



**Psychology Interjurisdictional Compact (PSYPACT)**

**Psychology Interjurisdictional Compact Commission**

**Title of Rule:** **Psychology Interjurisdictional Compact Commission**

**Drafted:** July 22, 2019

**Effective:** February 27, 2020

**Amended:**

**History for Rule:** Introduced at public meeting on July 22, 2019  
Public hearing October 9, 2019  
Amendments introduced at public meeting on November 21-22, 2019  
Public hearing February 27, 2020  
Amendments introduced at Commission meeting on August 5, 2021  
Annual Commission Meeting November 18, 2021

**Section 10** Establishment of the Psychology Interjurisdictional Compact Commission

**Authority:** Article X: Establishment of the Psychology Interjurisdictional Compact Commission  
Article II: Definitions

**10.0 Purpose:** **Pursuant to Article X**, the Compact States create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission.

- 10.1 Definition(s):**
- (A) **“Authority to Practice Interjurisdictional Telepsychology”** means: a licensed psychologist’s Authority to Practice Telepsychology, within the limits authorized under this Compact, in another Compact State. This Authority to Practice Interjurisdictional Telepsychology is deemed valid until the psychologist is no longer eligible under the Compact Statute and/or the Rules and/or Policies established by the Commission.
  - (B) **“Authorization Holder”** means: a licensed psychologist who has been granted Authority to Practice Interjurisdictional Telepsychology or Temporary Authorization to Practice under this Compact.
  - (C) **“Commission”** means: *the national administrative body of which all states that have enacted the Compact are members.*
  - (D) **“Compact”** means: Psychology Interjurisdictional Compact  

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(PSYPACT).
  - (E) **“Compact State”** means: *a state, the District of Columbia, or United States territory that has enacted this Compact legislation and which has not withdrawn pursuant to Article XIII, Section C or has been terminated pursuant to Article XII, Section B. For purposes of this Compact, Compact State and Member State may be used interchangeably.*
  - (F) **“Ex-Officio Member”** means: the non-voting representative from the membership organization composed of State and Provincial Psychology Regulatory Authorities. The member serves on the Commission Executive Board.
  - (G) **“Executive Board”** means: *a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.*
  - (H) **“Home State”** means: *a Compact State where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one Compact State and is practicing under the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the Compact State where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one Compact State and is practicing under the Temporary Authorization to Practice, the Home State is any Compact State where the psychologist is licensed.*
  - (I) **“Rule”** means: *a written statement by the Psychology*

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*Interjurisdictional Compact Commission promulgated pursuant to Article XI of this Compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the Compact; or is an organizational, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a member state and includes the amendment, repeal, or suspension of an existing rule.*

(J) **“State”** means: any state, commonwealth, territory, or possession of the United States, the District of Columbia.

(K) **“State Psychology Regulatory Authority”** means: the Board, office or agency with the legislative mandate to license and regulate the practice of psychology.

(L) **“Temporary Authorization to Practice”** means: a licensed psychologist’s authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this Compact, in another Compact State. This Temporary Authorization to Practice is deemed valid until the psychologist is no longer eligible under the Compact Statute and/or the Rules and/or Policies established by the Commission.

**10.2 Annual Assessment of Compact States:** The Commission shall determine the annual assessment to be paid by Compact States.

(A) Compact States will be charged an assessment of \$10 per Authorization Holder licensed in their Home State per fiscal year to be no greater than \$6,000 annually.

(B) The Commission may choose in any given year to adjust the annual assessment formula in (A) above or have a zero (\$0) dollar assessment.

~~(B)~~(C) Notwithstanding any adjustments to the annual assessment formula, the total amount assessed to any one jurisdiction can be no greater than \$6,000 annually.

~~(C)~~(D) The Commission shall provide public notice of any proposed revision to the annual assessment fee at least 90 calendar days prior to the Commission meeting to consider the proposed revision. The annual assessment must be paid by the Compact State within ninety (90) days of the date of the invoice sent by the Commission.

**10.3 Ex-Officio Non-Voting Member:** For the purposes of maintaining communication, the Association of State and Provincial Psychology Boards is the recognized membership

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organization of State and Provincial Psychology Regulatory Authorities and appoints its representative.

**10.4 Recognition of New Compact States:** The Commission shall notify all Compact States within 15 calendar days when a new state enacts the Compact.

**10.5 Process for Review of New State Laws or Amendments to Compacts:**

- A. Upon enactment by a state of a law intended as that state's adoption of the Compact, the Executive Board shall review the enacted law to determine whether it contains any provisions which materially conflict with the Compact model legislation.
  1. To the extent possible and practicable, this determination shall be made by the Executive Board after the date of enactment but before the effective date of such law. If the timeframe between enactment and effective date is insufficient to allow for this determination to be made by the Executive Board prior to the law's effective date, the Executive Board shall make the determination required by this paragraph as soon as practicable after the law's effective date. The fact that such a review may occur subsequent to the law's effective date shall not impair or prevent the application of the process set forth in this Section 10.5.
  2. If the Executive Board determines that the enacted law contains no provision which materially conflicts with the Compact model legislation, the state shall be admitted as a party to the Compact and to membership in the Commission pursuant to Article X of the Compact upon the effective date of the state's law and thereafter be subject to all rights, privileges, benefits and obligations of the Compact, these Rules and the bylaws.
  3. In the event the enacted law contains one or more provisions which the executive Board determines materially conflicts with the Compact model legislation, the state shall be ineligible for membership in the Commission or to become a party to the Compact, and the state shall be so notified within fifteen (15) days of the Executive Board's decision.

4. A state deemed ineligible for Compact membership and Commission participation pursuant to this Section 10.5 shall not be entitled to any of the rights, privileges or benefits of a Compact State as set forth in the Compact, these Rules and/or the bylaws. Without limiting the foregoing, a state deemed ineligible for membership and participation shall not be entitled to appoint a Commissioner, to submit to and/or receive data from the Coordinated Licensure Information System and/or to avail itself of the default and technical assistance provisions of the Compact. Psychologists licensed in a state deemed ineligible for membership and participation hereunder shall be ineligible for the Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice set forth in the Compact and these Rules.
- B. A state determined to be ineligible for Commission membership and Compact participation pursuant to this Section 10.5 may, within thirty (30) days of the date of the decision, appeal in writing the Executive Board's decision to the Commission. An appeal received by the Commission shall be deemed filed on the date it is sent to the Commission. If there is an appeal to the Commission, the Commission shall review de novo whether the state's enacted law materially conflicts with the model Compact legislation. The provisions of 10.5(A)(4) of these Rules shall apply during the pendency of any such appeal. The decision of the Commission may be appealed within thirty (30) days of the date of its decision to a court of competent jurisdiction subject to the venue provisions of Article X(A)(2) of the Compact.
- C. Subsequent to the determination that a state's enacted law contains provision(s) which materially conflict(s) with the Compact model legislation, the state may enact new legislation to remove the conflict. The new legislation shall be reviewed as set forth in this Section 10.5(A) and (B) above.
- D. In the event a Compact State, subsequent to its enactment of the Compact, enacts amendment(s) to its Compact law, or enacts another law or laws which may in any way alter or impact any provision or application of the state's enacted Compact law, the Compact State shall so inform the Commission within fifteen (15) days of the enactment of such amendment(s) or law(s). After being so informed by the Compact State, or learning of such amendment(s) or law(s) from any other source, the Commission shall review the amendment(s) or law(s) to determine if such amendment(s) or law(s) materially conflict with the state's

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enacted Compact law. In the event the Commission determines such amendment(s) or law(s) materially conflict(s) with the Compact, the Commission shall determine if the amendment(s) or law(s) constitute a condition of default pursuant to Article XII of the Compact and, if so, proceed according to the process established in Article XII and Commission Rules.

- E. For the purpose of determining whether a provision of any enacted law or amendment materially conflicts with the Compact, the Executive Board and the Commission shall consider the following, among other factors:
1. Whether the provision constitutes a material alteration of the rights and obligations of the enacting state or of member states.
  2. Whether the provision enlarges the liability or compromises the immunity of the Commission or any authorized agent of the Commission.
  3. Whether the provision modifies venue in proceedings involving the Commission.
  4. Whether the provision restricts the privileges or authorizations to practice as set forth in the Compact model legislation.
  5. Whether the provision would allow the state to negate or delay the applicability of a duly promulgated Commission rule in the state.
  6. Whether the provision would result in the reduction or elimination of fees, levies or assessments payable by the state and/or licensed psychologists in the state.
  7. Whether the provision fundamentally alters the nature of the agreement entered into by member states that have adopted the Compact.
  8. Whether there is a remedial mechanism, satisfactory to the Executive Board and/or Commission, whereby the effect of such law or amendment can be mitigated so as to minimize or eliminate the practical effect of any material conflict.

9. Whether the provision strikes or amends Compact model legislation language based upon a provision of the Compact model legislation being contrary to the Constitution of that state, and the Executive Board and/or Commission determines that the remainder of the Compact can be implemented effectively, and without compromising the rights of the Commission and the member states, without such unconstitutional provision.

**10.6 Executive Board Duties and Responsibilities:** in addition to the duties and responsibilities of the Executive Board set forth in Article X, Section E.(5), and in the Bylaws, the Executive Board shall have the authority to act on behalf of, and exercise the powers and duties of the Commission during the interim between Commission meetings, except for rulemaking or amendment of the Compact or the bylaws.

*Italicized definitions are mirrored directly from the PSYPACT Compact Language.*