

1 **Psychology Interjurisdictional Compact (PSYPACT)**

2 **Psychology Interjurisdictional Compact Commission**

3

4 **Title of Rule:** Adverse Actions

5 **Drafted:** November 21, 2019

6 **Effective:** February 27, 2020

7 **Amended:**

8 **History for Rule:** Introduced at public meeting on November 21-22, 2019

9 Public hearing February 27, 2020

10

11

12 **Section 7:** Adverse Actions

13 **Authority:** Article VII: Adverse Actions

14 Article II: Definitions

15

16 **7.0 Purpose:** Pursuant to Article VII, the Home State shall have the power to impose

17 adverse action against a psychologist’s license issued by the Home State.

18 A Distant and/or Receiving State shall have the power to take adverse

19 action on a psychologist’s authority to practice under the Psychology

20 Interjurisdictional Compact (PSYPACT).

21

22 **7.1 Definition(s):** (A) *“Adverse Action” means: any action taken by a State Psychology*

23 *Regulatory Authority which finds a violation of a statute or regulation that*

24 *is identified by the State Psychology Regulatory Authority as discipline*

25 *and is a matter of public record.*

26 (B) **“Alternative Program”** means: any non-disciplinary monitoring

27 program intended to remediate the licensee that is not a matter of public

28 record and to which a State Psychology Regulatory Authority refers a

29 licensee, or of which the State Psychology Regulatory Authority is aware

30 of the licensee’s participation.

31 (C) **“Authority to Practice Interjurisdictional Telepsychology”** means:

32 a licensed psychologist’s Authority to Practice Telepsychology, within the

33 limits authorized under this Compact, in another Compact State. This

34 Authority to Practice Interjurisdictional Telepsychology is deemed valid

35 until the psychologist is no longer eligible under the Compact Statute

36 and/or the Rules and/or Policies established by the Commission.

37 (D) **“Authorization Holder”** means: a licensed psychologist who has

38 been granted Authority to Practice Interjurisdictional Telepsychology or

39 Temporary Authorization to Practice under this Compact.

40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85

(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 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

86 *an opportunity to respond if required by state law, has reason to*
87 *believe, if proven true, would indicate more than a violation of*
88 *state statute or ethics code that would be considered more*
89 *substantial than minor infraction; or*

- 90 2. *Investigate information that indicates that the psychologist*
91 *represents an immediate threat to public health and safety*
92 *regardless of whether the psychologist has been notified and/or*
93 *had an opportunity to respond.*

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

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

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

105 7.2 Investigations:

- 107 A. In cases where a psychologist holds a license in more than one Compact State, the
108 Compact State identified as the Home State shall have the responsibility for the
109 investigation(s).
110 B. Upon discovery that the psychologist is under investigation in another Compact State, the
111 other Compact States may contact the investigating Compact State and request
112 investigative documents and information.
113 C. This section shall not be construed as limiting any Compact State’s authority to
114 investigate any conduct within that state or to investigate any licensee.

115
116 **7.3 Joint Investigations:** Compact States may collaborate in investigating alleged misconduct.
117 When participating with other Compact States in joint investigations, the Compact State that the
118 psychologist has declared as their home state will take the lead on any investigation.

119
120 **7.4 Availability of Significant Investigatory Information:** A Compact State shall notify the
121 Commission that investigatory information is available to other Compact States when it has
122 determined that probable cause exists that the allegations against the psychologist may constitute
123 a violation of that Compact State’s statute or regulations. The actual investigatory information
124 shall be shared directly with the other Compact State and not through the Commission.

125 7.5 Reporting:

- 126 A. Reporting of adverse actions by Compact States shall be made in compliance with the
127 law, rules and policies of this Commission.
128 B. A psychologist holding an Authority to Practice Interjurisdictional Telepsychology and/or
129 a Temporary Authorization to Practice must report to the Commission any encumbrance
130

131 or adverse action placed upon any license held in a non-Compact State within 30 days of
132 the effective date.

133

134 **7.6 Eligibility after an Adverse Action:**

- 135 A. A psychologist immediately loses the Authority to Practice Interjurisdictional
136 Telepsychology and Temporary Authorization to Practice upon the effective date of either
137 of the following actions taken by the State Psychology Regulatory Authority:
 - 138 1. Adverse action taken against a license or Authority to Practice Interjurisdictional
139 Telepsychology and/or Temporary Authorization to Practice; or
 - 140 2. Encumbrance placed upon the psychologist’s license or Authority to Practice
141 Interjurisdictional Telepsychology and/or Temporary Authorization to Practice.
- 142 B. A psychologist regains eligibility for the Authority to Practice Interjurisdictional
143 Telepsychology and/or Temporary Authorization to Practice immediately after the
144 removal of all non-disciplinary encumbrance(s), provided there are no current adverse
145 actions against the license or the Authority to Practice Interjurisdictional Telepsychology
146 and/or Temporary Authorization to Practice and reporting to the Commission of the same.
- 147 C. An adverse action against a psychologist’s license that is disciplinary in nature shall
148 result in the psychologist no longer being eligible for the Authority for Interjurisdictional
149 Telepsychology and/or Temporary Authorization to Practice.

150

151 **7.7 Alternative Program Participation:** A Home State entering into an agreement with a
152 psychologist to participate in an Alternative Program must:

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

161

162

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