

PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)

PSYPACT RULES

UPDATED
November
16,2023



PSYPACT Commission Rules

TABLE OF CONTENTS

Rule 1: Rule on Rulemaking	Page 3
Rule 2: Rule on Definitions	Page 7
Rule 4: Rule on Compact Privilege to Practice Telepsychology	Page 11
Rule 5: Rule on Compact Temporary Authorization to Practice.	Page 16
Rule 6: Rule on Conditions of Telepsychology Practice into a Receiving State	Page 21
Rule 7: Rule on Adverse Action	Page 23
Rule 8: Rule on Additional Authority Vested in State Psychology Regulatory Authorities	Page 28
Rule 9: Rule on Coordinated Licensure Information	Page 31
Rule 10: Rule on PSYPACT Commission	Page 36
Rule 13: Rule on Oversight Dispute Resolution and Enforcement	Page 43



Psychology Interjurisdictional Compact (PSYPACT)

Psychology Interjurisdictional Compact Commission

Title of Rule: Rule on Rulemaking

Drafted: July 22, 2019

Effective: October 9, 2019

Amended:

History for Rule: Introduced at public meeting on July 22, 2019
Public hearing October 9, 2019
Revisions introduced at public meeting on November 21-22, 2019

Section 1: Purpose and Authority

Authority: Article I: Purpose
Article X: Establishment of the Psychology Interjurisdictional Compact Commission
Article XI: Rulemaking

1.0 Purpose: **Pursuant to Article I**, the Psychology Interjurisdictional Compact is intended to regulate the day to day practice of telepsychology and the temporary in-person, face-to-face practice of psychology.
Pursuant to Article XI, the Psychology Interjurisdictional Compact Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the Psychology Interjurisdictional Compact (PSYPACT). The rule will become effective upon passage by the Psychology Interjurisdictional Compact Commission.

1.1 Definition(s): (A) **“Commission”** means: the national administrative body of which all states that have enacted the Compact are members.
(B) **“Compact”** means: Psychology Interjurisdictional Compact (PSYPACT).
(C) **“Compact State”** means: a state, the District of Columbia, or United States territory that has enacted this Compact legislation and which has



Reducing Regulatory Barriers. Increasing Access to Mental Health Care

not withdrawn pursuant to Article XIII, Section C or has been terminated pursuant to Article XII, Section B. For purposes of this Compact, Compact State and Member State may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.

(D) “Commissioner” means: the appointed delegate from each state as described in Article X.B.1. of the Compact.

(E) “Rule” means: a written statement by the Psychology 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.

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

1.2 Proposed Rules or Amendments: Rules shall be adopted by majority vote of the members of the Commission in the following manner:

(A) Proposed new rules and amendments to existing rules shall be submitted to the Commission office for referral to the Rules Committee as follows:

(1) Any Commissioner may submit a proposed rule or rule amendment for referral to the Rules Committee during the next scheduled Commission meeting.

(2) Standing committees of the Commission may propose rules or rule amendments by majority vote of that committee.

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

1.3 The Rules Committee: The Rules Committee shall prepare a draft of all proposed rules and/or amendments and provide the draft to all Commissioners for review and comments. Based on the comments made by the Commissioners, the Rules Committee shall prepare a final draft of the proposed rule(s) or amendment(s) for consideration by the Commission not later than 30 days



Reducing Regulatory Barriers. Increasing Access to Mental Health Care

prior to the next Commission meeting.

1.4 Prior to Promulgation and Adoption of a Final Rule: In accordance with Article XI of the Compact, the Commission shall publish the text of the proposed rule(s) or rule amendment(s) prepared by the Rules Committee not later than 60 days prior to the meeting at which the vote is scheduled, on the official web site of the Commission and on the website of each Compact States' Psychology Regulatory Authority or publication in which each state would otherwise publish proposed rules. All written comments received by the Rules Committee on proposed rules shall be posted on the Commission's website upon receipt. In addition to the text of the proposed rule(s) or amendment(s), the reason for the proposed rule(s) or amendment(s) shall be provided.

1.5 Each Posting for Public Comment of Rule or Amendment shall State:

- (A) The proposed time, date and location of the scheduled public meeting;
- (B) The manner in which interested persons may submit notice to the Commission of their intention to attend the public meeting and any written comments; and
- (C) The name, position, physical and electronic mail address, telephone, and, telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.

1.6 Public Hearings: Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment. In accordance with Article XI H. of the Compact, specifically:

- (A) If a hearing is held on the proposed rule(s) or amendment(s), the Commission shall publish the place, time, and date of the scheduled public hearing.
- (B) All persons wishing to be heard at the hearing shall notify the Executive Director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.
- (C) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.
- (D) No transcript of the public hearing is required, unless a written request for a transcript is made; in which case the person or entity making the request shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the public hearing.
- (E) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.
- (F) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and



Reducing Regulatory Barriers. Increasing Access to Mental Health Care

oral comments as received.

(G) The Commission shall, by majority vote of a quorum of the Commissioners, take final action on the proposed rule(s) and amendment(s) and shall determine the effective date of the rule(s) or amendment(s), if any, based on the rulemaking record and the full text of the rule(s) or amendment(s).

1.7 Status of Rules upon Adoption of Compact Additional Member States: Any state that joins the Compact subsequent to the Commission’s initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

1.8 Emergency Rulemaking: Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, no later than 90 days after the effective date of the rule. An emergency rule is one that must be made effective immediately in order to:

- (A) Meet an imminent threat to public health, safety, or welfare;
- (B) Prevent a loss of federal or state funds;
- (C) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
- (D) Protect public health and safety.

1.9 Purpose and Authority: These rules are promulgated by the Commission pursuant to the Compact. These rules shall become effective upon adoption by the Commission. Nothing in the Compact or these rules authorizes a psychologist to practice in a non-member state.

1.10 Publication of Rules. A copy of the Commission’s current rules shall be available on its website.

Italicized definitions are mirrored directly from the PSYPACT Compact Language.



Psychology Interjurisdictional Compact (PSYPACT)

Psychology Interjurisdictional Compact Commission

Title of Rule: Definitions

Drafted: November 21, 2019

Effective: February 27, 2020

Amended:

History for Rule: Introduced at public meeting on November 21-22, 2019
Public hearing February 27, 2020

Section 2: Definitions

Authority: Article II: Definitions

2.0 Purpose: Pursuant to Article II and for the purpose of the rules adopted by the PSYPACT Commission, the following definitions shall apply. Terms not specifically defined in these Rules shall have the definition as set forth in the Compact. In an event of a conflict with definitions found elsewhere in these Rules, definitions found in Section 2.1 shall control and prevail.

2.1 Definition(s):

- (A) **“Adverse Action”** means: any action taken by a State Psychology Regulatory Authority which finds a violation of a statute or regulation that is identified by the State Psychology Regulatory Authority as discipline and is a matter of public record.
- (B) **“Alternative Program”** means: any non-disciplinary monitoring program intended to remediate the licensee that is not a matter of public record and to which a State Psychology Regulatory Authority refers a licensee, or of which the State Psychology Regulatory Authority is aware of the licensee’s participation.
- (C) **“Association of State and Provincial Psychology Boards (ASPPB)”** means: the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.
- (D) **“Authority to Practice Interjurisdictional Telepsychology”** means: a licensed psychologist’s Authority to Practice Telepsychology, within the limits authorized



Reducing Regulatory Barriers. Increasing Access to Mental Health Care

- 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.
- (E) **“Authorization Holder”** means: a licensed psychologist who has been granted Authority to Practice Interjurisdictional Telepsychology or Temporary Authorization to Practice under this Compact.
 - (F) **“Bylaws”** means: those Bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to Article X for its governance, or for directing and controlling its actions and conduct.
 - (G) **“Client/Patient”** means: the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, and/or consulting services.
 - (H) **“Commissioner”** means: the voting representative appointed by each State Psychology Regulatory Authority pursuant in Article X.
 - (I) **“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 been terminated pursuant to Article XII, Section B. For purposes of this Compact, Compact State and Member State may be used interchangeably.
 - (J) **“Coordinated Licensure Information System”** also referred to as “Coordinated Database” means: an integrated process for collecting, storing, and sharing information on psychologists’ licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities.
 - (K) **“Confidentiality”** means: the principle that data or information is not made available or disclosed to unauthorized persons and/or processes.
 - (L) **“Day”** means: any part of a day in which psychological work is performed.
 - (M) **“Distant State”** means: the Compact State where a psychologist is physically present (not through the use of telecommunications technologies), to provide temporary in-person, face-to-face psychological services.
 - (N) **“Encumbrance”** means: any action taken by the State Psychology Regulatory Authority that limits the practice or work of a psychologist. An encumbrance may be disciplinary or non-disciplinary in nature.
 - (O) **“E. Passport”** means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.
 - (P) **“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.
 - (Q) **“Ex-Officio Member”** means: the non-voting representative from the membership



Reducing Regulatory Barriers. Increasing Access to Mental Health Care

- organization composed of State and Provincial Psychology Regulatory Authorities. The Ex-Officio Member serves on the Commission Executive Board.
- (R) **“Graduate Degree”** means: for the purpose of this Compact, a doctoral degree.
 - (S) **“Home of Record”** means: for the purpose of this Compact, the active duty military personnel’s or spouse’s state of legal residence on record with the military.
 - (T) **“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.
 - (U) **“Identity History Summary”** means: a summary of information retained by the FBI, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military services.
 - (V) **“In-Person, Face-to-Face”** means: interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies.
 - (W) **“Interjurisdictional Practice Certificate (IPC)”** means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the State Psychology Regulatory Authority of intention to practice temporarily, and verification of one’s qualifications for such practice.
 - (X) **“License”** means: authorization by a State and Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.
 - (Y) **“Non-Compact State”** means: any State which is not at the time a Compact State.
 - (Z) **“Permanent Change of Station” or “PCS”** means: the state of the duty station noted in the active duty military personnel’s PCS orders.
 - (AA) **“Psychologist”** means: an individual licensed for the independent practice of psychology.
 - (BB) **“Psychology Interjurisdictional Compact Commission”** also referred to as “Commission” means: the national administration of which all Compact States are members.
 - (CC) **“Receiving State”** means: a Compact State where the client/patient is physically located when the telepsychological services are delivered.
 - (DD) **“Rule”** means: a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to Section XI of the Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a Compact State, and



Reducing Regulatory Barriers. Increasing Access to Mental Health Care

- includes the amendment, repeal or suspension of an existing rule.*
- (EE) **“Significant Investigatory Information”** means:
1. *Investigative information that a State Psychology Regulatory Authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or*
 2. *Investigate information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and/or had an opportunity to respond.*
- (FF) **“State”** means: *a state, commonwealth, territory, or possession of the United States, the District of Columbia.*
- (GG) **“State of Current Residence”** means: *the state in which the active duty military personnel or spouse is currently physically residing.*
- (HH) **“State Psychology Regulatory Authority”** means: *the Board, office or other agency with the legislative mandate to license and regulate the practice of psychology.*
- (II) **“Telepsychology”** means: *the provision of psychological services using telecommunications technologies.*
- (JJ) **“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.*
- (KK) **“Temporary In-Person, Face-to-Face Practice”** means: *where a psychologist is physically present (not through the use of telecommunications technologies), in the Distant State to provide for the practice of psychology for 30 days within a calendar year and based on notification to the Distant State.*

Italicized definitions are mirrored directly from the PSYPACT Compact Language.

Psychology Interjurisdictional Compact (PSYPACT)
Psychology Interjurisdictional Compact Commission

Title of Rule: Compact Privilege to Practice Telepsychology

Drafted: November 21, 2019

Effective: February 27, 2020

Amended: November 19, 2021
November 17, 2022
November 16, 2023

History for Rule: 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 on November 19, 2021
Amendments introduced at Commission Meeting on July 14, 2022
Annual Commission meeting November 17, 2022

Amendments introduced at Commission Meeting on November 16, 2023

Section 4: Compact Privilege to Practice Telepsychology

Authority: Article IV: Compact Privilege to Practice Telepsychology
Article II: Definitions
Article III: Home State Licensure

4.0 Purpose: Pursuant to Article IV, the Compact State shall recognize the right of a psychologist to practice telepsychology in other Compact States under the Authority to Practice Interjurisdictional Telepsychology as provided in the Compact and further defined in these Rules.

4.1 Definition(s): (A) **“Association of State and Provincial Psychology Boards (ASPPB)”** means: the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.
(B) **“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.

(C) “**Authorization Holder**” means: a licensed psychologist who has been granted Authority to Practice Interjurisdictional Telepsychology or Temporary Authorization to Practice under this Compact.

(D) “**Commission**” means: the national administrative body of which all states that have enacted the Compact are members.

(E) “**Compact**” means: Psychology Interjurisdictional Compact (PSYPACT).

(F) “**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.

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

(H) “**Graduate Degree**” means: For the purpose of this Compact, a doctoral degree.

(I) “**Home of Record**” means: for the purpose of this Compact, the active duty military personnel’s or spouse’s state of legal residence on record with the military.

(J) “**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.

(K) “**License**” means: authorization by a State and Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

(L) “**Permanent Change of Station**” or “**PCS**” means: the state of the duty station noted in the active duty military personnel’s PCS orders.

(M) “**Receiving State**” means: a Compact State where the client/patient is physically located when the telepsychological services are delivered.

(N) “**Rule**” means: a written statement by the Psychology 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.

(O) “Scope of Practice” means: the procedures, actions, and processes a psychologist licensed in a state is permitted to undertake in that state and the circumstances under which the psychologist is permitted to undertake those procedures, actions and processes. Such procedures, actions and processes and the circumstances under which they may be undertaken may be established through means, including, but not limited to, statute, rules and regulations, case law, and other processes available to the State Psychologist Regulatory Authority or other government agency.

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

(Q) “State Law to Protect the Health and Safety of its Citizens” means: a state statute, regulation, court decision or other controlling authority within a state that has binding legal force and which has as its purpose the protection of the health and safety of citizens of the state.

(R) “State of Current Residence” means: the state in which the active duty military personnel or spouse is currently physically residing.

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

(T) “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.

4.2 Exercising Authority to Practice Interjurisdictional Telepsychology: A psychologist must apply for an Authority to Practice Interjurisdictional Telepsychology as required by the Commission and pay all applicable fees.

4.3 Qualifications for Authority to Practice Interjurisdictional Telepsychology: A psychologist licensed in a Compact State must meet all qualifications as defined in the Psychology Interjurisdictional Compact Language Article IV, Section B.

4.4 Home State Licensure:

- A. A psychologist must identify the Home State which has been designated as such by the psychologist for purposes of practicing interjurisdictional telepsychology and participation in the Compact at the point of initial application and provide an update regarding any Home State changes.
- B. A psychologist having an Authority to Practice Interjurisdictional Telepsychology may be audited at any time by the Commission to verify compliance with Home State licensure verification requirements.
- C. A psychologist holding a temporary permit, temporary license or other equivalent status does not allow the psychologist to practice under the authority of the Psychology

Interjurisdictional Compact (PSYPACT).

- D. In addition to complying with reporting name and address changes as required by the Home State, psychologists holding an Authority to Practice Interjurisdictional Telepsychology must also notify the Commission of a change of name and/or Home State address within 30 days of the change.
- E. The Home State maintains authority over the license of any psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology.

4.5 Scope of Practice: A psychologist practicing under an Authority to Practice Interjurisdictional Telepsychology into a Receiving State is subject to the Scope of Practice of the Receiving State.

4.6 E.Passport: As required in Psychology Interjurisdictional Compact Language Article IV Section B.6., a psychologist must possess a current active E.Passport. The E.Passport must be applied to and issued by the Association of State and Provincial Psychology Boards (ASPPB).

4.7 Fee for Authority to Practice Interjurisdictional Telepsychology:

- A. The Commission shall charge an application fee for the Authority to Practice Interjurisdictional Telepsychology (APIT).
- B. The Commission shall charge an annual renewal fee for the Authority to Practice Interjurisdictional Telepsychology (APIT)
- C. The Commission's Authority to Practice Interjurisdictional Telepsychology (APIT) application and renewal fees shall be posted on the Commission's website (<http://www.psypact.org>).
- D. The Commission shall give 30 days' notice before modifying the Authority to Practice Interjurisdictional Telepsychology (APIT) application and/or renewal fees by posting notice of the new fee(s) on the Commission's website.

4.8 Impact of Non-Payment on Eligibility: If a psychologist fails to pay any applicable fees, the Commission may:

- A. Terminate the existing Authority to Practice Interjurisdictional Telepsychology; and
- B. Prevent the psychologist from purchasing a Temporary Authorization to Practice under PSYPACT as well until the non-payment is remedied.

4.9 Active Duty Military Personnel or Their Spouses: A licensed psychologist who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the Home State as long as the Receiving State and the Home State are members of the Compact:

- A. Home of Record;
- B. Permanent Change of Station (PCS); or
- C. State of Current Residence if it is different than the PCS state or Home of Record.
- D. The active duty military personnel or spouse of an individual who is active duty military may change the Member State designated as the individual's Home State by notifying the

Commission.

4.10 State Law to Protect the Health and Safety of its Citizens: A psychologist practicing under an Authority to Practice Interjurisdictional Telepsychology into a Receiving State is subject to the Receiving State's State Law to Protect the Health and Safety of its Citizens, which may include, among others, laws that:

- A. Require abuse reporting by a psychologist.
- B. Require a psychologist securing informed consent from or for a patient, and/or prescribe the manner in which informed consent must be obtained.
- C. Require a psychologist to make disclosures to an individual that the individual is at serious risk of bodily injury or other harm by a third person.
- D. Prohibit any individual from engaging in conduct that causes or may reasonably cause another to suffer physical or psychological harm.
- E. Establish standards, processes or criteria for involuntary commitment and/or involuntary treatment of individuals.

4.11 Authority to Practice Interjurisdictional Telepsychology (APIT) Application Attestation and Acknowledgement Form: As part of the APIT application, a psychologist must complete an attestation and acknowledgement form in the format prescribed by the PSYPACT Commission. Failure to comply will be grounds for denial of the APIT.

4.12 Appeals Process: Applicants who are denied authorization and/or authorization has been suspended or terminated may file an appeal pursuant to Policy 1.20 or 1.21 by submitting the appropriate form to the PSYPACT Commission staff.

4.13 Authorization Validity: Authorization to Practice Interjurisdictional Telepsychology (APIT) that is issued by the PSYPACT Commission only applies to that specific authorization holder. Authorization cannot be delegated to any other individual.

Italicized definitions are mirrored directly from the PSYPACT Compact Language.

Psychology Interjurisdictional Compact (PSYPACT)
Psychology Interjurisdictional Compact Commission

Title of Rule: Compact Temporary Authorization to Practice

Drafted: November 21, 2019

Effective: February 27, 2020

Amended: November 18, 2021
November 17, 2022
November 16, 2023

History for Rule: Introduced at public meeting on November 21-22, 2019
Public hearing February 27, 2020
Amendments introduced at Commission Meeting on August 5, 2021
Commission Meeting November 18, 2021
Amendments introduced at Commission Meeting on July 14, 2022
Commission Meeting November 17, 2022
Amendments introduced at Commission Meeting on November 16, 2023

Section 5: Compact Temporary Authorization to Practice

Authority: Article V: Compact Temporary Authorization to Practice
Article II: Definitions
Article III: Home State Licensure

5.0 Purpose: Pursuant to Article V, the Compact State shall recognize the right of a psychologist licensed in a Compact State to practice temporarily in other Compact States under the Compact Temporary Authorization to Practice as provided in the Compact and further defined in these Rules.

5.1 Definition(s): (A) *“Association of State and Provincial Psychology Boards ASPPB”* means: the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.
(B) **“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.

(C) “**Authorization Holder**” means: a licensed psychologist who has been granted Authority to Practice Interjurisdictional Telepsychology or Temporary Authorization to Practice under this Compact.

(D) “**Commission**” means: *the national administrative body of which all states that have enacted the Compact are members.*

(E) “**Compact**” means: Psychology Interjurisdictional Compact (PSYPACT).

(F) “**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.

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

(H) “**Distant State’s Authority and Law**” means: law in a Distant State that applies to an individual due to that individual’s physical presence in the Distant State.

(I) “**Graduate Degree**” means: For the purpose of this Compact, a doctoral degree.

(J) “**Home of Record**” means: for the purpose of this Compact, the active duty military personnel’s or spouse’s state of legal residence on record with the military.

(K) “**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.*

(L) “**Interjurisdictional Practice Certificate (IPC)**” means: *a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB).*

(M) “**License**” means: *authorization by a State and Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.*

(N) “**Permanent Change of Station**” or “**PCS**” means: the state of the duty station noted in the active duty military personnel’s PCS orders.

(O) “**Rule**” means: *a written statement by the Psychology 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.

(P) **“Scope of Practice”** means: the procedures, actions, and processes a psychologist licensed in a state is permitted to undertake in that state and the circumstances under which the psychologist is permitted to undertake those procedures, actions and processes. Such procedures, actions and processes and the circumstances under which they may be undertaken may be established by various means, including, but not limited to statute, rules and regulations, case law, and other processes that may be available to the State Psychologist Regulatory Authority or other government agency.

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

(R) **“State Law to Protect the Health and Safety of its Citizens”** means: a state statute, regulation, court decision or other controlling authority within a state that has binding legal force and which has as its purpose the protection of the health and safety of citizens of the state.

(S) **“State of Current Residence”** means: the state in which the active duty military personnel or spouse is currently physically residing.

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

(U) **“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.

5.2 Exercising Temporary Authorization to Practice: Psychologist must apply for Temporary Authorization to Practice as required by the Commission and pay all applicable fees.

5.3 Qualifications for Temporary Authorization to Practice: A psychologist licensed in a Compact State must meet all qualifications as defined in the Psychology Interjurisdictional Compact Language Article V, Section B. A psychologist holding an Interjurisdictional Practice Certificate (IPC) in good standing that was issued prior to July 1, 2019 is considered to have met the educational qualifications.

5.4 Home State Licensure:

- A. A psychologist must identify the Home State which has been designated as such by the psychologist for purposes of the Temporary Authorization to Practice and participation in the Compact at the point of initial application and provide an update regarding any Home State changes.

- B. A psychologist having a Temporary Authorization to Practice may be audited at any time by the Commission to verify compliance with Home State licensure verification requirements.
- C. A psychologist holding a temporary permit, temporary license or other equivalent status does not allow the psychologist to practice under the authority of the Psychology Interjurisdictional Compact (PSYPACT).
- D. In addition to complying with reporting name and address change as required by the Home State, psychologists holding a Temporary Authorization to Practice must also notify the Commission of a change of name and/or Home State address within 30 days of the change.

5.5 Scope of Practice: A psychologist practicing under the Temporary Authorization to Practice is subject to Scope of Practice authorized by the Distant State and is subject to the Distant State's Authority and Law.

5.6 Interjurisdictional Practice Certificate (IPC): As required in PSYPACT Language Article V, Section B. 6., a psychologist must possess a current active IPC. The IPC must be applied to and issued by the Association of State and Provincial Psychology Boards (ASPPB).

5.7 Fee for Temporary Authorization to Practice:

- A. The Commission shall charge an application fee for the Temporary Authorization to Practice (TAP).
- B. The Commission shall charge an annual renewal fee for the Temporary Authorization to Practice (TAP).
- C. The Commission's Temporary Authorization to Practice (TAP) application and renewal fees shall be posted on the Commission's website (<http://www.psypact.org>).
- D. The Commission shall give thirty (30) days' notice before modifying the Temporary Authorization to Practice (TAP) application and/or renewal fees by posting notice of the new fee(s) on the Commission's website.

5.8 Impact of Non-Payment on Eligibility: If a psychologist fails to pay any applicable fees, the Commission may:

- A. Terminate the existing Temporary Authorization to Practice; and
- B. Prevent the psychologist from purchasing an Authority to Practice Interjurisdictional Telepsychology under PSYPACT as well until the non-payment is remedied.

5.9 Active Duty Military Personnel or Their Spouses: A licensed psychologist who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the Home State as long as the Distant State and the Home State are members of the Compact:

- A. Home of Record;
- B. Permanent Change of Station (PCS); or
- C. State of Current Residence if it is different than the PCS state or Home of Record.

- D. The active duty military personnel or spouse of an individual who is active duty military may change the Member State designated as the individual's Home State by notifying the Commission.

5.10 State Law to Protect the Health and Safety of its Citizens: A psychologist practicing in a Distant State under a Temporary Authorization to Practice is subject to the Distant State's State Law to Protect the Health and Safety of its Citizens, which may include, among others, laws that:

- A. Require abuse reporting by a psychologist.
- B. Require a psychologist to secure informed consent from or for a patient and/or prescribe the manner in which informed consent must be obtained.
- C. Require a psychologist to make disclosures to an individual that the individual is at serious risk of bodily injury or other harm by a third person.
- D. Prohibit any individual from engaging in conduct that causes or may reasonably cause another to suffer physical or psychological harm.
- E. Establish standards, processes or criteria for involuntary commitment and/or involuntary treatment of individuals.

5.11 Temporary Authorization to Practice (TAP) Application Attestation and Acknowledgement Form: As part of the TAP application, a psychologist must complete an attestation and acknowledgement form in the format prescribed by the PSYPACT Commission. Failure to comply will be grounds for denial of the TAP.

5.12 Appeals Process: Applicants who are denied authorization and/or authorization has been suspended or terminated may file an appeal pursuant to Policy 1.20 or 1.21 by submitting the appropriate form to the PSYPACT Commission staff.

5.13 Authorization Validity: Temporary Authorization to Practice (TAP) that is issued by the PSYPACT Commission only applies to that specific authorization holder. Authorization cannot be delegated to any other individual.

Italicized definitions are mirrored directly from the PSYPACT Compact Language.



Psychology Interjurisdictional Compact (PSYPACT)

Psychology Interjurisdictional Compact Commission

Title of Rule: Conditions of Telepsychology Practice into a Receiving State

Drafted: November 21, 2019

Effective: February 27, 2020

Amended:

History for Rule: Introduced at public meeting on November 21-22, 2019
Public hearing February 27, 2020

Section 6: Conditions of Telepsychology Practice into a Receiving State

Authority: Article VI Conditions of Telepsychology Practice in a Receiving State
Article II: Definitions
Article III: Home State Licensure
Article IV: Compact Privilege to Practice Telepsychology

6.0 Purpose: Pursuant to Article VI, a psychologist may practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only in the performance of the scope of practice for psychology as assigned by the appropriate State Psychology Regulatory Authority as defined in these Rules.

6.1 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) “**Client/Patient**” means: the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, and/or consulting services.
(C) “**Commission**” means: the national administrative body of which all states that have enacted the Compact are members.
(D) “**Compact**” means: Psychology Interjurisdictional Compact (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) “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.

(G) “Receiving State” means: a Compact State where the client/patient is physically located when the telepsychological services are delivered.

(H) “Rule” means: a written statement by the Psychology 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.

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

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

6.2 Initiation of Psychological Services: A psychologist must initiate a client/patient contact in a psychologist’s Home State via telecommunications technologies when treating a client/patient in a Receiving State.

6.3 Provision of Psychological Services: For the purposes of this Compact, the provision of psychological services is deemed to take place at the physical location of the psychologist.

6.4 Scope of Practice: For the purposes of this Compact, a psychologist practices under the scope of practice of the State Psychology Regulatory Authority of the Receiving State.

Italicized definitions are mirrored directly from the PSYPACT Compact Language.



Reducing Regulatory Barriers. Increasing Access to Mental Health
Care

**Psychology Interjurisdictional Compact
(PSYPACT) Psychology Interjurisdictional
Compact Commission**

Title of Rule: Adverse Actions
Drafted: November 21, 2019
Effective: February 27, 2020
Amended:
History for Rule: Introduced at public meeting on November 21-22,
2019 Public hearing February 27, 2020

Section 7: Adverse Actions

Authority: Article VII: Adverse
Actions Article II:
Definitions

7.0 Purpose: **Pursuant to Article VII**, the Home State shall have the power to impose adverse action against a psychologist’s license issued by the Home State. A Distant and/or Receiving State shall have the power to take adverse action on a psychologist’s authority to practice under the Psychology Interjurisdictional Compact (PSYPACT).

7.1 Definition(s): (A) **“Adverse Action”** means: any action taken by a State Psychology Regulatory Authority which finds a violation of a statute or regulation that is identified by the State Psychology Regulatory Authority as discipline and is a matter of public record.
(B) **“Alternative Program”** means: any non-disciplinary monitoring program intended to remediate the licensee that is not a matter of public record and to which a State Psychology Regulatory Authority refers a licensee, or of which the State Psychology Regulatory Authority is aware of the licensee’s participation.



Reducing Regulatory Barriers. Increasing Access to Mental Health
Care

(C) **“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.

(D) **“Authorization Holder”** means: a licensed psychologist who has been granted Authority to Practice Interjurisdictional Telepsychology or Temporary Authorization to Practice under this Compact.

(E) **“Commission”** means: *the national administrative body of which all states that have enacted the Compact are members.*

(F) **“Compact”** means: Psychology Interjurisdictional Compact (PSYPACT).

(G) **“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 the purpose of this compact, Compact State and Member State may be used interchangeably.

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

(I) **“Encumbrance”** means: any action taken by the State Psychology Regulatory Authority that limits the practice or work of a psychologist. An encumbrance may be disciplinary or non-disciplinary in nature.

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

(K) **“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*



Reducing Regulatory Barriers. Increasing Access to Mental Health Care

Authorization to Practice, the Home State is any Compact State where the psychologist is licensed.

*(L) “**License**” means: authorization by a State and Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.*

*(M) “**Receiving State**” means: a Compact State where the client/patient is physically located when the telepsychological services are delivered.*

*(N) “**Rule**” means: a written statement by the Psychology 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.*

*(O) “**Significant Investigatory Information**” means:*

- 1. Investigative information that a State Psychology Regulatory Authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or*
- 2. Investigate information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and/or had an opportunity to respond.*

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

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

*(R) “**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.*

7.2 Investigations:

- A. In cases where a psychologist holds a license in more than one Compact State,



Reducing Regulatory Barriers. Increasing Access to Mental Health Care

the Compact State identified as the Home State shall have the responsibility for the investigation(s).

- B. Upon discovery that the psychologist is under investigation in another Compact State, the other Compact States may contact the investigating Compact State and request investigative documents and information.
- C. This section shall not be construed as limiting any Compact State's authority to investigate any conduct within that state or to investigate any licensee.

7.3 Joint Investigations: Compact States may collaborate in investigating alleged misconduct. When participating with other Compact States in joint investigations, the Compact State that the psychologist has declared as their home state will take the lead on any investigation.

7.4 Availability of Significant Investigatory Information: A Compact State shall notify the Commission that investigatory information is available to other Compact States when it has determined that probable cause exists that the allegations against the psychologist may constitute a violation of that Compact State's statute or regulations. The actual investigatory information shall be shared directly with the other Compact State and not through the Commission.

7.5 Reporting:

- A. Reporting of adverse actions by Compact States shall be made in compliance with the law, rules and policies of this Commission.
- B. A psychologist holding an Authority to Practice Interjurisdictional Telepsychology and/or a Temporary Authorization to Practice must report to the Commission any encumbrance or adverse action placed upon any license held in a non-Compact State within 30 days of the effective date.

7.6 Eligibility after an Adverse Action:

- A. A psychologist immediately loses the Authority to Practice Interjurisdictional Telepsychology and Temporary Authorization to Practice upon the effective date of either of the following actions taken by the State Psychology Regulatory Authority:
 - 1. Adverse action taken against a license or Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice;
 - or
 - 2. Encumbrance placed upon the psychologist's license or Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice.
- B. A psychologist regains eligibility for the Authority to Practice



Reducing Regulatory Barriers. Increasing Access to Mental Health
Care

Interjurisdictional Telepsychology and/or Temporary Authorization to Practice immediately after the removal of all non-disciplinary encumbrance(s), provided there are no current adverse actions against the license or the Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice and reporting to the Commission of the same.

- C. An adverse action against a psychologist's license that is disciplinary in nature shall result in the psychologist no longer being eligible for the Authority for Interjurisdictional Telepsychology and/or Temporary Authorization to Practice.

7.7 Alternative Program Participation: A Home State entering into an agreement with a psychologist to participate in an Alternative Program must:

- A. Add language to any alternative program agreement(s) with a licensee or an Authorization Holder prohibiting practice or work in any Member State during participation;
- B. State that the provision of psychological services under the Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice shall cease until the Compact State as ascertained the psychologist has met the requirements of the agreement and notified the Commission of the satisfactory completion; and
- C. Report information to the Coordinated Database as stated in Rule 9.8.

Italicized definitions are mirrored directly from the PSYPACT Compact Language.



Reducing Regulatory Barriers. Increasing Access to Mental Health Care

Psychology Interjurisdictional Compact (PSYPACT)

Psychology Interjurisdictional Compact Commission

Title of Rule: Additional Authority Vested in State Psychology Regulatory Authorities

Drafted: November 21, 2019

Effective: February 27, 2020

Amended:

History for Rule: Introduced at public meeting on November 21-22, 2019
Public hearing February 27, 2020

Section 8: Additional Authority Vested in State Psychology Regulatory Authorities

Authority: Article VIII: Additional Authorities Invested in a Compact States
Psychology Regulatory Authority
Article II: Definitions

8.0 Purpose: In addition to other powers granted under state law, a Compact State’s Psychology Regulatory Authority shall have additional authority under the Compact.

8.1 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) **“Commission”** means: *the national administrative body of which all states that have enacted the Compact are members.*

(C) **“Compact”** means: Psychology Interjurisdictional Compact (PSYPACT).

(D) **“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 the purposes of this Compact,



Reducing Regulatory Barriers. Increasing Access to Mental Health Care

Compact State and member State may be used interchangeably.

(E) **“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.

(F) **“License”** means: authorization by a State and Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

(G) **“Rule”** means: a written statement by the Psychology 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.

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

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

(J) **“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.

8.2 Subpoena:

- A. A subpoena issued by a Compact State’s Psychology Regulatory Authority shall be enforceable in other Compact States.
- B. Should an individual or entity refuse to comply with an enforceable subpoena, the Compact State’s Psychology Regulatory Authority that issued the subpoena may request the Compact State’s Psychology Regulatory Authority where the individual or entity is located to issue a subpoena on the investigating Compact State’s behalf. That Compact State shall issue the subpoena and shall share the resulting information with the



Reducing Regulatory Barriers. Increasing Access to Mental Health Care

investigating Compact State's Psychology Regulatory Authority.

8.3 Home State during Investigations: A psychologist with an Authority to Practice Interjurisdictional Telepsychology may not change their Home State as designated in Rule 4.4 during an investigation. A psychologist with a Temporary Authorization to Practice may not change their Home State as designated in Rule 5.4 during an investigation.

8.4 Home State Status upon Investigation Completion:

- A. A Home State Psychology Regulatory Authority shall notify and promptly report the conclusions of any investigations to the Commission. If the psychologist changes their Home State within 30 days after the conclusion of any investigation, the Commission will notify the new Home State of the decisions associated with the investigation via electronic means.

Italicized definitions are mirrored directly from the PSYPACT Compact Language.



Psychology Interjurisdictional Compact (PSYPACT)

Psychology Interjurisdictional Compact Commission

Title of Rule: Coordinated Licensure Information System

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

Section 9 Coordinated Licensure Information System

Authority: Article IX: Coordinated Licensure Information System
Article II: Definitions

9.0 Purpose: Pursuant to Article IX, the Commission shall provide for the development and maintenance of a Coordinated Licensure Information System and reporting system containing licensure and disciplinary action information on all psychologists to whom the Compact is applicable in all Compact States.

9.1 Definition(s): (A) “**Alternative Program**” means: any non-disciplinary monitoring program intended to remediate the licensee that is not a matter of public record and to which a State Psychology Regulatory Authority refers a licensee, or of which the State Psychology Regulatory Authority is aware of the licensee’s participation.

(B) “**Association of State and Provincial Psychology Boards ASPPB**” means: the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

(C) “**Authority to Practice Interjurisdictional Telepsychology**”



Reducing Regulatory Barriers. Increasing Access to Mental Health Care

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. **“Authorization Holder”** means: a licensed psychologist who has been granted Authority to Practice Interjurisdictional Telepsychology or Temporary Authorization to Practice under this Compact.

(D) **“Commission”** means: the national administrative body of which all states that have enacted the Compact are members.

(E) **“Compact”** means: Psychology Interjurisdictional Compact (PSYPACT).

(F) **“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.

(G) **“Coordinated Licensure Information System”** also referred to as **“Coordinated Database”** means: an integrated process for collecting, storing, and sharing information on psychologists’ licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities.

(H) **“PSY|PRO”** means: ASPPB Proprietary credentials management system

(I) **“Rule”** means: a written statement by the Psychology 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) **“Significant Investigatory Information”** means:

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



Reducing Regulatory Barriers. Increasing Access to Mental Health Care

represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and/or had an opportunity to respond.

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

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

(M) “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.

9.2 Method of Data Submission: Compact States shall submit data as described in this section of these rules to the Coordinated Licensure Information System in accordance with the Compact Data Participation Agreement.

9.3 Access to the Coordinated Database: Only Compact States shall have access to the data submitted by other Compact States. The system will be accessible through PSY|PRO and will contain at a minimum the following data:

- (A) Psychologist name;
- (B) States where licensed;
- (C) Authority to Practice Interjurisdictional Telepsychology holder status;
- (D) Authority to Practice Interjurisdictional Telepsychology home state;
- (E) Temporary Authorization to Practice holder status;
- (F) Temporary Authorization to Practice home state;
- (G) ASPPB E.Passport status;
- (H) ASPPB IPC status;
- (I) Adverse action status;
- (J) Current significant investigative information; and
- (K) Non-confidential information related to alternative program participation

information.

9.4 Coordinated Licensure Information System – Dataset: A Compact State shall provide the following in accordance with the Compact Data Participation Agreement:

- (A) proof of current and active psychology license based on a doctoral degree for any psychologists applying for authorization to practice under the authority of this compact. Proof may be provided from a State Psychology Regulatory Authority website that is deemed to be a primary source or written official licensure verification from a State



Reducing Regulatory Barriers. Increasing Access to Mental Health Care

- Psychology Regulatory Authority including proper signatures and state seals;
- (B) significant investigatory information;
- (C) non-confidential information related to alternative program participation information;
- and
- (D) adverse actions against a psychologist's license.

9.5 Required use of ASPPB PSY|PRO System: A Compact State shall use the ASPPB PSY|PRO software system to report the following:

- (A) adverse actions;
- (B) significant investigatory information; and
- (C) non-confidential information related to alternative program participation information.

9.6 Frequency of Reporting Adverse Actions: A Compact State shall report any adverse action as required against a licensee or an Authorization Holder through the interface described in 9.5 above within ten (10) business days of the effective date of the adverse action.

9.7 Frequency of Reporting Significant Investigatory Information: A Compact State shall report any significant investigatory information as required against a licensee or an Authorization Holder through the interface described in 9.5 above within ten (10) business days of the effective date of the beginning of the determination of significant investigatory information.

9.8 Frequency of Reporting Non-confidential Information Related to Alternative Program Participation: A Compact State shall report any non-confidential information related to alternative program participation as required against a licensee or Authorization Holder through the interface described in 9.5 above within ten (10) business days of the receipt by the Compact State of notification of participation in a program by a licensee and/or an Authorization Holder.

9.9 Discrepancy with Coordinated Licensure Information System Data Set: A psychologist holding an Authority to Practice Interjurisdictional Telepsychology and/or a Temporary Authorization to Practice under PSYPACT may request from their Home State Psychology Regulatory Authority in writing a review of the data relating to them in the Coordinated Licensure Information System.

- A. In the event psychologist holding an Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice asserts the data related to them is inaccurate, the burden of proof shall be upon the psychologist to provide evidence that substantiates such a claim.
- B. The Compact State Psychology Regulatory Authority shall verify within ten (10) business days and submit corrected information to the Commission for inclusion in the Coordinated Licensure Information System.

Italicized definitions are mirrored directly from the PSYPACT Compact Language.



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 (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 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: 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 to have a zero (\$0) dollar assessment.

(C) 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 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 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.



Psychology Interjurisdictional Compact (PSYPACT)

Psychology Interjurisdictional Compact Commission

Title of Rule: Oversight, Dispute Resolution and Enforcement

Drafted: November 21, 2019

Effective: February 27, 2020

Amended:

History for Rule: Introduced at public meeting on November 21-22, 2019
Public hearing February 27, 2020

Section 13: Oversight, Dispute Resolution and Enforcement

Authority: Article XIII: Additional Authorities Invested in a Compact States’
Psychology Regulatory Authority
Article II: Definitions

13.0 Purpose: Pursuant to Article XIII, Executive, Legislative and Judicial branches of the state governments in each Compact State shall enforce the Compact. The provisions of the Compact and the rules promulgated shall have standing as statutory law.

13.1 Definition(s): (A) **“Commission”** means: the national administrative body of which all states that have enacted the Compact are members.

(B) **“Compact”** means: Psychology Interjurisdictional Compact (PSYPACT).

(C) **“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 the purposes of this Compact, Compact State and Member State may be used interchangeably.

(D) **“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.



Reducing Regulatory Barriers. Increasing Access to Mental Health Care

(E) **“License”** means: authorization by a State and Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

(F) **“Party State”** means: a state that is a party to a dispute.

(G) **“Rule”** means: a written statement by the Psychology 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.

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

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

13.2 Dispute Resolution Process – Informal, Mediation and Arbitration:

- A. The Commissioner from each Compact State shall enforce the Compact and take all actions necessary and appropriate to carry out the Compact’s purpose and intent. The Commission supports efforts to resolve disputes between and among Compact States and encourages communication directly between Compact States prior to employing formal resolution methods.
- B. Any Compact State may submit a written request to the Executive Board for assistance in interpreting the law, rules, and policies of the Compact. The Executive Board may seek the assistance of the Commission’s legal counsel in interpreting the Compact. The Executive Board shall issue the Commission interpretation of the Compact to all parties to the dispute.
- C. Before submitting a complaint to the Executive Board, the complaining Compact State and responding Compact State shall attempt to resolve the issues without intervention by the Commission.
- D. When disputes among party Compact States are unresolved through informal attempts, the Commission shall request assistance from the Executive Board.
 - (1) It is the duty of the Executive Board to address disputes between or among the Compact States concerning the Compact when informal attempts between the Compact States to resolve disputes have been unsuccessful.
 - (2) The Executive Board, on behalf of the Commission, in the reasonable exercise of its discretion, has the authority to assist in the resolution of disputes between and among Compact States concerning the Compact.
- E. Informal Resolution
 - (1) The Commissioner of the state disputing another Compact State’s interpretation or



Reducing Regulatory Barriers. Increasing Access to Mental Health Care

application of the Compact shall contact the Commissioner of the Compact State with which the dispute has arisen. A written statement describing the situation should be provided and enough time allowed for response and opportunity for the other Commissioner to review and investigate the issues raised in the dispute.

(2) If interpretation of the Compact is necessary, the Commissioner shall contact the Executive Board and request assistance in interpreting relevant provisions. This communication to the Executive Board should be made through the Executive Director.

(3) The Commissioner raising the concern shall document all attempts to resolve the issues.

- F. If all issues are resolved to the satisfaction of all party Compact States involved, no further action is required. Disputes between two (2) or more Compact States which cannot be resolved through informal resolution or through the Executive Board, may be referred to mediation and/or an arbitration panel to resolve the issues.

G. Mediation

(1) A Compact State that is a party to a dispute may request, or the Executive Board may require, the submission of a matter in controversy to mediation.

(2) If a member of the Executive Board is a party to the dispute, that individual must recuse him or herself from participation in the matter.

(3) Mediation shall be conducted by a mediator appointed by the Executive Board from a list of mediators approved by the National Association of Certified Mediators, or a mediator otherwise agreed to by all parties to the dispute and pursuant to procedures customarily used in mediation proceedings.

(4) If all issues are resolved through mediation to the satisfaction of all party Compact States involved, no further action is required.

H. Arbitration:

(1) In the event of a dispute between Compact States that cannot be resolved through informal means or by mediation, and upon the recommendation by the Executive Board, the Commissioner of the initiating Compact State(s) shall submit an Arbitration Request form to the Executive Director with a copy to be sent by the initiating state to the other party Compact State(s) involved.

(2) Each Compact State party to the dispute and the Executive Board shall submit a signed Arbitration Agreement.

(3) The Executive Director shall coordinate the arbitration process.

(4) The decision of the arbitration panel shall be final and binding.

(5) In the event arbitration is necessary, and unless otherwise agreed by the parties, at the discretion of an independent arbitration panel, the prevailing party or parties may be entitled to recover the costs of such arbitration, including reasonable attorneys' fees, to the extent permitted by state law of the prevailing party state.

(6) Arbitration award decisions may be enforced in a court of competent jurisdiction.



13.3 Compliance and Enforcement:

- A. The Commissioner in each party Compact State shall enforce the Compact and shall take all actions necessary and appropriate to carry out the Compact’s purposes and intent. The Commission supports voluntary, collaborative efforts to resolve compliance and enforcement issues in lieu of formal dispute resolution procedures or other legal enforcement action between and among all party Compact States. All affected parties are encouraged to communicate with each other directly and make every effort to resolve issues.
- B. Any Compact State may submit a written request to the Executive Board for assistance in interpreting the Compact. The Executive Board may seek the assistance of legal counsel in interpreting the Compact, particularly concerning compliance and enforcement. The Executive Board’s interpretation of the Compact will be issued in writing to all parties to the dispute.
- C. At the discretion of the Executive Board, appropriate technical assistance and training may be provided to any party Compact State seeking to voluntarily address a compliance issue. When compliance or enforcement is unresolved through informal attempts, the Commissioner shall request assistance from the Executive Board.
 - (1) It is the duty of the Executive Board to address alleged substantive or recurrent violations of the Compact when informal attempts to attain compliance have been unsuccessful.
 - (2) The Executive Board shall make recommendations to the parties to resolve the issue.
 - (3) If the parties are unable to resolve the issues, the Commission, in the reasonable exercise of its discretion, shall enforce the Compact.
- D. Compliance and enforcement issues that cannot be resolved through informal resolution or through the Executive Board shall be referred to an arbitration panel or other appropriate legal action as provided in Article X of the Compact at the discretion of the Executive Board.
- E. Dispute Arbitration:
 - (1) In the event that a Compact State’s Compact default/non-compliance cannot be resolved through the procedures described above in this section, the Executive Board may order arbitration before a three (3) member independent arbitration panel for determination of the default/non-compliance and enforcement of the Compact.
 - (2) Each involved Compact State shall submit a signed Arbitration Agreement form.
 - (3) The Executive Director shall coordinate the arbitration process.
 - (4) The decision of the arbitration panel is final and binding.
 - (5) Unless otherwise agreed by the parties, and at the discretion of the arbitration panel, the prevailing party or parties may be entitled to recover the costs of the arbitration, including reasonable attorneys' fees, if permitted by the laws of the prevailing state.

13.4 Enforcement Remedies Against a Defaulting State: If the Commission determines that a Compact State has at any time defaulted in the performance of any of its obligations or



Reducing Regulatory Barriers. Increasing Access to Mental Health Care

responsibilities under the Compact, Bylaws or duly promulgated Rules, the Commission may impose any or all of the following remedies:

- A. Remedial training and technical support as directed by the Commission;
- B. Damages and/or costs in such amounts as are deemed to be reasonable as fixed by the Commission;
- C. Suspension of membership in the Compact; and
- D. Termination of membership in the Compact.

13.5 Grounds for Default. Grounds for default include but are not limited to, failure of a Compact State to perform obligations or responsibilities imposed by the Compact, Commission Bylaws, or duly promulgated Rules. The Commission shall notify the defaulting Compact State in writing of any penalty imposed by the Commission on the defaulting Compact State pending a cure for the default in a reasonable time as stipulated by the Commission.

13.6 Costs. The Commission shall not bear any costs relating to the defaulting Compact State unless otherwise mutually agreed upon between the Commission and the defaulting Compact State.

13.7 Judicial Enforcement. The Commission may by majority vote of the Commissioners, initiate legal action in the United District Court for the State of Georgia to enforce compliance with the provisions of the Compact, its duly promulgated Rules and Bylaws against any Compact State in default. In the event that judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

Italicized definitions are mirrored directly from the PSYPACT Compact Language.