

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1760

5 By: Representative L. Johnson
6

For An Act To Be Entitled

8 AN ACT TO ESTABLISH THE PSYCHOLOGICAL
9 INTERJURISDICTIONAL COMPACT IN ARKANSAS; AND FOR
10 OTHER PURPOSES.
11

Subtitle

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13
14 TO ESTABLISH THE PSYCHOLOGICAL
15 INTERJURISDICTIONAL COMPACT IN ARKANSAS.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code Title 17, Chapter 97, is amended to add an
21 additional subchapter to read as follows:

22 Subchapter 5 – Psychological Interjurisdictional Compact
23

24 17-97-501. Text of compact.

25 The Psychological Interjurisdictional Compact is enacted into law and
26 entered into by this state with all states legally joining therein and in the
27 form substantially as follows:
28

29 PSYCHOLOGICAL INTERJURISDICTIONAL COMPACT
30

31 Article I

32 Purpose

33 Whereas, states license psychologists, in order to protect the public
34 through verification of education, training and experience and ensure
35 accountability for professional practice; and
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1 Whereas, this Compact is intended to regulate the day to day practice
2 of telepsychology (i.e. the provision of psychological services using
3 telecommunication technologies) by psychologists across state boundaries in
4 the performance of their psychological practice as assigned by an appropriate
5 authority; and

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

10 Whereas, this Compact is intended to authorize State Psychology
11 Regulatory Authorities to afford legal recognition, in a manner consistent
12 with the terms of the Compact, to psychologists licensed in another state;

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

17 Whereas, this Compact does not apply when a psychologist is licensed in
18 both the Home and Receiving States; and

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

22 Consistent with these principles, this Compact is designed to achieve
23 the following purposes and objectives:

24 1. Increase public access to professional psychological services
25 by allowing for telepsychological practice across state lines as well as
26 temporary in-person, face-to-face services into a state which the
27 psychologist is not licensed to practice psychology;

28 2. Enhance the states' ability to protect the public's health
29 and safety, especially client/patient safety;

30 3. Encourage the cooperation of Compact States in the areas of
31 psychology licensure and regulation;

32 4. Facilitate the exchange of information between Compact States
33 regarding psychologist licensure, adverse actions and disciplinary history;

34 5. Promote compliance with the laws governing psychological
35 practice in each Compact State; and

36 6. Invest all Compact States with the authority to hold licensed

1 psychologists accountable through mutual recognition of Compact State
2 licenses.

3
4 Article II

5 Definitions

6 A. "Adverse Action" means: Any action taken by a State Psychology
7 Regulatory Authority which finds a violation of a statute or regulation that
8 is identified by the State Psychology Regulatory Authority as discipline and
9 is a matter of public record.

10 B. "Association of State and Provincial Psychology Boards (ASPPB)"
11 means: the recognized membership organization composed of State and
12 Provincial Psychology Regulatory Authorities responsible for the licensure
13 and registration of psychologists throughout the United States and Canada.

14 C. "Authority to Practice Interjurisdictional Telepsychology" means: a
15 licensed psychologist's authority to practice telepsychology, within the
16 limits authorized under this Compact, in another Compact State.

17 D. "Bylaws" means: those Bylaws established by the Psychology
18 Interjurisdictional Compact Commission pursuant to Article X for its
19 governance, or for directing and controlling its actions and conduct.

20 E. "Client/Patient" means: the recipient of psychological services,
21 whether psychological services are delivered in the context of healthcare,
22 corporate, supervision, and/or consulting services.

23 F. "Commissioner" means: the voting representative appointed by each
24 State Psychology Regulatory Authority pursuant to Article X.

25 G. "Compact State" means: a state, the District of Columbia, or United
26 States territory that has enacted this Compact legislation and which has not
27 withdrawn pursuant to Article XIII, Section C or been terminated pursuant to
28 Article XII, Section B.

29 H. "Coordinated Licensure Information System" also referred to as
30 "Coordinated Database" means: an integrated process for collecting, storing,
31 and sharing information on psychologists' licensure and enforcement
32 activities related to psychology licensure laws, which is administered by the
33 recognized membership organization composed of State and Provincial
34 Psychology Regulatory Authorities.

35 I. "Confidentiality" means: the principle that data or information is
36 not made available or disclosed to unauthorized persons and/or processes.

1 J. “Day” means: any part of a day in which psychological work is
2 performed.

3 K. “Distant State” means: the Compact State where a psychologist is
4 physically present (not through the use of telecommunications technologies),
5 to provide temporary in-person, face-to-face psychological services.

6 L. “E.Passport” means: a certificate issued by the Association of
7 State and Provincial Psychology Boards (ASPPB) that promotes the
8 standardization in the criteria of interjurisdictional telepsychology
9 practice and facilitates the process for licensed psychologists to provide
10 telepsychological services across state lines.

11 M. “Executive Board” means: a group of directors elected or appointed
12 to act on behalf of, and within the powers granted to them by, the
13 Commission.

14 N. “Home State” means: a Compact State where a psychologist is
15 licensed to practice psychology. If the psychologist is licensed in more than
16 one Compact State and is practicing under the Authorization to Practice
17 Interjurisdictional Telepsychology, the Home State is the Compact State where
18 the psychologist is physically present when the telepsychological services
19 are delivered. If the psychologist is licensed in more than one Compact State
20 and is practicing under the Temporary Authorization to Practice, the Home
21 State is any Compact State where the psychologist is licensed.

22 O. “Identity History Summary” means: a summary of information retained
23 by the FBI, or other designee with similar authority, in connection with
24 arrests and, in some instances, federal employment, naturalization, or
25 military service.

26 P. “In-Person, Face-to-Face” means: interactions in which the
27 psychologist and the client/patient are in the same physical space and which
28 does not include interactions that may occur through the use of
29 telecommunication technologies.

30 Q. “Interjurisdictional Practice Certificate (IPC)” means: a
31 certificate issued by the Association of State and Provincial Psychology
32 Boards (ASPPB) that grants temporary authority to practice based on
33 notification to the State Psychology Regulatory Authority of intention to
34 practice temporarily, and verification of one’s qualifications for such
35 practice.

36 R. “License” means: authorization by a State Psychology Regulatory

1 Authority to engage in the independent practice of psychology, which would be
2 unlawful without the authorization.

3 S. "Non-Compact State" means: any State which is not at the time a
4 Compact State.

5 T. "Psychologist" means: an individual licensed for the independent
6 practice of psychology.

7 U. "Psychology Interjurisdictional Compact Commission" also referred
8 to as "Commission" means: the national administration of which all Compact
9 States are members.

10 V. "Receiving State" means: a Compact State where the client/patient
11 is physically located when the telepsychological services are delivered.

12 W. "Rule" means: a written statement by the Psychology
13 Interjurisdictional Compact Commission promulgated pursuant to Article XI of
14 the Compact that is of general applicability, implements, interprets, or
15 prescribes a policy or provision of the Compact, or an organizational,
16 procedural, or practice requirement of the Commission and has the force and
17 effect of statutory law in a Compact State, and includes the amendment,
18 repeal or suspension of an existing rule.

19 X. "Significant Investigatory Information" means:

20 1. investigative information that a State Psychology Regulatory
21 Authority, after a preliminary inquiry that includes notification and an
22 opportunity to respond if required by state law, has reason to believe, if
23 proven true, would indicate more than a violation of state statute or ethics
24 code that would be considered more substantial than minor infraction; or

25 2. investigative information that indicates that the
26 psychologist represents an immediate threat to public health and safety
27 regardless of whether the psychologist has been notified and/or had an
28 opportunity to respond.

29 Y. "State" means: a state, commonwealth, territory, or possession of
30 the United States, the District of Columbia.

31 Z. "State Psychology Regulatory Authority" means: the Board, office or
32 other agency with the legislative mandate to license and regulate the
33 practice of psychology.

34 AA. "Telepsychology" means: the provision of psychological services
35 using telecommunication technologies.

36 BB. "Temporary Authorization to Practice" means: a licensed

1 psychologist’s authority to conduct temporary in-person, face-to-face
 2 practice, within the limits authorized under this Compact, in another Compact
 3 State.

4 CC. “Temporary In-Person, Face-to-Face Practice” means: where a
 5 psychologist is physically present (not through the use of telecommunications
 6 technologies), in the Distant State to provide for the practice of psychology
 7 for 30 days within a calendar year and based on notification to the Distant
 8 State.

10 Article III

11 Home State Licensure

12 A. The Home State shall be a Compact State where a psychologist is
 13 licensed to practice psychology.

14 B. A psychologist may hold one or more Compact State licenses at a
 15 time. If the psychologist is licensed in more than one Compact State, the
 16 Home State is the Compact State where the psychologist is physically present
 17 when the services are delivered as authorized by the Authority to Practice
 18 Interjurisdictional Telepsychology under the terms of this Compact.

19 C. Any Compact State may require a psychologist not previously
 20 licensed in a Compact State to obtain and retain a license to be authorized
 21 to practice in the Compact State under circumstances not authorized by the
 22 Authority to Practice Interjurisdictional Telepsychology under the terms of
 23 this Compact.

24 D. Any Compact State may require a psychologist to obtain and retain a
 25 license to be authorized to practice in a Compact State under circumstances
 26 not authorized by Temporary Authorization to Practice under the terms of this
 27 Compact.

28 E. A Home State’s license authorizes a psychologist to practice in a
 29 Receiving State under the Authority to Practice Interjurisdictional
 30 Telepsychology only if the Compact State:

31 1. Currently requires the psychologist to hold an active
 32 E.Passport;

33 2. Has a mechanism in place for receiving and investigating
 34 complaints about licensed individuals;

35 3. Notifies the Commission, in compliance with the terms herein,
 36 of any adverse action or significant investigatory information regarding a

1 licensed individual;

2 4. Requires an Identity History Summary of all applicants at
 3 initial licensure, including the use of the results of fingerprints or other
 4 biometric data checks compliant with the requirements of the Federal Bureau
 5 of Investigation FBI, or other designee with similar authority, no later than
 6 ten years after activation of the Compact; and

7 5. Complies with the Bylaws and Rules of the Commission.

8 F. A Home State's license grants Temporary Authorization to Practice
 9 to a psychologist in a Distant State only if the Compact State:

10 1. Currently requires the psychologist to hold an active IPC;

11 2. Has a mechanism in place for receiving and investigating
 12 complaints about licensed individuals;

13 3. Notifies the Commission, in compliance with the terms herein,
 14 of any adverse action or significant investigatory information regarding a
 15 licensed individual;

16 4. Requires an Identity History Summary of all applicants at
 17 initial licensure, including the use of the results of fingerprints or other
 18 biometric data checks compliant with the requirements of the Federal Bureau
 19 of Investigation FBI, or other designee with similar authority, no later than
 20 ten years after activation of the Compact; and

21 5. Complies with the Bylaws and Rules of the Commission.

22
 23 Article IV

24 Compact Privilege to Practice Telepsychology

25 A. Compact States shall recognize the right of a psychologist,
 26 licensed in a Compact State in conformance with Article III, to practice
 27 telepsychology in other Compact States (Receiving States) in which the
 28 psychologist is not licensed, under the Authority to Practice
 29 Interjurisdictional Telepsychology as provided in the Compact.

30 B. To exercise the Authority to Practice Interjurisdictional
 31 Telepsychology under the terms and provisions of this Compact, a psychologist
 32 licensed to practice in a Compact State must:

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

35 a. Regionally accredited by an accrediting body recognized
 36 by the U.S. Department of Education to grant graduate degrees, OR authorized

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

2 b. A foreign college or university deemed to be equivalent
3 to 1 (a) above by a foreign credential evaluation service that is a member of
4 the National Association of Credential Evaluation Services (NACES) or by a
5 recognized foreign credential evaluation service; AND

6 2. Hold a graduate degree in psychology that meets the following
7 criteria:

8 a. The program, wherever it may be administratively
9 housed, must be clearly identified and labeled as a psychology program. Such
10 a program must specify in pertinent institutional catalogues and brochures
11 its intent to educate and train professional psychologists;

12 b. The psychology program must stand as a recognizable,
13 coherent, organizational entity within the institution;

14 c. There must be a clear authority and primary
15 responsibility for the core and specialty areas whether or not the program
16 cuts across administrative lines;

17 d. The program must consist of an integrated, organized
18 sequence of study;

19 e. There must be an identifiable psychology faculty
20 sufficient in size and breadth to carry out its responsibilities;

21 f. The designated director of the program must be a
22 psychologist and a member of the core faculty;

23 g. The program must have an identifiable body of students
24 who are matriculated in that program for a degree;

25 h. The program must include supervised practicum,
26 internship, or field training appropriate to the practice of psychology;

27 i. The curriculum shall encompass a minimum of three
28 academic years of full- time graduate study for doctoral degree and a minimum
29 of one academic year of full-time graduate study for master's degree;

30 j. The program includes an acceptable residency as defined
31 by the Rules of the Commission.

32 3. Possess a current, full and unrestricted license to practice
33 psychology in a Home State which is a Compact State;

34 4. Have no history of adverse action that violate the Rules of
35 the Commission;

36 5. Have no criminal record history reported on an Identity

1 History Summary that violates the Rules of the Commission;

2 6. Possess a current, active E.Passport;

3 7. Provide attestations in regard to areas of intended practice,
4 conformity with standards of practice, competence in telepsychology
5 technology; criminal background; and knowledge and adherence to legal
6 requirements in the home and receiving states, and provide a release of
7 information to allow for primary source verification in a manner specified by
8 the Commission; and

9 8. Meet other criteria as defined by the Rules of the
10 Commission.

11 C. The Home State maintains authority over the license of any
12 psychologist practicing into a Receiving State under the Authority to
13 Practice Interjurisdictional Telepsychology.

14 D. A psychologist practicing into a Receiving State under the
15 Authority to Practice Interjurisdictional Telepsychology will be subject to
16 the Receiving State's scope of practice. A Receiving State may, in accordance
17 with that state's due process law, limit or revoke a psychologist's Authority
18 to Practice Interjurisdictional Telepsychology in the Receiving State and may
19 take any other necessary actions under the Receiving State's applicable law
20 to protect the health and safety of the Receiving State's citizens. If a
21 Receiving State takes action, the state shall promptly notify the Home State
22 and the Commission.

23 E. If a psychologist's license in any Home State, another Compact
24 State, or any Authority to Practice Interjurisdictional Telepsychology in any
25 Receiving State, is restricted, suspended or otherwise limited, the
26 E.Passport shall be revoked and therefore the psychologist shall not be
27 eligible to practice telepsychology in a Compact State under the Authority to
28 Practice Interjurisdictional Telepsychology.

29
30 Article V

31 Compact Temporary Authorization to Practice

32 A. Compact States shall also recognize the right of a psychologist,
33 licensed in a Compact State in conformance with Article III, to practice
34 temporarily in other Compact States (Distant States) in which the
35 psychologist is not licensed, as provided in the Compact.

36 B. To exercise the Temporary Authorization to Practice under the terms

1 and provisions of this Compact, a psychologist licensed to practice in a
2 Compact State must:

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

5 a. Regionally accredited by an accrediting body recognized
6 by the U.S. Department of Education to grant graduate degrees, OR authorized
7 by Provincial Statute or Royal Charter to grant doctoral degrees; OR

8 b. A foreign college or university deemed to be equivalent
9 to 1 (a) above by a foreign credential evaluation service that is a member of
10 the National Association of Credential Evaluation Services (NACES) or by a
11 recognized foreign credential evaluation service; AND

12 2. Hold a graduate degree in psychology that meets the following
13 criteria:

14 a. The program, wherever it may be administratively
15 housed, must be clearly identified and labeled as a psychology program. Such
16 a program must specify in pertinent institutional catalogues and brochures
17 its intent to educate and train professional psychologists;

18 b. The psychology program must stand as a recognizable,
19 coherent, organizational entity within the institution;

20 c. There must be a clear authority and primary
21 responsibility for the core and specialty areas whether or not the program
22 cuts across administrative lines;

23 d. The program must consist of an integrated, organized
24 sequence of study;

25 e. There must be an identifiable psychology faculty
26 sufficient in size and breadth to carry out its responsibilities;

27 f. The designated director of the program must be a
28 psychologist and a member of the core faculty;

29 g. The program must have an identifiable body of students
30 who are matriculated in that program for a degree;

31 h. The program must include supervised practicum,
32 internship, or field training appropriate to the practice of psychology;

33 i. The curriculum shall encompass a minimum of three
34 academic years of full- time graduate study for doctoral degrees and a
35 minimum of one academic year of full-time graduate study for master's degree;

36 j. The program includes an acceptable residency as defined

1 by the Rules of the Commission.

2 3. Possess a current, full and unrestricted license to practice
 3 psychology in a Home State which is a Compact State;

4 4. No history of adverse action that violate the Rules of the
 5 Commission;

6 5. No criminal record history that violates the Rules of the
 7 Commission;

8 6. Possess a current, active IPC;

9 7. Provide attestations in regard to areas of intended practice
 10 and work experience and provide a release of information to allow for primary
 11 source verification in a manner specified by the Commission; and

12 8. Meet other criteria as defined by the Rules of the
 13 Commission.

14 C. A psychologist practicing into a Distant State under the Temporary
 15 Authorization to Practice shall practice within the scope of practice
 16 authorized by the Distant State.

17 D. A psychologist practicing into a Distant State under the Temporary
 18 Authorization to Practice will be subject to the Distant State's authority
 19 and law. A Distant State may, in accordance with that state's due process
 20 law, limit or revoke a psychologist's Temporary Authorization to Practice in
 21 the Distant State and may take any other necessary actions under the Distant
 22 State's applicable law to protect the health and safety of the Distant
 23 State's citizens. If a Distant State takes action, the state shall promptly
 24 notify the Home State and the Commission.

25 E. If a psychologist's license in any Home State, another Compact
 26 State, or any Temporary Authorization to Practice in any Distant State, is
 27 restricted, suspended or otherwise limited, the IPC shall be revoked and
 28 therefore the psychologist shall not be eligible to practice in a Compact
 29 State under the Temporary Authorization to Practice.

30
 31 Article VI

32 Conditions of Telepsychology Practice in A Receiving State

33 A. A psychologist may practice in a Receiving State under the
 34 Authority to Practice Interjurisdictional Telepsychology only in the
 35 performance of the scope of practice for psychology as assigned by an
 36 appropriate State Psychology Regulatory Authority, as defined in the Rules of

1 the Commission, and under the following circumstances:

2 1. The psychologist initiates a client/patient contact in a Home
3 State via telecommunications technologies with a client/patient in a
4 Receiving State;

5 2. Other conditions regarding telepsychology as determined by
6 Rules promulgated by the Commission.

7
8 Article VII

9 Adverse Actions

10 A. A Home State shall have the power to impose adverse action against
11 a psychologist's license issued by the Home State. A Distant State shall have
12 the power to take adverse action on a psychologist's Temporary Authorization
13 to Practice within that Distant State.

14 B. A Receiving State may take adverse action on a psychologist's
15 Authority to Practice Interjurisdictional Telepsychology within that
16 Receiving State. A Home State may take adverse action against a psychologist
17 based on an adverse action taken by a Distant State regarding temporary in-
18 person, face-to-face practice.

19 C. If a Home State takes adverse action against a psychologist's
20 license, that psychologist's Authority to Practice Interjurisdictional
21 Telepsychology is terminated and the E.Passport is revoked. Furthermore, that
22 psychologist's Temporary Authorization to Practice is terminated and the IPC
23 is revoked.

24 1. All Home State disciplinary orders which impose adverse
25 action shall be reported to the Commission in accordance with the Rules
26 promulgated by the Commission. A Compact State shall report adverse actions
27 in accordance with the Rules of the Commission.

28 2. In the event discipline is reported on a psychologist, the
29 psychologist will not be eligible for telepsychology or temporary in-person,
30 face-to-face practice in accordance with the Rules of the Commission.

31 3. Other actions may be imposed as determined by the Rules
32 promulgated by the Commission.

33 D. A Home State's Psychology Regulatory Authority shall investigate
34 and take appropriate action with respect to reported inappropriate conduct
35 engaged in by a licensee which occurred in a Receiving State as it would if
36 such conduct had occurred by a licensee within the Home State. In such cases,

1 the Home State's law shall control in determining any adverse action against
2 a psychologist's license.

3 E. A Distant State's Psychology Regulatory Authority shall investigate
4 and take appropriate action with respect to reported inappropriate conduct
5 engaged in by a psychologist practicing under Temporary Authorization
6 Practice which occurred in that Distant State as it would if such conduct had
7 occurred by a licensee within the Home State. In such cases, Distant State's
8 law shall control in determining any adverse action against a psychologist's
9 Temporary Authorization to Practice.

10 F. Nothing in this Compact shall override a Compact State's decision
11 that a psychologist's participation in an alternative program may be used in
12 lieu of adverse action and that such participation shall remain nonpublic if
13 required by the Compact State's law. Compact States must require
14 psychologists who enter any alternative programs to not provide
15 telepsychology services under the Authority to Practice Interjurisdictional
16 Telepsychology or provide temporary psychological services under the
17 Temporary Authorization to Practice in any other Compact State during the
18 term of the alternative program.

19 G. No other judicial or administrative remedies shall be available to
20 a psychologist in the event a Compact State imposes an adverse action
21 pursuant to subsection C, above.

22 23 Article VIII

24 Additional Authorities Invested in a Compact State's Psychology Regulatory 25 Authority

26 A. In addition to any other powers granted under state law, a Compact
27 State's Psychology Regulatory Authority shall have the authority under this
28 Compact to:

29 1. Issue subpoenas, for both hearings and investigations, which
30 require the attendance and testimony of witnesses and the production of
31 evidence. Subpoenas issued by a Compact State's Psychology Regulatory
32 Authority for the attendance and testimony of witnesses, and/or the
33 production of evidence from another Compact State shall be enforced in the
34 latter state by any court of competent jurisdiction, according to that
35 court's practice and procedure in considering subpoenas issued in its own
36 proceedings. The issuing State Psychology Regulatory Authority shall pay any

1 witness fees, travel expenses, mileage and other fees required by the service
2 statutes of the state where the witnesses and/or evidence are located; and

3 2. Issue cease and desist and/or injunctive relief orders to
4 revoke a psychologist's Authority to Practice Interjurisdictional
5 Telepsychology and/or Temporary Authorization to Practice.

6 3. During the course of any investigation, a psychologist may
7 not change his/her Home State licensure. A Home State Psychology Regulatory
8 Authority is authorized to complete any pending investigations of a
9 psychologist and to take any actions appropriate under its law. The Home
10 State Psychology Regulatory Authority shall promptly report the conclusions
11 of such investigations to the Commission. Once an investigation has been
12 completed, and pending the outcome of said investigation, the psychologist
13 may change his/her Home State licensure. The Commission shall promptly notify
14 the new Home State of any such decisions as provided in the Rules of the
15 Commission. All information provided to the Commission or distributed by
16 Compact States pursuant to the psychologist shall be confidential, filed
17 under seal and used for investigatory or disciplinary matters. The Commission
18 may create additional rules for mandated or discretionary sharing of
19 information by Compact States.

20 21 Article IX

22 Coordinated Licensure Information System

23 A. The Commission shall provide for the development and maintenance of
24 a Coordinated Licensure Information System (Coordinated Database) and
25 reporting system containing licensure and disciplinary action information on
26 all psychologists individuals to whom this Compact is applicable in all
27 Compact States as defined by the Rules of the Commission.

28 B. Notwithstanding any other provision of state law to the contrary, a
29 Compact State shall submit a uniform data set to the Coordinated Database on
30 all licensees as required by the Rules of the Commission, including:

31 1. Identifying information;

32 2. Licensure data;

33 3. Significant investigatory information;

34 4. Adverse actions against a psychologist's license;

35 5. An indicator that a psychologist's Authority to Practice
36 Interjurisdictional Telepsychology and/or Temporary Authorization to Practice

1 is revoked;

2 6. Non-confidential information related to alternative program
3 participation information;

4 7. Any denial of application for licensure, and the reasons for
5 such denial; and

6 8. Other information which may facilitate the administration of
7 this Compact, as determined by the Rules of the Commission.

8 C. The Coordinated Database administrator shall promptly notify all
9 Compact States of any adverse action taken against, or significant
10 investigative information on, any licensee in a Compact State.

11 D. Compact States reporting information to the Coordinated Database
12 may designate information that may not be shared with the public without the
13 express permission of the Compact State reporting the information.

14 E. Any information submitted to the Coordinated Database that is
15 subsequently required to be expunged by the law of the Compact State
16 reporting the information shall be removed from the Coordinated Database.

17 18 Article X

19 Establishment of the Psychology Interjurisdictional Compact Commission

20 A. The Compact States hereby create and establish a joint public
21 agency known as the Psychology Interjurisdictional Compact Commission.

22 1. The Commission is a body politic and an instrumentality of
23 the Compact States.

24 2. Venue is proper and judicial proceedings by or against the
25 Commission shall be brought solely and exclusively in a court of competent
26 jurisdiction where the principal office of the Commission is located. The
27 Commission may waive venue and jurisdictional defenses to the extent it
28 adopts or consents to participate in alternative dispute resolution
29 proceedings.

30 3. Nothing in this Compact shall be construed to be a waiver of
31 sovereign immunity.

32 B. Membership, Voting, and Meetings

33 1. The Commission shall consist of one voting representative
34 appointed by each Compact State who shall serve as that state's Commissioner.
35 The State Psychology Regulatory Authority shall appoint its delegate. This
36 delegate shall be empowered to act on behalf of the Compact State. This

1 delegate shall be limited to:

2 a. Executive Director, Executive Secretary or similar
3 executive;

4 b. Current member of the State Psychology Regulatory
5 Authority of a Compact State; OR

6 c. Designee empowered with the appropriate delegate
7 authority to act on behalf of the Compact State.

8 2. Any Commissioner may be removed or suspended from office as
9 provided by the law of the state from which the Commissioner is appointed.
10 Any vacancy occurring in the Commission shall be filled in accordance with
11 the laws of the Compact State in which the vacancy exists.

12 3. Each Commissioner shall be entitled to one (1) vote with
13 regard to the promulgation of Rules and creation of Bylaws and shall
14 otherwise have an opportunity to participate in the business and affairs of
15 the Commission. A Commissioner shall vote in person or by such other means as
16 provided in the Bylaws. The Bylaws may provide for Commissioners'
17 participation in meetings by telephone or other means of communication.

18 4. The Commission shall meet at least once during each calendar
19 year. Additional meetings shall be held as set forth in the Bylaws.

20 5. All meetings shall be open to the public, and public notice
21 of meetings shall be given in the same manner as required under the
22 rulemaking provisions in Article XI.

23 6. The Commission may convene in a closed, non-public meeting if
24 the Commission must discuss:

25 a. Non-compliance of a Compact State with its obligations
26 under the Compact;

27 b. The employment, compensation, discipline or other
28 personnel matters, practices or procedures related to specific employees or
29 other matters related to the Commission's internal personnel practices and
30 procedures;

31 c. Current, threatened, or reasonably anticipated
32 litigation against the Commission;

33 d. Negotiation of contracts for the purchase or sale of
34 goods, services or real estate;

35 e. Accusation against any person of a crime or formally
36 censuring any person;

1 f. Disclosure of trade secrets or commercial or financial
2 information which is privileged or confidential;

3 g. Disclosure of information of a personal nature where
4 disclosure would constitute a clearly unwarranted invasion of personal
5 privacy;

6 h. Disclosure of investigatory records compiled for law
7 enforcement purposes;

8 i. Disclosure of information related to any investigatory
9 reports prepared by or on behalf of or for use of the Commission or other
10 committee charged with responsibility for investigation or determination of
11 compliance issues pursuant to the Compact; or

12 j. Matters specifically exempted from disclosure by
13 federal and state statute.

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

25 C. The Commission shall, by a majority vote of the Commissioners,
26 prescribe Bylaws and/or Rules to govern its conduct as may be necessary or
27 appropriate to carry out the purposes and exercise the powers of the Compact,
28 including but not limited to:

29 1. Establishing the fiscal year of the Commission;

30 2. Providing reasonable standards and procedures:

31 a. for the establishment and meetings of other committees;
32 and

33 b. governing any general or specific delegation of any
34 authority or function of the Commission;

35 3. Providing reasonable procedures for calling and conducting
36 meetings of the Commission, ensuring reasonable advance notice of all

1 meetings and providing an opportunity for attendance of such meetings by
2 interested parties, with enumerated exceptions designed to protect the
3 public's interest, the privacy of individuals of such proceedings, and
4 proprietary information, including trade secrets. The Commission may meet in
5 closed session only after a majority of the Commissioners vote to close a
6 meeting to the public in whole or in part. As soon as practicable, the
7 Commission must make public a copy of the vote to close the meeting revealing
8 the vote of each Commissioner with no proxy votes allowed;

9 4. Establishing the titles, duties and authority and reasonable
10 procedures for the election of the officers of the Commission;

11 5. Providing reasonable standards and procedures for the
12 establishment of the personnel policies and programs of the Commission.
13 Notwithstanding any civil service or other similar law of any Compact State,
14 the Bylaws shall exclusively govern the personnel policies and programs of
15 the Commission;

16 6. Promulgating a Code of Ethics to address permissible and
17 prohibited activities of Commission members and employees;

18 7. Providing a mechanism for concluding the operations of the
19 Commission and the equitable disposition of any surplus funds that may exist
20 after the termination of the Compact after the payment and/or reserving of
21 all of its debts and obligations;

22 8. The Commission shall publish its Bylaws in a convenient form
23 and file a copy thereof and a copy of any amendment thereto, with the
24 appropriate agency or officer in each of the Compact States;

25 9. The Commission shall maintain its financial records in
26 accordance with the Bylaws; and

27 10. The Commission shall meet and take such actions as are
28 consistent with the provisions of this Compact and the Bylaws.

29 D. The Commission shall have the following powers:

30 1. The authority to promulgate uniform rules to facilitate and
31 coordinate implementation and administration of this Compact. The rule shall
32 have the force and effect of law and shall be binding in all Compact States;

33 2. To bring and prosecute legal proceedings or actions in the
34 name of the Commission, provided that the standing of any State Psychology
35 Regulatory Authority or other regulatory body responsible for psychology
36 licensure to sue or be sued under applicable law shall not be affected;

1 3. To purchase and maintain insurance and bonds;

2 4. To borrow, accept or contract for services of personnel,
3 including, but not limited to, employees of a Compact State;

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

9 6. To accept any and all appropriate donations and grants of
10 money, equipment, supplies, materials and services, and to receive, utilize
11 and dispose of the same; provided that at all times the Commission shall
12 strive to avoid any appearance of impropriety and/or conflict of interest;

13 7. To lease, purchase, accept appropriate gifts or donations of,
14 or otherwise to own, hold, improve or use, any property, real, personal or
15 mixed; provided that at all times the Commission shall strive to avoid any
16 appearance of impropriety;

17 8. To sell, convey, mortgage, pledge, lease, exchange, abandon
18 or otherwise dispose of any property real, personal or mixed;

19 9. To establish a budget and make expenditures;

20 10. To borrow money;

21 11. To appoint committees, including advisory committees
22 comprised of Members, State regulators, State legislators or their
23 representatives, and consumer representatives, and such other interested
24 persons as may be designated in this Compact and the Bylaws;

25 12. To provide and receive information from, and to cooperate
26 with, law enforcement agencies;

27 13. To adopt and use an official seal; and

28 14. To perform such other functions as may be necessary or
29 appropriate to achieve the purposes of this Compact consistent with the state
30 regulation of psychology licensure, temporary in-person, face-to-face
31 practice and telepsychology practice.

32 E. The Executive Board

33 The elected officers shall serve as the Executive Board, which shall have the
34 power to act on behalf of the Commission according to the terms of this
35 Compact.

36 1. The Executive Board shall be comprised of six members:

1 a. Five voting members who are elected from the current
2 membership of the Commission by the Commission;

3 b. One ex-officio, nonvoting member from the recognized
4 membership organization composed of State and Provincial Psychology
5 Regulatory Authorities.

6 2. The ex-officio member must have served as staff or member on
7 a State Psychology Regulatory Authority and will be selected by its
8 respective organization.

9 3. The Commission may remove any member of the Executive Board
10 as provided in Bylaws.

11 4. The Executive Board shall meet at least annually.

12 5. The Executive Board shall have the following duties and
13 responsibilities:

14 a. Recommend to the entire Commission changes to the Rules
15 or Bylaws, changes to this Compact legislation, fees paid by Compact States
16 such as annual dues, and any other applicable fees;

17 b. Ensure Compact administration services are
18 appropriately provided, contractual or otherwise;

19 c. Prepare and recommend the budget;

20 d. Maintain financial records on behalf of the Commission;

21 e. Monitor Compact compliance of member states and provide
22 compliance reports to the Commission;

23 f. Establish additional committees as necessary; and

24 g. Other duties as provided in Rules or Bylaws.

25 F. Financing of the Commission

26 1. The Commission shall pay, or provide for the payment of the
27 reasonable expenses of its establishment, organization and ongoing
28 activities.

29 2. The Commission may accept any and all appropriate revenue
30 sources, donations and grants of money, equipment, supplies, materials and
31 services.

32 3. The Commission may levy on and collect an annual assessment
33 from each Compact State or impose fees on other parties to cover the cost of
34 the operations and activities of the Commission and its staff which must be
35 in a total amount sufficient to cover its annual budget as approved each year
36 for which revenue is not provided by other sources. The aggregate annual

1 assessment amount shall be allocated based upon a formula to be determined by
2 the Commission which shall promulgate a rule binding upon all Compact States.

3 4. The Commission shall not incur obligations of any kind prior
4 to securing the funds adequate to meet the same; nor shall the Commission
5 pledge the credit of any of the Compact States, except by and with the
6 authority of the Compact State.

7 5. The Commission shall keep accurate accounts of all receipts
8 and disbursements. The receipts and disbursements of the Commission shall be
9 subject to the audit and accounting procedures established under its Bylaws.
10 However, all receipts and disbursements of funds handled by the Commission
11 shall be audited yearly by a certified or licensed public accountant and the
12 report of the audit shall be included in and become part of the annual report
13 of the Commission.

14 G. Qualified Immunity, Defense, and Indemnification

15 1. The members, officers, Executive Director, employees and
16 representatives of the Commission shall be immune from suit and liability,
17 either personally or in their official capacity, for any claim for damage to
18 or loss of property or personal injury or other civil liability caused by or
19 arising out of any actual or alleged act, error or omission that occurred, or
20 that the person against whom the claim is made had a reasonable basis for
21 believing occurred within the scope of Commission employment, duties or
22 responsibilities; provided that nothing in this paragraph shall be construed
23 to protect any such person from suit and/or liability for any damage, loss,
24 injury or liability caused by the intentional or willful or wanton misconduct
25 of that person.

26 2. The Commission shall defend any member, officer, Executive
27 Director, employee or representative of the Commission in any civil action
28 seeking to impose liability arising out of any actual or alleged act, error
29 or omission that occurred within the scope of Commission employment, duties
30 or responsibilities, or that the person against whom the claim is made had a
31 reasonable basis for believing occurred within the scope of Commission
32 employment, duties or responsibilities; provided that nothing herein shall be
33 construed to prohibit that person from retaining his or her own counsel; and
34 provided further, that the actual or alleged act, error or omission did not
35 result from that person's intentional or willful or wanton misconduct.

36 3. The Commission shall indemnify and hold harmless any member,

1 officer, Executive Director, employee or representative of the Commission for
2 the amount of any settlement or judgment obtained against that person arising
3 out of any actual or alleged act, error or omission that occurred within the
4 scope of Commission employment, duties or responsibilities, or that such
5 person had a reasonable basis for believing occurred within the scope of
6 Commission employment, duties or responsibilities, provided that the actual
7 or alleged act, error or omission did not result from the intentional or
8 willful or wanton misconduct of that person.

9
10 Article XI

11 Rulemaking

12 A. The Commission shall exercise its rulemaking powers pursuant to the
13 criteria set forth in this Article and the Rules adopted thereunder. Rules
14 and amendments shall become binding as of the date specified in each rule or
15 amendment.

16 B. If a majority of the legislatures of the Compact States rejects a
17 rule, by enactment of a statute or resolution in the same manner used to
18 adopt the Compact, then such rule shall have no further force and effect in
19 any Compact State.

20 C. Rules or amendments to the rules shall be adopted at a regular or
21 special meeting of the Commission.

22 D. Prior to promulgation and adoption of a final rule or Rules by the
23 Commission, and at least sixty (60) days in advance of the meeting at which
24 the rule will be considered and voted upon, the Commission shall file a
25 Notice of Proposed Rulemaking:

26 1. On the website of the Commission; and

27 2. On the website of each Compact States' Psychology Regulatory
28 Authority or the publication in which each state would otherwise publish
29 proposed rules.

30 E. The Notice of Proposed Rulemaking shall include:

31 1. The proposed time, date, and location of the meeting in which
32 the rule will be considered and voted upon;

33 2. The text of the proposed rule or amendment and the reason for
34 the proposed rule;

35 3. A request for comments on the proposed rule from any
36 interested person; and

1 4. The manner in which interested persons may submit notice to
2 the Commission of their intention to attend the public hearing and any
3 written comments.

4 F. Prior to adoption of a proposed rule, the Commission shall allow
5 persons to submit written data, facts, opinions and arguments, which shall be
6 made available to the public.

7 G. The Commission shall grant an opportunity for a public hearing
8 before it adopts a rule or amendment if a hearing is requested by:

9 1. At least twenty-five (25) persons who submit comments
10 independently of each other;

11 2. A governmental subdivision or agency; or

12 3. A duly appointed person in an association that has having at
13 least twenty-five (25) members.

14 H. If a hearing is held on the proposed rule or amendment, the
15 Commission shall publish the place, time, and date of the scheduled public
16 hearing.

17 1. All persons wishing to be heard at the hearing shall notify
18 the Executive Director of the Commission or other designated member in
19 writing of their desire to appear and testify at the hearing not less than
20 five (5) business days before the scheduled date of the hearing.

21 2. Hearings shall be conducted in a manner providing each person
22 who wishes to comment a fair and reasonable opportunity to comment orally or
23 in writing.

24 3. No transcript of the hearing is required, unless a written
25 request for a transcript is made, in which case the person requesting the
26 transcript shall bear the cost of producing the transcript. A recording may
27 be made in lieu of a transcript under the same terms and conditions as a
28 transcript. This subsection shall not preclude the Commission from making a
29 transcript or recording of the hearing if it so chooses.

30 4. Nothing in this section shall be construed as requiring a
31 separate hearing on each rule. Rules may be grouped for the convenience of
32 the Commission at hearings required by this section.

33 I. Following the scheduled hearing date, or by the close of business
34 on the scheduled hearing date if the hearing was not held, the Commission
35 shall consider all written and oral comments received.

36 J. The Commission shall, by majority vote of all members, take final

1 action on the proposed rule and shall determine the effective date of the
2 rule, if any, based on the rulemaking record and the full text of the rule.

3 K. If no written notice of intent to attend the public hearing by
4 interested parties is received, the Commission may proceed with promulgation
5 of the proposed rule without a public hearing.

6 L. Upon determination that an emergency exists, the Commission may
7 consider and adopt an emergency rule without prior notice, opportunity for
8 comment, or hearing, provided that the usual rulemaking procedures provided
9 in the Compact and in this section shall be retroactively applied to the rule
10 as soon as reasonably possible, in no event later than ninety (90) days after
11 the effective date of the rule. For the purposes of this provision, an
12 emergency rule is one that must be adopted immediately in order to:

13 1. Meet an imminent threat to public health, safety, or welfare;

14 2. Prevent a loss of Commission or Compact State funds;

15 3. Meet a deadline for the promulgation of an administrative
16 rule that is established by federal law or rule; or

17 4. Protect public health and safety.

18 M. The Commission or an authorized committee of the Commission may
19 direct revisions to a previously adopted rule or amendment for purposes of
20 correcting typographical errors, errors in format, errors in consistency, or
21 grammatical errors. Public notice of any revisions shall be posted on the
22 website of the Commission. The revision shall be subject to challenge by any
23 person for a period of thirty (30) days after posting. The revision may be
24 challenged only on grounds that the revision results in a material change to
25 a rule. A challenge shall be made in writing, and delivered to the Chair of
26 the Commission prior to the end of the notice period. If no challenge is
27 made, the revision will take effect without further action. If the revision
28 is challenged, the revision may not take effect without the approval of the
29 Commission.

30 Article XII

31 Oversight, Dispute Resolution and Enforcement

32 A. Oversight

33 1. The Executive, Legislative and Judicial branches of state
34 government in each Compact State shall enforce this Compact and take all
35 actions necessary and appropriate to effectuate the Compact's purposes and
36

1 intent. The provisions of this Compact and the rules promulgated hereunder
2 shall have standing as statutory law.

3 2. All courts shall take judicial notice of the Compact and the
4 rules in any judicial or administrative proceeding in a Compact State
5 pertaining to the subject matter of this Compact which may affect the powers,
6 responsibilities or actions of the Commission.

7 3. The Commission shall be entitled to receive service of
8 process in any such proceeding, and shall have standing to intervene in such
9 a proceeding for all purposes. Failure to provide service of process to the
10 Commission shall render a judgment or order void as to the Commission, this
11 Compact or promulgated rules.

12 B. Default, Technical Assistance, and Termination

13 1. If the Commission determines that a Compact State has
14 defaulted in the performance of its obligations or responsibilities under
15 this Compact or the promulgated rules, the Commission shall:

16 a. Provide written notice to the defaulting state and
17 other Compact States of the nature of the default, the proposed means of
18 remedying the default and/or any other action to be taken by the Commission;
19 and

20 b. Provide remedial training and specific technical
21 assistance regarding the default.

22 2. If a state in default fails to remedy the default, the
23 defaulting state may be terminated from the Compact upon an affirmative vote
24 of a majority of the Compact States, and all rights, privileges and benefits
25 conferred by this Compact shall be terminated on the effective date of
26 termination. A remedy of the default does not relieve the offending state of
27 obligations or liabilities incurred during the period of default.

28 3. Termination of membership in the Compact shall be imposed
29 only after all other means of securing compliance have been exhausted. Notice
30 of intent to suspend or terminate shall be submitted by the Commission to the
31 Governor, the majority and minority leaders of the defaulting state's
32 legislature, and each of the Compact States.

33 4. A Compact State which has been terminated is responsible for
34 all assessments, obligations and liabilities incurred through the effective
35 date of termination, including obligations which extend beyond the effective
36 date of termination.

1 5. The Commission shall not bear any costs incurred by the state
2 which is found to be in default or which has been terminated from the
3 Compact, unless agreed upon in writing between the Commission and the
4 defaulting state.

5 6. The defaulting state may appeal the action of the Commission
6 by petitioning the U.S. District Court for the state of Georgia or the
7 federal district where the Compact has its principal offices. The prevailing
8 member shall be awarded all costs of such litigation, including reasonable
9 attorney's fees.

10 C. Dispute Resolution

11 1. Upon request by a Compact State, the Commission shall attempt
12 to resolve disputes related to the Compact which arise among Compact States
13 and between Compact and Non-Compact States.

14 2. The Commission shall promulgate a rule providing for both
15 mediation and binding dispute resolution for disputes that arise before the
16 commission.

17 D. Enforcement

18 1. The Commission, in the reasonable exercise of its discretion,
19 shall enforce the provisions and Rules of this Compact.

20 2. By majority vote, the Commission may initiate legal action in
21 the United States District Court for the State of Georgia or the federal
22 district where the Compact has its principal offices against a Compact State
23 in default to enforce compliance with the provisions of the Compact and its
24 promulgated Rules and Bylaws. The relief sought may include both injunctive
25 relief and damages. In the event judicial enforcement is necessary, the
26 prevailing member shall be awarded all costs of such litigation, including
27 reasonable attorney's fees.

28 3. The remedies herein shall not be the exclusive remedies of
29 the Commission. The Commission may pursue any other remedies available under
30 federal or state law.

31
32 Article XIII

33 Date of Implementation of the Psychology Interjurisdictional Compact
34 Commission and Associated Rules, Withdrawal, and Amendments

35 A. The Compact shall come into effect on the date on which the Compact
36 is enacted into law in the seventh Compact State. The provisions which become

1 effective at that time shall be limited to the powers granted to the
2 Commission relating to assembly and the promulgation of rules. Thereafter,
3 the Commission shall meet and exercise rulemaking powers necessary to the
4 implementation and administration of the Compact.

5 B. Any state which joins the Compact subsequent to the Commission's
6 initial adoption of the rules shall be subject to the rules as they exist on
7 the date on which the Compact becomes law in that state. Any rule which has
8 been previously adopted by the Commission shall have the full force and
9 effect of law on the day the Compact becomes law in that state.

10 C. Any Compact State may withdraw from this Compact by enacting a
11 statute repealing the same.

12 1. A Compact State's withdrawal shall not take effect until six
13 (6) months after enactment of the repealing statute.

14 2. Withdrawal shall not affect the continuing requirement of the
15 withdrawing State's Psychology Regulatory Authority to comply with the
16 investigative and adverse action reporting requirements of this act prior to
17 the effective date of withdrawal.

18 D. Nothing contained in this Compact shall be construed to invalidate
19 or prevent any psychology licensure agreement or other cooperative
20 arrangement between a Compact State and a Non-Compact State which does not
21 conflict with the provisions of this Compact.

22 E. This Compact may be amended by the Compact States. No amendment to
23 this Compact shall become effective and binding upon any Compact State until
24 it is enacted into the law of all Compact States.

25 26 Article XIV

27 Construction and Severability

28 This Compact shall be liberally construed so as to effectuate the
29 purposes thereof. If this Compact shall be held contrary to the constitution
30 of any state member thereto, the Compact shall remain in full force and
31 effect as to the remaining Compact States.

32
33 17-97-502. Administration of compact – Rules.

34 (a) The Arkansas Psychology Board is the Psychological
35 Interjurisdictional Compact administrator for this state.

36 (b) The board may adopt rules that are consistent with the

1 Psychological Interjurisdictional Compact necessary to implement this
 2 subchapter.

3 (c) The board is not required to adopt the rules of the Psychological
 4 Interjurisdictional Compact Commission for those rules to be effective in
 5 this state.

6
 7 17-97-503. Construction.

8 Except as to licensing under § 17-80-404(d), this subchapter does not
 9 supersede or preempt the Telemedicine Act, § 17-80-401 et seq.

10
 11 SECTION 2. DO NOT CODIFY. RULES UNDER THIS ACT.

12 (a)(1) The Arkansas Psychology Board shall promulgate rules necessary
 13 to implement this act.

14 (2) When adopting the initial rules to implement this act, the
 15 final rules shall be filed with the Secretary of State for adoption under §
 16 25-15-204(f):

17 (A) On or before January 1, 2022; or

18 (B) If approval under § 10-3-309 has not occurred by
 19 January 1, 2020, as soon as practicable after approval under § 10-3-309.

20 (b) The board shall file the proposed rule with the Legislative
 21 Council under § 10-3-309(c) sufficiently in advance of January 1, 2022, so
 22 that the Legislative Council may consider the rule for approval before
 23 January 1, 2022.