

**45:14B-49**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2021                    **CHAPTER:** 229

**NJSA:** 45:14B-49 (Enters New Jersey into Psychology Interjurisdictional Compact.)

**BILL NO:** A4205                    (Substituted for S2506 (1R))

**SPONSOR(S)** Greenwald, Louis D. and others

**DATE INTRODUCED:** 6/1/2020

**COMMITTEE:**                    **ASSEMBLY:** Health

**SENATE:** ---

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:** 5/20/2021

**SENATE:** 6/3/2021

**DATE OF APPROVAL:** 9/24/2021

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (First Reprint enacted) Yes

**A4205**

**INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):** Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes    Health

**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

**S2506 (1R)**

**INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):** Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** Yes    Health, Human Serv. &  
Senior Citizens  
Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:**

Yes

**VETO MESSAGE:**

No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

RH/CL

P.L. 2021, CHAPTER 229, *approved September 24, 2021*  
Assembly, No. 4205 (*First Reprint*)

1 **AN ACT** concerning psychological services and supplementing Title  
2 45 of the Revised Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. The State of New Jersey enacts and enters into the  
8 “Psychology Interjurisdictional Compact Act” with all other  
9 jurisdictions that legally join in the compact in the form  
10 substantially as follows:

11  
12 I. Purpose.

13  
14 Whereas, states license psychologists, in order to protect the  
15 public through verification of education, training and experience  
16 and ensure accountability for professional practice; and

17 Whereas, this compact is intended to regulate the day to day  
18 practice of telepsychology, which is the provision of psychological  
19 services using telecommunication technologies, by psychologists  
20 across state boundaries in the performance of their psychological  
21 practice as assigned by an appropriate authority; and

22 Whereas, this compact is intended to regulate the temporary in-  
23 person, face-to-face practice of psychology by psychologists across  
24 state boundaries for 30 days within a calendar year in the  
25 performance of their psychological practice as assigned by an  
26 appropriate authority;

27 Whereas, this compact is intended to authorize state psychology  
28 regulatory authorities to afford legal recognition, in a manner  
29 consistent with the terms of the compact, to psychologists licensed  
30 in another state;

31 Whereas, this compact recognizes that states have a vested  
32 interest in protecting the public's health and safety through their  
33 licensing and regulation of psychologists and that such state  
34 regulation will best protect public health and safety;

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

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AHE committee amendments adopted March 8, 2021.

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

4       Consistent with these principles, this compact is designed to  
5 achieve the following purposes and objectives: increase public  
6 access to professional psychological services by allowing for  
7 telepsychological practice across state lines as well as temporary in-  
8 person, face-to-face services into a state in which the psychologist  
9 is not licensed to practice psychology; enhance the states' ability to  
10 protect the public's health and safety, especially client and patient  
11 safety; encourage the cooperation of compact states in the areas of  
12 psychology licensure and regulation; facilitate the exchange of  
13 information between compact states regarding psychologist  
14 licensure, adverse actions, and disciplinary history; promote  
15 compliance with the laws governing psychological practice in each  
16 compact state; and invest all compact states with the authority to  
17 hold licensed psychologists accountable through the mutual  
18 recognition of compact state licenses.

19

## 20       II. Definitions.

21

22       "Adverse action" means any action taken by a state psychology  
23 regulatory authority <sup>1</sup>**【which】** that<sup>1</sup> finds a violation of a statute or  
24 regulation that is identified by the state psychology regulatory  
25 authority as discipline and is a matter of public record.

26       "Association of State and Provincial Psychology Boards  
27 (ASPPB)" means the recognized membership organization  
28 composed of state and provincial psychology regulatory authorities  
29 responsible for the licensure and registration of psychologists  
30 throughout the United States and Canada.

31       "Authority to <sup>1</sup>**【Practice Interjurisdictional Telepsychology】**  
32 practice interjurisdictional telepsychology<sup>1</sup> " means a licensed  
33 psychologist's authority to practice telepsychology, within the limits  
34 authorized under this compact, in another compact state.

35       "Bylaws" means those bylaws established by the psychology  
36 interjurisdictional compact commission pursuant to Article X for its  
37 governance, or for directing and controlling its actions and conduct.

38       "Client or patient" means the recipient of psychological services,  
39 whether psychological services are delivered in the context of  
40 healthcare, corporate, supervision, or consulting services <sup>1</sup>**【,** or  
41 **both】**<sup>1</sup> .

42       "Commissioner" means the voting representative appointed by  
43 each <sup>1</sup>**【State Psychology Regulatory Authority】** state psychology  
44 regulatory authority<sup>1</sup> pursuant to Article X.

45       "Compact <sup>1</sup>**【State】** state<sup>1</sup> " means a state, the District of  
46 Columbia, or United States territory that has enacted this compact  
47 legislation and <sup>1</sup>**【which】** that<sup>1</sup> has not withdrawn pursuant to

1 <sup>1</sup>**[section]** subsection<sup>1</sup> c. of Article XIII or been terminated  
2 pursuant to <sup>1</sup>**[section]** subsection<sup>1</sup> b. of Article XII.

3 "Coordinated licensure information system" or "coordinated  
4 database" means an integrated process for collecting, storing, and  
5 sharing information on psychologists' licensure and enforcement  
6 activities related to psychology licensure laws, which is  
7 administered by the recognized membership organization composed  
8 of state and provincial psychology regulatory authorities.

9 "Confidentiality" means the principle that data or information is  
10 not made available or disclosed to unauthorized persons or  
11 processes, or both.

12 "Day" means any part of a day in which psychological work is  
13 performed.

14 "Distant <sup>1</sup>**[State]** state<sup>1</sup> " means the compact state where a  
15 psychologist is physically present, not through the use of  
16 telecommunications technologies, to provide temporary in-person,  
17 face-to-face psychological services.

18 " <sup>1</sup>**[E.Passport]** E.passport<sup>1</sup> " means a certificate issued by the  
19 ASPPB that promotes the standardization in the criteria of  
20 interjurisdictional telepsychology practice and facilitates the  
21 process for licensed psychologists to provide telepsychological  
22 services across state lines.

23 "Executive board" means a group of directors elected or  
24 appointed to act on behalf of, and within the powers granted to them  
25 by, the commission.

26 "Home <sup>1</sup>**[State]** state<sup>1</sup> " means a compact state where a  
27 psychologist is licensed to practice psychology. If the psychologist  
28 is licensed in more than one compact state and is practicing under  
29 the authorization to practice interjurisdictional telepsychology, the  
30 home state is the compact state where the psychologist is physically  
31 present when the telepsychological services are delivered. If the  
32 psychologist is licensed in more than one compact state and is  
33 practicing under the temporary authorization to practice, the home  
34 state is any compact state where the psychologist is licensed.

35 "Identity <sup>1</sup>**[History Summary]** history summary<sup>1</sup> " means a  
36 summary of information retained by the Federal Bureau of  
37 Investigation (FBI), or other designee with similar authority, in  
38 connection with arrests and, in some instances, federal employment,  
39 naturalization, or military service.

40 "In-person, face-to-face" means interactions in which the  
41 psychologist and the client <sup>1</sup>**[and]** or<sup>1</sup> patient are in the same  
42 physical space <sup>1</sup>**[and which]** . The term shall<sup>1</sup> does not include  
43 interactions that may occur through the use of telecommunication  
44 technologies.

45 "Interjurisdictional Practice Certificate <sup>1</sup>**[(IPC)]**<sup>1</sup> " <sup>1</sup>or "IPC"<sup>1</sup>  
46 means a certificate issued by the ASPPB that grants temporary  
47 authority to practice based on notification to the state psychology

1 regulatory authority of intention to practice temporarily, and  
2 verification of one's qualifications for such practice.

3 "License" means **1[:]**<sup>1</sup> authorization by a state psychology  
4 regulatory authority to engage in the independent practice of  
5 psychology, which would be unlawful without the authorization.

6 "Non-compact state" means **1[:]**<sup>1</sup> any state **1[which] that**<sup>1</sup> is not  
7 at the time a compact state.

8 "Psychologist" means **1[:]**<sup>1</sup> an individual licensed for the  
9 independent practice of psychology.

10 "Psychology Interjurisdictional Compact Commission" or  
11 "Commission" means the national administration of which all  
12 compact states are members.

13 "Receiving state" means a compact state where the client **1[,]**<sup>1</sup> or  
14 patient **1[, or both]**<sup>1</sup> is physically located when the  
15 telepsychological services are delivered.

16 "Rule" means a written statement by the Psychology  
17 Interjurisdictional Compact Commission promulgated pursuant to  
18 Article XI of the compact that is of general applicability,  
19 implements, interprets, or prescribes a policy or provision of the  
20 compact, or an organizational, procedural, or practice requirement  
21 of the commission and has the force and effect of statutory law in a  
22 compact state, and includes the amendment, repeal or suspension of  
23 an existing rule.

24 "Significant **1[Investigatory Information]** investigatory  
25 information<sup>1</sup> " means investigative information that a state  
26 psychology regulatory authority, after a preliminary inquiry that  
27 includes notification and an opportunity to respond if required by  
28 state law, has reason to believe, if proven true, would indicate more  
29 than a violation of state statute or ethics code that would be  
30 considered more substantial than minor infraction; or investigative  
31 information that indicates that the psychologist represents an  
32 immediate threat to public health and safety regardless of whether  
33 the psychologist has been notified or had an opportunity to respond,  
34 or both.

35 "State" means a state, commonwealth, territory, or possession of  
36 the United States **1[,] and**<sup>1</sup> the District of Columbia.

37 "State psychology regulatory authority" means the board, office  
38 or other agency with the legislative mandate to license and regulate  
39 the practice of psychology.

40 "Telepsychology" means the provision of psychological services  
41 using telecommunication technologies.

42 "Temporary authorization to practice" means a licensed  
43 psychologist's authority to conduct temporary in-person, face-to-  
44 face practice, within the limits authorized under this compact, in  
45 another compact state.

46 "Temporary in-person, face-to-face practice" means where a  
47 psychologist is physically present, not through the use of

1 telecommunications technologies, in the distant state to provide for  
2 the practice of psychology for 30 days within a calendar year and  
3 based on notification to the distant state.

4  
5 III. Home State Licensure.

6  
7 a. The home state shall be a compact state where a  
8 psychologist is licensed to practice psychology.

9 b. A psychologist may hold one or more compact state licenses  
10 at a time. <sup>1</sup>~~if~~ If<sup>1</sup> the psychologist is licensed in more than one  
11 compact state, the home state is the compact state where the  
12 psychologist is physically present when the services are delivered  
13 as authorized by the authority to practice interjurisdictional  
14 telepsychology under the terms of this compact.

15 c. Any compact state may require a psychologist not previously  
16 licensed in a compact state to obtain and retain a license to be  
17 authorized to practice in the compact state under circumstances not  
18 authorized by the authority to practice interjurisdictional  
19 telepsychology under the terms of this compact.

20 d. Any compact state may require a psychologist to obtain and  
21 retain a license to be authorized to practice in a compact state under  
22 circumstances not authorized by temporary authorization to practice  
23 under the terms of this compact.

24 e. A home state's license authorizes a psychologist to practice  
25 in a receiving state under the authority to practice interjurisdictional  
26 telepsychology only if the compact state: currently requires the  
27 psychologist to hold an active e.passport; has a mechanism in place  
28 for receiving and investigating complaints about licensed  
29 individuals; notifies the commission, in compliance with the terms  
30 herein, of any adverse action or significant investigatory  
31 information regarding a licensed individual; requires an identity  
32 history summary of all applicants at initial licensure, including the  
33 use of the results of fingerprints or other biometric data checks  
34 compliant with the requirements of the FBI, or other designee with  
35 similar authority, no later than <sup>1</sup>~~ten~~ 10<sup>1</sup> years after activation of  
36 the compact; and complies with the bylaws and rules of the  
37 commission.

38 f. A home state's license grants temporary authorization to  
39 practice to a psychologist in a distant state only if the compact state:  
40 currently requires the psychologist to hold an active <sup>1</sup>~~ipc~~ IPC<sup>1</sup> ;  
41 has a mechanism in place for receiving and investigating complaints  
42 about licensed individuals; notifies the commission, in compliance  
43 with the terms herein, of any adverse action or significant  
44 investigatory information regarding a licensed individual; requires  
45 an identity history summary of all applicants at initial licensure,  
46 including the use of the results of fingerprints or other biometric  
47 data checks compliant with the requirements of the federal bureau  
48 of investigation, or other designee with similar authority, no later

1 than ten years after activation of the compact; and complies with  
2 the bylaws and rules of the commission.

3

4 IV. Compact Privilege to Practice Telepsychology.

5

6 a. Compact states shall recognize the right of a psychologist,  
7 licensed in a compact state in conformance with Article III, to  
8 practice telepsychology in other compact states in which the  
9 psychologist is not licensed, under the authority to practice  
10 interjurisdictional telepsychology as provided in the compact.

11 b. To exercise the authority to practice interjurisdictional  
12 telepsychology under the terms and provisions of this compact, a  
13 psychologist licensed to practice in a compact state <sup>1</sup>**【must】 shall<sup>1</sup>** :

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

16 (a) regionally accredited by an accrediting body recognized by  
17 the federal Department of Education to grant graduate degrees, or  
18 authorized by Provincial Statute or Royal Charter to grant doctoral  
19 degrees; or

20 (b) a foreign college or university deemed to be equivalent to by  
21 a foreign credential evaluation service that is a member of the  
22 National Association of Credential Evaluation Services or by a  
23 recognized foreign credential evaluation service;

24 (2) Hold a graduate degree in psychology that meets the  
25 following criteria: the program, wherever it may be administratively  
26 housed, <sup>1</sup>**【must】 shall<sup>1</sup>** be clearly identified and labeled as a  
27 psychology program. Such a program <sup>1</sup>**【must】 shall<sup>1</sup>** specify in  
28 pertinent institutional catalogues and brochures its intent to educate  
29 and train professional psychologists; the psychology program  
30 <sup>1</sup>**【must】 shall<sup>1</sup>** stand as a recognizable, coherent, organizational  
31 entity within the institution; there <sup>1</sup>**【must】 shall<sup>1</sup>** be a clear  
32 authority and primary responsibility for the core and specialty areas  
33 whether or not the program cuts across administrative lines; the  
34 program <sup>1</sup>**【must】 shall<sup>1</sup>** consist of an integrated, organized  
35 sequence of study; there <sup>1</sup>**【must】 shall<sup>1</sup>** be an identifiable  
36 psychology faculty sufficient in size and breadth to carry out its  
37 responsibilities; the designated director of the program <sup>1</sup>**【must】**  
38 **shall<sup>1</sup>** be a psychologist and a member of the core faculty; the  
39 program <sup>1</sup>**【must】 shall<sup>1</sup>** have an identifiable body of students who  
40 are matriculated in that program for a degree; the program <sup>1</sup>**【must】**  
41 **shall<sup>1</sup>** include supervised practicum, internship, or field training  
42 appropriate to the practice of psychology; the curriculum shall  
43 encompass a minimum of three academic years of full-time  
44 graduate study for a doctoral degree and a minimum of one  
45 academic year of full-time graduate study for a master's degree; the  
46 program includes an acceptable residency as defined by the rules of  
47 the commission;



1 (3) Possess a current, full and unrestricted license to practice  
2 psychology in a home state <sup>1</sup>~~【which】~~ that<sup>1</sup> is a compact state; have  
3 no history of adverse action that violate the rules of the  
4 commission; have no criminal record history reported on an identity  
5 history summary that violates the rules of the commission; possess  
6 a current, active e.passport;

7 (4) Provide attestations in regard to areas of intended practice,  
8 conformity with standards of practice, competence in  
9 telepsychology technology; criminal background; and knowledge  
10 and adherence to legal requirements in the home and receiving  
11 states, and

12 (5) Provide a release of information to allow for primary source  
13 verification in a manner specified by the commission; and meet  
14 other criteria as defined by the rules of the commission.

15 c. The home state maintains authority over the license of any  
16 psychologist practicing into a receiving state under the authority to  
17 practice interjurisdictional telepsychology.

18 d. A psychologist practicing into a receiving state under the  
19 authority to practice interjurisdictional telepsychology will be  
20 subject to the receiving state's scope of practice. A receiving state  
21 may, in accordance with that state's due process law, limit or revoke  
22 a psychologist's authority to practice interjurisdictional  
23 telepsychology in the receiving state and may take any other  
24 necessary actions under the receiving state's applicable law to  
25 protect the health and safety of the receiving state's citizens. If a  
26 receiving state takes action, the state shall promptly notify the home  
27 state and the commission.

28 e. If a psychologist's license in any home state, another  
29 compact state, or any authority to practice interjurisdictional  
30 telepsychology in any receiving state, is restricted, suspended or  
31 otherwise limited, the e.passport shall be revoked and therefore the  
32 psychologist shall not be eligible to practice telepsychology in a  
33 compact state under the authority to practice interjurisdictional  
34 telepsychology.

35

#### 36 V. Compact Temporary Authorization to Practice.

37

38 a. Compact States shall also recognize the right of a  
39 psychologist, licensed in a compact state in conformance with  
40 Article <sup>1</sup>~~【iii】~~ III<sup>1</sup>, to practice temporarily in other distant states in  
41 which the psychologist is not licensed, as provided in the compact.

42 b. To exercise the temporary authorization to practice under the  
43 terms and provisions of this compact, a psychologist licensed to  
44 practice in a compact state <sup>1</sup>~~【must】~~ shall<sup>1</sup> :

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

47 (a) Regionally accredited by an accrediting body recognized by  
48 the federal Department of Education to grant graduate degrees, or

1 authorized by Provincial Statute or Royal Charter to grant doctoral  
2 degrees; or

3 (b) a foreign college or university deemed to be equivalent by a  
4 foreign credential evaluation service that is a member of the  
5 National Association of Credential Evaluation Services or by a  
6 recognized foreign credential evaluation service;

7 (2) Hold a graduate degree in psychology that meets the  
8 following criteria: the program, wherever it may be administratively  
9 housed, **'[must] shall'** be clearly identified and labeled as a  
10 psychology program and **'[must] shall'** specify in pertinent  
11 institutional catalogues and brochures its intent to educate and train  
12 professional psychologists; the psychology program **'[must] shall'**  
13 stand as a recognizable, coherent, organizational entity within the  
14 institution; there **'[must] shall'** be a clear authority and primary  
15 responsibility for the core and specialty areas whether or not the  
16 program cuts across administrative lines; the program **'[must]**  
17 **shall'** consist of an integrated, organized sequence of study; there  
18 **'[must] shall'** be an identifiable psychology faculty sufficient in  
19 size and breadth to carry out its responsibilities; the designated  
20 director of the program **'[must] shall'** be a psychologist and a  
21 member of the core faculty; the program **'[must] shall'** have an  
22 identifiable body of students who are matriculated in that program  
23 for a degree; the program **'[must] shall'** include supervised  
24 practicum, internship, or field training appropriate to the practice of  
25 psychology; the curriculum shall encompass a minimum of three  
26 academic years of full-time graduate study for doctoral degrees and  
27 a minimum of one academic year of full-time graduate study for  
28 master's degree; and the program includes an acceptable residency  
29 as defined by the rules of the commission;

30 (3) Possess a current, full and unrestricted license to practice  
31 psychology in a home state **'[which] that'** is a compact state; no  
32 history of adverse action that violate the rules of the commission;  
33 and have no criminal record history that violates the rules of the  
34 commission;

35 (4) Possess a current, active IPC;

36 (5) Provide attestations in regard to areas of intended practice  
37 and work experience and provide a release of information to allow  
38 for primary source verification in a manner specified by the  
39 commission; and

40 (6) Meet other criteria as defined by the rules of the  
41 commission.

42 c. A psychologist practicing into a distant state under the  
43 temporary authorization to practice shall practice within the scope  
44 of practice authorized by the distant state.

45 d. A psychologist practicing into a distant state under the  
46 temporary authorization to practice will be subject to the distant  
47 state's authority and law. A distant state may, in accordance with

1 that state's due process law, limit or revoke a psychologist's  
2 temporary authorization to practice in the distant state and may take  
3 any other necessary actions under the distant state's applicable law  
4 to protect the health and safety of the distant state's citizens. If a  
5 distant state takes action, the state shall promptly notify the home  
6 state and the commission.

7 e. If a psychologist's license in any home state, another  
8 compact state, or any temporary authorization to practice in any  
9 distant state, is restricted, suspended or otherwise limited, the IPC  
10 shall be revoked and therefore the psychologist shall not be eligible  
11 to practice in a compact state under the temporary authorization to  
12 practice.

13

#### 14 VI. Conditions of Telepsychology Practice in a Receiving State.

15

16 A psychologist may practice in a receiving state under the  
17 authority to practice interjurisdictional telepsychology only in the  
18 performance of the scope of practice for psychology as assigned by  
19 an appropriate state psychology regulatory authority, as defined in  
20 the rules of the commission, and under the following circumstances:  
21 the psychologist initiates a client or patient <sup>1</sup>['[, or both,]']<sup>1</sup> contact in  
22 a home state via telecommunications technologies with a client or  
23 patient <sup>1</sup>['[, or both,]']<sup>1</sup> in a receiving state; and other conditions  
24 regarding telepsychology as determined by rules promulgated by  
25 the commission.

26

#### 27 VII. Adverse Actions

28

29 a. A home state shall have the power to impose adverse action  
30 against a psychologist's license issued by the home state. A distant  
31 state shall have the power to take adverse action on a psychologist's  
32 temporary authorization to practice within that distant State.

33 b. A receiving state may take adverse action on a psychologist's  
34 authority to practice interjurisdictional telepsychology within that  
35 receiving state. A home state may take adverse action against a  
36 psychologist based on an adverse action taken by a distant state  
37 regarding temporary in-person, face-to-face practice.

38 c. If a home state takes adverse action against a psychologist's  
39 license, that psychologist's authority to practice interjurisdictional  
40 telepsychology is terminated and the e.passport is revoked.  
41 Furthermore, that psychologist's temporary authorization to practice  
42 is terminated and the IPC is revoked. All home state disciplinary  
43 orders <sup>1</sup>['[which] that']<sup>1</sup> impose adverse action shall be reported to the  
44 commission in accordance with the rules promulgated by the  
45 commission. A compact state shall report adverse actions in  
46 accordance with the rules of the commission. In the event  
47 discipline is reported on a psychologist, the psychologist will not be  
48 eligible for telepsychology or temporary in-person, face-to-face

1 practice in accordance with the rules of the commission. Other  
2 actions may be imposed as determined by the rules promulgated by  
3 the commission.

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

11 e. A distant state's psychology regulatory authority shall  
12 investigate and take appropriate action with respect to reported  
13 inappropriate conduct engaged in by a psychologist practicing under  
14 temporary authorization practice <sup>1</sup>~~which~~ that<sup>1</sup> occurred in that  
15 distant state as it would if such conduct had occurred by a licensee  
16 within the home state. In such cases, distant state's law shall  
17 control in determining any adverse action against a psychologist's  
18 temporary authorization to practice.

19 f. Nothing in this compact shall override a compact state's  
20 decision that a psychologist's participation in an alternative program  
21 may be used in lieu of adverse action and that such participation  
22 shall remain non-public if required by the compact state's law.  
23 <sup>1</sup>~~compact~~ Compact<sup>1</sup> states <sup>1</sup>~~must~~ shall<sup>1</sup> require psychologists  
24 who enter any alternative programs to not provide telepsychology  
25 services under the authority to practice interjurisdictional  
26 telepsychology or provide temporary psychological services under  
27 the temporary authorization to practice in any other compact state  
28 during the term of the alternative program.

29 g. No other judicial or administrative remedies shall be  
30 available to a psychologist in the event a compact state imposes an  
31 adverse action pursuant to subsection c. of this section.

32

### 33 VIII. Additional Authorities Invested in a Compact State's 34 Psychology.

35

36 In addition to any other powers granted under state law, a  
37 compact state's psychology regulatory authority shall have the  
38 authority under this compact to: issue subpoenas, for both hearings  
39 and investigations, which require the attendance and testimony of  
40 witnesses and the production of evidence. <sup>1</sup>~~subpoenas~~  
41 Subpoenas<sup>1</sup> issued by a compact state's psychology regulatory  
42 authority for the attendance and testimony of witnesses, or the  
43 production of evidence from another compact state, shall be  
44 enforced in the latter state by any court of competent jurisdiction,  
45 according to that court's practice and procedure in considering  
46 subpoenas issued in its own proceedings. The issuing state  
47 psychology regulatory authority shall pay any witness fees, travel  
48 expenses, mileage, and other fees required by the service statutes of

1 the state where the witnesses, evidence, or both are located; and  
2 issue cease and desist <sup>1</sup>【and/or】 orders and<sup>1</sup> injunctive relief orders  
3 to revoke a psychologist's authority to practice interjurisdictional  
4 telepsychology, temporary authorization to practice, or both.  
5 During the course of any investigation, a psychologist may not  
6 change his or her home state licensure. A home state psychology  
7 regulatory authority is authorized to complete any pending  
8 investigations of a psychologist and to take any actions appropriate  
9 under its law. The home state psychology regulatory authority shall  
10 promptly report the conclusions of such investigations to the  
11 commission. Once an investigation has been completed, and  
12 pending the outcome of said investigation, the psychologist may  
13 change his or her home state licensure. The commission shall  
14 promptly notify the new home state of any such decisions as  
15 provided in the rules of the commission. All information provided  
16 to the commission or distributed by compact states pursuant to the  
17 psychologist shall be confidential, filed under seal, and used for  
18 investigatory or disciplinary matters. The commission may create  
19 additional rules for mandated or discretionary sharing of  
20 information by compact states.

21  
22 IX. Coordinated Licensure Information System.

23  
24 a. The <sup>1</sup>【Commission】 commission<sup>1</sup> shall provide for the  
25 development and maintenance of a coordinated licensure  
26 <sup>1</sup>【information system (coordinated database)】 database<sup>1</sup> and  
27 reporting system containing licensure and disciplinary action  
28 information on all psychologists <sup>1</sup>【individuals】<sup>1</sup> to whom this  
29 compact is applicable in all compact states as defined by the rules  
30 of the commission.

31 b. Notwithstanding any other provision of state law to the  
32 contrary, a compact state shall submit a uniform data set to the  
33 coordinated database on all licensees as required by the rules of the  
34 commission, including: identifying information; licensure data;  
35 significant investigatory information; adverse actions against a  
36 psychologist's license; an indicator that a psychologist's authority to  
37 practice interjurisdictional telepsychology or temporary  
38 authorization to practice is revoked; non-confidential information  
39 related to alternative program participation information; any denial  
40 of application for licensure, and the reasons for such denial; and  
41 other information <sup>1</sup>【which】 that<sup>1</sup> may facilitate the administration  
42 of this compact, as determined by the rules of the commission.

43 c. The coordinated database administrator shall promptly notify  
44 all compact states of any adverse action taken against, or significant  
45 investigative information on, any licensee in a compact state.

46 d. Compact states reporting information to the coordinated  
47 database may designate information that may not be shared with the

1 public without the express permission of the compact state reporting  
2 the information.

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

7

8 X. Establishment of the Psychology Interjurisdictional Compact  
9 Commission.

10

11 a. The compact states hereby create and establish a joint public  
12 agency known as the <sup>1</sup>**【psychology interjurisdictional compact**  
13 **commission】** Psychology Interjurisdictional Compact Commission<sup>1</sup>  
14 The commission is a body politic and an instrumentality of the  
15 compact States. Venue is proper and judicial proceedings by or  
16 against the commission shall be brought solely and exclusively in a  
17 court of competent jurisdiction where the principal office of the  
18 commission is located. The commission may waive venue and  
19 jurisdictional defenses to the extent it adopts or consents to  
20 participate in alternative dispute resolution proceedings. Nothing in  
21 this compact shall be construed to be a waiver of sovereign  
22 immunity.

23 b. (1) The commission shall consist of one voting  
24 representative appointed by each compact state who shall serve as  
25 that state's commissioner. The state psychology regulatory  
26 authority shall appoint its delegate. The delegate shall be  
27 empowered to act on behalf of the compact state. The delegate  
28 shall be either the executive director, executive secretary or similar  
29 executive; current member of the state psychology regulatory  
30 authority of a compact state; or designee empowered with the  
31 appropriate delegate authority to act on behalf of the compact state.  
32 Any commissioner may be removed or suspended from office as  
33 provided by the law of the state from which the commissioner is  
34 appointed. Any vacancy occurring in the commission shall be filled  
35 in accordance with the laws of the compact state in which the  
36 vacancy exists. Each commissioner shall be entitled to one vote  
37 with regard to the promulgation of rules and creation of bylaws and  
38 shall otherwise have an opportunity to participate in the business  
39 and affairs of the commission. A commissioner shall vote in person  
40 or by such other means as provided in the bylaws. The bylaws may  
41 provide for commissioners' participation in meetings by telephone  
42 or other means of communication. The commission shall meet at  
43 least once during each calendar year. Additional meetings shall be  
44 held as set forth in the bylaws. All meetings shall be open to the  
45 public, and public notice of meetings shall be given in the same  
46 manner as required under the rulemaking provisions in Article XI.  
47 The commission may convene in a closed, non-public meeting if the  
48 commission <sup>1</sup>**【must】** shall<sup>1</sup> discuss: non-compliance of a compact

1 state with its obligations under the compact; the employment,  
2 compensation, discipline or other personnel matters, practices or  
3 procedures related to specific employees or other matters related to  
4 the commission's internal personnel practices and procedures;  
5 current, threatened, or reasonably anticipated litigation against the  
6 commission; negotiation of contracts for the purchase or sale of  
7 goods, services or real estate; accusation against any person of a  
8 crime or formally censuring any person; disclosure of trade secrets  
9 or commercial or financial information <sup>1</sup>~~which~~ that<sup>1</sup> is privileged  
10 or confidential; disclosure of information of a personal nature  
11 where disclosure would constitute a clearly unwarranted invasion of  
12 personal privacy; disclosure of investigatory records compiled for  
13 law enforcement purposes; disclosure of information related to any  
14 investigatory reports prepared by or on behalf of or for use of the  
15 commission or other committee charged with responsibility for  
16 investigation or determination of compliance issues pursuant to the  
17 compact; or matters specifically exempted from disclosure by  
18 federal and state statute.

19 (2) If a meeting, or portion of a meeting, is closed pursuant to  
20 paragraph (1) of this subsection, the commission's legal counsel or  
21 designee shall certify that the meeting may be closed and shall  
22 reference each relevant exempting provision. The commission shall  
23 keep minutes <sup>1</sup>~~which~~ that<sup>1</sup> fully and clearly describe all matters  
24 discussed in a meeting and shall provide a full and accurate  
25 summary of actions taken, of any person participating in the  
26 meeting, and the reasons therefore, including a description of the  
27 views expressed. All documents considered in connection with an  
28 action shall be identified in such minutes. All minutes and  
29 documents of a closed meeting shall remain under seal, subject to  
30 release only by a majority vote of the commission or order of a  
31 court of competent jurisdiction.

32 c. The commission shall, by a majority vote of the  
33 commissioners, prescribe bylaws, rules, or both to govern its  
34 conduct as may be necessary or appropriate to carry out the  
35 purposes and exercise the powers of the compact, including but not  
36 limited to: establishing the fiscal year of the commission; providing  
37 reasonable standards and procedures <sup>1</sup>~~[:]~~<sup>1</sup> for the establishment and  
38 meetings of other committees <sup>1</sup>~~[:]~~<sup>1</sup> and for governing any general  
39 or specific delegation of any authority or function of the  
40 commission; providing reasonable procedures for calling and  
41 conducting meetings of the commission; establishing the titles,  
42 duties and authority and reasonable procedures for the election of  
43 the officers of the commission; providing reasonable standards and  
44 procedures for the establishment of the personnel policies and  
45 programs of the commission; promulgating a code of ethics to  
46 address permissible and prohibited activities of commission  
47 members and employees; providing a mechanism for concluding the  
48 operations of the commission and the equitable disposition of any

1 surplus funds that may exist after the termination of the compact  
2 after the payment and reserving of all of its debts and obligations;<sup>1</sup>  
3 and ensuring reasonable advance notice of all meetings and  
4 providing an opportunity for attendance of such meetings by  
5 interested parties, with enumerated exceptions designed to protect  
6 the public's interest, the privacy of individuals of such proceedings,  
7 and proprietary information, including trade secrets.

8 The commission may meet in closed session only after a majority  
9 of the commissioners vote to close a meeting to the public in whole  
10 or in part. As soon as practicable, the commission shall make  
11 public a copy of the vote to close the meeting revealing the vote of  
12 each commissioner with no proxy votes allowed <sup>1</sup>【; establishing the  
13 titles, duties and authority and reasonable procedures for the  
14 election of the officers of the commission; providing reasonable  
15 standards and procedures for the establishment of the personnel  
16 policies and programs of the commission】<sup>1</sup> .

17 Notwithstanding any civil service or other similar law of any  
18 compact state, the bylaws shall exclusively govern the personnel  
19 policies and programs of the commission <sup>1</sup>【; promulgating a code  
20 of ethics to address permissible and prohibited activities of  
21 commission members and employees; providing a mechanism for  
22 concluding the operations of the commission and the equitable  
23 disposition of any surplus funds that may exist after the termination  
24 of the compact after the payment and reserving of all of its debts  
25 and obligations; the】. The<sup>1</sup> commission shall publish its bylaws in  
26 a convenient form and file a copy thereof and a copy of any  
27 amendment thereto, with the appropriate agency or officer in each  
28 of the compact states <sup>1</sup>【; the】.

29 The<sup>1</sup> commission shall maintain its financial records in  
30 accordance with the bylaws, and shall meet and take such actions as  
31 are consistent with the provisions of this compact and the bylaws.

32 d. The commission shall have the following powers:

33 (1) the authority to promulgate uniform rules to facilitate and  
34 coordinate implementation and administration of this compact,  
35 which rule shall have the force and effect of law and shall be  
36 binding in all compact states;

37 (2) to bring and prosecute legal proceedings or actions in the  
38 name of the commission, provided that the standing of any state  
39 psychology regulatory authority or other regulatory body  
40 responsible for psychology licensure to sue or be sued under  
41 applicable law shall not be affected;

42 (3) to purchase and maintain insurance and bonds;

43 (4) to borrow, accept or contract for services of personnel,  
44 including, but not limited to, employees of a compact state;

45 (5) to hire employees, elect or appoint officers, fix  
46 compensation, define duties, grant such individuals appropriate  
47 authority to carry out the purposes of the compact, and to establish



1 the commission's personnel policies and programs relating to  
2 conflicts of interest, qualifications of personnel, and other related  
3 personnel matters;

4 (6) to accept any and all appropriate donations and grants of  
5 money, equipment, supplies, materials and services, and to receive,  
6 utilize and dispose of the same, provided that at all times the  
7 commission shall strive to avoid any appearance of impropriety or  
8 conflict of interest;

9 (7) to lease, purchase, accept appropriate gifts or donations of,  
10 or otherwise to own, hold, improve, or use, any <sup>1</sup>【property,】<sup>1</sup> real,  
11 personal, or mixed <sup>1</sup>property<sup>1</sup> , provided that at all times the  
12 commission shall strive to avoid any appearance of impropriety;

13 (8) to sell, convey, mortgage, pledge, lease, exchange, abandon  
14 or otherwise dispose of any <sup>1</sup>【property】<sup>1</sup> real, personal <sup>1</sup>,<sup>1</sup> or mixed  
15 <sup>1</sup>property<sup>1</sup> ;

16 (9) to establish a budget and make expenditures;

17 (10) to borrow money;

18 (11) to appoint committees, including advisory committees  
19 comprised of members, state regulators, state legislators or their  
20 representatives, and consumer representatives, and such other  
21 interested persons as may be designated in this compact and the  
22 bylaws; <sup>1</sup>【to provide and receive information from, and】<sup>1</sup>

23 (12) <sup>1</sup>to provide and receive information from, and<sup>1</sup> to  
24 cooperate with, law enforcement agencies; <sup>1</sup>【and】<sup>1</sup>

25 (13) to adopt and use an official seal; and

26 <sup>1</sup>(14)<sup>1</sup> to perform such other functions as may be necessary or  
27 appropriate to achieve the purposes of this compact consistent with  
28 the state regulation of psychology licensure, temporary in-person  
29 <sup>1</sup>【,】<sup>1</sup> face-to-face practice, and telepsychology practice.

30 e. The elected officers shall serve as the executive board, which  
31 shall have the power to act on behalf of the commission according  
32 to the terms of this compact.

33 (1) The executive board shall <sup>1</sup>【be comprised of】 comprise<sup>1</sup> six  
34 members: five voting members who are elected from the current  
35 membership of the commission by the commission and one ex-  
36 officio, nonvoting member from the recognized membership  
37 organization composed of state and provincial psychology  
38 regulatory authorities. The ex-officio member <sup>1</sup>【must】 shall<sup>1</sup> have  
39 served as staff or member on a state psychology regulatory  
40 authority and will be selected by its respective organization. The  
41 commission may remove any member of the executive board as  
42 provided in bylaws. The executive board shall meet at least  
43 annually.

44 (2) The executive board shall have the following duties and  
45 responsibilities: recommend to the entire commission changes to the  
46 rules or bylaws, changes to this compact legislation, fees paid by  
47 compact states such as annual dues, and any other applicable fees;

1 ensure compact administration services are appropriately provided,  
2 contractual or otherwise; prepare and recommend the budget;  
3 maintain financial records on behalf of the commission; monitor  
4 compact compliance of member states and provide compliance  
5 reports to the commission; establish additional committees as  
6 necessary; and other duties as provided in rules or bylaws.

7 f. ~~the~~ The<sup>1</sup> commission shall pay, or provide for the  
8 payment of <sup>1,1</sup> the reasonable expenses of its establishment,  
9 organization and ongoing activities. The commission may accept  
10 any and all appropriate revenue sources, donations, and grants of  
11 money, equipment, supplies, materials and services. The  
12 commission may levy on and collect an annual assessment from  
13 each compact state or impose fees on other parties to cover the cost  
14 of the operations and activities of the commission and its staff <sup>1,1</sup>  
15 which ~~must~~ assessment shall<sup>1</sup> be in a total amount sufficient to  
16 cover its annual budget as approved each year for which revenue is  
17 not provided by other sources. The aggregate annual assessment  
18 amount shall be allocated based upon a formula to be determined by  
19 the commission <sup>1,1</sup> which shall promulgate a rule binding upon all  
20 compact states. The commission shall not incur obligations of any  
21 kind prior to securing the funds adequate to meet the same; nor  
22 shall the commission pledge the credit of any of the compact states,  
23 except by and with the authority of the compact state. ~~the~~ The<sup>1</sup>  
24 commission shall keep accurate accounts of all receipts and  
25 disbursements. The receipts and disbursements of the commission  
26 shall be subject to the audit and accounting procedures established  
27 under its bylaws. All receipts and disbursements of funds handled  
28 by the commission shall be audited yearly by a certified or licensed  
29 public accountant <sup>1,1</sup> and the report of the audit shall be included in  
30 <sup>1,1</sup> and become part of <sup>1,1</sup> the annual report of the commission.

31 g. The members, officers, executive director, employees and  
32 representatives of the commission shall be immune from suit and  
33 liability, either personally or in their official capacity, for any claim  
34 for damage to or loss of property or personal injury or other civil  
35 liability caused by or arising out of any actual or alleged act, error  
36 or omission that occurred, or that the person against whom the  
37 claim is made had a reasonable basis for believing occurred <sup>1,1</sup>  
38 within the scope of commission employment, duties or  
39 responsibilities; provided that nothing in this subsection shall be  
40 construed to protect any such person from suit or liability for any  
41 damage, loss, injury, or liability caused by the intentional or willful  
42 or wanton misconduct of that person. The commission shall defend  
43 any member, officer, executive director, employee, or  
44 representative of the commission in any civil action seeking to  
45 impose liability arising out of any actual or alleged act, error or  
46 omission that occurred within the scope of commission  
47 employment, duties, or responsibilities, or that the person against

1 whom the claim is made had a reasonable basis for believing  
2 occurred within the scope of commission employment, duties or  
3 responsibilities; provided that nothing herein shall be construed to  
4 prohibit that person from retaining the person's own counsel; and  
5 provided further, that the actual or alleged act, error, or omission  
6 did not result from that person's intentional or willful or wanton  
7 misconduct. The commission shall indemnify and hold harmless  
8 any member, officer, executive director, employee, or  
9 representative of the commission for the amount of any settlement  
10 or judgment obtained against that person arising out of any actual or  
11 alleged act, error or omission that occurred within the scope of  
12 commission employment, duties, or responsibilities, or that such  
13 person had a reasonable basis for believing occurred within the  
14 scope of commission employment, duties, or responsibilities,  
15 provided that the actual or alleged act, error, or omission did not  
16 result from the intentional or willful or wanton misconduct of that  
17 person.

18

19 XI. Rulemaking.

20

21 a. The <sup>1</sup>**【Commission】** commission<sup>1</sup> shall exercise its  
22 rulemaking powers pursuant to the criteria set forth in this article  
23 and the rules adopted thereunder. Rules and amendments shall  
24 become binding as of the date specified in each rule or amendment.

25 b. If a majority of the legislatures of the compact states rejects a  
26 rule, by enactment of a statute or resolution in the same manner  
27 used to adopt the compact, then such rule shall have no further  
28 force and effect in any compact State.

29 c. Rules or amendments to the rules shall be adopted at a  
30 regular or special meeting of the <sup>1</sup>**【Commission】** commission<sup>1</sup> .

31 d. Prior to promulgation and adoption of a final rule or rules by  
32 the commission, and at least 60 days in advance of the meeting at  
33 which the rule will be considered and voted upon, the commission  
34 shall file a notice of proposed rulemaking: on the website of the  
35 commission; and on the website of each compact states' psychology  
36 regulatory authority or the publication in which each state would  
37 otherwise publish proposed rules.

38 e. The notice of proposed rulemaking shall include: the  
39 proposed time, date, and location of the meeting in which the rule  
40 will be considered and voted upon; the text of the proposed rule or  
41 amendment and the reason for the proposed rule; a request for  
42 comments on the proposed rule from any interested person; and the  
43 manner in which interested persons may submit notice to the  
44 commission of their intention to attend the public hearing and any  
45 written comments.

46 f. Prior to adoption of a proposed rule, the commission shall  
47 allow persons to submit written data, facts, opinions, and arguments

1 '1' which 'submitted materials' shall be made available to the  
2 public.

3 g. The commission shall grant an opportunity for a public  
4 hearing before it adopts a rule or amendment if a hearing is  
5 requested by: at least 25 persons who submit comments  
6 independently of each other; a governmental subdivision or agency;  
7 or a duly appointed person in an association that has **'[having]'** at  
8 least 25 members.

9 h. If a hearing is held on the proposed rule or amendment, the  
10 commission shall publish the place, time, and date of the scheduled  
11 public hearing. All persons wishing to be heard at the hearing shall  
12 notify the executive director of the commission or other designated  
13 member in writing of their desire to appear and testify at the hearing  
14 not less than five business days before the scheduled date of the  
15 hearing. Hearings shall be conducted in a manner providing each  
16 person who wishes to comment a fair and reasonable opportunity to  
17 comment orally or in writing. No transcript of the hearing is  
18 required, unless a written request for a transcript is made, in which  
19 case the person requesting the transcript shall bear the cost of  
20 producing the transcript. A recording may be made in lieu of a  
21 transcript under the same terms and conditions as a transcript. This  
22 subsection shall not preclude the commission from making a  
23 transcript or recording of the hearing if it so chooses. Nothing in  
24 this section shall be construed as requiring a separate hearing on  
25 each rule. Rules may be grouped for the convenience of the  
26 commission at hearings required by this section.

27 i. Following the scheduled hearing date, or by the close of  
28 business on the scheduled hearing date if the hearing was not held,  
29 the commission shall consider all written and oral comments  
30 received.

31 j. The commission shall, by majority vote of all members, take  
32 final action on the proposed rule and shall determine the effective  
33 date of the rule, if any, based on the rulemaking record and the full  
34 text of the rule.

35 k. If no written notice of intent to attend the public hearing by  
36 interested parties is received, the commission may proceed with  
37 promulgation of the proposed rule without a public hearing.

38 l. Upon determination that an emergency exists, the  
39 commission may consider and adopt an emergency rule without  
40 prior notice, opportunity for comment, or hearing, provided that the  
41 usual rulemaking procedures provided in the compact and in this  
42 section shall be retroactively applied to the rule as soon as  
43 reasonably possible, in no event later than 90 days after the  
44 effective date of the rule. For the purposes of this provision, an  
45 emergency rule is one that **'[must] shall'** be adopted immediately  
46 in order to: meet an imminent threat to public health, safety, or  
47 welfare; prevent a loss of commission or compact state funds; meet  
48 a deadline for the promulgation of an administrative rule that is

1 established by federal law or rule; or protect public health and  
2 safety.

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

16

## 17 XII. Oversight, Dispute Resolution, and Enforcement

18

19 a. The executive, legislative, and judicial branches of state  
20 government in each compact state shall enforce this compact and  
21 take all actions necessary and appropriate to effectuate the  
22 compact's purposes and intent. The provisions of this <sup>1</sup>[Compact]  
23 compact<sup>1</sup> and the rules promulgated hereunder shall have standing  
24 as statutory law. All courts shall take judicial notice of the compact  
25 and the rules in any judicial or administrative proceeding in a  
26 compact state pertaining to the subject matter of this compact that  
27 may affect the powers, responsibilities or actions of the  
28 commission. The commission shall be entitled to receive service of  
29 process in any such proceeding, and shall have standing to intervene  
30 in such a proceeding for all purposes. Failure to provide service of  
31 process to the commission shall render a judgment or order void as  
32 to the commission, this compact or promulgated rules.

33 b. If the commission determines that a compact state has  
34 defaulted in the performance of its obligations or responsibilities  
35 under this compact or the promulgated rules, the commission shall:  
36 provide written notice to the defaulting state and other compact  
37 states of the nature of the default, the proposed means of remedying  
38 the default, and any other action to be taken by the commission; and  
39 provide remedial training and specific technical assistance  
40 regarding the default. If a state in default fails to remedy the  
41 default, the defaulting state may be terminated from the compact  
42 upon an affirmative vote of a majority of the compact states, and all  
43 rights, privileges, and benefits conferred by this compact shall be  
44 terminated on the effective date of termination. A remedy of the  
45 default shall not relieve the offending state of obligations or  
46 liabilities incurred during the period of default. Termination of  
47 membership in the compact shall be imposed only after all other  
48 means of securing compliance have been exhausted. Notice of

1 intent to suspend or terminate shall be submitted by the commission  
2 to the governor, the majority and minority leaders of the defaulting  
3 state's legislature, and each of the compact states. A compact state  
4 ~~'[which] that'~~ has been terminated is responsible for all  
5 assessments, obligations, and liabilities incurred through the  
6 effective date of termination, including obligations ~~'[which] that'~~  
7 extend beyond the effective date of termination. The commission  
8 shall not bear any costs incurred by the state ~~'[which] that'~~ is  
9 found to be in default or ~~'[which] that'~~ has been terminated from  
10 the compact, unless agreed upon in writing between the commission  
11 and the defaulting state. The defaulting state may appeal the action  
12 of the commission by petitioning the United States District Court  
13 for the state of Georgia or the federal district where the compact has  
14 its principal offices. The prevailing member shall be awarded all  
15 costs of such litigation, including reasonable attorney's fees.

16 c. Upon request by a compact state, the commission shall  
17 attempt to resolve disputes related to the compact ~~'[which] that'~~  
18 arise among compact states and between compact and non-compact  
19 states. The commission shall promulgate a rule providing for both  
20 mediation and binding dispute resolution for disputes that arise  
21 before the commission.

22 d. The commission, in the reasonable exercise of its discretion,  
23 shall enforce the provisions and rules of this compact. By majority  
24 vote, the commission may initiate legal action in the United States  
25 District Court for the state of Georgia or the federal district where  
26 the compact has its principal offices against a compact state in  
27 default to enforce compliance with the provisions of the compact  
28 and its promulgated rules and bylaws. The relief sought may  
29 include both injunctive relief and damages. In the event judicial  
30 enforcement is necessary, the prevailing member shall be awarded  
31 all costs of such litigation, including reasonable attorney's fees.  
32 The remedies herein shall not be the exclusive remedies of the  
33 commission. The commission may pursue any other remedies  
34 available under federal or state law.

35  
36 XIII. Date of Implementation of the Psychology  
37 Interjurisdictional Compact Commission and Associated Rules,  
38 Withdrawal, and Amendments.

39  
40 a. The compact shall come into effect on the date on which the  
41 compact is enacted into law in the seventh compact state. The  
42 provisions ~~'[which] that'~~ become effective at that time shall be  
43 limited to the powers granted to the commission relating to  
44 assembly and the promulgation of rules. Thereafter, the  
45 commission shall meet and exercise rulemaking powers necessary  
46 to the implementation and administration of the compact.

1       b. Any state <sup>1</sup>~~which~~ that<sup>1</sup> joins the compact subsequent to  
2 the commission's initial adoption of the rules shall be subject to the  
3 rules as they exist on the date on which the compact becomes law in  
4 that state. Any rule <sup>1</sup>~~which~~ that<sup>1</sup> has been previously adopted by  
5 the commission shall have the full force and effect of law on the  
6 day the compact becomes law in that state.

7       c. Any compact state may withdraw from this compact by  
8 enacting a statute repealing the same. A compact state's withdrawal  
9 shall not take effect until six months after enactment of the  
10 repealing statute. Withdrawal shall not affect the continuing  
11 requirement of the withdrawing state's psychology regulatory  
12 authority to comply with the investigative and adverse action  
13 reporting requirements of this act prior to the effective date of  
14 withdrawal.

15       d. Nothing contained in this compact shall be construed to  
16 invalidate or prevent any psychology licensure agreement or other  
17 cooperative arrangement between a compact state and a non-  
18 compact state <sup>1</sup>~~which~~ that<sup>1</sup> does not conflict with the provisions  
19 of this compact.

20       e. This compact may be amended by the compact states. No  
21 amendment to this compact shall become effective and binding  
22 upon any compact state until it is enacted into the law of all  
23 compact states.

#### 24       XIV. Construction and Severability.

25       a. This compact shall be liberally construed so as to effectuate  
26 the purposes thereof. If this compact shall be held contrary to the  
27 constitution of any state member thereto, the compact shall remain  
28 in full force and effect as to the remaining compact states. When  
29 the Governor executes the compact on behalf of this State and when  
30 the compact is ratified by one or more other states, then the  
31 compact shall become operative and effective between this State  
32 and such other state or states. The Governor is hereby authorized  
33 and directed to take such action as may be necessary to complete  
34 the exchange of official documents between this State and any other  
35 state ratifying the compact.

36       b. The compact administrator who represents this State, as  
37 provided in the compact, shall not be entitled to any additional  
38 compensation for the administrator's duties and responsibilities as  
39 compact administrator but shall be entitled to reimbursement for  
40 reasonable expenses actually incurred in connection with the  
41 administrator's duties and responsibilities as compact administrator  
42 in the same manner as for expenses incurred in connection with  
43 other duties and responsibilities of office or employment.

44       2. This act shall take effect on the <sup>1</sup>~~60~~ 60th<sup>1</sup> day after the  
45 date of enactment.  
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Enters New Jersey into Psychology Interjurisdictional Compact.



## CHAPTER 229

AN ACT concerning psychological services and supplementing Title 45 of the Revised Statutes.

**BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey:*

C.45:14B-49 “Psychology Interjurisdictional Compact Act”.

1. The State of New Jersey enacts and enters into the “Psychology Interjurisdictional Compact Act” with all other jurisdictions that legally join in the compact in the form substantially as follows:

I. Purpose.

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

Whereas, this compact is intended to regulate the day to day practice of telepsychology, which is the provision of psychological services using telecommunication technologies, by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority; and

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

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

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

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

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

Consistent with these principles, this compact is designed to achieve the following purposes and objectives: increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state in which the psychologist is not licensed to practice psychology; enhance the states' ability to protect the public's health and safety, especially client and patient safety; encourage the cooperation of compact states in the areas of psychology licensure and regulation; facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions, and disciplinary history; promote compliance with the laws governing psychological practice in each compact state; and invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

## II. Definitions.

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

"Association of State and Provincial Psychology Boards (ASPPB)" means the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

"Authority to practice interjurisdictional telepsychology" means a licensed psychologist's authority to practice telepsychology, within the limits authorized under this compact, in another compact state.

"Bylaws" means those bylaws established by the psychology interjurisdictional compact commission pursuant to Article X for its governance, or for directing and controlling its actions and conduct.

"Client or patient" means the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, or consulting services.

"Commissioner" means the voting representative appointed by each state psychology regulatory authority pursuant to Article X.

"Compact state" means a state, the District of Columbia, or United States territory that has enacted this compact legislation and that has not withdrawn pursuant to subsection c. of Article XIII or been terminated pursuant to subsection b. of Article XII.

"Coordinated licensure information system" or "coordinated database" means an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities.

"Confidentiality" means the principle that data or information is not made available or disclosed to unauthorized persons or processes, or both.

"Day" means any part of a day in which psychological work is performed.

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

"E.passport" means a certificate issued by the ASPPB that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

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

"Home state" means a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed.

"Identity history summary" means a summary of information retained by the Federal Bureau of Investigation (FBI), or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service.

"In-person, face-to-face" means interactions in which the psychologist and the client or patient are in the same physical space. The term shall not include interactions that may occur through the use of telecommunication technologies.

"Interjurisdictional Practice Certificate" or "IPC" means a certificate issued by the ASPPB that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily, and verification of one's qualifications for such practice.

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

"Non-compact state" means any state that is not at the time a compact state.

"Psychologist" means an individual licensed for the independent practice of psychology.

"Psychology Interjurisdictional Compact Commission" or "Commission" means the national administration of which all compact states are members.

"Receiving state" means a compact state where the client or patient is physically located when the telepsychological services are delivered.

"Rule" means a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to Article XI of the compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a compact state, and includes the amendment, repeal or suspension of an existing rule.

"Significant investigatory information" means investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified or had an opportunity to respond, or both.

"State" means a state, commonwealth, territory, or possession of the United States and the District of Columbia.

"State psychology regulatory authority" means the board, office or other agency with the legislative mandate to license and regulate the practice of psychology.

"Telepsychology" means the provision of psychological services using telecommunication technologies.

"Temporary authorization to practice" means a licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this compact, in another compact state.

"Temporary in-person, face-to-face practice" means where a psychologist is physically present, not through the use of telecommunications technologies, in the distant state to provide for the practice of psychology for 30 days within a calendar year and based on notification to the distant state.

III. Home State Licensure.

a. The home state shall be a compact state where a psychologist is licensed to practice psychology.

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

c. Any compact state may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

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

e. A home state's license authorizes a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the compact state: currently requires the psychologist to hold an active e.passport; has a mechanism in place for receiving and investigating complaints about licensed individuals; notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual; requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the FBI, or other designee with similar authority, no later than 10 years after activation of the compact; and complies with the bylaws and rules of the commission.

f. A home state's license grants temporary authorization to practice to a psychologist in a distant state only if the compact state: currently requires the psychologist to hold an active IPC; has a mechanism in place for receiving and investigating complaints about licensed individuals; notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual; requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the federal bureau of investigation, or other designee with similar authority, no later than ten years after activation of the compact; and complies with the bylaws and rules of the commission.

IV. Compact Privilege to Practice Telepsychology.

a. Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with Article III, to practice telepsychology in other compact states in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the compact.

b. To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:

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

(a) regionally accredited by an accrediting body recognized by the federal Department of Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or

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

(2) Hold a graduate degree in psychology that meets the following criteria: the program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists; the psychology program shall stand as a recognizable, coherent, organizational entity within the institution; there shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines; the program shall consist of an integrated, organized sequence of study; there shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities; the designated director of the program shall be a psychologist and a member of the core faculty; the program shall have an identifiable body of students who are matriculated in that program for a degree; the program shall include supervised practicum, internship, or field training appropriate to the practice of psychology; the curriculum shall encompass a minimum of three academic years of full-time graduate study for a doctoral degree and a minimum of one academic year of full-time graduate study for a master's degree; the program includes an acceptable residency as defined by the rules of the commission;

(3) Possess a current, full and unrestricted license to practice psychology in a home state that is a compact state; have no history of adverse action that violate the rules of the commission; have no criminal record history reported on an identity history summary that violates the rules of the commission; possess a current, active e.passport;

(4) Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and

(5) Provide a release of information to allow for primary source verification in a manner specified by the commission; and meet other criteria as defined by the rules of the commission.

c. The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.

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

e. If a psychologist's license in any home state, another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or otherwise limited, the e.passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

V. Compact Temporary Authorization to Practice.

a. Compact States shall also recognize the right of a psychologist, licensed in a compact state in conformance with Article III, to practice temporarily in other distant states in which the psychologist is not licensed, as provided in the compact.

b. To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state shall:

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

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

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

(2) Hold a graduate degree in psychology that meets the following criteria: the program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program and shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists; the psychology program shall stand as a recognizable, coherent, organizational entity within the institution; there shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines; the program shall consist of an integrated, organized sequence of study; there shall be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities; the designated director of the program shall be a psychologist and a member of the core faculty; the program shall have an identifiable body of students who are matriculated in that program for a degree; the program shall include supervised practicum, internship, or field training appropriate to the practice of psychology; the curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degree; and the program includes an acceptable residency as defined by the rules of the commission;

(3) Possess a current, full and unrestricted license to practice psychology in a home state that is a compact state; no history of adverse action that violate the rules of the commission; and have no criminal record history that violates the rules of the commission;

(4) Possess a current, active IPC;

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

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

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

d. A psychologist practicing into a distant state under the temporary authorization to practice will be subject to the distant state's authority and law. A distant state may, in accordance with that state's due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect the health and safety of the distant state's citizens. If a distant state takes action, the state shall promptly notify the home state and the commission.

e. If a psychologist's license in any home state, another compact state, or any temporary authorization to practice in any distant state, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice.

#### VI. Conditions of Telepsychology Practice in a Receiving State.

A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the commission, and under the following circumstances: the psychologist initiates a client or patient contact in a home state via telecommunications technologies with a client or patient in a receiving state; and other conditions regarding telepsychology as determined by rules promulgated by the commission.

#### VII. Adverse Actions

a. A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within that distant State.

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

c. If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the e.passport is revoked. Furthermore, that psychologist's temporary authorization to practice is terminated and the IPC is revoked. All home state disciplinary orders that impose adverse action shall be reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules of the commission. In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission. Other actions may be imposed as determined by the rules promulgated by the commission.

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

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

f. Nothing in this compact shall override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the compact state's law. Compact states

shall require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

g. No other judicial or administrative remedies shall be available to a psychologist in the event a compact state imposes an adverse action pursuant to subsection c. of this section.

#### VIII. Additional Authorities Invested in a Compact State's Psychology.

In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this compact to: issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses, or the production of evidence from another compact state, shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses, evidence, or both are located; and issue cease and desist orders and injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology, temporary authorization to practice, or both. During the course of any investigation, a psychologist may not change his or her home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his or her home state licensure. The commission shall promptly notify the new home state of any such decisions as provided in the rules of the commission. All information provided to the commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal, and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

#### IX. Coordinated Licensure Information System.

a. The commission shall provide for the development and maintenance of a coordinated licensure database and reporting system containing licensure and disciplinary action information on all psychologists to whom this compact is applicable in all compact states as defined by the rules of the commission.

b. Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission, including: identifying information; licensure data; significant investigatory information; adverse actions against a psychologist's license; an indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked; non-confidential information related to alternative program participation information; any denial of application for licensure, and the reasons for such denial; and other information that may facilitate the administration of this compact, as determined by the rules of the commission.



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

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

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

X. Establishment of the Psychology Interjurisdictional Compact Commission.

a. The compact states hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission. The commission is a body politic and an instrumentality of the compact States. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

b. (1) The commission shall consist of one voting representative appointed by each compact state who shall serve as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. The delegate shall be empowered to act on behalf of the compact state. The delegate shall be either the executive director, executive secretary or similar executive; current member of the state psychology regulatory authority of a compact state; or designee empowered with the appropriate delegate authority to act on behalf of the compact state. Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the compact state in which the vacancy exists. Each commissioner shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Article XI. The commission may convene in a closed, non-public meeting if the commission shall discuss: non-compliance of a compact state with its obligations under the compact; the employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures; current, threatened, or reasonably anticipated litigation against the commission; negotiation of contracts for the purchase or sale of goods, services or real estate; accusation against any person of a crime or formally censuring any person; disclosure of trade secrets or commercial or financial information that is privileged or confidential; disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; disclosure of investigatory records compiled for law enforcement purposes; disclosure of information related to any

investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact; or matters specifically exempted from disclosure by federal and state statute.

(2) If a meeting, or portion of a meeting, is closed pursuant to paragraph (1) of this subsection, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

c. The commission shall, by a majority vote of the commissioners, prescribe bylaws, rules, or both to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to: establishing the fiscal year of the commission; providing reasonable standards and procedures for the establishment and meetings of other committees and for governing any general or specific delegation of any authority or function of the commission; providing reasonable procedures for calling and conducting meetings of the commission; establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission; providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission; promulgating a code of ethics to address permissible and prohibited activities of commission members and employees; providing a mechanism for concluding the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment and reserving of all of its debts and obligations; and ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets.

The commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission shall make public a copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed.

Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the commission. The commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the compact states.

The commission shall maintain its financial records in accordance with the bylaws, and shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

d. The commission shall have the following powers:

(1) the authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact, which rule shall have the force and effect of law and shall be binding in all compact states;

(2) to bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state psychology regulatory authority or other regulatory

body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

(3) to purchase and maintain insurance and bonds;

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

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

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

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

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

(9) to establish a budget and make expenditures;

(10) to borrow money;

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

(12) to provide and receive information from, and to cooperate with, law enforcement agencies;

(13) to adopt and use an official seal; and

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

e. The elected officers shall serve as the executive board, which shall have the power to act on behalf of the commission according to the terms of this compact.

(1) The executive board shall comprise six members: five voting members who are elected from the current membership of the commission by the commission and one ex-officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities. The ex-officio member shall have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization. The commission may remove any member of the executive board as provided in bylaws. The executive board shall meet at least annually.

(2) The executive board shall have the following duties and responsibilities: recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact states such as annual dues, and any other applicable fees; ensure compact administration services are appropriately provided, contractual or otherwise; prepare and recommend the budget; maintain financial records on behalf of the commission; monitor compact compliance of member states and provide compliance reports to the commission; establish additional committees as necessary; and other duties as provided in rules or bylaws.

f. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities. The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies,

materials and services. The commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which assessment shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all compact states. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the compact states, except by and with the authority of the compact state. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in, and become part of, the annual report of the commission.

g. The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties or responsibilities; provided that nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining the person's own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct. The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

#### XI. Rulemaking.

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

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

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

d. Prior to promulgation and adoption of a final rule or rules by the commission, and at least 60 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking: on the website of the commission; and on the website of each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

e. The notice of proposed rulemaking shall include: the proposed time, date, and location of the meeting in which the rule will be considered and voted upon; the text of the proposed rule or amendment and the reason for the proposed rule; a request for comments on the proposed rule from any interested person; and the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

f. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which submitted materials shall be made available to the public.

g. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by: at least 25 persons who submit comments independently of each other; a governmental subdivision or agency; or a duly appointed person in an association that has at least 25 members.

h. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the commission from making a transcript or recording of the hearing if it so chooses. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

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

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

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

l. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to: meet an imminent threat to public health,

safety, or welfare; prevent a loss of commission or compact state funds; meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or protect public health and safety.

m. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

## XII. Oversight, Dispute Resolution, and Enforcement

a. The executive, legislative, and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this compact that may affect the powers, responsibilities or actions of the commission. The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

b. If the commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall: provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default, and any other action to be taken by the commission; and provide remedial training and specific technical assistance regarding the default. If a state in default fails to remedy the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compact states, and all rights, privileges, and benefits conferred by this compact shall be terminated on the effective date of termination. A remedy of the default shall not relieve the offending state of obligations or liabilities incurred during the period of default. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the compact states. A compact state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination. The commission shall not bear any costs incurred by the state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the state of Georgia or the federal district where the compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

c. Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact that arise among compact states and between compact and non-compact states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

d. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact. By majority vote, the commission may initiate legal action in the United States District Court for the state of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

### XIII. Date of Implementation of the Psychology Interjurisdictional Compact Commission and Associated Rules, Withdrawal, and Amendments.

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

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

c. Any compact state may withdraw from this compact by enacting a statute repealing the same. A compact state's withdrawal shall not take effect until six months after enactment of the repealing statute. Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

d. Nothing contained in this compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a non-compact state that does not conflict with the provisions of this compact.

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

### XIV. Construction and Severability.

a. This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining compact states. When the Governor executes the compact on behalf of this State and when the compact is ratified by one or more other states, then the compact shall become operative and effective between this State and such other state or states. The Governor is hereby authorized and directed to take such action as may be necessary to complete the exchange of official documents between this State and any other state ratifying the compact.

b. The compact administrator who represents this State, as provided in the compact, shall not be entitled to any additional compensation for the administrator's duties and responsibilities as compact administrator but shall be entitled to reimbursement for reasonable expenses actually incurred in connection with the administrator's duties and responsibilities as compact administrator in the same manner as for expenses incurred in connection with other duties and responsibilities of office or employment.

2. This act shall take effect on the 60th day after the date of enactment.

Approved September 24, 2021.



# ASSEMBLY, No. 4205

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 1, 2020

**Sponsored by:**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Burlington and Camden)**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Co-Sponsored by:**

**Assemblyman Benson**

**SYNOPSIS**

Enters New Jersey into Psychology Interjurisdictional Compact.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 3/8/2021)

1 AN ACT concerning psychological services and supplementing Title  
2 45 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. The State of New Jersey enacts and enters into the  
8 “Psychology Interjurisdictional Compact Act” with all other  
9 jurisdictions that legally join in the compact in the form  
10 substantially as follows:

11

12 I. Purpose.

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

16 Whereas, this compact is intended to regulate the day to day  
17 practice of telepsychology, which is the provision of psychological  
18 services using telecommunication technologies, by psychologists  
19 across state boundaries in the performance of their psychological  
20 practice as assigned by an appropriate authority; and

21 Whereas, this compact is intended to regulate the temporary in-  
22 person, face-to-face practice of psychology by psychologists across  
23 state boundaries for 30 days within a calendar year in the  
24 performance of their psychological practice as assigned by an  
25 appropriate authority;

26 Whereas, this compact is intended to authorize state psychology  
27 regulatory authorities to afford legal recognition, in a manner  
28 consistent with the terms of the compact, to psychologists licensed  
29 in another state;

30 Whereas, this compact recognizes that states have a vested  
31 interest in protecting the public's health and safety through their  
32 licensing and regulation of psychologists and that such state  
33 regulation will best protect public health and safety;

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

36 Whereas, this compact does not apply to permanent in-person,  
37 face-to-face practice, it does allow for authorization of temporary  
38 psychological practice.

39 Consistent with these principles, this compact is designed to  
40 achieve the following purposes and objectives: increase public  
41 access to professional psychological services by allowing for  
42 telepsychological practice across state lines as well as temporary in-  
43 person, face-to-face services into a state in which the psychologist  
44 is not licensed to practice psychology; enhance the states' ability to  
45 protect the public's health and safety, especially client and patient  
46 safety; encourage the cooperation of compact states in the areas of  
47 psychology licensure and regulation; facilitate the exchange of  
48 information between compact states regarding psychologist

1 licensure, adverse actions, and disciplinary history; promote  
2 compliance with the laws governing psychological practice in each  
3 compact state; and invest all compact states with the authority to  
4 hold licensed psychologists accountable through the mutual  
5 recognition of compact state licenses.

6

7 II. Definitions.

8 "Adverse action" means any action taken by a state psychology  
9 regulatory authority which finds a violation of a statute or  
10 regulation that is identified by the state psychology regulatory  
11 authority as discipline and is a matter of public record.

12 "Association of State and Provincial Psychology Boards  
13 (ASPPB)" means the recognized membership organization  
14 composed of state and provincial psychology regulatory authorities  
15 responsible for the licensure and registration of psychologists  
16 throughout the United States and Canada.

17 "Authority to Practice Interjurisdictional Telepsychology" means  
18 a licensed psychologist's authority to practice telepsychology,  
19 within the limits authorized under this compact, in another compact  
20 state.

21 "Bylaws" means those bylaws established by the psychology  
22 interjurisdictional compact commission pursuant to Article X for its  
23 governance, or for directing and controlling its actions and conduct.

24 "Client or patient" means the recipient of psychological services,  
25 whether psychological services are delivered in the context of  
26 healthcare, corporate, supervision, or consulting services, or both.

27 "Commissioner" means the voting representative appointed by  
28 each State Psychology Regulatory Authority pursuant to Article X.

29 "Compact State" means a state, the District of Columbia, or  
30 United States territory that has enacted this compact legislation and  
31 which has not withdrawn pursuant to section c. of Article XIII or  
32 been terminated pursuant to section b. of Article XII.

33 "Coordinated licensure information system" or "coordinated  
34 database" means an integrated process for collecting, storing, and  
35 sharing information on psychologists' licensure and enforcement  
36 activities related to psychology licensure laws, which is  
37 administered by the recognized membership organization composed  
38 of state and provincial psychology regulatory authorities.

39 "Confidentiality" means the principle that data or information is  
40 not made available or disclosed to unauthorized persons or  
41 processes, or both.

42 "Day" means any part of a day in which psychological work is  
43 performed.

44 "Distant State" means the compact state where a psychologist is  
45 physically present, not through the use of telecommunications  
46 technologies, to provide temporary in-person, face-to-face  
47 psychological services.

1 "E.Passport" means a certificate issued by the ASPPB that  
2 promotes the standardization in the criteria of interjurisdictional  
3 telepsychology practice and facilitates the process for licensed  
4 psychologists to provide telepsychological services across state  
5 lines.

6 "Executive board" means a group of directors elected or  
7 appointed to act on behalf of, and within the powers granted to them  
8 by, the commission.

9 "Home State" means a compact state where a psychologist is  
10 licensed to practice psychology. If the psychologist is licensed in  
11 more than one compact state and is practicing under the  
12 authorization to practice interjurisdictional telepsychology, the  
13 home state is the compact state where the psychologist is physically  
14 present when the telepsychological services are delivered. If the  
15 psychologist is licensed in more than one compact state and is  
16 practicing under the temporary authorization to practice, the home  
17 state is any compact state where the psychologist is licensed.

18 "Identity History Summary" means a summary of information  
19 retained by the Federal Bureau of Investigation (FBI), or other  
20 designee with similar authority, in connection with arrests and, in  
21 some instances, federal employment, naturalization, or military  
22 service.

23 "In-person, face-to-face" means interactions in which the  
24 psychologist and the client and patient are in the same physical  
25 space and which does not include interactions that may occur  
26 through the use of telecommunication technologies.

27 "Interjurisdictional Practice Certificate (IPC)" means a certificate  
28 issued by the ASPPB that grants temporary authority to practice  
29 based on notification to the state psychology regulatory authority of  
30 intention to practice temporarily, and verification of one's  
31 qualifications for such practice.

32 "License" means: authorization by a state psychology regulatory  
33 authority to engage in the independent practice of psychology,  
34 which would be unlawful without the authorization.

35 "Non-compact state" means: any state which is not at the time a  
36 compact state.

37 "Psychologist" means: an individual licensed for the independent  
38 practice of psychology.

39 "Psychology Interjurisdictional Compact Commission" or  
40 "Commission" means the national administration of which all  
41 compact states are members.

42 "Receiving state" means a compact state where the client, or  
43 patient, or both is physically located when the telepsychological  
44 services are delivered.

45 "Rule" means a written statement by the Psychology  
46 Interjurisdictional Compact Commission promulgated pursuant to  
47 Article XI of the compact that is of general applicability,  
48 implements, interprets, or prescribes a policy or provision of the

1 compact, or an organizational, procedural, or practice requirement  
2 of the commission and has the force and effect of statutory law in a  
3 compact state, and includes the amendment, repeal or suspension of  
4 an existing rule.

5 "Significant Investigatory Information" means investigative  
6 information that a state psychology regulatory authority, after a  
7 preliminary inquiry that includes notification and an opportunity to  
8 respond if required by state law, has reason to believe, if proven  
9 true, would indicate more than a violation of state statute or ethics  
10 code that would be considered more substantial than minor  
11 infraction; or investigative information that indicates that the  
12 psychologist represents an immediate threat to public health and  
13 safety regardless of whether the psychologist has been notified or  
14 had an opportunity to respond, or both.

15 "State" means a state, commonwealth, territory, or possession of  
16 the United States, the District of Columbia.

17 "State psychology regulatory authority" means the board, office  
18 or other agency with the legislative mandate to license and regulate  
19 the practice of psychology.

20 "Telepsychology" means the provision of psychological services  
21 using telecommunication technologies.

22 "Temporary authorization to practice" means a licensed  
23 psychologist's authority to conduct temporary in-person, face-to-  
24 face practice, within the limits authorized under this compact, in  
25 another compact state.

26 "Temporary in-person, face-to-face practice" means where a  
27 psychologist is physically present, not through the use of  
28 telecommunications technologies, in the distant state to provide for  
29 the practice of psychology for 30 days within a calendar year and  
30 based on notification to the distant state.

31

### 32 III. Home State Licensure.

33 a. The home state shall be a compact state where a psychologist  
34 is licensed to practice psychology.

35 b. A psychologist may hold one or more compact state licenses at  
36 a time. if the psychologist is licensed in more than one compact  
37 state, the home state is the compact state where the psychologist is  
38 physically present when the services are delivered as authorized by  
39 the authority to practice interjurisdictional telepsychology under the  
40 terms of this compact.

41 c. Any compact state may require a psychologist not previously  
42 licensed in a compact state to obtain and retain a license to be  
43 authorized to practice in the compact state under circumstances not  
44 authorized by the authority to practice interjurisdictional  
45 telepsychology under the terms of this compact.

46 d. Any compact state may require a psychologist to obtain and  
47 retain a license to be authorized to practice in a compact state under

1 circumstances not authorized by temporary authorization to practice  
2 under the terms of this compact.

3 e. A home state's license authorizes a psychologist to practice in  
4 a receiving state under the authority to practice interjurisdictional  
5 telepsychology only if the compact state: currently requires the  
6 psychologist to hold an active e.passport; has a mechanism in place  
7 for receiving and investigating complaints about licensed  
8 individuals; notifies the commission, in compliance with the terms  
9 herein, of any adverse action or significant investigatory  
10 information regarding a licensed individual; requires an identity  
11 history summary of all applicants at initial licensure, including the  
12 use of the results of fingerprints or other biometric data checks  
13 compliant with the requirements of the FBI, or other designee with  
14 similar authority, no later than ten years after activation of the  
15 compact; and complies with the bylaws and rules of the  
16 commission.

17 f. A home state's license grants temporary authorization to  
18 practice to a psychologist in a distant state only if the compact state:  
19 currently requires the psychologist to hold an active ipc; has a  
20 mechanism in place for receiving and investigating complaints  
21 about licensed individuals; notifies the commission, in compliance  
22 with the terms herein, of any adverse action or significant  
23 investigatory information regarding a licensed individual; requires  
24 an identity history summary of all applicants at initial licensure,  
25 including the use of the results of fingerprints or other biometric  
26 data checks compliant with the requirements of the federal bureau  
27 of investigation, or other designee with similar authority, no later  
28 than ten years after activation of the compact; and complies with  
29 the bylaws and rules of the commission.

30

31 IV. Compact Privilege to Practice Telepsychology.

32 a. Compact states shall recognize the right of a psychologist,  
33 licensed in a compact state in conformance with Article III, to  
34 practice telepsychology in other compact states in which the  
35 psychologist is not licensed, under the authority to practice  
36 interjurisdictional telepsychology as provided in the compact.

37 b. To exercise the authority to practice interjurisdictional  
38 telepsychology under the terms and provisions of this compact, a  
39 psychologist licensed to practice in a compact state must:

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

42 (a) regionally accredited by an accrediting body recognized by  
43 the federal Department of Education to grant graduate degrees, or  
44 authorized by Provincial Statute or Royal Charter to grant doctoral  
45 degrees; or

46 (b) a foreign college or university deemed to be equivalent to by  
47 a foreign credential evaluation service that is a member of the

1 National Association of Credential Evaluation Services or by a  
2 recognized foreign credential evaluation service;

3 (2) Hold a graduate degree in psychology that meets the  
4 following criteria: the program, wherever it may be administratively  
5 housed, must be clearly identified and labeled as a psychology  
6 program. Such a program must specify in pertinent institutional  
7 catalogues and brochures its intent to educate and train professional  
8 psychologists; the psychology program must stand as a  
9 recognizable, coherent, organizational entity within the institution;  
10 there must be a clear authority and primary responsibility for the  
11 core and specialty areas whether or not the program cuts across  
12 administrative lines; the program must consist of an integrated,  
13 organized sequence of study; there must be an identifiable  
14 psychology faculty sufficient in size and breadth to carry out its  
15 responsibilities; the designated director of the program must be a  
16 psychologist and a member of the core faculty; the program must  
17 have an identifiable body of students who are matriculated in that  
18 program for a degree; the program must include supervised  
19 practicum, internship, or field training appropriate to the practice of  
20 psychology; the curriculum shall encompass a minimum of three  
21 academic years of full-time graduate study for a doctoral degree and  
22 a minimum of one academic year of full-time graduate study for a  
23 master's degree; the program includes an acceptable residency as  
24 defined by the rules of the commission;

25 (3) Possess a current, full and unrestricted license to practice  
26 psychology in a home state which is a compact state; have no  
27 history of adverse action that violate the rules of the commission;  
28 have no criminal record history reported on an identity history  
29 summary that violates the rules of the commission; possess a  
30 current, active e.passport;

31 (4) Provide attestations in regard to areas of intended practice,  
32 conformity with standards of practice, competence in  
33 telepsychology technology; criminal background; and knowledge  
34 and adherence to legal requirements in the home and receiving  
35 states, and

36 (5) Provide a release of information to allow for primary source  
37 verification in a manner specified by the commission; and meet  
38 other criteria as defined by the rules of the commission.

39 c. The home state maintains authority over the license of any  
40 psychologist practicing into a receiving state under the authority to  
41 practice interjurisdictional telepsychology.

42 d. A psychologist practicing into a receiving state under the  
43 authority to practice interjurisdictional telepsychology will be  
44 subject to the receiving state's scope of practice. A receiving state  
45 may, in accordance with that state's due process law, limit or revoke  
46 a psychologist's authority to practice interjurisdictional  
47 telepsychology in the receiving state and may take any other  
48 necessary actions under the receiving state's applicable law to

1 protect the health and safety of the receiving state's citizens. If a  
2 receiving state takes action, the state shall promptly notify the home  
3 state and the commission.

4 e. If a psychologist's license in any home state, another compact  
5 state, or any authority to practice interjurisdictional telepsychology  
6 in any receiving state, is restricted, suspended or otherwise limited,  
7 the e.passport shall be revoked and therefore the psychologist shall  
8 not be eligible to practice telepsychology in a compact state under  
9 the authority to practice interjurisdictional telepsychology.

10

11 V. Compact Temporary Authorization to Practice.

12

13 a. Compact States shall also recognize the right of a  
14 psychologist, licensed in a compact state in conformance with  
15 Article iii, to practice temporarily in other distant states in which  
16 the psychologist is not licensed, as provided in the compact.

17 b. To exercise the temporary authorization to practice under the  
18 terms and provisions of this compact, a psychologist licensed to  
19 practice in a compact state must:

20 (1) Hold a graduate degree in psychology from an institute of  
21 higher education that was, at the time the degree was awarded: (a)  
22 Regionally accredited by an accrediting body recognized by the  
23 federal Department of Education to grant graduate degrees, or  
24 authorized by Provincial Statute or Royal Charter to grant doctoral  
25 degrees; or (b) a foreign college or university deemed to be  
26 equivalent by a foreign credential evaluation service that is a  
27 member of the National Association of Credential Evaluation  
28 Services or by a recognized foreign credential evaluation service;

29 (2) Hold a graduate degree in psychology that meets the  
30 following criteria: the program, wherever it may be administratively  
31 housed, must be clearly identified and labeled as a psychology  
32 program and must specify in pertinent institutional catalogues and  
33 brochures its intent to educate and train professional psychologists;  
34 the psychology program must stand as a recognizable, coherent,  
35 organizational entity within the institution; there must be a clear  
36 authority and primary responsibility for the core and specialty areas  
37 whether or not the program cuts across administrative lines; the  
38 program must consist of an integrated, organized sequence of study;  
39 there must be an identifiable psychology faculty sufficient in size  
40 and breadth to carry out its responsibilities; the designated director  
41 of the program must be a psychologist and a member of the core  
42 faculty; the program must have an identifiable body of students who  
43 are matriculated in that program for a degree; the program must  
44 include supervised practicum, internship, or field training  
45 appropriate to the practice of psychology; the curriculum shall  
46 encompass a minimum of three academic years of full-time  
47 graduate study for doctoral degrees and a minimum of one  
48 academic year of full-time graduate study for master's degree; and



1 the program includes an acceptable residency as defined by the  
2 rules of the commission;

3 (3) Possess a current, full and unrestricted license to practice  
4 psychology in a home state which is a compact state; no history of  
5 adverse action that violate the rules of the commission; and have no  
6 criminal record history that violates the rules of the commission;

7 (4) Possess a current, active IPC;

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

12 (6) Meet other criteria as defined by the rules of the commission.

13 c. A psychologist practicing into a distant state under the  
14 temporary authorization to practice shall practice within the scope  
15 of practice authorized by the distant state.

16 d. A psychologist practicing into a distant state under the  
17 temporary authorization to practice will be subject to the distant  
18 state's authority and law. A distant state may, in accordance with  
19 that state's due process law, limit or revoke a psychologist's  
20 temporary authorization to practice in the distant state and may take  
21 any other necessary actions under the distant state's applicable law  
22 to protect the health and safety of the distant state's citizens. If a  
23 distant state takes action, the state shall promptly notify the home  
24 state and the commission.

25 e. If a psychologist's license in any home state, another  
26 compact state, or any temporary authorization to practice in any  
27 distant state, is restricted, suspended or otherwise limited, the IPC  
28 shall be revoked and therefore the psychologist shall not be eligible  
29 to practice in a compact state under the temporary authorization to  
30 practice.

31

32 VI. Conditions of Telepsychology Practice in a Receiving State.

33

34 A psychologist may practice in a receiving state under the  
35 authority to practice interjurisdictional telepsychology only in the  
36 performance of the scope of practice for psychology as assigned by  
37 an appropriate state psychology regulatory authority, as defined in  
38 the rules of the commission, and under the following circumstances:  
39 the psychologist initiates a client or patient, or both contact in a  
40 home state via telecommunications technologies with a client or  
41 patient, or both, in a receiving state; and other conditions regarding  
42 telepsychology as determined by rules promulgated by the  
43 commission.

44

45 VII. Adverse Actions

46

47 a. A home state shall have the power to impose adverse action  
48 against a psychologist's license issued by the home state. A distant

- 1 state shall have the power to take adverse action on a psychologist's  
2 temporary authorization to practice within that distant State.
- 3 b. A receiving state may take adverse action on a psychologist's  
4 authority to practice interjurisdictional telepsychology within that  
5 receiving state. A home state may take adverse action against a  
6 psychologist based on an adverse action taken by a distant state  
7 regarding temporary in-person, face-to-face practice.
- 8 c. If a home state takes adverse action against a psychologist's  
9 license, that psychologist's authority to practice interjurisdictional  
10 telepsychology is terminated and the e.passport is revoked.  
11 Furthermore, that psychologist's temporary authorization to practice  
12 is terminated and the IPC is revoked. All home state disciplinary  
13 orders which impose adverse action shall be reported to the  
14 commission in accordance with the rules promulgated by the  
15 commission. A compact state shall report adverse actions in  
16 accordance with the rules of the commission. In the event discipline  
17 is reported on a psychologist, the psychologist will not be eligible  
18 for telepsychology or temporary in-person, face-to-face practice in  
19 accordance with the rules of the commission. Other actions may be  
20 imposed as determined by the rules promulgated by the  
21 commission.
- 22 d. A home state's psychology regulatory authority shall  
23 investigate and take appropriate action with respect to reported  
24 inappropriate conduct engaged in by a licensee which occurred in a  
25 receiving state as it would if such conduct had occurred by a  
26 licensee within the home state. In such cases, the home state's law  
27 shall control in determining any adverse action against a  
28 psychologist's license.
- 29 e. A distant state's psychology regulatory authority shall  
30 investigate and take appropriate action with respect to reported  
31 inappropriate conduct engaged in by a psychologist practicing under  
32 temporary authorization practice which occurred in that distant state  
33 as it would if such conduct had occurred by a licensee within the  
34 home state. In such cases, distant state's law shall control in  
35 determining any adverse action against a psychologist's temporary  
36 authorization to practice.
- 37 f. Nothing in this compact shall override a compact state's  
38 decision that a psychologist's participation in an alternative program  
39 may be used in lieu of adverse action and that such participation  
40 shall remain non-public if required by the compact state's law.  
41 compact states must require psychologists who enter any alternative  
42 programs to not provide telepsychology services under the authority  
43 to practice interjurisdictional telepsychology or provide temporary  
44 psychological services under the temporary authorization to practice  
45 in any other compact state during the term of the alternative  
46 program.

1 g. No other judicial or administrative remedies shall be  
2 available to a psychologist in the event a compact state imposes an  
3 adverse action pursuant to subsection c. of this section.

4  
5 VIII. Additional Authorities Invested in a Compact State's  
6 Psychology.

7  
8 In addition to any other powers granted under state law, a  
9 compact state's psychology regulatory authority shall have the  
10 authority under this compact to: issue subpoenas, for both hearings  
11 and investigations, which require the attendance and testimony of  
12 witnesses and the production of evidence. subpoenas issued by a  
13 compact state's psychology regulatory authority for the attendance  
14 and testimony of witnesses, or the production of evidence from  
15 another compact state, shall be enforced in the latter state by any  
16 court of competent jurisdiction, according to that court's practice  
17 and procedure in considering subpoenas issued in its own  
18 proceedings. The issuing state psychology regulatory authority  
19 shall pay any witness fees, travel expenses, mileage, and other fees  
20 required by the service statutes of the state where the witnesses,  
21 evidence, or both are located; and issue cease and desist and/or  
22 injunctive relief orders to revoke a psychologist's authority to  
23 practice interjurisdictional telepsychology, temporary authorization  
24 to practice, or both. During the course of any investigation, a  
25 psychologist may not change his or her home state licensure. A  
26 home state psychology regulatory authority is authorized to  
27 complete any pending investigations of a psychologist and to take  
28 any actions appropriate under its law. The home state psychology  
29 regulatory authority shall promptly report the conclusions of such  
30 investigations to the commission. Once an investigation has been  
31 completed, and pending the outcome of said investigation, the  
32 psychologist may change his or her home state licensure. The  
33 commission shall promptly notify the new home state of any such  
34 decisions as provided in the rules of the commission. All  
35 information provided to the commission or distributed by compact  
36 states pursuant to the psychologist shall be confidential, filed under  
37 seal, and used for investigatory or disciplinary matters. The  
38 commission may create additional rules for mandated or  
39 discretionary sharing of information by compact states.

40  
41 IX. Coordinated Licensure Information System.

42  
43 a. The Commission shall provide for the development and  
44 maintenance of a coordinated licensure information system  
45 (coordinated database) and reporting system containing licensure  
46 and disciplinary action information on all psychologists individuals  
47 to whom this compact is applicable in all compact states as defined  
48 by the rules of the commission.

1       b. Notwithstanding any other provision of state law to the  
2 contrary, a compact state shall submit a uniform data set to the  
3 coordinated database on all licensees as required by the rules of the  
4 commission, including: identifying information; licensure data;  
5 significant investigatory information; adverse actions against a  
6 psychologist's license; an indicator that a psychologist's authority to  
7 practice interjurisdictional telepsychology or temporary  
8 authorization to practice is revoked; non-confidential information  
9 related to alternative program participation information; any denial  
10 of application for licensure, and the reasons for such denial; and  
11 other information which may facilitate the administration of this  
12 compact, as determined by the rules of the commission.

13       c. The coordinated database administrator shall promptly notify  
14 all compact states of any adverse action taken against, or significant  
15 investigative information on, any licensee in a compact state.

16       d. Compact states reporting information to the coordinated  
17 database may designate information that may not be shared with the  
18 public without the express permission of the compact state reporting  
19 the information.

20       e. Any information submitted to the coordinated database that  
21 is subsequently required to be expunged by the law of the compact  
22 state reporting the information shall be removed from the  
23 coordinated database.

24

25       X. Establishment of the Psychology Interjurisdictional Compact  
26 Commission.

27

28       a. The compact states hereby create and establish a joint public  
29 agency known as the psychology interjurisdictional compact  
30 commission. The commission is a body politic and an  
31 instrumentality of the compact States. Venue is proper and judicial  
32 proceedings by or against the commission shall be brought solely  
33 and exclusively in a court of competent jurisdiction where the  
34 principal office of the commission is located. The commission may  
35 waive venue and jurisdictional defenses to the extent it adopts or  
36 consents to participate in alternative dispute resolution proceedings.  
37 Nothing in this compact shall be construed to be a waiver of  
38 sovereign immunity.

39       b. (1) The commission shall consist of one voting  
40 representative appointed by each compact state who shall serve as  
41 that state's commissioner. The state psychology regulatory  
42 authority shall appoint its delegate. The delegate shall be  
43 empowered to act on behalf of the compact state. The delegate  
44 shall be either the executive director, executive secretary or similar  
45 executive; current member of the state psychology regulatory  
46 authority of a compact state; or designee empowered with the  
47 appropriate delegate authority to act on behalf of the compact state.  
48 Any commissioner may be removed or suspended from office as

1 provided by the law of the state from which the commissioner is  
2 appointed. Any vacancy occurring in the commission shall be filled  
3 in accordance with the laws of the compact state in which the  
4 vacancy exists. Each commissioner shall be entitled to one vote  
5 with regard to the promulgation of rules and creation of bylaws and  
6 shall otherwise have an opportunity to participate in the business  
7 and affairs of the commission. A commissioner shall vote in person  
8 or by such other means as provided in the bylaws. The bylaws may  
9 provide for commissioners' participation in meetings by telephone  
10 or other means of communication. The commission shall meet at  
11 least once during each calendar year. Additional meetings shall be  
12 held as set forth in the bylaws. All meetings shall be open to the  
13 public, and public notice of meetings shall be given in the same  
14 manner as required under the rulemaking provisions in Article XI.  
15 The commission may convene in a closed, non-public meeting if the  
16 commission must discuss: non-compliance of a compact state with  
17 its obligations under the compact; the employment, compensation,  
18 discipline or other personnel matters, practices or procedures  
19 related to specific employees or other matters related to the  
20 commission's internal personnel practices and procedures; current,  
21 threatened, or reasonably anticipated litigation against the  
22 commission; negotiation of contracts for the purchase or sale of  
23 goods, services or real estate; accusation against any person of a  
24 crime or formally censuring any person; disclosure of trade secrets  
25 or commercial or financial information which is privileged or  
26 confidential; disclosure of information of a personal nature where  
27 disclosure would constitute a clearly unwarranted invasion of  
28 personal privacy; disclosure of investigatory records compiled for  
29 law enforcement purposes; disclosure of information related to any  
30 investigatory reports prepared by or on behalf of or for use of the  
31 commission or other committee charged with responsibility for  
32 investigation or determination of compliance issues pursuant to the  
33 compact; or matters specifically exempted from disclosure by  
34 federal and state statute.

35 (2) If a meeting, or portion of a meeting, is closed pursuant to  
36 paragraph (1) of this subsection, the commission's legal counsel or  
37 designee shall certify that the meeting may be closed and shall  
38 reference each relevant exempting provision. The commission shall  
39 keep minutes which fully and clearly describe all matters discussed  
40 in a meeting and shall provide a full and accurate summary of  
41 actions taken, of any person participating in the meeting, and the  
42 reasons therefore, including a description of the views expressed.  
43 All documents considered in connection with an action shall be  
44 identified in such minutes. All minutes and documents of a closed  
45 meeting shall remain under seal, subject to release only by a  
46 majority vote of the commission or order of a court of competent  
47 jurisdiction.

1 c. The commission shall, by a majority vote of the  
2 commissioners, prescribe bylaws, rules, or both to govern its  
3 conduct as may be necessary or appropriate to carry out the  
4 purposes and exercise the powers of the compact, including but not  
5 limited to: establishing the fiscal year of the commission; providing  
6 reasonable standards and procedures: for the establishment and  
7 meetings of other committees; and for governing any general or  
8 specific delegation of any authority or function of the commission;  
9 providing reasonable procedures for calling and conducting  
10 meetings of the commission; and ensuring reasonable advance  
11 notice of all meetings and providing an opportunity for attendance  
12 of such meetings by interested parties, with enumerated exceptions  
13 designed to protect the public's interest, the privacy of individuals  
14 of such proceedings, and proprietary information, including trade  
15 secrets. The commission may meet in closed session only after a  
16 majority of the commissioners vote to close a meeting to the public  
17 in whole or in part. As soon as practicable, the commission shall  
18 make public a copy of the vote to close the meeting revealing the  
19 vote of each commissioner with no proxy votes allowed;  
20 establishing the titles, duties and authority and reasonable  
21 procedures for the election of the officers of the commission;  
22 providing reasonable standards and procedures for the  
23 establishment of the personnel policies and programs of the  
24 commission. Notwithstanding any civil service or other similar law  
25 of any compact state, the bylaws shall exclusively govern the  
26 personnel policies and programs of the commission; promulgating a  
27 code of ethics to address permissible and prohibited activities of  
28 commission members and employees; providing a mechanism for  
29 concluding the operations of the commission and the equitable  
30 disposition of any surplus funds that may exist after the termination  
31 of the compact after the payment and reserving of all of its debts  
32 and obligations; the commission shall publish its bylaws in a  
33 convenient form and file a copy thereof and a copy of any  
34 amendment thereto, with the appropriate agency or officer in each  
35 of the compact states; the commission shall maintain its financial  
36 records in accordance with the bylaws, and shall meet and take such  
37 actions as are consistent with the provisions of this compact and the  
38 bylaws.

39 d. The commission shall have the following powers:

40 (1) the authority to promulgate uniform rules to facilitate and  
41 coordinate implementation and administration of this compact,  
42 which rule shall have the force and effect of law and shall be  
43 binding in all compact states;

44 (2) to bring and prosecute legal proceedings or actions in the  
45 name of the commission, provided that the standing of any state  
46 psychology regulatory authority or other regulatory body  
47 responsible for psychology licensure to sue or be sued under  
48 applicable law shall not be affected;

1 (3) to purchase and maintain insurance and bonds;

2 (4) to borrow, accept or contract for services of personnel,  
3 including, but not limited to, employees of a compact state;

4 (5) to hire employees, elect or appoint officers, fix  
5 compensation, define duties, grant such individuals appropriate  
6 authority to carry out the purposes of the compact, and to establish  
7 the commission's personnel policies and programs relating to  
8 conflicts of interest, qualifications of personnel, and other related  
9 personnel matters;

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

15 (7) to lease, purchase, accept appropriate gifts or donations of, or  
16 otherwise to own, hold, improve, or use, any property, real,  
17 personal, or mixed, provided that at all times the commission shall  
18 strive to avoid any appearance of impropriety;

19 (8) to sell, convey, mortgage, pledge, lease, exchange, abandon  
20 or otherwise dispose of any property real, personal or mixed;

21 (9) to establish a budget and make expenditures;

22 (10) to borrow money;

23 (11) to appoint committees, including advisory committees  
24 comprised of members, state regulators, state legislators or their  
25 representatives, and consumer representatives, and such other  
26 interested persons as may be designated in this compact and the  
27 bylaws; to provide and receive information from, and

28 (12) to cooperate with, law enforcement agencies; and

29 (13) to adopt and use an official seal; and to perform such other  
30 functions as may be necessary or appropriate to achieve the  
31 purposes of this compact consistent with the state regulation of  
32 psychology licensure, temporary in-person, face-to-face practice,  
33 and telepsychology practice.

34 e. The elected officers shall serve as the executive board,  
35 which shall have the power to act on behalf of the commission  
36 according to the terms of this compact.

37 (1) The executive board shall be comprised of six members: five  
38 voting members who are elected from the current membership of  
39 the commission by the commission and one ex-officio, nonvoting  
40 member from the recognized membership organization composed of  
41 state and provincial psychology regulatory authorities. The ex-  
42 officio member must have served as staff or member on a state  
43 psychology regulatory authority and will be selected by its  
44 respective organization. The commission may remove any member  
45 of the executive board as provided in bylaws. The executive board  
46 shall meet at least annually.

47 (2) The executive board shall have the following duties and  
48 responsibilities: recommend to the entire commission changes to the

1 rules or bylaws, changes to this compact legislation, fees paid by  
2 compact states such as annual dues, and any other applicable fees;  
3 ensure compact administration services are appropriately provided,  
4 contractual or otherwise; prepare and recommend the budget;  
5 maintain financial records on behalf of the commission; monitor  
6 compact compliance of member states and provide compliance  
7 reports to the commission; establish additional committees as  
8 necessary; and other duties as provided in rules or bylaws.

9 f. the commission shall pay, or provide for the payment of the  
10 reasonable expenses of its establishment, organization and ongoing  
11 activities. The commission may accept any and all appropriate  
12 revenue sources, donations, and grants of money, equipment,  
13 supplies, materials and services. The commission may levy on and  
14 collect an annual assessment from each compact state or impose  
15 fees on other parties to cover the cost of the operations and  
16 activities of the commission and its staff which must be in a total  
17 amount sufficient to cover its annual budget as approved each year  
18 for which revenue is not provided by other sources. The aggregate  
19 annual assessment amount shall be allocated based upon a formula  
20 to be determined by the commission which shall promulgate a rule  
21 binding upon all compact states. The commission shall not incur  
22 obligations of any kind prior to securing the funds adequate to meet  
23 the same; nor shall the commission pledge the credit of any of the  
24 compact states, except by and with the authority of the compact  
25 state. the commission shall keep accurate accounts of all receipts  
26 and disbursements. The receipts and disbursements of the  
27 commission shall be subject to the audit and accounting procedures  
28 established under its bylaws. All receipts and disbursements of  
29 funds handled by the commission shall be audited yearly by a  
30 certified or licensed public accountant and the report of the audit  
31 shall be included in and become part of the annual report of the  
32 commission.

33 g. The members, officers, executive director, employees and  
34 representatives of the commission shall be immune from suit and  
35 liability, either personally or in their official capacity, for any claim  
36 for damage to or loss of property or personal injury or other civil  
37 liability caused by or arising out of any actual or alleged act, error  
38 or omission that occurred, or that the person against whom the  
39 claim is made had a reasonable basis for believing occurred within  
40 the scope of commission employment, duties or responsibilities;  
41 provided that nothing in this subsection shall be construed to protect  
42 any such person from suit or liability for any damage, loss, injury,  
43 or liability caused by the intentional or willful or wanton  
44 misconduct of that person. The commission shall defend any  
45 member, officer, executive director, employee, or representative of  
46 the commission in any civil action seeking to impose liability  
47 arising out of any actual or alleged act, error or omission that  
48 occurred within the scope of commission employment, duties, or



1 responsibilities, or that the person against whom the claim is made  
2 had a reasonable basis for believing occurred within the scope of  
3 commission employment, duties or responsibilities; provided that  
4 nothing herein shall be construed to prohibit that person from  
5 retaining the person's own counsel; and provided further, that the  
6 actual or alleged act, error, or omission did not result from that  
7 person's intentional or willful or wanton misconduct. The  
8 commission shall indemnify and hold harmless any member,  
9 officer, executive director, employee, or representative of the  
10 commission for the amount of any settlement or judgment obtained  
11 against that person arising out of any actual or alleged act, error or  
12 omission that occurred within the scope of commission  
13 employment, duties, or responsibilities, or that such person had a  
14 reasonable basis for believing occurred within the scope of  
15 commission employment, duties, or responsibilities, provided that  
16 the actual or alleged act, error, or omission did not result from the  
17 intentional or willful or wanton misconduct of that person.

18

19 XI. Rulemaking.

20

21 a. The Commission shall exercise its rulemaking powers  
22 pursuant to the criteria set forth in this article and the rules adopted  
23 thereunder. Rules and amendments shall become binding as of the  
24 date specified in each rule or amendment.

25 b. If a majority of the legislatures of the compact states rejects  
26 a rule, by enactment of a statute or resolution in the same manner  
27 used to adopt the compact, then such rule shall have no further  
28 force and effect in any compact State.

29 c. Rules or amendments to the rules shall be adopted at a  
30 regular or special meeting of the Commission.

31 d. Prior to promulgation and adoption of a final rule or rules by  
32 the commission, and at least 60 days in advance of the meeting at  
33 which the rule will be considered and voted upon, the commission  
34 shall file a notice of proposed rulemaking: on the website of the  
35 commission; and on the website of each compact states' psychology  
36 regulatory authority or the publication in which each state would  
37 otherwise publish proposed rules.

38 e. The notice of proposed rulemaking shall include: the  
39 proposed time, date, and location of the meeting in which the rule  
40 will be considered and voted upon; the text of the proposed rule or  
41 amendment and the reason for the proposed rule; a request for  
42 comments on the proposed rule from any interested person; and the  
43 manner in which interested persons may submit notice to the  
44 commission of their intention to attend the public hearing and any  
45 written comments.

46 f. Prior to adoption of a proposed rule, the commission shall  
47 allow persons to submit written data, facts, opinions, and arguments  
48 which shall be made available to the public.

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

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

## 15 XII. Oversight, Dispute Resolution, and Enforcement

16

17 a. The executive, legislative, and judicial branches of state  
18 government in each compact state shall enforce this compact and  
19 take all actions necessary and appropriate to effectuate the  
20 compact's purposes and intent. The provisions of this Compact and  
21 the rules promulgated hereunder shall have standing as statutory  
22 law. All courts shall take judicial notice of the compact and the  
23 rules in any judicial or administrative proceeding in a compact state  
24 pertaining to the subject matter of this compact that may affect the  
25 powers, responsibilities or actions of the commission. The  
26 commission shall be entitled to receive service of process in any  
27 such proceeding, and shall have standing to intervene in such a  
28 proceeding for all purposes. Failure to provide service of process to  
29 the commission shall render a judgment or order void as to the  
30 commission, this compact or promulgated rules.

31 b. If the commission determines that a compact state has  
32 defaulted in the performance of its obligations or responsibilities  
33 under this compact or the promulgated rules, the commission shall:  
34 provide written notice to the defaulting state and other compact  
35 states of the nature of the default, the proposed means of remedying  
36 the default, and any other action to be taken by the commission; and  
37 provide remedial training and specific technical assistance  
38 regarding the default. If a state in default fails to remedy the  
39 default, the defaulting state may be terminated from the compact  
40 upon an affirmative vote of a majority of the compact states, and all  
41 rights, privileges, and benefits conferred by this compact shall be  
42 terminated on the effective date of termination. A remedy of the  
43 default shall not relieve the offending state of obligations or  
44 liabilities incurred during the period of default. Termination of  
45 membership in the compact shall be imposed only after all other  
46 means of securing compliance have been exhausted. Notice of  
47 intent to suspend or terminate shall be submitted by the commission  
48 to the governor, the majority and minority leaders of the defaulting

1 state's legislature, and each of the compact states. A compact state  
2 which has been terminated is responsible for all assessments,  
3 obligations, and liabilities incurred through the effective date of  
4 termination, including obligations which extend beyond the  
5 effective date of termination. The commission shall not bear any  
6 costs incurred by the state which is found to be in default or which  
7 has been terminated from the compact, unless agreed upon in  
8 writing between the commission and the defaulting state. The  
9 defaulting state may appeal the action of the commission by  
10 petitioning the United States District Court for the state of Georgia  
11 or the federal district where the compact has its principal offices.  
12 The prevailing member shall be awarded all costs of such litigation,  
13 including reasonable attorney's fees.

14 c. Upon request by a compact state, the commission shall  
15 attempt to resolve disputes related to the compact which arise  
16 among compact states and between compact and non-compact  
17 states. The commission shall promulgate a rule providing for both  
18 mediation and binding dispute resolution for disputes that arise  
19 before the commission.

20 d. The commission, in the reasonable exercise of its discretion,  
21 shall enforce the provisions and rules of this compact. By majority  
22 vote, the commission may initiate legal action in the United States  
23 District Court for the state of Georgia or the federal district where  
24 the compact has its principal offices against a compact state in  
25 default to enforce compliance with the provisions of the compact  
26 and its promulgated rules and bylaws. The relief sought may  
27 include both injunctive relief and damages. In the event judicial  
28 enforcement is necessary, the prevailing member shall be awarded  
29 all costs of such litigation, including reasonable attorney's fees. The  
30 remedies herein shall not be the exclusive remedies of the  
31 commission. The commission may pursue any other remedies  
32 available under federal or state law.

33

34 XIII. Date of Implementation of the Psychology  
35 Interjurisdictional Compact Commission and Associated Rules,  
36 Withdrawal, and Amendments.

37

38 a. The compact shall come into effect on the date on which the  
39 compact is enacted into law in the seventh compact state. The  
40 provisions which become effective at that time shall be limited to  
41 the powers granted to the commission relating to assembly and the  
42 promulgation of rules. Thereafter, the commission shall meet and  
43 exercise rulemaking powers necessary to the implementation and  
44 administration of the compact.

45 b. Any state which joins the compact subsequent to the  
46 commission's initial adoption of the rules shall be subject to the  
47 rules as they exist on the date on which the compact becomes law in  
48 that state. Any rule which has been previously adopted by the

1 commission shall have the full force and effect of law on the day  
2 the compact becomes law in that state.

3 c. Any compact state may withdraw from this compact by  
4 enacting a statute repealing the same. A compact state's withdrawal  
5 shall not take effect until six months after enactment of the  
6 repealing statute. Withdrawal shall not affect the continuing  
7 requirement of the withdrawing state's psychology regulatory  
8 authority to comply with the investigative and adverse action  
9 reporting requirements of this act prior to the effective date of  
10 withdrawal.

11 d. Nothing contained in this compact shall be construed to  
12 invalidate or prevent any psychology licensure agreement or other  
13 cooperative arrangement between a compact state and a non-  
14 compact state which does not conflict with the provisions of this  
15 compact.

16 e. This compact may be amended by the compact states. No  
17 amendment to this compact shall become effective and binding  
18 upon any compact state until it is enacted into the law of all  
19 compact states.

20

21 XIV. Construction and Severability.

22

23 a. This compact shall be liberally construed so as to effectuate  
24 the purposes thereof. If this compact shall be held contrary to the  
25 constitution of any state member thereto, the compact shall remain  
26 in full force and effect as to the remaining compact states. When  
27 the Governor executes the compact on behalf of this State and when  
28 the compact is ratified by one or more other states, then the  
29 compact shall become operative and effective between this State  
30 and such other state or states. The Governor is hereby authorized  
31 and directed to take such action as may be necessary to complete  
32 the exchange of official documents between this State and any other  
33 state ratifying the compact.

34 b. The compact administrator who represents this State, as  
35 provided in the compact, shall not be entitled to any additional  
36 compensation for the administrator's duties and responsibilities as  
37 compact administrator but shall be entitled to reimbursement for  
38 reasonable expenses actually incurred in connection with the  
39 administrator's duties and responsibilities as compact administrator  
40 in the same manner as for expenses incurred in connection with  
41 other duties and responsibilities of office or employment.

42

43 2. This act shall take effect on the 60 day after the date of  
44 enactment.

STATEMENT

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24

This bill enters New Jersey into the Psychology Interjurisdictional Compact (PSYPACT).

The Association of State and Provincial Psychology Boards (ASPPB) approved the PSYPACT in February 2015. The PSYPACT, an interstate compact, was created to facilitate telehealth and temporary in-person, face-to-face practice of psychology across jurisdictional boundaries.

The PSYPACT addresses compact administration and enforcement, data sharing, and finances. PSYPACT establishes an independent operating authority, the Psychology Interjurisdictional Compact Commission, to administer and enforce the compact and to address future issues surrounding telepsychology and temporary in-person, face-to-face practice as needed.

The PSYPACT establishes a mechanism for licensed psychologists to provide psychological services to patients in other states and jurisdictions through the use of telehealth and telemedicine and by temporarily recognizing a license issued by another jurisdiction for the purposes of permitting the psychologist to provide in person services outside the licensing jurisdiction.

The following states have enacted PSYPACT: Arizona, Colorado, Delaware, Georgia, Illinois, Missouri, Nebraska, Nevada, New Hampshire, Oklahoma, Texas, and Utah.

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 4205

with committee amendments

# STATE OF NEW JERSEY

DATED: MARCH 8, 2021

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 4205.

As amended, this bill enters New Jersey into the Psychology Interjurisdictional Compact, which was established by the Association of State and Provincial Psychology Boards (ASPPB) in 2015. The compact allows a psychologist licensed in a member state who meets certain criteria to provide telepsychology services and limited in-person, face-to-face psychological services in other member states, without the need for individual licensure in those other states.

#### Requirements to Practice Psychology under the Compact

Psychologists licensed in a state that is a member of the compact (hereafter “home state”) will be permitted to provide telepsychology services, which are psychology services provided using telemedicine and telehealth, to patients in any other member state. Psychologists are also authorized to provide limited in-person, face-to-face psychological services in any other member state, provided the in-person services are limited to no more than 30 days in a calendar year and the psychologist provides notice to the member state. Psychologists providing services in a member state are subject to that state’s scope of practice requirements and may be subject to professional disciplinary action in the member state.

In order to provide psychology services under the compact, a psychologist is required to: 1) hold a graduate degree in psychology issued by an accredited institution of higher education or by a foreign college or university deemed equivalent by a recognized foreign credential evaluation service; 2) hold a graduate degree in psychology from a recognized psychology program that constitutes a discrete, coherent program within the institution of higher education, has identifiable programs, curricula, a core faculty overseen by a psychologist, and an identifiable student body, and comprises at least three academic years for a doctoral program and at least one academic year for a masters program; 3) possess a full and unrestricted license to practice psychology in the psychologist’s home state and have no criminal history or history of averse professional disciplinary actions;

4) provide attestations concerning areas of intended practice, criminal background, and knowledge and adherence to legal requirements in the home and receiving states; 5) provide a release of information to allow for primary source verification; and 6) meet any other requirements established by the Psychology Interjurisdictional Compact Commission (PICC), which is the entity that oversees administration of the compact.

To provide telepsychology services in a member state, the psychologist is additionally required to possess an active “e.passport” issued by the ASPPB and attest to competence in telepsychology technology.

To provide in-person services in a member state under a temporary authorization, the psychologist is additionally required to attest to work experience and possess a current, active Interjurisdictional Practice Certificate (IPC) issued by the ASPPB.

States that are members to the compact are required to provide notice to the PICC of any adverse disciplinary actions imposed against a psychologist practicing under the compact in that state. Adverse actions taken by a member state against a psychologist providing telepsychology services in that state are limited to adverse actions against the psychologist’s authority to practice telepsychology in that state. If a home state takes adverse disciplinary action against a psychologist, the psychologist’s authority to provide psychological services in any other member state under the compact are revoked.

The PICC is required to develop and maintain a coordinated licensure database and reporting system to help track psychologists providing services under the compact, as well as to monitor adverse disciplinary actions against a participating psychologist and provide appropriate notices to member states.

#### The Psychology Interjurisdictional Compact Commission

The PICC comprises “commissioners” appointed by the member states, with one voting member appointed by each state. A state’s commissioner is required to be the head of the state’s psychology licensing authority or a designee.

The PICC is required to meet at least once a year and at other times as are required under its bylaws. Meetings of the PICC are generally open to the public, but closed, non-public meetings may be held to discuss enforcement and disciplinary matters, employment and personnel issues, litigation against the PICC, contract negotiations, confidential or proprietary information, and investigatory matters.

The PICC is required to establish bylaws concerning its internal structure, administration, and operations. The compact provides that the PICC holds certain enumerated powers to take actions manage its financial affairs, establish committees and subcommittees, hire personnel and establish the terms of employment, and similar matters.



The PICC is further overseen by an executive board comprising six members to provide recommendations concerning potential changes to the administration or operations of the PICC. Members, officers, and employees of the commission are generally afforded immunity from civil liability arising out of their official duties.

Rules and regulations adopted by the PICC are binding on member states and have the effect of statutory law. The executive, legislative, and judicial branches of state government in each compact state are required to enforce the compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. Member states can invalidate a PICC rule by a majority vote. Proposed rules are subject to a public comment period and may be subject to a public hearing.

The PICC is authorized to take action against a member state for noncompliance with PICC rules or with the requirements of the compact, which may include instituting a plan of corrective action or terminating the state's membership in the compact. The PICC is to resolve disputes between member states upon request.

The compact took effect upon the adoption of enabling legislation in seven states. Currently, the compact comprises 15 member states: Arizona, Colorado, Delaware, Georgia, Illinois, Missouri, Nebraska, Nevada, New Hampshire, North Carolina, Oklahoma, Pennsylvania, Texas, Utah, and Virginia.

#### COMMITTEE AMENDMENTS:

The committee amendments make various technical corrections involving capitalization, grammar, and punctuation, as well as to reorganize certain provisions to put them in their proper order.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 4205

### STATE OF NEW JERSEY 219th LEGISLATURE

DATED: MAY 20, 2021

#### SUMMARY

**Synopsis:** Enters New Jersey into Psychology Interjurisdictional Compact.

**Type of Impact:** Annual State revenue loss and expenditure increases.

**Agencies Affected:** State Board of Psychological Examiners.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>State Expenditures Increase</b>	Indeterminate
<b>State Revenue Decrease</b>	Indeterminate

- The Office of Legislative Services (OLS) estimates that the State Board of Psychological Examiners will experience a decrease in annual State revenue associated with licensure fees as a result of providing licensure reciprocity under the Psychological Interjurisdictional Compact, as entered into under this bill. The board will also incur additional, indeterminate annual expenditures related to assessments imposed by the Psychological Interjurisdictional Compact, as well as potential annual administrative costs to manage and monitor licensees, both within and outside the State, who choose to enter into the compact.

#### BILL DESCRIPTION

This bill enters New Jersey into the Psychology Interjurisdictional Compact, which was established by the Association of State and Provincial Psychology Boards in 2015. The compact allows a psychologist licensed in a member state who meets certain criteria to provide telepsychology services and limited in-person, face-to-face psychological services in other member states, without the need for individual licensure in those other states.

As a member State, New Jersey would be required to appoint a member to the Psychology Interjurisdictional Compact Commission (PICC). The PICC is comprised of commissioners appointed by the member states, with one voting member appointed by each state. A state's commissioner is required to be the head of the state's psychology licensing authority or a designee.

**FISCAL ANALYSIS*****EXECUTIVE BRANCH***

None received.

***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the State Board of Psychological Examiners will experience an indeterminate decrease in annual State revenue associated with licensure fees as a result of providing licensure reciprocity under the Psychological Interjurisdictional Compact, as entered into under this bill. The board's will also incur additional, indeterminate expenditures related to assessments imposed by the Psychological Interjurisdictional Compact, as well as potential annual administrative costs to manage and monitor licensees, both within and outside the State, who choose to enter into the compact. The board's mission is to ensure that licensed psychologists meet the requirements set by State law and regulations and requires those practicing psychology to meet the standards for licensure and renew their licenses annually. Currently, the board does not provide licensure reciprocity with any state.

To the extent that licensed psychologists residing in other compact states choose to practice in New Jersey under the compact privilege and choose not to obtain or renew a New Jersey license, the State Board of Psychological Examiners will experience a decline in licensure revenues. Currently, the board charges a \$300 licensure fee and a \$300 licensure renewal fee every two years. Delaware and Pennsylvania are both compact states and the OLS assumes that some number of psychologists in these neighboring states possess New Jersey licenses; however, the OLS does not have access to the data to quantify this number. Other compact states include: Arizona, Colorado, Georgia, Illinois, Missouri, Nebraska, Nevada, New Hampshire, North Carolina, Oklahoma, Texas, Utah, and Virginia.

Further, the Psychological Interjurisdictional Compact requires participating compact states to contribute an annual assessment fee, currently set at \$10 per home state licensee who practices under the compact privilege with a \$6,000 cap. Thus, board expenditures will increase to the extent that State licensees chose to practice under the compact privilege by up to \$6,000 annually. The number of such licensees is unpredictable, and therefore quantifying this cost is not possible.

The board may also incur costs to handle the additional workload of tracking licensees who participate in the compact and psychologists not licensed in the State who provide services in the State under the compact. The OLS estimates that these costs will be minimal, or possibly even entirely absorbed by the board's existing budget, as the compact has created a directory to assist states in tracking and managing participation in the compact.

*Section:*            *Human Services*  
*Analyst:*          *Sarah Schmidt*  
                         *Senior Research Analyst*  
*Approved:*        *Thomas Koenig*  
                         *Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

**SENATE, No. 2506**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED JUNE 4, 2020

**Sponsored by:**  
**Senator VIN GOPAL**  
**District 11 (Monmouth)**

**SYNOPSIS**

Enters New Jersey into Psychology Interjurisdictional Compact.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning psychological services and supplementing Title  
2 45 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. The State of New Jersey enacts and enters into the  
8 “Psychology Interjurisdictional Compact Act” with all other  
9 jurisdictions that legally join in the compact in the form  
10 substantially as follows:

11

12 I. Purpose.

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

16 Whereas, this compact is intended to regulate the day to day  
17 practice of telepsychology, which is the provision of psychological  
18 services using telecommunication technologies, by psychologists  
19 across state boundaries in the performance of their psychological  
20 practice as assigned by an appropriate authority; and

21 Whereas, this compact is intended to regulate the temporary in-  
22 person, face-to-face practice of psychology by psychologists across  
23 state boundaries for 30 days within a calendar year in the  
24 performance of their psychological practice as assigned by an  
25 appropriate authority;

26 Whereas, this compact is intended to authorize state psychology  
27 regulatory authorities to afford legal recognition, in a manner  
28 consistent with the terms of the compact, to psychologists licensed  
29 in another state;

30 Whereas, this compact recognizes that states have a vested  
31 interest in protecting the public's health and safety through their  
32 licensing and regulation of psychologists and that such state  
33 regulation will best protect public health and safety;

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

36 Whereas, this compact does not apply to permanent in-person,  
37 face-to-face practice, it does allow for authorization of temporary  
38 psychological practice.

39 Consistent with these principles, this compact is designed to  
40 achieve the following purposes and objectives: increase public  
41 access to professional psychological services by allowing for  
42 telepsychological practice across state lines as well as temporary in-  
43 person, face-to-face services into a state in which the psychologist  
44 is not licensed to practice psychology; enhance the states' ability to  
45 protect the public's health and safety, especially client and patient  
46 safety; encourage the cooperation of compact states in the areas of  
47 psychology licensure and regulation; facilitate the exchange of  
48 information between compact states regarding psychologist

1 licensure, adverse actions, and disciplinary history; promote  
2 compliance with the laws governing psychological practice in each  
3 compact state; and invest all compact states with the authority to  
4 hold licensed psychologists accountable through the mutual  
5 recognition of compact state licenses.

6

7 II. Definitions.

8 "Adverse action" means any action taken by a state psychology  
9 regulatory authority which finds a violation of a statute or  
10 regulation that is identified by the state psychology regulatory  
11 authority as discipline and is a matter of public record.

12 "Association of State and Provincial Psychology Boards  
13 (ASPPB)" means the recognized membership organization  
14 composed of state and provincial psychology regulatory authorities  
15 responsible for the licensure and registration of psychologists  
16 throughout the United States and Canada.

17 "Authority to Practice Interjurisdictional Telepsychology" means  
18 a licensed psychologist's authority to practice telepsychology,  
19 within the limits authorized under this compact, in another compact  
20 state.

21 "Bylaws" means those bylaws established by the psychology  
22 interjurisdictional compact commission pursuant to Article X for its  
23 governance, or for directing and controlling its actions and conduct.

24 "Client or patient" means the recipient of psychological services,  
25 whether psychological services are delivered in the context of  
26 healthcare, corporate, supervision, or consulting services, or both.

27 "Commissioner" means the voting representative appointed by  
28 each State Psychology Regulatory Authority pursuant to Article X.

29 "Compact State" means a state, the District of Columbia, or  
30 United States territory that has enacted this compact legislation and  
31 which has not withdrawn pursuant to section c. of Article XIII or  
32 been terminated pursuant to section b. of Article XII.

33 "Coordinated licensure information system" or "coordinated  
34 database" means an integrated process for collecting, storing, and  
35 sharing information on psychologists' licensure and enforcement  
36 activities related to psychology licensure laws, which is  
37 administered by the recognized membership organization composed  
38 of state and provincial psychology regulatory authorities.

39 "Confidentiality" means the principle that data or information is  
40 not made available or disclosed to unauthorized persons or  
41 processes, or both.

42 "Day" means any part of a day in which psychological work is  
43 performed.

44 "Distant State" means the compact state where a psychologist is  
45 physically present, not through the use of telecommunications  
46 technologies, to provide temporary in-person, face-to-face  
47 psychological services.

1 "E.Passport" means a certificate issued by the ASPPB that  
2 promotes the standardization in the criteria of interjurisdictional  
3 telepsychology practice and facilitates the process for licensed  
4 psychologists to provide telepsychological services across state  
5 lines.

6 "Executive board" means a group of directors elected or  
7 appointed to act on behalf of, and within the powers granted to them  
8 by, the commission.

9 "Home State" means a compact state where a psychologist is  
10 licensed to practice psychology. If the psychologist is licensed in  
11 more than one compact state and is practicing under the  
12 authorization to practice interjurisdictional telepsychology, the  
13 home state is the compact state where the psychologist is physically  
14 present when the telepsychological services are delivered. If the  
15 psychologist is licensed in more than one compact state and is  
16 practicing under the temporary authorization to practice, the home  
17 state is any compact state where the psychologist is licensed.

18 "Identity History Summary" means a summary of information  
19 retained by the Federal Bureau of Investigation (FBI), or other  
20 designee with similar authority, in connection with arrests and, in  
21 some instances, federal employment, naturalization, or military  
22 service.

23 "In-person, face-to-face" means interactions in which the  
24 psychologist and the client and patient are in the same physical  
25 space and which does not include interactions that may occur  
26 through the use of telecommunication technologies.

27 "Interjurisdictional Practice Certificate (IPC)" means a certificate  
28 issued by the ASPPB that grants temporary authority to practice  
29 based on notification to the state psychology regulatory authority of  
30 intention to practice temporarily, and verification of one's  
31 qualifications for such practice.

32 "License" means: authorization by a state psychology regulatory  
33 authority to engage in the independent practice of psychology,  
34 which would be unlawful without the authorization.

35 "Non-compact state" means: any state which is not at the time a  
36 compact state.

37 "Psychologist" means: an individual licensed for the independent  
38 practice of psychology.

39 "Psychology Interjurisdictional Compact Commission" or  
40 "Commission" means the national administration of which all  
41 compact states are members.

42 "Receiving state" means a compact state where the client, or  
43 patient, or both is physically located when the telepsychological  
44 services are delivered.

45 "Rule" means a written statement by the Psychology  
46 Interjurisdictional Compact Commission promulgated pursuant to  
47 Article XI of the compact that is of general applicability,  
48 implements, interprets, or prescribes a policy or provision of the

1 compact, or an organizational, procedural, or practice requirement  
2 of the commission and has the force and effect of statutory law in a  
3 compact state, and includes the amendment, repeal or suspension of  
4 an existing rule.

5 "Significant Investigatory Information" means investigative  
6 information that a state psychology regulatory authority, after a  
7 preliminary inquiry that includes notification and an opportunity to  
8 respond if required by state law, has reason to believe, if proven  
9 true, would indicate more than a violation of state statute or ethics  
10 code that would be considered more substantial than minor  
11 infraction; or investigative information that indicates that the  
12 psychologist represents an immediate threat to public health and  
13 safety regardless of whether the psychologist has been notified or  
14 had an opportunity to respond, or both.

15 "State" means a state, commonwealth, territory, or possession of  
16 the United States, the District of Columbia.

17 "State psychology regulatory authority" means the board, office  
18 or other agency with the legislative mandate to license and regulate  
19 the practice of psychology.

20 "Telepsychology" means the provision of psychological services  
21 using telecommunication technologies.

22 "Temporary authorization to practice" means a licensed  
23 psychologist's authority to conduct temporary in-person, face-to-  
24 face practice, within the limits authorized under this compact, in  
25 another compact state.

26 "Temporary in-person, face-to-face practice" means where a  
27 psychologist is physically present, not through the use of  
28 telecommunications technologies, in the distant state to provide for  
29 the practice of psychology for 30 days within a calendar year and  
30 based on notification to the distant state.

31

### 32 III. Home State Licensure.

33 a. The home state shall be a compact state where a psychologist  
34 is licensed to practice psychology.

35 b. A psychologist may hold one or more compact state licenses at  
36 a time. if the psychologist is licensed in more than one compact  
37 state, the home state is the compact state where the psychologist is  
38 physically present when the services are delivered as authorized by  
39 the authority to practice interjurisdictional telepsychology under the  
40 terms of this compact.

41 c. Any compact state may require a psychologist not previously  
42 licensed in a compact state to obtain and retain a license to be  
43 authorized to practice in the compact state under circumstances not  
44 authorized by the authority to practice interjurisdictional  
45 telepsychology under the terms of this compact.

46 d. Any compact state may require a psychologist to obtain and  
47 retain a license to be authorized to practice in a compact state under



1 circumstances not authorized by temporary authorization to practice  
2 under the terms of this compact.

3 e. A home state's license authorizes a psychologist to practice in  
4 a receiving state under the authority to practice interjurisdictional  
5 telepsychology only if the compact state: currently requires the  
6 psychologist to hold an active e.passport; has a mechanism in place  
7 for receiving and investigating complaints about licensed  
8 individuals; notifies the commission, in compliance with the terms  
9 herein, of any adverse action or significant investigatory  
10 information regarding a licensed individual; requires an identity  
11 history summary of all applicants at initial licensure, including the  
12 use of the results of fingerprints or other biometric data checks  
13 compliant with the requirements of the FBI, or other designee with  
14 similar authority, no later than ten years after activation of the  
15 compact; and complies with the bylaws and rules of the  
16 commission.

17 f. A home state's license grants temporary authorization to  
18 practice to a psychologist in a distant state only if the compact state:  
19 currently requires the psychologist to hold an active ipc; has a  
20 mechanism in place for receiving and investigating complaints  
21 about licensed individuals; notifies the commission, in compliance  
22 with the terms herein, of any adverse action or significant  
23 investigatory information regarding a licensed individual; requires  
24 an identity history summary of all applicants at initial licensure,  
25 including the use of the results of fingerprints or other biometric  
26 data checks compliant with the requirements of the federal bureau  
27 of investigation, or other designee with similar authority, no later  
28 than ten years after activation of the compact; and complies with  
29 the bylaws and rules of the commission.

30

31 IV. Compact Privilege to Practice Telepsychology.

32 a. Compact states shall recognize the right of a psychologist,  
33 licensed in a compact state in conformance with Article III, to  
34 practice telepsychology in other compact states in which the  
35 psychologist is not licensed, under the authority to practice  
36 interjurisdictional telepsychology as provided in the compact.

37 b. To exercise the authority to practice interjurisdictional  
38 telepsychology under the terms and provisions of this compact, a  
39 psychologist licensed to practice in a compact state must:

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

42 (a) regionally accredited by an accrediting body recognized by  
43 the federal Department of Education to grant graduate degrees, or  
44 authorized by Provincial Statute or Royal Charter to grant doctoral  
45 degrees; or

46 (b) a foreign college or university deemed to be equivalent to by  
47 a foreign credential evaluation service that is a member of the

1 National Association of Credential Evaluation Services or by a  
2 recognized foreign credential evaluation service;

3 (2) Hold a graduate degree in psychology that meets the  
4 following criteria: the program, wherever it may be administratively  
5 housed, must be clearly identified and labeled as a psychology  
6 program. Such a program must specify in pertinent institutional  
7 catalogues and brochures its intent to educate and train professional  
8 psychologists; the psychology program must stand as a  
9 recognizable, coherent, organizational entity within the institution;  
10 there must be a clear authority and primary responsibility for the  
11 core and specialty areas whether or not the program cuts across  
12 administrative lines; the program must consist of an integrated,  
13 organized sequence of study; there must be an identifiable  
14 psychology faculty sufficient in size and breadth to carry out its  
15 responsibilities; the designated director of the program must be a  
16 psychologist and a member of the core faculty; the program must  
17 have an identifiable body of students who are matriculated in that  
18 program for a degree; the program must include supervised  
19 practicum, internship, or field training appropriate to the practice of  
20 psychology; the curriculum shall encompass a minimum of three  
21 academic years of full-time graduate study for a doctoral degree and  
22 a minimum of one academic year of full-time graduate study for a  
23 master's degree; the program includes an acceptable residency as  
24 defined by the rules of the commission;

25 (3) Possess a current, full and unrestricted license to practice  
26 psychology in a home state which is a compact state; have no  
27 history of adverse action that violate the rules of the commission;  
28 have no criminal record history reported on an identity history  
29 summary that violates the rules of the commission; possess a  
30 current, active e.passport;

31 (4) Provide attestations in regard to areas of intended practice,  
32 conformity with standards of practice, competence in  
33 telepsychology technology; criminal background; and knowledge  
34 and adherence to legal requirements in the home and receiving  
35 states, and

36 (5) Provide a release of information to allow for primary source  
37 verification in a manner specified by the commission; and meet  
38 other criteria as defined by the rules of the commission.

39 c. The home state maintains authority over the license of any  
40 psychologist practicing into a receiving state under the authority to  
41 practice interjurisdictional telepsychology.

42 d. A psychologist practicing into a receiving state under the  
43 authority to practice interjurisdictional telepsychology will be  
44 subject to the receiving state's scope of practice. A receiving state  
45 may, in accordance with that state's due process law, limit or revoke  
46 a psychologist's authority to practice interjurisdictional  
47 telepsychology in the receiving state and may take any other  
48 necessary actions under the receiving state's applicable law to

1 protect the health and safety of the receiving state's citizens. If a  
2 receiving state takes action, the state shall promptly notify the home  
3 state and the commission.

4 e. If a psychologist's license in any home state, another compact  
5 state, or any authority to practice interjurisdictional telepsychology  
6 in any receiving state, is restricted, suspended or otherwise limited,  
7 the e.passport shall be revoked and therefore the psychologist shall  
8 not be eligible to practice telepsychology in a compact state under  
9 the authority to practice interjurisdictional telepsychology.

10

11 V. Compact Temporary Authorization to Practice.

12

13 a. Compact States shall also recognize the right of a  
14 psychologist, licensed in a compact state in conformance with  
15 Article iii, to practice temporarily in other distant states in which  
16 the psychologist is not licensed, as provided in the compact.

17 b. To exercise the temporary authorization to practice under the  
18 terms and provisions of this compact, a psychologist licensed to  
19 practice in a compact state must:

20 (1) Hold a graduate degree in psychology from an institute of  
21 higher education that was, at the time the degree was awarded: (a)  
22 Regionally accredited by an accrediting body recognized by the  
23 federal Department of Education to grant graduate degrees, or  
24 authorized by Provincial Statute or Royal Charter to grant doctoral  
25 degrees; or (b) a foreign college or university deemed to be  
26 equivalent by a foreign credential evaluation service that is a  
27 member of the National Association of Credential Evaluation  
28 Services or by a recognized foreign credential evaluation service;

29 (2) Hold a graduate degree in psychology that meets the  
30 following criteria: the program, wherever it may be administratively  
31 housed, must be clearly identified and labeled as a psychology  
32 program and must specify in pertinent institutional catalogues and  
33 brochures its intent to educate and train professional psychologists;  
34 the psychology program must stand as a recognizable, coherent,  
35 organizational entity within the institution; there must be a clear  
36 authority and primary responsibility for the core and specialty areas  
37 whether or not the program cuts across administrative lines; the  
38 program must consist of an integrated, organized sequence of study;  
39 there must be an identifiable psychology faculty sufficient in size  
40 and breadth to carry out its responsibilities; the designated director  
41 of the program must be a psychologist and a member of the core  
42 faculty; the program must have an identifiable body of students who  
43 are matriculated in that program for a degree; the program must  
44 include supervised practicum, internship, or field training  
45 appropriate to the practice of psychology; the curriculum shall  
46 encompass a minimum of three academic years of full-time  
47 graduate study for doctoral degrees and a minimum of one  
48 academic year of full-time graduate study for master's degree; and

1 the program includes an acceptable residency as defined by the  
2 rules of the commission;

3 (3) Possess a current, full and unrestricted license to practice  
4 psychology in a home state which is a compact state; no history of  
5 adverse action that violate the rules of the commission; and have no  
6 criminal record history that violates the rules of the commission;

7 (4) Possess a current, active IPC;

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

12 (6) Meet other criteria as defined by the rules of the commission.

13 c. A psychologist practicing into a distant state under the  
14 temporary authorization to practice shall practice within the scope  
15 of practice authorized by the distant state.

16 d. A psychologist practicing into a distant state under the  
17 temporary authorization to practice will be subject to the distant  
18 state's authority and law. A distant state may, in accordance with  
19 that state's due process law, limit or revoke a psychologist's  
20 temporary authorization to practice in the distant state and may take  
21 any other necessary actions under the distant state's applicable law  
22 to protect the health and safety of the distant state's citizens. If a  
23 distant state takes action, the state shall promptly notify the home  
24 state and the commission.

25 e. If a psychologist's license in any home state, another  
26 compact state, or any temporary authorization to practice in any  
27 distant state, is restricted, suspended or otherwise limited, the IPC  
28 shall be revoked and therefore the psychologist shall not be eligible  
29 to practice in a compact state under the temporary authorization to  
30 practice.

31

32 VI. Conditions of Telepsychology Practice in a Receiving State.

33

34 A psychologist may practice in a receiving state under the  
35 authority to practice interjurisdictional telepsychology only in the  
36 performance of the scope of practice for psychology as assigned by  
37 an appropriate state psychology regulatory authority, as defined in  
38 the rules of the commission, and under the following circumstances:  
39 the psychologist initiates a client or patient, or both contact in a  
40 home state via telecommunications technologies with a client or  
41 patient, or both, in a receiving state; and other conditions regarding  
42 telepsychology as determined by rules promulgated by the  
43 commission.

44

45 VII. Adverse Actions

46

47 a. A home state shall have the power to impose adverse action  
48 against a psychologist's license issued by the home state. A distant

1 state shall have the power to take adverse action on a psychologist's  
2 temporary authorization to practice within that distant State.

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

8 c. If a home state takes adverse action against a psychologist's  
9 license, that psychologist's authority to practice interjurisdictional  
10 telepsychology is terminated and the e.passport is revoked.  
11 Furthermore, that psychologist's temporary authorization to practice  
12 is terminated and the IPC is revoked. All home state disciplinary  
13 orders which impose adverse action shall be reported to the  
14 commission in accordance with the rules promulgated by the  
15 commission. A compact state shall report adverse actions in  
16 accordance with the rules of the commission. In the event discipline  
17 is reported on a psychologist, the psychologist will not be eligible  
18 for telepsychology or temporary in-person, face-to-face practice in  
19 accordance with the rules of the commission. Other actions may be  
20 imposed as determined by the rules promulgated by the  
21 commission.

22 d. A home state's psychology regulatory authority shall  
23 investigate and take appropriate action with respect to reported  
24 inappropriate conduct engaged in by a licensee which occurred in a  
25 receiving state as it would if such conduct had occurred by a  
26 licensee within the home state. In such cases, the home state's law  
27 shall control in determining any adverse action against a  
28 psychologist's license.

29 e. A distant state's psychology regulatory authority shall  
30 investigate and take appropriate action with respect to reported  
31 inappropriate conduct engaged in by a psychologist practicing under  
32 temporary authorization practice which occurred in that distant state  
33 as it would if such conduct had occurred by a licensee within the  
34 home state. In such cases, distant state's law shall control in  
35 determining any adverse action against a psychologist's temporary  
36 authorization to practice.

37 f. Nothing in this compact shall override a compact state's  
38 decision that a psychologist's participation in an alternative program  
39 may be used in lieu of adverse action and that such participation  
40 shall remain non-public if required by the compact state's law.  
41 compact states must require psychologists who enter any alternative  
42 programs to not provide telepsychology services under the authority  
43 to practice interjurisdictional telepsychology or provide temporary  
44 psychological services under the temporary authorization to practice  
45 in any other compact state during the term of the alternative  
46 program.

1 g. No other judicial or administrative remedies shall be  
2 available to a psychologist in the event a compact state imposes an  
3 adverse action pursuant to subsection c. of this section.

4  
5 VIII. Additional Authorities Invested in a Compact State's  
6 Psychology.

7  
8 In addition to any other powers granted under state law, a  
9 compact state's psychology regulatory authority shall have the  
10 authority under this compact to: issue subpoenas, for both hearings  
11 and investigations, which require the attendance and testimony of  
12 witnesses and the production of evidence. subpoenas issued by a  
13 compact state's psychology regulatory authority for the attendance  
14 and testimony of witnesses, or the production of evidence from  
15 another compact state, shall be enforced in the latter state by any  
16 court of competent jurisdiction, according to that court's practice  
17 and procedure in considering subpoenas issued in its own  
18 proceedings. The issuing state psychology regulatory authority  
19 shall pay any witness fees, travel expenses, mileage, and other fees  
20 required by the service statutes of the state where the witnesses,  
21 evidence, or both are located; and issue cease and desist and/or  
22 injunctive relief orders to revoke a psychologist's authority to  
23 practice interjurisdictional telepsychology, temporary authorization  
24 to practice, or both. During the course of any investigation, a  
25 psychologist may not change his or her home state licensure. A  
26 home state psychology regulatory authority is authorized to  
27 complete any pending investigations of a psychologist and to take  
28 any actions appropriate under its law. The home state psychology  
29 regulatory authority shall promptly report the conclusions of such  
30 investigations to the commission. Once an investigation has been  
31 completed, and pending the outcome of said investigation, the  
32 psychologist may change his or her home state licensure. The  
33 commission shall promptly notify the new home state of any such  
34 decisions as provided in the rules of the commission. All  
35 information provided to the commission or distributed by compact  
36 states pursuant to the psychologist shall be confidential, filed under  
37 seal, and used for investigatory or disciplinary matters. The  
38 commission may create additional rules for mandated or  
39 discretionary sharing of information by compact states.

40  
41 IX. Coordinated Licensure Information System.

42  
43 a. The Commission shall provide for the development and  
44 maintenance of a coordinated licensure information system  
45 (coordinated database) and reporting system containing licensure  
46 and disciplinary action information on all psychologists individuals  
47 to whom this compact is applicable in all compact states as defined  
48 by the rules of the commission.

1       b. Notwithstanding any other provision of state law to the  
2 contrary, a compact state shall submit a uniform data set to the  
3 coordinated database on all licensees as required by the rules of the  
4 commission, including: identifying information; licensure data;  
5 significant investigatory information; adverse actions against a  
6 psychologist's license; an indicator that a psychologist's authority to  
7 practice interjurisdictional telepsychology or temporary  
8 authorization to practice is revoked; non-confidential information  
9 related to alternative program participation information; any denial  
10 of application for licensure, and the reasons for such denial; and  
11 other information which may facilitate the administration of this  
12 compact, as determined by the rules of the commission.

13       c. The coordinated database administrator shall promptly notify  
14 all compact states of any adverse action taken against, or significant  
15 investigative information on, any licensee in a compact state.

16       d. Compact states reporting information to the coordinated  
17 database may designate information that may not be shared with the  
18 public without the express permission of the compact state reporting  
19 the information.

20       e. Any information submitted to the coordinated database that  
21 is subsequently required to be expunged by the law of the compact  
22 state reporting the information shall be removed from the  
23 coordinated database.

24

25       X. Establishment of the Psychology Interjurisdictional Compact  
26 Commission.

27

28       a. The compact states hereby create and establish a joint public  
29 agency known as the psychology interjurisdictional compact  
30 commission. The commission is a body politic and an  
31 instrumentality of the compact States. Venue is proper and judicial  
32 proceedings by or against the commission shall be brought solely  
33 and exclusively in a court of competent jurisdiction where the  
34 principal office of the commission is located. The commission may  
35 waive venue and jurisdictional defenses to the extent it adopts or  
36 consents to participate in alternative dispute resolution proceedings.  
37 Nothing in this compact shall be construed to be a waiver of  
38 sovereign immunity.

39       b. (1) The commission shall consist of one voting  
40 representative appointed by each compact state who shall serve as  
41 that state's commissioner. The state psychology regulatory  
42 authority shall appoint its delegate. The delegate shall be  
43 empowered to act on behalf of the compact state. The delegate  
44 shall be either the executive director, executive secretary or similar  
45 executive; current member of the state psychology regulatory  
46 authority of a compact state; or designee empowered with the  
47 appropriate delegate authority to act on behalf of the compact state.  
48 Any commissioner may be removed or suspended from office as

1 provided by the law of the state from which the commissioner is  
2 appointed. Any vacancy occurring in the commission shall be filled  
3 in accordance with the laws of the compact state in which the  
4 vacancy exists. Each commissioner shall be entitled to one vote  
5 with regard to the promulgation of rules and creation of bylaws and  
6 shall otherwise have an opportunity to participate in the business  
7 and affairs of the commission. A commissioner shall vote in person  
8 or by such other means as provided in the bylaws. The bylaws may  
9 provide for commissioners' participation in meetings by telephone  
10 or other means of communication. The commission shall meet at  
11 least once during each calendar year. Additional meetings shall be  
12 held as set forth in the bylaws. All meetings shall be open to the  
13 public, and public notice of meetings shall be given in the same  
14 manner as required under the rulemaking provisions in Article XI.  
15 The commission may convene in a closed, non-public meeting if the  
16 commission must discuss: non-compliance of a compact state with  
17 its obligations under the compact; the employment, compensation,  
18 discipline or other personnel matters, practices or procedures  
19 related to specific employees or other matters related to the  
20 commission's internal personnel practices and procedures; current,  
21 threatened, or reasonably anticipated litigation against the  
22 commission; negotiation of contracts for the purchase or sale of  
23 goods, services or real estate; accusation against any person of a  
24 crime or formally censuring any person; disclosure of trade secrets  
25 or commercial or financial information which is privileged or  
26 confidential; disclosure of information of a personal nature where  
27 disclosure would constitute a clearly unwarranted invasion of  
28 personal privacy; disclosure of investigatory records compiled for  
29 law enforcement purposes; disclosure of information related to any  
30 investigatory reports prepared by or on behalf of or for use of the  
31 commission or other committee charged with responsibility for  
32 investigation or determination of compliance issues pursuant to the  
33 compact; or matters specifically exempted from disclosure by  
34 federal and state statute.

35 (2) If a meeting, or portion of a meeting, is closed pursuant to  
36 paragraph (1) of this subsection, the commission's legal counsel or  
37 designee shall certify that the meeting may be closed and shall  
38 reference each relevant exempting provision. The commission shall  
39 keep minutes which fully and clearly describe all matters discussed  
40 in a meeting and shall provide a full and accurate summary of  
41 actions taken, of any person participating in the meeting, and the  
42 reasons therefore, including a description of the views expressed.  
43 All documents considered in connection with an action shall be  
44 identified in such minutes. All minutes and documents of a closed  
45 meeting shall remain under seal, subject to release only by a  
46 majority vote of the commission or order of a court of competent  
47 jurisdiction.



1 c. The commission shall, by a majority vote of the  
2 commissioners, prescribe bylaws, rules, or both to govern its  
3 conduct as may be necessary or appropriate to carry out the  
4 purposes and exercise the powers of the compact, including but not  
5 limited to: establishing the fiscal year of the commission; providing  
6 reasonable standards and procedures: for the establishment and  
7 meetings of other committees; and for governing any general or  
8 specific delegation of any authority or function of the commission;  
9 providing reasonable procedures for calling and conducting  
10 meetings of the commission; and ensuring reasonable advance  
11 notice of all meetings and providing an opportunity for attendance  
12 of such meetings by interested parties, with enumerated exceptions  
13 designed to protect the public's interest, the privacy of individuals  
14 of such proceedings, and proprietary information, including trade  
15 secrets. The commission may meet in closed session only after a  
16 majority of the commissioners vote to close a meeting to the public  
17 in whole or in part. As soon as practicable, the commission shall  
18 make public a copy of the vote to close the meeting revealing the  
19 vote of each commissioner with no proxy votes allowed;  
20 establishing the titles, duties and authority and reasonable  
21 procedures for the election of the officers of the commission;  
22 providing reasonable standards and procedures for the  
23 establishment of the personnel policies and programs of the  
24 commission. Notwithstanding any civil service or other similar law  
25 of any compact state, the bylaws shall exclusively govern the  
26 personnel policies and programs of the commission; promulgating a  
27 code of ethics to address permissible and prohibited activities of  
28 commission members and employees; providing a mechanism for  
29 concluding the operations of the commission and the equitable  
30 disposition of any surplus funds that may exist after the termination  
31 of the compact after the payment and reserving of all of its debts  
32 and obligations; the commission shall publish its bylaws in a  
33 convenient form and file a copy thereof and a copy of any  
34 amendment thereto, with the appropriate agency or officer in each  
35 of the compact states; the commission shall maintain its financial  
36 records in accordance with the bylaws, and shall meet and take such  
37 actions as are consistent with the provisions of this compact and the  
38 bylaws.

39 d. The commission shall have the following powers:

40 (1) the authority to promulgate uniform rules to facilitate and  
41 coordinate implementation and administration of this compact,  
42 which rule shall have the force and effect of law and shall be  
43 binding in all compact states;

44 (2) to bring and prosecute legal proceedings or actions in the  
45 name of the commission, provided that the standing of any state  
46 psychology regulatory authority or other regulatory body  
47 responsible for psychology licensure to sue or be sued under  
48 applicable law shall not be affected;

1 (3) to purchase and maintain insurance and bonds;

2 (4) to borrow, accept or contract for services of personnel,  
3 including, but not limited to, employees of a compact state;

4 (5) to hire employees, elect or appoint officers, fix  
5 compensation, define duties, grant such individuals appropriate  
6 authority to carry out the purposes of the compact, and to establish  
7 the commission's personnel policies and programs relating to  
8 conflicts of interest, qualifications of personnel, and other related  
9 personnel matters;

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

15 (7) to lease, purchase, accept appropriate gifts or donations of, or  
16 otherwise to own, hold, improve, or use, any property, real,  
17 personal, or mixed, provided that at all times the commission shall  
18 strive to avoid any appearance of impropriety;

19 (8) to sell, convey, mortgage, pledge, lease, exchange, abandon  
20 or otherwise dispose of any property real, personal or mixed;

21 (9) to establish a budget and make expenditures;

22 (10) to borrow money;

23 (11) to appoint committees, including advisory committees  
24 comprised of members, state regulators, state legislators or their  
25 representatives, and consumer representatives, and such other  
26 interested persons as may be designated in this compact and the  
27 bylaws; to provide and receive information from, and

28 (12) to cooperate with, law enforcement agencies; and

29 (13) to adopt and use an official seal; and to perform such other  
30 functions as may be necessary or appropriate to achieve the  
31 purposes of this compact consistent with the state regulation of  
32 psychology licensure, temporary in-person, face-to-face practice,  
33 and telepsychology practice.

34 e. The elected officers shall serve as the executive board, which  
35 shall have the power to act on behalf of the commission according  
36 to the terms of this compact.

37 (1) The executive board shall be comprised of six members: five  
38 voting members who are elected from the current membership of  
39 the commission by the commission and one ex-officio, nonvoting  
40 member from the recognized membership organization composed of  
41 state and provincial psychology regulatory authorities. The ex-  
42 officio member must have served as staff or member on a state  
43 psychology regulatory authority and will be selected by its  
44 respective organization. The commission may remove any member  
45 of the executive board as provided in bylaws. The executive board  
46 shall meet at least annually.

47 (2) The executive board shall have the following duties and  
48 responsibilities: recommend to the entire commission changes to the

1 rules or bylaws, changes to this compact legislation, fees paid by  
2 compact states such as annual dues, and any other applicable fees;  
3 ensure compact administration services are appropriately provided,  
4 contractual or otherwise; prepare and recommend the budget;  
5 maintain financial records on behalf of the commission; monitor  
6 compact compliance of member states and provide compliance  
7 reports to the commission; establish additional committees as  
8 necessary; and other duties as provided in rules or bylaws.

9 f. the commission shall pay, or provide for the payment of the  
10 reasonable expenses of its establishment, organization and ongoing  
11 activities. The commission may accept any and all appropriate  
12 revenue sources, donations, and grants of money, equipment,  
13 supplies, materials and services. The commission may levy on and  
14 collect an annual assessment from each compact state or impose  
15 fees on other parties to cover the cost of the operations and  
16 activities of the commission and its staff which must be in a total  
17 amount sufficient to cover its annual budget as approved each year  
18 for which revenue is not provided by other sources. The aggregate  
19 annual assessment amount shall be allocated based upon a formula  
20 to be determined by the commission which shall promulgate a rule  
21 binding upon all compact states. The commission shall not incur  
22 obligations of any kind prior to securing the funds adequate to meet  
23 the same; nor shall the commission pledge the credit of any of the  
24 compact states, except by and with the authority of the compact  
25 state. the commission shall keep accurate accounts of all receipts  
26 and disbursements. The receipts and disbursements of the  
27 commission shall be subject to the audit and accounting procedures  
28 established under its bylaws. All receipts and disbursements of  
29 funds handled by the commission shall be audited yearly by a  
30 certified or licensed public accountant and the report of the audit  
31 shall be included in and become part of the annual report of the  
32 commission.

33 g. The members, officers, executive director, employees and  
34 representatives of the commission shall be immune from suit and  
35 liability, either personally or in their official capacity, for any claim  
36 for damage to or loss of property or personal injury or other civil  
37 liability caused by or arising out of any actual or alleged act, error  
38 or omission that occurred, or that the person against whom the  
39 claim is made had a reasonable basis for believing occurred within  
40 the scope of commission employment, duties or responsibilities;  
41 provided that nothing in this subsection shall be construed to protect  
42 any such person from suit or liability for any damage, loss, injury,  
43 or liability caused by the intentional or willful or wanton  
44 misconduct of that person. The commission shall defend any  
45 member, officer, executive director, employee, or representative of  
46 the commission in any civil action seeking to impose liability  
47 arising out of any actual or alleged act, error or omission that  
48 occurred within the scope of commission employment, duties, or

1 responsibilities, or that the person against whom the claim is made  
2 had a reasonable basis for believing occurred within the scope of  
3 commission employment, duties or responsibilities; provided that  
4 nothing herein shall be construed to prohibit that person from  
5 retaining the person's own counsel; and provided further, that the  
6 actual or alleged act, error, or omission did not result from that  
7 person's intentional or willful or wanton misconduct. The  
8 commission shall indemnify and hold harmless any member,  
9 officer, executive director, employee, or representative of the  
10 commission for the amount of any settlement or judgment obtained  
11 against that person arising out of any actual or alleged act, error or  
12 omission that occurred within the scope of commission  
13 employment, duties, or responsibilities, or that such person had a  
14 reasonable basis for believing occurred within the scope of  
15 commission employment, duties, or responsibilities, provided that  
16 the actual or alleged act, error, or omission did not result from the  
17 intentional or willful or wanton misconduct of that person.

18

19 XI. Rulemaking.

20

21 a. The Commission shall exercise its rulemaking powers  
22 pursuant to the criteria set forth in this article and the rules adopted  
23 thereunder. Rules and amendments shall become binding as of the  
24 date specified in each rule or amendment.

25 b. If a majority of the legislatures of the compact states rejects a  
26 rule, by enactment of a statute or resolution in the same manner  
27 used to adopt the compact, then such rule shall have no further  
28 force and effect in any compact State.

29 c. Rules or amendments to the rules shall be adopted at a regular  
30 or special meeting of the Commission.

31 d. Prior to promulgation and adoption of a final rule or rules by  
32 the commission, and at least 60 days in advance of the meeting at  
33 which the rule will be considered and voted upon, the commission  
34 shall file a notice of proposed rulemaking: on the website of the  
35 commission; and on the website of each compact states' psychology  
36 regulatory authority or the publication in which each state would  
37 otherwise publish proposed rules.

38 e. The notice of proposed rulemaking shall include: the proposed  
39 time, date, and location of the meeting in which the rule will be  
40 considered and voted upon; the text of the proposed rule or  
41 amendment and the reason for the proposed rule; a request for  
42 comments on the proposed rule from any interested person; and the  
43 manner in which interested persons may submit notice to the  
44 commission of their intention to attend the public hearing and any  
45 written comments.

46 f. Prior to adoption of a proposed rule, the commission shall  
47 allow persons to submit written data, facts, opinions, and arguments  
48 which shall be made available to the public.

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

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

## 15       XII. Oversight, Dispute Resolution, and Enforcement

16

17       a. The executive, legislative, and judicial branches of state  
18 government in each compact state shall enforce this compact and  
19 take all actions necessary and appropriate to effectuate the  
20 compact's purposes and intent. The provisions of this Compact and  
21 the rules promulgated hereunder shall have standing as statutory  
22 law. All courts shall take judicial notice of the compact and the  
23 rules in any judicial or administrative proceeding in a compact state  
24 pertaining to the subject matter of this compact that may affect the  
25 powers, responsibilities or actions of the commission. The  
26 commission shall be entitled to receive service of process in any  
27 such proceeding, and shall have standing to intervene in such a  
28 proceeding for all purposes. Failure to provide service of process to  
29 the commission shall render a judgment or order void as to the  
30 commission, this compact or promulgated rules.

31       b. If the commission determines that a compact state has  
32 defaulted in the performance of its obligations or responsibilities  
33 under this compact or the promulgated rules, the commission shall:  
34 provide written notice to the defaulting state and other compact  
35 states of the nature of the default, the proposed means of remedying  
36 the default, and any other action to be taken by the commission; and  
37 provide remedial training and specific technical assistance  
38 regarding the default. If a state in default fails to remedy the  
39 default, the defaulting state may be terminated from the compact  
40 upon an affirmative vote of a majority of the compact states, and all  
41 rights, privileges, and benefits conferred by this compact shall be  
42 terminated on the effective date of termination. A remedy of the  
43 default shall not relieve the offending state of obligations or  
44 liabilities incurred during the period of default. Termination of  
45 membership in the compact shall be imposed only after all other  
46 means of securing compliance have been exhausted. Notice of  
47 intent to suspend or terminate shall be submitted by the commission  
48 to the governor, the majority and minority leaders of the defaulting

1 state's legislature, and each of the compact states. A compact state  
2 which has been terminated is responsible for all assessments,  
3 obligations, and liabilities incurred through the effective date of  
4 termination, including obligations which extend beyond the  
5 effective date of termination. The commission shall not bear any  
6 costs incurred by the state which is found to be in default or which  
7 has been terminated from the compact, unless agreed upon in  
8 writing between the commission and the defaulting state. The  
9 defaulting state may appeal the action of the commission by  
10 petitioning the United States District Court for the state of Georgia  
11 or the federal district where the compact has its principal offices.  
12 The prevailing member shall be awarded all costs of such litigation,  
13 including reasonable attorney's fees.

14 c. Upon request by a compact state, the commission shall attempt  
15 to resolve disputes related to the compact which arise among  
16 compact states and between compact and non-compact states. The  
17 commission shall promulgate a rule providing for both mediation  
18 and binding dispute resolution for disputes that arise before the  
19 commission.

20 d. The commission, in the reasonable exercise of its discretion,  
21 shall enforce the provisions and rules of this compact. By majority  
22 vote, the commission may initiate legal action in the United States  
23 District Court for the state of Georgia or the federal district where  
24 the compact has its principal offices against a compact state in  
25 default to enforce compliance with the provisions of the compact  
26 and its promulgated rules and bylaws. The relief sought may  
27 include both injunctive relief and damages. In the event judicial  
28 enforcement is necessary, the prevailing member shall be awarded  
29 all costs of such litigation, including reasonable attorney's fees. The  
30 remedies herein shall not be the exclusive remedies of the  
31 commission. The commission may pursue any other remedies  
32 available under federal or state law.

33

34 XIII. Date of Implementation of the Psychology  
35 Interjurisdictional Compact Commission and Associated Rules,  
36 Withdrawal, and Amendments.

37

38 a. The compact shall come into effect on the date on which the  
39 compact is enacted into law in the seventh compact state. The  
40 provisions which become effective at that time shall be limited to  
41 the powers granted to the commission relating to assembly and the  
42 promulgation of rules. Thereafter, the commission shall meet and  
43 exercise rulemaking powers necessary to the implementation and  
44 administration of the compact.

45 b. Any state which joins the compact subsequent to the  
46 commission's initial adoption of the rules shall be subject to the  
47 rules as they exist on the date on which the compact becomes law in  
48 that state. Any rule which has been previously adopted by the

1 commission shall have the full force and effect of law on the day  
2 the compact becomes law in that state.

3 c. Any compact state may withdraw from this compact by  
4 enacting a statute repealing the same. A compact state's withdrawal  
5 shall not take effect until six months after enactment of the  
6 repealing statute. Withdrawal shall not affect the continuing  
7 requirement of the withdrawing state's psychology regulatory  
8 authority to comply with the investigative and adverse action  
9 reporting requirements of this act prior to the effective date of  
10 withdrawal.

11 d. Nothing contained in this compact shall be construed to  
12 invalidate or prevent any psychology licensure agreement or other  
13 cooperative arrangement between a compact state and a non-  
14 compact state which does not conflict with the provisions of this  
15 compact.

16 e. This compact may be amended by the compact states. No  
17 amendment to this compact shall become effective and binding  
18 upon any compact state until it is enacted into the law of all  
19 compact states.

20

21 XIV. Construction and Severability.

22

23 a. This compact shall be liberally construed so as to effectuate  
24 the purposes thereof. If this compact shall be held contrary to the  
25 constitution of any state member thereto, the compact shall remain  
26 in full force and effect as to the remaining compact states. When  
27 the Governor executes the compact on behalf of this State and when  
28 the compact is ratified by one or more other states, then the  
29 compact shall become operative and effective between this State  
30 and such other state or states. The Governor is hereby authorized  
31 and directed to take such action as may be necessary to complete  
32 the exchange of official documents between this State and any other  
33 state ratifying the compact.

34 b. The compact administrator who represents this State, as  
35 provided in the compact, shall not be entitled to any additional  
36 compensation for the administrator's duties and responsibilities as  
37 compact administrator but shall be entitled to reimbursement for  
38 reasonable expenses actually incurred in connection with the  
39 administrator's duties and responsibilities as compact administrator  
40 in the same manner as for expenses incurred in connection with  
41 other duties and responsibilities of office or employment.

42

43 2. This act shall take effect on the 60 day after the date of  
44 enactment.



1 STATEMENT

2

3 This bill enters New Jersey into the Psychology  
4 Interjurisdictional Compact (PSYPACT).

5 The Association of State and Provincial Psychology Boards  
6 (ASPPB) approved the PSYPACT in February 2015. The  
7 PSYPACT, an interstate compact, was created to facilitate  
8 telehealth and temporary in-person, face-to-face practice of  
9 psychology across jurisdictional boundaries.

10 The PSYPACT addresses compact administration and  
11 enforcement, data sharing, and finances. PSYPACT establishes an  
12 independent operating authority, the Psychology Interjurisdictional  
13 Compact Commission, to administer and enforce the compact and  
14 to address future issues surrounding telepsychology and temporary  
15 in-person, face-to-face practice as needed.

16 The PSYPACT establishes a mechanism for licensed  
17 psychologists to provide psychological services to patients in other  
18 states and jurisdictions through the use of telehealth and  
19 telemedicine and by temporarily recognizing a license issued by  
20 another jurisdiction for the purposes of permitting the psychologist  
21 to provide in person services outside the licensing jurisdiction.

22 The following states have enacted PSYPACT: Arizona,  
23 Colorado, Delaware, Georgia, Illinois, Missouri, Nebraska, Nevada,  
24 New Hampshire, Oklahoma, Texas, and Utah.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO  
**SENATE, No. 2506**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 14, 2021

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 2506.

This bill enters New Jersey into the Psychology Interjurisdictional Compact, which was established by the Association of State and Provincial Psychology Boards (ASPPB) in 2015. The compact allows a psychologist licensed in a member state who meets certain criteria to provide telepsychology services and limited in-person, face-to-face psychological services in other member states, without the need for individual licensure in those other states.

Requirements to Practice Psychology under the Compact

Psychologists licensed in a state that is a member of the compact (hereafter “home state”) will be permitted to provide telepsychology services, which are psychology services provided using telemedicine and telehealth, to patients in any other member state. Psychologists are also authorized to provide limited in-person, face-to-face psychological services in any other member state, provided the in-person services are limited to no more than 30 days in a calendar year and the psychologist provides notice to the member state. Psychologists providing services in a member state are subject to that state’s scope of practice requirements and may be subject to professional disciplinary action in the member state.

In order to provide psychology services under the compact, a psychologist is required to: 1) hold a graduate degree in psychology issued by an accredited institution of higher education or by a foreign college or university deemed equivalent by a recognized foreign credential evaluation service; 2) hold a graduate degree in psychology from a recognized psychology program that constitutes a discrete, coherent program within the institution of higher education, has identifiable programs, curricula, a core faculty overseen by a psychologist, and an identifiable student body, and comprises at least three academic years for a doctoral program and at least one academic year for a masters program; 3) possess a full and unrestricted license to

practice psychology in the psychologist's home state and have no criminal history or history of averse professional disciplinary actions; 4) provide attestations concerning areas of intended practice, criminal background, and knowledge and adherence to legal requirements in the home and receiving states; 5) provide a release of information to allow for primary source verification; and 6) meet any other requirements established by the Psychology Interjurisdictional Compact Commission (PICC), which is the entity that oversees administration of the compact.

To provide telepsychology services in a member state, the psychologist is additionally required to possess an active "e.passport" issued by the ASPPB and attest to competence in telepsychology technology.

To provide in-person services in a member state under a temporary authorization, the psychologist is additionally required to attest to work experience and possess a current, active Interjurisdictional Practice Certificate (IPC) issued by the ASPPB.

States that are members to the compact are required to provide notice to the PICC of any adverse disciplinary actions imposed against a psychologist practicing under the compact in that state. Adverse actions taken by a member state against a psychologist providing telepsychology services in that state are limited to adverse actions against the psychologist's authority to practice telepsychology in that state. If a home state takes adverse disciplinary action against a psychologist, the psychologist's authority to provide psychological services in any other member state under the compact are revoked.

The PICC is required to develop and maintain a coordinated licensure database and reporting system to help track psychologists providing services under the compact, as well as to monitor adverse disciplinary actions against a participating psychologist and provide appropriate notices to member states.

#### The Psychology Interjurisdictional Compact Commission

The PICC comprises "commissioners" appointed by the member states, with one voting member appointed by each state. A state's commissioner is required to be the head of the state's psychology licensing authority or a designee.

The PICC is required to meet at least once a year and at other times as are required under its bylaws. Meetings of the PICC are generally open to the public, but closed, non-public meetings may be held to discuss enforcement and disciplinary matters, employment and personnel issues, litigation against the PICC, contract negotiations, confidential or proprietary information, and investigatory matters.

The PICC is required to establish bylaws concerning its internal structure, administration, and operations. The compact provides that the PICC holds certain enumerated powers to take actions manage its

financial affairs, establish committees and subcommittees, hire personnel and establish the terms of employment, and similar matters. The PICC is further overseen by an executive board comprising six members to provide recommendations concerning potential changes to the administration or operations of the PICC. Members, officers, and employees of the commission are generally afforded immunity from civil liability arising out of their official duties.

Rules and regulations adopted by the PICC are binding on member states and have the effect of statutory law. The executive, legislative, and judicial branches of state government in each compact state are required to enforce the compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. Member states can invalidate a PICC rule by a majority vote. Proposed rules are subject to a public comment period and may be subject to a public hearing.

The PICC is authorized to take action against a member state for noncompliance with PICC rules or with the requirements of the compact, which may include instituting a plan of corrective action or terminating the state's membership in the compact. The PICC is to resolve disputes between member states upon request.

The compact took effect upon the adoption of enabling legislation in seven states. Currently, the compact comprises 15 member states: Arizona, Colorado, Delaware, Georgia, Illinois, Missouri, Nebraska, Nevada, New Hampshire, North Carolina, Oklahoma, Pennsylvania, Texas, Utah, and Virginia.

#### COMMITTEE AMENDMENTS:

The committee amendments make various technical corrections involving capitalization, grammar, and punctuation, as well as to reorganize certain provisions to put them in their proper order.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 2506**

# **STATE OF NEW JERSEY**

DATED: MAY 20, 2021

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2506 (1R).

This bill enters New Jersey into the Psychology Interjurisdictional Compact, which was established by the Association of State and Provincial Psychology Boards (ASPPB) in 2015. The compact allows a psychologist licensed in a member state who meets certain criteria to provide telepsychology services and limited in-person, face-to-face psychological services in other member states, without the need for individual licensure in those other states.

### Requirements to Practice Psychology under the Compact

Psychologists licensed in a state that is a member of the compact (hereafter “home state”) will be permitted to provide telepsychology services, which are psychology services provided using telemedicine and telehealth, to patients in any other member state. Psychologists are also authorized to provide limited in-person, face-to-face psychological services in any other member state, provided the in-person services are limited to no more than 30 days in a calendar year and the psychologist provides notice to the member state. Psychologists providing services in a member state are subject to that state’s scope of practice requirements and may be subject to professional disciplinary action in the member state.

In order to provide psychology services under the compact, a psychologist is required to: 1) hold a graduate degree in psychology issued by an accredited institution of higher education or by a foreign college or university deemed equivalent by a recognized foreign credential evaluation service; 2) hold a graduate degree in psychology from a recognized psychology program that constitutes a discrete, coherent program within the institution of higher education, has identifiable programs, curricula, a core faculty overseen by a psychologist, and an identifiable student body, and comprises at least three academic years for a doctoral program and at least one academic year for a masters program; 3) possess a full and unrestricted license to practice psychology in the psychologist’s home state and have no criminal history or history of averse professional disciplinary actions;

4) provide attestations concerning areas of intended practice, criminal background, and knowledge and adherence to legal requirements in the home and receiving states; 5) provide a release of information to allow for primary source verification; and 6) meet any other requirements established by the Psychology Interjurisdictional Compact Commission (PICC), which is the entity that oversees administration of the compact.

To provide telepsychology services in a member state, the psychologist is additionally required to possess an active “e.passport” issued by the ASPPB and attest to competence in telepsychology technology.

To provide in-person services in a member state under a temporary authorization, the psychologist is additionally required to attest to work experience and possess a current, active Interjurisdictional Practice Certificate (IPC) issued by the ASPPB.

States that are members to the compact are required to provide notice to the PICC of any adverse disciplinary actions imposed against a psychologist practicing under the compact in that state. Adverse actions taken by a member state against a psychologist providing telepsychology services in that state are limited to adverse actions against the psychologist’s authority to practice telepsychology in that state. If a home state takes adverse disciplinary action against a psychologist, the psychologist’s authority to provide psychological services in any other member state under the compact are revoked.

The PICC is required to develop and maintain a coordinated licensure database and reporting system to help track psychologists providing services under the compact, as well as to monitor adverse disciplinary actions against a participating psychologist and provide appropriate notices to member states.

#### The Psychology Interjurisdictional Compact Commission

The PICC comprises “commissioners” appointed by the member states, with one voting member appointed by each state. A state’s commissioner is required to be the head of the state’s psychology licensing authority or a designee.

The PICC is required to meet at least once a year and at other times as are required under its bylaws. Meetings of the PICC are generally open to the public, but closed, non-public meetings may be held to discuss enforcement and disciplinary matters, employment and personnel issues, litigation against the PICC, contract negotiations, confidential or proprietary information, and investigatory matters.

The PICC is required to establish bylaws concerning its internal structure, administration, and operations. The compact provides that the PICC holds certain enumerated powers to take actions manage its financial affairs, establish committees and subcommittees, hire personnel and establish the terms of employment, and similar matters.

The PICC is further overseen by an executive board comprising six members to provide recommendations concerning potential changes to the administration or operations of the PICC. Members, officers, and employees of the commission are generally afforded immunity from civil liability arising out of their official duties.

Rules and regulations adopted by the PICC are binding on member states and have the effect of statutory law. The executive, legislative, and judicial branches of state government in each compact state are required to enforce the compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. Member states can invalidate a PICC rule by a majority vote. Proposed rules are subject to a public comment period and may be subject to a public hearing.

The PICC is authorized to take action against a member state for noncompliance with PICC rules or with the requirements of the compact, which may include instituting a plan of corrective action or terminating the state's membership in the compact. The PICC is to resolve disputes between member states upon request.

The compact took effect upon the adoption of enabling legislation in seven states. Currently, the compact comprises 15 member states: Arizona, Colorado, Delaware, Georgia, Illinois, Missouri, Nebraska, Nevada, New Hampshire, North Carolina, Oklahoma, Pennsylvania, Texas, Utah, and Virginia.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the State Board of Psychological Examiners will experience a decrease in annual State revenue associated with licensure fees as a result of providing licensure reciprocity under the Psychological Interjurisdictional Compact, as entered into under this bill. The board will also incur additional, indeterminate annual expenditures related to assessments imposed by the Psychological Interjurisdictional Compact, as well as potential annual administrative costs to manage and monitor licensees, both within and outside the State, who choose to enter into the compact.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 2506 STATE OF NEW JERSEY 219th LEGISLATURE

DATED: MAY 20, 2021

### SUMMARY

**Synopsis:** Enters New Jersey into Psychology Interjurisdictional Compact.

**Type of Impact:** Annual State revenue loss and expenditure increases.

**Agencies Affected:** State Board of Psychological Examiners.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>State Expenditures Increase</b>	Indeterminate
<b>State Revenue Decrease</b>	Indeterminate

- The Office of Legislative Services (OLS) estimates that the State Board of Psychological Examiners will experience a decrease in annual State revenue associated with licensure fees as a result of providing licensure reciprocity under the Psychological Interjurisdictional Compact, as entered into under this bill. The board will also incur additional, indeterminate annual expenditures related to assessments imposed by the Psychological Interjurisdictional Compact, as well as potential annual administrative costs to manage and monitor licensees, both within and outside the State, who choose to enter into the compact.

### BILL DESCRIPTION

This bill enters New Jersey into the Psychology Interjurisdictional Compact, which was established by the Association of State and Provincial Psychology Boards in 2015. The compact allows a psychologist licensed in a member state who meets certain criteria to provide telepsychology services and limited in-person, face-to-face psychological services in other member states, without the need for individual licensure in those other states.

As a member State, New Jersey would be required to appoint a member to the Psychology Interjurisdictional Compact Commission (PICC). The PICC is comprised of commissioners appointed by the member states, with one voting member appointed by each state. A state's commissioner is required to be the head of the state's psychology licensing authority or a designee.



## FISCAL ANALYSIS

### *EXECUTIVE BRANCH*

None received.

### *OFFICE OF LEGISLATIVE SERVICES*

The OLS estimates that the State Board of Psychological Examiners will experience an indeterminate decrease in annual State revenue associated with licensure fees as a result of providing licensure reciprocity under the Psychological Interjurisdictional Compact, as entered into under this bill. The board's will also incur additional, indeterminate expenditures related to assessments imposed by the Psychological Interjurisdictional Compact, as well as potential annual administrative costs to manage and monitor licensees, both within and outside the State, who choose to enter into the compact. The board's mission is to ensure that licensed psychologists meet the requirements set by State law and regulations and requires those practicing psychology to meet the standards for licensure and renew their licenses annually. Currently, the board does not provide licensure reciprocity with any state.

To the extent that licensed psychologists residing in other compact states choose to practice in New Jersey under the compact privilege and choose not to obtain or renew a New Jersey license, the State Board of Psychological Examiners will experience a decline in licensure revenues. Currently, the board charges a \$300 licensure fee and a \$300 licensure renewal fee every two years. Delaware and Pennsylvania are both compact states and the OLS assumes that some number of psychologists in these neighboring states possess New Jersey licenses; however, the OLS does not have access to the data to quantify this number. Other compact states include: Arizona, Colorado, Georgia, Illinois, Missouri, Nebraska, Nevada, New Hampshire, North Carolina, Oklahoma, Texas, Utah, and Virginia.

Further, the Psychological Interjurisdictional Compact requires participating compact states to contribute an annual assessment fee, currently set at \$10 per home state licensee who practices under the compact privilege with a \$6,000 cap. Thus, board expenditures will increase to the extent that State licensees chose to practice under the compact privilege by up to \$6,000 annually. The number of such licensees is unpredictable, and therefore quantifying this cost is not possible.

The board may also incur costs to handle the additional workload of tracking licensees who participate in the compact and psychologists not licensed in the State who provide services in the State under the compact. The OLS estimates that these costs will be minimal, or possibly even entirely absorbed by the board's existing budget, as the compact has created a directory to assist states in tracking and managing participation in the compact.

*Section:* Human Services  
*Analyst:* Sarah Schmidt  
Senior Research Analyst  
*Approved:* Thomas Koenig  
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# Governor Murphy Takes Action on Legislation

09/24/2021

**TRENTON** – Today, Governor Murphy signed the following bills into law:

**S-225/A-679 (Diegnan, Turner/Vainieri Huttie, Mukherji, Jasey)** – Provides that student-athlete who sustains concussion must return to regular school activities prior to return to competition; requires school districts to implement six-step return-to-competition process

**S-985/A-3789 (Singleton/Moen, Zwicker, Jasey)** – Provides that public institutions of higher education may only reduce student's institutional financial aid upon receipt of private scholarship under certain circumstances

**S-2826/A-4594 (Ruiz, Cunningham/Quijano, Lampitt, Reynolds-Jackson)** – Directs DOE to establish five-year pilot program for issuance of limited certificate of eligibility with advanced standing and limited certificate of eligibility for certain teacher candidates

**S-3618/ACS for A-5778 (Pennacchio, Oroho, A.M. Bucco/Tucker, Houghtaling, Wirths, Burzichelli)** – Makes supplemental appropriation of \$10 million for grants for certain lake management activities for recreation and conservation purposes

**S-3780/A-5785 (Lagana, Sarlo/Mazzeo)** – Permits prosecutors to enroll in Prosecutors Part of PERS

**A-1091/S-2056 (Murphy, Vainieri Huttie, Wirths/Beach, Oroho)** – Requires Division of Travel and Tourism to advertise and promote tours of breweries in the State

**A-2617/S-2998 (Murphy, Benson, Reynolds-Jackson/Lagana, Gopal)** – Requires employers to provide hiring preference to employees who have reached maximum medical improvement following work related injury

**A-4205/S-2506 (Greenwald, Lampitt, Conaway/Gopal, Turner)** – Enters New Jersey into Psychology Interjurisdictional Compact

**A-4881/S-3744 (Greenwald, Mazzeo/Beach)** – Prohibits appeal of land use decision related to holding meeting electronically

**A-5142/S-3373 (Wimberly, Jasey, Holley/Singleton, Turner)** – Protects homeowner in foreclosure from excessively low intervening offer

**A-5683/S-3869 (Reynolds-Jackson, Wimberly/Turner, Pou)** – Modifies Garden State Growth Zone tax exemption program