

1 **Psychology Interjurisdictional Compact (PSYPACT)**

2 **Psychology Interjurisdictional Compact Commission**

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4 **Title of Rule:** Oversight, Dispute Resolution and Enforcement

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

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12 **Section 13:** Oversight, Dispute Resolution and Enforcement

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14 **Authority:** Article XIII: Additional Authorities Invested in a Compact States’

15 Psychology Regulatory Authority

16 Article II: Definitions

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18 **13.0 Purpose:** Pursuant to Article XIII, Executive, Legislative and Judicial branches of  
19 the state governments in each Compact State shall enforce the Compact.  
20 The provisions of the Compact and the rules promulgated shall have  
21 standing as statutory law.  
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23 **13.1 Definition(s):** (A) **“Commission”** means: the national administrative body of which all  
24 states that have enacted the Compact are members.

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

27 (C) **“Compact State”** means: a state, the District of Columbia, or United  
28 States territory that has enacted this Compact legislation and which has  
29 not withdrawn pursuant to Article XIII Section C or has been terminated  
30 pursuant to Article XII, Section B. For the purposes of this Compact,  
31 Compact State and Member State may be used interchangeably.

32 (D) **“Executive Board”** means: a group of directors elected or appointed  
33 to act on behalf of, and within the powers granted to them by, the  
34 Commission.

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

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

39 (G) **“Rule”** means: a written statement by the Psychology  
40 Interjurisdictional Compact Commission promulgated pursuant to Article

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

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

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

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52 **13.2 Dispute Resolution Process – Informal, Mediation and Arbitration:**

- 53 A. The Commissioner from each Compact State shall enforce the Compact and take all  
54 actions necessary and appropriate to carry out the Compact’s purpose and intent. The  
55 Commission supports efforts to resolve disputes between and among Compact States and  
56 encourages communication directly between Compact States prior to employing formal  
57 resolution methods.
- 58 B. Any Compact State may submit a written request to the Executive Board for assistance in  
59 interpreting the law, rules, and policies of the Compact. The Executive Board may seek  
60 the assistance of the Commission’s legal counsel in interpreting the Compact. The  
61 Executive Board shall issue the Commission interpretation of the Compact to all parties  
62 to the dispute.
- 63 C. Before submitting a complaint to the Executive Board, the complaining Compact State  
64 and responding Compact State shall attempt to resolve the issues without intervention by  
65 the Commission.
- 66 D. When disputes among party Compact States are unresolved through informal attempts,  
67 the Commission shall request assistance from the Executive Board.  
68 (1) It is the duty of the Executive Board to address disputes between or among the  
69 Compact States concerning the Compact when informal attempts between the Compact  
70 States to resolve disputes have been unsuccessful.  
71 (2) The Executive Board, on behalf of the Commission, in the reasonable exercise of its  
72 discretion, has the authority to assist in the resolution of disputes between and among  
73 Compact States concerning the Compact.
- 74 E. Informal Resolution  
75 (1) The Commissioner of the state disputing another Compact State’s interpretation or  
76 application of the Compact shall contact the Commissioner of the Compact State with  
77 which the dispute has arisen. A written statement describing the situation should be  
78 provided and enough time allowed for response and opportunity for the other  
79 Commissioner to review and investigate the issues raised in the dispute.  
80 (2) If interpretation of the Compact is necessary, the Commissioner shall contact the  
81 Executive Board and request assistance in interpreting relevant provisions. This  
82 communication to the Executive Board should be made through the Executive Director.  
83 (3) The Commissioner raising the concern shall document all attempts to resolve the  
84 issues.  
85 (4) If all issues are resolved to the satisfaction of all party Compact States involved, no  
86 further action is required.

87 F. Disputes between two (2) or more Compact States which cannot be resolved through  
88 informal resolution or through the Executive Board, may be referred to mediation and/or  
89 an arbitration panel to resolve the issues.

90 G. Mediation

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

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

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

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

101 H. Arbitration:

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

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

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

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

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

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

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117 **13.3 Compliance and Enforcement:**

118 A. The Commissioner in each party Compact State shall enforce the Compact and shall take  
119 all actions necessary and appropriate to carry out the Compact's purposes and intent. The  
120 Commission supports voluntary, collaborative efforts to resolve compliance and  
121 enforcement issues in lieu of formal dispute resolution procedures or other legal  
122 enforcement action between and among all party Compact States. All affected parties are  
123 encouraged to communicate with each other directly and make every effort to resolve  
124 issues.

125 B. Any Compact State may submit a written request to the Executive Board for assistance in  
126 interpreting the Compact. The Executive Board may seek the assistance of legal counsel  
127 in interpreting the Compact, particularly concerning compliance and enforcement. The  
128 Executive Board's interpretation of the Compact will be issued in writing to all parties to  
129 the dispute.

130 C. At the discretion of the Executive Board, appropriate technical assistance and training  
131 may be provided to any party Compact State seeking to voluntarily address a compliance  
132 issue.

- 133 D. When compliance or enforcement is unresolved through informal attempts, the  
134 Commissioner shall request assistance from the Executive Board.  
135 (1) It is the duty of the Executive Board to address alleged substantive or recurrent  
136 violations of the Compact when informal attempts to attain compliance have been  
137 unsuccessful.  
138 (2) The Executive Board shall make recommendations to the parties to resolve the issue.  
139 (3) If the parties are unable to resolve the issues, the Commission, in the reasonable  
140 exercise of its discretion, shall enforce the Compact.
- 141 E. Compliance and enforcement issues that cannot be resolved through informal resolution  
142 or through the Executive Board shall be referred to an arbitration panel or other  
143 appropriate legal action as provided in Article X of the Compact at the discretion of the  
144 Executive Board.
- 145 F. Dispute Arbitration:  
146 (1) In the event that a Compact State's Compact default/non-compliance cannot be  
147 resolved through the procedures described above in this section, the Executive Board  
148 may order arbitration before a three (3) member independent arbitration panel for  
149 determination of the default/non-compliance and enforcement of the Compact.  
150 (2) Each involved Compact State shall submit a signed Arbitration Agreement form.  
151 (3) The Executive Director shall coordinate the arbitration process.  
152 (4) The decision of the arbitration panel is final and binding.  
153 (5) Unless otherwise agreed by the parties, and at the discretion of the arbitration panel,  
154 the prevailing party or parties may be entitled to recover the costs of the arbitration,  
155 including reasonable attorneys' fees, if permitted by the laws of the prevailing state.  
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157 **13.4 Enforcement Remedies Against a Defaulting State:** If the Commission determines that a  
158 Compact State has at any time defaulted in the performance of any of its obligations or  
159 responsibilities under the Compact, Bylaws or duly promulgated Rules, the Commission may  
160 impose any or all of the following remedies:

- 161 A. Remedial training and technical support as directed by the Commission;  
162 B. Damages and/or costs in such amounts as are deemed to be reasonable as fixed by the  
163 Commission;  
164 C. Suspension of membership in the Compact; and  
165 D. Termination of membership in the Compact.  
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167 **13.5 Grounds for Default.** Grounds for default include but are not limited to, failure of a  
168 Compact State to perform obligations or responsibilities imposed by the Compact, Commission  
169 Bylaws, or duly promulgated Rules. The Commission shall notify the defaulting Compact State  
170 in writing of any penalty imposed by the Commission on the defaulting Compact State pending a  
171 cure for the default in a reasonable time as stipulated by the Commission.  
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173 **13.6 Costs.** The Commission shall not bear any costs relating to the defaulting Compact State  
174 unless otherwise mutually agreed upon between the Commission and the defaulting Compact  
175 State.  
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177 **13.7 Judicial Enforcement.** The Commission may by majority vote of the Commissioners,  
178 initiate legal action in the United District Court for the State of Georgia to enforce compliance

179 with the provisions of the Compact, its duly promulgated Rules and Bylaws against any Compact  
180 State in default. In the event that judicial enforcement is necessary, the prevailing party shall be  
181 awarded all costs of such litigation including reasonable attorney's fees.

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