

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 for
10 psychologists to participate in the compact; requiring
11 compact states to recognize the right of psychologists
12 to practice telepsychology and practice temporarily in
13 compact states under the compact; specifying criteria
14 that a psychologist must satisfy to exercise the
15 authority to practice interjurisdictional
16 telepsychology in a receiving state or the temporary
17 authorization to practice in a distant state under the
18 compact; providing that, while authority over a
19 psychologist's license remains with the home state,
20 receiving states and distant states may define the
21 scope of and act on a psychologist's authority to
22 practice in the compact state under the compact;
23 requiring a psychologist's e-passport or
24 interjurisdictional practice certificate, as
25 applicable, and right to practice under the compact to
26 be revoked under certain circumstances; specifying
27 conditions for the practice of telepsychology in
28 receiving states; providing for adverse actions
29 against psychologists under the compact; requiring

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30 compact states to report adverse actions they take
31 against psychologists to the Psychology
32 Interjurisdictional Compact Commission; authorizing
33 the psychology regulatory authorities of compact
34 states to take specified actions; prohibiting
35 psychologists from changing their home state licensure
36 under the compact during a disciplinary investigation;
37 providing requirements for changing home state
38 licensure after the investigation is complete;
39 providing for the confidential exchange of certain
40 information between compact states under certain
41 circumstances; requiring the commission to develop and
42 maintain a coordinated licensure information system;
43 requiring compact states to submit specified
44 information to the system; requiring the coordinated
45 database administrator to notify compact states of
46 specified information submitted to the system;
47 authorizing compact states to designate reported
48 information as exempt from public disclosure;
49 providing for the removal of submitted information
50 from the system under certain circumstances;
51 establishing the Psychology Interjurisdictional
52 Compact Commission; providing for the jurisdiction and
53 venue for court proceedings by or against the
54 commission; providing construction; providing for
55 commission membership, voting, and meetings; requiring
56 the commission to prescribe bylaws; specifying powers
57 of the commission; providing for membership and duties
58 of the executive board of the commission; providing

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59 for financing; providing for qualified immunity,
60 defense, and indemnification; providing for
61 rulemaking; providing for state enforcement of the
62 compact; providing for the default and termination of
63 compact membership; providing for appeals and costs;
64 providing procedures for the resolution of certain
65 disputes; providing for enforcement against a
66 defaulting state; providing for implementation and
67 administration of the compact; providing that compact
68 states that join after initial adoption of the
69 commission's rules are subject to such rules;
70 specifying procedures for compact states to withdraw
71 from the compact; providing construction; providing
72 for amendment of the compact; providing construction
73 and severability; amending s. 456.073, F.S.; requiring
74 the Department of Health to report certain
75 investigative information to the coordinated licensure
76 information system; amending s. 456.076, F.S.;

77 requiring monitoring contracts for impaired
78 practitioners participating in treatment programs to
79 contain specified terms; amending s. 490.004, F.S.;

80 requiring the Board of Psychology to appoint an
81 individual to serve as the state's commissioner on the
82 Psychology Interjurisdictional Compact Commission;
83 amending s. 490.005, F.S.; exempting certain persons
84 from licensure requirements; amending s. 490.006,
85 F.S.; exempting certain persons from requirements for
86 licensure by endorsement; amending s. 490.009, F.S.;

87 authorizing certain disciplinary action under the

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88 compact for certain prohibited acts; amending s.
89 768.28, F.S.; designating the state commissioner and
90 other members or employees of the commission as state
91 agents for the purpose of applying sovereign immunity
92 and waivers of sovereign immunity; requiring the
93 commission to pay certain judgments or claims;
94 authorizing the commission to maintain insurance
95 coverage to pay such claims or judgments; providing an
96 effective date.

97
98 WHEREAS, states license psychologists to protect the public
99 through verification of education, training, and experience and
100 to ensure accountability for professional practice, and

101 WHEREAS, this compact is intended to regulate the day-to-
102 day practice of telepsychology, or the provision of
103 psychological services using telecommunication technologies, by
104 psychologists across state boundaries in the performance of
105 their psychological practice as defined by an appropriate state
106 psychology regulatory authority, and

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

112 WHEREAS, this compact is intended to authorize state
113 psychology regulatory authorities to afford legal recognition,
114 in a manner consistent with the terms of the compact, to
115 psychologists licensed in another state, and

116 WHEREAS, this compact recognizes that states have a vested

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117 interest in protecting the public's health and safety through
118 the licensing and regulation of psychologists and that such
119 state regulation will best protect public health and safety, and

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

122 WHEREAS, while this compact does not apply to permanent in-
123 person, face-to-face practice, it does allow for authorization
124 of temporary psychological practice, NOW, THEREFORE,

125

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

127

128 Section 1. Section 490.0075, Florida Statutes, is created
129 to read:

130 490.0075 Psychology Interjurisdictional Compact.—The
131 Psychology Interjurisdictional Compact is hereby enacted and
132 entered into by this state with all other jurisdictions legally
133 joining therein in the form substantially as follows:

134

135 PSYCHOLOGY INTERJURISDICTIONAL COMPACT

136

ARTICLE I

137

PURPOSE

138 The compact is designed to achieve the following purposes
139 and objectives:

140 (1) Increase public access to professional psychological
141 services by allowing for telepsychological practice across state
142 lines as well as temporary in-person, face-to-face services in a
143 state where the psychologist is not licensed to practice
144 psychology;

145 (2) Enhance the states' ability to protect the public's

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146 health and safety, especially client or patient safety;

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

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

152 (5) Promote compliance with the laws governing the practice
153 of psychology in each compact state; and

154 (6) Invest all compact states with the authority to hold
155 licensed psychologists accountable through the mutual
156 recognition of compact state licenses.

157
158 ARTICLE II

159 DEFINITIONS

160 As used in this compact, the term:

161 (1) "Adverse action" means any disciplinary action that is
162 a matter of public record and that is taken by a state's
163 psychology regulatory authority against an individual's license
164 to practice psychology in that state.

165 (2) "Association of State and Provincial Psychology Boards"
166 means the membership organization composed of state and
167 provincial psychology regulatory authorities that are
168 responsible for the licensure and registration of psychologists
169 throughout the United States and Canada.

170 (3) "Authority to practice interjurisdictional
171 telepsychology" means a licensed psychologist's authority to
172 practice telepsychology, within the limits authorized under the
173 compact, in a compact state other than the one in which he or
174 she is licensed.

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175 (4) "Bylaws" means those rules established by the
176 Psychology Interjurisdictional Compact Commission pursuant to
177 article X for its governance, or for directing and controlling
178 its actions and conduct.

179 (5) "Client or patient" means the recipient of
180 psychological services, whether psychological services are
181 delivered in the context of health care, corporate, supervision,
182 or consulting services.

183 (6) "Commissioner" means the voting representative
184 appointed by each state psychology regulatory authority pursuant
185 to article X.

186 (7) "Compact state" means a state, the District of
187 Columbia, or a United States territory that has enacted the
188 compact legislation and that has not withdrawn pursuant to
189 subsection (3) of article XIII or been terminated pursuant to
190 subsection (2) of article XII.

191 (8) "Confidentiality" means the principle that data or
192 information is not made available or disclosed to unauthorized
193 persons or processes.

194 (9) "Coordinated licensure information system" or
195 "coordinated database" means an integrated process that is
196 administered by the Association of State and Provincial
197 Psychology Boards for collecting, storing, and sharing
198 information on psychologists' licensure and enforcement
199 activities related to psychology licensure laws and the
200 Psychology Interjurisdictional Compact.

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

203 (11) "Distant state" means the compact state where a

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204 psychologist is physically present, not through the use of
205 telecommunication technologies, to provide temporary in-person,
206 face-to-face psychological services.

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

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

214 (14) "Home state" means a compact state where a
215 psychologist is licensed to practice psychology, as provided in
216 article III.

217 (15) "Identity history summary" means a summary of
218 information retained by the Federal Bureau of Investigation, or
219 another designee with similar authority, in connection with
220 arrests and, in some instances, federal employment or military
221 service.

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

226 (17) "Interjurisdictional Practice Certificate" or "IPC"
227 means the certificate issued by the Association of State and
228 Provincial Psychology Boards which grants temporary authority to
229 practice based on notification to the state psychology
230 regulatory authority of one's intention to practice temporarily
231 and verification of one's qualifications for such practice.

232 (18) "License" means authorization by a state psychology

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233 regulatory authority to engage in the independent practice of
234 psychology, which would be unlawful without the authorization.

235 (19) "Noncompact state" means a state that is not a compact
236 state.

237 (20) "Psychologist" means an individual who is licensed by
238 a state psychology regulatory authority to independently
239 practice psychology in that state.

240 (21) "Psychology Interjurisdictional Compact Commission" or
241 "commission" means the national administration of which all
242 compact states are members.

243 (22) "Receiving state" means a compact state where the
244 client or patient is physically located when the
245 telepsychological services are delivered.

246 (23) "Rule" means a written statement by the Psychology
247 Interjurisdictional Compact Commission adopted pursuant to
248 article XI which has the full force and effect of statutory law
249 in a compact state and which implements, interprets, or
250 prescribes a policy or provision of the compact or is an
251 organizational, procedural, or practice requirement of the
252 commission. The term also includes the amendment, repeal, or
253 suspension of an existing rule.

254 (24) "Significant investigatory information" means:

255 (a) Investigative information that a state psychology
256 regulatory authority, after a preliminary inquiry that includes
257 notification and an opportunity to respond if required by state
258 law, has reason to believe, if proven true, would indicate a
259 violation of state statute or rule which would be considered
260 more substantial than a minor infraction; or

261 (b) Investigative information that indicates that the

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262 psychologist represents an immediate threat to public health and
263 safety regardless of whether the psychologist has been notified
264 or had an opportunity to respond.

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

267 (26) "State psychology regulatory authority" means the
268 board, office, or other agency with the legislative mandate to
269 license and regulate the practice of psychology in that state.

270 (27) "Telepsychology" means the provision of psychological
271 services using telecommunication technologies.

272 (28) "Temporary authorization to practice" means a licensed
273 psychologist's authority to conduct temporary in-person, face-
274 to-face practice, within the limits authorized under the
275 compact, in another compact state.

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

281

282 ARTICLE III

283 HOME STATE LICENSURE

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

286 (2) A psychologist may hold one or more compact state
287 licenses at a time. If the psychologist is licensed in more than
288 one compact state, the home state is the compact state where the
289 psychologist is physically present when the services are
290 delivered as authorized by the authority to practice

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291 interjurisdictional telepsychology under the terms of the
292 compact.

293 (3) A compact state may require a psychologist who is not
294 previously licensed in that compact state to obtain and maintain
295 a license in the compact state which authorizes the psychologist
296 to practice under circumstances that are not authorized under
297 the compact's authority to practice interjurisdictional
298 telepsychology.

299 (4) A compact state may require a psychologist to obtain
300 and maintain a license to be authorized to practice in a compact
301 state under circumstances that are not authorized by a temporary
302 authorization to practice under the terms of the compact.

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

306 (a) Currently requires the psychologist to hold an active
307 e-passport;

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

310 (c) Notifies the commission, in accordance with this
311 section, of any adverse action or significant investigatory
312 information regarding a licensed individual;

313 (d) Requires an identity history summary of all applicants
314 at initial licensure, including the use of the results of
315 fingerprints or other biometric data checks compliant with the
316 requirements of the Federal Bureau of Investigation or other
317 designee with similar authority, within 10 years after
318 activation of the compact; and

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

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320 (6) A home state's license grants a psychologist temporary
321 authorization to practice in a distant state only if the compact
322 state:

323 (a) Currently requires the psychologist to hold an active
324 IPC;

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

327 (c) Notifies the commission, in accordance with this
328 section, of any adverse action or significant investigatory
329 information regarding a licensed individual;

330 (d) Requires an identity history summary of all applicants
331 at initial licensure, including the use of the results of
332 fingerprints or other biometric data checks compliant with the
333 requirements of the Federal Bureau of Investigation or other
334 designee with similar authority, within 10 years after
335 activation of the compact; and

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

337

ARTICLE IV

COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

340 (1) Compact states shall recognize the right of a
341 psychologist licensed in a compact state pursuant to article III
342 to practice telepsychology in other compact states or receiving
343 states in which the psychologist is not licensed under the
344 authority to practice interjurisdictional telepsychology as
345 provided in the compact.

346 (2) To exercise the authority to practice
347 interjurisdictional telepsychology in a receiving state under
348 the terms and provisions of the compact, a psychologist licensed

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349 to practice in a compact state must:

350 (a) Hold a graduate degree in psychology from an
351 institution of higher education that was, at the time the degree
352 was awarded:

353 1. Regionally accredited by an accrediting body recognized
354 by the United States Department of Education to grant graduate
355 degrees or authorized by provincial statute or royal charter to
356 grant doctoral degrees; or

357 2. A foreign college or university deemed to be equivalent
358 to subparagraph 1. by a foreign credential evaluation service
359 that is a member of the National Association of Credential
360 Evaluation Services or by a recognized foreign credential
361 evaluation service;

362 (b) Hold a graduate degree in psychology which meets the
363 following criteria:

364 1. The program, regardless of where it is administratively
365 housed, is clearly identified and labeled as a psychology
366 program. Such program must specify in pertinent institutional
367 catalogs and brochures its intent to educate and train
368 professional psychologists;

369 2. The program stands as a recognizable and coherent
370 organizational entity within the institution;

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

374 4. The program consists of an integrated, organized
375 sequence of study;

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

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

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

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

384 9. The program encompasses a minimum of 3 academic years of
385 full-time graduate study for doctoral degrees and a minimum of 1
386 academic year of full-time graduate study for master's degrees;
387 and

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

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

392 (d) Have no history of adverse actions that violate the
393 rules of the commission;

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

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

397 (g) Provide attestations in regard to areas of intended
398 practice, conformity with standards of practice, competence in
399 telepsychology technology, criminal background, and knowledge
400 and adherence to legal requirements in the home and receiving
401 states, and provide a release of information to allow for
402 primary source verification in a manner specified by the
403 commission; and

404 (h) Meet other criteria as defined by the rules of the
405 commission.

406 (3) The home state maintains authority over the license of

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407 any psychologist practicing in a receiving state under the
408 authority to practice interjurisdictional telepsychology.

409 (4) A psychologist practicing in a receiving state under
410 the authority to practice interjurisdictional telepsychology is
411 subject to the receiving state's scope of practice. A receiving
412 state may, in accordance with that state's due process law,
413 limit or revoke a psychologist's authority to practice
414 interjurisdictional telepsychology in the receiving state and
415 may take any other necessary actions under the receiving state's
416 applicable law to protect the health and safety of the receiving
417 state's citizens. If a receiving state takes action, it shall
418 promptly notify the home state and the commission.

419 (5) If a psychologist's license in any home state or
420 another compact state or his or her authority to practice
421 interjurisdictional telepsychology in any receiving state is
422 restricted, suspended, or otherwise limited, the psychologist's
423 e-passport must be revoked and the psychologist is not eligible
424 to practice telepsychology in a compact state under the
425 authority to practice interjurisdictional telepsychology.

426 427 ARTICLE V

428 COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

429 (1) Compact states shall recognize the right of a
430 psychologist licensed in a compact state pursuant to article III
431 to practice temporarily in other compact states or distant
432 states in which the psychologist is not licensed, as provided in
433 the compact.

434 (2) To exercise the temporary authorization to practice in
435 distant states under the terms and provisions of the compact, a

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436 psychologist licensed to practice in a compact state must:

437 (a) Hold a graduate degree in psychology from an
438 institution of higher education that was, at the time the degree
439 was awarded:

440 1. Regionally accredited by an accrediting body recognized
441 by the U.S. Department of Education to grant graduate degrees or
442 authorized by provincial statute or royal charter to grant
443 doctoral degrees; or

444 2. A foreign college or university deemed to be equivalent
445 to subparagraph 1. by a foreign credential evaluation service
446 that is a member of the National Association of Credential
447 Evaluation Services or by a recognized foreign credential
448 evaluation service;

449 (b) Hold a graduate degree in psychology that meets the
450 following criteria:

451 1. The program, regardless of where it is administratively
452 housed, is clearly identified and labeled as a psychology
453 program. Such program must specify in pertinent institutional
454 catalogs and brochures its intent to educate and train
455 professional psychologists;

456 2. The program stands as a recognizable and coherent
457 organizational entity within the institution;

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

461 4. The program consists of an integrated, organized
462 sequence of study;

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

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

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

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

471 9. The program encompasses a minimum of 3 academic years of
472 full-time graduate study for doctoral degrees and a minimum of 1
473 academic year of full-time graduate study for master's degrees;
474 and

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

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

479 (d) Have no history of adverse actions that violate the
480 rules of the commission;

481 (e) Have no criminal history that violates the rules of the
482 commission;

483 (f) Possess a current, active IPC;

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

488 (h) Meet other criteria as defined by the rules of the
489 commission.

490 (3) A psychologist practicing in a distant state under a
491 temporary authorization to practice shall practice within the
492 scope of practice authorized by the distant state.

493 (4) A psychologist practicing in a distant state under a

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494 temporary authorization to practice is subject to the distant
495 state's authority and law. A distant state may, in accordance
496 with that state's due process law, limit or revoke a
497 psychologist's temporary authorization to practice in the
498 distant state and may take any other necessary actions under the
499 distant state's applicable law to protect the health and safety
500 of the distant state's citizens. If a distant state takes
501 action, it shall promptly notify the home state and the
502 commission.

503 (5) If a psychologist's license in any home state or
504 another compact state or his or her temporary authorization to
505 practice in any distant state is restricted, suspended, or
506 otherwise limited, the IPC must be revoked and the psychologist
507 is not eligible to practice in a compact state under the
508 temporary authorization to practice.

510 ARTICLE VI

511 CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

512 A psychologist may practice in a receiving state under the
513 authority to practice interjurisdictional telepsychology only in
514 the performance of the scope of practice for psychology as
515 defined by an appropriate state psychology regulatory authority,
516 as defined in the rules of the commission, and under the
517 following circumstances:

518 (1) The psychologist initiates a client or patient contact
519 in a home state via telecommunication technologies with a client
520 or patient in a receiving state; and

521 (2) Other conditions regarding telepsychology as determined
522 by rules adopted by the commission.

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ARTICLE VII

ADVERSE ACTIONS

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

(2) 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.

(3) 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.

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

(b) In the event that disciplinary action against a psychologist is reported, the psychologist is not eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission.

(c) Other actions may be imposed as determined by the rules

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552 adopted by the commission.

553 (4) A home state's psychology regulatory authority shall
554 investigate and take appropriate action with respect to reported
555 inappropriate conduct engaged in by a licensee which occurred in
556 a receiving state in the same manner as it would if such conduct
557 had occurred by a licensee within the home state. In such cases,
558 the home state's law controls in determining any adverse action
559 against a psychologist's license.

560 (5) A distant state's psychology regulatory authority shall
561 investigate and take appropriate action with respect to reported
562 inappropriate conduct engaged in by a psychologist practicing
563 under temporary authorization to practice which occurred in the
564 distant state in the same manner as it would if such conduct had
565 occurred by a licensee within the home state. In such cases, the
566 distant state's law controls in determining any adverse action
567 against a psychologist's temporary authorization to practice.

568 (6) The compact does not override a compact state's
569 decision that a psychologist's participation in an alternative
570 program may be used in lieu of adverse action and that such
571 participation must remain nonpublic if required by the compact
572 state's law. Compact states must require psychologists who enter
573 any alternative programs not to provide telepsychology services
574 under the authority to practice interjurisdictional
575 telepsychology or temporary psychological services under the
576 temporary authorization to practice in any other compact state
577 during the term of the alternative program.

578 (7) No other judicial or administrative remedies are
579 available to a psychologist in the event a compact state takes
580 adverse action pursuant to subsection (3).

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ARTICLE VIII

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

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

(a) 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 for the production of evidence from another compact state must 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 or evidence is located; and

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

(2) During the course of an 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

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610 completed, and pending the outcome of such investigation, the
611 psychologist may change his or her home state licensure. The
612 commission shall promptly notify the new home state of any such
613 decisions as provided in the rules of the commission. All
614 information provided to the commission or distributed by compact
615 states related to the psychologist must be confidential, filed
616 under seal, and used only for investigatory or disciplinary
617 matters. The commission may create additional rules for mandated
618 or discretionary sharing of information by compact states.

ARTICLE IX

COORDINATED LICENSURE INFORMATION SYSTEM

622 (1) The commission shall provide for the development and
623 maintenance of a coordinated licensure information system and a
624 reporting system containing licensure and disciplinary action
625 information on all psychologists to whom the compact is
626 applicable in all compact states as defined by the rules of the
627 commission.

628 (2) Notwithstanding any other provision of state law to the
629 contrary, a compact state shall submit a uniform data set to the
630 coordinated database on all licensees as required by the rules
631 of the commission which includes:

- 632 (a) Identifying information;
633 (b) Licensure data;
634 (c) Significant investigatory information;
635 (d) Adverse actions against a psychologist's license;
636 (e) Any indicator that a psychologist's authority to
637 practice interjurisdictional telepsychology or temporary
638 authorization to practice is revoked;

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639 (f) Nonconfidential information related to alternative
640 program participation information;

641 (g) Any denial of application for licensure and the reasons
642 for such denial; and

643 (h) Other information that may facilitate the
644 administration of the compact, as determined by the rules of the
645 commission.

646 (3) The coordinated database administrator shall promptly
647 notify all compact states of any adverse action taken against,
648 or significant investigatory information on, any licensee in a
649 compact state.

650 (4) Compact states reporting information to the coordinated
651 database may designate information that may not be shared with
652 the public without the express permission of the compact state
653 reporting the information.

654 (5) Any information submitted to the coordinated database
655 which is subsequently required to be expunged by the law of the
656 compact state reporting the information must be removed from the
657 coordinated database.

658
659 ARTICLE X

660 ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT
661 COMMISSION

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

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

667 (b) Venue is proper and judicial proceedings by or against

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668 the commission may be brought solely and exclusively in a court
669 of competent jurisdiction where the principal office of the
670 commission is located. The commission may waive venue and
671 jurisdictional defenses to the extent that it adopts or consents
672 to participate in alternative dispute resolution proceedings.

673 (c) Nothing in the compact may be construed to be a waiver
674 of sovereign immunity.

675 (2) MEMBERSHIP, VOTING, AND MEETINGS.—

676 (a) The commission shall consist of one voting
677 representative appointed by each compact state who shall serve
678 as that state's commissioner. The state psychology regulatory
679 authority shall appoint its delegate. The delegate must be
680 empowered to act on behalf of the compact state. The delegate
681 must be:

682 1. The executive director, the executive secretary, or a
683 similar executive of the compact state's psychology regulatory
684 authority;

685 2. A current member of the compact state's psychology
686 regulatory authority; or

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

689 (b) A commissioner may be removed or suspended from office
690 as provided by the law of the state from which the commissioner
691 is appointed. Any vacancy occurring in the commission must be
692 filled in accordance with the laws of the compact state for
693 which the vacancy exists.

694 (c) Each commissioner is entitled to one vote with regard
695 to the adoption of rules and creation of bylaws and shall
696 otherwise have an opportunity to participate in the business and

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697 affairs of the commission. A commissioner shall vote in person
698 or by such other means as provided in the bylaws. The bylaws may
699 provide for commissioners' participation in meetings by
700 telephone or other means of communication.

701 (d) The commission shall meet at least once during each
702 calendar year. Additional meetings must be held as set forth in
703 the bylaws.

704 (e) All meetings must be open to the public, and public
705 notice of meetings must be given in the same manner as required
706 under the rulemaking provisions in article XI.

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

709 1. Noncompliance of a compact state with its obligations
710 under the compact;

711 2. Employment, compensation, or discipline of, or other
712 personnel matters, practices, or procedures related to, specific
713 employees or other matters related to the commission's internal
714 personnel practices and procedures;

715 3. Current, threatened, or reasonably anticipated
716 litigation against the commission;

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

719 5. An accusation of any person of a crime or a formal
720 censure of any person;

721 6. Information disclosing trade secrets or commercial or
722 financial information that is privileged or confidential;

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

725 8. Investigatory records compiled for law enforcement

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726 purposes;

727 9. Information related to any investigatory reports
728 prepared by or on behalf of or for use of the commission or
729 another committee charged with responsibility for investigation
730 or determination of compliance issues pursuant to the compact;
731 or

732 10. Matters specifically exempted from disclosure by
733 federal or state statute.

734 (g) If a meeting, or a portion of a meeting, is closed
735 pursuant to this subsection, the commission's legal counsel or
736 designee shall certify that the meeting may be closed and shall
737 reference each relevant exempting provision. The commission
738 shall keep minutes that fully and clearly describe all matters
739 discussed in the meeting and shall provide a full and accurate
740 summary of actions taken, of any person participating in the
741 meeting, and the reasons therefor, including a description of
742 the views expressed. All documents considered in connection with
743 an action must be identified in the minutes. All minutes and
744 documents of a closed meeting must remain under seal, subject to
745 release only by a majority vote of the commission or order of a
746 court of competent jurisdiction.

747 (3) BYLAWS.-

748 (a) The commission shall, by a majority vote of the
749 commissioners, prescribe bylaws or rules to govern its conduct
750 as may be necessary or appropriate to carry out the purposes and
751 exercise the powers of the compact, including, but not limited
752 to:

- 753 1. Establishing the fiscal year of the commission;
754 2. Providing reasonable standards and procedures:

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- 755 a. For the establishment and meetings of other committees;
756 and
- 757 b. Governing any general or specific delegation of an
758 authority or function of the commission;
- 759 3. Providing reasonable procedures for calling and
760 conducting meetings of the commission, ensuring reasonable
761 advance notice of all meetings, and providing an opportunity for
762 attendance at such meetings by interested parties, with
763 enumerated exceptions designed to protect the public's interest,
764 the privacy of individuals involved in such proceedings, and
765 proprietary information, including trade secrets. The commission
766 may meet in closed session only after a majority of the
767 commissioners vote to close a meeting to the public in whole or
768 in part. As soon as practicable, the commission must make public
769 a copy of the vote to close the meeting which reveals the vote
770 of each commissioner with no proxy votes allowed;
- 771 4. Establishing the titles, duties and authority, and
772 reasonable procedures for the election, of the officers of the
773 commission;
- 774 5. Providing reasonable standards and procedures for the
775 establishment of the commission's personnel policies and
776 programs. Notwithstanding any civil service or other similar law
777 of a compact state, the bylaws shall exclusively govern the
778 personnel policies and programs of the commission;
- 779 6. Promulgating a code of ethics to address permissible and
780 prohibited activities of commission members and employees; and
- 781 7. Providing a mechanism for concluding the operations of
782 the commission and the equitable disposition of any surplus
783 funds that may exist after the termination of the compact after

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784 the payment or reserving of all of its debts and obligations.

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

789 (c) The commission shall maintain its financial records in
790 accordance with the bylaws.

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

793 (4) POWERS.—The commission may:

794 (a) Promulgate uniform rules to facilitate and coordinate
795 implementation and administration of the compact. The rules have
796 the force and effect of law and are binding in all compact
797 states;

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

803 (c) Purchase and maintain insurance and bonds;

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

806 (e) Hire employees and elect or appoint officers; fix
807 compensation of, define duties of, and grant appropriate
808 authority to such employees and officers to carry out the
809 purposes of the compact; and establish the commission's
810 personnel policies and programs relating to conflicts of
811 interest, personnel qualifications, and other related personnel
812 matters;

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813 (f) Accept any and all appropriate donations and grants of
814 money, equipment, supplies, materials, and services and to
815 receive, utilize, and dispose of the same, provided that at all
816 times the commission shall strive to avoid any appearance of
817 impropriety or conflict of interest;

818 (g) Lease, purchase, accept appropriate gifts or donations
819 of, or otherwise own, hold, improve, or use, any property, real,
820 personal, or mixed, provided that at all times the commission
821 shall strive to avoid any appearance of impropriety or conflict
822 of interest;

823 (h) Sell, convey, mortgage, pledge, lease, exchange,
824 abandon, or otherwise dispose of any property, real, personal,
825 or mixed;

826 (i) Establish a budget and make expenditures;

827 (j) Borrow money;

828 (k) Appoint committees, including advisory committees
829 consisting of commission members, state regulators, state
830 legislators or their representatives, and consumer
831 representatives, and such other interested persons as may be
832 designated in the compact and the bylaws;

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

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

836 (n) Perform such other functions as may be necessary or
837 appropriate to achieve the purposes of the compact consistent
838 with the state regulation of psychology licensure, temporary in-
839 person, face-to-face practice, and telepsychology practice.

840 (5) EXECUTIVE BOARD.—

841 (a) The executive board may act on behalf of the commission

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842 according to the terms of the compact and shall consist of the
843 following six members:

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

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

848 (b) The ex-officio member must have served as staff for or
849 a member of a state psychology regulatory authority and must be
850 selected by his or her respective organization.

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

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

854 (e) The executive board has the following duties and
855 responsibilities:

856 1. Recommend to the entire commission changes to the rules
857 or bylaws, the compact legislation, or fees paid by compact
858 states, such as annual dues, and other applicable fees;

859 2. Ensure compact administration services, contractual or
860 otherwise, are appropriately provided;

861 3. Prepare and recommend the budget;

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

863 5. Monitor compact compliance of member states and provide
864 compliance reports to the commission;

865 6. Establish additional committees as necessary; and

866 7. Perform other duties as provided in the rules or bylaws.

867 (6) FINANCING.—

868 (a) The commission shall pay, or provide for the payment
869 of, the reasonable expenses of its establishment, organization,
870 and ongoing activities.

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871 (b) The commission may accept any and all appropriate
872 revenue sources, donations, and grants of money, equipment,
873 supplies, materials, and services.

874 (c) The commission may levy and collect an annual
875 assessment from each compact state or impose fees on other
876 parties to cover the cost of the operations and activities of
877 the commission and its staff, and such assessments and fees must
878 be in a total amount sufficient to cover its annual budget as
879 approved each year for which revenue is not provided by other
880 sources. The aggregate annual assessment amount must be
881 allocated based upon a formula to be determined by the
882 commission, which shall adopt a rule that is binding upon all
883 compact states.

884 (d) The commission may not incur obligations of any kind
885 before securing the funds adequate to meet such obligations; nor
886 shall the commission pledge the credit of any of the compact
887 states, except by and with the authority of the compact state.

888 (e) The commission shall keep accurate accounts of all
889 receipts and disbursements. The receipts and disbursements of
890 the commission are subject to the audit and accounting
891 procedures established under its bylaws. However, all receipts
892 and disbursements of funds handled by the commission must be
893 audited yearly by a certified or licensed public accountant, and
894 the report of the audit must be included in and become part of
895 the annual report of the commission.

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

897 (a) The members, officers, executive director, employees,
898 and representatives of the commission are immune from suit and
899 liability, either personally or in their official capacity, for

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900 any claim for damage to or loss of property or personal injury
901 or other civil liability caused by or arising out of any actual
902 or alleged act, error, or omission that occurred, or that the
903 person against whom the claim is made had a reasonable basis for
904 believing occurred, within the scope of commission employment,
905 duties, or responsibilities, provided that nothing in this
906 paragraph may be construed to protect any such person from suit
907 or liability for any damage, loss, injury, or liability caused
908 by the intentional or willful or wanton misconduct of that
909 person.

910 (b) The commission shall defend any member, officer,
911 executive director, employee, or representative of the
912 commission in any civil action seeking to impose liability
913 arising out of any actual or alleged act, error, or omission
914 that occurred within the scope of commission employment, duties,
915 or responsibilities, or that the person against whom the claim
916 is made had a reasonable basis for believing occurred within the
917 scope of commission employment, duties, or responsibilities,
918 provided that nothing under this section may be construed to
919 prohibit that person from retaining his or her own counsel, and
920 provided further that the actual or alleged act, error, or
921 omission did not result from that person's intentional or
922 willful or wanton misconduct.

923 (c) The commission shall indemnify and hold harmless any
924 member, officer, executive director, employee, or representative
925 of the commission for the amount of any settlement or judgment
926 obtained against that person arising out of any actual or
927 alleged act, error, or omission that occurred within the scope
928 of commission employment, duties, or responsibilities, or that

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929 such person had a reasonable basis for believing occurred within
930 the scope of commission employment, duties, or responsibilities,
931 provided that the actual or alleged act, error, or omission did
932 not result from the intentional or willful or wanton misconduct
933 of that person.

934
935 ARTICLE XI

936 RULEMAKING

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

941 (2) If a majority of the legislatures of the compact states
942 reject a rule by enactment of a statute or resolution in the
943 same manner used to adopt the compact, such rule does not have
944 further force and effect in any compact state.

945 (3) Rules or amendments to the rules must be adopted at a
946 regular or special meeting of the commission.

947 (4) Before adoption of a final rule or rules by the
948 commission, and at least 60 days in advance of the meeting at
949 which the rule will be considered and voted upon, the commission
950 shall file a notice of proposed rulemaking:

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

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

955 (5) The notice of proposed rulemaking must include:

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

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958 (b) The text of the proposed rule or amendment and the
959 reason for the proposed rule;

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

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

965 (6) Before adoption of a proposed rule, the commission
966 shall allow persons to submit written data, facts, opinions, and
967 arguments, which shall be made available to the public.

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

971 (a) At least 25 individuals who submit comments
972 independently of each other;

973 (b) A governmental subdivision or agency; or

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

976 (8) If a hearing is held on the proposed rule or amendment,
977 the commission must publish the place, time, and date of the
978 scheduled public hearing.

979 (a) All individuals wishing to be heard at the hearing
980 shall notify the executive director of the commission or another
981 designated member in writing of their desire to appear and
982 testify at the hearing at least 5 business days before the
983 scheduled date of the hearing.

984 (b) Hearings must be conducted in a manner providing each
985 person who wishes to comment a fair and reasonable opportunity
986 to comment orally or in writing.

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987 (c) A transcript of the hearing is not required, unless a
988 written request for a transcript is made, in which case the
989 person requesting the transcript bears the cost of producing the
990 transcript. A recording may be made in lieu of a transcript
991 under the same terms and conditions as a transcript. This
992 subsection does not preclude the commission from making a
993 transcript or recording of the hearing if it so chooses.

994 (d) This article may not be construed to require a separate
995 hearing on each rule. Rules may be grouped for the convenience
996 of the commission at hearings required by this section.

997 (9) If a written notice of intent to attend the public
998 hearing by interested parties is not received, the commission
999 may proceed with promulgation of the proposed rule without a
1000 public hearing.

1001 (10) Following the scheduled hearing date, or by the close
1002 of business on the scheduled hearing date if the hearing was not
1003 held, the commission shall consider all written and oral
1004 comments received.

1005 (11) The commission shall, by majority vote of all members,
1006 take final action on the proposed rule and shall determine the
1007 effective date of the rule based on the rulemaking record and
1008 the full text of the rule.

1009 (12) Upon determination that an emergency exists, the
1010 commission may consider and adopt an emergency rule without
1011 prior notice, opportunity for comment, or hearing, provided that
1012 the usual rulemaking procedures provided in the compact and in
1013 this section shall be retroactively applied to the rule as soon
1014 as reasonably possible, but no later than 90 days after the
1015 effective date of the rule. For the purposes of this subsection,

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1016 an emergency rule is one that must be adopted immediately in
1017 order to:

1018 (a) Meet an imminent threat to public health, safety, or
1019 welfare;

1020 (b) Prevent a loss of commission or compact state funds;

1021 (c) Meet a deadline for the promulgation of an
1022 administrative rule which is established by federal law or rule;
1023 or

1024 (d) Protect public health and safety.

1025 (13) The commission or an authorized committee of the
1026 commission may direct revisions to a previously adopted rule or
1027 amendment for purposes of correcting typographical errors,
1028 errors in format, errors in consistency, or grammatical errors.
1029 Public notice of any revisions must be posted on the
1030 commission's website. The revisions are subject to challenge by
1031 any person for a period of 30 days after posting. The revision
1032 may be challenged only on grounds that the revision results in a
1033 material change to a rule. A challenge must be made in writing
1034 and delivered to the chair of the commission before the end of
1035 the notice period. If a challenge is not made, the revision
1036 takes effect without further action. If the revision is
1037 challenged, the revision may not take effect without the
1038 approval of the commission.

1039

1040 ARTICLE XII

1041 OVERSIGHT; DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION;

1042 DISPUTE RESOLUTION; AND ENFORCEMENT

1043 (1) OVERSIGHT.—

1044 (a) The executive, legislative, and judicial branches of

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1045 state government in each compact state shall enforce the compact
1046 and take all actions necessary and appropriate to effectuate the
1047 compact's purposes and intent. The provisions of the compact and
1048 the rules adopted thereunder have standing as statutory law.

1049 (b) All courts shall take judicial notice of the compact
1050 and the rules adopted thereunder in any judicial or
1051 administrative proceeding in a compact state pertaining to the
1052 subject matter of the compact which may affect the powers,
1053 responsibilities, or actions of the commission.

1054 (c) The commission is entitled to receive service of
1055 process in any such judicial or administrative proceeding and
1056 has standing to intervene in such a proceeding for all purposes.
1057 Failure to provide service of process to the commission renders
1058 a judgment or an order void as to the commission, the compact,
1059 or adopted rules.

1060 (2) DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION.-

1061 (a) If the commission determines that a compact state has
1062 defaulted in the performance of its obligations or
1063 responsibilities under the compact or the adopted rules, the
1064 commission shall:

1065 1. Provide written notice to the defaulting state and other
1066 compact states of the nature of the default, the proposed means
1067 of remedying the default, and any other action to be taken by
1068 the commission; and

1069 2. Provide remedial training and specific technical
1070 assistance regarding the default.

1071 (b) If a state in default fails to remedy the default, the
1072 defaulting state may be terminated from the compact upon an
1073 affirmative vote of a majority of the compact states, and all

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1074 rights, privileges, and benefits conferred by the compact shall
1075 be terminated on the effective date of termination. A remedy of
1076 the default does not relieve the offending state of obligations
1077 or liabilities incurred during the period of default.

1078 (c) Termination of membership in the compact may be imposed
1079 only after all other means of securing compliance have been
1080 exhausted. The commission shall submit a notice of intent to
1081 suspend or terminate a defaulting compact state to the state's
1082 governor, the majority and minority leaders of the state's
1083 legislature, and each of the compact states.

1084 (d) A compact state that has been terminated is responsible
1085 for all assessments, obligations, and liabilities incurred
1086 through the effective date of termination, including obligations
1087 that extend beyond the effective date of termination.

1088 (e) The commission may not bear any costs incurred by the
1089 state that is found to be in default or has been terminated from
1090 the compact, unless agreed upon in writing between the
1091 commission and the defaulting state.

1092 (f) The defaulting state may appeal the action of the
1093 commission by petitioning the United States District Court for
1094 the state of Georgia or the federal district court where the
1095 compact has its principal offices. The prevailing party must be
1096 awarded all costs of such litigation, including reasonable
1097 attorney fees.

1098 (3) DISPUTE RESOLUTION.—

1099 (a) Upon request by a compact state, the commission shall
1100 attempt to resolve disputes related to the compact which arise
1101 among compact states and between compact and noncompact states.

1102 (b) The commission shall adopt a rule providing for both

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1103 mediation and binding dispute resolution for disputes that arise
1104 before the commission.

1105 (4) ENFORCEMENT.—

1106 (a) The commission, in the reasonable exercise of its
1107 discretion, shall enforce the provisions and rules of the
1108 compact.

1109 (b) By majority vote, the commission may initiate legal
1110 action in the United States District Court for the state of
1111 Georgia or the federal district court where the compact has its
1112 principal offices against a compact state in default to enforce
1113 compliance with the provisions of the compact and its adopted
1114 rules and bylaws. The relief sought may include both injunctive
1115 relief and damages. In the event judicial enforcement is
1116 necessary, the prevailing party must be awarded all costs of
1117 such litigation, including reasonable attorney fees.

1118 (c) The remedies under this article are not the exclusive
1119 remedies available to the commission. The commission may pursue
1120 any other remedies available under federal or state law.

1121

1122 ARTICLE XIII

1123 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL
1124 COMPACT COMMISSION AND ASSOCIATED RULES; WITHDRAWAL; AND
1125 AMENDMENTS

1126 (1) The compact becomes effective on the date on which the
1127 compact is enacted into law in the seventh compact state. The
1128 provisions that become effective at that time are limited to the
1129 powers granted to the commission relating to assembly and the
1130 adoption of rules. Thereafter, the commission shall meet and
1131 exercise rulemaking powers necessary to the implementation and

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1132 administration of the compact.

1133 (2) Any state that joins the compact subsequent to the
1134 commission's initial adoption of the rules is subject to the
1135 rules as they exist on the date on which the compact becomes law
1136 in that state. Any rule that has been previously adopted by the
1137 commission has the full force and effect of law on the day the
1138 compact becomes law in that state.

1139 (3) Any compact state may withdraw from the compact by
1140 enacting a statute repealing the same.

1141 (a) A compact state's withdrawal does not take effect until
1142 6 months after enactment of the repealing statute.

1143 (b) Withdrawal does not affect the continuing requirement
1144 of the withdrawing state's psychology regulatory authority to
1145 comply with the investigative and adverse action reporting
1146 requirements of the compact before the effective date of
1147 withdrawal.

1148 (4) This compact may not be construed to invalidate or
1149 prevent any psychology licensure agreement or other cooperative
1150 arrangement between a compact state and a noncompact state which
1151 does not conflict with the provisions of the compact.

1152 (5) This compact may be amended by the compact states.
1153 Amendments to the compact are not effective and binding upon any
1154 compact state until they are enacted into the law of all compact
1155 states.

1157 ARTICLE XIV

1158 CONSTRUCTION AND SEVERABILITY

1159 This compact must be liberally construed so as to
1160 effectuate the purposes thereof. If the compact is held contrary

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1161 to the constitution of any member state, the compact remains in
1162 full force and effect as to the remaining compact states.

1163 Section 2. Subsection (10) of section 456.073, Florida
1164 Statutes, is amended to read:

1165 456.073 Disciplinary proceedings.—Disciplinary proceedings
1166 for each board shall be within the jurisdiction of the
1167 department.

1168 (10) The complaint and all information obtained pursuant to
1169 the investigation by the department are confidential and exempt
1170 from s. 119.07(1) until 10 days after probable cause has been
1171 found to exist by the probable cause panel or by the department,
1172 or until the regulated professional or subject of the
1173 investigation waives his or her privilege of confidentiality,
1174 whichever occurs first. The department shall report any
1175 significant investigation information relating to a nurse
1176 holding a multistate license to the coordinated licensure
1177 information system pursuant to s. 464.0095, and any significant
1178 investigatory information relating to a psychologist practicing
1179 under the Psychology Interjurisdictional Compact to the
1180 coordinated licensure information system pursuant to s.
1181 490.0075. Upon completion of the investigation and a
1182 recommendation by the department to find probable cause, and
1183 pursuant to a written request by the subject or the subject's
1184 attorney, the department shall provide the subject an
1185 opportunity to inspect the investigative file or, at the
1186 subject's expense, forward to the subject a copy of the
1187 investigative file. Notwithstanding s. 456.057, the subject may
1188 inspect or receive a copy of any expert witness report or
1189 patient record connected with the investigation if the subject

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1190 agrees in writing to maintain the confidentiality of any
1191 information received under this subsection until 10 days after
1192 probable cause is found and to maintain the confidentiality of
1193 patient records pursuant to s. 456.057. The subject may file a
1194 written response to the information contained in the
1195 investigative file. Such response must be filed within 20 days
1196 of mailing by the department, unless an extension of time has
1197 been granted by the department. This subsection does not
1198 prohibit the department from providing such information to any
1199 law enforcement agency or to any other regulatory agency.

1200 Section 3. Subsection (5) of section 456.076, Florida
1201 Statutes, is amended to read:

1202 456.076 Impaired practitioner programs.—

1203 (5) A consultant shall enter into a participant contract
1204 with an impaired practitioner and shall establish the terms of
1205 monitoring and shall include the terms in a participant
1206 contract. In establishing the terms of monitoring, the
1207 consultant may consider the recommendations of one or more
1208 approved evaluators, treatment programs, or treatment providers.
1209 A consultant may modify the terms of monitoring if the
1210 consultant concludes, through the course of monitoring, that
1211 extended, additional, or amended terms of monitoring are
1212 required for the protection of the health, safety, and welfare
1213 of the public. If the impaired practitioner is a psychologist
1214 practicing under the Psychology Interjurisdictional Compact
1215 pursuant to s. 490.0075, the terms of the monitoring contract
1216 must include the impaired practitioner's withdrawal from all
1217 practice under the compact.

1218 Section 4. Subsection (7) is added to section 490.004,

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1219 Florida Statutes, to read:

1220 490.004 Board of Psychology.—

1221 (7) The board shall appoint an individual to serve as the
1222 state's commissioner on the Psychology Interjurisdictional
1223 Compact Commission, as required under s. 490.0075.

1224 Section 5. Subsection (4) is added to section 490.005,
1225 Florida Statutes, to read:

1226 490.005 Licensure by examination.—

1227 (4) A person licensed as a psychologist in another state
1228 who is practicing pursuant to the Psychology Interjurisdictional
1229 Compact under s. 490.0075, and only within the scope provided
1230 therein, is exempt from the licensure requirements of this
1231 section.

1232 Section 6. Subsection (4) is added to section 490.006,
1233 Florida Statutes, to read:

1234 490.006 Licensure by endorsement.—

1235 (4) A person licensed as a psychologist in another state
1236 who is practicing pursuant to the Psychology Interjurisdictional
1237 Compact under s. 490.0075, and only within the scope provided
1238 therein, is exempt from the licensure requirements of this
1239 section.

1240 Section 7. Section 490.009, Florida Statutes, is amended to
1241 read:

1242 490.009 Discipline.—

1243 (1) The following acts constitute grounds for denial of a
1244 license or disciplinary action, as specified in s. 456.072(2) or
1245 s. 490.0075:

1246 (a) Attempting to obtain, obtaining, or renewing a license
1247 under this chapter by bribery or fraudulent misrepresentation or

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1248 through an error of the board or department.

1249 (b) Having a license to practice a comparable profession
1250 revoked, suspended, or otherwise acted against, including the
1251 denial of certification or licensure by another state,
1252 territory, or country.

1253 (c) Being convicted or found guilty, regardless of
1254 adjudication, of a crime in any jurisdiction which directly
1255 relates to the practice of his or her profession or the ability
1256 to practice his or her profession. A plea of nolo contendere
1257 creates a rebuttable presumption of guilt of the underlying
1258 criminal charges. However, the board shall allow the person who
1259 is the subject of the disciplinary proceeding to present any
1260 evidence relevant to the underlying charges and circumstances
1261 surrounding the plea.

1262 (d) False, deceptive, or misleading advertising or
1263 obtaining a fee or other thing of value on the representation
1264 that beneficial results from any treatment will be guaranteed.

1265 (e) Advertising, practicing, or attempting to practice
1266 under a name other than one's own.

1267 (f) Maintaining a professional association with any person
1268 who the applicant or licensee knows, or has reason to believe,
1269 is in violation of this chapter or of a rule of the department
1270 or, in the case of psychologists, of the department or the
1271 board.

1272 (g) Knowingly aiding, assisting, procuring, or advising any
1273 nonlicensed person to hold himself or herself out as licensed
1274 under this chapter.

1275 (h) Failing to perform any statutory or legal obligation
1276 placed upon a person licensed under this chapter.

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1277 (i) Willfully making or filing a false report or record;
1278 failing to file a report or record required by state or federal
1279 law; willfully impeding or obstructing the filing of a report or
1280 record; or inducing another person to make or file a false
1281 report or record or to impede or obstruct the filing of a report
1282 or record. Such report or record includes only a report or
1283 record which requires the signature of a person licensed under
1284 this chapter.

1285 (j) Paying a kickback, rebate, bonus, or other remuneration
1286 for receiving a patient or client, or receiving a kickback,
1287 rebate, bonus, or other remuneration for referring a patient or
1288 client to another provider of mental health care services or to
1289 a provider of health care services or goods; referring a patient
1290 or client to oneself for services on a fee-paid basis when those
1291 services are already being paid for by some other public or
1292 private entity; or entering into a reciprocal referral
1293 agreement.

1294 (k) Committing any act upon a patient or client which would
1295 constitute sexual battery or which would constitute sexual
1296 misconduct as defined in s. 490.0111.

1297 (l) Making misleading, deceptive, untrue, or fraudulent
1298 representations in the practice of any profession licensed under
1299 this chapter.

1300 (m) Soliciting patients or clients personally, or through
1301 an agent, through the use of fraud, intimidation, undue
1302 influence, or a form of overreaching or vexatious conduct.

1303 (n) Failing to make available to a patient or client, upon
1304 written request, copies of test results, reports, or documents
1305 in the possession or under the control of the licensee which

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1306 have been prepared for and paid for by the patient or client.

1307 (o) Failing to respond within 30 days to a written
1308 communication from the department concerning any investigation
1309 by the department or to make available any relevant records with
1310 respect to any investigation about the licensee's conduct or
1311 background.

1312 (p) Being unable to practice the profession for which he or
1313 she is licensed under this chapter with reasonable skill or
1314 competence as a result of any mental or physical condition or by
1315 reason of illness; drunkenness; or excessive use of drugs,
1316 narcotics, chemicals, or any other substance. In enforcing this
1317 paragraph, upon a finding by the State Surgeon General, the
1318 State Surgeon General's designee, or the board that probable
1319 cause exists to believe that the licensee is unable to practice
1320 the profession because of the reasons stated in this paragraph,
1321 the department shall have the authority to compel a licensee to
1322 submit to a mental or physical examination by psychologists or
1323 physicians designated by the department or board. If the
1324 licensee refuses to comply with the department's order, the
1325 department may file a petition for enforcement in the circuit
1326 court of the circuit in which the licensee resides or does
1327 business. The licensee may ~~shall~~ not be named or identified by
1328 initials in the petition or in any other public court records or
1329 documents, and the enforcement proceedings shall be closed to
1330 the public. The department shall be entitled to the summary
1331 procedure provided in s. 51.011. A licensee affected under this
1332 paragraph shall be afforded an opportunity at reasonable
1333 intervals to demonstrate that he or she can resume the competent
1334 practice for which he or she is licensed with reasonable skill

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1335 and safety to patients.

1336 (q) Performing any treatment or prescribing any therapy
1337 which, by the prevailing standards of the mental health
1338 professions in the community, would constitute experimentation
1339 on human subjects, without first obtaining full, informed, and
1340 written consent.

1341 (r) Failing to meet the minimum standards of performance in
1342 professional activities when measured against generally
1343 prevailing peer performance, including the undertaking of
1344 activities for which the licensee is not qualified by training
1345 or experience.

1346 (s) Delegating professional responsibilities to a person
1347 whom the licensee knows or has reason to know is not qualified
1348 by training or experience to perform such responsibilities.

1349 (t) Violating a rule relating to the regulation of the
1350 profession or a lawful order of the department previously
1351 entered in a disciplinary hearing.

1352 (u) Failing to maintain in confidence a communication made
1353 by a patient or client in the context of such services, except
1354 as provided in s. 490.0147.

1355 (v) Making public statements which are derived from test
1356 data, client contacts, or behavioral research and which identify
1357 or damage research subjects or clients.

1358 (w) Violating any provision of this chapter or chapter 456,
1359 or any rules adopted pursuant thereto.

1360 (2) (a) The department, or in the case of psychologists, the
1361 board, may enter an order denying licensure or imposing any of
1362 the penalties in s. 456.072(2) against any applicant for
1363 licensure or licensee who is found guilty of violating any

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1364 provision of subsection (1) of this section or who is found
1365 guilty of violating any provision of s. 456.072(1).

1366 (b) The board may take adverse action against a
1367 psychologist's authority to practice interjurisdictional
1368 telepsychology or his or her temporary authorization to practice
1369 under the Psychology Interjurisdictional Compact pursuant to s.
1370 490.0075, and may impose any of the penalties in s. 456.072(2),
1371 if a psychologist commits an act specified in subsection (1) or
1372 s. 456.072(1).

1373 Section 8. Paragraph (h) is added to subsection (10) of
1374 section 768.28, Florida Statutes, to read:

1375 768.28 Waiver of sovereign immunity in tort actions;
1376 recovery limits; civil liability for damages caused during a
1377 riot; limitation on attorney fees; statute of limitations;
1378 exclusions; indemnification; risk management programs.—

1379 (10)

1380 (h) For purposes of this section, the individual appointed
1381 under s. 490.004(7) as the state's commissioner on the
1382 Psychology Interjurisdictional Compact Commission, when serving
1383 in that capacity pursuant to s. 490.0075, and any administrator,
1384 officer, executive director, employee, or representative of the
1385 Psychology Interjurisdictional Compact Commission, when acting
1386 within the scope of his or her employment, duties, or
1387 responsibilities in this state, is considered an agent of the
1388 state. The commission shall pay any claims or judgments pursuant
1389 to this section and may maintain insurance coverage to pay any
1390 such claims or judgments.

1391 Section 9. This act shall take effect July 1, 2022.