

SENATE No. 3218

Senate, July 23, 2026 -- Text of amendment (11) (offered by Senator Creem) to the Ways and Means amendment (Senate, No. 3178) to the House Bill relative to economic development in the commonwealth.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

1 by adding the following section:-

2 "SECTION 109A. The General Laws are hereby amended by inserting after chapter
3 112A the following chapter:-

4 CHAPTER 112B. Psychology Interjurisdictional Compact Act

5 Section 1. This act shall be known and may be cited as the Psychology Interjurisdictional
6 Compact Act.

7 Section 2. The governor of the commonwealth of Massachusetts, on behalf of this state,
8 is hereby authorized to execute a compact in substantially the following form with any 1 or more
9 of the states of the United States and the General Court hereby signifies in advance its approval
10 and ratification of the compact.

11 Section 3. (a) Whereas, states license psychologists, in order to protect the public through
12 verification of education, training and experience and ensure accountability for professional
13 practice; and

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

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

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

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

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

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

(b) Consistent with these principles, this compact is designed to achieve the following purposes and objectives: (i) increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology; (ii)

enhance the states' ability to protect the public's health and safety, especially client, patient safety; (iii) encourage the cooperation of compact states in the areas of psychology licensure and regulation; (iv) facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions and disciplinary history; (v) promote compliance with the laws governing psychological practice in each compact state; and (vi) invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

Section 4. As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:-

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

“Association of state and provincial psychology boards”, the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

“Authority to practice interjurisdictional telepsychology”, a licensed psychologist’s authority to practice telepsychology, within the limits authorized under this compact, in another compact state.

“Bylaws”, bylaws established by the psychology interjurisdictional compact commission pursuant to section 12 for its governance or for directing and controlling its actions and conduct.

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

“Commissioner”, the voting representative appointed by each state psychology regulatory authority pursuant to section 12.

“Compact state”, a state that has enacted this compact legislation and which has not withdrawn pursuant to subsection (c) of section 15 or been terminated pursuant to subsection (b) of section 14.

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

“Confidentiality”, the principle that data or information is not made available or disclosed to unauthorized persons or processes.

“Day”, any part of a day in which psychological work is performed.

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

“E.Passport”, a certificate issued by the Association of State and Provincial Psychology Boards that promotes the standardization in the criteria of interjurisdictional telepsychology

practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

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

“Home state”, a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than 1 compact state and is practicing under the Authorization to Practice Interjurisdictional Telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than 1 compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed.

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

“In-person, face-to-face”, interactions in which the psychologist and the client are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies.

“Interjurisdictional practice certificate” or “IPC”, a certificate issued by the Association of State and Provincial Psychology Boards that grants temporary authority to practice based on notification to the State Psychology Regulatory Authority of intention to practice temporarily, and verification of one's qualifications for such practice.

95 “License”, authorization by a state psychology regulatory authority to engage in the
96 independent practice of psychology, which would be unlawful without the authorization.

97 “Non-compact state”, any state which is not at the time a compact state.

98 “Psychologist”, an individual licensed for the independent practice of psychology.

99 “Psychology interjurisdictional compact” or “PSYPACT”, an agreement among member
100 states, established and governed by the PSYPACT commission, to facilitate the practice of
101 telepsychology and the temporary in-person, face-to-face practice of psychology across state
102 boundaries.

103 “Psychology interjurisdictional compact commission” or “commission”, the national
104 administration of which all compact states are members.

105 “Receiving state”, a compact state where the client is physically located when the
106 telepsychological services are delivered.

107 “Rule”, a written statement by the Psychology Interjurisdictional Compact Commission
108 promulgated pursuant to section 13 of the compact that is of general applicability, implements,
109 interprets, or prescribes a policy or provision of the compact, or an organizational, procedural or
110 practice requirement of the commission and has the force and effect of statutory law in a
111 compact state, and includes the amendment, repeal or suspension of an existing rule.

112 “Significant investigatory information”, investigative information that a state psychology
113 regulatory authority, after a preliminary inquiry that includes notification and an opportunity to
114 respond if required by state law, has reason to believe, if proven true, would indicate more than a
115 violation of state statute or ethics code that would be considered more substantial than minor

infraction; or investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified or had an opportunity to respond.

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

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

“Telepsychology”, the provision of psychological services using telecommunication technologies.

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

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

Section 5. (a) The home state shall be a compact state where a psychologist is licensed to practice psychology.

(b) A psychologist may hold 1 or more compact state licenses at a time. If the psychologist is licensed in more than 1 compact state, the home state is the compact state where

the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

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

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

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

(f) A home state's license grants temporary authorization to practice to a psychologist in a distant state only if the compact state: (i) currently requires the psychologist to hold an active IPC; (ii) has a mechanism in place for receiving and investigating complaints about licensed

158 individuals; (iii) notifies the commission, in compliance with the terms herein, of any adverse
159 action or significant investigatory information regarding a licensed individual; (iv) requires an
160 identity history summary of all applicants at initial licensure, including the use of the results of
161 fingerprints or other biometric data checks compliant with the requirements of the Federal
162 Bureau of Investigation, or other designee with similar authority, no later than 10 years after
163 activation of the compact; and (v) complies with the bylaws and rules of the commission.

164 Section 6. (a) Compact states shall recognize the right of a psychologist, licensed in a
165 compact state pursuant to section 5, to practice telepsychology in other compact states in which
166 the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology
167 as provided in the compact.

168 (b) To exercise the authority to practice interjurisdictional telepsychology under the terms
169 and provisions of this compact, a psychologist licensed to practice in a compact state must:

170 (i) hold a graduate degree in psychology from an institute of higher education that was, at
171 the time the degree was awarded: (A) regionally accredited by an accrediting body recognized by
172 the United States Department of Education to grant graduate degrees, or authorized by Provincial
173 Statute or Royal Charter to grant doctoral degrees; or (B) a foreign college or university deemed
174 to be equivalent to (i)(A) above by a foreign credential evaluation service that is a member of the
175 National Association of Credential Evaluation Services or by a recognized foreign credential
176 evaluation service; and

177 (ii) hold a graduate degree in psychology that meets the following criteria: (1) the
178 program, wherever it may be administratively housed, must be clearly identified and labeled as a
179 psychology program. Such a program must specify in pertinent institutional catalogues and

180 brochures its intent to educate and train professional psychologists; (2) the psychology program
181 must stand as a recognizable, coherent, organizational entity within the institution; (3) there must
182 be a clear authority and primary responsibility for the core and specialty areas whether or not the
183 program cuts across administrative lines; (4) the program must consist of an integrated,
184 organized sequence of study; (5) there must be an identifiable psychology faculty sufficient in
185 size and breadth to carry out its responsibilities; (6) the designated director of the program must
186 be a psychologist and a member of the core faculty; (7) the program must have an identifiable
187 body of students who are matriculated in that program for a degree; (8) the program must include
188 supervised practicum, internship or field training appropriate to the practice of psychology; (9)
189 the curriculum shall encompass a minimum of 3 academic years of full-time graduate study for
190 doctoral degree and a minimum of 1 academic year of full-time graduate study for master's
191 degree; and (10) the program includes an acceptable residency as defined by the Rules of the
192 Commission;

193 (iii) possess a current, full and unrestricted license to practice psychology in a home state
194 which is a compact state;

195 (iv) have no history of adverse action that violate the rules of the commission;

196 (v) have no criminal record history reported on an identity history summary that violates
197 the rules of the commission;

198 (vi) possess a current, active E.Passport;

199 (vii) provide attestations in regard to areas of intended practice, conformity with: (1)

200 standards of practice, competence in telepsychology technology; (2) criminal background

201 requirements; and (3) knowledge and adherence to legal requirements in the home and receiving

states, and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(viii) meet other criteria as defined by the rules of the commission.

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

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

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

Section 7. (a) Compact states shall also recognize the right of a psychologist, licensed in a compact state pursuant to section 5, to practice temporarily in other compact states in which the psychologist is not licensed, as provided in the compact.

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

(i) hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded: (1) regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees or authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or (2) a foreign college or university deemed to be equivalent to (i)(1) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services or by a recognized foreign credential evaluation service; and

(ii) hold a graduate degree in psychology that meets the following criteria: (1) the program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogs and brochures its intent to educate and train professional psychologists; (2) the psychology program must stand as a recognizable, coherent, organizational entity within the institution; (3) there must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines; (4) the program must consist of an integrated, organized sequence of study; (5) there must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities; (6) the designated director of the program must be a psychologist and a member of the core faculty; (7) the program must have an identifiable body of students who are matriculated in that program for a degree; (8) the program must include supervised practicum, internship or field training appropriate to the practice of psychology; (9) the curriculum shall encompass a minimum of 3 academic years of full-time graduate study for doctoral degrees and a minimum of 1 academic year of full-time graduate study for master's

245 degree; and (10) the program includes an acceptable residency as defined by the rules of the
246 commission;

247 (iii) possess a current, full and unrestricted license to practice psychology in a home state
248 which is a compact state;

249 (iv) have no history of adverse action that violate the rules of the commission;

250 (v) have no criminal record history that violates the rules of the commission;

251 (vi) possess a current, active IPC;

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

255 (viii) meet other criteria as defined by the rules of the commission.

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

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

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

Section 8. A psychologist may practice in a receiving state under authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the commission, and under the following circumstances: (a) the psychologist initiates a client contact in a home state by way of telecommunications technologies with a client in a receiving state; and (b) other conditions regarding telepsychology as determined by rules promulgated by the commission.

Section 9. (a) A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.

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

(c) If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked and such psychologist's temporary authorization to practice is terminated and the IPC is revoked. All home state disciplinary orders which impose adverse action shall be

reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules of the commission. In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission. Other actions may be imposed as determined by the rules promulgated by the commission.

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

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

(f) Nothing in this compact shall override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the compact state's law. Compact states must require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary

psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

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

Section 10. (a) In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this compact to: (i) issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses, or the production of evidence from another compact state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located; and (ii) issue cease and desist or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice;

(b) During the course of any investigation, a psychologist may not change his or her home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his or her home state licensure. The

commission shall promptly notify the new home state of any such decisions as provided in the rules of the commission. All information provided to the commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

Section 11. (a) The commission shall provide for the development and maintenance of a coordinated licensure information system and reporting system containing licensure and disciplinary action information on all psychologists to whom this compact is applicable in all compact states as defined by the rules of the commission.

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

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

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

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

Section 12. (a) The compact states hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission. The commission is a body politic and an instrumentality of the compact states. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) The commission shall consist of 1 voting representative appointed by each compact state who shall serve as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to: (i) executive director, executive secretary or similar executive; (ii) current member of the state psychology regulatory authority of a compact state; or (iii) designee empowered with the appropriate delegate authority to act on behalf of the compact state.

(c) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the compact state in which the vacancy exists. Each commissioner shall be entitled to 1 vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.

(d) The commission shall meet not less than 1 time during each calendar year. Additional meetings shall be held as set forth in the bylaws. All meetings shall be open to the public and public notice of meetings shall be given in the same manner as required under the rulemaking provisions pursuant section 13.

(e) The commission may convene in a closed, non-public meeting if the commission must discuss: (i) non-compliance of a compact state with its obligations under the compact; (ii) the employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures; (iii) current, threatened or reasonably anticipated litigation against the commission; (iv) negotiation of contracts for the purchase or sale of goods, services or real estate; (v) accusation against any person of a crime or formally censuring any person; (vi) disclosure of trade secrets or commercial or financial information which is privileged or confidential; (vii) disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; (viii) disclosure of investigatory records compiled for law enforcement purposes; (ix) disclosure of information related to any

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

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

(f) The commission shall, by a majority vote of the commissioners, prescribe bylaws and rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including, but not limited to: (1) establishing the fiscal year of the commission; (2) providing reasonable standards and procedures: (A) for the establishment and meetings of other committees; and (B) governing any general or specific delegation of any authority or function of the commission; (3) providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in

whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed; (4) establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission; (5) providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the commission; (6) promulgating a code of ethics to address permissible and prohibited activities of commission members and employees; (7) providing a mechanism for concluding the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of its debts and obligations; (8) publishing its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the compact states; (9) maintaining its financial records in accordance with the bylaws; and (10) meeting and taking such actions as are consistent with the provisions of this compact and the bylaws.

(g) The commission shall have the following powers and authority: (1) to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. Such rules shall have the force and effect of law and shall be binding in all compact states; (2) to bring and prosecute legal proceedings or actions in the name of the commission; provided, however, that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected; (3) to purchase and maintain insurance and bonds; (4) to borrow, accept or contract for services of personnel, including, but not limited to, employees of a compact state; (5) to hire employees,

441 elect or appoint officers, fix compensation, define duties, grant such individuals appropriate
442 authority to carry out the purposes of the compact and to establish the commission's personnel
443 policies and programs relating to conflicts of interest, qualifications of personnel and other
444 related personnel matters; (6) to accept any and all appropriate donations and grants of money,
445 equipment, supplies, materials and services, and to receive, utilize and dispose of the same;
446 provided, however, that at all times the commission shall strive to avoid any appearance of
447 impropriety or conflict of interest; (7) to lease, purchase, accept appropriate gifts or donations of,
448 or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided,
449 however, that at all times the commission shall strive to avoid any appearance of impropriety; (8)
450 to sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property
451 real, personal or mixed; (9) to establish a budget and make expenditures; (10) to borrow money;
452 (11) to appoint committees, including advisory committees comprised of members, state
453 regulators, state legislators or their representatives and consumer representatives, and such other
454 interested persons as may be designated in this compact and the bylaws; (12) to provide and
455 receive information from, and to cooperate with, law enforcement agencies; (13) to adopt and
456 use an official seal; and (14) to perform such other functions as may be necessary or appropriate
457 to achieve the purposes of this compact consistent with the state regulation of psychology
458 licensure, temporary in-person, face-to-face practice and telepsychology practice.

459 (h) The elected officers shall serve as the executive board, which shall have the power to
460 act on behalf of the commission according to the terms of this compact. The executive board
461 shall be comprised of: 5 voting members who are elected from the current membership of the
462 commission by the commission; and 1 ex-officio, non-voting member from the recognized
463 membership organization composed of state and provincial psychology regulatory authorities.

464 The ex-officio member must have served as staff or member on a state psychology regulatory
465 authority and will be selected by its respective organization. The commission may remove any
466 member of the executive board in accordance with the bylaws. The executive board shall meet
467 not less than annually.

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

476 (j) The commission shall pay, or provide for the payment of, the reasonable expenses of
477 its establishment, organization and ongoing activities. The commission may accept any and all
478 appropriate revenue sources, donations and grants of money, equipment, supplies, materials and
479 services. The commission may levy on and collect an annual assessment from each compact state
480 or impose fees on other parties to cover the cost of the operations and activities of the
481 commission and its staff which must be in a total amount sufficient to cover its annual budget as
482 approved each year for which revenue is not provided by other sources. The aggregate annual
483 assessment amount shall be allocated based upon a formula to be determined by the commission
484 which shall promulgate a rule binding upon all compact states. The commission shall not incur
485 obligations of any kind prior to securing the funds adequate to meet the same nor shall the
486 commission pledge the credit of any of the compact states, except by and with the authority of

the compact state. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be audited annually by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

(k) (1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided, however, that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

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

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

Section 13. (a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

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

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

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

(e) The notice of proposed rulemaking shall include: (1) the proposed time, date and location of the meeting in which the rule will be considered and voted upon; (2) the text of the

531 proposed rule or amendment and the reason for the proposed rule; (3) a request for comments on
532 the proposed rule from any interested person; and (4) the manner in which interested persons
533 may submit notice to the commission of their intention to attend the public hearing and any
534 written comments.

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

537 (g) The commission shall grant an opportunity for a public hearing before it adopts a rule
538 or amendment if a hearing is requested by: (i) not less than 25 persons who submit comments
539 independently of each other; (ii) a governmental subdivision or agency; or (iii) a duly appointed
540 person in an association that has having not less than 25 members.

541 (h) If a hearing is held on the proposed rule or amendment, the commission shall publish
542 the place, time and date of the scheduled public hearing. All persons wishing to be heard at the
543 hearing shall notify the executive director of the commission or other designated member in
544 writing of their desire to appear and testify at the hearing not less than 5 business days before the
545 scheduled date of the hearing. Hearings shall be conducted in a manner providing each person
546 who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

547 (i) No transcript of the hearing is required, unless a written request for a transcript is
548 made, in which case the person requesting the transcript shall bear the cost of producing the
549 transcript. A recording may be made in lieu of a transcript under the same terms and conditions
550 as a transcript. This subsection shall not preclude the commission from making a transcript or
551 recording of the hearing if it so chooses.

552 (j) Nothing in this section shall be construed as requiring a separate hearing on each rule.
553 Rules may be grouped for the convenience of the commission at hearings required by this
554 section.

555 (k) Following the scheduled hearing date, or by the close of business on the scheduled
556 hearing date if the hearing was not held, the commission shall consider all written and oral
557 comments received.

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

561 (m) If no written notice of intent to attend the public hearing by interested parties is
562 received, the commission may proceed with promulgation of the proposed rule without a public
563 hearing.

564 (n) Upon determination that an emergency exists, the commission may consider and
565 adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided,
566 however, that the usual rulemaking procedures provided in the compact and in this section shall
567 be retroactively applied to the rule as soon as reasonably possible, but in no event later than 90
568 days after the effective date of the rule. For the purposes of this provision, an emergency rule is
569 one that must be adopted immediately in order to: (1) meet an imminent threat to public health,
570 safety or welfare; (2) prevent a loss of commission or compact state funds; (3) meet a deadline
571 for the promulgation of an administrative rule that is established by federal law or rule; or (4)
572 protect public health and safety.

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

Section 14. (a) The executive, legislative and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission. The commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

(b) If the commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall: (i) provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default or any other action to be taken by the

commission; and (ii) provide remedial training and specific technical assistance regarding the default. If a state in default fails to remedy the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compact states, and all rights, privileges and benefits conferred by this compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(c) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the commission to the governor, the majority and minority leaders of the defaulting state's legislature and each of the compact states. A compact state which has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

(d) The commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state. The defaulting state may appeal the action of the commission by petitioning the United States district court for the state or the federal district where the compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(e) Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact which arise among compact states and between compact and non-compact

617 states. The commission shall promulgate a rule providing for both mediation and binding dispute
618 resolution for disputes that arise before the commission.

619 (f) The commission, in the reasonable exercise of its discretion, shall enforce the
620 provisions and rules of this compact.

621 (g) By majority vote, the commission may initiate legal action in the United States
622 district court for the state of Georgia or the federal district where the compact has its principal
623 offices against a compact state in default to enforce compliance with the provisions of the
624 compact and its promulgated rules and bylaws. The relief sought may include both injunctive
625 relief and damages. In the event judicial enforcement is necessary, the prevailing member shall
626 be awarded all costs of such litigation, including reasonable attorney's fees.

627 (h) The remedies herein shall not be the exclusive remedies of the commission. The
628 commission may pursue any other remedies available under federal or state law.

629 Section 15. (a) The compact shall come into effect on the date on which the compact is
630 enacted into law in the seventh compact state. The provisions which become effective at that
631 time shall be limited to the powers granted to the commission relating to assembly and the
632 promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers
633 necessary to the implementation and administration of the compact.

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

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

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

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

Section 16. This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining compact states.

Section 17. The compact administrator who represents the commonwealth, as provided in the compact, shall not be entitled to any additional compensation for executing their duties and responsibilities as compact administrator but shall be entitled to reimbursement for reasonable expenses actually incurred in connection with his duties and responsibilities as compact administrator in the same manner as for expenses incurred in connection with other duties and responsibilities of his office or employment.

Section 18. The executive director of the board of registration of psychologists or the board executive director's designee, shall be the administrator of the psychology interjurisdictional compact for the commonwealth.

Section 19. The board of registration of psychologists may promulgate regulations as necessary to implement the provisions of this chapter.

Section 20. The board of registration of psychologists may recover from a psychologist the costs of investigation and disposition of cases resulting in any adverse disciplinary action taken against a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice. Funds collected pursuant to this section shall be deposited in the Quality in Health Professions Trust Fund established pursuant to section 35X of chapter 10.

Section 21. The board of registration of psychologists may take disciplinary action against a psychologist practicing in the commonwealth under the authority to practice interjurisdictional telepsychology or temporary authorization to practice under a license issued by a member state. The board's disciplinary action may be based on disciplinary action against the psychologist's license taken by that licensee's home state.

Section 22. In reporting information to the coordinated licensure information system under section 11 of this chapter related to the Psychology Interjurisdictional Compact Act, the board of registration of psychologists may disclose personally identifiable information about the psychologist, including social security number.

Section 23. This psychology interjurisdictional compact shall be subject to the applicable laws and regulations of the commonwealth, including chapters 13, 30A and 112 of the General Laws."