

By Senator Harrell

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1 A bill to be entitled
2 An act relating to the Psychology Interjurisdictional
3 Compact; creating s. 490.0075, F.S.; creating the
4 Psychology Interjurisdictional Compact; providing
5 purposes and objectives; defining terms; providing for
6 recognition of psychologist licenses in compact
7 states; authorizing a compact state to require
8 licensure under certain circumstances; requiring
9 compact states to meet certain criteria to participate
10 in the compact; providing criteria that a psychologist
11 must satisfy to practice under the compact;
12 maintaining that authority over a psychologist's
13 license remains with the home state but authorizing
14 receiving states to define the scope of and act on a
15 psychologist's authority to practice in the compact
16 state under the compact; providing that a psychologist
17 can no longer practice under the compact if his or her
18 authority to do so has been acted on by any compact
19 state; requiring compact states to report adverse
20 actions they take against psychologists to the
21 Psychology Interjurisdictional Compact Commission;
22 requiring compact states to participate in a
23 coordinated licensure information system; providing
24 for the development of the system, reporting
25 procedures, and the exchange of certain information
26 between compact states; establishing the Psychology
27 Interjurisdictional Compact Commission; providing for
28 the jurisdiction and venue for court proceedings;
29 providing membership, duties, and powers; authorizing

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30 the commission to adopt rules; providing rulemaking
31 procedures; providing for state enforcement of the
32 compact; providing for the termination of compact
33 membership; providing procedures for the resolution of
34 certain disputes; providing compact amendment
35 procedures; authorizing nonparty states to participate
36 in commission activities before adoption of the
37 compact; providing construction and severability;
38 amending s. 456.073, F.S.; requiring the Department of
39 Health to report certain investigative information to
40 the coordinated licensure information system; amending
41 s. 456.076, F.S.; requiring monitoring contracts for
42 impaired practitioners participating in treatment
43 programs to contain certain terms; amending s.
44 490.004, F.S.; requiring the Board of Psychology to
45 appoint an individual to serve as the state's
46 commissioner on the Psychology Interjurisdictional
47 Compact Commission; amending s. 490.005, F.S.;

48 exempting certain persons from licensure requirements;
49 amending s. 490.006, F.S.; exempting certain persons
50 from requirements for licensure by endorsement;
51 amending s. 490.009, F.S.; authorizing certain
52 disciplinary action under the compact for certain
53 prohibited acts; amending s. 768.28, F.S.; designating
54 the state commissioner and other members or employees
55 of the commission as state agents for the purpose of
56 applying sovereign immunity and waivers of sovereign
57 immunity; requiring the commission to pay certain
58 judgments or claims; authorizing the commission to

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59 maintain insurance coverage to pay such judgments or
60 claims; providing an effective date.

61
62 WHEREAS, states license psychologists to protect the public
63 through verification of education, training, and experience and
64 to ensure accountability for professional practice, and

65 WHEREAS, this compact is intended to regulate the day-to-
66 day practice of telepsychology, or the provision of
67 psychological services using telecommunication technologies, by
68 psychologists across state boundaries in the performance of
69 their psychological practice as defined by an appropriate state
70 psychology regulatory authority, and

71 WHEREAS, this compact is intended to regulate the temporary
72 in-person, face-to-face practice of psychology by psychologists
73 across state boundaries for up to 30 days within a calendar year
74 in the performance of their psychological practice as defined by
75 an appropriate state psychology regulatory authority, and

76 WHEREAS, this compact is intended to authorize state
77 psychology regulatory authorities to afford legal recognition,
78 in a manner consistent with the terms of the compact, to
79 psychologists licensed in another state, and

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

84 WHEREAS, this compact does not apply when a psychologist is
85 licensed in both the home and receiving states, and

86 WHEREAS, while this compact does not apply to permanent in-
87 person, face-to-face practice, it does allow for authorization

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88 of temporary psychological practice, NOW, THEREFORE,

89

90 Be It Enacted by the Legislature of the State of Florida:

91

92 Section 1. Section 490.0075, Florida Statutes, is created
93 to read:

94 490.0075 Psychology Interjurisdictional Compact.—The
95 Psychology Interjurisdictional Compact is hereby enacted and
96 entered into by this state with all other jurisdictions legally
97 joining therein in the form substantially as follows:

98

99 PSYCHOLOGY INTERJURISDICTIONAL COMPACT

100

ARTICLE I

101

PURPOSE

102

This compact is designed to achieve the following purposes
103 and objectives:

104

(1) Increase public access to professional psychological
105 services by allowing for telepsychological practice across state
106 lines as well as temporary in-person, face-to-face services in a
107 state where the psychologist is not licensed to practice
108 psychology;

109

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

111

(3) Encourage the cooperation of compact states in the
112 areas of psychologist licensure and regulation;

113

(4) Facilitate the exchange of information between compact
114 states regarding psychologist licensure, adverse actions, and
115 disciplinary history;

116

(5) Promote compliance with the laws governing the practice

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117 of psychology in each compact state; and

118 (6) Invest all compact states with the authority to hold
119 licensed psychologists accountable through the mutual
120 recognition of compact state licenses.

122 ARTICLE II

123 DEFINITIONS

124 As used in this compact, the term:

125 (1) "Adverse action" means any disciplinary action that is
126 a matter of public record which is taken by a state's psychology
127 regulatory authority against an individual's license to practice
128 psychology in that state.

129 (2) "Association of State and Provincial Psychology Boards"
130 means the membership organization composed of state and
131 provincial psychology regulatory authorities that are
132 responsible for the licensure and registration of psychologists
133 throughout the United States and Canada.

134 (3) "Authority to practice interjurisdictional
135 telepsychology" means a licensed psychologist's authority to
136 practice telepsychology, within the limits authorized under this
137 compact, in a compact state other than the one in which he or
138 she is licensed.

139 (4) "Bylaws" means those rules established by the
140 Psychology Interjurisdictional Compact Commission pursuant to
141 article X for its governance, or for directing and controlling
142 its actions and conduct.

143 (5) "Client or patient" means the recipient of
144 psychological services, whether psychological services are
145 delivered in the context of health care, corporate, supervision,

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146 or consulting services.

147 (6) "Commissioner" means the voting representative
148 appointed by each state psychology regulatory authority pursuant
149 to article X.

150 (7) "Compact state" means a state, the District of
151 Columbia, or a United States territory that has enacted this
152 compact legislation and that has not withdrawn pursuant to
153 subsection (3) of article XIII or been terminated pursuant to
154 subsection (2) of article XII.

155 (8) "Confidentiality" means the principle that data or
156 information is not made available or disclosed to unauthorized
157 persons or processes.

158 (9) "Coordinated licensure information system," also
159 referred to as "coordinated database," means an integrated
160 process that is administered by the Association of State and
161 Provincial Psychology Boards for collecting, storing, and
162 sharing information on psychologists' licensure and enforcement
163 activities related to psychology licensure laws and the
164 Psychology Interjurisdictional Compact.

165 (10) "Day" means any part of a day in which the
166 psychologist practices psychology.

167 (11) "Distant state" means the compact state where a
168 psychologist is physically present, not through the use of
169 telecommunication technologies, to provide temporary in-person,
170 face-to-face psychological services.

171 (12) "E-passport" means a certificate issued by the
172 Association of State and Provincial Psychology Boards which
173 allows a licensed psychologist to provide telepsychological
174 services across state lines.

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

178 (14) "Home state" means a compact state where a
179 psychologist is licensed to practice psychology, as provided in
180 article III.

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

186 (16) "In-person, face-to-face" means interactions in which
187 the psychologist and the client or patient are in the same
188 physical space and does not include interactions that may occur
189 through the use of telecommunication technologies.

190 (17) "Interjurisdictional Practice Certificate (IPC)" means
191 the certificate issued by the Association of State and
192 Provincial Psychology Boards which grants temporary authority to
193 practice based on notification to the state psychology
194 regulatory authority of one's intention to practice temporarily,
195 and verification of one's qualifications for such practice.

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

199 (19) "Noncompact state" means a state that is not a compact
200 state.

201 (20) "Psychologist" means an individual who is licensed by
202 a state psychology regulatory authority to independently
203 practice psychology in that state.

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204 (21) "Psychology Interjurisdictional Compact Commission,"
205 also referred to as "commission," means the national
206 administration of which all compact states are members.

207 (22) "Receiving state" means a compact state where the
208 client or patient is physically located when the
209 telepsychological services are delivered.

210 (23) "Rule" means a written statement by the Psychology
211 Interjurisdictional Compact Commission promulgated pursuant to
212 article XI of the compact which is of general applicability;
213 implements, interprets, or prescribes a policy or provision of
214 the compact; or is an organizational, procedural, or practice
215 requirement of the commission; and has the force and effect of
216 statutory law in a compact state, and includes the amendment,
217 repeal, or suspension of an existing rule.

218 (24) "Significant investigatory information" means:

219 (a) Investigative information that a state psychology
220 regulatory authority, after a preliminary inquiry that includes
221 notification and an opportunity to respond if required by state
222 law, has reason to believe, if proven true, would indicate a
223 violation of state statute or rule that would be considered more
224 substantial than a minor infraction; or

225 (b) Investigative information that indicates that the
226 psychologist represents an immediate threat to public health and
227 safety regardless of whether the psychologist has been notified
228 or had an opportunity to respond.

229 (25) "State" means a state, commonwealth, territory, or
230 possession of the United States, or the District of Columbia.

231 (26) "State psychology regulatory authority" means the
232 board, office, or other agency with the legislative mandate to

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233 license and regulate the practice of psychology in that state.

234 (27) "Telepsychology" means the provision of psychological
235 services using telecommunication technologies.

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

240 (29) "Temporary in-person, face-to-face practice" means
241 when a psychologist is physically present, not through the use
242 of telecommunication technologies, in the distant state to
243 provide psychological services for up to 30 days within a
244 calendar year and based on notification to the distant state.

246 ARTICLE III

247 HOME STATE LICENSURE

248 (1) The home state is a compact state where a psychologist
249 is licensed to practice psychology.

250 (2) A psychologist may hold one or more compact state
251 licenses at a time. If the psychologist is licensed in more than
252 one compact state, the home state is the compact state where the
253 psychologist is physically present when the services are
254 delivered as authorized by the authority to practice
255 interjurisdictional telepsychology under the terms of this
256 compact.

257 (3) A compact state may require a psychologist who is not
258 previously licensed in a compact state to obtain and retain a
259 license to be authorized to practice in the compact state under
260 circumstances that are not authorized by the authority to
261 practice interjurisdictional telepsychology under the terms of

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262 this compact.

263 (4) A compact state may require a psychologist to obtain
264 and retain a license to be authorized to practice in a compact
265 state under circumstances that are not authorized by a temporary
266 authorization to practice under the terms of this compact.

267 (5) A home state's license authorizes a psychologist to
268 practice in a receiving state under the authority to practice
269 interjurisdictional telepsychology only if the compact state:

270 (a) Currently requires the psychologist to hold an active
271 e-passport;

272 (b) Has a mechanism in place for receiving and
273 investigating complaints about licensed individuals;

274 (c) Notifies the commission, in compliance with the terms
275 herein, of any adverse action or significant investigatory
276 information regarding a licensed individual;

277 (d) Requires an identity history summary of all applicants
278 at initial licensure, including the use of the results of
279 fingerprints or other biometric data checks compliant with the
280 requirements of the Federal Bureau of Investigation, or other
281 designee with similar authority, no later than 10 years after
282 activation of the compact; and

283 (e) Complies with the bylaws and rules of the commission.

284 (6) A home state's license grants a psychologist temporary
285 authorization to practice in a distant state only if the compact
286 state:

287 (a) Currently requires the psychologist to hold an active
288 IPC;

289 (b) Has a mechanism in place for receiving and
290 investigating complaints about licensed individuals;

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291 (c) Notifies the commission, in compliance with the terms
292 herein, of any adverse action or significant investigatory
293 information regarding a licensed individual;

294 (d) Requires an identity history summary of all applicants
295 at initial licensure, including the use of the results of
296 fingerprints or other biometric data checks compliant with the
297 requirements of the Federal Bureau of Investigation, or other
298 designee with similar authority, no later than 10 years after
299 activation of the compact; and

300 (e) Complies with the bylaws and rules of the commission.

301
302 ARTICLE IV

303 COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

304 (1) Compact states shall recognize the right of a
305 psychologist, licensed in a compact state in conformance with
306 article III, to practice telepsychology in other compact states,
307 or receiving states, in which the psychologist is not licensed,
308 under the authority to practice interjurisdictional
309 telepsychology as provided in the compact.

310 (2) To exercise the authority to practice
311 interjurisdictional telepsychology in a receiving state under
312 the terms and provisions of this compact, a psychologist
313 licensed to practice in a compact state must:

314 (a) Hold a graduate degree in psychology from an
315 institution of higher education that was, at the time the degree
316 was awarded:

317 1. Regionally accredited by an accrediting body recognized
318 by the United States Department of Education to grant graduate
319 degrees, or authorized by Provincial Statute or Royal Charter to

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320 grant doctoral degrees; or

321 2. A foreign college or university deemed to be equivalent
322 to subparagraph 1. by a foreign credential evaluation service
323 that is a member of the National Association of Credential
324 Evaluation Services or by a recognized foreign credential
325 evaluation service;

326 (b) Hold a graduate degree in psychology which meets the
327 following criteria:

328 1. The program, wherever it may be administratively housed,
329 is clearly identified and labeled as a psychology program. Such
330 program must specify in pertinent institutional catalogs and
331 brochures its intent to educate and train professional
332 psychologists;

333 2. The psychology program stands as a recognizable and
334 coherent organizational entity within the institution;

335 3. There is a clear authority and primary responsibility
336 for the core and specialty areas regardless of whether the
337 program overlaps across administrative lines;

338 4. The program consists of an integrated, organized
339 sequence of study;

340 5. There is an identifiable psychology faculty sufficient
341 in size and breadth to carry out its responsibilities;

342 6. The designated director of the program is a psychologist
343 and a member of the core faculty;

344 7. The program has an identifiable body of students who are
345 matriculated in that program for a degree;

346 8. The program includes supervised practicum, internship,
347 or field training appropriate to the practice of psychology;

348 9. The curriculum encompasses a minimum of 3 academic years

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349 of full-time graduate study for doctoral degrees and a minimum
350 of 1 academic year of full-time graduate study for master's
351 degrees; and

352 10. The program includes an acceptable residency as defined
353 by the rules of the commission.

354 (c) Possess a current, full, and unrestricted license to
355 practice psychology in a home state that is a compact state;

356 (d) Have no history of adverse actions that violate the
357 rules of the commission;

358 (e) Have no criminal history reported on an identity
359 history summary which violates the rules of the commission;

360 (f) Possess a current, active e-passport;

361 (g) Provide attestations in regard to areas of intended
362 practice, conformity with standards of practice, competence in
363 telepsychology technology, criminal background, and knowledge
364 and adherence to legal requirements in the home and receiving
365 states, and provide a release of information to allow for
366 primary source verification in a manner specified by the
367 commission; and

368 (h) Meet other criteria as defined by the rules of the
369 commission.

370 (3) The home state maintains authority over the license of
371 any psychologist practicing in a receiving state under the
372 authority to practice interjurisdictional telepsychology.

373 (4) A psychologist practicing in a receiving state under
374 the authority to practice interjurisdictional telepsychology
375 will be subject to the receiving state's scope of practice. A
376 receiving state may, in accordance with that state's due process
377 law, limit or revoke a psychologist's authority to practice

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378 interjurisdictional telepsychology in the receiving state and
379 may take any other necessary actions under the receiving state's
380 applicable law to protect the health and safety of the receiving
381 state's citizens. If a receiving state takes action, the state
382 shall promptly notify the home state and the commission.

383 (5) If a psychologist's license in any home state or
384 another compact state or any authority to practice
385 interjurisdictional telepsychology in any receiving state is
386 restricted, suspended, or otherwise limited, the e-passport must
387 be revoked and the psychologist is not eligible to practice
388 telepsychology in a compact state under the authority to
389 practice interjurisdictional telepsychology.

391 ARTICLE V

392 COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

393 (1) Compact states shall recognize the right of a
394 psychologist licensed in a compact state in conformance with
395 article III to practice temporarily in other compact states, or
396 distant states, in which the psychologist is not licensed, as
397 provided in the compact.

398 (2) To exercise the temporary authorization to practice in
399 distant states under the terms and provisions of this compact, a
400 psychologist licensed to practice in a compact state must:

401 (a) Hold a graduate degree in psychology from an
402 institution of higher education that was, at the time the degree
403 was awarded:

404 1. Regionally accredited by an accrediting body recognized
405 by the U.S. Department of Education to grant graduate degrees,
406 or authorized by Provincial Statute or Royal Charter to grant

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407 doctoral degrees; or

408 2. A foreign college or university deemed to be equivalent
409 to subparagraph 1. above by a foreign credential evaluation
410 service that is a member of the National Association of
411 Credential Evaluation Services or by a recognized foreign
412 credential evaluation service;

413 (b) Hold a graduate degree in psychology that meets the
414 following criteria:

415 1. The program, wherever it may be administratively housed,
416 is clearly identified and labeled as a psychology program. Such
417 program must specify in pertinent institutional catalogs and
418 brochures its intent to educate and train professional
419 psychologists;

420 2. The psychology program stands as a recognizable and
421 coherent organizational entity within the institution;

422 3. There is a clear authority and primary responsibility
423 for the core and specialty areas regardless of whether the
424 program overlaps across administrative lines;

425 4. The program consists of an integrated, organized
426 sequence of study;

427 5. There is an identifiable psychology faculty sufficient
428 in size and breadth to carry out its responsibilities;

429 6. The designated director of the program is a psychologist
430 and a member of the core faculty;

431 7. The program has an identifiable body of students who are
432 matriculated in that program for a degree;

433 8. The program includes supervised practicum, internship,
434 or field training appropriate to the practice of psychology;

435 9. The curriculum encompasses a minimum of 3 academic years

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436 of full-time graduate study for doctoral degrees and a minimum
437 of 1 academic year of full-time graduate study for master's
438 degrees; and

439 10. The program includes an acceptable residency as defined
440 by the rules of the commission;

441 (c) Possess a current, full, and unrestricted license to
442 practice psychology in a home state that is a compact state;

443 (d) Have no history of adverse actions that violate the
444 rules of the commission;

445 (e) Have no criminal history that violates the rules of the
446 commission;

447 (f) Possess a current, active IPC;

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

452 (h) Meet other criteria as defined by the rules of the
453 commission.

454 (3) A psychologist practicing in a distant state under a
455 temporary authorization to practice shall practice within the
456 scope of practice authorized by the distant state.

457 (4) A psychologist practicing in a distant state under a
458 temporary authorization to practice will be subject to the
459 distant state's authority and law. A distant state may, in
460 accordance with that state's due process law, limit or revoke a
461 psychologist's temporary authorization to practice in the
462 distant state and may take any other necessary actions under the
463 distant state's applicable law to protect the health and safety
464 of the distant state's citizens. If a distant state takes

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465 action, the state shall promptly notify the home state and the
466 commission.

467 (5) If a psychologist's license in any home state or
468 another compact state or temporary authorization to practice in
469 any distant state is restricted, suspended, or otherwise
470 limited, the IPC shall be revoked and the psychologist is not
471 eligible to practice in a compact state under the temporary
472 authorization to practice.

473 474 ARTICLE VI

475 CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

476 A psychologist may practice in a receiving state under the
477 authority to practice interjurisdictional telepsychology only in
478 the performance of the scope of practice for psychology as
479 defined by an appropriate state psychology regulatory authority,
480 as defined in the rules of the commission, and under the
481 following circumstances:

482 (1) The psychologist initiates a client or patient contact
483 in a home state via telecommunication technologies with a client
484 or patient in a receiving state; and

485 (2) Other conditions regarding telepsychology as determined
486 by rules promulgated by the commission.

487 488 ARTICLE VII

489 ADVERSE ACTIONS

490 (1) A home state may take adverse action against a
491 psychologist's license issued by the home state. A distant state
492 shall have the power to take adverse action on a psychologist's
493 temporary authorization to practice within that distant state.

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494 (2) A receiving state may take adverse action on a
495 psychologist's authority to practice interjurisdictional
496 telepsychology within that receiving state. A home state may
497 take adverse action against a psychologist based on an adverse
498 action taken by a distant state regarding temporary in-person,
499 face-to-face practice.

500 (3) If a home state takes adverse action against a
501 psychologist's license, that psychologist's authority to
502 practice interjurisdictional telepsychology is terminated and
503 the e-passport is revoked. Furthermore, that psychologist's
504 temporary authorization to practice is terminated and the IPC is
505 revoked.

506 (a) All home state disciplinary orders that take adverse
507 action shall be reported to the commission in accordance with
508 the rules promulgated by the commission. A compact state shall
509 report adverse actions in accordance with the rules of the
510 commission.

511 (b) In the event that discipline is reported on a
512 psychologist, the psychologist will not be eligible for
513 telepsychology or temporary in-person, face-to-face practice in
514 accordance with the rules of the commission.

515 (c) Other actions may be imposed as determined by the rules
516 promulgated by the commission.

517 (4) A home state's psychology regulatory authority shall
518 investigate and take appropriate action with respect to reported
519 inappropriate conduct engaged in by a licensee which occurred in
520 a receiving state in the same manner as it would if such conduct
521 had occurred by a licensee within the home state. In such cases,
522 the home state's law shall control in determining any adverse

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523 action against a psychologist's license.

524 (5) A distant state's psychology regulatory authority shall
525 investigate and take appropriate action with respect to reported
526 inappropriate conduct engaged in by a psychologist practicing
527 under temporary authorization to practice which occurred in that
528 distant state in the same manner as it would if such conduct had
529 occurred by a licensee within the home state. In such cases, the
530 distant state's law shall control in determining any adverse
531 action against a psychologist's temporary authorization to
532 practice.

533 (6) Nothing in this compact shall override a compact
534 state's decision that a psychologist's participation in an
535 alternative program may be used in lieu of adverse action and
536 that such participation shall remain nonpublic if required by
537 the compact state's law. Compact states must require
538 psychologists who enter any alternative programs to not provide
539 telepsychology services under the authority to practice
540 interjurisdictional telepsychology or temporary psychological
541 services under the temporary authorization to practice in any
542 other compact state during the term of the alternative program.

543 (7) No other judicial or administrative remedies shall be
544 available to a psychologist in the event a compact state takes
545 adverse action pursuant to subsection (3).

547 ARTICLE VIII

548 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY
549 REGULATORY AUTHORITY

550 (1) In addition to any other powers granted under state
551 law, a compact state's psychology regulatory authority shall

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552 have the authority under this compact to:

553 (a) Issue subpoenas, for both hearings and investigations,
554 which require the attendance and testimony of witnesses and the
555 production of evidence. Subpoenas issued by a compact state's
556 psychology regulatory authority for the attendance and testimony
557 of witnesses, or the production of evidence from another compact
558 state, shall be enforced in the latter state by any court of
559 competent jurisdiction, according to that court's practice and
560 procedure in considering subpoenas issued in its own
561 proceedings. The issuing state psychology regulatory authority
562 shall pay any witness fees, travel expenses, mileage, and other
563 fees required by the service statutes of the state where the
564 witnesses or evidence are located; and

565 (b) Issue cease and desist or injunctive relief orders to
566 revoke a psychologist's authority to practice
567 interjurisdictional telepsychology or temporary authorization to
568 practice.

569 (2) During the course of any investigation, a psychologist
570 may not change his or her home state licensure. A home state
571 psychology regulatory authority is authorized to complete any
572 pending investigations of a psychologist and to take any actions
573 appropriate under its law. The home state psychology regulatory
574 authority shall promptly report the conclusions of such
575 investigations to the commission. Once an investigation has been
576 completed, and pending the outcome of such investigation, the
577 psychologist may change his or her home state licensure. The
578 commission shall promptly notify the new home state of any such
579 decisions as provided in the rules of the commission. All
580 information provided to the commission or distributed by compact

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581 states related to the psychologist shall be confidential, filed
582 under seal, and used for investigatory or disciplinary matters.
583 The commission may create additional rules for mandated or
584 discretionary sharing of information by compact states.

586 ARTICLE IX

587 COORDINATED LICENSURE INFORMATION SYSTEM

588 (1) The commission shall provide for the development and
589 maintenance of a Coordinated Licensure Information System and a
590 reporting system containing licensure and disciplinary action
591 information on all psychologists to whom this compact is
592 applicable in all compact states as defined by the rules of the
593 commission.

594 (2) Notwithstanding any other provision of state law to the
595 contrary, a compact state shall submit a uniform data set to the
596 coordinated database on all licensees as required by the rules
597 of the commission, including:

598 (a) Identifying information;

599 (b) Licensure data;

600 (c) Significant investigatory information;

601 (d) Adverse actions against a psychologist's license;

602 (e) An indicator that a psychologist's authority to
603 practice interjurisdictional telepsychology or temporary
604 authorization to practice is revoked;

605 (f) Nonconfidential information related to alternative
606 program participation information;

607 (g) Any denial of application for licensure, and the
608 reasons for such denial; and

609 (h) Other information that may facilitate the

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610 administration of this compact, as determined by the rules of
611 the commission.

612 (3) The coordinated database administrator shall promptly
613 notify all compact states of any adverse action taken against,
614 or significant investigatory information on, any licensee in a
615 compact state.

616 (4) Compact states reporting information to the coordinated
617 database may designate information that may not be shared with
618 the public without the express permission of the compact state
619 reporting the information.

620 (5) Any information submitted to the coordinated database
621 which is subsequently required to be expunged by the law of the
622 compact state reporting the information shall be removed from
623 the coordinated database.

624
625 ARTICLE X

626 ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT
627 COMMISSION

628 (1) COMMISSION CREATED.—The compact states hereby create
629 and establish a joint public agency known as the Psychology
630 Interjurisdictional Compact Commission.

631 (a) The commission is a body politic and an instrumentality
632 of the compact states.

633 (b) Venue is proper and judicial proceedings by or against
634 the commission shall be brought solely and exclusively in a
635 court of competent jurisdiction where the principal office of
636 the commission is located. The commission may waive venue and
637 jurisdictional defenses to the extent that it adopts or consents
638 to participate in alternative dispute resolution proceedings.

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639 (c) Nothing in this compact shall be construed to be a
640 waiver of sovereign immunity.

641 (2) MEMBERSHIP, VOTING, AND MEETINGS.-

642 (a) The commission shall consist of one voting
643 representative appointed by each compact state who shall serve
644 as that state's commissioner. The state psychology regulatory
645 authority shall appoint its delegate. This delegate shall be
646 empowered to act on behalf of the compact state. This delegate
647 shall be limited to:

648 1. The executive director, the executive secretary, or a
649 similar executive of the compact state's psychology regulatory
650 authority;

651 2. A current member of the state psychology regulatory
652 authority of a compact state; or

653 3. A designee empowered with the appropriate delegate
654 authority to act on behalf of the compact state.

655 (b) A commissioner may be removed or suspended from office
656 as provided by the law of the state from which the commissioner
657 is appointed. Any vacancy occurring in the commission shall be
658 filled in accordance with the laws of the compact state in which
659 the vacancy exists.

660 (c) Each commissioner shall be entitled to one vote with
661 regard to the promulgation of rules and creation of bylaws and
662 shall otherwise have an opportunity to participate in the
663 business and affairs of the commission. A commissioner shall
664 vote in person or by such other means as provided in the bylaws.
665 The bylaws may provide for commissioners' participation in
666 meetings by telephone or other means of communication.

667 (d) The commission shall meet at least once during each

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668 calendar year. Additional meetings shall be held as set forth in
669 the bylaws.

670 (e) All meetings shall be open to the public, and public
671 notice of meetings shall be given in the same manner as required
672 under the rulemaking provisions in article XI.

673 (f) The commission may convene in a closed, nonpublic
674 meeting if the commission must discuss:

675 1. Noncompliance of a compact state with its obligations
676 under the compact;

677 2. Employment, compensation, or discipline of or other
678 personnel matters, practices, or procedures related to specific
679 employees, or other matters related to the commission's internal
680 personnel practices and procedures;

681 3. Current, threatened, or reasonably anticipated
682 litigation against the commission;

683 4. Negotiation of contracts for the purchase or sale of
684 goods, services, or real estate;

685 5. An accusation of any person of a crime or a formal
686 censure of any person;

687 6. Information disclosing trade secrets or commercial or
688 financial information which is privileged or confidential;

689 7. Information of a personal nature where disclosure would
690 constitute a clearly unwarranted invasion of personal privacy;

691 8. Investigatory records compiled for law enforcement
692 purposes;

693 9. Information related to any investigatory reports
694 prepared by or on behalf of or for use of the commission or
695 other committee charged with responsibility for investigation or
696 determination of compliance issues pursuant to the compact; or

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697 10. Matters specifically exempted from disclosure by
698 federal or state statute.

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

712 (3) BYLAWS.—

713 (a) The commission shall, by a majority vote of the
714 commissioners, prescribe bylaws or rules to govern its conduct
715 as may be necessary or appropriate to carry out the purposes and
716 exercise the powers of the compact, including, but not limited
717 to:

718 1. Establishing the fiscal year of the commission;

719 2. Providing reasonable standards and procedures:

720 a. For the establishment and meetings of other committees;

721 and

722 b. Governing any general or specific delegation of any
723 authority or function of the commission;

724 3. Providing reasonable procedures for calling and

725 conducting meetings of the commission, ensuring reasonable

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726 advance notice of all meetings, and providing an opportunity for
727 attendance of such meetings by interested parties, with
728 enumerated exceptions designed to protect the public's interest,
729 the privacy of individuals involved in such proceedings, and
730 proprietary information, including trade secrets. The commission
731 may meet in closed session only after a majority of the
732 commissioners vote to close a meeting to the public in whole or
733 in part. As soon as practicable, the commission must make public
734 a copy of the vote to close the meeting which reveals the vote
735 of each commissioner with no proxy votes allowed;

736 4. Establishing the titles, duties and authority, and
737 reasonable procedures for the election of the officers of the
738 commission;

739 5. Providing reasonable standards and procedures for the
740 establishment of the personnel policies and programs of the
741 commission. Notwithstanding any civil service or other similar
742 law of any compact state, the bylaws shall exclusively govern
743 the personnel policies and programs of the commission;

744 6. Promulgating a code of ethics to address permissible and
745 prohibited activities of commission members and employees; and

746 7. Providing a mechanism for concluding the operations of
747 the commission and the equitable disposition of any surplus
748 funds that may exist after the termination of the compact after
749 the payment or reserving of all of its debts and obligations;

750 (b) The commission shall publish its bylaws in a convenient
751 form and file a copy thereof, and a copy of any amendment
752 thereto, with the appropriate agency or officer in each of the
753 compact states.

754 (c) The commission shall maintain its financial records in

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755 accordance with the bylaws.

756 (d) The commission shall meet and take such actions as are
757 consistent with the provisions of this compact and the bylaws.

758 (4) POWERS.—The commission has the power to:

759 (a) Promulgate uniform rules to facilitate and coordinate
760 implementation and administration of this compact. The rules
761 shall have the force and effect of law and shall be binding in
762 all compact states;

763 (b) Bring and prosecute legal proceedings or actions in the
764 name of the commission, provided that the standing of any state
765 psychology regulatory authority or other regulatory body
766 responsible for psychology licensure to sue or be sued under
767 applicable law is not affected;

768 (c) Purchase and maintain insurance and bonds;

769 (d) Borrow, accept, or contract for services of personnel,
770 including, but not limited to, employees of a compact state;

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

777 (f) Accept any and all appropriate donations and grants of
778 money, equipment, supplies, materials and services, and to
779 receive, utilize and dispose of the same; provided that at all
780 times the commission shall strive to avoid any appearance of
781 impropriety or conflict of interest;

782 (g) Lease, purchase, accept appropriate gifts or donations
783 of, or otherwise to own, hold, improve, or use, any property,

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784 real, personal, or mixed; provided that at all times the
785 commission shall strive to avoid any appearance of impropriety
786 or conflict of interest;

787 (h) Sell, convey, mortgage, pledge, lease, exchange,
788 abandon, or otherwise dispose of any property, real, personal,
789 or mixed;

790 (i) Establish a budget and make expenditures;

791 (j) Borrow money;

792 (k) Appoint committees, including advisory committees
793 consisting of commission members, state regulators, state
794 legislators or their representatives, and consumer
795 representatives, and such other interested persons as may be
796 designated in this compact and the bylaws;

797 (l) Provide and receive information from, and to cooperate
798 with, law enforcement agencies;

799 (m) Adopt and use an official seal; and

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

804 (5) EXECUTIVE BOARD.—

805 (a) The executive board shall have the power to act on
806 behalf of the commission according to the terms of this compact,
807 and shall consist of the following six members:

808 1. Five voting members who are elected from the current
809 membership of the commission by the commission; and

810 2. One ex-officio, nonvoting member from the Association of
811 State and Provincial Psychology Boards.

812 (b) The ex-officio member must have served as staff for or

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813 a member of a state psychology regulatory authority and shall be
814 selected by its respective organization.

815 (c) The commission may remove any member of the executive
816 board as provided in its bylaws.

817 (d) The executive board shall meet at least annually.

818 (e) The executive board shall have the following duties and
819 responsibilities:

820 1. Recommend to the entire commission changes to the rules
821 or bylaws, this compact legislation, or fees paid by compact
822 states, such as annual dues, and other applicable fees;

823 2. Ensure compact administration services are appropriately
824 provided, contractual or otherwise;

825 3. Prepare and recommend the budget;

826 4. Maintain financial records on behalf of the commission;

827 5. Monitor compact compliance of member states and provide
828 compliance reports to the commission;

829 6. Establish additional committees as necessary; and

830 7. Other duties as provided in rules or bylaws.

831 (6) FINANCING.—

832 (a) The commission shall pay, or provide for the payment
833 of, the reasonable expenses of its establishment, organization,
834 and ongoing activities.

835 (b) The commission may accept any and all appropriate
836 revenue sources, donations, and grants of money, equipment,
837 supplies, materials, and services.

838 (c) The commission may levy and collect an annual
839 assessment from each compact state or impose fees on other
840 parties to cover the cost of the operations and activities of
841 the commission and its staff which must be in a total amount

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842 sufficient to cover its annual budget as approved each year for
843 which revenue is not provided by other sources. The aggregate
844 annual assessment amount shall be allocated based upon a formula
845 to be determined by the commission, which shall promulgate a
846 rule binding upon all compact states.

847 (d) The commission may not incur obligations of any kind
848 prior to securing the funds adequate to meet the same; nor shall
849 the commission pledge the credit of any of the compact states,
850 except by and with the authority of the compact state.

851 (e) The commission shall keep accurate accounts of all
852 receipts and disbursements. The receipts and disbursements of
853 the commission shall be subject to the audit and accounting
854 procedures established under its bylaws. However, all receipts
855 and disbursements of funds handled by the commission shall be
856 audited yearly by a certified or licensed public accountant and
857 the report of the audit shall be included in and become part of
858 the annual report of the commission.

859 (7) QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION.—

860 (a) The members, officers, executive director, employees,
861 and representatives of the commission shall be immune from suit
862 and liability, either personally or in their official capacity,
863 for any claim for damage to or loss of property or personal
864 injury or other civil liability caused by or arising out of any
865 actual or alleged act, error, or omission that occurred, or that
866 the person against whom the claim is made had a reasonable basis
867 for believing occurred, within the scope of commission
868 employment, duties, or responsibilities; provided that nothing
869 in this paragraph shall be construed to protect any such person
870 from suit or liability for any damage, loss, injury, or

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871 liability caused by the intentional or willful or wanton
872 misconduct of that person.

873 (b) The commission shall defend any member, officer,
874 executive director, employee, or representative of the
875 commission in any civil action seeking to impose liability
876 arising out of any actual or alleged act, error, or omission
877 that occurred within the scope of commission employment, duties,
878 or responsibilities, or that the person against whom the claim
879 is made had a reasonable basis for believing occurred within the
880 scope of commission employment, duties, or responsibilities;
881 provided that nothing herein may be construed to prohibit that
882 person from retaining his or her own counsel; and provided
883 further, that the actual or alleged act, error, or omission did
884 not result from that person's intentional or willful or wanton
885 misconduct.

886 (c) The commission shall indemnify and hold harmless any
887 member, officer, executive director, employee, or representative
888 of the commission for the amount of any settlement or judgment
889 obtained against that person arising out of any actual or
890 alleged act, error, or omission that occurred within the scope
891 of commission employment, duties, or responsibilities, or that
892 such person had a reasonable basis for believing occurred within
893 the scope of commission employment, duties, or responsibilities;
894 provided that the actual or alleged act, error, or omission did
895 not result from the intentional or willful or wanton misconduct
896 of that person.

897

898

ARTICLE XI

899

RULEMAKING

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

904 (2) If a majority of the legislatures of the compact states
905 reject a rule by enactment of a statute or resolution in the
906 same manner used to adopt the compact, such rule shall have no
907 further force and effect in any compact state.

908 (3) Rules or amendments to the rules shall be adopted at a
909 regular or special meeting of the commission.

910 (4) Prior to promulgation and adoption of a final rule or
911 rules by the commission, and at least 60 days in advance of the
912 meeting at which the rule will be considered and voted upon, the
913 commission shall file a notice of proposed rulemaking:

914 (a) On the website of the commission; and

915 (b) On the website of each compact state's psychology
916 regulatory authority or the publication in which each state
917 would otherwise publish proposed rules.

918 (5) The notice of proposed rulemaking shall include:

919 (a) The proposed time, date, and location of the meeting in
920 which the rule will be considered and voted upon;

921 (b) The text of the proposed rule or amendment and the
922 reason for the proposed rule;

923 (c) A request for comments on the proposed rule from any
924 interested person; and

925 (d) The manner in which interested persons may submit
926 notice to the commission of their intention to attend the public
927 hearing and any written comments.

928 (6) Before adoption of a proposed rule, the commission

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929 shall allow persons to submit written data, facts, opinions, and
930 arguments, which shall be made available to the public.

931 (7) The commission shall grant an opportunity for a public
932 hearing before it adopts a rule or amendment if a hearing is
933 requested by:

934 (a) At least 25 individuals who submit comments
935 independently of each other;

936 (b) A governmental subdivision or agency; or

937 (c) A duly appointed person in an association that has at
938 least 25 members.

939 (8) If a hearing is held on the proposed rule or amendment,
940 the commission shall publish the place, time, and date of the
941 scheduled public hearing.

942 (a) All individuals wishing to be heard at the hearing
943 shall notify the executive director of the commission or other
944 designated member in writing of their desire to appear and
945 testify at the hearing at least 5 business days before the
946 scheduled date of the hearing.

947 (b) Hearings shall be conducted in a manner providing each
948 person who wishes to comment a fair and reasonable opportunity
949 to comment orally or in writing.

950 (c) No transcript of the hearing is required, unless a
951 written request for a transcript is made, in which case the
952 person requesting the transcript shall bear the cost of
953 producing the transcript. A recording may be made in lieu of a
954 transcript under the same terms and conditions as a transcript.
955 This subsection does not preclude the commission from making a
956 transcript or recording of the hearing if it so chooses.

957 (d) Nothing in this section shall be construed as requiring

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958 a separate hearing on each rule. Rules may be grouped for the
959 convenience of the commission at hearings required by this
960 section.

961 (9) If no written notice of intent to attend the public
962 hearing by interested parties is received, the commission may
963 proceed with promulgation of the proposed rule without a public
964 hearing.

965 (10) Following the scheduled hearing date, or by the close
966 of business on the scheduled hearing date if the hearing was not
967 held, the commission shall consider all written and oral
968 comments received.

969 (11) The commission shall, by majority vote of all members,
970 take final action on the proposed rule and shall determine the
971 effective date of the rule based on the rulemaking record and
972 the full text of the rule.

973 (12) Upon determination that an emergency exists, the
974 commission may consider and adopt an emergency rule without
975 prior notice, opportunity for comment, or hearing, provided that
976 the usual rulemaking procedures provided in the compact and in
977 this section shall be retroactively applied to the rule as soon
978 as reasonably possible, but no later than 90 days after the
979 effective date of the rule. For the purposes of this subsection,
980 an emergency rule is one that must be adopted immediately in
981 order to:

982 (a) Meet an imminent threat to public health, safety, or
983 welfare;

984 (b) Prevent a loss of commission or compact state funds;

985 (c) Meet a deadline for the promulgation of an
986 administrative rule that is established by federal law or rule;

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987 or988 (d) Protect public health and safety.

989 (13) The commission or an authorized committee of the
990 commission may direct revisions to a previously adopted rule or
991 amendment for purposes of correcting typographical errors,
992 errors in format, errors in consistency, or grammatical errors.
993 Public notice of any revisions shall be posted on the website of
994 the commission. The revision shall be subject to challenge by
995 any person for a period of 30 days after posting. The revision
996 may be challenged only on grounds that the revision results in a
997 material change to a rule. A challenge shall be made in writing
998 and delivered to the chair of the commission prior to the end of
999 the notice period. If no challenge is made, the revision will
1000 take effect without further action. If the revision is
1001 challenged, the revision may not take effect without the
1002 approval of the commission.

1003

1004 ARTICLE XII1005 OVERSIGHT; DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION;1006 DISPUTE RESOLUTION; AND ENFORCEMENT1007 (1) OVERSIGHT.—

1008 (a) The executive, legislative, and judicial branches of
1009 state government in each compact state shall enforce this
1010 compact and take all actions necessary and appropriate to
1011 effectuate the compact's purposes and intent. The provisions of
1012 this compact and the rules promulgated hereunder shall have
1013 standing as statutory law.

1014 (b) All courts shall take judicial notice of the compact
1015 and the rules in any judicial or administrative proceeding in a

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1016 compact state pertaining to the subject matter of this compact
1017 which may affect the powers, responsibilities, or actions of the
1018 commission.

1019 (c) The commission shall be entitled to receive service of
1020 process in any such proceeding, and shall have standing to
1021 intervene in such a proceeding for all purposes. Failure to
1022 provide service of process to the commission shall render a
1023 judgment or order void as to the commission, this compact, or
1024 promulgated rules.

1025 (2) DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION.-

1026 (a) If the commission determines that a compact state has
1027 defaulted in the performance of its obligations or
1028 responsibilities under this compact or the promulgated rules,
1029 the commission shall:

1030 1. Provide written notice to the defaulting state and other
1031 compact states of the nature of the default, the proposed means
1032 of remedying the default, and any other action to be taken by
1033 the commission; and

1034 2. Provide remedial training and specific technical
1035 assistance regarding the default.

1036 (b) If a state in default fails to remedy the default, the
1037 defaulting state may be terminated from the compact upon an
1038 affirmative vote of a majority of the compact states, and all
1039 rights, privileges, and benefits conferred by this compact shall
1040 be terminated on the effective date of termination. A remedy of
1041 the default does not relieve the offending state of obligations
1042 or liabilities incurred during the period of default.

1043 (c) Termination of membership in the compact shall be
1044 imposed only after all other means of securing compliance have

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1045 been exhausted. The commission shall submit a notice of intent
1046 to suspend or terminate a defaulting compact state to the
1047 state's governor, the majority and minority leaders of the
1048 state's legislature, and each of the compact states.

1049 (d) A compact state that has been terminated is responsible
1050 for all assessments, obligations, and liabilities incurred
1051 through the effective date of termination, including obligations
1052 that extend beyond the effective date of termination.

1053 (e) The commission may not bear any costs incurred by the
1054 state that is found to be in default or has been terminated from
1055 the compact, unless agreed upon in writing between the
1056 commission and the defaulting state.

1057 (f) The defaulting state may appeal the action of the
1058 commission by petitioning the United States District Court for
1059 the state of Georgia or the federal district where the compact
1060 has its principal offices. The prevailing party shall be awarded
1061 all costs of such litigation, including reasonable attorney
1062 fees.

1063 (3) DISPUTE RESOLUTION.—

1064 (a) Upon request by a compact state, the commission shall
1065 attempt to resolve disputes related to the compact which arise
1066 among compact states and between compact and noncompact states.

1067 (b) The commission shall promulgate a rule providing for
1068 both mediation and binding dispute resolution for disputes that
1069 arise before the commission.

1070 (4) ENFORCEMENT.—

1071 (a) The commission, in the reasonable exercise of its
1072 discretion, shall enforce the provisions and rules of this
1073 compact.

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1074 (b) By majority vote, the commission may initiate legal
1075 action in the United States District Court for the state of
1076 Georgia or the federal district where the compact has its
1077 principal offices against a compact state in default to enforce
1078 compliance with the provisions of the compact and its
1079 promulgated rules and bylaws. The relief sought may include both
1080 injunctive relief and damages. In the event judicial enforcement
1081 is necessary, the prevailing party shall be awarded all costs of
1082 such litigation, including reasonable attorney fees.

1083 (c) The remedies herein are not the exclusive remedies of
1084 the commission. The commission may pursue any other remedies
1085 available under federal or state law.

1087 ARTICLE XIII

1088 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL 1089 COMPACT COMMISSION AND ASSOCIATED RULES; WITHDRAWAL, AND 1090 AMENDMENTS

1091 (1) The compact shall become effective on the date on which
1092 the compact is enacted into law in the seventh compact state.
1093 The provisions that become effective at that time shall be
1094 limited to the powers granted to the commission relating to
1095 assembly and the promulgation of rules. Thereafter, the
1096 commission shall meet and exercise rulemaking powers necessary
1097 to the implementation and administration of the compact.

1098 (2) Any state that joins the compact subsequent to the
1099 commission's initial adoption of the rules shall be subject to
1100 the rules as they exist on the date on which the compact becomes
1101 law in that state. Any rule that has been previously adopted by
1102 the commission shall have the full force and effect of law on

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1103 the day the compact becomes law in that state.

1104 (3) Any compact state may withdraw from this compact by
1105 enacting a statute repealing the same.

1106 (a) A compact state's withdrawal does not take effect until
1107 6 months after enactment of the repealing statute.

1108 (b) Withdrawal does not affect the continuing requirement
1109 of the withdrawing state's psychology regulatory authority to
1110 comply with the investigative and adverse action reporting
1111 requirements of this act prior to the effective date of
1112 withdrawal.

1113 (4) Nothing contained in this compact shall be construed to
1114 invalidate or prevent any psychology licensure agreement or
1115 other cooperative arrangement between a compact state and a
1116 noncompact state which does not conflict with the provisions of
1117 this compact.

1118 (5) This compact may be amended by the compact states. No
1119 amendment to this compact shall become effective and binding
1120 upon any compact state until it is enacted into the law of all
1121 compact states.

1123 ARTICLE XIV

1124 CONSTRUCTION AND SEVERABILITY

1125 This compact shall be liberally construed so as to
1126 effectuate the purposes thereof. If this compact shall be held
1127 contrary to the constitution of any state member thereto, the
1128 compact shall remain in full force and effect as to the
1129 remaining compact states.

1130 Section 2. Subsection (10) of section 456.073, Florida
1131 Statutes, is amended to read:

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1132 456.073 Disciplinary proceedings.—Disciplinary proceedings
1133 for each board shall be within the jurisdiction of the
1134 department.

1135 (10) The complaint and all information obtained pursuant to
1136 the investigation by the department are confidential and exempt
1137 from s. 119.07(1) until 10 days after probable cause has been
1138 found to exist by the probable cause panel or by the department,
1139 or until the regulated professional or subject of the
1140 investigation waives his or her privilege of confidentiality,
1141 whichever occurs first. The department shall report any
1142 significant investigation information relating to a nurse
1143 holding a multistate license to the coordinated licensure
1144 information system pursuant to s. 464.0095, and any significant
1145 investigatory information relating to a psychologist practicing
1146 under the Psychology Interjurisdictional Compact to the
1147 coordinated licensure information system pursuant to s.
1148 490.0075. Upon completion of the investigation and a
1149 recommendation by the department to find probable cause, and
1150 pursuant to a written request by the subject or the subject's
1151 attorney, the department shall provide the subject an
1152 opportunity to inspect the investigative file or, at the
1153 subject's expense, forward to the subject a copy of the
1154 investigative file. Notwithstanding s. 456.057, the subject may
1155 inspect or receive a copy of any expert witness report or
1156 patient record connected with the investigation if the subject
1157 agrees in writing to maintain the confidentiality of any
1158 information received under this subsection until 10 days after
1159 probable cause is found and to maintain the confidentiality of
1160 patient records pursuant to s. 456.057. The subject may file a

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1161 written response to the information contained in the
1162 investigative file. Such response must be filed within 20 days
1163 of mailing by the department, unless an extension of time has
1164 been granted by the department. This subsection does not
1165 prohibit the department from providing such information to any
1166 law enforcement agency or to any other regulatory agency.

1167 Section 3. Subsection (5) of section 456.076, Florida
1168 Statutes, is amended to read:

1169 456.076 Impaired practitioner programs.—

1170 (5) A consultant shall enter into a participant contract
1171 with an impaired practitioner and shall establish the terms of
1172 monitoring and shall include the terms in a participant
1173 contract. In establishing the terms of monitoring, the
1174 consultant may consider the recommendations of one or more
1175 approved evaluators, treatment programs, or treatment providers.
1176 A consultant may modify the terms of monitoring if the
1177 consultant concludes, through the course of monitoring, that
1178 extended, additional, or amended terms of monitoring are
1179 required for the protection of the health, safety, and welfare
1180 of the public. If the impaired practitioner is a psychologist
1181 practicing under the Psychology Interjurisdictional Compact
1182 pursuant to s. 490.0075, the terms of the monitoring contract
1183 must include the impaired practitioner's withdrawal from all
1184 practice under the compact.

1185 Section 4. Subsection (7) is added to section 490.004,
1186 Florida Statutes, to read:

1187 490.004 Board of Psychology.—

1188 (7) The board shall appoint an individual to serve as the
1189 state's commissioner on the Psychology Interjurisdictional

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1190 Compact Commission, as required under s. 490.0075.

1191 Section 5. Subsection (4) is added to section 490.005,
1192 Florida Statutes, to read:

1193 490.005 Licensure by examination.—

1194 (4) A person licensed as a psychologist in another state
1195 who is practicing pursuant to the Psychology Interjurisdictional
1196 Compact under s. 490.0075, and only within the scope provided
1197 therein, is exempt from the licensure requirements of this
1198 section.

1199 Section 6. Subsection (4) is added to section 490.006,
1200 Florida Statutes, to read:

1201 490.006 Licensure by endorsement.—

1202 (4) A person licensed as a psychologist in another state
1203 who is practicing pursuant to the Psychology Interjurisdictional
1204 Compact under s. 490.0075, and only within the scope provided
1205 therein, is exempt from this section.

1206 Section 7. Section 490.009, Florida Statutes, is amended to
1207 read:

1208 490.009 Discipline.—

1209 (1) The following acts constitute grounds for denial of a
1210 license or disciplinary action, as specified in s. 456.072(2) or
1211 s. 490.0075:

1212 (a) Attempting to obtain, obtaining, or renewing a license
1213 under this chapter by bribery or fraudulent misrepresentation or
1214 through an error of the board or department.

1215 (b) Having a license to practice a comparable profession
1216 revoked, suspended, or otherwise acted against, including the
1217 denial of certification or licensure by another state,
1218 territory, or country.

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1219 (c) Being convicted or found guilty, regardless of
1220 adjudication, of a crime in any jurisdiction which directly
1221 relates to the practice of his or her profession or the ability
1222 to practice his or her profession. A plea of nolo contendere
1223 creates a rebuttable presumption of guilt of the underlying
1224 criminal charges. However, the board shall allow the person who
1225 is the subject of the disciplinary proceeding to present any
1226 evidence relevant to the underlying charges and circumstances
1227 surrounding the plea.

1228 (d) False, deceptive, or misleading advertising or
1229 obtaining a fee or other thing of value on the representation
1230 that beneficial results from any treatment will be guaranteed.

1231 (e) Advertising, practicing, or attempting to practice
1232 under a name other than one's own.

1233 (f) Maintaining a professional association with any person
1234 who the applicant or licensee knows, or has reason to believe,
1235 is in violation of this chapter or of a rule of the department
1236 or, in the case of psychologists, of the department or the
1237 board.

1238 (g) Knowingly aiding, assisting, procuring, or advising any
1239 nonlicensed person to hold himself or herself out as licensed
1240 under this chapter.

1241 (h) Failing to perform any statutory or legal obligation
1242 placed upon a person licensed under this chapter.

1243 (i) Willfully making or filing a false report or record;
1244 failing to file a report or record required by state or federal
1245 law; willfully impeding or obstructing the filing of a report or
1246 record; or inducing another person to make or file a false
1247 report or record or to impede or obstruct the filing of a report

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1248 or record. Such report or record includes only a report or
1249 record which requires the signature of a person licensed under
1250 this chapter.

1251 (j) Paying a kickback, rebate, bonus, or other remuneration
1252 for receiving a patient or client, or receiving a kickback,
1253 rebate, bonus, or other remuneration for referring a patient or
1254 client to another provider of mental health care services or to
1255 a provider of health care services or goods; referring a patient
1256 or client to oneself for services on a fee-paid basis when those
1257 services are already being paid for by some other public or
1258 private entity; or entering into a reciprocal referral
1259 agreement.

1260 (k) Committing any act upon a patient or client which would
1261 constitute sexual battery or which would constitute sexual
1262 misconduct as defined in s. 490.0111.

1263 (l) Making misleading, deceptive, untrue, or fraudulent
1264 representations in the practice of any profession licensed under
1265 this chapter.

1266 (m) Soliciting patients or clients personally, or through
1267 an agent, through the use of fraud, intimidation, undue
1268 influence, or a form of overreaching or vexatious conduct.

1269 (n) Failing to make available to a patient or client, upon
1270 written request, copies of test results, reports, or documents
1271 in the possession or under the control of the licensee which
1272 have been prepared for and paid for by the patient or client.

1273 (o) Failing to respond within 30 days to a written
1274 communication from the department concerning any investigation
1275 by the department or to make available any relevant records with
1276 respect to any investigation about the licensee's conduct or

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1277 background.

1278 (p) Being unable to practice the profession for which he or
1279 she is licensed under this chapter with reasonable skill or
1280 competence as a result of any mental or physical condition or by
1281 reason of illness; drunkenness; or excessive use of drugs,
1282 narcotics, chemicals, or any other substance. In enforcing this
1283 paragraph, upon a finding by the State Surgeon General, the
1284 State Surgeon General's designee, or the board that probable
1285 cause exists to believe that the licensee is unable to practice
1286 the profession because of the reasons stated in this paragraph,
1287 the department shall have the authority to compel a licensee to
1288 submit to a mental or physical examination by psychologists or
1289 physicians designated by the department or board. If the
1290 licensee refuses to comply with the department's order, the
1291 department may file a petition for enforcement in the circuit
1292 court of the circuit in which the licensee resides or does
1293 business. The licensee may ~~shall~~ not be named or identified by
1294 initials in the petition or in any other public court records or
1295 documents, and the enforcement proceedings shall be closed to
1296 the public. The department shall be entitled to the summary
1297 procedure provided in s. 51.011. A licensee affected under this
1298 paragraph shall be afforded an opportunity at reasonable
1299 intervals to demonstrate that he or she can resume the competent
1300 practice for which he or she is licensed with reasonable skill
1301 and safety to patients.

1302 (q) Performing any treatment or prescribing any therapy
1303 which, by the prevailing standards of the mental health
1304 professions in the community, would constitute experimentation
1305 on human subjects, without first obtaining full, informed, and

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1306 written consent.

1307 (r) Failing to meet the minimum standards of performance in
1308 professional activities when measured against generally
1309 prevailing peer performance, including the undertaking of
1310 activities for which the licensee is not qualified by training
1311 or experience.

1312 (s) Delegating professional responsibilities to a person
1313 whom the licensee knows or has reason to know is not qualified
1314 by training or experience to perform such responsibilities.

1315 (t) Violating a rule relating to the regulation of the
1316 profession or a lawful order of the department previously
1317 entered in a disciplinary hearing.

1318 (u) Failing to maintain in confidence a communication made
1319 by a patient or client in the context of such services, except
1320 as provided in s. 490.0147.

1321 (v) Making public statements which are derived from test
1322 data, client contacts, or behavioral research and which identify
1323 or damage research subjects or clients.

1324 (w) Violating any provision of this chapter or chapter 456,
1325 or any rules adopted pursuant thereto.

1326 (2) (a) The department, or in the case of psychologists, the
1327 board, may enter an order denying licensure or imposing any of
1328 the penalties in s. 456.072(2) against any applicant for
1329 licensure or licensee who is found guilty of violating any
1330 provision of subsection (1) of this section or who is found
1331 guilty of violating any provision of s. 456.072(1).

1332 (b) The board may take adverse action against a
1333 psychologist's authority to practice interjurisdictional
1334 telepsychology or his or her temporary authorization to practice

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1335 under the Psychology Interjurisdictional Compact pursuant to s.
1336 490.0075, and may impose any of the penalties in s. 456.072(2)
1337 if a psychologist commits an act specified in subsection (1) or
1338 s. 456.072(1).

1339 Section 8. Paragraph (h) is added to subsection (10) of
1340 section 768.28, Florida Statutes, to read:

1341 768.28 Waiver of sovereign immunity in tort actions;
1342 recovery limits; limitation on attorney fees; statute of
1343 limitations; exclusions; indemnification; risk management
1344 programs.—

1345 (10)

1346 (h) For purposes of this section, the individual appointed
1347 under s. 490.004(7) as the state's commissioner on the
1348 Psychology Interjurisdictional Compact Commission, when serving
1349 in that capacity pursuant to s. 490.0075, and any administrator,
1350 officer, executive director, employee, or representative of the
1351 Psychology Interjurisdictional Compact Commission, when acting
1352 within the scope of his or her employment, duties, or
1353 responsibilities in this state, is considered an agent of the
1354 state. The commission shall pay any claims or judgments pursuant
1355 to this section and may maintain insurance coverage to pay any
1356 such claims or judgments.

1357 Section 9. This act shall take effect July 1, 2020.