

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1286

67th Legislature
2022 Regular Session

Passed by the House February 9, 2022
Yeas 96 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate February 25,
2022
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1286** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1286

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Chambers, Riccelli, Jacobsen, Senn, Davis, Ryu, Leavitt, and Graham)

READ FIRST TIME 02/03/22.

1 AN ACT Relating to the psychology interjurisdictional compact;
2 adding a new chapter to Title 18 RCW; and providing a contingent
3 effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** This act may be known and cited as the
6 psychology interjurisdictional compact act.

7 NEW SECTION. **Sec. 2.** (1) The legislature finds:

8 (a) States license psychologists in order to protect the public
9 through verification of education, training, and experience, and to
10 ensure accountability for professional practice;

11 (b) The psychology interjurisdictional compact is intended to
12 regulate the day-to-day practice of telepsychology and the provision
13 of psychological services using telecommunication technologies by
14 psychologists across state boundaries in the performance of their
15 psychological practice as assigned by an appropriate authority;

16 (c) The psychology interjurisdictional compact is intended to
17 regulate the temporary in-person, face-to-face practice of psychology
18 by psychologists across state boundaries for 30 days within a
19 calendar year in the performance of their psychological practice as
20 assigned by an appropriate authority;

1 (d) The psychology interjurisdictional compact is intended to
2 authorize state psychology regulatory authorities to afford legal
3 recognition, in a manner consistent with the terms of the compact, to
4 psychologists licensed in another state;

5 (e) The psychology interjurisdictional compact recognizes that
6 states have a vested interest in protecting the public's health and
7 safety through their licensing and regulation of psychologists and
8 that state regulation best protects public health and safety;

9 (f) The psychology interjurisdictional compact does not apply
10 when a psychologist is licensed in both the home and receiving
11 states; and

12 (g) The psychology interjurisdictional compact does not apply to
13 permanent in-person, face-to-face practice; it does allow for
14 authorization of temporary psychological practice.

15 (2) Consistent with the findings of subsection (1) of this
16 section, the psychology interjurisdictional compact is designed to
17 achieve the following purposes and objectives:

18 (a) Increase public access to professional psychological services
19 by allowing for telepsychological practice across state lines as well
20 as temporary in-person, face-to-face services into a state in which
21 the psychologist is not licensed to practice psychology;

22 (b) Enhance the states' ability to protect the public's health
23 and safety, especially client/patient safety;

24 (c) Encourage the cooperation of compact states in the areas of
25 psychology licensure and regulation;

26 (d) Facilitate the exchange of information between compact states
27 regarding psychologist licensure, adverse actions, and disciplinary
28 history;

29 (e) Promote compliance with the laws governing psychological
30 practice in each compact state; and

31 (f) Invest all compact states with the authority to hold licensed
32 psychologists accountable through the mutual recognition of compact
33 state licenses.

34 NEW SECTION. **Sec. 3.** The definitions in this section apply
35 throughout this chapter unless the context clearly requires
36 otherwise.

37 (1) "Adverse action" means any action taken by a state psychology
38 regulatory authority which finds a violation of a statute or

1 regulation that is identified by the state psychology regulatory
2 authority as discipline and is a matter of public record.

3 (2) "Association of state and provincial psychology boards" means
4 the recognized membership organization composed of state and
5 provincial psychology regulatory authorities responsible for the
6 licensure and registration of psychologists throughout the United
7 States and Canada.

8 (3) "Authority to practice interjurisdictional telepsychology"
9 means a licensed psychologist's authority to practice telepsychology,
10 within the limits authorized under the psychology interjurisdictional
11 compact, in another compact state.

12 (4) "Bylaws" means those bylaws established by the psychology
13 interjurisdictional compact commission under section 11 of this act
14 for its governance, or for directing and controlling its actions and
15 conduct.

16 (5) "Client/patient" means the recipient of psychological
17 services, whether psychological services are delivered in the context
18 of health care, corporate, supervision, or consulting services.

19 (6) "Commissioner" means the voting representative appointed by
20 each state psychology regulatory authority under section 11 of this
21 act.

22 (7) "Compact state" means a state, the District of Columbia, or
23 United States territory that has enacted the psychology
24 interjurisdictional compact and which has not withdrawn under section
25 14 of this act or been terminated under section 13 of this act.

26 (8) "Confidentiality" means that principle that data or
27 information is not made available or disclosed to unauthorized
28 persons or processes.

29 (9) "Coordinated licensure information system" or "coordinated
30 database" means an integrated process for collecting, storing, and
31 sharing information on psychologists' licensure and enforcement
32 activities related to psychology licensure laws, which is
33 administered by the recognized membership organization composed of
34 state and provincial psychology regulatory authorities.

35 (10) "Day" means any part of a day in which psychological work is
36 performed.

37 (11) "Distant state" means the compact state where a psychologist
38 is physically present, not through the use of telecommunications
39 technologies, to provide temporary in-person, face-to-face
40 psychological services.

1 (12) "E-passport" means a certificate issued by the association
2 of state and provincial psychology boards that promotes the
3 standardization in the criteria of interjurisdictional telepsychology
4 practice and facilitates the process for licensed psychologists to
5 provide telepsychological services across state lines.

6 (13) "Executive board" means a group of directors elected or
7 appointed to act on behalf of, and within the powers granted to them
8 by, the psychology interjurisdictional compact commission.

9 (14) "Home state" means a compact state where a psychologist is
10 licensed to practice psychology. If the psychologist is licensed in
11 more than one compact state and is practicing under the authorization
12 to practice interjurisdictional telepsychology, the home state is the
13 compact state where the psychologist is physically present when the
14 telepsychological services are delivered. If the psychologist is
15 licensed in more than one compact state and is practicing under the
16 temporary authorization to practice, the home state is any compact
17 state where the psychologist is licensed.

18 (15) "Identity history summary" means a summary of information
19 retained by the federal bureau of investigation, or other designee
20 with similar authority, in connection with arrests and, in some
21 instances, federal employment, naturalization, or military service.

22 (16) "In-person, face-to-face" means interactions in which the
23 psychologist and the client/patient are in the same physical space
24 and which does not include interactions that may occur through the
25 use of telecommunication technologies.

26 (17) "Interjurisdictional practice certificate" means a
27 certificate issued by the association of state and provincial
28 psychology boards that grants temporary authority to practice based
29 on notification to the state psychology regulatory authority of
30 intention to practice temporarily, and verification of one's
31 qualifications for the practice.

32 (18) "License" means authorization by a state psychology
33 regulatory authority to engage in the independent practice of
34 psychology, which would be unlawful without the authorization.

35 (19) "Noncompact state" means any state which is not at the time
36 a compact state.

37 (20) "Psychologist" means an individual licensed for the
38 independent practice of psychology.

1 (21) "Psychology interjurisdictional compact commission" or
2 "commission" means the national administration of which all compact
3 states are members.

4 (22) "Receiving state" means a compact state where the client/
5 patient is physically located when the telepsychological services are
6 delivered.

7 (23) "Rule" means a written statement by the psychology
8 interjurisdictional compact commission adopted under section 12 of
9 this act that is of general applicability, implements, interprets, or
10 prescribes a policy or provision of the compact, or an
11 organizational, procedural, or practice requirement of the commission
12 and has the force and effect of statutory law in a compact state, and
13 includes the amendment, repeal, or suspension of an existing rule.

14 (24) "Significant investigatory information" means investigative
15 information that:

16 (a) A state psychology regulatory authority, after a preliminary
17 inquiry that includes notification and an opportunity to respond if
18 required by state law, has reason to believe, if proven true, would
19 indicate more than a violation of state statute or ethics code that
20 would be considered to be more substantial than a minor infraction;
21 or

22 (b) Indicates that the psychologist represents an immediate
23 threat to public health and safety regardless of whether the
24 psychologist has been notified or had an opportunity to respond.

25 (25) "State" means a state, commonwealth, territory, or
26 possession of the United States or the District of Columbia.

27 (26) "State psychology regulatory authority" means a board,
28 office, or other agency with the legislative mandate to license and
29 regulate the practice of psychology.

30 (27) "Telepsychology" means the provision of psychological
31 services using telecommunication technologies.

32 (28) "Temporary authorization to practice" means a licensed
33 psychologist's authority to conduct temporary in-person, face-to-face
34 practice, within the limits authorized under the psychology
35 interjurisdictional compact, in another compact state.

36 (29) "Temporary in-person, face-to-face practice" means where a
37 psychologist is physically present, not through the use of
38 telecommunications technologies, in the distant state to provide for
39 the practice of psychology for 30 days within a calendar year and
40 based on notification to the distant state.

1 NEW SECTION.

2 **Sec. 4.**

3 (1) The home state shall be a compact
4 state where a psychologist is licensed to practice psychology.

5 (2) A psychologist may hold one or more compact state licenses at
6 a time. If the psychologist is licensed in more than one compact
7 state, the home state is the compact state where the psychologist is
8 physically present when the services are delivered as authorized by
9 the authority to practice interjurisdictional telepsychology under
10 the terms of the psychology interjurisdictional compact.

11 (3) Any compact state may require a psychologist not previously
12 licensed in a compact state to obtain and retain a license to be
13 authorized to practice in the compact state under circumstances not
14 authorized by the authority to practice interjurisdictional
15 telepsychology under the terms of the psychology interjurisdictional
16 compact.

17 (4) Any compact state may require a psychologist to obtain and
18 retain a license to be authorized to practice in a compact state
19 under circumstances not authorized by temporary authorization to
20 practice under the terms of the psychology interjurisdictional
21 compact.

22 (5) A home state's license authorizes a psychologist to practice
23 in a receiving state under the authority to practice
24 interjurisdictional telepsychology only if the compact state:

25 (a) Currently requires the psychologist to hold an active e-
26 passport;

27 (b) Has a mechanism in place for receiving and investigating
28 complaints about licensed individuals;

29 (c) Notifies the commission, in compliance with the terms of this
30 chapter, of any adverse action or significant investigatory
31 information regarding a licensed individual;

32 (d) Requires an identity history summary of all applicants at
33 initial licensure, including the use of the results of fingerprints
34 or other biometric data checks compliant with the requirements of the
35 federal bureau of investigation, or other designee with similar
36 authority, no later than 10 years after activation of the psychology
37 interjurisdictional compact; and

38 (e) Complies with the bylaws and rules of the commission.

39 (6) A home state's license grants temporary authorization to
practice to a psychologist in a distant state only if the compact
state:

1 (a) Currently requires the psychologist to hold an active
2 interjurisdictional practice certificate;

3 (b) Has a mechanism in place for receiving and investigating
4 complaints about licensed individuals;

5 (c) Notifies the commission, in compliance with this chapter, of
6 any adverse action or significant investigatory information regarding
7 a licensed individual;

8 (d) Requires an identity history summary of all applicants at
9 initial licensure, including the use of the results of fingerprints
10 or other biometric data checks compliant with the requirements of the
11 federal bureau of investigation, or other designee with similar
12 authority, no later than 10 years after activation of the psychology
13 interjurisdictional compact; and

14 (e) Complies with the bylaws and rules of the commission.

15 NEW SECTION. **Sec. 5.** (1) Compact states shall recognize the
16 right of a psychologist, licensed in a compact state in conformance
17 with section 4 of this act, to practice telepsychology in receiving
18 states in which the psychologist is not licensed, under the authority
19 to practice interjurisdictional telepsychology as provided in the
20 psychology interjurisdictional compact.

21 (2) To exercise the authority to practice interjurisdictional
22 telepsychology under the psychology interjurisdictional compact, a
23 psychologist licensed to practice in a compact state must:

24 (a) Hold a graduate degree in psychology from an institute of
25 higher education that was, at the time the degree was awarded:

26 (i) Regionally accredited by an accrediting body recognized by
27 the United States department of education to grant graduate degrees,
28 or authorized by provincial statute or royal charter to grant
29 doctoral degrees; or

30 (ii) A foreign college or university deemed to be equivalent to
31 an entity recognized under (a)(i) of this subsection by a foreign
32 credential evaluation service that is a member of the national
33 association of credential evaluation services or by a recognized
34 foreign credential evaluation service;

35 (b) Hold a graduate degree in psychology that meets the following
36 criteria:

37 (i) The program, wherever it may be administratively housed, must
38 be clearly identified and labeled as a psychology program. The

1 program must specify in pertinent institutional catalogues and
2 brochures its intent to educate and train professional psychologists;

3 (ii) The program must stand as a recognizable, coherent,
4 organizational entity within the institution;

5 (iii) There must be a clear authority and primary responsibility
6 for the core and specialty areas whether or not the program cuts
7 across administrative lines;

8 (iv) The program must consist of an integrated, organized
9 sequence of study;

10 (v) There must be an identifiable psychology faculty sufficient
11 in size and breadth to carry out its responsibilities;

12 (vi) The designated director of the program must be a
13 psychologist and a member of the core faculty;

14 (vii) The program must have an identifiable body of students who
15 are matriculated in that program for a degree;

16 (viii) The program must include supervised practicum, internship,
17 or field training appropriate to the practice of psychology;

18 (ix) The curriculum shall encompass a minimum of three academic
19 years of full-time graduate study for doctoral degree and a minimum
20 of one academic year of full-time graduate study for a master's
21 degree; and

22 (x) The program must include an acceptable residency as defined
23 by the rules of the commission;

24 (c) Possess a current, full, and unrestricted license to practice
25 psychology in a home state;

26 (d) Have no history of adverse action that violates the rules of
27 the commission;

28 (e) Have no criminal record history reported on an identity
29 history summary that violates the rules of the commission;

30 (f) Possess a current, active e-passport;

31 (g) Provide attestations in regard to: Areas of intended
32 practice; conformity with standards of practice; competence in
33 telepsychology technology; criminal background; and knowledge and
34 adherence to legal requirements in the home states and receiving
35 states, and provide a release of information to allow for primary
36 source verification in a manner specified by the commission; and

37 (h) Meet other criteria as defined by the rules of the
38 commission.

1 (3) The home state maintains authority over the license of any
2 psychologist practicing into a receiving state under the authority to
3 practice interjurisdictional telepsychology.

4 (4) A psychologist practicing into a receiving state under the
5 authority to practice interjurisdictional telepsychology is subject
6 to the receiving state's scope of practice. A receiving state may, in
7 accordance with that state's due process law, limit or revoke a
8 psychologist's authority to practice interjurisdictional
9 telepsychology in the receiving state and may take any other
10 necessary actions under the receiving state's applicable law to
11 protect the health and safety of the receiving state's citizens. If a
12 receiving state takes action, the state must promptly notify the home
13 state and the commission.

14 (5) If a psychologist's license in any home state or compact
15 state, or any authority to practice interjurisdictional
16 telepsychology in a receiving state, is restricted, suspended, or
17 otherwise limited, the e-passport must be revoked and the
18 psychologist may not practice telepsychology in a compact state under
19 the authority to practice interjurisdictional telepsychology.

20 NEW SECTION. **Sec. 6.** (1) Compact states must recognize the
21 right of a psychologist, licensed in a compact state in conformance
22 with section 4 of this act, to practice temporarily in other distant
23 states in which the psychologist is not licensed, as provided in the
24 psychology interjurisdictional compact.

25 (2) To exercise the temporary authorization to practice under the
26 terms and provisions of the psychology interjurisdictional compact, a
27 psychologist licensed to practice in a compact state must:

28 (a) Hold a graduate degree in psychology from an institute of
29 higher education that was, at the time the degree was awarded:

30 (i) Regionally accredited by an accrediting body recognized by
31 the United States department of education to grant graduate degrees,
32 or authorized by provincial statute or royal charter to grant
33 doctoral degrees; or

34 (ii) A foreign college or university deemed to be equivalent to
35 an entity recognized under (a)(i) of this subsection by a foreign
36 credential evaluation service that is a member of the national
37 association of credential evaluation services or by a recognized
38 foreign credential evaluation service;

1 (b) Hold a graduate degree in psychology that meets the following
2 criteria:

3 (i) The program, wherever it may be administratively housed, must
4 be clearly identified and labeled as a psychology program. The
5 program must specify in pertinent institutional catalogues and
6 brochures its intent to educate and train professional psychologists;

7 (ii) The program must stand as a recognizable, coherent,
8 organizational entity within the institution;

9 (iii) There must be a clear authority and primary responsibility
10 for the core and specialty areas whether or not the program cuts
11 across administrative lines;

12 (iv) The program must consist of an integrated, organized
13 sequence of study;

14 (v) There must be an identifiable psychology faculty sufficient
15 in size and breadth to carry out its responsibilities;

16 (vi) The designated director of the program must be a
17 psychologist and a member of the core faculty;

18 (vii) The program must have an identifiable body of students who
19 are matriculated in that program for a degree;

20 (viii) The program must include supervised practicum, internship,
21 or field training appropriate to the practice of psychology;

22 (ix) The curriculum shall encompass a minimum of three academic
23 years of full-time graduate study for doctoral degree and a minimum
24 of one academic year of full-time graduate study for a master's
25 degree; and

26 (x) The program must include an acceptable residency as defined
27 by the rules of the commission;

28 (c) Possess a current, full, and unrestricted license to practice
29 psychology in a home state;

30 (d) Have no history of adverse action that violates the rules of
31 the commission;

32 (e) Have no criminal record history reported on an identity
33 history summary that violates the rules of the commission;

34 (f) Possess a current, active interjurisdictional practice
35 certificate;

36 (g) Provide attestations in regard to areas of intended practice
37 and work experience and provide a release of information to allow for
38 primary source verification in a manner specified by the commission;
39 and

1 (h) Meet other criteria as defined by the rules of the
2 commission.

3 (3) A psychologist practicing into a distant state under the
4 temporary authorization to practice must practice within the scope of
5 practice authorized by the distant state.

6 (4) A psychologist practicing into a distant state under the
7 temporary authorization to practice is subject to the distant state's
8 authority and law. A distant state may, in accordance with that
9 state's due process law, limit or revoke a psychologist's temporary
10 authorization to practice in the distant state and may take other
11 necessary actions under the distant state's applicable law to protect
12 the health and safety of the distant state's citizens. If a distant
13 state takes action, the state must promptly notify the home state and
14 the commission.

15 (5) If a psychologist's license in any home state or compact
16 state, or any temporary authorization to practice in any distant
17 state, is restricted, suspended, or otherwise limited, the
18 interjurisdictional practice certificate must be revoked and the
19 psychologist may not practice telepsychology in a compact state under
20 the temporary authorization to practice.

21 NEW SECTION. **Sec. 7.** A psychologist may practice in a receiving
22 state under the authority to practice interjurisdictional
23 telepsychology only in the performance of the scope of practice for
24 psychology as assigned by an appropriate state psychology regulatory
25 authority, as defined by the rules of the commission, and under the
26 following circumstances:

27 (1) The psychologist initiates a client/patient contact in a home
28 state via telecommunications technologies with a client/patient in a
29 receiving state; and

30 (2) Meeting other conditions regarding telepsychology as
31 determined by the rules adopted by the commission.

32 NEW SECTION. **Sec. 8.** (1) A home state may impose adverse action
33 against a psychologist's license issued by the home state. A distant
34 state may take adverse action on a psychologist's temporary
35 authorization to practice within that distant state.

36 (2) A receiving state may take adverse action on a psychologist's
37 authority to practice interjurisdictional telepsychology within that
38 receiving state. A home state may take adverse action against a

1 psychologist based on an adverse action taken by a distant state
2 regarding temporary in-person, face-to-face practice.

3 (3) If a home state takes adverse action against a psychologist's
4 license, that psychologist's authority to practice
5 interjurisdictional telepsychology is terminated and the e-passport
6 is revoked. Furthermore, that psychologist's temporary authorization
7 to practice is terminated and the interjurisdictional practice
8 certificate is revoked.

9 (a) All home state disciplinary orders which impose adverse
10 action must be reported to the commission in accordance with the
11 rules adopted by the commission. A compact state must report adverse
12 actions in accordance with the rules of the commission.

13 (b) In the event discipline is reported on a psychologist, the
14 psychologist will not be eligible for telepsychology or temporary in-
15 person, face-to-face practice in accordance with the rules of the
16 commission.

17 (c) Other actions may be imposed as determined by the rules
18 adopted by the commission.

19 (4) A home state's psychology regulatory authority must
20 investigate and take appropriate action with respect to reported
21 inappropriate conduct engaged in by a licensee which occurred in a
22 receiving state as it would if such conduct had occurred by a
23 licensee within the home state. In such cases, the home state's law
24 controls in determining any adverse action against a psychologist's
25 license.

26 (5) A distant state's psychology regulatory authority must
27 investigate and take appropriate action with respect to reported
28 inappropriate conduct engaged in by a psychologist practicing under a
29 temporary authorization to practice which occurred by a distant state
30 as it would if such conduct had occurred by a licensee within the
31 home state. In such cases, distant state's law controls in
32 determining any adverse action against a psychologist's temporary
33 authorization to practice.

34 (6) Nothing in this compact overrides a compact state's decision
35 that a psychologist's participation in an alternative program may be
36 used in lieu of adverse action and that such participation remains
37 nonpublic if required by the compact state's law. Compact states must
38 require psychologists who enter any alternative programs to not
39 provide telepsychology services under the authority to practice
40 interjurisdictional telepsychology services under the temporary

1 authorization to practice in any other compact state during the term
2 of the alternative program.

3 (7) No other judicial or administrative remedy is available to a
4 psychologist if a compact state imposes an adverse action under
5 subsection (3) of this section.

6 NEW SECTION. **Sec. 9.** (1) In addition to any other powers
7 granted under state law, a compact state's psychology regulatory
8 authority may:

9 (a) Issue subpoenas, for both hearings and investigations, which
10 require the attendance and testimony of witnesses and the production
11 of evidence. Subpoenas issued by a compact state's psychology
12 regulatory authority for the attendance and testimony of witnesses,
13 or the production of evidence from another compact state must be
14 enforced in the latter state by any court of competent jurisdiction,
15 according to that court's practice and procedure in considering
16 subpoenas issued in its own proceedings. The issuing state psychology
17 regulatory authority must pay any witness fees, travel expenses,
18 mileage, and other fees required by the service statutes of the state
19 where the witnesses or evidence are located; and

20 (b) Issue cease and desist or injunctive relief orders to revoke
21 a psychologist's authority to practice interjurisdictional
22 telepsychology or temporary authorization to practice.

23 (2) During the course of any investigation, a psychologist may
24 not change his or her home state licensure. A home state psychology
25 regulatory authority may complete any pending investigations of a
26 psychologist and take any actions appropriate under its law. The home
27 state psychology regulatory authority must promptly report the
28 conclusions of the investigations to the commission. Once an
29 investigation has been completed, and pending the outcome of the
30 investigation, the psychologist may change his or her home state
31 licensure. The commission must promptly notify the new home state of
32 any such decisions as provided in the rules of the commission. All
33 information provided to the commission or distributed by compact
34 states under the investigation of the psychologist is confidential,
35 filed under seal, and used for investigatory or disciplinary matters.
36 The commission may create additional rules for mandated or
37 discretionary sharing of information by compact states.

1 NEW SECTION. **Sec. 10.** (1) The commission must provide for the
2 development and maintenance of a coordinated licensure information
3 system and reporting system containing licensure and disciplinary
4 action information on all psychologists to whom the psychology
5 interjurisdictional compact is applicable in all compact states as
6 defined by rules of the commission.

7 (2) A compact state must submit a uniform data set to the
8 coordinated licensure information system on all licensees as required
9 by the rules of the commission, including:

10 (a) Identifying information;

11 (b) Licensure data;

12 (c) Significant investigatory information;

13 (d) Adverse actions against a psychologist's license;

14 (e) An indicator that a psychologist's authority to practice
15 interjurisdictional telepsychology or temporary authorization to
16 practice is revoked;

17 (f) Nonconfidential information related to alternative program
18 participation information;

19 (g) Any denial of application for licensure, and the reasons for
20 such denial; and

21 (h) Other information which may facilitate the administration of
22 the psychology interjurisdictional compact, as determined by the
23 rules of the commission.

24 (3) The coordinated database administrator must promptly notify
25 all compact states of any adverse action taken against, or
26 significant investigative information on, any licensee in a compact
27 state.

28 (4) Compact states reporting information to the coordinated
29 database may designate information that may not be shared with the
30 public without the express permission of the compact state reporting
31 the information.

32 (5) Any information submitted to the coordinated database that is
33 subsequently required to be expunged by the law of the compact state
34 reporting the information must be removed from the coordinated
35 database.

36 NEW SECTION. **Sec. 11.** (1) The compact states hereby create and
37 establish a joint public agency known as the psychology
38 interjurisdictional compact commission.

1 (a) The commission is a body politic and an instrumentality of
2 the compact states.

3 (b) Venue is proper and judicial proceedings by or against the
4 commission must be brought solely and exclusively in a court of
5 competent jurisdiction where the principal office of the commission
6 is located. The commission may waive venue and jurisdictional
7 defenses to the extent it adopts or consents to participate in
8 alternative dispute resolution proceedings.

9 (c) Nothing in the psychology interjurisdictional compact may be
10 construed to be a waiver of sovereign immunity.

11 (2)(a) The commission shall consist of one voting representative
12 appointed by each compact state who shall serve as that state's
13 commissioner. The state psychology regulatory authority must appoint
14 its delegate who may act on behalf of the compact state and be
15 limited to:

16 (i) Its executive director, executive secretary, or similar
17 executive;

18 (ii) A current member of the state psychology regulatory
19 authority of a compact state; or

20 (iii) A designee empowered with the appropriate delegate
21 authority to act on behalf of the compact state.

22 (b) Any commissioner may be removed or suspended from office as
23 provided by the law of the state from which the commissioner is
24 appointed. Any vacancy occurring in the commission must be filled in
25 accordance with the laws of the compact state in which the vacancy
26 exists.

27 (c) Each commissioner must be entitled to one vote with regard to
28 the adoption of rules and creation of bylaws and must otherwise have
29 an opportunity to participate in the business and affairs of the
30 commission. A commissioner must vote in person or by such other means
31 as provided in the bylaws. The bylaws may provide for commissioners'
32 participation in meetings by telephone or other means of
33 communication.

34 (d) The commission must meet at least once during each calendar
35 year. Additional meetings must be held as set forth in the bylaws.

36 (e) All meetings must be open to the public, and public notice of
37 meetings must be given in the same manner as required under the rule-
38 making provisions in section 12 of this act.

39 (f) The commission may convene in a closed, nonpublic meeting if
40 the commission discusses:

1 (i) Noncompliance of a compact state with its obligations under
2 the psychology interjurisdictional compact;

3 (ii) The employment, compensation, discipline, or other personnel
4 matters, practices, or procedures related to specific employees or
5 other matters related to the commission's internal personnel
6 practices and procedures;

7 (iii) Current, threatened, or reasonably anticipated litigation
8 against the commission;

9 (iv) Negotiation of contracts for the purchase or sale of goods,
10 services, or real estate;

11 (v) An accusation against any person of a crime or formally
12 censuring any person;

13 (vi) Disclosure of trade secrets or commercial or financial
14 information which is privileged or confidential;

15 (vii) Disclosure of information of a personal nature where
16 disclosure would constitute a clearly unwarranted invasion of
17 personal privacy;

18 (viii) Disclosure of investigatory records compiled for law
19 enforcement purposes;

20 (ix) Disclosure of information related to any investigatory
21 reports prepared by or on behalf of or for use of the commission or
22 other committee charged with responsibility for investigation or
23 determination of compliance issues under the psychology
24 interjurisdictional compact; or

25 (x) Matters specifically exempted from disclosure by federal and
26 state statutes.

27 (g) If a meeting, or portion of a meeting, is closed under (f) of
28 this subsection, the commission's legal counsel or designee must
29 certify that the meeting may be closed and must reference each
30 relevant exempting provision. The commission must keep minutes which
31 fully and clearly describe all matters discussed in a meeting and
32 must provide a full and accurate summary of actions taken, of any
33 person participating in the meeting, and the reasons therefore,
34 including a description of the views expressed. All documents
35 considered in connection with an action must be identified in the
36 minutes. All minutes and documents of a closed meeting must remain
37 under seal, subject to release only by a majority vote of the
38 commission or order of a court of competent jurisdiction.

39 (3) The commission must, by a majority vote of the commissioners,
40 prescribe bylaws and rules to govern its conduct as may be necessary

1 or appropriate to carry out the purposes and exercise the powers of
2 the psychology interjurisdictional compact including, but not limited
3 to:

4 (a) Establishing the fiscal year of the commission;

5 (b) Providing reasonable standards and procedures:

6 (i) For the establishment and meetings of other committees; and

7 (ii) Governing any general or specific delegation of any
8 authority or function of the commission;

9 (c) Providing reasonable procedures for calling and conducting
10 meetings of the commission, ensuring reasonable advance notice of all
11 meetings, and providing an opportunity for attendance of meetings by
12 interested parties, with enumerated exceptions designed to protect
13 the public's interest, the privacy of individuals in the proceedings,
14 and proprietary information, including trade secrets. The commission
15 may meet in closed session only after a majority of the commissioners
16 vote to close a meeting to the public in whole or in part. As soon as
17 practicable, the commission must make public a copy of the vote to
18 close the meeting, revealing the vote of each commissioner with no
19 proxy votes allowed;

20 (d) Establishing the titles, duties, authority, and reasonable
21 procedures for the election of officers of the commission;

22 (e) Providing reasonable standards and procedures for the
23 establishment of the personnel policies and programs of the
24 commission. The bylaws must exclusively govern the personnel policies
25 and programs of the commission;

26 (f) Adopting a code of ethics to address permissible and
27 prohibited activities of commission members and employees;

28 (g) Providing a mechanism for concluding the operations of the
29 commission and the equitable disposition of any surplus funds that
30 exist after the termination of the psychology interjurisdictional
31 compact after the payment or reserving of all of its debts and
32 obligations;

33 (h) The commission must publish its bylaws in a convenient form
34 and file a copy of the bylaws and any amendments to the bylaws with
35 the appropriate agency or officer in each of the compact states;

36 (i) The commission must maintain its financial records in
37 accordance with the bylaws; and

38 (j) The commission must meet and take such actions as are
39 consistent with the provisions of the psychology interjurisdictional
40 compact and the bylaws.

- 1 (4) The commission has the following powers:
- 2 (a) The authority to adopt uniform rules to facilitate and
3 coordinate implementation and administration of the psychology
4 interjurisdictional compact. Rules have the force and effect of law
5 and are binding in all compact states;
- 6 (b) To bring and prosecute legal proceedings or actions in the
7 name of the commission, provided that the standing of any state
8 psychology regulatory authority or other regulatory body responsible
9 for psychology licensure to sue or be sued under applicable law is
10 not affected;
- 11 (c) To purchase and maintain insurance and bonds;
- 12 (d) To borrow, accept, or contract for services of personnel
13 including, but not limited to, employees of a compact state;
- 14 (e) To hire employees, elect or appoint officers, fix
15 compensation, define duties, grant such individuals appropriate
16 authority to carry out the purposes of the psychology
17 interjurisdictional compact, and to establish the commission's
18 personnel policies and programs relating to conflicts of interest,
19 qualifications of personnel, and other related personnel matters;
- 20 (f) To accept any and all appropriate donations and grants of
21 money, equipment, supplies, materials, and services, and to receive,
22 use, and dispose of the same. At all times, the commission must
23 strive to avoid any appearance of impropriety or conflict of
24 interest;
- 25 (g) To lease, purchase, accept appropriate gifts or donations of,
26 or otherwise to own, hold, improve, or use, any property, real,
27 personal, or mixed. At all times, the commission must strive to avoid
28 any appearance of impropriety or conflict of interest;
- 29 (h) To sell, convey, mortgage, pledge, lease, exchange, abandon,
30 or otherwise dispose of any property, real, personal, or mixed;
- 31 (i) To establish a budget and make expenditures;
- 32 (j) To borrow money;
- 33 (k) To appoint committees, including advisory committees
34 comprised of members, state regulators, state legislators, or their
35 representatives, and consumer representatives, and other interested
36 persons as designated in the psychology interjurisdictional compact
37 and the bylaws;
- 38 (l) To provide and receive information from, and to cooperate
39 with, law enforcement agencies;
- 40 (m) To adopt and use an official seal; and

1 (n) To perform other functions necessary or appropriate to
2 achieve the purposes of the psychology interjurisdictional compact
3 consistent with the state regulation of psychology licensure;
4 temporary in-person, face-to-face practice; and telepsychology
5 practice.

6 (5) The elected officers must serve as the executive board which
7 may act on behalf of the commission according to the terms of the
8 psychology interjurisdictional compact.

9 (a) The executive board must be comprised of six members:

10 (i) Five voting members who are elected from the current
11 membership of the commission by the commission;

12 (ii) One ex officio, nonvoting member from the recognized
13 membership organization composed of state and provincial psychology
14 regulatory authorities.

15 (b) The ex officio member must have served as staff or member on
16 a state psychology regulatory authority and must be selected by its
17 respective organization.

18 (c) The commission may remove any member of the executive board
19 as provided in the bylaws.

20 (d) The executive board must meet at least annually.

21 (e) The executive board has the following duties and
22 responsibilities:

23 (i) Recommend to the entire commission changes to the rules or
24 bylaws, changes to this compact legislation, fees paid by compact
25 states such as annual dues, and any other applicable fees;

26 (ii) Ensure compact administration services are appropriately
27 provided, contractual or otherwise;

28 (iii) Prepare and recommend the budget;

29 (iv) Maintain financial records on behalf of the commission;

30 (v) Monitor compact compliance of member states and provide
31 compliance reports to the commission;

32 (vi) Establish additional committees as necessary; and

33 (vii) Other duties as provided in rules or bylaws.

34 (6) (a) The commission must pay, or provide for the payment of the
35 reasonable expenses of its establishment, organization, and ongoing
36 activities.

37 (b) The commission may accept any and all appropriate revenue
38 sources, donations, and grants of money, equipment, supplies,
39 materials, and services.

1 (c) The commission may levy on and collect an annual assessment
2 from each compact state or impose fees on other parties to cover the
3 cost of the operations and activities of the commission and its staff
4 which must be in a total amount sufficient to cover its annual budget
5 as approved each year for which revenue is not provided by other
6 sources. The aggregate annual assessment amount must be allocated
7 based upon a formula to be determined by the commission which must
8 adopt rules binding upon all compact states.

9 (d) The commission may not incur obligations of any kind before
10 securing the funds adequate to meet these obligations. It may not
11 pledge the credit of any of the compact states, except by and with
12 the authority of the compact state.

13 (e) The commission must keep accurate accounts of all receipts
14 and disbursements. The receipts and disbursements of the commission
15 are subject to the audit and accounting procedures established under
16 its bylaws. However, all receipts and disbursements of funds handled
17 by the commission must be audited yearly by a certified or licensed
18 public accountant and the report of the audit must be included in and
19 become part of the annual report of the commission.

20 (7)(a) The members, officers, executive director, employees, and
21 representatives of the commission are immune from suit and liability,
22 either personally or in their official capacity, for any claim for
23 damage to or loss of property or personal injury or other civil
24 liability caused by or arising out of any actual or alleged act,
25 error, or omission that occurred, or that the person against whom the
26 claim is made had a reasonable basis for believing occurred within
27 the scope of commission employment, duties, or responsibilities.
28 Nothing in this subsection may be construed to protect any such
29 person from suit or liability for damage, loss, injury, or liability
30 caused by the intentional or willful or wanton misconduct of that
31 person.

32 (b) The commission must defend any member, officer, executive
33 director, employee, or representative of the commission in any civil
34 action seeking to impose liability arising out of any actual or
35 alleged act, error, or omission that occurred within the scope of
36 commission employment, duties, or responsibilities, or that the
37 person against whom the claim is made had a reasonable basis for
38 believing occurred within the scope of commission employment, duties,
39 or responsibilities, if the actual or alleged act, error, or omission
40 did not result from that person's intentional or willful or wanton

1 misconduct. This subsection does not prohibit the person from
2 retaining his or her own counsel.

3 (c) The commission must indemnify and hold harmless any member,
4 officer, executive director, employee, or representative of the
5 commission for the amount of any settlement or judgment obtained
6 against that person arising out of any actual or alleged act, error,
7 or omission that occurred within the scope of commission employment,
8 duties, or responsibilities, or that such person had a reasonable
9 basis for believing occurred within the scope of commission
10 employment, duties, or responsibilities, if the actual or alleged
11 act, error, or omission did not result from the intentional or
12 willful or wanton misconduct of that person.

13 NEW SECTION. **Sec. 12.** (1) The commission must exercise its
14 rule-making powers under the criteria set forth in this section and
15 the rules adopted under this section. Rules and amendments become
16 binding as of the date specified in each rule or amendment.

17 (2) If a majority of the legislatures of the compact states
18 reject a rule, by enactment of a statute or resolution in the same
19 manner used to adopt the psychology interjurisdictional compact, the
20 rule will have no further force and effect in any compact state.

21 (3) Rules or amendments to the rules must be adopted at a regular
22 or special meeting of the commission.

23 (4) Before adoption of a final rule or rules by the commission,
24 and at least 60 days in advance of the meeting at which the rule will
25 be considered and voted upon, the commission must file a notice of
26 proposed rule making:

27 (a) On the website of the commission; and

28 (b) On the website of each compact state's psychology regulatory
29 authority or the publication in which each state would otherwise
30 publish proposed rules.

31 (5) The notice of proposed rule making must include:

32 (a) The proposed time, date, and location of the meeting in which
33 the rule will be considered and voted upon;

34 (b) The text of the proposed rule or amendment and the reason for
35 the proposed rule;

36 (c) A request for comments on the proposed rule from any
37 interested person; and

1 (d) The manner in which interested persons may submit notice to
2 the commission of their intention to attend the public hearing and
3 any written comments.

4 (6) Before adoption of a proposed rule, the commission must allow
5 persons to submit written data, facts, opinions, and arguments, which
6 must be made available to the public.

7 (7) The commission must grant an opportunity for a public hearing
8 before it adopts a rule or amendment if a hearing is requested by:

9 (a) At least 25 persons who submit comments independently of each
10 other;

11 (b) A governmental subdivision or agency; or

12 (c) A duly appointed person in an association that has at least
13 25 members.

14 (8) If a hearing is held on the proposed rule or amendment, the
15 commission must publish the place, time, and date of the scheduled
16 public hearing.

17 (a) All persons wishing to be heard at the hearing must notify
18 the executive director of the commission or other designated member
19 in writing of their desire to appear and testify at the hearing not
20 less than five business days before the scheduled date of the
21 hearing.

22 (b) Hearings must be conducted in a manner providing each person
23 who wishes to comment a fair and reasonable opportunity to comment
24 orally or in writing.

25 (c) No transcript of the hearing is required, unless a written
26 request for a transcript is made, in which case the person requesting
27 the transcript must bear the cost of producing the transcript. A
28 recording may be made in lieu of a transcript under the same terms
29 and conditions as a transcript. This subsection does not preclude the
30 commission from making a transcript or recording of the hearing if it
31 so chooses.

32 (d) This section does not require a separate hearing on each
33 rule. Rules may be grouped for the convenience of the commission at
34 hearings required by this section.

35 (9) Following the scheduled hearing date, or by the close of
36 business on the scheduled hearing date if the hearing was not held,
37 the commission must consider all written and oral comments received.

38 (10) The commission must, by majority vote of all members, take
39 final action on the proposed rule and must determine the effective

1 date of the rule, if any, based on the rule making record and the
2 full text of the rule.

3 (11) If no written notice of intent to attend the public hearing
4 by interested parties is received, the commission may proceed with
5 adoption of the proposed rule without a public hearing.

6 (12) Upon determination that an emergency exists, the commission
7 may consider and adopt an emergency rule without prior notice,
8 opportunity for comment, or hearing, if the usual rule-making
9 procedures provided in the psychology interjurisdictional compact and
10 in this section are retroactively applied to the rule as soon as
11 reasonably possible, in no event more than 90 days after the
12 effective date of the rule. For the purposes of this subsection, an
13 emergency rule is one that must be adopted immediately in order to:

- 14 (a) Meet an imminent threat to public health, safety, or welfare;
- 15 (b) Prevent a loss of commission or compact state funds;
- 16 (c) Meet a deadline for the adoption of an administrative rule
17 that is established by federal law or rule; or
- 18 (d) Protect public health and safety.

19 (13) The commission or an authorized committee of the commission
20 may direct revisions to a previously adopted rule or amendment for
21 purposes of correcting typographical errors, errors in format, errors
22 in consistency, or grammatical errors. Public notice of any revisions
23 must be posted on the website of the commission. The revision is
24 subject to challenge by any person for a period of 30 days after
25 posting. The revision may be challenged only on grounds that the
26 revision results in a material change to a rule. A challenge must be
27 made in writing and delivered to the chair of the commission before
28 the end of the notice period. If no challenge is made, the revision
29 will take effect without further action. If the revision is
30 challenged, the revision may not take effect without the approval of
31 the commission.

32 NEW SECTION. **Sec. 13.** (1)(a) The executive, legislative, and
33 judicial branches of state government in each compact state must
34 enforce the psychology interjurisdictional compact and take all
35 actions necessary and appropriate to effectuate the compact's
36 purposes and intent. The provisions of this compact and the rules
37 adopted under this compact have standing as statutory law.

38 (b) All courts must take judicial notice of the compact and the
39 rules in any judicial or administrative proceeding in a compact state

1 pertaining to the subject matter of this compact which may affect the
2 powers, responsibilities, or actions of the commission.

3 (c) The commission must receive service of process in any such
4 proceeding and has standing to intervene in such a proceeding for all
5 purposes. Failure to provide service of process to the commission
6 renders a judgment or order void as to the commission, this compact,
7 or rules adopted under this compact.

8 (2)(a) If the commission determines that a compact state has
9 defaulted in the performance of its obligations or responsibilities
10 under the psychology interjurisdictional compact or rules adopted
11 under this compact, the commission must:

12 (i) Provide written notice to the defaulting state and other
13 compact states of the nature of the default, the proposed means of
14 remedying the default, or any other action to be taken by the
15 commission; and

16 (ii) Provide remedial training and specific technical assistance
17 regarding the default.

18 (b) If a state in default fails to remedy the default, the
19 defaulting state may be terminated from the compact upon an
20 affirmative vote of a majority of the compact states, and all rights,
21 privileges, and benefits conferred by this compact are terminated on
22 the effective date of the termination. A remedy of the default does
23 not relieve the offending state of obligations or liabilities
24 incurred during the period of default.

25 (c) Termination of membership in the compact shall be imposed
26 only after all other means of securing compliance have been
27 exhausted. Notice of intent to suspend or termination must be
28 submitted by the commission to the governor, the majority and
29 minority leaders of the defaulting state's legislature, and each of
30 the compact states.

31 (d) A compact state which has been terminated is responsible for
32 all assessments, obligations, and liabilities incurred through the
33 effective date of termination, including obligations which extend
34 beyond the effective date of termination.

35 (e) The commission shall not bear any costs incurred by the state
36 which is found to be in default or which has been terminated from the
37 compact, unless agreed upon in writing between the commission and the
38 defaulting state.

39 (f) The defaulting state may appeal the action of the commission
40 by petitioning the United States district court for the state of

1 Georgia or the federal district where the compact has its principal
2 offices. The prevailing member must be awarded all costs of the
3 litigation, including reasonable attorneys' fees.

4 (3) (a) Upon request by a compact state, the commission must
5 attempt to resolve disputes related to the compact that arise among
6 compact states and between compact and noncompact states.

7 (b) The commission must adopt a rule providing for both mediation
8 and binding dispute resolution for disputes that arise before the
9 commission.

10 (4) (a) The commission, in the reasonable exercise of its
11 discretion, must enforce the provisions and rules of the psychology
12 interjurisdictional compact.

13 (b) By majority vote, the commission may initiate legal action in
14 the United States district court for the state of Georgia or the
15 federal district where the compact has its principal offices against
16 a compact state in default to enforce compliance with the provisions
17 of the compact and its adopted rules and bylaws. The relief sought
18 may include both injunctive relief and damages. If judicial
19 enforcement is necessary, the prevailing member must be awarded all
20 costs of such litigation, including reasonable attorneys' fees.

21 (c) The remedies in this section are not the exclusive remedies
22 of the commission. The commission may pursue any other remedies
23 available under federal or state law.

24 NEW SECTION. **Sec. 14.** (1) This chapter takes effect on the date
25 on which the compact is enacted into law in the seventh compact
26 state. The provisions that become effective at that time are limited
27 to the powers granted to the commission relating to the assembly and
28 the adoption of rules. Thereafter, the commission must meet and
29 exercise rule-making powers necessary to the implementation and
30 administration of the compact.

31 (2) Any state which joins the compact subsequent to the
32 commission's initial adoption of the rules are subject to the rules
33 as they exist on the date on which the compact becomes law in that
34 state. Any rule which has been previously adopted by the commission
35 has the full force and effect of law on the day the compact becomes
36 law in that state.

37 (3) Any compact state may withdraw from this compact by enacting
38 a statute repealing the compact.

1 (a) A compact state's withdrawal does not take effect until six
2 months after enactment of the repealing statute.

3 (b) Withdrawal does not affect the continuing requirements of the
4 withdrawing state's psychology regulatory authority to comply with
5 the investigative and adverse action reporting requirements of this
6 chapter before the effective date of withdrawal.

7 (4) Nothing contained in the psychology interjurisdictional
8 compact may be construed to invalidate or prevent any psychology
9 licensure agreement or other cooperative arrangement between a
10 compact state and a noncompact state which does not conflict with the
11 provisions of this compact.

12 (5) This compact may be amended by the compact states. No
13 amendment to this compact becomes effective and binding upon any
14 compact state until it is enacted into the law of all compact states.

15 NEW SECTION. **Sec. 15.** The psychology interjurisdictional
16 compact must be liberally construed so as to effectuate the purposes
17 of the compact. If the compact is held to be contrary to the
18 constitution of any state member to the compact, the compact remains
19 in full force and effect as to the remaining compact states.

20 NEW SECTION. **Sec. 16.** To the extent necessary to implement this
21 act, the examining board of psychology is authorized to adopt rules
22 necessary to implement the psychology interjurisdictional compact and
23 the department of health is authorized to adopt rules to establish
24 fees pursuant to RCW 43.70.250.

25 NEW SECTION. **Sec. 17.** The department of health must provide
26 written notice of the effective date of section 14 of this act to
27 affected parties, the chief clerk of the house of representatives,
28 the secretary of the senate, the office of the code reviser, and
29 others as deemed appropriate by the department.

30 NEW SECTION. **Sec. 18.** Sections 1 through 17 of this act
31 constitute a new chapter in Title 18 RCW.

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