

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state, the District of Columbia, or United States territory that has enacted this Compact legislation and which has not withdrawn pursuant to Article XIII, Section C or has been terminated pursuant to Article XII, Section B. For purposes of this Compact, Compact State and Member State may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 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 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.