

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

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30 compact; requiring compact states to report adverse
31 actions they take against psychologists to the
32 Psychology Interjurisdictional Compact Commission;
33 authorizing the psychology regulatory authorities of
34 compact 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 of the commission; providing for
60 qualified immunity, defense, and indemnification of
61 the commission; providing for commission rulemaking;
62 providing for state enforcement of the compact;
63 providing for the default and termination of compact
64 membership; providing for appeals and costs; providing
65 procedures for the resolution of certain disputes;
66 providing for enforcement against a defaulting state;
67 providing for implementation and administration of the
68 compact; providing that compact states that join after
69 initial adoption of the commission's rules are subject
70 to such rules; specifying procedures for compact
71 states to withdraw from the compact; providing
72 construction; providing for amendment of the compact;
73 providing construction and severability; amending s.
74 456.073, F.S.; requiring the Department of Health to
75 report certain investigative information to the
76 coordinated licensure information system; amending s.
77 456.076, F.S.; requiring that monitoring contracts for
78 impaired practitioners participating in treatment
79 programs contain specified terms; amending s. 490.004,
80 F.S.; 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 ss. 490.005 and 490.006, F.S.; exempting
84 certain persons from psychology licensure
85 requirements; amending s. 490.009, F.S.; authorizing
86 certain disciplinary action under the compact for
87 specified prohibited acts; amending s. 768.28, F.S.;

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88 designating the state commissioner and other members
89 or employees of the commission as state agents for the
90 purpose of applying sovereign immunity and waivers of
91 sovereign immunity; requiring the commission to pay
92 certain judgments or claims; authorizing the
93 commission to maintain insurance coverage to pay such
94 claims or judgments; providing an effective date.

95

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

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

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

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

114 WHEREAS, this compact recognizes that states have a vested
115 interest in protecting the public's health and safety through
116 the licensing and regulation of psychologists and that such

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117 state regulation will best protect public health and safety, and
 118 WHEREAS, this compact does not apply when a psychologist is
 119 licensed in both the home and receiving states, and

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

124 Be It Enacted by the Legislature of the State of Florida:
 125

126 Section 1. Section 490.0075, Florida Statutes, is created
 127 to read:

128 490.0075 Psychology Interjurisdictional Compact.—The
 129 Psychology Interjurisdictional Compact is hereby enacted and
 130 entered into by this state with all other jurisdictions legally
 131 joining therein in the form substantially as follows:
 132

133 PSYCHOLOGY INTERJURISDICTIONAL COMPACT

134 ARTICLE I

135 PURPOSE

136 The compact is designed to achieve the following purposes
 137 and objectives:

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

143 (2) Enhance the member states' ability to protect the
 144 public's health and safety, especially client or patient safety.

145 (3) Encourage the cooperation of compact states in the

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146 areas of psychologist licensure and regulation.

147 (4) Facilitate the exchange of information between compact
148 states regarding psychologist licensure, adverse actions, and
149 disciplinary history.

150 (5) Promote compliance with the laws governing the practice
151 of psychology in each compact state.

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

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156 ARTICLE II

157 DEFINITIONS

158 As used in the compact, the term:

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

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

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

173 (4) "Bylaws" means those rules established by the
174 Psychology Interjurisdictional Compact Commission pursuant to

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175 article X for its governance, or for directing and controlling
176 its actions and conduct.

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

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

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

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

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

198 (10) "Day" means any part of a day in which a psychologist
199 practices psychology.

200 (11) "Distant state" means the compact state, which is not
201 the home state, where a psychologist is physically present, not
202 through the use of telecommunication technologies, to provide
203 temporary in-person, face-to-face psychological services.

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

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

211 (14) "Home state" means a compact state where a
212 psychologist is licensed to practice psychology, as provided in
213 article III.

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

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

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

230 (18) "License" means authorization by a state psychology
231 regulatory authority to engage in the independent practice of
232 psychology, which would be unlawful without such authorization.

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233 (19) "Noncompact state" means a state that is not a compact
234 state.

235 (20) "Psychologist" means an individual licensed by a state
236 psychology regulatory authority to independently practice
237 psychology in that state.

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

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

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

252 (24) "Significant investigatory information" means:

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

259 (b) Investigative information that indicates that the
260 psychologist represents an immediate threat to public health and
261 safety, regardless of whether the psychologist has been notified

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262 or had an opportunity to respond.

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

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

268 (27) "Telepsychology" means the provision of psychological
269 services using telecommunication technologies.

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

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

280 ARTICLE III

281 HOME STATE LICENSURE

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

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

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291 (3) A compact state may require a psychologist who is not
292 licensed in that compact state to obtain and maintain a license
293 in the compact state in order to practice under circumstances
294 that are not authorized under the authority to practice
295 interjurisdictional telepsychology under the compact.

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

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

304 (a) Currently requires the psychologist to hold an active
305 e-passport;

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

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

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

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

318 (6) A home state's license grants a psychologist temporary
319 authorization to practice in a distant state only if the compact

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320 state:

321 (a) Currently requires the psychologist to hold an active
322 IPC;

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

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

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

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

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336 ARTICLE IV

337 COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

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

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

348 (a) Hold a graduate degree in psychology from an

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349 institution of higher education that was, at the time the degree
350 was awarded:

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

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

360 (b) Hold a graduate degree in psychology which meets the
361 following criteria:

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

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

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

372 4. The program consists of an integrated, organized
373 sequence of study;

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

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

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- 378 7. The program has an identifiable body of students
379 matriculated in that program for a degree;
- 380 8. The program includes supervised practicum, internship,
381 or field training appropriate to the practice of psychology;
- 382 9. The program encompasses a minimum of 3 academic years of
383 full-time graduate study for doctoral degrees and a minimum of 1
384 academic year of full-time graduate study for master's degrees;
385 and
- 386 10. The program includes an acceptable residency as defined
387 by the rules of the commission;
- 388 (c) Possess a current, full, and unrestricted license to
389 practice psychology in a home state that is a compact state;
- 390 (d) Have no history of adverse actions that violate the
391 rules of the commission;
- 392 (e) Have no criminal history reported on an identity
393 history summary which violates the rules of the commission;
- 394 (f) Possess a current, active e-passport;
- 395 (g) Provide attestations in regard to areas of intended
396 practice, conformity with standards of practice, competence in
397 telepsychology technology, criminal background, and knowledge
398 and adherence to legal requirements in the home and receiving
399 states, and provide a release of information to allow for
400 primary source verification in a manner specified by the
401 commission; and
- 402 (h) Meet other criteria as defined by the rules of the
403 commission.
- 404 (3) The home state maintains authority over the license of
405 any psychologist practicing in a receiving state under the
406 authority to practice interjurisdictional telepsychology.

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436 institution of higher education that was, at the time the degree
437 was awarded:

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

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

447 (b) Hold a graduate degree in psychology that meets the
448 following criteria:

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

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

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

459 4. The program consists of an integrated, organized
460 sequence of study;

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

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

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465 7. The program has an identifiable body of students
466 matriculated in that program for a degree;

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

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

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

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

477 (d) Have no history of adverse actions that violate the
478 rules of the commission;

479 (e) Have no criminal history that violates the rules of the
480 commission;

481 (f) Possess a current, active IPC;

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

486 (h) Meet other criteria as defined by the rules of the
487 commission.

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

491 (4) A psychologist practicing in a distant state under a
492 temporary authorization to practice is subject to the distant
493 state's authority and law. A distant state may, in accordance

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

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

508 ARTICLE VI

509 CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

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

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

519 (2) Other conditions regarding telepsychology as determined
520 by rules adopted by the commission.

522 ARTICLE VII

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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 against a psychologist's temporary authorization to practice within that distant state.

(2) A receiving state may take adverse action against a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse action against a psychologist's license 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 must 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 adopted by the commission.

(4) A home state's psychology regulatory authority shall investigate and take appropriate action with respect to reported

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552 inappropriate conduct engaged in by a licensee which occurred in
553 a receiving state in the same manner as it would if such conduct
554 had occurred by a licensee within the home state. In such cases,
555 the home state's law controls in determining any adverse action
556 against a psychologist's license.

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

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

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

578
579 ARTICLE VIII

580 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY

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609REGULATORY 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 completed, and pending the outcome of such investigation, the psychologist may change his or her home state licensure. The commission shall promptly notify the new home state of any such

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610 decisions as provided in the rules of the commission. All
611 information provided to the commission or distributed by compact
612 states related to the psychologist must be confidential, filed
613 under seal, and used only for investigatory or disciplinary
614 matters. The commission may create additional rules for mandated
615 or discretionary sharing of information by compact states.

617 ARTICLE IX

618 COORDINATED LICENSURE INFORMATION SYSTEM

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

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

629 (a) Identifying information;

630 (b) Licensure data;

631 (c) Significant investigatory information;

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

633 (e) Any indicator that a psychologist's authority to
634 practice interjurisdictional telepsychology or temporary
635 authorization to practice is revoked;

636 (f) Nonconfidential information related to alternative
637 program participation information;

638 (g) Any denial of application for licensure and the reasons

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639 for such denial; and

640 (h) Other information that may facilitate the
641 administration of the compact, as determined by the rules of the
642 commission.

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

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

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

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656 ARTICLE X

657 ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT

658 COMMISSION

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

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

664 (b) Venue is proper, and judicial proceedings by or against
665 the commission may be brought solely and exclusively in a court
666 of competent jurisdiction where the principal office of the
667 commission is located. The commission may waive venue and

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668 jurisdictional defenses to the extent that it adopts or consents
669 to participate in alternative dispute resolution proceedings.

670 (c) The compact does not waive sovereign immunity except to
671 the extent sovereign immunity is waived in the party states.

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

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

679 1. The executive director, the executive secretary, or a
680 similar executive of the compact state's psychology regulatory
681 authority;

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

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

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

691 (c) Each commissioner is entitled to one vote with regard
692 to the adoption of rules and creation of bylaws and shall
693 otherwise have an opportunity to participate in the business and
694 affairs of the commission. A commissioner shall vote in person
695 or by such other means as provided in the bylaws. The bylaws may
696 provide for commissioners' participation in meetings by

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697 telephone or other means of communication.

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

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

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

706 1. Noncompliance of a compact state with its obligations
707 under the compact;

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

712 3. Current, threatened, or reasonably anticipated
713 litigation against the commission;

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

716 5. An accusation of any person of a crime or a formal
717 censure of any person;

718 6. Information disclosing trade secrets or commercial or
719 financial information that is privileged or confidential;

720 7. Information of a personal nature when disclosure would
721 constitute a clearly unwarranted invasion of personal privacy;

722 8. Investigatory records compiled for law enforcement
723 purposes;

724 9. Information related to any investigatory reports
725 prepared by or on behalf of or for use of the commission or

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726 another committee charged with responsibility for investigation
727 or determination of compliance issues pursuant to the compact;
728 or

729 10. Matters specifically exempted from disclosure by
730 federal or state statute.

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

744 (3) BYLAWS.—

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

750 1. Establishing the fiscal year of the commission;

751 2. Providing reasonable standards and procedures:

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

753 and

754 b. Governing any general or specific delegation of an

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755 authority or function of the commission;

756 3. Providing reasonable procedures for calling and
757 conducting meetings of the commission, ensuring reasonable
758 advance notice of all meetings, and providing an opportunity for
759 attendance at such meetings by interested parties, with
760 enumerated exceptions designed to protect the public's interest,
761 the privacy of individuals involved in such proceedings, and
762 proprietary information, including trade secrets. The commission
763 may meet in closed session only after a majority of the
764 commissioners vote to close a meeting to the public in whole or
765 in part, with no proxy votes allowed. As soon as practicable,
766 the commission shall make public a copy of the vote to close the
767 meeting which reveals the vote of each commissioner;

768 4. Establishing the titles, duties and authority, and
769 reasonable procedures for the election of the officers of the
770 commission;

771 5. Providing reasonable standards and procedures for the
772 establishment of the commission's personnel policies and
773 programs. Notwithstanding any civil service or other similar law
774 of a compact state, the bylaws shall exclusively govern the
775 personnel policies and programs of the commission;

776 6. Adopting a code of ethics to address permissible and
777 prohibited activities of commission members and employees; and

778 7. Providing a mechanism for concluding the operations of
779 the commission and the equitable disposition of any surplus
780 funds that may exist after the termination of the compact and
781 after the payment or reserving of all of its debts and
782 obligations.

783 (b) The commission shall publish its bylaws in a convenient

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784 form and file a copy thereof, and a copy of any amendment
785 thereto, with the appropriate agency or officer in each of the
786 compact states.

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

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

791 (4) POWERS.—The commission may:

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

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

801 (c) Purchase and maintain insurance and bonds;

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

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

811 (f) Accept any appropriate donations and grants of money,
812 equipment, supplies, materials, and services and receive, use,

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813 and dispose of the same, provided that at all times the
814 commission shall strive to avoid any appearance of impropriety
815 or conflict of interest;

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

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

824 (i) Establish a budget and make expenditures;

825 (j) Borrow money;

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

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

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

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

838 (5) EXECUTIVE BOARD.—

839 (a) The executive board may act on behalf of the commission
840 according to the terms of the compact and shall consist of the
841 following six members:

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- 842 1. Five voting members elected by the commission from the
843 current membership of the commission; and
- 844 2. One ex-officio, nonvoting member from the Association of
845 State and Provincial Psychology Boards.
- 846 (b) The ex-officio member must have served as staff for or
847 as a member of a state psychology regulatory authority and must
848 be selected by his or her respective organization.
- 849 (c) The commission may remove any member of the executive
850 board as provided in its bylaws.
- 851 (d) The executive board shall meet at least annually.
- 852 (e) The executive board has the following duties and
853 responsibilities:
- 854 1. Recommend to the entire commission changes to the rules
855 or bylaws, the compact legislation, or fees paid by compact
856 states, such as annual dues and other applicable fees;
- 857 2. Ensure compact administration services, contractual or
858 otherwise, are appropriately provided;
- 859 3. Prepare and recommend the budget;
- 860 4. Maintain financial records on behalf of the commission;
- 861 5. Monitor compact compliance of member states and provide
862 compliance reports to the commission;
- 863 6. Establish additional committees as necessary; and
- 864 7. Perform other duties as provided in the rules or bylaws.
- 865 (6) FINANCING.—
- 866 (a) The commission shall pay, or provide for the payment
867 of, the reasonable expenses of its establishment, organization,
868 and ongoing activities.
- 869 (b) The commission may accept any appropriate revenue
870 sources, donations, and grants of money, equipment, supplies,

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871 materials, and services.

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

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

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

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

895 (a) The members, officers, executive director, employees,
896 and representatives of the commission are immune from suit and
897 liability, either personally or in their official capacity, for
898 any claim for damage to or loss of property or personal injury
899 or other civil liability caused by or arising out of any actual

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

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

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

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929 provided that the actual or alleged act, error, or omission did
930 not result from the intentional or willful or wanton misconduct
931 of that person.

932
933 ARTICLE XI

934 RULEMAKING

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

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

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

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

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

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

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

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

956 (b) The text of the proposed rule or amendment and the
957 reason for the proposed rule;

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

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

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

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

969 (a) At least 25 individuals who submit comments
970 independently of each other;

971 (b) A governmental subdivision or agency; or

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

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

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

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

985 (c) A transcript of the hearing is not required, unless a
986 written request for a transcript is made, in which case the

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987 person requesting the transcript bears the cost of producing the
988 transcript. A recording may be made in lieu of a transcript
989 under the same terms and conditions as a transcript. This
990 paragraph does not preclude the commission from making a
991 transcript or recording of the hearing if it so chooses.

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

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

999 (10) Following the scheduled hearing date, or by the close
1000 of business on the scheduled hearing date if the hearing was not
1001 held, the commission shall consider all written and oral
1002 comments received.

1003 (11) The commission shall, by majority vote of all members,
1004 take final action on the proposed rule and shall determine the
1005 effective date of the rule based on the rulemaking record and
1006 the full text of the rule.

1007 (12) Upon determination that an emergency exists, the
1008 commission may consider and adopt an emergency rule without
1009 prior notice, opportunity for comment, or hearing, provided that
1010 the usual rulemaking procedures provided in the compact and in
1011 this section shall be retroactively applied to the rule as soon
1012 as reasonably possible, but no later than 90 days after the
1013 effective date of the rule. For the purposes of this subsection,
1014 an emergency rule is one that must be adopted immediately in
1015 order to:

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1016 (a) Meet an imminent threat to public health, safety, or
 1017 welfare;

1018 (b) Prevent a loss of commission or compact state funds;

1019 (c) Meet a deadline for the adoption of an administrative
 1020 rule which is established by federal law or rule; or

1021 (d) Protect public health and safety.

1022 (13) The commission or an authorized committee of the
 1023 commission may direct a revision to a previously adopted rule or
 1024 amendment for purposes of correcting typographical errors,
 1025 errors in format, errors in consistency, or grammatical errors.

1026 Public notice of any revisions must be posted on the
 1027 commission's website. The revisions are subject to challenge by
 1028 any person for a period of 30 days after posting. A revision may
 1029 be challenged only on grounds that the revision results in a
 1030 material change to a rule. A challenge must be made in writing
 1031 and delivered to the chair of the commission before the end of
 1032 the notice period. If a challenge is not made, the revision
 1033 takes effect without further action. If the revision is
 1034 challenged, the revision may not take effect without the
 1035 approval of the commission.

1036 ARTICLE XII

1037 OVERSIGHT; DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION;

1038 DISPUTE RESOLUTION; AND ENFORCEMENT

1039 (1) OVERSIGHT.—

1040 (a) The executive, legislative, and judicial branches of
 1041 state government in each compact state shall enforce the compact
 1042 and take all actions necessary and appropriate to effectuate the
 1043 compact's purposes and intent. The provisions of the compact and
 1044

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1045 the rules adopted thereunder have standing as statutory law.

1046 (b) All courts shall take judicial notice of the compact
1047 and the rules adopted thereunder in any judicial or
1048 administrative proceeding in a compact state pertaining to the
1049 subject matter of the compact which may affect the powers,
1050 responsibilities, or actions of the commission.

1051 (c) The commission is entitled to receive service of
1052 process in any such judicial or administrative proceeding and
1053 has standing to intervene in such a proceeding for all purposes.
1054 Failure to provide service of process to the commission renders
1055 a judgment or an order void as to the commission, the compact,
1056 or adopted rules.

1057 (2) DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION.—

1058 (a) If the commission determines that a compact state has
1059 defaulted in the performance of its obligations or
1060 responsibilities under the compact or the adopted rules, the
1061 commission must:

1062 1. Provide written notice to the defaulting state and other
1063 compact states of the nature of the default, the proposed means
1064 of remedying the default, and any other action to be taken by
1065 the commission; and

1066 2. Provide remedial training and specific technical
1067 assistance regarding the default.

1068 (b) If a state in default fails to remedy the default, the
1069 defaulting state may be terminated from the compact upon an
1070 affirmative vote of a majority of the compact states, and all
1071 rights, privileges, and benefits conferred by the compact
1072 terminate on the effective date of termination. A remedy of the
1073 default does not relieve the offending state of obligations or

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1074 liabilities incurred during the period of default.

1075 (c) Termination of membership in the compact may be imposed
1076 only after all other means of securing compliance have been
1077 exhausted. The commission shall submit a notice of intent to
1078 suspend or terminate a defaulting compact state to the state's
1079 governor, the majority and minority leaders of the state's
1080 legislature, and each of the compact states.

1081 (d) A compact state that has been terminated is responsible
1082 for all assessments, obligations, and liabilities incurred
1083 through the effective date of termination, including obligations
1084 that extend beyond the effective date of termination.

1085 (e) The commission may not bear any costs incurred by the
1086 state that is found to be in default or has been terminated from
1087 the compact, unless agreed upon in writing between the
1088 commission and the defaulting state.

1089 (f) The defaulting state may appeal the action of the
1090 commission by petitioning the United States District Court for
1091 the state of Georgia or the federal district court where the
1092 compact has its principal offices. The prevailing party must be
1093 awarded all costs of such litigation, including reasonable
1094 attorney fees.

1095 (3) DISPUTE RESOLUTION.—

1096 (a) Upon request by a compact state, the commission must
1097 attempt to resolve disputes related to the compact which arise
1098 among compact states and between compact and noncompact states.

1099 (b) The commission shall adopt a rule providing for both
1100 mediation and binding dispute resolution for disputes that arise
1101 before the commission.

1102 (4) ENFORCEMENT.—

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1103 (a) The commission, in the reasonable exercise of its
1104 discretion, shall enforce the provisions and rules of the
1105 compact.

1106 (b) By majority vote, the commission may initiate legal
1107 action in the United States District Court for the state of
1108 Georgia or the federal district court where the compact has its
1109 principal offices against a compact state in default to enforce
1110 compliance with the provisions of the compact and its adopted
1111 rules and bylaws. The relief sought may include both injunctive
1112 relief and damages. In the event judicial enforcement is
1113 necessary, the prevailing party must be awarded all costs of
1114 such litigation, including reasonable attorney fees.

1115 (c) The remedies under this article are not the exclusive
1116 remedies available to the commission. The commission may pursue
1117 any other remedies available under federal or state law.

1118 ARTICLE XIII

1119 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL 1120 COMPACT COMMISSION AND ASSOCIATED RULES; WITHDRAWAL; AND 1121 AMENDMENTS

1122 (1) The compact becomes effective on the date on which the
1123 compact is enacted into law in the seventh compact state. The
1124 provisions that become effective at that time are limited to the
1125 powers granted to the commission relating to assembly and the
1126 adoption of rules. Thereafter, the commission shall meet and
1127 exercise rulemaking powers necessary for the implementation and
1128 administration of the compact.

1129 (2) Any state that joins the compact subsequent to the
1130 commission's initial adoption of the rules is subject to the
1131 commission's initial adoption of the rules is subject to the

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1132 rules as they exist on the date on which the compact becomes law
1133 in that state. Any rule that has been previously adopted by the
1134 commission has the full force and effect of law on the day the
1135 compact becomes law in that state.

1136 (3) Any compact state may withdraw from the compact by
1137 enacting a statute repealing the same.

1138 (a) A compact state's withdrawal does not take effect until
1139 6 months after enactment of the repealing statute.

1140 (b) Withdrawal does not affect the continuing requirement
1141 of the withdrawing state's psychology regulatory authority to
1142 comply with the investigative and adverse action reporting
1143 requirements of the compact before the effective date of
1144 withdrawal.

1145 (4) The compact may not be construed to invalidate or
1146 prevent any psychology licensure agreement or other cooperative
1147 arrangement between a compact state and a noncompact state which
1148 does not conflict with the provisions of the compact.

1149 (5) The compact may be amended by the compact states.
1150 Amendments to the compact are not effective and binding upon any
1151 compact state until they are enacted into the law of all compact
1152 states.

1154 ARTICLE XIV

1155 CONSTRUCTION AND SEVERABILITY

1156 The compact must be liberally construed so as to effectuate
1157 the purposes thereof. If the compact is held contrary to the
1158 constitution of any member state, the compact remains in full
1159 force and effect as to the remaining compact states.

1160 Section 2. Subsection (10) of section 456.073, Florida

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1161 Statutes, is amended to read:

1162 456.073 Disciplinary proceedings.—Disciplinary proceedings
1163 for each board shall be within the jurisdiction of the
1164 department.

1165 (10) (a) The complaint and all information obtained pursuant
1166 to the investigation by the department are confidential and
1167 exempt from s. 119.07(1) until 10 days after probable cause has
1168 been found to exist by the probable cause panel or by the
1169 department, or until the regulated professional or subject of
1170 the investigation waives his or her privilege of
1171 confidentiality, whichever occurs first.

1172 (b) The department shall report any significant
1173 investigation information relating to a nurse holding a
1174 multistate license to the coordinated licensure information
1175 system pursuant to s. 464.0095; any significant investigatory
1176 information relating to a psychologist practicing under the
1177 Psychology Interjurisdictional Compact to the coordinated
1178 licensure information system pursuant to s. 490.0075;~~7~~ and any
1179 significant investigatory information relating to a health care
1180 practitioner practicing under the Professional Counselors
1181 Licensure Compact to the data system pursuant to s. 491.017.

1182 (c) Upon completion of the investigation and a
1183 recommendation by the department to find probable cause, and
1184 pursuant to a written request by the subject or the subject's
1185 attorney, the department shall provide the subject an
1186 opportunity to inspect the investigative file or, at the
1187 subject's expense, forward to the subject a copy of the
1188 investigative file. Notwithstanding s. 456.057, the subject may
1189 inspect or receive a copy of any expert witness report or

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1190 patient record connected with the investigation if the subject
1191 agrees in writing to maintain the confidentiality of any
1192 information received under this subsection until 10 days after
1193 probable cause is found and to maintain the confidentiality of
1194 patient records pursuant to s. 456.057. The subject may file a
1195 written response to the information contained in the
1196 investigative file. Such response must be filed within 20 days
1197 of mailing by the department, unless an extension of time has
1198 been granted by the department.

1199 (d) This subsection does not prohibit the department from
1200 providing the complaint or any information obtained pursuant to
1201 the department's investigation ~~such information~~ to any law
1202 enforcement agency or to any other regulatory agency.

1203 Section 3. Subsection (5) of section 456.076, Florida
1204 Statutes, is amended to read:

1205 456.076 Impaired practitioner programs.—

1206 (5) A consultant shall enter into a participant contract
1207 with an impaired practitioner and shall establish the terms of
1208 monitoring and shall include the terms in a participant
1209 contract. In establishing the terms of monitoring, the
1210 consultant may consider the recommendations of one or more
1211 approved evaluators, treatment programs, or treatment providers.
1212 A consultant may modify the terms of monitoring if the
1213 consultant concludes, through the course of monitoring, that
1214 extended, additional, or amended terms of monitoring are
1215 required for the protection of the health, safety, and welfare
1216 of the public. If the impaired practitioner is a psychologist
1217 practicing under the Psychology Interjurisdictional Compact
1218 pursuant to s. 490.0075 or a health care practitioner practicing

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1219 under the Professional Counselors Licensure Compact pursuant to
1220 s. 491.017, the terms of the monitoring contract must include
1221 the impaired practitioner's withdrawal from all practice under
1222 the compact.

1223 Section 4. Subsection (7) is added to section 490.004,
1224 Florida Statutes, to read:

1225 490.004 Board of Psychology.—

1226 (7) The board shall appoint an individual to serve as the
1227 state's commissioner on the Psychology Interjurisdictional
1228 Compact Commission, as required under s. 490.0075.

1229 Section 5. Subsection (4) is added to section 490.005,
1230 Florida Statutes, to read:

1231 490.005 Licensure by examination.—

1232 (4) A person licensed as a psychologist in another state
1233 who is practicing pursuant to the Psychology Interjurisdictional
1234 Compact under s. 490.0075, and only within the scope provided
1235 therein, is exempt from the licensure requirements of this
1236 section.

1237 Section 6. Subsection (4) is added to section 490.006,
1238 Florida Statutes, to read:

1239 490.006 Licensure by endorsement.—

1240 (4) A person licensed as a psychologist in another state
1241 who is practicing pursuant to the Psychology Interjurisdictional
1242 Compact under s. 490.0075, and only within the scope provided
1243 therein, is exempt from the licensure requirements of this
1244 section.

1245 Section 7. Section 490.009, Florida Statutes, is amended to
1246 read:

1247 490.009 Discipline.—

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1248 (1) The following acts constitute grounds for denial of a
1249 license or disciplinary action, as specified in s. 456.072(2) or
1250 s. 490.0075:

1251 (a) Attempting to obtain, obtaining, or renewing a license
1252 under this chapter by bribery or fraudulent misrepresentation or
1253 through an error of the board or department.

1254 (b) Having a license to practice a comparable profession
1255 revoked, suspended, or otherwise acted against, including the
1256 denial of certification or licensure by another state,
1257 territory, or country.

1258 (c) Being convicted or found guilty, regardless of
1259 adjudication, of a crime in any jurisdiction which directly
1260 relates to the practice of his or her profession or the ability
1261 to practice his or her profession. A plea of nolo contendere
1262 creates a rebuttable presumption of guilt of the underlying
1263 criminal charges. However, the board shall allow the person who
1264 is the subject of the disciplinary proceeding to present any
1265 evidence relevant to the underlying charges and circumstances
1266 surrounding the plea.

1267 (d) False, deceptive, or misleading advertising or
1268 obtaining a fee or other thing of value on the representation
1269 that beneficial results from any treatment will be guaranteed.

1270 (e) Advertising, practicing, or attempting to practice
1271 under a name other than one's own.

1272 (f) Maintaining a professional association with any person
1273 who the applicant or licensee knows, or has reason to believe,
1274 is in violation of this chapter or of a rule of the department
1275 or, in the case of psychologists, of the department or the
1276 board.

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1277 (g) Knowingly aiding, assisting, procuring, or advising any
1278 nonlicensed person to hold himself or herself out as licensed
1279 under this chapter.

1280 (h) Failing to perform any statutory or legal obligation
1281 placed upon a person licensed under this chapter.

1282 (i) Willfully making or filing a false report or record;
1283 failing to file a report or record required by state or federal
1284 law; willfully impeding or obstructing the filing of a report or
1285 record; or inducing another person to make or file a false
1286 report or record or to impede or obstruct the filing of a report
1287 or record. Such report or record includes only a report or
1288 record which requires the signature of a person licensed under
1289 this chapter.

1290 (j) Paying a kickback, rebate, bonus, or other remuneration
1291 for receiving a patient or client, or receiving a kickback,
1292 rebate, bonus, or other remuneration for referring a patient or
1293 client to another provider of mental health care services or to
1294 a provider of health care services or goods; referring a patient
1295 or client to oneself for services on a fee-paid basis when those
1296 services are already being paid for by some other public or
1297 private entity; or entering into a reciprocal referral
1298 agreement.

1299 (k) Committing any act upon a patient or client which would
1300 constitute sexual battery or which would constitute sexual
1301 misconduct as defined in s. 490.0111.

1302 (l) Making misleading, deceptive, untrue, or fraudulent
1303 representations in the practice of any profession licensed under
1304 this chapter.

1305 (m) Soliciting patients or clients personally, or through

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1306 an agent, through the use of fraud, intimidation, undue
1307 influence, or a form of overreaching or vexatious conduct.

1308 (n) Failing to make available to a patient or client, upon
1309 written request, copies of test results, reports, or documents
1310 in the possession or under the control of the licensee which
1311 have been prepared for and paid for by the patient or client.

1312 (o) Failing to respond within 30 days to a written
1313 communication from the department concerning any investigation
1314 by the department or to make available any relevant records with
1315 respect to any investigation about the licensee's conduct or
1316 background.

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

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1335 to the public. The department shall be entitled to the summary
1336 procedure provided in s. 51.011. A licensee affected under this
1337 paragraph shall be afforded an opportunity at reasonable
1338 intervals to demonstrate that he or she can resume the competent
1339 practice for which he or she is licensed with reasonable skill
1340 and safety to patients.

1341 (q) Performing any treatment or prescribing any therapy
1342 which, by the prevailing standards of the mental health
1343 professions in the community, would constitute experimentation
1344 on human subjects, without first obtaining full, informed, and
1345 written consent.

1346 (r) Failing to meet the minimum standards of performance in
1347 professional activities when measured against generally
1348 prevailing peer performance, including the undertaking of
1349 activities for which the licensee is not qualified by training
1350 or experience.

1351 (s) Delegating professional responsibilities to a person
1352 whom the licensee knows or has reason to know is not qualified
1353 by training or experience to perform such responsibilities.

1354 (t) Violating a rule relating to the regulation of the
1355 profession or a lawful order of the department previously
1356 entered in a disciplinary hearing.

1357 (u) Failing to maintain in confidence a communication made
1358 by a patient or client in the context of such services, except
1359 as provided in s. 490.0147.

1360 (v) Making public statements which are derived from test
1361 data, client contacts, or behavioral research and which identify
1362 or damage research subjects or clients.

1363 (w) Violating any provision of this chapter or chapter 456,

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1364 or any rules adopted pursuant thereto.

1365 (2)(a) The department, or in the case of psychologists, the
1366 board, may enter an order denying licensure or imposing any of
1367 the penalties in s. 456.072(2) against any applicant for
1368 licensure or licensee who is found guilty of violating any
1369 provision of subsection (1) of this section or who is found
1370 guilty of violating any provision of s. 456.072(1).

1371 (b) The board may take adverse action against a
1372 psychologist's authority to practice interjurisdictional
1373 telepsychology or his or her temporary authorization to practice
1374 under the Psychology Interjurisdictional Compact pursuant to s.
1375 490.0075, and may impose any of the penalties in s. 456.072(2),
1376 if a psychologist commits an act specified in subsection (1) or
1377 s. 456.072(1).

1378 Section 8. Paragraph (i) is added to subsection (10) of
1379 section 768.28, Florida Statutes, to read:

1380 768.28 Waiver of sovereign immunity in tort actions;
1381 recovery limits; civil liability for damages caused during a
1382 riot; limitation on attorney fees; statute of limitations;
1383 exclusions; indemnification; risk management programs.—

1384 (10)

1385 (i) For purposes of this section, the individual appointed
1386 under s. 490.004(7) as the state's commissioner on the
1387 Psychology Interjurisdictional Compact Commission, when serving
1388 in that capacity pursuant to s. 490.0075, and any administrator,
1389 officer, executive director, employee, or representative of the
1390 Psychology Interjurisdictional Compact Commission, when acting
1391 within the scope of his or her employment, duties, or
1392 responsibilities in this state, is considered an agent of the

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1393 state. The commission shall pay any claims or judgments pursuant
1394 to this section and may maintain insurance coverage to pay any
1395 such claims or judgments.

1396 Section 9. This act shall take effect July 1, 2023.