

ASSEMBLY, No. 4205

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 1, 2020

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

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District 6 (Burlington and Camden)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Co-Sponsored by:

Assemblyman Benson

SYNOPSIS

Enters New Jersey into Psychology Interjurisdictional Compact.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/8/2021)

1 AN ACT concerning psychological services and supplementing Title
2 45 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. The State of New Jersey enacts and enters into the
8 “Psychology Interjurisdictional Compact Act” with all other
9 jurisdictions that legally join in the compact in the form
10 substantially as follows:

11

12 I. Purpose.

13 Whereas, states license psychologists, in order to protect the
14 public through verification of education, training and experience
15 and ensure accountability for professional practice; and

16 Whereas, this compact is intended to regulate the day to day
17 practice of telepsychology, which is the provision of psychological
18 services using telecommunication technologies, by psychologists
19 across state boundaries in the performance of their psychological
20 practice as assigned by an appropriate authority; and

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

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

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

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

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

39 Consistent with these principles, this compact is designed to
40 achieve the following purposes and objectives: increase public
41 access to professional psychological services by allowing for
42 telepsychological practice across state lines as well as temporary in-
43 person, face-to-face services into a state in which the psychologist
44 is not licensed to practice psychology; enhance the states' ability to
45 protect the public's health and safety, especially client and patient
46 safety; encourage the cooperation of compact states in the areas of
47 psychology licensure and regulation; facilitate the exchange of
48 information between compact states regarding psychologist

1 licensure, adverse actions, and disciplinary history; promote
2 compliance with the laws governing psychological practice in each
3 compact state; and invest all compact states with the authority to
4 hold licensed psychologists accountable through the mutual
5 recognition of compact state licenses.

6

7 II. Definitions.

8 "Adverse action" means any action taken by a state psychology
9 regulatory authority which finds a violation of a statute or
10 regulation that is identified by the state psychology regulatory
11 authority as discipline and is a matter of public record.

12 "Association of State and Provincial Psychology Boards
13 (ASPPB)" means the recognized membership organization
14 composed of state and provincial psychology regulatory authorities
15 responsible for the licensure and registration of psychologists
16 throughout the United States and Canada.

17 "Authority to Practice Interjurisdictional Telepsychology" means
18 a licensed psychologist's authority to practice telepsychology,
19 within the limits authorized under this compact, in another compact
20 state.

21 "Bylaws" means those bylaws established by the psychology
22 interjurisdictional compact commission pursuant to Article X for its
23 governance, or for directing and controlling its actions and conduct.

24 "Client or patient" means the recipient of psychological services,
25 whether psychological services are delivered in the context of
26 healthcare, corporate, supervision, or consulting services, or both.

27 "Commissioner" means the voting representative appointed by
28 each State Psychology Regulatory Authority pursuant to Article X.

29 "Compact State" means a state, the District of Columbia, or
30 United States territory that has enacted this compact legislation and
31 which has not withdrawn pursuant to section c. of Article XIII or
32 been terminated pursuant to section b. of Article XII.

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

39 "Confidentiality" means the principle that data or information is
40 not made available or disclosed to unauthorized persons or
41 processes, or both.

42 "Day" means any part of a day in which psychological work is
43 performed.

44 "Distant State" means the compact state where a psychologist is
45 physically present, not through the use of telecommunications
46 technologies, to provide temporary in-person, face-to-face
47 psychological services.

1 "E.Passport" means a certificate issued by the ASPPB that
2 promotes the standardization in the criteria of interjurisdictional
3 telepsychology practice and facilitates the process for licensed
4 psychologists to provide telepsychological services across state
5 lines.

6 "Executive board" means a group of directors elected or
7 appointed to act on behalf of, and within the powers granted to them
8 by, the commission.

9 "Home State" means a compact state where a psychologist is
10 licensed to practice psychology. If the psychologist is licensed in
11 more than one compact state and is practicing under the
12 authorization to practice interjurisdictional telepsychology, the
13 home state is the compact state where the psychologist is physically
14 present when the telepsychological services are delivered. If the
15 psychologist is licensed in more than one compact state and is
16 practicing under the temporary authorization to practice, the home
17 state is any compact state where the psychologist is licensed.

18 "Identity History Summary" means a summary of information
19 retained by the Federal Bureau of Investigation (FBI), or other
20 designee with similar authority, in connection with arrests and, in
21 some instances, federal employment, naturalization, or military
22 service.

23 "In-person, face-to-face" means interactions in which the
24 psychologist and the client and patient are in the same physical
25 space and which does not include interactions that may occur
26 through the use of telecommunication technologies.

27 "Interjurisdictional Practice Certificate (IPC)" means a certificate
28 issued by the ASPPB that grants temporary authority to practice
29 based on notification to the state psychology regulatory authority of
30 intention to practice temporarily, and verification of one's
31 qualifications for such practice.

32 "License" means: authorization by a state psychology regulatory
33 authority to engage in the independent practice of psychology,
34 which would be unlawful without the authorization.

35 "Non-compact state" means: any state which is not at the time a
36 compact state.

37 "Psychologist" means: an individual licensed for the independent
38 practice of psychology.

39 "Psychology Interjurisdictional Compact Commission" or
40 "Commission" means the national administration of which all
41 compact states are members.

42 "Receiving state" means a compact state where the client, or
43 patient, or both is physically located when the telepsychological
44 services are delivered.

45 "Rule" means a written statement by the Psychology
46 Interjurisdictional Compact Commission promulgated pursuant to
47 Article XI of the compact that is of general applicability,
48 implements, interprets, or prescribes a policy or provision of the

1 compact, or an organizational, procedural, or practice requirement
2 of the commission and has the force and effect of statutory law in a
3 compact state, and includes the amendment, repeal or suspension of
4 an existing rule.

5 "Significant Investigatory Information" means investigative
6 information that a state psychology regulatory authority, after a
7 preliminary inquiry that includes notification and an opportunity to
8 respond if required by state law, has reason to believe, if proven
9 true, would indicate more than a violation of state statute or ethics
10 code that would be considered more substantial than minor
11 infraction; or investigative information that indicates that the
12 psychologist represents an immediate threat to public health and
13 safety regardless of whether the psychologist has been notified or
14 had an opportunity to respond, or both.

15 "State" means a state, commonwealth, territory, or possession of
16 the United States, the District of Columbia.

17 "State psychology regulatory authority" means the board, office
18 or other agency with the legislative mandate to license and regulate
19 the practice of psychology.

20 "Telepsychology" means the provision of psychological services
21 using telecommunication technologies.

22 "Temporary authorization to practice" means a licensed
23 psychologist's authority to conduct temporary in-person, face-to-
24 face practice, within the limits authorized under this compact, in
25 another compact state.

26 "Temporary in-person, face-to-face practice" means where a
27 psychologist is physically present, not through the use of
28 telecommunications technologies, in the distant state to provide for
29 the practice of psychology for 30 days within a calendar year and
30 based on notification to the distant state.

31

32 III. Home State Licensure.

33 a. The home state shall be a compact state where a psychologist
34 is licensed to practice psychology.

35 b. A psychologist may hold one or more compact state licenses at
36 a time. If the psychologist is licensed in more than one compact
37 state, the home state is the compact state where the psychologist is
38 physically present when the services are delivered as authorized by
39 the authority to practice interjurisdictional telepsychology under the
40 terms of this compact.

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

46 d. Any compact state may require a psychologist to obtain and
47 retain a license to be authorized to practice in a compact state under

1 circumstances not authorized by temporary authorization to practice
2 under the terms of this compact.

3 e. A home state's license authorizes a psychologist to practice in
4 a receiving state under the authority to practice interjurisdictional
5 telepsychology only if the compact state: currently requires the
6 psychologist to hold an active e.passport; has a mechanism in place
7 for receiving and investigating complaints about licensed
8 individuals; notifies the commission, in compliance with the terms
9 herein, of any adverse action or significant investigatory
10 information regarding a licensed individual; requires an identity
11 history summary of all applicants at initial licensure, including the
12 use of the results of fingerprints or other biometric data checks
13 compliant with the requirements of the FBI, or other designee with
14 similar authority, no later than ten years after activation of the
15 compact; and complies with the bylaws and rules of the
16 commission.

17 f. A home state's license grants temporary authorization to
18 practice to a psychologist in a distant state only if the compact state:
19 currently requires the psychologist to hold an active ipc; has a
20 mechanism in place for receiving and investigating complaints
21 about licensed individuals; notifies the commission, in compliance
22 with the terms herein, of any adverse action or significant
23 investigatory information regarding a licensed individual; requires
24 an identity history summary of all applicants at initial licensure,
25 including the use of the results of fingerprints or other biometric
26 data checks compliant with the requirements of the federal bureau
27 of investigation, or other designee with similar authority, no later
28 than ten years after activation of the compact; and complies with
29 the bylaws and rules of the commission.

30

31 IV. Compact Privilege to Practice Telepsychology.

32 a. Compact states shall recognize the right of a psychologist,
33 licensed in a compact state in conformance with Article III, to
34 practice telepsychology in other compact states in which the
35 psychologist is not licensed, under the authority to practice
36 interjurisdictional telepsychology as provided in the compact.

37 b. To exercise the authority to practice interjurisdictional
38 telepsychology under the terms and provisions of this compact, a
39 psychologist licensed to practice in a compact state must:

40 (1) Hold a graduate degree in psychology from an institute of
41 higher education that was, at the time the degree was awarded:

42 (a) regionally accredited by an accrediting body recognized by
43 the federal Department of Education to grant graduate degrees, or
44 authorized by Provincial Statute or Royal Charter to grant doctoral
45 degrees; or

46 (b) a foreign college or university deemed to be equivalent to by
47 a foreign credential evaluation service that is a member of the

1 National Association of Credential Evaluation Services or by a
2 recognized foreign credential evaluation service;

3 (2) Hold a graduate degree in psychology that meets the
4 following criteria: the program, wherever it may be administratively
5 housed, must be clearly identified and labeled as a psychology
6 program. Such a program must specify in pertinent institutional
7 catalogues and brochures its intent to educate and train professional
8 psychologists; the psychology program must stand as a
9 recognizable, coherent, organizational entity within the institution;
10 there must be a clear authority and primary responsibility for the
11 core and specialty areas whether or not the program cuts across
12 administrative lines; the program must consist of an integrated,
13 organized sequence of study; there must be an identifiable
14 psychology faculty sufficient in size and breadth to carry out its
15 responsibilities; the designated director of the program must be a
16 psychologist and a member of the core faculty; the program must
17 have an identifiable body of students who are matriculated in that
18 program for a degree; the program must include supervised
19 practicum, internship, or field training appropriate to the practice of
20 psychology; the curriculum shall encompass a minimum of three
21 academic years of full-time graduate study for a doctoral degree and
22 a minimum of one academic year of full-time graduate study for a
23 master's degree; the program includes an acceptable residency as
24 defined by the rules of the commission;

25 (3) Possess a current, full and unrestricted license to practice
26 psychology in a home state which is a compact state; have no
27 history of adverse action that violate the rules of the commission;
28 have no criminal record history reported on an identity history
29 summary that violates the rules of the commission; possess a
30 current, active e.passport;

31 (4) Provide attestations in regard to areas of intended practice,
32 conformity with standards of practice, competence in
33 telepsychology technology; criminal background; and knowledge
34 and adherence to legal requirements in the home and receiving
35 states, and

36 (5) Provide a release of information to allow for primary source
37 verification in a manner specified by the commission; and meet
38 other criteria as defined by the rules of the commission.

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

42 d. A psychologist practicing into a receiving state under the
43 authority to practice interjurisdictional telepsychology will be
44 subject to the receiving state's scope of practice. A receiving state
45 may, in accordance with that state's due process law, limit or revoke
46 a psychologist's authority to practice interjurisdictional
47 telepsychology in the receiving state and may take any other
48 necessary actions under the receiving state's applicable law to

1 protect the health and safety of the receiving state's citizens. If a
2 receiving state takes action, the state shall promptly notify the home
3 state and the commission.

4 e. If a psychologist's license in any home state, another compact
5 state, or any authority to practice interjurisdictional telepsychology
6 in any receiving state, is restricted, suspended or otherwise limited,
7 the e.passport shall be revoked and therefore the psychologist shall
8 not be eligible to practice telepsychology in a compact state under
9 the authority to practice interjurisdictional telepsychology.

10

11 V. Compact Temporary Authorization to Practice.

12

13 a. Compact States shall also recognize the right of a
14 psychologist, licensed in a compact state in conformance with
15 Article iii, to practice temporarily in other distant states in which
16 the psychologist is not licensed, as provided in the compact.

17 b. To exercise the temporary authorization to practice under the
18 terms and provisions of this compact, a psychologist licensed to
19 practice in a compact state must:

20 (1) Hold a graduate degree in psychology from an institute of
21 higher education that was, at the time the degree was awarded: (a)
22 Regionally accredited by an accrediting body recognized by the
23 federal Department of Education to grant graduate degrees, or
24 authorized by Provincial Statute or Royal Charter to grant doctoral
25 degrees; or (b) a foreign college or university deemed to be
26 equivalent by a foreign credential evaluation service that is a
27 member of the National Association of Credential Evaluation
28 Services or by a recognized foreign credential evaluation service;

29 (2) Hold a graduate degree in psychology that meets the
30 following criteria: the program, wherever it may be administratively
31 housed, must be clearly identified and labeled as a psychology
32 program and must specify in pertinent institutional catalogues and
33 brochures its intent to educate and train professional psychologists;
34 the psychology program must stand as a recognizable, coherent,
35 organizational entity within the institution; there must be a clear
36 authority and primary responsibility for the core and specialty areas
37 whether or not the program cuts across administrative lines; the
38 program must consist of an integrated, organized sequence of study;
39 there must be an identifiable psychology faculty sufficient in size
40 and breadth to carry out its responsibilities; the designated director
41 of the program must be a psychologist and a member of the core
42 faculty; the program must have an identifiable body of students who
43 are matriculated in that program for a degree; the program must
44 include supervised practicum, internship, or field training
45 appropriate to the practice of psychology; the curriculum shall
46 encompass a minimum of three academic years of full-time
47 graduate study for doctoral degrees and a minimum of one
48 academic year of full-time graduate study for master's degree; and

1 the program includes an acceptable residency as defined by the
2 rules of the commission;

3 (3) Possess a current, full and unrestricted license to practice
4 psychology in a home state which is a compact state; no history of
5 adverse action that violate the rules of the commission; and have no
6 criminal record history that violates the rules of the commission;

7 (4) Possess a current, active IPC;

8 (5) Provide attestations in regard to areas of intended practice
9 and work experience and provide a release of information to allow
10 for primary source verification in a manner specified by the
11 commission; and

12 (6) Meet other criteria as defined by the rules of the commission.

13 c. A psychologist practicing into a distant state under the
14 temporary authorization to practice shall practice within the scope
15 of practice authorized by the distant state.

16 d. A psychologist practicing into a distant state under the
17 temporary authorization to practice will be subject to the distant
18 state's authority and law. A distant state may, in accordance with
19 that state's due process law, limit or revoke a psychologist's
20 temporary authorization to practice in the distant state and may take
21 any other necessary actions under the distant state's applicable law
22 to protect the health and safety of the distant state's citizens. If a
23 distant state takes action, the state shall promptly notify the home
24 state and the commission.

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

31

32 VI. Conditions of Telepsychology Practice in a Receiving State.

33

34 A psychologist may practice in a receiving state under the
35 authority to practice interjurisdictional telepsychology only in the
36 performance of the scope of practice for psychology as assigned by
37 an appropriate state psychology regulatory authority, as defined in
38 the rules of the commission, and under the following circumstances:
39 the psychologist initiates a client or patient, or both contact in a
40 home state via telecommunications technologies with a client or
41 patient, or both, in a receiving state; and other conditions regarding
42 telepsychology as determined by rules promulgated by the
43 commission.

44

45 VII. Adverse Actions

46

47 a. A home state shall have the power to impose adverse action
48 against a psychologist's license issued by the home state. A distant

- 1 state shall have the power to take adverse action on a psychologist's
2 temporary authorization to practice within that distant State.
- 3 b. A receiving state may take adverse action on a psychologist's
4 authority to practice interjurisdictional telepsychology within that
5 receiving state. A home state may take adverse action against a
6 psychologist based on an adverse action taken by a distant state
7 regarding temporary in-person, face-to-face practice.
- 8 c. If a home state takes adverse action against a psychologist's
9 license, that psychologist's authority to practice interjurisdictional
10 telepsychology is terminated and the e.passport is revoked.
11 Furthermore, that psychologist's temporary authorization to practice
12 is terminated and the IPC is revoked. All home state disciplinary
13 orders which impose adverse action shall be reported to the
14 commission in accordance with the rules promulgated by the
15 commission. A compact state shall report adverse actions in
16 accordance with the rules of the commission. In the event discipline
17 is reported on a psychologist, the psychologist will not be eligible
18 for telepsychology or temporary in-person, face-to-face practice in
19 accordance with the rules of the commission. Other actions may be
20 imposed as determined by the rules promulgated by the
21 commission.
- 22 d. A home state's psychology regulatory authority shall
23 investigate and take appropriate action with respect to reported
24 inappropriate conduct engaged in by a licensee which occurred in a
25 receiving state as it would if such conduct had occurred by a
26 licensee within the home state. In such cases, the home state's law
27 shall control in determining any adverse action against a
28 psychologist's license.
- 29 e. A distant state's psychology regulatory authority shall
30 investigate and take appropriate action with respect to reported
31 inappropriate conduct engaged in by a psychologist practicing under
32 temporary authorization practice which occurred in that distant state
33 as it would if such conduct had occurred by a licensee within the
34 home state. In such cases, distant state's law shall control in
35 determining any adverse action against a psychologist's temporary
36 authorization to practice.
- 37 f. Nothing in this compact shall override a compact state's
38 decision that a psychologist's participation in an alternative program
39 may be used in lieu of adverse action and that such participation
40 shall remain non-public if required by the compact state's law.
41 compact states must require psychologists who enter any alternative
42 programs to not provide telepsychology services under the authority
43 to practice interjurisdictional telepsychology or provide temporary
44 psychological services under the temporary authorization to practice
45 in any other compact state during the term of the alternative
46 program.

1 g. No other judicial or administrative remedies shall be
2 available to a psychologist in the event a compact state imposes an
3 adverse action pursuant to subsection c. of this section.

4
5 VIII. Additional Authorities Invested in a Compact State's
6 Psychology.

7
8 In addition to any other powers granted under state law, a
9 compact state's psychology regulatory authority shall have the
10 authority under this compact to: issue subpoenas, for both hearings
11 and investigations, which require the attendance and testimony of
12 witnesses and the production of evidence. subpoenas issued by a
13 compact state's psychology regulatory authority for the attendance
14 and testimony of witnesses, or the production of evidence from
15 another compact state, shall be enforced in the latter state by any
16 court of competent jurisdiction, according to that court's practice
17 and procedure in considering subpoenas issued in its own
18 proceedings. The issuing state psychology regulatory authority
19 shall pay any witness fees, travel expenses, mileage, and other fees
20 required by the service statutes of the state where the witnesses,
21 evidence, or both are located; and issue cease and desist and/or
22 injunctive relief orders to revoke a psychologist's authority to
23 practice interjurisdictional telepsychology, temporary authorization
24 to practice, or both. During the course of any investigation, a
25 psychologist may not change his or her home state licensure. A
26 home state psychology regulatory authority is authorized to
27 complete any pending investigations of a psychologist and to take
28 any actions appropriate under its law. The home state psychology
29 regulatory authority shall promptly report the conclusions of such
30 investigations to the commission. Once an investigation has been
31 completed, and pending the outcome of said investigation, the
32 psychologist may change his or her home state licensure. The
33 commission shall promptly notify the new home state of any such
34 decisions as provided in the rules of the commission. All
35 information provided to the commission or distributed by compact
36 states pursuant to the psychologist shall be confidential, filed under
37 seal, and used for investigatory or disciplinary matters. The
38 commission may create additional rules for mandated or
39 discretionary sharing of information by compact states.

40
41 IX. Coordinated Licensure Information System.

42
43 a. The Commission shall provide for the development and
44 maintenance of a coordinated licensure information system
45 (coordinated database) and reporting system containing licensure
46 and disciplinary action information on all psychologists individuals
47 to whom this compact is applicable in all compact states as defined
48 by the rules of the commission.

1 b. Notwithstanding any other provision of state law to the
2 contrary, a compact state shall submit a uniform data set to the
3 coordinated database on all licensees as required by the rules of the
4 commission, including: identifying information; licensure data;
5 significant investigatory information; adverse actions against a
6 psychologist's license; an indicator that a psychologist's authority to
7 practice interjurisdictional telepsychology or temporary
8 authorization to practice is revoked; non-confidential information
9 related to alternative program participation information; any denial
10 of application for licensure, and the reasons for such denial; and
11 other information which may facilitate the administration of this
12 compact, as determined by the rules of the commission.

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

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

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

24

25 X. Establishment of the Psychology Interjurisdictional Compact
26 Commission.

27

28 a. The compact states hereby create and establish a joint public
29 agency known as the psychology interjurisdictional compact
30 commission. The commission is a body politic and an
31 instrumentality of the compact States. Venue is proper and judicial
32 proceedings by or against the commission shall be brought solely
33 and exclusively in a court of competent jurisdiction where the
34 principal office of the commission is located. The commission may
35 waive venue and jurisdictional defenses to the extent it adopts or
36 consents to participate in alternative dispute resolution proceedings.
37 Nothing in this compact shall be construed to be a waiver of
38 sovereign immunity.

39 b. (1) The commission shall consist of one voting
40 representative appointed by each compact state who shall serve as
41 that state's commissioner. The state psychology regulatory
42 authority shall appoint its delegate. The delegate shall be
43 empowered to act on behalf of the compact state. The delegate
44 shall be either the executive director, executive secretary or similar
45 executive; current member of the state psychology regulatory
46 authority of a compact state; or designee empowered with the
47 appropriate delegate authority to act on behalf of the compact state.
48 Any commissioner may be removed or suspended from office as

1 provided by the law of the state from which the commissioner is
2 appointed. Any vacancy occurring in the commission shall be filled
3 in accordance with the laws of the compact state in which the
4 vacancy exists. Each commissioner shall be entitled to one vote
5 with regard to the promulgation of rules and creation of bylaws and
6 shall otherwise have an opportunity to participate in the business
7 and affairs of the commission. A commissioner shall vote in person
8 or by such other means as provided in the bylaws. The bylaws may
9 provide for commissioners' participation in meetings by telephone
10 or other means of communication. The commission shall meet at
11 least once during each calendar year. Additional meetings shall be
12 held as set forth in the bylaws. All meetings shall be open to the
13 public, and public notice of meetings shall be given in the same
14 manner as required under the rulemaking provisions in Article XI.
15 The commission may convene in a closed, non-public meeting if the
16 commission must discuss: non-compliance of a compact state with
17 its obligations under the compact; the employment, compensation,
18 discipline or other personnel matters, practices or procedures
19 related to specific employees or other matters related to the
20 commission's internal personnel practices and procedures; current,
21 threatened, or reasonably anticipated litigation against the
22 commission; negotiation of contracts for the purchase or sale of
23 goods, services or real estate; accusation against any person of a
24 crime or formally censuring any person; disclosure of trade secrets
25 or commercial or financial information which is privileged or
26 confidential; disclosure of information of a personal nature where
27 disclosure would constitute a clearly unwarranted invasion of
28 personal privacy; disclosure of investigatory records compiled for
29 law enforcement purposes; disclosure of information related to any
30 investigatory reports prepared by or on behalf of or for use of the
31 commission or other committee charged with responsibility for
32 investigation or determination of compliance issues pursuant to the
33 compact; or matters specifically exempted from disclosure by
34 federal and state statute.

35 (2) If a meeting, or portion of a meeting, is closed pursuant to
36 paragraph (1) of this subsection, the commission's legal counsel or
37 designee shall certify that the meeting may be closed and shall
38 reference each relevant exempting provision. The commission shall
39 keep minutes which fully and clearly describe all matters discussed
40 in a meeting and shall provide a full and accurate summary of
41 actions taken, of any person participating in the meeting, and the
42 reasons therefore, including a description of the views expressed.
43 All documents considered in connection with an action shall be
44 identified in such minutes. All minutes and documents of a closed
45 meeting shall remain under seal, subject to release only by a
46 majority vote of the commission or order of a court of competent
47 jurisdiction.

1 c. The commission shall, by a majority vote of the
2 commissioners, prescribe bylaws, rules, or both to govern its
3 conduct as may be necessary or appropriate to carry out the
4 purposes and exercise the powers of the compact, including but not
5 limited to: establishing the fiscal year of the commission; providing
6 reasonable standards and procedures: for the establishment and
7 meetings of other committees; and for governing any general or
8 specific delegation of any authority or function of the commission;
9 providing reasonable procedures for calling and conducting
10 meetings of the commission; and ensuring reasonable advance
11 notice of all meetings and providing an opportunity for attendance
12 of such meetings by interested parties, with enumerated exceptions
13 designed to protect the public's interest, the privacy of individuals
14 of such proceedings, and proprietary information, including trade
15 secrets. The commission may meet in closed session only after a
16 majority of the commissioners vote to close a meeting to the public
17 in whole or in part. As soon as practicable, the commission shall
18 make public a copy of the vote to close the meeting revealing the
19 vote of each commissioner with no proxy votes allowed;
20 establishing the titles, duties and authority and reasonable
21 procedures for the election of the officers of the commission;
22 providing reasonable standards and procedures for the
23 establishment of the personnel policies and programs of the
24 commission. Notwithstanding any civil service or other similar law
25 of any compact state, the bylaws shall exclusively govern the
26 personnel policies and programs of the commission; promulgating a
27 code of ethics to address permissible and prohibited activities of
28 commission members and employees; providing a mechanism for
29 concluding the operations of the commission and the equitable
30 disposition of any surplus funds that may exist after the termination
31 of the compact after the payment and reserving of all of its debts
32 and obligations; the commission shall publish its bylaws in a
33 convenient form and file a copy thereof and a copy of any
34 amendment thereto, with the appropriate agency or officer in each
35 of the compact states; the commission shall maintain its financial
36 records in accordance with the bylaws, and shall meet and take such
37 actions as are consistent with the provisions of this compact and the
38 bylaws.

39 d. The commission shall have the following powers:

40 (1) the authority to promulgate uniform rules to facilitate and
41 coordinate implementation and administration of this compact,
42 which rule shall have the force and effect of law and shall be
43 binding in all compact states;

44 (2) to bring and prosecute legal proceedings or actions in the
45 name of the commission, provided that the standing of any state
46 psychology regulatory authority or other regulatory body
47 responsible for psychology licensure to sue or be sued under
48 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
6 authority to carry out the purposes of the compact, and to establish
7 the commission's personnel policies and programs relating to
8 conflicts of interest, qualifications of personnel, and other related
9 personnel matters;

10 (6) to accept any and all appropriate donations and grants of
11 money, equipment, supplies, materials and services, and to receive,
12 utilize and dispose of the same, provided that at all times the
13 commission shall strive to avoid any appearance of impropriety or
14 conflict of interest;

15 (7) to lease, purchase, accept appropriate gifts or donations of, or
16 otherwise to own, hold, improve, or use, any property, real,
17 personal, or mixed, provided that at all times the commission shall
18 strive to avoid any appearance of impropriety;

19 (8) to sell, convey, mortgage, pledge, lease, exchange, abandon
20 or otherwise dispose of any property real, personal or mixed;

21 (9) to establish a budget and make expenditures;

22 (10) to borrow money;

23 (11) to appoint committees, including advisory committees
24 comprised of members, state regulators, state legislators or their
25 representatives, and consumer representatives, and such other
26 interested persons as may be designated in this compact and the
27 bylaws; to provide and receive information from, and

28 (12) to cooperate with, law enforcement agencies; and

29 (13) to adopt and use an official seal; and to perform such other
30 functions as may be necessary or appropriate to achieve the
31 purposes of this compact consistent with the state regulation of
32 psychology licensure, temporary in-person, face-to-face practice,
33 and telepsychology practice.

34 e. The elected officers shall serve as the executive board,
35 which shall have the power to act on behalf of the commission
36 according to the terms of this compact.

37 (1) The executive board shall be comprised of six members: five
38 voting members who are elected from the current membership of
39 the commission by the commission and one ex-officio, nonvoting
40 member from the recognized membership organization composed of
41 state and provincial psychology regulatory authorities. The ex-
42 officio member must have served as staff or member on a state
43 psychology regulatory authority and will be selected by its
44 respective organization. The commission may remove any member
45 of the executive board as provided in bylaws. The executive board
46 shall meet at least annually.

47 (2) The executive board shall have the following duties and
48 responsibilities: recommend to the entire commission changes to the

1 rules or bylaws, changes to this compact legislation, fees paid by
2 compact states such as annual dues, and any other applicable fees;
3 ensure compact administration services are appropriately provided,
4 contractual or otherwise; prepare and recommend the budget;
5 maintain financial records on behalf of the commission; monitor
6 compact compliance of member states and provide compliance
7 reports to the commission; establish additional committees as
8 necessary; and other duties as provided in rules or bylaws.

9 f. the commission shall pay, or provide for the payment of the
10 reasonable expenses of its establishment, organization and ongoing
11 activities. The commission may accept any and all appropriate
12 revenue sources, donations, and grants of money, equipment,
13 supplies, materials and services. The commission may levy on and
14 collect an annual assessment from each compact state or impose
15 fees on other parties to cover the cost of the operations and
16 activities of the commission and its staff which must be in a total
17 amount sufficient to cover its annual budget as approved each year
18 for which revenue is not provided by other sources. The aggregate
19 annual assessment amount shall be allocated based upon a formula
20 to be determined by the commission which shall promulgate a rule
21 binding upon all compact states. The commission shall not incur
22 obligations of any kind prior to securing the funds adequate to meet
23 the same; nor shall the commission pledge the credit of any of the
24 compact states, except by and with the authority of the compact
25 state. the commission shall keep accurate accounts of all receipts
26 and disbursements. The receipts and disbursements of the
27 commission shall be subject to the audit and accounting procedures
28 established under its bylaws. All receipts and disbursements of
29 funds handled by the commission shall be audited yearly by a
30 certified or licensed public accountant and the report of the audit
31 shall be included in and become part of the annual report of the
32 commission.

33 g. The members, officers, executive director, employees and
34 representatives of the commission shall be immune from suit and
35 liability, either personally or in their official capacity, for any claim
36 for damage to or loss of property or personal injury or other civil
37 liability caused by or arising out of any actual or alleged act, error
38 or omission that occurred, or that the person against whom the
39 claim is made had a reasonable basis for believing occurred within
40 the scope of commission employment, duties or responsibilities;
41 provided that nothing in this subsection shall be construed to protect
42 any such person from suit or liability for any damage, loss, injury,
43 or liability caused by the intentional or willful or wanton
44 misconduct of that person. The commission shall defend any
45 member, officer, executive director, employee, or representative of
46 the commission in any civil action seeking to impose liability
47 arising out of any actual or alleged act, error or omission that
48 occurred within the scope of commission employment, duties, or

1 responsibilities, or that the person against whom the claim is made
2 had a reasonable basis for believing occurred within the scope of
3 commission employment, duties or responsibilities; provided that
4 nothing herein shall be construed to prohibit that person from
5 retaining the person's own counsel; and provided further, that the
6 actual or alleged act, error, or omission did not result from that
7 person's intentional or willful or wanton misconduct. The
8 commission shall indemnify and hold harmless any member,
9 officer, executive director, employee, or representative of the
10 commission for the amount of any settlement or judgment obtained
11 against that person arising out of any actual or alleged act, error or
12 omission that occurred within the scope of commission
13 employment, duties, or responsibilities, or that such person had a
14 reasonable basis for believing occurred within the scope of
15 commission employment, duties, or responsibilities, provided that
16 the actual or alleged act, error, or omission did not result from the
17 intentional or willful or wanton misconduct of that person.

18

19 XI. Rulemaking.

20

21 a. The Commission shall exercise its rulemaking powers
22 pursuant to the criteria set forth in this article and the rules adopted
23 thereunder. Rules and amendments shall become binding as of the
24 date specified in each rule or amendment.

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

29 c. Rules or amendments to the rules shall be adopted at a
30 regular or special meeting of the Commission.

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

38 e. The notice of proposed rulemaking shall include: the
39 proposed time, date, and location of the meeting in which the rule
40 will be considered and voted upon; the text of the proposed rule or
41 amendment and the reason for the proposed rule; a request for
42 comments on the proposed rule from any interested person; and the
43 manner in which interested persons may submit notice to the
44 commission of their intention to attend the public hearing and any
45 written comments.

46 f. Prior to adoption of a proposed rule, the commission shall
47 allow persons to submit written data, facts, opinions, and arguments
48 which shall be made available to the public.

- 1 g. The commission shall grant an opportunity for a public
2 hearing before it adopts a rule or amendment if a hearing is
3 requested by: at least 25 persons who submit comments
4 independently of each other; a governmental subdivision or agency;
5 or a duly appointed person in an association that has having at least
6 25 members.
- 7 h. If a hearing is held on the proposed rule or amendment, the
8 commission shall publish the place, time, and date of the scheduled
9 public hearing. All persons wishing to be heard at the hearing shall
10 notify the executive director of the commission or other designated
11 member in writing of their desire to appear and testify at the hearing
12 not less than five business days before the scheduled date of the
13 hearing. Hearings shall be conducted in a manner providing each
14 person who wishes to comment a fair and reasonable opportunity to
15 comment orally or in writing. No transcript of the hearing is
16 required, unless a written request for a transcript is made, in which
17 case the person requesting the transcript shall bear the cost of
18 producing the transcript. A recording may be made in lieu of a
19 transcript under the same terms and conditions as a transcript. This
20 subsection shall not preclude the commission from making a
21 transcript or recording of the hearing if it so chooses. Nothing in
22 this section shall be construed as requiring a separate hearing on
23 each rule. Rules may be grouped for the convenience of the
24 commission at hearings required by this section.
- 25 i. Following the scheduled hearing date, or by the close of
26 business on the scheduled hearing date if the hearing was not held,
27 the commission shall consider all written and oral comments
28 received.
- 29 j. The commission shall, by majority vote of all members, take
30 final action on the proposed rule and shall determine the effective
31 date of the rule, if any, based on the rulemaking record and the full
32 text of the rule.
- 33 k. If no written notice of intent to attend the public hearing by
34 interested parties is received, the commission may proceed with
35 promulgation of the proposed rule without a public hearing.
- 36 l. Upon determination that an emergency exists, the
37 commission may consider and adopt an emergency rule without
38 prior notice, opportunity for comment, or hearing, provided that the
39 usual rulemaking procedures provided in the compact and in this
40 section shall be retroactively applied to the rule as soon as
41 reasonably possible, in no event later than 90 days after the
42 effective date of the rule. For the purposes of this provision, an
43 emergency rule is one that must be adopted immediately in order to:
44 meet an imminent threat to public health, safety, or welfare; prevent
45 a loss of commission or compact state funds; meet a deadline for
46 the promulgation of an administrative rule that is established by
47 federal law or rule; or protect public health and safety.

1 m. The commission or an authorized committee of the
2 commission may direct revisions to a previously adopted rule or
3 amendment for purposes of correcting typographical errors, errors
4 in format, errors in consistency, or grammatical errors. Public
5 notice of any revisions shall be posted on the website of the
6 commission. The revision shall be subject to challenge by any
7 person for a period of 30 days after posting. The revision may be
8 challenged only on grounds that the revision results in a material
9 change to a rule. A challenge shall be made in writing, and
10 delivered to the chair of the commission prior to the end of the
11 notice period. If no challenge is made, the revision will take effect
12 without further action. If the revision is challenged, the revision
13 may not take effect without the approval of the commission.
14

15 XII. Oversight, Dispute Resolution, and Enforcement

16

17 a. The executive, legislative, and judicial branches of state
18 government in each compact state shall enforce this compact and
19 take all actions necessary and appropriate to effectuate the
20 compact's purposes and intent. The provisions of this Compact and
21 the rules promulgated hereunder shall have standing as statutory
22 law. All courts shall take judicial notice of the compact and the
23 rules in any judicial or administrative proceeding in a compact state
24 pertaining to the subject matter of this compact that may affect the
25 powers, responsibilities or actions of the commission. The
26 commission shall be entitled to receive service of process in any
27 such proceeding, and shall have standing to intervene in such a
28 proceeding for all purposes. Failure to provide service of process to
29 the commission shall render a judgment or order void as to the
30 commission, this compact or promulgated rules.

31 b. If the commission determines that a compact state has
32 defaulted in the performance of its obligations or responsibilities
33 under this compact or the promulgated rules, the commission shall:
34 provide written notice to the defaulting state and other compact
35 states of the nature of the default, the proposed means of remedying
36 the default, and any other action to be taken by the commission; and
37 provide remedial training and specific technical assistance
38 regarding the default. If a state in default fails to remedy the
39 default, the defaulting state may be terminated from the compact
40 upon an affirmative vote of a majority of the compact states, and all
41 rights, privileges, and benefits conferred by this compact shall be
42 terminated on the effective date of termination. A remedy of the
43 default shall not relieve the offending state of obligations or
44 liabilities incurred during the period of default. Termination of
45 membership in the compact shall be imposed only after all other
46 means of securing compliance have been exhausted. Notice of
47 intent to suspend or terminate shall be submitted by the commission
48 to the governor, the majority and minority leaders of the defaulting

1 state's legislature, and each of the compact states. A compact state
2 which has been terminated is responsible for all assessments,
3 obligations, and liabilities incurred through the effective date of
4 termination, including obligations which extend beyond the
5 effective date of termination. The commission shall not bear any
6 costs incurred by the state which is found to be in default or which
7 has been terminated from the compact, unless agreed upon in
8 writing between the commission and the defaulting state. The
9 defaulting state may appeal the action of the commission by
10 petitioning the United States District Court for the state of Georgia
11 or the federal district where the compact has its principal offices.
12 The prevailing member shall be awarded all costs of such litigation,
13 including reasonable attorney's fees.

14 c. Upon request by a compact state, the commission shall
15 attempt to resolve disputes related to the compact which arise
16 among compact states and between compact and non-compact
17 states. The commission shall promulgate a rule providing for both
18 mediation and binding dispute resolution for disputes that arise
19 before the commission.

20 d. The commission, in the reasonable exercise of its discretion,
21 shall enforce the provisions and rules of this compact. By majority
22 vote, the commission may initiate legal action in the United States
23 District Court for the state of Georgia or the federal district where
24 the compact has its principal offices against a compact state in
25 default to enforce compliance with the provisions of the compact
26 and its promulgated rules and bylaws. The relief sought may
27 include both injunctive relief and damages. In the event judicial
28 enforcement is necessary, the prevailing member shall be awarded
29 all costs of such litigation, including reasonable attorney's fees. The
30 remedies herein shall not be the exclusive remedies of the
31 commission. The commission may pursue any other remedies
32 available under federal or state law.

33

34 XIII. Date of Implementation of the Psychology
35 Interjurisdictional Compact Commission and Associated Rules,
36 Withdrawal, and Amendments.

37

38 a. The compact shall come into effect on the date on which the
39 compact is enacted into law in the seventh compact state. The
40 provisions which become effective at that time shall be limited to
41 the powers granted to the commission relating to assembly and the
42 promulgation of rules. Thereafter, the commission shall meet and
43 exercise rulemaking powers necessary to the implementation and
44 administration of the compact.

45 b. Any state which joins the compact subsequent to the
46 commission's initial adoption of the rules shall be subject to the
47 rules as they exist on the date on which the compact becomes law in
48 that state. Any rule which has been previously adopted by the

1 commission shall have the full force and effect of law on the day
2 the compact becomes law in that state.

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

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

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

20

21 XIV. Construction and Severability.

22

23 a. This compact shall be liberally construed so as to effectuate
24 the purposes thereof. If this compact shall be held contrary to the
25 constitution of any state member thereto, the compact shall remain
26 in full force and effect as to the remaining compact states. When
27 the Governor executes the compact on behalf of this State and when
28 the compact is ratified by one or more other states, then the
29 compact shall become operative and effective between this State
30 and such other state or states. The Governor is hereby authorized
31 and directed to take such action as may be necessary to complete
32 the exchange of official documents between this State and any other
33 state ratifying the compact.

34 b. The compact administrator who represents this State, as
35 provided in the compact, shall not be entitled to any additional
36 compensation for the administrator's duties and responsibilities as
37 compact administrator but shall be entitled to reimbursement for
38 reasonable expenses actually incurred in connection with the
39 administrator's duties and responsibilities as compact administrator
40 in the same manner as for expenses incurred in connection with
41 other duties and responsibilities of office or employment.

42

43 2. This act shall take effect on the 60 day after the date of
44 enactment.

STATEMENT

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This bill enters New Jersey into the Psychology Interjurisdictional Compact (PSYPACT).

The Association of State and Provincial Psychology Boards (ASPPB) approved the PSYPACT in February 2015. The PSYPACT, an interstate compact, was created to facilitate telehealth and temporary in-person, face-to-face practice of psychology across jurisdictional boundaries.

The PSYPACT addresses compact administration and enforcement, data sharing, and finances. PSYPACT establishes an independent operating authority, the Psychology Interjurisdictional Compact Commission, to administer and enforce the compact and to address future issues surrounding telepsychology and temporary in-person, face-to-face practice as needed.

The PSYPACT establishes a mechanism for licensed psychologists to provide psychological services to patients in other states and jurisdictions through the use of telehealth and telemedicine and by temporarily recognizing a license issued by another jurisdiction for the purposes of permitting the psychologist to provide in person services outside the licensing jurisdiction.

The following states have enacted PSYPACT: Arizona, Colorado, Delaware, Georgia, Illinois, Missouri, Nebraska, Nevada, New Hampshire, Oklahoma, Texas, and Utah.