181 practice of medicine in such state may impose a fee for a license issued
182 or renewed through the compact.

183 (b) The Interstate Commission is authorized to develop rules
184 regarding fees for expedited licenses.

185 SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

186 (a) A physician seeking to renew an expedited license granted in a
187 member state shall complete a renewal process with the Interstate

188 Commission if the physician:

189 (1) Maintains a full and unrestricted license in a state of principal
190 license;

191 (2) Has not been convicted or received adjudication, deferred
192 adjudication, community supervision or deferred disposition for any
193 offense by a court of appropriate jurisdiction;

194 (3) Has not had a license authorizing the practice of medicine subject
195 to discipline by a licensing agency in any state, federal or foreign
196 jurisdiction, excluding any action related to nonpayment of fees related
197 to a license; and

198 (4) Has not had a controlled substance license or permit suspended
199 or revoked by a state or the United States Drug Enforcement
200 Administration.

201 (b) Physicians shall comply with all continuing professional
202 development or continuing medical education requirements for
203 renewal of a license issued by a member state.

204 (c) The Interstate Commission shall collect any renewal fees charged
205 for the renewal of a license and distribute the fees to the applicable
206 member board.

207 (d) Upon receipt of any renewal fees collected in subsection (c) of this
208 section, a member board shall renew the physician's license.

209 (e) Physician information collected by the Interstate Commission
210 during the renewal process shall be distributed to all member boards.

211 (f) The Interstate Commission is authorized to develop rules to
212 address renewal of licenses obtained through the compact.

213 SECTION 8. COORDINATED INFORMATION SYSTEM

214 (a) The Interstate Commission shall establish a database of all

215 physicians licensed, or who have applied for licensure, under section 5
216 of the compact.

217 (b) Notwithstanding any other provision of law, member boards shall
218 report to the Interstate Commission any public action or complaint
219 against a licensed physician who has applied or received an expedited
220 license through the compact.

221 (c) Member boards shall report disciplinary or investigatory
222 information determined as necessary and proper by rule of the
223 Interstate Commission.

224 (d) Member boards may report any nonpublic complaint or any
225 disciplinary or investigatory information not required by subsection (c)
226 of the compact to the Interstate Commission.

227 (e) Member boards shall share complaint or disciplinary information
228 about a physician upon request of another member board.

229 (f) All information provided to the Interstate Commission or
230 distributed by member boards shall be confidential, filed under seal and
231 used only for investigatory or disciplinary matters.

232 (g) The Interstate Commission is authorized to develop rules for
233 mandated or discretionary sharing of information by member boards.

234 SECTION 9. JOINT INVESTIGATIONS

235 (a) Licensure and disciplinary records of physicians are deemed
236 investigative.

237 (b) In addition to the authority granted to a member board by its
238 respective Medical Practice Act or other applicable state law, a member
239 board may participate with other member boards in joint investigations
240 of physicians licensed by the member boards.

241 (c) A subpoena issued by a member state shall be enforceable in other
242 member states.

243 (d) Member boards may share any investigative, litigation or
244 compliance materials in furtherance of any joint or individual
245 investigation initiate under the compact.

246 (e) Any member state may investigate actual or alleged violations of
247 the statutes authorizing the practice of medicine in any other member
248 state in which a physician holds a license to practice medicine.

249 SECTION 10. DISCIPLINARY ACTIONS

250 (a) Any disciplinary action taken by any member board against a
251 physician licensed through the compact shall be deemed unprofessional
252 conduct that may be subject to discipline by other member boards, in
253 addition to any violation of the Medical Practice Act or regulations in
254 such state.

255 (b) If a license granted to a physician by the member board in the state
256 of principal license is revoked, surrendered or relinquished in lieu of
257 discipline, or suspended, then all licenses issued to the physician by
258 member boards shall automatically be placed, without further action
259 necessary by any member board, on the same status. If the member
260 board in the state of principal license subsequently reinstates the
261 physician's license, a license issued to the physician by any other
262 member board shall remain encumbered until such respective member
263 board takes action to reinstate the license in a manner consistent with
264 the Medical Practice Act of such state.

265 (c) If disciplinary action is taken against a physician by a member
266 board not in the state of principal license, any other member board may
267 deem the action conclusive as to matter of law and fact decided, and
268 perform one of the following actions:

269 (1) Impose the same or any lesser sanction against the physician,
270 provided such sanctions are consistent with the Medical Practice Act of
271 such state; or

272 (2) Pursue separate disciplinary action against the physician under its

273 respective Medical Practice Act, regardless of the action taken in other
274 member states.

275 (d) If a license granted to a physician by a member board is revoked,
276 surrendered or relinquished in lieu of discipline, or suspended, then any
277 license issued to the physician by any other member board shall be
278 suspended, automatically and immediately without further action
279 necessary by the other member board, for ninety days upon entry of the
280 order by the disciplining board, to permit the member board to
281 investigate the basis for the action under the Medical Practice Act of
282 such state. A member board may terminate the automatic suspension of
283 the license it issued prior to the completion of the ninety-day suspension
284 period in a manner consistent with the Medical Practice Act of such
285 state.

286 SECTION 11. INTERSTATE MEDICAL LICENSURE COMPACT
287 COMMISSION

288 (a) The member states hereby create the Interstate Medical Licensure
289 Compact Commission.

290 (b) The purpose of the Interstate Commission is the administration of
291 the compact, which is a discretionary state function.

292 (c) The Interstate Commission shall be a body corporate and joint
293 agency of the member states and shall have all the responsibilities,
294 powers, and duties set forth in the compact, and such additional powers
295 as may be conferred upon it by a subsequent concurrent action of the
296 respective legislatures of the member states in accordance with the
297 terms of the compact.

298 (d) The Interstate Commission shall consist of two voting
299 representatives appointed by each member state who shall serve as
300 commissioners. In states where allopathic and osteopathic physicians
301 are regulated by separate member boards, or if the licensing and
302 disciplinary authority is split between separate member boards, or if the
303 licensing and disciplinary authority is split between multiple member

304 boards within a member state, the member state shall appoint one
305 representative from each member board. A commissioner shall be the
306 following:

307 (1) An allopathic or osteopathic physician appointed to a member
308 board;

309 (2) An executive director, executive secretary or similar executive of
310 a member board; or

311 (3) A member of the public appointed to a member board.

312 (e) The Interstate Commission shall meet at least once each calendar
313 year. A portion of such meeting shall be a business meeting to address
314 such matters as may properly come before the commission, including,
315 but not limited to, the election of officers. The chairperson may call
316 additional meetings and shall call for a meeting upon the request of a
317 majority of the member states.

318 (f) The bylaws may provide for meetings of the Interstate
319 Commission to be conducted by telecommunication or electronic
320 communication.

321 (g) Each commissioner participating at a meeting of the Interstate
322 Commission is entitled to one vote. A majority of commissioners shall
323 constitute a quorum for the transaction of business, unless a larger
324 quorum is required by the bylaws of the Interstate Commission. A
325 commissioner shall not delegate a vote to another commissioner. In the
326 absence of its commissioner, a member state may delegate voting
327 authority for a specified meeting to another person from such state who
328 shall meet the requirements of subsection (d) of this section.

329 (h) The Interstate Commission shall provide public notice of all
330 meetings and all meetings shall be open to the public. The Interstate
331 Commission may close a meeting, in full or in portion, where it
332 determines by a two-thirds vote of the commissioners present that an
333 open meeting would be likely to:

334 (1) Relate solely to the internal personnel practice and procedures of
335 the Interstate Commission;

336 (2) Include a discussion of matters specifically exempted from
337 disclosure by federal statute;

338 (3) Include a discussion of trade secrets or commercial or financial
339 information that is privileged or confidential;

340 (4) Involve accusing a person of a crime, or formally censuring a
341 person;

342 (5) Include a discussion of information of a personal nature where
343 disclosure would constitute a clearly unwarranted invasion of personal
344 privacy;

345 (6) Include a discussion of investigative records compiled for law
346 enforcement purposes; or

347 (7) Specifically relate to the participation in a civil action or other legal
348 proceeding.

349 (i) The Interstate Commission shall keep minutes of all meetings,
350 which minutes shall fully describe all matters discussed in a meeting
351 and shall provide a full and accurate summary of actions taken,
352 including, but not limited to, a record of any roll call votes.

353 (j) The Interstate Commission shall make its information and official
354 records, to the extent not otherwise designated in the compact or by its
355 rules, available to the public for inspection.

356 (k) The Interstate Commission shall establish an executive committee,
357 which shall include officers, members and others as determined by the
358 bylaws. The executive committee shall have the power to act on behalf
359 of the Interstate Commission, with the exception of rulemaking, during
360 periods when the Interstate Commission is not in session. When acting
361 on behalf of the Interstate Commission, the executive committee shall

362 oversee the administration of the compact, including, but not limited to,
363 enforcement and compliance with the provisions of the compact, its
364 bylaws and rules and other such duties as necessary.

365 (1) The Interstate Commission shall establish other committees for
366 governance and administration of the compact.

367 SECTION 12. POWERS AND DUTIES OF THE INTERSTATE
368 COMMISSION

369 The powers and duties of the Interstate Commission are as follows:

370 (1) Oversee and maintain the administration of the compact;

371 (2) Promulgate rules that shall be binding to the extent and in the
372 manner provided for in the compact;

373 (3) Issue, upon the request of a member state or member board,
374 advisory opinions concerning the meaning or interpretation of the
375 compact, its bylaws, rules and actions;

376 (4) Enforce compliance with compact provisions, the rules
377 promulgated by the Interstate Commission and the bylaws, using all
378 necessary and proper means, including, but not limited to, the use of
379 judicial process;

380 (5) Establish and appoint committees, including, but not limited to,
381 an executive committee as required by section 11 of the compact, that
382 shall have the power to act on behalf of the Interstate Commission in
383 carrying out its powers and duties;

384 (6) Pay, or provide for the payment of the expenses related to the
385 establishment, organization and ongoing activities of the Interstate
386 Commission;

387 (7) Establish and maintain one or more offices;

388 (8) Borrow, accept, hire or contract for services of personnel;

389 (9) Purchase and maintain insurance and bonds;

390 (10) Employ an executive director who shall have such powers to
391 employ, select or appoint employees, agents or consultants, and to
392 determine the qualifications, define the duties and fix the compensation
393 of such employees, agents or consultants;

394 (11) Establish personnel policies and programs relating to conflicts of
395 interest, rates of compensation and qualifications of personnel;

396 (12) Accept donations and grants of money, equipment, supplies,
397 materials and services, and receive, utilize and dispose of such money,
398 equipment, supplies, material and services in a manner consistent with
399 the conflict of interest policies established by the Interstate Commission;

400 (13) Lease, purchase, accept contributions or donations of, or
401 otherwise own, hold, improve or use, any property, real, personal or
402 mixed;

403 (14) Sell, convey, mortgage, pledge, lease, exchange, abandon or
404 otherwise dispose of any property, real, personal or mixed;

405 (15) Establish a budget and make expenditures;

406 (16) Adopt a seal and bylaws governing the management and
407 operation of the Interstate Commission;

408 (17) Report annually to the legislatures and governors of the member
409 states concerning the activities of the Interstate Commission during the
410 preceding year. Such report shall also include reports of financial audits
411 and any recommendations that may have been adopted by the Interstate
412 Commission;

413 (18) Coordinate education, training and public awareness regarding
414 the compact, its implementation and its operation;

415 (19) Maintain records in accordance with the bylaws;

416 (20) Seek and obtain trademarks, copyrights and patents; and

417 (21) Perform such functions as may be necessary or appropriate to
418 achieve the purpose of the compact.

419 SECTION 13. FINANCE POWERS

420 (a) The Interstate Commission may levy on and collect an annual
421 assessment from each member state to cover the cost of the operations
422 and activities of the Interstate Commission and its staff. The total
423 assessment shall be sufficient to cover the annual budget approved each
424 year for which revenue is not provided by other sources. The aggregate
425 annual assessment amount shall be allocated upon a formula to be
426 determined by the Interstate Commission, which shall promulgate a
427 rule binding upon all member states.

428 (b) The Interstate Commission shall not incur obligations of any kind
429 prior to securing the funds adequate to meet the same.

430 (c) The Interstate Commission shall not pledge the credit of any of the
431 member states, except by, and with the authority of, the member state.

432 (d) The Interstate Commission shall be subject to a yearly financial
433 audit conducted by a certified or licensed accountant and the report of
434 the audit shall be included in the annual report of the Interstate
435 Commission.

436 SECTION 14. ORGANIZATION AND OPERATION OF THE
437 INTERSTATE COMMISSION

438 (a) The Interstate Commission shall, by a majority of commissioners
439 present and voting, adopt bylaws to govern its conduct as may be
440 necessary or appropriate to carry out the purposes of the compact not
441 later than twelve months after the first Interstate Commission meeting.

442 (b) The Interstate Commission shall elect or appoint annually from
443 among its commissioners a chairperson, a vice-chairperson and a

444 treasurer, each of whom shall have such authority and duties as may be
445 specified in the bylaws. The chairperson, or in the chairperson's absence
446 or disability, the vice-chairperson, shall preside at all meetings of the
447 Interstate Commission.

448 (c) Officers elected or appointed pursuant to subsection (b) of this
449 section shall serve without remuneration for the Interstate Commission.

450 (d) The officers and employees of the Interstate Commission shall be
451 immune from suit and liability, either personally or in their official
452 capacity, for a claim for damage to or loss of property or personal injury
453 or other civil liability caused or arising out of, or relating to, an actual or
454 alleged act, error or omission that occurred, or that such person had a
455 reasonable basis for believing occurred, within the scope of Interstate
456 Commission employment, duties or responsibilities, provided such
457 person shall not be protected from suit or liability for damage, loss,
458 injury, or liability caused by the intentional or wilful and wanton
459 misconduct of such person.

460 (e) The liability of the executive director and employees of the
461 Interstate Commission or representatives of the Interstate Commission,
462 acting within the scope of such person's employment or duties for acts,
463 errors or omissions occurring within such person's state, may not exceed
464 the limits of liability set forth under the constitution and laws of such
465 state for state officials, employees and agents. The Interstate
466 Commission is considered to be an instrumentality of the states for the
467 purpose of any such action. Nothing in this subsection shall be
468 construed to protect such person from suit or liability for damage, loss,
469 injury or liability caused by the intentional or wilful and wanton
470 misconduct of such person.

471 (f) The Interstate Commission shall defend the executive director, its
472 employees and, subject to the approval of the attorney general or other
473 appropriate legal counsel of the member state represented by an
474 Interstate Commission representative, such Interstate Commission
475 representative in any civil action seeking to impose liability arising out

476 of an actual or alleged act, error or omission that occurred within the
477 scope of Interstate Commission employment, duties or responsibilities,
478 or that the defendant had a reasonable basis for believing occurred
479 within the scope of Interstate Commission employment, duties or
480 responsibilities, provided the actual or alleged act, error or omission did
481 not result from intentional or wilful and wanton misconduct on the part
482 of such person.

483 (g) To the extent not covered by the state involved, member state or
484 the Interstate Commission, the representatives or employees of the
485 Interstate Commission shall be held harmless in the amount of a
486 settlement or judgment, including, but not limited to, attorney's fees and
487 costs, obtained against such persons arising out of an actual or alleged
488 act, error or omission that occurred within the scope of the Interstate
489 Commission employment, duties or responsibilities, or that such
490 persons had a reasonable basis for believing occurred within the scope
491 of Interstate Commission employment, duties or responsibilities,
492 provided the actual or alleged act, error or omission did not result from
493 intentional or wilful and wanton misconduct on the part of such person.

494 SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE
495 COMMISSION

496 (a) The Interstate Commission shall promulgate reasonable rules in
497 order to effectively and efficiently achieve the purpose of the compact.
498 Notwithstanding the foregoing, if the Interstate Commission exercises
499 its rulemaking authority in a manner that is beyond the scope of the
500 purposes of the compact, or the powers granted under the compact, then
501 such an action by the Interstate Commission shall be invalid and have
502 no force or effect.

503 (b) Rules deemed appropriate for the operations of the Interstate
504 Commission shall be made pursuant to a rulemaking process that
505 substantially conforms to the "Model State Administrative Procedure
506 Act" of 2010, as amended from time to time.

507 (c) Not later than thirty days after a rule is promulgated, any person
508 may file a petition for judicial review of the rule in the United States
509 District Court for the District of Columbia or the federal district where
510 the Interstate Commission has its principal offices, provided the filing
511 of such a petition shall not stay or otherwise prevent the rule from
512 becoming effective unless the court finds that the petitioner has a
513 substantial likelihood of success. The court shall give deference to the
514 actions of the Interstate Commission consistent with applicable law and
515 shall not find the rule to be unlawful if the rule represents a reasonable
516 exercise of the authority granted to the Interstate Commission.

517 SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

518 (a) The executive, legislative and judicial branches of state
519 government in each member state shall enforce the compact and take all
520 actions necessary and appropriate to effectuate the compact's purposes
521 and intent. The provisions of the compact and the rules promulgated
522 under the compact shall have standing as statutory law, but shall not
523 override existing state authority to regulate the practice of medicine.

524 (b) All courts shall take judicial notice of the compact and the rules in
525 any judicial or administrative proceeding in a member state pertaining
526 to the subject matter of the compact that may affect the powers,
527 responsibilities or actions of the Interstate Commission.

528 (c) The Interstate Commission shall be entitled to receive all services
529 of process in any such proceeding, and shall have standing to intervene
530 in the proceeding for all purposes. Failure to provide service of process
531 to the Interstate Commission shall render a judgment or order void as
532 to the Interstate Commission, the compact or promulgated rules.

533 SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

534 (a) The Interstate Commission, in the reasonable exercise of its
535 discretion, shall enforce the provisions and rules of the compact.

536 (b) The Interstate Commission may, by majority vote of the

537 commissioners, initiate legal action in the United States Court for the
538 District of Columbia, or, at the discretion of the Interstate Commission,
539 in the federal district where the Interstate Commission has its principal
540 offices, to enforce compliance with the provisions of the compact, and
541 its promulgated rules and bylaws, against a member state in default.
542 The relief sought may include both injunctive relief and damages. If
543 judicial enforcement is necessary, the prevailing party shall be awarded
544 all costs of such litigation, including, but not limited to, reasonable
545 attorney's fees.

546 (c) The remedies set forth in the compact shall not be the exclusive
547 remedies of the Interstate Commission. The Interstate Commission may
548 avail itself of any other remedies available under state law or regulation
549 of a profession.

550 SECTION 18. DEFAULT PROCEDURES

551 (a) The grounds for default include, but are not limited to, failure of
552 a member state to perform such obligations or responsibilities imposed
553 upon it by the compact, or the rules and bylaws of the Interstate
554 Commission promulgated under the compact.

555 (b) If the Interstate Commission determines that a member state has
556 defaulted in the performance of its obligations or responsibilities under
557 the compact, or the bylaws or promulgated rules, the Interstate
558 Commission shall take the following actions:

559 (1) Provide written notice to the defaulting state and other member
560 states of the nature of the default, the means of curing the default and
561 any action taken by the Interstate Commission. The Interstate
562 Commission shall specify the conditions by which the defaulting state
563 shall cure its default; and

564 (2) Provide remedial training and specific technical assistance
565 regarding the default.

566 (c) If the defaulting state fails to cure the default, the defaulting state

567 shall be terminated from the compact upon an affirmative vote of a
568 majority of the commissioners and all rights, privileges and benefits
569 conferred by the compact shall terminate on the effective date of
570 termination. A cure of the default shall not relieve the offending state of
571 obligations or liabilities incurred during the period of the default.

572 (d) Termination of membership in the compact shall be imposed only
573 after all other means of securing compliance have been exhausted.
574 Notice of intent to terminate shall be given by the Interstate Commission
575 to the governor, the majority and minority leaders of the defaulting
576 state's legislature and each of the member states.

577 (e) The Interstate Commission shall establish rules and procedures to
578 address licenses and physicians that are materially impacted by the
579 termination of a member state, or the withdrawal of a member state.

580 (f) The member state that has been terminated is responsible for all
581 dues, obligations and liabilities incurred through the effective date of
582 termination, including, but not limited to, obligations the performance
583 of which extends beyond the effective date of termination.

584 (g) The Interstate Commission shall not bear any costs relating to any
585 state that has been found to be in default or that has been terminated
586 from the compact, unless otherwise mutually agreed upon in writing
587 between the Interstate Commission and the defaulting state.

588 (h) The defaulting state may appeal the action of the Interstate
589 Commission by petitioning the United States District Court for the
590 District of Columbia or the federal district where the Interstate
591 Commission has its principal offices. The prevailing party shall be
592 awarded all costs of such litigation, including, but not limited to,
593 reasonable attorney's fees.

594 SECTION 19. DISPUTE RESOLUTION

595 (a) The Interstate Commission shall attempt, upon the request of a
596 member state, to resolve disputes that are subject to the compact and

597 may arise among member states or member boards.

598 (b) The Interstate Commission shall promulgate rules providing for
599 both mediation and binding dispute resolution as appropriate.

600 SECTION 20. MEMBER STATES, EFFECTIVE DATE AND
601 AMENDMENT

602 (a) Any state is eligible to become a member of the compact.

603 (b) The compact shall become effective and binding upon legislative
604 enactment of the compact into law by not less than seven states.
605 Thereafter, it shall become effective and binding on a state upon
606 enactment of the compact into law by such state.

607 (c) The governors of nonmember states, or their designees, shall be
608 invited to participate in the activities of the Interstate Commission on a
609 nonvoting basis prior to adoption of the compact by all states.

610 (d) The Interstate Commission may propose amendments to the
611 compact for enactment by the member states. No amendment shall
612 become effective and binding upon the Interstate Commission and the
613 member states unless and until it is enacted into law by unanimous
614 consent of the member states.

615 SECTION 21. WITHDRAWAL

616 (a) Once effective, the compact shall continue in force and remain
617 binding upon every member state, provided a member state may
618 withdraw from the compact by specifically repealing the statute that
619 enacted the compact into law.

620 (b) Withdrawal from the compact shall be done by the enactment of
621 a statute repealing the compact, but shall not take effect until one year
622 after the effective date of such statute and until written notice of the
623 withdrawal has been given by the withdrawing state to the governor of
624 each other member state.

625 (c) The withdrawing state shall immediately notify the chairperson
626 of the Interstate Commission in writing upon the introduction of
627 legislation repealing the compact in the withdrawing state.

628 (d) The Interstate Commission shall notify the other member states of
629 the withdrawing state's intent to withdraw not later than sixty days after
630 its receipt of notice provided under subsection (c) of this section.

631 (e) The withdrawing state is responsible for all dues, obligations and
632 liabilities incurred through the effective date of withdrawal, including,
633 but not limited to, obligations, the performance of which extend beyond
634 the effective date of withdrawal.

635 (f) Reinstatement following withdrawal of a member state shall occur
636 upon the withdrawing state reenacting the compact or upon such later
637 date as determined by the Interstate Commission.

638 (g) The Interstate Commission is authorized to develop rules to
639 address the impact of the withdrawal of a member state on licenses
640 granted in other member states to physicians who designated the
641 withdrawing member state as the state of principal license.

642 SECTION 22. DISSOLUTION

643 (a) The compact shall dissolve effective upon the date of the
644 withdrawal or default of the member state that reduces the membership
645 of the compact to one member state.

646 (b) Upon the dissolution of the compact, the compact becomes null
647 and void and shall be of no further force or effect, and the business and
648 affairs of the Interstate Commission shall be concluded, and surplus
649 funds shall be distributed in accordance with the bylaws.

650 SECTION 23. SEVERABILITY AND CONSTRUCTION

651 (a) The provisions of the compact shall be severable, and if any
652 phrase, clause, sentence or provision of the compact is deemed

653 unenforceable, the remaining provisions of the compact shall be
654 enforceable.

655 (b) The provisions of the compact shall be liberally construed to
656 effectuate its purposes.

657 (c) Nothing in the compact shall be construed to prohibit the
658 applicability of other interstate compacts to which the member states are
659 members.

660 SECTION 24. BINDING EFFECT OF COMPACT AND OTHER
661 LAWS

662 (a) Nothing in the compact prevents the enforcement of any other law
663 of a member state that is not inconsistent with the compact.

664 (b) All laws in a member state in conflict with the compact are
665 superseded to the extent of the conflict.

666 (c) All lawful actions of the Interstate Commission, including, but not
667 limited to, all rules and bylaws promulgated by said commission, are
668 binding upon the member states.

669 (d) All agreements between the Interstate Commission and the
670 member states are binding in accordance with the terms of such
671 agreements.

672 (e) If any provision of the compact exceeds the constitutional limits
673 imposed on the legislature of any member state, such provision shall be
674 ineffective to the extent of the conflict with the constitutional provision
675 in question in such member state."

676 Sec. 2. (NEW) (*Effective October 1, 2022*) The Psychology
677 Interjurisdictional Compact is hereby enacted into law and entered into
678 by the state of Connecticut with any and all states legally joining therein
679 in accordance with its terms. The compact is substantially as follows:

680 "PSYCHOLOGY INTERJURISDICTIONAL COMPACT

681 ARTICLE I

682 PURPOSE

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

686 Whereas, the compact is intended to regulate the day-to-day practice
687 of telepsychology, including, but not limited to, the provision of
688 psychological services using telecommunication technologies, by
689 psychologists across state boundaries in the performance of their
690 psychological practice as assigned by an appropriate authority; and

691 Whereas, the compact is intended to regulate the temporary in-
692 person, face-to-face practice of psychology by psychologists across state
693 boundaries for thirty days within a calendar year in the performance of
694 their psychological practice as assigned by an appropriate authority;
695 and

696 Whereas, the compact is intended to authorize state psychology
697 regulatory authorities to afford legal recognition, in a manner consistent
698 with the terms of the compact, to psychologists licensed in another state;
699 and

700 Whereas, the compact recognizes that states have a vested interest in
701 protecting the public's health and safety through their licensing and
702 regulation of psychologists and that such state licensing and regulation
703 will best protect public health and safety; and

704 Whereas, the compact shall not apply when a psychologist is licensed
705 in both the home and receiving states; and

706 Whereas, the compact shall not apply to permanent in-person, face-
707 to-face practice, it shall allow for authorization of temporary
708 psychological practice.

709 Consistent with such principles, the compact is designed to achieve
710 the following purposes and objectives:

711 (1) Increase public access to professional psychological services by
712 allowing for telepsychological practice across state lines and temporary
713 in-person, face-to-face services in a state which the psychologist is not
714 licensed to practice psychology;

715 (2) Enhance the states' ability to protect the public's health and safety,
716 especially client or patient safety;

717 (3) Encourage the cooperation of compact states in the areas of
718 psychology licensure and regulation;

719 (4) Facilitate the exchange of information between compact states
720 regarding licensure, adverse actions and disciplinary history of
721 psychologists;

722 (5) Promote compliance with the laws governing psychological
723 practice in each compact state; and

724 (6) Invest all compact states with the authority to hold licensed
725 psychologists accountable through the mutual recognition of compact
726 state licenses.

727 ARTICLE II

728 DEFINITIONS

729 (1) "Adverse action" means any action taken by a state psychology
730 regulatory authority that finds a violation of a statute or regulation that
731 is identified by the state psychology regulatory authority as discipline
732 and is a matter of public record.

733 (2) "Association of State and Provincial Psychology Boards" means
734 the recognized membership organization composed of state and
735 provincial psychology regulatory authorities responsible for the
736 licensure and registration of psychologists throughout the United States

737 and Canada.

738 (3) "Authority to practice interjurisdictional telepsychology" means a
739 licensed psychologist's authority to practice telepsychology, within the
740 limits authorized under the compact, in another compact state.

741 (4) "Bylaws" means the bylaws established by the Psychology
742 Interjurisdictional Compact Commission pursuant to Article X of the
743 compact for the governance of said commission, or for directing and
744 controlling the actions and conduct of said commission.

745 (5) "Client or patient" means the recipient of psychological services,
746 whether psychological services are delivered in the context of
747 healthcare, corporate, supervision or consulting services.

748 (6) "Commissioner" means the voting representative appointed by
749 each state psychology regulatory authority pursuant to Article X of the
750 compact.

751 (7) "Compact" means the Psychology Interjurisdictional Compact.

752 (8) "Compact state" means a state, the District of Columbia or United
753 States territory that has enacted the compact and that has not withdrawn
754 pursuant to subsection (c) of Article XIII of the compact, or been
755 terminated pursuant to subsection (b) of Article XII of the compact.

756 (9) "Coordinated licensure information system" or "coordinated
757 database" means an integrated process for collecting, storing and
758 sharing information on psychologists' licensure and enforcement
759 activities related to psychology licensure laws, that is administered by
760 the recognized membership organization composed of state and
761 provincial psychology regulatory authorities.

762 (10) "Confidentiality" means the principle that data or information is
763 not made available or disclosed to unauthorized persons or processes.

764 (11) "Day" means any part of a day in which psychological work is

765 performed.

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

770 (13) "E.Passport" means the Interjurisdictional Practice Certificate
771 issued by the Association of State and Provincial Psychology Boards
772 that promotes the standardization in the criteria of interjurisdictional
773 telepsychology practice and facilitates the process for licensed
774 psychologists to provide telepsychological services across state lines.

775 (14) "Executive board" means a group of directors elected or
776 appointed to act on behalf of, and within the powers granted to them
777 by, the commission.

778 (15) "Home state" means a compact state where a psychologist is
779 licensed to practice psychology, provided (A) if the psychologist is
780 licensed in more than one compact state and is practicing under the
781 temporary authorization to practice, the home state is the compact state
782 where the psychologist is physically present when delivering
783 telepsychological services, and (B) if the psychologist is licensed in more
784 than one compact state and is practicing under the temporary
785 authorization to practice, the home state is any compact state where the
786 psychologist is licensed.

787 (16) "Identity history summary" means a summary of information
788 retained by the Federal Bureau of Investigation, or said bureau's
789 designee with similar authority, in connection with arrests and, in some
790 instances, federal employment, naturalization, or military service.

791 (17) "In-person, face-to-face" (A) means interactions in which the
792 psychologist and the client or patient are in the same physical space, and
793 (B) does not include interactions that may occur through the use of
794 telecommunication technologies.

795 (18) "IPC" means the Interjurisdictional Practice Certificate issued by
796 the Association of State and Provincial Psychology Boards that grants
797 temporary authority to practice based on notification to the state
798 psychology regulatory authority of intention to practice temporarily,
799 and verification of one's qualifications for such practice.

800 (19) "License" means authorization by a state psychology regulatory
801 authority to engage in the independent practice of psychology, which
802 practice would be unlawful without the authorization.

803 (20) "Noncompact state" means any state that is not a compact state.

804 (21) "Psychologist" means an individual licensed for the independent
805 practice of psychology.

806 (22) "Psychology Interjurisdictional Compact Commission" or
807 "commission" means the national administration of which all compact
808 states are members.

809 (23) "Receiving state" means a compact state where the client or
810 patient is physically located when the telepsychological services are
811 delivered.

812 (24) "Rule" means a written statement by the Psychology
813 Interjurisdictional Compact Commission promulgated pursuant to
814 Article XI of the compact that is of general applicability, implements,
815 interprets or prescribes a policy or provision of the compact, or an
816 organizational, procedural or practice requirement of the commission,
817 and has the force and effect of statutory law in a compact state,
818 including, but not limited to, the amendment, repeal or suspension of
819 an existing rule.

820 (25) "Significant investigatory information" means:

821 (A) Investigative information that a state psychology regulatory
822 authority, after a preliminary inquiry that includes notification and an
823 opportunity to respond if required by state law, has reason to believe, if

824 proven true, would indicate more than a violation of state statute or
825 ethics code that would be considered more substantial than a minor
826 infraction; or

827 (B) Investigative information that indicates that the psychologist
828 represents an immediate threat to public health and safety regardless of
829 whether the psychologist has been notified or had an opportunity to
830 respond.

831 (26) "State" means a state, commonwealth, territory or possession of
832 the United States, or the District of Columbia.

833 (27) "State psychology regulatory authority" means the board, office
834 or other agency with the legislative mandate to license and regulate the
835 practice of psychology.

836 (28) "Telepsychology" means the provision of psychological services
837 using telecommunication technologies.

838 (29) "Temporary authorization to practice" means a licensed
839 psychologist's authority to conduct temporary in-person, face-to-face
840 practice, within the limits authorized under the compact, in another
841 compact state.

842 (30) "Temporary in-person, face-to-face practice" means the practice
843 of psychology by a psychologist who is physically present, not through
844 the use of telecommunications technologies, in the distant state for not
845 more than thirty days in a calendar year and based on notification to the
846 distant state.

847 ARTICLE III HOME STATE LICENSURE

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

850 (b) A psychologist may hold one or more compact state licenses at a
851 time. If the psychologist is licensed in more than one compact state, the

852 home state is the compact state where the psychologist is physically
853 present when the services are delivered as authorized by the authority
854 to practice interjurisdictional telepsychology under the terms of the
855 compact.

856 (c) Any compact state may require a psychologist not previously
857 licensed in a compact state to obtain and retain a license to be authorized
858 to practice in the compact state under circumstances not authorized by
859 the authority to practice interjurisdictional telepsychology under the
860 terms of the compact.

861 (d) Any compact state may require a psychologist to obtain and retain
862 a license to be authorized to practice in a compact state under
863 circumstances not authorized by a temporary authorization to practice
864 under the terms of the compact.

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

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

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

871 (3) Notifies the commission, in compliance with the terms of the
872 compact, of any adverse action or significant investigatory information
873 regarding a licensed individual;

874 (4) Requires an identity history summary of all applicants at initial
875 licensure, including, but not limited to, the use of the results of
876 fingerprints or other biometric data checks compliant with the
877 requirements of the Federal Bureau of Investigation, or said bureau's
878 designee with similar authority, not later than ten years after activation
879 of the compact; and

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

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

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

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

886 (3) Notifies the commission, in compliance with the terms of the
887 compact, of any adverse action or significant investigatory information
888 regarding a licensed individual;

889 (4) Requires an identity history summary of all applicants at initial
890 licensure, including, but not limited to, the use of the results of
891 fingerprints or other biometric data checks compliant with the
892 requirements of the Federal Bureau of Investigation, or said bureau's
893 designee with similar authority, not later than ten years after activation
894 of the compact; and

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

896 ARTICLE IV

897 COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

898 (a) Compact states shall recognize the right of a psychologist, licensed
899 in a compact state in conformance with Article III of the compact, to
900 practice telepsychology in receiving states in which the psychologist is
901 not licensed, under the authority to practice interjurisdictional
902 telepsychology as provided in the compact.

903 (b) To exercise the authority to practice interjurisdictional
904 telepsychology under the terms and provisions of the compact, a
905 psychologist licensed to practice in a compact state shall:

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

908 (A) Regionally accredited by an accrediting body recognized by the
909 United States Department of Education to grant graduate degrees, or
910 authorized by provincial statute or royal charter to grant doctoral
911 degrees; or

912 (B) A foreign college or university deemed to be equivalent to an
913 institution of higher education described in subparagraph (A) of this
914 subdivision by a foreign credential evaluation service that is a member
915 of the National Association of Credential Evaluation Services or by a
916 recognized foreign credential evaluation service; and

917 (2) Hold a graduate degree in psychology from a psychology
918 program that meets the following criteria:

919 (A) The program, wherever it may be administratively housed, shall
920 be clearly identified and labeled as a psychology program. Such
921 program shall specify in pertinent institutional catalogues and
922 brochures its intent to educate and train professional psychologists;

923 (B) The psychology program shall stand as a recognizable, coherent,
924 organizational entity within the institution;

925 (C) There shall be a clear authority and primary responsibility for the
926 core and specialty areas whether or not the program cuts across
927 administrative lines;

928 (D) The program shall consist of an integrated, organized sequence
929 of study;

930 (E) There shall be an identifiable psychology faculty sufficient in size
931 and breadth to carry out its responsibilities;

932 (F) The designated director of the program shall be a psychologist
933 and a member of the core faculty;

934 (G) The program shall have an identifiable body of students who are
935 matriculated in such program for a degree;

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

938 (I) The curriculum shall encompass a minimum of three academic
939 years of full-time graduate study for a doctoral degree and a minimum
940 of one academic year of full-time graduate study for a master's degree;
941 and

942 (J) The program shall include an acceptable residency, as defined by
943 the rules of the commission.

944 (3) Possess a current, full and unrestricted license to practice
945 psychology in a home state that is a compact state;

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

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

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

951 (7) Provide (A) attestations regarding areas of intended practice,
952 conformity with standards of practice, competence in telepsychology
953 technology, criminal background and knowledge and adherence to
954 legal requirements in the home and receiving states, and (B) a release of
955 information to allow for primary source verification in a manner
956 specified by the commission; and

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

958 (c) The home state maintains authority over the license of any
959 psychologist practicing in a receiving state under the authority to
960 practice interjurisdictional telepsychology.

961 (d) A psychologist practicing in a receiving state under the authority
962 to practice interjurisdictional telepsychology shall be subject to the
963 receiving state's scope of practice. A receiving state may, in accordance

964 with such state's due process law, limit or revoke a psychologist's
965 authority to practice interjurisdictional telepsychology in the receiving
966 state and may take any other necessary actions under the receiving
967 state's applicable law to protect the health and safety of the receiving
968 state's citizens. If a receiving state takes action, the state shall promptly
969 notify the home state and the commission.

970 (e) If a psychologist's license in any home state, another compact state
971 or any authority to practice interjurisdictional telepsychology in any
972 receiving state, is restricted, suspended or otherwise limited, the
973 E.Passport shall be revoked and the psychologist shall not be eligible to
974 practice telepsychology in a compact state under the authority to
975 practice interjurisdictional telepsychology.

976 ARTICLE V

977 COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

978 (a) Compact states shall recognize the right of a psychologist, licensed
979 in a compact state in conformance with Article III of the compact, to
980 practice temporarily in other compact states in which the psychologist
981 is not licensed, as provided in the compact.

982 (b) To exercise the temporary authorization to practice under the
983 terms and provisions of the compact, a psychologist licensed to practice
984 in a compact state shall:

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

987 (A) Regionally accredited by an accrediting body recognized by the
988 United States Department of Education to grant graduate degrees, or
989 authorized by provincial statute or royal charter to grant doctoral
990 degrees; or

991 (B) A foreign college or university deemed to be equivalent to an
992 institution of higher education described in subparagraph (A) of this

993 subdivision by a foreign credential evaluation service that is a member
994 of the National Association of Credential Evaluation Services or by a
995 recognized foreign credential evaluation service; and

996 (2) Hold a graduate degree in psychology that meets the following
997 criteria:

998 (A) The program, wherever it may be administratively housed, shall
999 be clearly identified and labeled as a psychology program. Such
1000 program shall specify in pertinent institutional catalogues and
1001 brochures its intent to educate and train professional psychologists;

1002 (B) The psychology program shall stand as a recognizable, coherent,
1003 organizational entity within the institution;

1004 (C) There shall be a clear authority and primary responsibility for the
1005 core and specialty areas whether or not the program cuts across
1006 administrative lines;

1007 (D) The program shall consist of an integrated, organized sequence
1008 of study;

1009 (E) There shall be an identifiable psychology faculty sufficient in size
1010 and breadth to carry out its responsibilities;

1011 (F) The designated director of the program shall be a psychologist
1012 and a member of the core faculty;

1013 (G) The program shall have an identifiable body of students who are
1014 matriculated in such program for a degree;

1015 (H) The program shall include supervised practicum, internship or
1016 field training appropriate to the practice of psychology;

1017 (I) The curriculum shall encompass a minimum of three academic
1018 years of full-time graduate study for a doctoral degree and a minimum
1019 of one academic year of full-time graduate study for a master's degree;
1020 and

1021 (J) The program includes an acceptable residency, as defined by the
1022 rules of the commission;

1023 (3) Possess a current, full and unrestricted license to practice
1024 psychology in a home state that is a compact state;

1025 (4) No history of adverse action that violates the rules of the
1026 commission;

1027 (5) No criminal record history that violates the rules of the
1028 commission;

1029 (6) Possess a current, active IPC;

1030 (7) Provide attestations regarding areas of intended practice and
1031 work experience and provide a release of information to allow for
1032 primary source verification in a manner specified by the commission;
1033 and

1034 (8) Meet other criteria, as defined by the rules of the commission.

1035 (c) A psychologist practicing in a distant state under the temporary
1036 authorization to practice shall practice within the scope of practice
1037 authorized by the distant state.

1038 (d) A psychologist practicing in a distant state under the temporary
1039 authorization to practice shall be subject to the distant state's authority
1040 and law. A distant state may, in accordance with such state's due process
1041 law, limit or revoke a psychologist's temporary authorization to practice
1042 in the distant state and may take any other necessary actions under the
1043 distant state's applicable law to protect the health and safety of the
1044 distant state's citizens. If a distant state takes action, the state shall
1045 promptly notify the home state and the commission.

1046 (e) If a psychologist's license in any home state or another compact
1047 state, or any temporary authorization to practice in any distant state, is
1048 restricted, suspended or otherwise limited, the IPC shall be revoked and

1049 the psychologist shall not be eligible to practice in a compact state under
1050 the temporary authorization to practice.

1051 ARTICLE VI

1052 CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A
1053 RECEIVING STATE

1054 A psychologist may practice in a receiving state under the authority
1055 to practice interjurisdictional telepsychology only in the performance of
1056 the scope of practice for psychology as assigned by an appropriate state
1057 psychology regulatory authority, as defined in the rules of the
1058 commission, and under the following circumstances:

1059 (1) The psychologist initiates a client or patient contact in a home state
1060 via telecommunications technologies with a client or patient in a
1061 receiving state; and

1062 (2) The psychologist complies with any other conditions regarding
1063 telepsychology that are set forth in the rules promulgated by the
1064 commission.

1065 ARTICLE VII

1066 ADVERSE ACTIONS

1067 (a) A home state shall have the power to impose adverse action
1068 against a psychologist's license issued by the home state. A distant state
1069 shall have the power to take adverse action on a psychologist's
1070 temporary authorization to practice in such distant state.

1071 (b) A receiving state may take adverse action on a psychologist's
1072 authority to practice interjurisdictional telepsychology in such receiving
1073 state. A home state may take adverse action against a psychologist based
1074 on an adverse action taken by a distant state regarding temporary in-
1075 person, face-to-face practice.

1076 (c) If a home state takes adverse action against a psychologist's

1077 license, the psychologist's (1) authority to practice interjurisdictional
1078 telepsychology is terminated, (2) E.Passport is revoked, (3) temporary
1079 authorization to practice is terminated, and (4) IPC is revoked. All home
1080 state disciplinary orders that impose adverse action shall be reported to
1081 the commission in accordance with the rules promulgated by the
1082 commission. A compact state shall report adverse actions in accordance
1083 with the rules of the commission. If discipline is reported on a
1084 psychologist, the psychologist shall not be eligible for telepsychology or
1085 temporary in-person, face-to-face practice in accordance with the rules
1086 of the commission. Other actions may be imposed as determined by the
1087 rules promulgated by the commission.

1088 (d) A home state's psychology regulatory authority shall investigate
1089 and take appropriate action with respect to reported inappropriate
1090 conduct engaged in by a licensee that occurred in a receiving state as it
1091 would if such conduct had occurred by a licensee in the home state. In
1092 such cases, the home state's law shall control in determining any adverse
1093 action against a psychologist's license.

1094 (e) A distant state's psychology regulatory authority shall investigate
1095 and take appropriate action with respect to reported inappropriate
1096 conduct engaged in by a psychologist practicing under temporary
1097 authorization to practice that occurred in that distant state as it would if
1098 such conduct had occurred by a licensee within the home state. In such
1099 cases, the distant state's law shall control in determining any adverse
1100 action against a psychologist's temporary authorization to practice.

1101 (f) Nothing in the compact shall override a compact state's decision
1102 that a psychologist's participation in an alternative program may be
1103 used in lieu of adverse action and that such participation shall remain
1104 nonpublic if required by the compact state's law. Compact states shall
1105 require psychologists who enter any alternative program to not provide
1106 telepsychology services under the authority to practice
1107 interjurisdictional telepsychology or provide temporary psychological
1108 services under the temporary authorization to practice in any other
1109 compact state during the term of the alternative program.

1110 (g) No other judicial or administrative remedies shall be available to
1111 a psychologist if the compact state imposes an adverse action pursuant
1112 to subsection (c) of this article.

1113 ARTICLE VIII

1114 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT
1115 STATE'S PSYCHOLOGY REGULATORY AUTHORITY

1116 (a) In addition to any other powers granted under state law, a
1117 compact state's psychology regulatory authority shall have the
1118 authority under the compact to do the following:

1119 (1) Issue subpoenas, for both hearings and investigations, that require
1120 the attendance and testimony of witnesses and the production of
1121 evidence. Subpoenas issued by a compact state's psychology regulatory
1122 authority for the attendance and testimony of witnesses or the
1123 production of evidence from another compact state shall be enforced in
1124 the latter compact state by any court of competent jurisdiction,
1125 according to such court's practice and procedure in considering
1126 subpoenas issued in its own proceedings. The issuing state psychology
1127 regulatory authority shall pay any witness fees, travel expenses, mileage
1128 and other fees required by the service statutes of the state where the
1129 witnesses are or evidence is located; and

1130 (2) Issue cease and desist or injunctive relief orders to revoke a
1131 psychologist's authority to practice interjurisdictional telepsychology or
1132 temporary authorization to practice.

1133 (b) During the course of any investigation, a psychologist may not
1134 change the psychologist's home state licensure. A home state
1135 psychology regulatory authority is authorized to complete any pending
1136 investigations of a psychologist and to take any actions appropriate
1137 under its law. The home state psychology regulatory authority shall
1138 promptly report the conclusions of such investigations to the
1139 commission. Once an investigation has been completed, and pending
1140 the outcome of such investigation, the psychologist may change his or

1141 her home state licensure. The commission shall promptly notify the new
1142 home state of any such decisions as provided in the rules of the
1143 commission. All information provided to the commission or distributed
1144 by compact states pursuant to the psychologist shall be confidential,
1145 filed under seal and used for investigatory or disciplinary matters. The
1146 commission may create additional rules for mandated or discretionary
1147 sharing of information by compact states.

1148 ARTICLE IX

1149 COORDINATED LICENSURE INFORMATION SYSTEM

1150 (a) The commission shall provide for the development and
1151 maintenance of a coordinated licensure information system and
1152 reporting system containing licensure and disciplinary action
1153 information on all psychologists to whom the compact is applicable in
1154 all compact states as defined by the rules of the commission.

1155 (b) Notwithstanding any other provision of the general statutes, a
1156 compact state shall submit a uniform data set to the coordinated
1157 database on all licensees as required by the rules of the commission,
1158 including, but not limited to, the following:

1159 (1) Identifying information;

1160 (2) Licensure data;

1161 (3) Significant investigatory information;

1162 (4) Adverse actions against a psychologist's license;

1163 (5) An indicator that a psychologist's authority to practice
1164 interjurisdictional telepsychology or temporary authorization to
1165 practice is revoked;

1166 (6) Nonconfidential information related to alternative program
1167 participation information;

1168 (7) Any denial of application for licensure, and the reasons for such
1169 denial; and

1170 (8) Other information that may facilitate the administration of the
1171 compact, as determined by the rules of the commission.

1172 (c) The coordinated database administrator shall promptly notify all
1173 compact states of any adverse action taken against, or significant
1174 investigative information on, any licensee in a compact state.

1175 (d) Compact states reporting information to the coordinated database
1176 may designate information that may not be shared with the public
1177 without the express permission of the compact state reporting the
1178 information.

1179 (e) Any information submitted to the coordinated database that is
1180 subsequently required to be expunged by the law of the compact state
1181 reporting the information shall be removed from the coordinated
1182 database.

1183 ARTICLE X

1184 ESTABLISHMENT OF THE PSYCHOLOGY
1185 INTERJURISDICTIONAL COMPACT COMMISSION

1186 (a) The compact states hereby create and establish a joint public
1187 agency known as the Psychology Interjurisdictional Compact
1188 Commission.

1189 (1) The commission is a body politic and an instrumentality of the
1190 compact states.

1191 (2) Venue is proper and judicial proceedings by or against the
1192 commission shall be brought solely and exclusively in a court of
1193 competent jurisdiction where the principal office of the commission is
1194 located. The commission may waive venue and jurisdictional defenses
1195 to the extent it adopts or consents to participate in alternative dispute

1196 resolution proceedings.

1197 (3) Nothing in the compact shall be construed to be a waiver of
1198 sovereign immunity.

1199 (b) (1) The commission shall consist of one voting representative
1200 appointed by each compact state who shall serve as such state's
1201 commissioner. The state psychology regulatory authority shall appoint
1202 its delegate. The delegate shall be empowered to act on behalf of the
1203 compact state. The delegate shall be limited to the following:

1204 (A) An executive director, executive secretary or similar executive;

1205 (B) A current member of the state psychology regulatory authority of
1206 a compact state; or

1207 (C) A designee empowered with the appropriate delegate authority
1208 to act on behalf of the compact state.

1209 (2) Any commissioner may be removed or suspended from office as
1210 provided by the law of the state from which the commissioner is
1211 appointed. Any vacancy occurring in the commission shall be filled in
1212 accordance with the laws of the compact state in which the vacancy
1213 exists.

1214 (3) Each commissioner shall be entitled to one vote with regard to the
1215 promulgation of rules and creation of bylaws and shall otherwise have
1216 an opportunity to participate in the business and affairs of the
1217 commission. A commissioner shall vote in person or by such other
1218 means as provided in the bylaws. The bylaws may provide for
1219 commissioners' participation in meetings by telephone or other means
1220 of communication.

1221 (4) The commission shall meet at least once during each calendar
1222 year. Additional meetings shall be held as set forth in the bylaws.

1223 (5) All meetings shall be open to the public, and public notice of

1224 meetings shall be given in the same manner as required under the
1225 rulemaking provisions in Article XI of the compact.

1226 (6) The commission may convene in a closed, nonpublic meeting if
1227 the commission has to discuss the following:

1228 (A) Noncompliance of a compact state with its obligations under the
1229 compact;

1230 (B) The employment, compensation, discipline or other personnel
1231 matters, practices or procedures related to specific employees or other
1232 matters related to the commission's internal personnel practices and
1233 procedures;

1234 (C) Current, threatened or reasonably anticipated litigation against
1235 the commission;

1236 (D) Negotiation of contracts for the purchase or sale of goods, services
1237 or real estate;

1238 (E) Accusation against any person of a crime or formally censuring
1239 any person;

1240 (F) Disclosure of trade secrets or commercial or financial information
1241 which is privileged or confidential;

1242 (G) Disclosure of information of a personal nature where disclosure
1243 would constitute a clearly unwarranted invasion of personal privacy;

1244 (H) Disclosure of investigatory records compiled for law enforcement
1245 purposes;

1246 (I) Disclosure of information related to any investigatory reports
1247 prepared by or on behalf of or for use of the commission or other
1248 committee charged with responsibility for investigation or
1249 determination of compliance issues pursuant to the compact; or

1250 (J) Matters specifically exempted from disclosure by federal and state

1251 statute.

1252 (7) If a meeting, or portion of a meeting, is closed pursuant to the
1253 provisions of subdivision (6) of this subsection, the commission's legal
1254 counsel or designee shall certify that the meeting may be closed and
1255 shall reference each relevant exempting provision. The commission
1256 shall keep minutes that fully and clearly describe all matters discussed
1257 in a meeting and shall provide a full and accurate summary of actions
1258 taken, of any person participating in the meeting, and the reasons
1259 therefore, including, but not limited to, a description of the views
1260 expressed. All documents considered in connection with an action shall
1261 be identified in such minutes. All minutes and documents of a closed
1262 meeting shall remain under seal, subject to release only by a majority
1263 vote of the commission or order of a court of competent jurisdiction.

1264 (c) The commission shall, by a majority vote of the commissioners,
1265 prescribe bylaws or rules to govern its conduct as may be necessary or
1266 appropriate to carry out the purposes and exercise the powers of the
1267 compact, including, but not limited to:

1268 (1) Establishing the fiscal year of the commission;

1269 (2) Providing reasonable standards and procedures for the following:

1270 (A) The establishment and meetings of other committees; and

1271 (B) Governing any general or specific delegation of any authority or
1272 function of the commission;

1273 (3) Providing reasonable procedures for calling and conducting
1274 meetings of the commission, ensuring reasonable advance notice of all
1275 meetings and providing an opportunity for attendance of such meetings
1276 by interested parties, with enumerated exceptions designed to protect
1277 the public's interest, the privacy of individuals at such meetings and
1278 proprietary information, including, but not limited to, trade secrets. The
1279 commission may meet in closed session only after a majority of the
1280 commissioners vote to close a meeting to the public in whole or in part.

1281 As soon as practicable, the commission shall make public a copy of the
1282 vote to close the meeting revealing the vote of each commissioner with
1283 no proxy votes allowed;

1284 (4) Establishing the titles, duties and authority and reasonable
1285 procedures for the election of the officers of the commission;

1286 (5) Providing reasonable standards and procedures for the
1287 establishment of the personnel policies and programs of the
1288 commission. Notwithstanding any civil service law or other similar law
1289 of any compact state, the bylaws shall exclusively govern the personnel
1290 policies and programs of the commission;

1291 (6) Promulgating a code of ethics to address permissible and
1292 prohibited activities of commission members and employees;

1293 (7) Providing a mechanism for concluding the operations of the
1294 commission and the equitable disposition of any surplus funds that may
1295 exist after the termination of the compact after the payment or reserving
1296 of all of its debts and obligations;

1297 (8) The commission shall publish its bylaws in a convenient form and
1298 file a copy thereof and a copy of any amendment thereto, with the
1299 appropriate agency or officer in each of the compact states;

1300 (9) The commission shall maintain its financial records in accordance
1301 with the bylaws; and

1302 (10) The commission shall meet and take such actions as are
1303 consistent with the provisions of the compact and the bylaws.

1304 (d) The commission may:

1305 (1) Promulgate uniform rules to facilitate and coordinate
1306 implementation and administration of the compact, which rules shall
1307 have the force and effect of law and shall be binding in all compact
1308 states;

1309 (2) Bring and prosecute legal proceedings or actions in the name of
1310 the commission, provided the standing of any state psychology
1311 regulatory authority or other regulatory body responsible for
1312 psychology licensure to sue or be sued under applicable law shall not
1313 be affected;

1314 (3) Purchase and maintain insurance and bonds;

1315 (4) Borrow, accept or contract for services of personnel, including, but
1316 not limited to, employees of a compact state;

1317 (5) Hire employees, elect or appoint officers, fix compensation, define
1318 duties, grant such individuals appropriate authority to carry out the
1319 purposes of the compact and to establish the commission's personnel
1320 policies and programs relating to conflicts of interest, qualifications of
1321 personnel and other related personnel matters;

1322 (6) Accept any appropriate donations and grants of money,
1323 equipment, supplies, materials and services and to receive, utilize and
1324 dispose of the same; provided the commission shall strive at all times to
1325 avoid any appearance of impropriety or conflict of interest;

1326 (7) Lease, purchase, accept appropriate gifts or donations of, or
1327 otherwise own, hold, improve or use, any property, real, personal or
1328 mixed, provided the commission shall strive at all times to avoid any
1329 appearance of impropriety;

1330 (8) Sell, convey, mortgage, pledge, lease, exchange, abandon or
1331 otherwise dispose of any property real, personal or mixed;

1332 (9) Establish a budget and make expenditures;

1333 (10) Borrow money;

1334 (11) Appoint committees, including, but not limited to, advisory
1335 committees comprised of members, state regulators, state legislators or
1336 their representatives and consumer representatives, and such other

1337 interested persons as may be designated in the compact and the bylaws;

1338 (12) Provide and receive information from, and to cooperate with,
1339 law enforcement agencies;

1340 (13) Adopt and use an official seal; and

1341 (14) Perform such other functions as may be necessary or appropriate
1342 to achieve the purposes of the compact consistent with the state
1343 regulation of psychology licensure, temporary in-person, face-to-face
1344 practice and telepsychology practice.

1345 (e) (1) The elected officers shall serve as the executive board, which
1346 shall have the power to act on behalf of the commission according to the
1347 terms of the compact. The executive board shall be comprised of the
1348 following six members:

1349 (A) Five voting members who are elected from the membership of the
1350 commission by the commission; and

1351 (B) One ex-officio, nonvoting member from the recognized
1352 membership organization composed of state and provincial psychology
1353 regulatory authorities.

1354 (2) The ex-officio member shall have served as staff or member on a
1355 state psychology regulatory authority and shall be selected by its
1356 respective organization.

1357 (3) The commission may remove any member of the executive board
1358 as provided in the bylaws.

1359 (4) The executive board shall meet at least annually.

1360 (5) The executive board shall have the following duties and
1361 responsibilities:

1362 (A) Recommend to the entire commission changes to the rules or
1363 bylaws, changes to the compact legislation, fees paid by compact states,

1364 including, but not limited to, annual dues, and any other applicable fees;

1365 (B) Ensure compact administration services are appropriately
1366 provided, contractually or otherwise;

1367 (C) Prepare and recommend the budget;

1368 (D) Maintain financial records on behalf of the commission;

1369 (E) Monitor compact compliance of member states and provide
1370 compliance reports to the commission;

1371 (F) Establish additional committees as necessary; and

1372 (G) Other duties as provided in rules or bylaws.

1373 (f) The commission:

1374 (1) Shall pay, or provide for the payment of the reasonable expenses
1375 of its establishment, organization and ongoing activities.

1376 (2) May accept any and all appropriate revenue sources, donations
1377 and grants of money, equipment, supplies, materials and services.

1378 (3) May levy on and collect an annual assessment from each compact
1379 state or impose fees on other parties to cover the cost of the operations
1380 and activities of the commission and its staff. Such assessment and fees
1381 shall be in a total amount sufficient to cover the commission's annual
1382 budget as approved each year for which revenue is not provided by
1383 other sources. The aggregate annual assessment amount shall be
1384 allocated based upon a formula to be determined by the commission.
1385 The commission shall promulgate a rule under this subdivision that is
1386 binding upon all compact states.

1387 (4) Shall not incur obligations of any kind prior to securing the funds
1388 adequate to meet such obligations, or pledge the credit of any of the
1389 compact states, except by and with the authority of the compact state.

1390 (5) Shall keep accurate accounts of all receipts and disbursements.
1391 The receipts and disbursements of the commission shall be subject to the
1392 audit and accounting procedures established under its bylaws. All
1393 receipts and disbursements of funds handled by the commission shall
1394 be audited yearly by a certified or licensed public accountant and the
1395 report of the audit shall be included in and become part of the annual
1396 report of the commission.

1397 (g) (1) The members, officers, executive director, employees and
1398 representatives of the commission shall be immune from suit and
1399 liability, either personally or in their official capacity, for any claim for
1400 damage to or loss of property or personal injury or other civil liability
1401 caused by or arising out of any actual or alleged act, error or omission
1402 that occurred, or that the person against whom the claim is made had a
1403 reasonable basis for believing occurred within the scope of commission
1404 employment, duties or responsibilities, provided nothing in this
1405 subdivision shall be construed to protect any such person from suit or
1406 liability for any damage, loss, injury or liability caused by the intentional
1407 or wilful or wanton misconduct of such person.

1408 (2) The commission shall defend any member, officer, executive
1409 director, employee or representative of the commission in any civil
1410 action seeking to impose liability arising out of any actual or alleged act,
1411 error or omission that occurred within the scope of commission
1412 employment, duties or responsibilities, or that the person against whom
1413 the claim is made had a reasonable basis for believing occurred within
1414 the scope of commission employment, duties or responsibilities,
1415 provided (A) nothing in this subdivision shall be construed to prohibit
1416 such person from retaining his or her own counsel, and (B) the actual or
1417 alleged act, error or omission did not result from such person's
1418 intentional or wilful or wanton misconduct.

1419 (3) The commission shall indemnify and hold harmless any member,
1420 officer, executive director, employee or representative of the
1421 commission for the amount of any settlement or judgment obtained
1422 against such person arising out of any actual or alleged act, error or

1423 omission that occurred within the scope of commission employment,
1424 duties or responsibilities, or that such person had a reasonable basis for
1425 believing occurred within the scope of commission employment, duties
1426 or responsibilities, provided the actual or alleged act, error or omission
1427 did not result from the intentional or wilful or wanton misconduct of
1428 such person.

1429 ARTICLE XI

1430 RULEMAKING

1431 (a) The commission shall exercise its rulemaking powers pursuant to
1432 the criteria set forth in this Article and the rules adopted thereunder.
1433 Rules and amendments shall become binding as of the date specified in
1434 each rule or amendment.

1435 (b) If a majority of the legislatures of the compact states rejects a rule,
1436 by enactment of a statute or resolution in the same manner used to adopt
1437 the compact, then such rule shall have no further force and effect in any
1438 compact state.

1439 (c) Rules, or amendments to the rules, shall be adopted at a regular
1440 or special meeting of the commission.

1441 (d) Prior to promulgation and adoption of a final rule or rules by the
1442 commission, and at least sixty days prior to the scheduled date of the
1443 meeting at which the rule will be considered and voted upon, the
1444 commission shall file a notice of proposed rulemaking as follows:

1445 (1) On the Internet web site of the commission; and

1446 (2) On the Internet web site of each compact state's psychology
1447 regulatory authority or the publication in which each state would
1448 otherwise publish proposed rules.

1449 (e) The notice of proposed rulemaking shall include the following:

1450 (1) The proposed time, date and location of the meeting in which the

1451 rule will be considered and voted upon;

1452 (2) The text of the proposed rule or amendment and the reason for
1453 the proposed rule;

1454 (3) A request for comments on the proposed rule from any interested
1455 person; and

1456 (4) The manner in which interested persons may submit to the
1457 commission (A) notice of their intention to attend the public hearing,
1458 and (B) written comments.

1459 (f) Prior to adoption of a proposed rule, the commission shall allow
1460 persons to submit written data, facts, opinions and arguments, which
1461 shall be made available to the public.

1462 (g) The commission shall grant an opportunity for a public hearing
1463 before it adopts a rule or amendment if a hearing is requested by the
1464 following:

1465 (1) At least twenty-five persons who submit written comments
1466 independently of each other;

1467 (2) A governmental subdivision or agency; or

1468 (3) A duly appointed person in an association that has at least twenty-
1469 five members.

1470 (h) If a hearing is held on the proposed rule or amendment, the
1471 commission shall publish the location, time and date of the scheduled
1472 public hearing.

1473 (1) All persons wishing to be heard at the hearing shall notify the
1474 executive director of the commission or other designated member in
1475 writing of their desire to appear and testify at the hearing not less than
1476 five business days prior to the scheduled date of the hearing.

1477 (2) Hearings shall be conducted in a manner providing each person

1478 who wishes to comment a fair and reasonable opportunity to comment
1479 orally or in writing.

1480 (3) No transcript of the hearing is required, unless a written request
1481 for a transcript is made, in which case the person requesting the
1482 transcript shall bear the cost of producing the transcript. A recording
1483 may be made in lieu of a transcript under the same terms and conditions
1484 as a transcript. The provisions of this subdivision shall not preclude the
1485 commission from making a transcript or recording of the hearing if it so
1486 chooses.

1487 (4) Nothing in this subsection shall be construed as requiring a
1488 separate hearing on each rule. Rules may be grouped for the
1489 convenience of the commission at hearings required under this
1490 subsection.

1491 (i) Following the scheduled hearing date, or by the close of business
1492 on the scheduled hearing date if the hearing was not held, the
1493 commission shall consider all written and oral comments received.

1494 (j) The commission shall, by majority vote of all members, take final
1495 action on the proposed rule and shall determine the effective date of the
1496 rule, if any, based on the rulemaking record and the full text of the rule.

1497 (k) If no written notice of intent to attend the public hearing by
1498 interested parties is received, the commission may proceed with
1499 promulgation of the proposed rule without a public hearing.

1500 (l) Upon determination that an emergency exists, the commission
1501 may consider and adopt an emergency rule without prior notice,
1502 opportunity for comment or hearing, provided the usual rulemaking
1503 procedures described in the compact and in this subsection shall be
1504 retroactively applied to the rule as soon as reasonably possible, in no
1505 event later than ninety days after the effective date of the rule. For the
1506 purposes of this subsection, "emergency rule" means a rule that shall be
1507 adopted immediately in order to:

- 1508 (1) Meet an imminent threat to public health, safety or welfare;
- 1509 (2) Prevent a loss of commission or compact state funds;
- 1510 (3) Meet a deadline for the promulgation of an administrative rule
1511 that is established by federal law or rule; or
- 1512 (4) Protect public health and safety.
- 1513 (m) The commission, or an authorized committee of the commission,
1514 may direct revisions to a previously adopted rule or amendment for
1515 purposes of correcting typographical errors, errors in format, errors in
1516 consistency or grammatical errors. Public notice of any revisions shall
1517 be posted on the Internet web site of the commission. The revision shall
1518 be subject to challenge by any person for a period of thirty days after
1519 posting. The revision may be challenged only on grounds that the
1520 revision results in a material change to a rule. A challenge shall be made
1521 in writing, and delivered to the chair of the commission prior to the end
1522 of the notice period. If no challenge is made, the revision shall take effect
1523 without further action. If the revision is challenged, the revision may not
1524 take effect without the approval of the commission.

1525 ARTICLE XII

1526 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

1527 (a) (1) The executive, legislative and judicial branches of state
1528 government in each compact state shall enforce the compact and take all
1529 actions necessary and appropriate to effectuate the compact's purposes
1530 and intent. The provisions of the compact and the rules promulgated
1531 under the compact shall have standing as statutory law.

1532 (2) All courts shall take judicial notice of the compact and the rules in
1533 any judicial or administrative proceeding in a compact state pertaining
1534 to the subject matter of the compact that may affect the powers,
1535 responsibilities or actions of the commission.

1536 (3) The commission shall be entitled to receive service of process in
1537 any such proceeding, and shall have standing to intervene in such
1538 proceeding for all purposes. Failure to provide service of process to the
1539 commission shall render a judgment or order void as to the commission,
1540 the compact or promulgated rules.

1541 (b) (1) If the commission determines that a compact state has
1542 defaulted in the performance of its obligations or responsibilities under
1543 the compact or the promulgated rules, the commission shall perform the
1544 following actions:

1545 (A) Provide written notice to the defaulting state and other compact
1546 states of the nature of the default, the proposed means of remedying the
1547 default or any other action to be taken by the commission; and

1548 (B) Provide remedial training and specific technical assistance
1549 regarding the default.

1550 (2) If a state in default fails to remedy the default, the defaulting state
1551 may be terminated from the compact upon an affirmative vote of a
1552 majority of the compact states, and all rights, privileges and benefits
1553 conferred by the compact shall be terminated on the effective date of
1554 termination of the defaulting state. A remedy of the default does not
1555 relieve the offending state of obligations or liabilities incurred during
1556 the period of default.

1557 (3) Termination of membership in the compact shall be imposed only
1558 after all other means of securing compliance have been exhausted.
1559 Notice of intent to suspend or terminate shall be submitted by the
1560 commission to the governor, the majority and minority leaders of the
1561 defaulting state's legislature, and each of the compact states.

1562 (4) A compact state that has been terminated shall be responsible for
1563 all assessments, obligations and liabilities incurred through the effective
1564 date of termination, including, but not limited to, obligations that extend
1565 beyond the effective date of termination.

1566 (5) The commission shall not bear any costs incurred by the state that
1567 is found to be in default or that has been terminated from the compact,
1568 unless agreed upon in writing between the commission and the
1569 defaulting state.

1570 (6) The defaulting state may appeal the action of the commission by
1571 petitioning the United States District Court for the State of Georgia or
1572 the federal district where the compact has its principal offices. The
1573 prevailing member shall be awarded all costs of such litigation,
1574 including, but not limited to, reasonable attorney's fees.

1575 (c) (1) Upon request by a compact state, the commission shall attempt
1576 to resolve disputes related to the compact that arise among compact
1577 states and between compact and noncompact states.

1578 (2) The commission shall promulgate a rule providing for both
1579 mediation and binding dispute resolution for disputes that arise before
1580 the commission.

1581 (d) (1) The commission, in the reasonable exercise of its discretion,
1582 shall enforce the provisions and rules of the compact.

1583 (2) By majority vote, the commission may initiate legal action in the
1584 United States District Court for the State of Georgia or the federal district
1585 where the compact has its principal offices against a compact state in
1586 default to enforce compliance with the provisions of the compact and its
1587 promulgated rules and bylaws. The relief sought may include both
1588 injunctive relief and damages. In the event judicial enforcement is
1589 necessary, the prevailing member shall be awarded all costs of such
1590 litigation, including, but not limited to, reasonable attorney's fees.

1591 (3) The remedies set forth in the compact shall not be the exclusive
1592 remedies of the commission. The commission may pursue any other
1593 remedies available under federal or state law.

1594 ARTICLE XIII

1595 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY
1596 INTERJURISDICTIONAL COMPACT COMMISSION AND
1597 ASSOCIATED RULES, WITHDRAWAL AND AMENDMENTS

1598 (a) The compact shall come into effect on the date on which the
1599 compact is enacted into law in the seventh compact state. The provisions
1600 that become effective at such time shall be limited to the powers granted
1601 to the commission relating to assembly and the promulgation of rules.
1602 Thereafter, the commission shall meet and exercise rulemaking powers
1603 necessary to the implementation and administration of the compact.

1604 (b) Any state that joins the compact subsequent to the commission's
1605 initial adoption of the rules shall be subject to the rules as they exist on
1606 the date on which the compact becomes law in such state. Any rule that
1607 has been previously adopted by the commission shall have the full force
1608 and effect of law on the day the compact becomes law in such state.

1609 (c) Any compact state may withdraw from the compact by enacting a
1610 statute repealing the same.

1611 (1) A compact state's withdrawal shall not take effect until six months
1612 after enactment of the repealing statute.

1613 (2) Withdrawal shall not affect the continuing requirement of the
1614 withdrawing state's psychology regulatory authority to comply with the
1615 investigative and adverse action reporting requirements set forth in
1616 Article VII of this section prior to the effective date of withdrawal.

1617 (d) Nothing contained in the compact shall be construed to invalidate
1618 or prevent any psychology licensure agreement or other cooperative
1619 arrangement between a compact state and a noncompact state that does
1620 not conflict with the provisions of the compact.

1621 (e) The compact may be amended by the compact states. No
1622 amendment to the compact shall become effective and binding upon
1623 any compact state until it is enacted into the law of all compact states.

1624 ARTICLE XIV

1625 CONSTRUCTION AND SEVERABILITY

1626 The compact shall be liberally construed so as to effectuate the
1627 purposes thereof. If the compact is held contrary to the constitution of
1628 any state member of the compact, the compact shall remain in full force
1629 and effect as to the remaining compact states.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	New section
Sec. 2	October 1, 2022	New section

Statement of Legislative Commissioners:

In Section 1, section 21 (f), "withdrawing date" was changed to "withdrawing state" for accuracy; in Section 2, article VII (f), "alternative programs" was changed to "alternative program" for consistency; and in Section 2, article II (25)(A), "minor" was changed to "a minor" for clarity.

PH Joint Favorable Subst. -LCO