

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 1046*

Short Title: Psychology Interjdtl. Compact (PSYPACT). (Public)

Sponsors: Representatives Dobson, Lambeth, and White (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health

May 31, 2018

1 A BILL TO BE ENTITLED
2 AN ACT ESTABLISHING A PSYCHOLOGY INTERJURISDICTIONAL COMPACT
3 (PSYPACT), AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT
4 COMMITTEE ON HEALTH AND HUMAN SERVICES.

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

8 Whereas, this Compact is intended to regulate the day-to-day practice of
9 telepsychology (i.e., the provision of psychological services using telecommunication
10 technologies) by psychologists across state boundaries in the performance of their psychological
11 practice as assigned by an appropriate authority; and

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

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

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

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

24 Whereas, this Compact does not apply to permanent in-person, face-to-face practice,
25 it does allow for authorization of temporary psychological practice; Now, therefore,
26 The General Assembly of North Carolina enacts:

27 **SECTION 1.** Article 18A of Chapter 90 of the General Statutes, G.S. 90-270.1
28 through G.S. 90-270.22, is recodified as Article 18G of Chapter 90 of the General Statutes,
29 G.S. 90-270.135 through G.S. 90-270.159.

30 **SECTION 2.** Chapter 90 of the General Statutes is amended by adding a new Article
31 to read:

32 "Article 18H.

33 "Psychology Interjurisdictional Licensure Compact.

34 **"§ 90-270.160. Purpose.**

35 This Compact is designed to achieve the following purposes and objectives:



- 1 (1) Increase public access to professional psychological services by allowing for
2 telepsychological practice across state lines as well as temporary in-person,
3 face-to-face services into a state which the psychologist is not licensed to
4 practice psychology.
- 5 (2) Enhance the states' ability to protect the public's health and safety, especially
6 client/patient safety.
- 7 (3) Encourage the cooperation of Compact States in the areas of psychology
8 licensure and regulation.
- 9 (4) Facilitate the exchange of information between Compact States regarding
10 psychologist licensure, adverse actions, and disciplinary history.
- 11 (5) Promote compliance with the laws governing psychological practice in each
12 Compact State.
- 13 (6) Invest all Compact States with the authority to hold licensed psychologists
14 accountable through the mutual recognition of Compact State licenses.

15 **"§ 90-270.161. Definitions.**

- 16 (1) Adverse action. – Any action taken by a State Psychology Regulatory
17 Authority which finds a violation of a statute or regulation that is identified
18 by the State Psychology Regulatory Authority as discipline and is a matter of
19 public record.
- 20 (2) Association of State and Provincial Psychology Boards (ASPPB). – The
21 recognized membership organization composed of State and Provincial
22 Psychology Regulatory Authorities responsible for the licensure and
23 registration of psychologists throughout the United States and Canada.
- 24 (3) Authority to Practice Interjurisdictional Telepsychology. – A licensed
25 psychologist's authority to practice telepsychology, within the limits
26 authorized under this Compact, in another Compact State.
- 27 (4) Bylaws. – Those Bylaws established by the Psychology Interjurisdictional
28 Compact Commission pursuant to G.S. 90-270.169 for its governance, or for
29 directing and controlling its actions and conduct.
- 30 (5) Client/patient. – The recipient of psychological services, whether
31 psychological services are delivered in the context of health care, corporate,
32 supervision, and/or consulting services.
- 33 (6) Commissioner. – The voting representative appointed by each State
34 Psychology Regulatory Authority pursuant to G.S. 90-270.169.
- 35 (7) Compact State. – A state, the District of Columbia, or United States territory
36 that has enacted this Compact legislation and which has not withdrawn
37 pursuant to G.S. 90-270.172(c), or been terminated pursuant to
38 G.S. 90-270.171(b).
- 39 (8) Coordinated Licensure Information System or Coordinated Database. – An
40 integrated process for collecting, storing, and sharing information on
41 psychologists' licensure and enforcement activities related to psychology
42 licensure laws, which is administered by the recognized membership
43 organization composed of State and Provincial Psychology Regulatory
44 Authorities.
- 45 (9) Confidentiality. – The principle that data or information is not made available
46 or disclosed to unauthorized persons and/or processes.
- 47 (10) Day. – Any part of a day in which psychological work is performed.
- 48 (11) Distant State. – The Compact State where a psychologist is physically present
49 (not through the use of telecommunications technologies), to provide
50 temporary in-person, face-to-face psychological services.

- 1 (12) E.Passport. – A certificate issued by the Association of State and Provincial
2 Psychology Boards (ASPPB) that promotes the standardization in the criteria
3 of interjurisdictional telepsychology practice and facilitates the process for
4 licensed psychologists to provide telepsychological services across state lines.
5 (13) Executive Board. – A group of directors elected or appointed to act on behalf
6 of, and within the powers granted to them by, the Commission.
7 (14) Home State. – A Compact State where a psychologist is licensed to practice
8 psychology. If the psychologist is licensed in more than one Compact State
9 and is practicing under the Authorization to Practice Interjurisdictional
10 Telepsychology, the Home State is the Compact State where the psychologist
11 is physically present when the telepsychological services are delivered. If the
12 psychologist is licensed in more than one Compact State and is practicing
13 under the Temporary Authorization to Practice, the Home State is any
14 Compact State where the psychologist is licensed.
15 (15) Identity History Summary. – A summary of information retained by the FBI,
16 or other designee with similar authority, in connection with arrests and, in
17 some instances, federal employment, naturalization, or military service.
18 (16) In-person, face-to-face. – Interactions in which the psychologist and the
19 client/patient are in the same physical space and which does not include
20 interactions that may occur through the use of telecommunication
21 technologies.
22 (17) Interjurisdictional Practice Certificate (IPC). – A certificate issued by the
23 Association of State and Provincial Psychology Boards (ASPPB) that grants
24 temporary authority to practice based on notification to the State Psychology
25 Regulatory Authority of intention to practice temporarily and verification of
26 one's qualifications for such practice.
27 (18) License. – Authorization by a State Psychology Regulatory Authority to
28 engage in the independent practice of psychology, which would be unlawful
29 without the authorization.
30 (19) Non-Compact State. – Any State which is not at the time a Compact State.
31 (20) Psychologist. – An individual licensed for the independent practice of
32 psychology.
33 (21) Psychology Interjurisdictional Compact Commission (Commission). – The
34 national administration of which all Compact States are members.
35 (22) Receiving State. – A Compact State where the client/patient is physically
36 located when the telepsychological services are delivered.
37 (23) Rule. – A written statement by the Psychology Interjurisdictional Compact
38 Commission promulgated pursuant to G.S. 90-270.170 of the Compact that is
39 of general applicability, implements, interprets, or prescribes a policy or
40 provision of the Compact, or an organizational, procedural, or practice
41 requirement of the Commission and has the force and effect of statutory law
42 in a Compact State, and includes the amendment, repeal, or suspension of an
43 existing rule.
44 (24) Significant investigatory information. –
45 a. Investigative information that a State Psychology Regulatory
46 Authority, after a preliminary inquiry that includes notification and an
47 opportunity to respond if required by state law, has reason to believe,
48 if proven true, would indicate more than a violation of state statute or
49 ethics code that would be considered more substantial than minor
50 infraction; or

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

5 (25) State. – A state, commonwealth, territory, or possession of the United States,
6 the District of Columbia.

7 (26) State Psychology Regulatory Authority. – The Board, office or other agency
8 with the legislative mandate to license and regulate the practice of psychology.

9 (27) Telepsychology. – The provision of psychological services using
10 telecommunication technologies.

11 (28) Temporary Authorization to Practice. – A licensed psychologist's authority to
12 conduct temporary in-person, face-to-face practice, within the limits
13 authorized under this Compact, in another Compact State.

14 (29) Temporary in-person, face-to-face practice. – Where a psychologist is
15 physically present (not through the use of telecommunications technologies),
16 in the Distant State to provide for the practice of psychology for 30 days within
17 a calendar year and based on notification to the Distant State.

18 **§ 90-270.162. Home State Licensure.**

19 (a) The Home State shall be a Compact State where a psychologist is licensed to practice
20 psychology.

21 (b) A psychologist may hold one or more Compact State licenses at a time. If the
22 psychologist is licensed in more than one Compact State, the Home State is the Compact State
23 where the psychologist is physically present when the services are delivered as authorized by the
24 Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

25 (c) Any Compact State may require a psychologist not previously licensed in a Compact
26 State to obtain and retain a license to be authorized to practice in the Compact State under
27 circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology
28 under the terms of this Compact.

29 (d) Any Compact State may require a psychologist to obtain and retain a license to be
30 authorized to practice in a Compact State under circumstances not authorized by Temporary
31 Authorization to Practice under the terms of this Compact.

32 (e) A Home State's license authorizes a psychologist to practice in a Receiving State
33 under the Authority to Practice Interjurisdictional Telepsychology only if the Compact State:

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

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

37 (3) Notifies the Commission, in compliance with the terms herein, of any adverse
38 action or significant investigatory information regarding a licensed individual;

39 (4) Requires an Identity History Summary of all applicants at initial licensure,
40 including the use of the results of fingerprints or other biometric data checks
41 compliant with the requirements of the Federal Bureau of Investigation (FBI),
42 or other designee with similar authority, no later than 10 years after activation
43 of the Compact; and

44 (5) Complies with the Bylaws and Rules of the Commission.

45 (f) A Home State's license grants Temporary Authorization to Practice to a psychologist
46 in a Distant State only if the Compact State:

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

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

50 (3) Notifies the Commission, in compliance with the terms herein, of any adverse
51 action or significant investigatory information regarding a licensed individual;

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

6 (5) Complies with the Bylaws and Rules of the Commission.

7 **"§ 90-270.163. Compact Privilege to Practice Telepsychology.**

8 (a) Compact States shall recognize the right of a psychologist, licensed in a Compact
9 State in conformance with G.S. 90-270.162, to practice telepsychology in other Compact States
10 (Receiving States) in which the psychologist is not licensed, under the Authority to Practice
11 Interjurisdictional Telepsychology as provided in the Compact.

12 (b) To exercise the Authority to Practice Interjurisdictional Telepsychology under the
13 terms and provisions of this Compact, a psychologist licensed to practice in a Compact State
14 must:

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

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

20 b. A foreign college or university deemed to be equivalent to
21 sub-subdivision a. of this subdivision by a foreign credential
22 evaluation service that is a member of the National Association of
23 Credential Evaluation Services (NACES) or by a recognized foreign
24 credential evaluation service; and

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

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

30 b. The psychology program must stand as a recognizable, coherent,
31 organizational entity within the institution;

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

35 d. The program must consist of an integrated, organized sequence of
36 study;

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

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

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

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

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

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

50 (3) Possess a current, full, and unrestricted license to practice psychology in a
51 Home State which is a Compact State;

- 1 (4) Have no history of adverse action that violate the Rules of the Commission;
- 2 (5) Have no criminal record history reported on an Identity History Summary that
- 3 violates the Rules of the Commission;
- 4 (6) Possess a current, active E.Passport;
- 5 (7) Provide attestations in regard to areas of intended practice, conformity with
- 6 standards of practice, competence in telepsychology technology; criminal
- 7 background; and knowledge and adherence to legal requirements in the home
- 8 and receiving states, and provide a release of information to allow for primary
- 9 source verification in a manner specified by the Commission; and
- 10 (8) Meet other criteria as defined by the Rules of the Commission.

11 (c) The Home State maintains authority over the license of any psychologist practicing
12 into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology.

13 (d) A psychologist practicing into a Receiving State under the Authority to Practice
14 Interjurisdictional Telepsychology will be subject to the Receiving State's scope of practice. A
15 Receiving State may, in accordance with that state's due process law, limit or revoke a
16 psychologist's Authority to Practice Interjurisdictional Telepsychology in the Receiving State
17 and may take any other necessary actions under the Receiving State's applicable law to protect
18 the health and safety of the Receiving State's citizens. If a Receiving State takes action, the state
19 shall promptly notify the Home State and the Commission.

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

25 **"§ 90-270.164. Compact Temporary Authorization to Practice.**

26 (a) Compact States shall also recognize the right of a psychologist, licensed in a Compact
27 State in conformance with G.S. 90-270.162, to practice temporarily in other Compact States
28 (Distant States) in which the psychologist is not licensed, as provided in the Compact.

29 (b) To exercise the Temporary Authorization to Practice under the terms and provisions
30 of this Compact, a psychologist licensed to practice in a Compact State must:

- 31 (1) Hold a graduate degree in psychology from an institute of higher education
32 that was, at the time the degree was awarded:
 - 33 a. Regionally accredited by an accrediting body recognized by the U.S.
34 Department of Education to grant graduate degrees, or authorized by
35 Provincial Statute or Royal Charter to grant doctoral degrees; or
 - 36 b. A foreign college or university deemed to be equivalent to
37 sub-subdivision a. of this subdivision by a foreign credential
38 evaluation service that is a member of the National Association of
39 Credential Evaluation Services (NACES) or by a recognized foreign
40 credential evaluation service; and
- 41 (2) Hold a graduate degree in psychology that meets the following criteria:
 - 42 a. The program, wherever it may be administratively housed, must be
43 clearly identified and labeled as a psychology program. Such a
44 program must specify in pertinent institutional catalogues and
45 brochures its intent to educate and train professional psychologists;
 - 46 b. The psychology program must stand as a recognizable, coherent,
47 organizational entity within the institution;
 - 48 c. There must be a clear authority and primary responsibility for the core
49 and specialty areas whether or not the program cuts across
50 administrative lines;

- 1 d. The program must consist of an integrated, organized sequence of
2 study;
3 e. There must be an identifiable psychology faculty sufficient in size and
4 breadth to carry out its responsibilities;
5 f. The designated director of the program must be a psychologist and a
6 member of the core faculty;
7 g. The program must have an identifiable body of students who are
8 matriculated in that program for a degree;
9 h. The program must include supervised practicum, internship, or field
10 training appropriate to the practice of psychology;
11 i. The curriculum shall encompass a minimum of three academic years
12 of full-time graduate study for doctoral degrees and a minimum of one
13 academic year of full-time graduate study for master's degree;
14 j. The program includes an acceptable residency as defined by the Rules
15 of the Commission.

16 (3) Possess a current, full, and unrestricted license to practice psychology in a
17 Home State which is a Compact State;

18 (4) No history of adverse action that violate the Rules of the Commission;

19 (5) No criminal record history that violates the Rules of the Commission;

20 (6) Possess a current, active IPC;

21 (7) Provide attestations in regard to areas of intended practice and work
22 experience and provide a release of information to allow for primary source
23 verification in a manner specified by the Commission; and

24 (8) Meet other criteria as defined by the Rules of the Commission.

25 (c) A psychologist practicing into a Distant State under the Temporary Authorization to
26 Practice shall practice within the scope of practice authorized by the Distant State.

27 (d) A psychologist practicing into a Distant State under the Temporary Authorization to
28 Practice will be subject to the Distant State's authority and law. A Distant State may, in
29 accordance with that state's due process law, limit or revoke a psychologist's Temporary
30 Authorization to Practice in the Distant State and may take any other necessary actions under the
31 Distant State's applicable law to protect the health and safety of the Distant State's citizens. If a
32 Distant State takes action, the state shall promptly notify the Home State and the Commission.

33 (e) If a psychologist's license in any Home State, another Compact State, or any
34 Temporary Authorization to Practice in any Distant State is restricted, suspended, or otherwise
35 limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice
36 in a Compact State under the Temporary Authorization to Practice.

37 **"§ 90-270.165. Conditions of telepsychology practice in a Receiving State.**

38 A psychologist may practice in a Receiving State under the Authority to Practice
39 Interjurisdictional Telepsychology only in the performance of the scope of practice for
40 psychology as assigned by an appropriate State Psychology Regulatory Authority, as defined in
41 the Rules of the Commission, and under the following circumstances:

42 (1) The psychologist initiates a client/patient contact in a Home State via
43 telecommunications technologies with a client/patient in a Receiving State.

44 (2) Other conditions regarding telepsychology as determined by Rules
45 promulgated by the Commission.

46 **"§ 90-270.166. Adverse actions.**

47 (a) A Home State shall have the power to impose adverse action against a psychologist's
48 license issued by the Home State. A Distant State shall have the power to take adverse action on
49 a psychologist's Temporary Authorization to Practice within that Distant State.

50 (b) A Receiving State may take adverse action on a psychologist's Authority to Practice
51 Interjurisdictional Telepsychology within that Receiving State. A Home State may take adverse

1 action against a psychologist based on an adverse action taken by a Distant State regarding
2 temporary in-person, face-to-face practice.

3 (c) If a Home State takes adverse action against a psychologist's license, that
4 psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated and the
5 E.Passport is revoked. Furthermore, that psychologist's Temporary Authorization to Practice is
6 terminated and the IPC is revoked.

7 (1) All Home State disciplinary orders which impose adverse action shall be
8 reported to the Commission in accordance with the Rules promulgated by the
9 Commission. A Compact State shall report adverse actions in accordance with
10 the Rules of the Commission.

11 (2) In the event discipline is reported on a psychologist, the psychologist will not
12 be eligible for telepsychology or temporary in-person, face-to-face practice in
13 accordance with the Rules of the Commission.

14 (3) Other actions may be imposed as determined by the Rules promulgated by the
15 Commission.

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

21 (e) A Distant State's Psychology Regulatory Authority shall investigate and take
22 appropriate action with respect to reported inappropriate conduct engaged in by a psychologist
23 practicing under Temporary Authorization Practice which occurred in that Distant State as it
24 would if such conduct had occurred by a licensee within the Home State. In such cases, Distant
25 State's law shall control in determining any adverse action against a psychologist's Temporary
26 Authorization to Practice.

27 (f) Nothing in this Compact shall override a Compact State's decision that a
28 psychologist's participation in an alternative program may be used in lieu of adverse action and
29 that such participation shall remain non-public if required by the Compact State's law. Compact
30 States must require psychologists who enter any alternative programs to not provide
31 telepsychology services under the Authority to Practice Interjurisdictional Telepsychology or
32 provide temporary psychological services under the Temporary Authorization to Practice in any
33 other Compact State during the term of the alternative program.

34 (g) No other judicial or administrative remedies shall be available to a psychologist in the
35 event a Compact State imposes an adverse action pursuant to subsection (c) of this section.

36 **§ 90-270.167. Additional authorities invested in a Compact State's Psychology Regulatory**
37 **Authority.**

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

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

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

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

18 **"§ 90-270.168. Coordinated Licensure Information System.**

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

23 (b) Notwithstanding any other provision of state law to the contrary, a Compact State
24 shall submit a uniform data set to the Coordinated Database on all licensees as required by the
25 Rules of the Commission, including:

26 (1) Identifying information;

27 (2) Licensure data;

28 (3) Significant investigatory information;

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

30 (5) An indicator that a psychologist's Authority to Practice Interjurisdictional
31 Telepsychology and/or Temporary Authorization to Practice is revoked;

32 (6) Non-confidential information related to alternative program participation
33 information;

34 (7) Any denial of application for licensure and the reasons for such denial; and

35 (8) Other information which may facilitate the administration of this Compact, as
36 determined by the Rules of the Commission.

37 (c) The Coordinated Database administrator shall promptly notify all Compact States of
38 any adverse action taken against, or significant investigative information on, any licensee in a
39 Compact State.

40 (d) Compact States reporting information to the Coordinated Database may designate
41 information that may not be shared with the public without the express permission of the
42 Compact State reporting the information.

43 (e) Any information submitted to the Coordinated Database that is subsequently required
44 to be expunged by the law of the Compact State reporting the information shall be removed from
45 the Coordinated Database.

46 **"§ 90-270.169. Establishment of the Psychology Interjurisdictional Compact Commission.**

47 (a) The Compact States hereby create and establish a joint public agency known as the
48 Psychology Interjurisdictional Compact Commission.

49 (1) The Commission is a body politic and an instrumentality of the Compact
50 States.

1 (2) Venue is proper and judicial proceedings by or against the Commission shall
2 be brought solely and exclusively in a court of competent jurisdiction where
3 the principal office of the Commission is located. The Commission may waive
4 venue and jurisdictional defenses to the extent it adopts or consents to
5 participate in alternative dispute resolution proceedings.

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

8 (b) Membership, Voting, and Meetings. –

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

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

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

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

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

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

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

31 (5) All meetings shall be open to the public, and public notice of meetings shall
32 be given in the same manner as required under the rule-making provisions in
33 G.S. 90-270.170.

34 (6) The Commission may convene in a closed, nonpublic meeting if the
35 Commission must discuss:

36 a. Noncompliance of a Compact State with its obligations under the
37 Compact;

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

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

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

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

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

50 g. Disclosure of information of a personal nature where disclosure would
51 constitute a clearly unwarranted invasion of personal privacy;

- 1 h. Disclosure of investigatory records compiled for law enforcement
2 purposes;
3 i. Disclosure of information related to any investigatory reports prepared
4 by or on behalf of or for use of the Commission or other committee
5 charged with responsibility for investigation or determination of
6 compliance issues pursuant to the Compact; or
7 j. Matters specifically exempted from disclosure by federal and state
8 statute.

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

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

- 23 (1) Establishing the fiscal year of the Commission;
24 (2) Providing reasonable standards and procedures:
25 a. For the establishment and meetings of other committees; and
26 b. Governing any general or specific delegation of any authority or
27 function of the Commission;
28 (3) Providing reasonable procedures for calling and conducting meetings of the
29 Commission, ensuring reasonable advance notice of all meetings and
30 providing an opportunity for attendance of such meetings by interested parties,
31 with enumerated exceptions designed to protect the public's interest, the
32 privacy of individuals of such proceedings, and proprietary information,
33 including trade secrets. The Commission may meet in closed session only
34 after a majority of the Commissioners vote to close a meeting to the public in
35 whole or in part. As soon as practicable, the Commission must make public a
36 copy of the vote to close the meeting revealing the vote of each Commissioner
37 with no proxy votes allowed;
38 (4) Establishing the titles, duties, and authority and reasonable procedures for the
39 election of the officers of the Commission;
40 (5) Providing reasonable standards and procedures for the establishment of the
41 personnel policies and programs of the Commission. Notwithstanding any
42 civil service or other similar law of any Compact State, the Bylaws shall
43 exclusively govern the personnel policies and programs of the Commission;
44 (6) Promulgating a Code of Ethics to address permissible and prohibited activities
45 of Commission members and employees;
46 (7) Providing a mechanism for concluding the operations of the Commission and
47 the equitable disposition of any surplus funds that may exist after the
48 termination of the Compact after the payment and/or reserving of all of its
49 debts and obligations;

- 1 (8) The Commission shall publish its Bylaws in a convenient form and file a copy
2 thereof and a copy of any amendment thereto with the appropriate agency or
3 officer in each of the Compact States;
4 (9) The Commission shall maintain its financial records in accordance with the
5 Bylaws; and
6 (10) The Commission shall meet and take such actions as are consistent with the
7 provisions of this Compact and the Bylaws.
8 (d) The Commission shall have the following powers:
9 (1) The authority to promulgate uniform rules to facilitate and coordinate
10 implementation and administration of this Compact. The rule shall have the
11 force and effect of law and shall be binding in all Compact States;
12 (2) To bring and prosecute legal proceedings or actions in the name of the
13 Commission, provided that the standing of any State Psychology Regulatory
14 Authority or other regulatory body responsible for psychology licensure to sue
15 or be sued under applicable law shall not be affected;
16 (3) To purchase and maintain insurance and bonds;
17 (4) To borrow, accept, or contract for services of personnel, including, but not
18 limited to, employees of a Compact State;
19 (5) To hire employees, elect or appoint officers, fix compensation, define duties,
20 grant such individuals appropriate authority to carry out the purposes of the
21 Compact, and to establish the Commission's personnel policies and programs
22 relating to conflicts of interest, qualifications of personnel, and other related
23 personnel matters;
24 (6) To accept any and all appropriate donations and grants of money, equipment,
25 supplies, materials, and services and to receive, utilize, and dispose of the
26 same, provided that at all times the Commission shall strive to avoid any
27 appearance of impropriety and/or conflict of interest;
28 (7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to
29 own, hold, improve, or use any property, real, personal, or mixed, provided
30 that at all times the Commission shall strive to avoid any appearance of
31 impropriety;
32 (8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
33 dispose of any property, real, personal, or mixed;
34 (9) To establish a budget and make expenditures;
35 (10) To borrow money;
36 (11) To appoint committees, including advisory committees comprised of
37 members, state regulators, state legislators or their representatives, and
38 consumer representatives, and such other interested persons as may be
39 designated in this Compact and the Bylaws;
40 (12) To provide and receive information from, and to cooperate with, law
41 enforcement agencies;
42 (13) To adopt and use an official seal; and
43 (14) To perform such other functions as may be necessary or appropriate to achieve
44 the purposes of this Compact consistent with the state regulation of
45 psychology licensure, temporary in-person, face-to-face practice, and
46 telepsychology practice.
47 (e) The Executive Board. – The elected officers shall serve as the Executive Board, which
48 shall have the power to act on behalf of the Commission according to the terms of this Compact.
49 (1) The Executive Board shall be comprised of six members:
50 a. Five voting members who are elected from the current membership of
51 the Commission by the Commission.

- 1 b. One ex-officio, nonvoting member from the recognized membership
2 organization composed of State and Provincial Psychology Regulatory
3 Authorities.
- 4 (2) The ex-officio member must have served as staff or member on a State
5 Psychology Regulatory Authority and will be selected by its respective
6 organization.
- 7 (3) The Commission may remove any member of the Executive Board as
8 provided in Bylaws.
- 9 (4) The Executive Board shall meet at least annually.
- 10 (5) The Executive Board shall have the following duties and responsibilities:
- 11 a. Recommend to the entire Commission changes to the Rules or Bylaws,
12 changes to this Compact legislation, fees paid by Compact States such
13 as annual dues and any other applicable fees;
- 14 b. Ensure Compact administration services are appropriately provided,
15 contractual or otherwise;
- 16 c. Prepare and recommend the budget;
- 17 d. Maintain financial records on behalf of the Commission;
- 18 e. Monitor Compact compliance of member states and provide
19 compliance reports to the Commission;
- 20 f. Establish additional committees as necessary; and
- 21 g. Other duties as provided in Rules or Bylaws.
- 22 (f) Financing of the Commission. –
- 23 (1) The Commission shall pay or provide for the payment of the reasonable
24 expenses of its establishment, organization, and ongoing activities.
- 25 (2) The Commission may accept any and all appropriate revenue sources,
26 donations, and grants of money, equipment, supplies, materials, and services.
- 27 (3) The Commission may levy on and collect an annual assessment from each
28 Compact State or impose fees on other parties to cover the cost of the
29 operations and activities of the Commission and its staff which must be in a
30 total amount sufficient to cover its annual budget as approved each year for
31 which revenue is not provided by other sources. The aggregate annual
32 assessment amount shall be allocated based upon a formula to be determined
33 by the Commission which shall promulgate a rule binding upon all Compact
34 States.
- 35 (4) The Commission shall not incur obligations of any kind prior to securing the
36 funds adequate to meet the same; nor shall the Commission pledge the credit
37 of any of the Compact States, except by and with the authority of the Compact
38 State.
- 39 (5) The Commission shall keep accurate accounts of all receipts and
40 disbursements. The receipts and disbursements of the Commission shall be
41 subject to the audit and accounting procedures established under its Bylaws.
42 However, all receipts and disbursements of funds handled by the Commission
43 shall be audited yearly by a certified or licensed public accountant and the
44 report of the audit shall be included in and become part of the annual report
45 of the Commission.
- 46 (g) Qualified Immunity, Defense, and Indemnification. –
- 47 (1) The members, officers, Executive Director, employees and representatives of
48 the Commission shall be immune from suit and liability, either personally or
49 in their official capacity, for any claim for damage to or loss of property or
50 personal injury or other civil liability caused by or arising out of any actual or
51 alleged act, error or omission that occurred, or that the person against whom

1 the claim is made had a reasonable basis for believing occurred within the
2 scope of Commission employment, duties or responsibilities, provided that
3 nothing in this subdivision shall be construed to protect any such person from
4 suit and/or liability for any damage, loss, injury, or liability caused by the
5 intentional or willful or wanton misconduct of that person.

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

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

25 **§ 90-270.170. Rule making.**

26 (a) The Commission shall exercise its rule-making powers pursuant to the criteria set
27 forth in this section and the Rules adopted thereunder. Rules and amendments shall become
28 binding as of the date specified in each rule or amendment.

29 (b) If a majority of the legislatures of the Compact States rejects a rule, by enactment of
30 a statute or resolution in the same manner used to adopt the Compact, then such rule shall have
31 no further force and effect in any Compact State.

32 (c) Rules or amendments to the rules shall be adopted at a regular or special meeting of
33 the Commission.

34 (d) Prior to promulgation and adoption of a final rule or Rules by the Commission, and
35 at least 60 days in advance of the meeting at which the rule will be considered and voted upon,
36 the Commission shall file a Notice of Proposed Rule Making:

37 (1) On the Web site of the Commission; and

38 (2) On the Web site of each Compact States' Psychology Regulatory Authority or
39 the publication in which each state would otherwise publish proposed rules.

40 (e) The Notice of Proposed Rule Making shall include:

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

43 (2) The text of the proposed rule or amendment and the reason for the proposed
44 rule;

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

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

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

50 (g) The Commission shall grant an opportunity for a public hearing before it adopts a rule
51 or amendment if a hearing is requested by:

- 1 (1) At least 25 persons who submit comments independently of each other;
2 (2) A governmental subdivision or agency; or
3 (3) A duly appointed person in an association that has having at least 25 members.
4 (h) If a hearing is held on the proposed rule or amendment, the Commission shall publish
5 the place, time, and date of the scheduled public hearing.
6 (1) All persons wishing to be heard at the hearing shall notify the Executive
7 Director of the Commission or other designated member in writing of their
8 desire to appear and testify at the hearing not less than five business days
9 before the scheduled date of the hearing.
10 (2) Hearings shall be conducted in a manner providing each person who wishes
11 to comment a fair and reasonable opportunity to comment orally or in writing.
12 (3) No transcript of the hearing is required, unless a written request for a transcript
13 is made, in which case the person requesting the transcript shall bear the cost
14 of producing the transcript. A recording may be made in lieu of a transcript
15 under the same terms and conditions as a transcript. This subsection shall not
16 preclude the Commission from making a transcript or recording of the hearing
17 if it so chooses.
18 (4) Nothing in this section shall be construed as requiring a separate hearing on
19 each rule. Rules may be grouped for the convenience of the Commission at
20 hearings required by this section.
21 (i) Following the scheduled hearing date, or by the close of business on the scheduled
22 hearing date if the hearing was not held, the Commission shall consider all written and oral
23 comments received.
24 (j) The Commission shall, by majority vote of all members, take final action on the
25 proposed rule and shall determine the effective date of the rule, if any, based on the rule-making
26 record and the full text of the rule.
27 (k) If no written notice of intent to attend the public hearing by interested parties is
28 received, the Commission may proceed with promulgation of the proposed rule without a public
29 hearing.
30 (l) Upon determination that an emergency exists, the Commission may consider and
31 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that
32 the usual rule-making procedures provided in the Compact and in this section shall be
33 retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days
34 after the effective date of the rule. For the purposes of this provision, an emergency rule is one
35 that must be adopted immediately in order to:
36 (1) Meet an imminent threat to public health, safety, or welfare;
37 (2) Prevent a loss of Commission or Compact State funds;
38 (3) Meet a deadline for the promulgation of an administrative rule that is
39 established by federal law or rule; or
40 (4) Protect public health and safety.
41 (m) The Commission or an authorized committee of the Commission may direct revisions
42 to a previously adopted rule or amendment for purposes of correcting typographical errors, errors
43 in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be
44 posted on the Web site of the Commission. The revision shall be subject to challenge by any
45 person for a period of 30 days after posting. The revision may be challenged only on grounds
46 that the revision results in a material change to a rule. A challenge shall be made in writing, and
47 delivered to the Chair of the Commission prior to the end of the notice period. If no challenge is
48 made, the revision will take effect without further action. If the revision is challenged, the
49 revision may not take effect without the approval of the Commission.

50 **"§ 90-270.171. Oversight, dispute resolution, and enforcement.**

- 51 (a) Oversight. –

- 1 (1) The executive, legislative, and judicial branches of state government in each
2 Compact State shall enforce this Compact and take all actions necessary and
3 appropriate to effectuate the Compact's purposes and intent. The provisions of
4 this Compact and the rules promulgated hereunder shall have standing as
5 statutory law.
- 6 (2) All courts shall take judicial notice of the Compact and the rules in any judicial
7 or administrative proceeding in a Compact State pertaining to the subject
8 matter of this Compact which may affect the powers, responsibilities, or
9 actions of the Commission.
- 10 (3) The Commission shall be entitled to receive service of process in any such
11 proceeding and shall have standing to intervene in such a proceeding for all
12 purposes. Failure to provide service of process to the Commission shall render
13 a judgment or order void as to the Commission, this Compact, or promulgated
14 rules.
- 15 (b) Default, Technical Assistance, and Termination. –
- 16 (1) If the Commission determines that a Compact State has defaulted in the
17 performance of its obligations or responsibilities under this Compact or the
18 promulgated rules, the Commission shall:
- 19 a. Provide written notice to the defaulting state and other Compact States
20 of the nature of the default, the proposed means of remedying the
21 default, and/or any other action to be taken by the Commission; and
22 b. Provide remedial training and specific technical assistance regarding
23 the default.
- 24 (2) If a state in default fails to remedy the default, the defaulting state may be
25 terminated from the Compact upon an affirmative vote of a majority of the
26 Compact States and all rights, privileges and benefits conferred by this
27 Compact shall be terminated on the effective date of termination. A remedy
28 of the default does not relieve the offending state of obligations or liabilities
29 incurred during the period of default.
- 30 (3) Termination of membership in the Compact shall be imposed only after all
31 other means of securing compliance have been exhausted. Notice of intent to
32 suspend or terminate shall be submitted by the Commission to the Governor,
33 the majority and minority leaders of the defaulting state's legislature, and each
34 of the Compact States.
- 35 (4) A Compact State which has been terminated is responsible for all assessments,
36 obligations, and liabilities incurred through the effective date of termination,
37 including obligations which extend beyond the effective date of termination.
- 38 (5) The Commission shall not bear any costs incurred by the state which is found
39 to be in default or which has been terminated from the Compact, unless agreed
40 upon in writing between the Commission and the defaulting state.
- 41 (6) The defaulting state may appeal the action of the Commission by petitioning
42 the U.S. District Court for the state of Georgia or the federal district where the
43 Compact has its principal offices. The prevailing member shall be awarded all
44 costs of such litigation, including reasonable attorneys' fees.
- 45 (c) Dispute Resolution. –
- 46 (1) Upon request by a Compact State, the Commission shall attempt to resolve
47 disputes related to the Compact which arise among Compact States and
48 between Compact and Non-Compact States.
- 49 (2) The Commission shall promulgate a rule providing for both mediation and
50 binding dispute resolution for disputes that arise before the Commission.
- 51 (d) Enforcement. –

- 1 (1) The Commission, in the reasonable exercise of its discretion, shall enforce the
2 provisions and Rules of this Compact.
- 3 (2) By majority vote, the Commission may initiate legal action in the United
4 States District Court for the State of Georgia or the federal district where the
5 Compact has its principal offices against a Compact State in default to enforce
6 compliance with the provisions of the Compact and its promulgated Rules and
7 Bylaws. The relief sought may include both injunctive relief and damages. In
8 the event judicial enforcement is necessary, the prevailing member shall be
9 awarded all costs of such litigation, including reasonable attorneys' fees.
- 10 (3) The remedies herein shall not be the exclusive remedies of the Commission.
11 The Commission may pursue any other remedies available under federal or
12 state law.

13 **"§ 90-270.172. Date of implementation of the Psychology Interjurisdictional Compact**
14 **Commission and associated rules, withdrawal, and amendments.**

15 (a) The Compact shall come into effect on the date on which the Compact is enacted into
16 law in the seventh Compact State. The provisions which become effective at that time shall be
17 limited to the powers granted to the Commission relating to assembly and the promulgation of
18 rules. Thereafter, the Commission shall meet and exercise rule-making powers necessary to the
19 implementation and administration of the Compact.

20 (b) Any state which joins the Compact subsequent to the Commission's initial adoption
21 of the rules shall be subject to the rules as they exist on the date on which the Compact becomes
22 law in that state. Any rule which has been previously adopted by the Commission shall have the
23 full force and effect of law on the day the Compact becomes law in that state.

24 (c) Any Compact State may withdraw from this Compact by enacting a statute repealing
25 the same.

26 (1) A Compact State's withdrawal shall not take effect until six months after
27 enactment of the repealing statute.

28 (2) Withdrawal shall not affect the continuing requirement of the withdrawing
29 State's Psychology Regulatory Authority to comply with the investigative and
30 adverse action reporting requirements of this act prior to the effective date of
31 withdrawal.

32 (d) Nothing contained in this Compact shall be construed to invalidate or prevent any
33 psychology licensure agreement or other cooperative arrangement between a Compact State and
34 a Non-Compact State which does not conflict with the provisions of this Compact.

35 (e) This Compact may be amended by the Compact States. No amendment to this
36 Compact shall become effective and binding upon any Compact State until it is enacted into the
37 law of all Compact States.

38 **"§ 90-270.173. Construction and severability.**

39 This Compact shall be liberally construed so as to effectuate the purposes thereof. If this
40 Compact shall be held contrary to the constitution of any state member thereto, the Compact shall
41 remain in full force and effect as to the remaining Compact States."

42 **SECTION 3.** This act becomes effective when at least seven states have enacted the
43 Psychology Interjurisdictional Compact (PSYPACT) set forth in Section 2 of this act. The North
44 Carolina Psychology Board shall report to the Revisor of Statutes when the Psychology
45 Interjurisdictional Compact (PSYPACT) set forth in Section 2 of this act has been enacted by the
46 seven member states.