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3 SENATE HEALTHCARE COMMITTEE SUBSTITUTE FOR SB61
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8 SYNOPSIS: This bill would establish the Psychology
9 Interjurisdictional Compact (PSYPACT).

10 This bill would allow day-to-day
11 psychological practice using telecommunication
12 technologies by licensed psychologists among
13 compact states.

14 This bill would allow temporary in-person,
15 face-to-face practice of psychology by licensed
16 psychologists for no more than 30 days per year
17 among compact states.

18 This bill would authorize state psychology
19 regulatory authorities in compact states, which
20 would include the Alabama Board of Examiners in
21 Psychology, to legally recognize, in a manner
22 consistent with terms of the compact, psychologists
23 licensed within those states.

24 This bill would provide eligibility
25 requirements for licensed psychologists to practice
26 pursuant to the compact.

1 This bill would provide for a coordinated
2 licensure information system, investigations, and
3 disciplinary actions.

4 This bill would establish the Psychology
5 Interjurisdictional Compact Commission, and would
6 provide for membership, powers, and duties.

7 This bill would provide for rulemaking
8 functions of the commission, oversight of the
9 compact, enforcement of the compact, default
10 procedures, dispute resolution, withdrawal of
11 compact states, and dissolution of the compact.

12 This bill would establish the Alabama
13 Psychology Professionals Wellness Committee to be
14 administered by the Board of Examiners in
15 Psychology to identify and intervene in instances
16 of impairment of licensed psychology professionals
17 in certain circumstances.

18 This bill would authorize the board to
19 contract with a nonprofit organization, health
20 professional, or professional association to assist
21 the committee in carrying out its duties.

22 This bill would also provide for the
23 appointment and duties of the committee members and
24 specify reporting procedures.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

2
3 Relating to the licensed practice of psychology; to
4 add Article 5, commencing with Section 34-26-80, to Chapter 26
5 of Title 34, Code of Alabama 1975, to provide and adopt the
6 Psychology Interjurisdictional Compact to allow licensed
7 psychologists to practice among compact states in a limited
8 manner; to provide eligibility requirements for licensed
9 psychologists to practice pursuant to the compact; to provide
10 for a coordinated licensure information system, joint
11 investigations, and disciplinary actions; to establish the
12 Psychology Interjurisdictional Compact Commission, and to
13 provide for membership, powers, and duties, and provide for
14 rulemaking functions of the commission; to provide for
15 oversight of the compact, enforcement of the compact, default
16 procedures, dispute resolution, withdrawal of compact states,
17 and dissolution of the compact; to add Section 34-26-4 to the
18 Code of Alabama 1975, to establish the Alabama Psychology
19 Professionals Wellness Committee to be administered by the
20 Board of Examiners in Psychology to identify and intervene in
21 instances of impairment of licensed psychology professionals;
22 and to provide for appointments and duties of the committee.
23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. A new Article 5, commencing with Section
25 34-26-80, is added to Chapter 26 of Title 34, Code of Alabama
26 1975, to read as follows:

1 Article 5. The Psychology Interjurisdictional
2 Compact (PSYPACT).

3 §34-26-80. PURPOSE

4 Whereas, states license psychologists in order to
5 protect the public through verification of education,
6 training, and experience and ensure accountability for
7 professional practice; and

8 Whereas, this compact is intended to regulate the
9 day-to-day practice of telepsychology (i.e., the provision of
10 psychological services using telecommunication technologies)
11 by psychologists across state boundaries in the performance of
12 their psychological practice as assigned by an appropriate
13 authority; and

14 Whereas, this compact is intended to regulate the
15 temporary in-person, face-to-face practice of psychology by
16 psychologists across state boundaries for 30 days within a
17 calendar year in the performance of their psychological
18 practice as assigned by an appropriate authority; and

19 Whereas, this compact is intended to authorize state
20 psychology regulatory authorities to afford legal recognition,
21 in a manner consistent with the terms of the compact, to
22 psychologists licensed in another state; and

23 Whereas, this compact recognizes that states have a
24 vested interest in protecting the public's health and safety
25 through their licensing and regulation of psychologists and
26 that such state regulation will best protect public health and
27 safety; and

1 Whereas, this compact does not apply when a
2 psychologist is licensed in both the home and receiving
3 states; and

4 Whereas, this compact does not apply to permanent
5 in-person, face-to-face practice; however, it does allow for
6 authorization of temporary psychological practice.

7 Consistent with these principles, this compact is
8 designed to achieve the following purposes and objectives:

9 1. Increase public access to professional
10 psychological services by allowing for telepsychological
11 practice across state lines as well as temporary in-person,
12 face-to-face services into a state in which the psychologist
13 is not licensed to practice psychology.

14 2. Enhance the ability of the compact states to
15 protect the public's health and safety, especially
16 client/patient safety.

17 3. Encourage the cooperation of compact states in
18 the areas of psychology licensure and regulation.

19 4. Facilitate the exchange of information between
20 compact states regarding psychologist licensure, adverse
21 actions, and disciplinary history.

22 5. Promote compliance with the laws governing
23 psychological practice in each compact state.

24 6. Invest all compact states with the authority to
25 hold licensed psychologists accountable through the mutual
26 recognition of compact state licenses.

27 §34-26-81. DEFINITIONS

1 As used in this section, the following terms have
2 the following meanings:

3 (1) ADVERSE ACTION. Any action taken by a state
4 psychology regulatory authority which finds a violation of a
5 law or regulation that is identified by the state psychology
6 regulatory authority as discipline and is a matter of public
7 record.

8 (2) ASSOCIATION OF STATE AND PROVINCIAL PSYCHOLOGY
9 BOARDS (ASPPB). The recognized membership organization
10 composed of state and provincial psychology regulatory
11 authorities responsible for the licensure and registration of
12 psychologists throughout the United States and Canada.

13 (3) AUTHORITY TO PRACTICE INTERJURISDICTIONAL
14 TELEPSYCHOLOGY. A licensed psychologist's authority to
15 practice telepsychology, within the limits authorized under
16 this compact, in another compact state.

17 (4) BYLAWS. Those bylaws established by the
18 Psychology Interjurisdictional Compact Commission pursuant to
19 Section 34-26-89 for its governance, or for directing and
20 controlling its actions and conduct.

21 (5) CLIENT/PATIENT. The recipient of psychological
22 services, whether psychological services are delivered in the
23 context of health care, corporate, supervision, or consulting
24 services.

25 (6) COMMISSIONER. The voting representative
26 appointed by each state psychology regulatory authority
27 pursuant to Section 34-26-89.

1 (7) COMPACT STATE. A state, the District of
2 Columbia, or United States territory that has enacted this
3 compact legislation and that has not withdrawn pursuant to
4 Section 34-26-92, subsection (c) or been terminated pursuant
5 to Section 34-26-91, subsection (b).

6 (8) COORDINATED LICENSURE INFORMATION SYSTEM or
7 COORDINATED DATABASE. An integrated process for collecting,
8 storing, and sharing information on psychologists' licensure
9 and enforcement activities related to psychology licensure
10 laws, which is administered by the recognized membership
11 organization composed of state and provincial psychology
12 regulatory authorities.

13 (9) CONFIDENTIALITY. The principle that data or
14 information is not made available or disclosed to unauthorized
15 persons or processes.

16 (10) DAY. Any part of a day in which psychological
17 work is performed.

18 (11) DISTANT STATE. The compact state where a
19 psychologist is physically present, not through the use of
20 telecommunications technologies, to provide temporary
21 in-person, face-to-face psychological services.

22 (12) E.PASSPORT. A certificate issued by the
23 Association of State and Provincial Psychology Boards (ASPPB)
24 that promotes the standardization in the criteria of
25 interjurisdictional telepsychology practice and facilitates
26 the process for licensed psychologists to provide
27 telepsychological services across state lines.

1 (13) EXECUTIVE BOARD. A group of directors elected
2 or appointed to act on behalf of, and within the powers
3 granted to them by, the commission.

4 (14) HOME STATE. A compact state where a
5 psychologist is licensed to practice psychology. If the
6 psychologist is licensed in more than one compact state and is
7 practicing under the authorization to practice
8 interjurisdictional telepsychology, the home state is the
9 compact state where the psychologist is physically present
10 when the telepsychological services are delivered. If the
11 psychologist is licensed in more than one compact state and is
12 practicing under the temporary authorization to practice, the
13 home state is any compact state where the psychologist is
14 licensed.

15 (15) IDENTITY HISTORY SUMMARY. A summary of
16 information retained by the Federal Bureau of Investigation,
17 or other designee with similar authority, in connection with
18 arrests and, in some instances, federal employment,
19 naturalization, or military service.

20 (16) IN-PERSON, FACT-TO-FACE. Interactions in which
21 the psychologist and the client/patient are in the same
22 physical space and which does not include interactions that
23 may occur through the use of telecommunication technologies.

24 (17) INTERJURISDICTIONAL PRACTICE CERTIFICATE. A
25 certificate issued by the Association of State and Provincial
26 Psychology Boards (ASPPB) that grants temporary authority to
27 practice based on notification to the state psychology

1 regulatory authority of intention to practice temporarily, and
2 verification of one's qualifications for such practice.

3 (18) LICENSE. Authorization by a state psychology
4 regulatory authority to engage in the independent practice of
5 psychology, which would be unlawful without the authorization.

6 (19) NON-COMPACT STATE. Any state which is not at
7 the time a compact state.

8 (20) PSYCHOLOGIST. An individual licensed for the
9 independent practice of psychology.

10 (21) PSYCHOLOGY INTERJURISDICTIONAL COMPACT
11 COMMISSION or COMMISSION. The national administration of which
12 all compact states are members.

13 (22) RECEIVING STATE. A compact state where the
14 client/patient is physically located when the
15 telepsychological services are delivered.

16 (23) RULE. A written statement by the Psychology
17 Interjurisdictional Compact Commission adopted pursuant to
18 Section 34-26-90 that is of general applicability, implements,
19 interprets, or prescribes a policy or provision of the
20 compact, or an organizational, procedural, or practice
21 requirement of the commission, and has the force and effect of
22 statutory law in a compact state, and includes the amendment,
23 repeal, or suspension of an existing rule.

24 (24) SIGNIFICANT INVESTIGATORY INFORMATION. Either
25 of the following:

26 a. Investigative information that a state psychology
27 regulatory authority, after a preliminary inquiry that

1 includes notification and an opportunity to respond if
2 required by state law, has reason to believe, if proven true,
3 would indicate more than a violation of state law or ethics
4 code that would be considered more substantial than minor
5 infraction.

6 b. Investigative information that indicates that the
7 psychologist represents an immediate threat to public health
8 and safety regardless of whether the psychologist has been
9 notified and/or had an opportunity to respond.

10 (25) STATE. A state, commonwealth, territory, or
11 possession of the United States, or the District of Columbia.

12 (26) STATE PSYCHOLOGY REGULATORY AUTHORITY. The
13 board, office, or other agency with the legislative mandate to
14 license and regulate the practice of psychology.

15 (27) TELEPSYCHOLOGY. The provision of psychological
16 services using telecommunication technologies.

17 (28) TEMPORARY AUTHORIZATION TO PRACTICE. A licensed
18 psychologist's authority to conduct temporary in-person,
19 face-to-face practice, within the limits authorized under this
20 compact, in another compact state.

21 (29) TEMPORARY IN-PERSON, FACE-TO-FACE PRACTICE.
22 Where a psychologist is physically present, not through the
23 use of telecommunications technologies, in the distant state
24 to provide for the practice of psychology for 30 days within a
25 calendar year and based on notification to the distant state.

26 §34-26-82. HOME STATE LICENSURE

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

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

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

16 (d) Any compact state may require a psychologist to
17 obtain and retain a license to be authorized to practice in a
18 compact state under circumstances not authorized by temporary
19 authorization to practice under the terms of this compact.

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

24 (1) Currently requires the psychologist to hold an
25 active E.Passport;

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

1 (3) Notifies the commission, in compliance with the
2 terms herein, of any adverse action or significant
3 investigatory information regarding a licensed individual;

4 (4) Requires an identity history summary of all
5 applicants at initial licensure, including the use of the
6 results of fingerprints or other biometric data checks
7 compliant with the requirements of the Federal Bureau of
8 Investigation, or other designee with similar authority, no
9 later than 10 years after activation of the compact; and

10 (5) Complies with the bylaws and rules of the
11 commission.

12 (f) A home state's license grants temporary
13 authorization to practice to a psychologist in a distant state
14 only if the compact state:

15 (1) Currently requires the psychologist to hold an
16 active IPC;

17 (2) Has a mechanism in place for receiving and
18 investigating complaints about licensed individuals;

19 (3) Notifies the commission, in compliance with the
20 terms herein, of any adverse action or significant
21 investigatory information regarding a licensed individual;

22 (4) Requires an identity history summary of all
23 applicants at initial licensure, including the use of the
24 results of fingerprints or other biometric data checks
25 compliant with the requirements of the Federal Bureau of
26 Investigation, or other designee with similar authority, no
27 later than 10 years after activation of the compact; and

1 (5) Complies with the bylaws and rules of the
2 commission.

3 §34-26-83. COMPACT PRIVILEGE TO PRACTICE
4 TELEPSYCHOLOGY

5 (a) Compact states shall recognize the right of a
6 psychologist, licensed in a compact state in conformance with
7 Section 34-26-82, to practice telepsychology in other compact
8 states in which the psychologist is not licensed, under the
9 authority to practice interjurisdictional telepsychology as
10 provided in the compact.

11 (b) To exercise the authority to practice
12 interjurisdictional telepsychology under the terms and
13 provisions of this compact, a psychologist licensed to
14 practice in a compact state must:

15 (1) Hold a graduate degree in psychology from an
16 institute of higher education that was, at the time the degree
17 was awarded:

18 a. Regionally accredited by an accrediting body
19 recognized by the U.S. Department of Education to grant
20 graduate degrees, or authorized by provincial statute or royal
21 charter to grant doctoral degrees; or

22 b. A foreign college or university deemed to be
23 equivalent to paragraph a. by a foreign credential evaluation
24 service that is a member of the National Association of
25 Credential Evaluation Services (NACES) or by a recognized
26 foreign credential evaluation service; and

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

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

8 b. The psychology program must stand as a
9 recognizable, coherent, organizational entity within the
10 institution.

11 c. There must be a clear authority and primary
12 responsibility for the core and specialty areas whether or not
13 the program cuts across administrative lines.

14 d. The program must consist of an integrated,
15 organized sequence of study.

16 e. There must be an identifiable psychology faculty
17 sufficient in size and breadth to carry out its
18 responsibilities.

19 f. The designated director of the program must be a
20 psychologist and a member of the core faculty.

21 g. The program must have an identifiable body of
22 students who are matriculated in that program for a degree.

23 h. The program must include supervised practicum,
24 internship, or field training appropriate to the practice of
25 psychology.

26 i. The curriculum shall encompass a minimum of three
27 academic years of full-time graduate study for a doctoral

1 degree and a minimum of one academic year of full-time
2 graduate study for a master's degree.

3 j. The program includes an acceptable residency as
4 defined by the rules of the commission.

5 (3) Possess a current, full, and unrestricted
6 license to practice psychology in a home state which is a
7 compact state;

8 (4) Have no history of adverse action that violates
9 the rules of the commission;

10 (5) Have no criminal record history reported on an
11 identity history summary that violates the rules of the
12 commission;

13 (6) Possess a current, active E.Passport;

14 (7) Provide attestations in regard to areas of
15 intended practice, conformity with standards of practice,
16 competence in telepsychology technology, criminal background,
17 and knowledge and adherence to legal requirements in the home
18 and receiving states, and provide a release of information to
19 allow for primary source verification in a manner specified by
20 the commission; and

21 (8) Meet other criteria as defined by the rules of
22 the commission.

23 (c) The home state maintains authority over the
24 license of any psychologist practicing into a receiving state
25 under the authority to practice interjurisdictional
26 telepsychology.

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

12 (e) If a psychologist's license in any home state,
13 another compact state, or any authority to practice
14 interjurisdictional telepsychology in any receiving state, is
15 restricted, suspended, or otherwise limited, the E.Passport
16 shall be revoked and therefore the psychologist shall not be
17 eligible to practice telepsychology in a compact state under
18 the authority to practice interjurisdictional telepsychology.

19 §34-26-84. COMPACT TEMPORARY AUTHORIZATION TO
20 PRACTICE

21 (a) Compact states shall also recognize the right of
22 a psychologist, licensed in a compact state in conformance
23 with Section 34-26-82, to practice temporarily in other
24 compact states (distant states) in which the psychologist is
25 not licensed, as provided in the compact.

1 (b) To exercise the temporary authority to practice
2 under the terms and provisions of this compact, a psychologist
3 licensed to practice in a compact state must:

4 (1) Hold a graduate degree in psychology from an
5 institute of higher education that was, at the time the degree
6 was awarded:

7 a. Regionally accredited by an accrediting body
8 recognized by the U.S. Department of Education to grant
9 graduate degrees, or authorized by provincial statute or royal
10 charter to grant doctoral degrees; or

11 b. A foreign college or university deemed to be
12 equivalent to paragraph a. by a foreign credential evaluation
13 service that is a member of the National Association of
14 Credential Evaluation Services (NACES) or by a recognized
15 foreign credential evaluation service; and

16 (2) Hold a graduate degree in psychology that meets
17 all of the following criteria:

18 a. The program, wherever it may be administratively
19 housed, must be clearly identified and labeled as a psychology
20 program. Such a program must specify in pertinent
21 institutional catalogues and brochures its intent to educate
22 and train professional psychologists.

23 b. The psychology program must stand as a
24 recognizable, coherent, organizational entity within the
25 institution.

1 c. There must be a clear authority and primary
2 responsibility for the core and specialty areas whether or not
3 the program cuts across administrative lines.

4 d. The program must consist of an integrated,
5 organized sequence of study.

6 e. There must be an identifiable psychology faculty
7 sufficient in size and breadth to carry out its
8 responsibilities.

9 f. The designated director of the program must be a
10 psychologist and a member of the core faculty.

11 g. The program must have an identifiable body of
12 students who are matriculated in that program for a degree.

13 h. The program must include supervised practicum,
14 internship, or field training appropriate to the practice of
15 psychology.

16 i. The curriculum shall encompass a minimum of three
17 academic years of full-time graduate study for a doctoral
18 degree and a minimum of one academic year of full-time
19 graduate study for a master's degree.

20 j. The program includes an acceptable residency as
21 defined by the rules of the commission.

22 (3) Possess a current, full, and unrestricted
23 license to practice psychology in a home state which is a
24 compact state;

25 (4) Have no history of adverse action that violates
26 the rules of the commission;

1 (5) Have no criminal record history that violates
2 the rules of the commission;

3 (6) Possess a current, active IPC;

4 (7) Provide attestations in regard to areas of
5 intended practice and work experience and provide a release of
6 information to allow for primary source verification in a
7 manner specified by the commission; and

8 (8) Meet other criteria as defined by the rules of
9 the commission.

10 (c) A psychologist practicing into a distant state
11 under the temporary authorization to practice shall practice
12 within the scope of practice authorized by the distant state.

13 (d) A psychologist practicing into a distant state
14 under the temporary authorization to practice shall be subject
15 to the distant state's authority and law. A distant state, in
16 accordance with that state's due process law, may limit or
17 revoke a psychologist's temporary authorization to practice in
18 the distant state and may take any other necessary actions
19 under the distant state's applicable law to protect the health
20 and safety of the distant state's residents. If a distant
21 state takes action, the state shall promptly notify the home
22 state and the commission.

23 (e) If a psychologist's license in any home state,
24 another compact state, or any temporary authorization to
25 practice in any distant state, is restricted, suspended, or
26 otherwise limited, the IPC shall be revoked and the

1 psychologist shall not be eligible to practice in a compact
2 state under the temporary authorization to practice.

3 §34-26-85. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN
4 A RECEIVING STATE

5 A psychologist may practice in a receiving state
6 under the authority to practice interjurisdictional
7 telepsychology only in the performance of the scope of
8 practice for psychology as assigned by an appropriate state
9 psychology regulatory authority, as defined in the rules of
10 the commission, and under the following circumstances:

11 (1) The psychologist initiates a client/patient
12 contact in a home state via telecommunications technologies
13 with a client/patient in a receiving state.

14 (2) Other conditions regarding telepsychology as
15 determined by rules adopted by the commission.

16 §34-26-86. ADVERSE ACTIONS

17 (a) A home state may impose adverse action against a
18 psychologist's license issued by the home state. A distant
19 state shall have the power to take adverse action on a
20 psychologist's temporary authorization to practice within that
21 distant state.

22 (b) A receiving state may take adverse action on a
23 psychologist's authority to practice interjurisdictional
24 telepsychology within that receiving state. A home state may
25 take adverse action against a psychologist based on an adverse
26 action taken by a distant state regarding temporary in-person,
27 face-to-face practice.

1 (c) If a home state takes adverse action against a
2 psychologist's license, that psychologist's authority to
3 practice interjurisdictional telepsychology is terminated and
4 the E.Passport is revoked. Furthermore, that psychologist's
5 temporary authorization to practice is terminated and the IPC
6 is revoked.

7 (1) All home state disciplinary orders that impose
8 adverse action shall be reported to the commission in
9 accordance with the rules adopted by the commission. A compact
10 state shall report adverse actions in accordance with the
11 rules of the commission.

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

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

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

25 (e) A distant state's psychology regulatory
26 authority shall investigate and take appropriate action with
27 respect to reported inappropriate conduct engaged in by a

1 psychologist practicing under temporary authorization to
2 practice which occurred in that distant state as it would if
3 such conduct had occurred by a licensee within the home state.
4 In such cases, the distant state's law shall control in
5 determining any adverse action against a psychologist's
6 temporary authorization to practice.

7 (f) Nothing in this compact shall override a compact
8 state's decision that a psychologist's participation in an
9 alternative program may be used in lieu of adverse action and
10 that such participation shall remain non-public if required by
11 the compact state's law. Compact states must require
12 psychologists who enter any alternative programs to not
13 provide telepsychology services under the authority to
14 practice interjurisdictional telepsychology or provide
15 temporary psychological services under the temporary
16 authorization to practice in any other compact state during
17 the term of the alternative program.

18 §34-26-87. ADDITIONAL AUTHORITIES INVESTED IN A
19 COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY

20 In addition to any other powers granted under state
21 law, a compact state's psychology regulatory authority shall
22 have the authority under this compact to:

23 (1) Issue subpoenas, for both hearings and
24 investigations, which require the attendance and testimony of
25 witnesses and the production of evidence. Subpoenas issued by
26 a compact state's psychology regulatory authority for the
27 attendance and testimony of witnesses, or the production of

1 evidence from another compact state, shall be enforced in the
2 latter state by any court of competent jurisdiction, according
3 to that court's practice and procedure in considering
4 subpoenas issued in its own proceedings. The issuing state
5 psychology regulatory authority shall pay any witness fees,
6 travel expenses, mileage, and other fees required by the
7 service statutes of the state where the witnesses or evidence
8 are located.

9 (2) Issue cease and desist or injunctive relief
10 orders to revoke a psychologist's authority to practice
11 interjurisdictional telepsychology or temporary authorization
12 to practice.

13 (3) During the course of any investigation, a
14 psychologist may not change his or her home state licensure. A
15 home state psychology regulatory authority may complete any
16 pending investigations of a psychologist and take any actions
17 appropriate under its laws. The home state psychology
18 regulatory authority shall promptly report the conclusions of
19 such investigations to the commission. Once an investigation
20 has been completed, and pending the outcome of the
21 investigation, the psychologist may change his or her home
22 state licensure. The commission shall promptly notify the new
23 home state of any such decisions as provided in the rules of
24 the commission. All information provided to the commission or
25 distributed by compact states pursuant to the psychologist
26 shall be confidential, filed under seal, and used for
27 investigatory or disciplinary matters. The commission may

1 create additional rules for mandated or discretionary sharing
2 of information by compact states.

3 §34-26-88. COORDINATED LICENSURE INFORMATION SYSTEM

4 (a) The commission shall provide for the development
5 and maintenance of a coordinated licensure information system
6 (coordinated database) and reporting system containing
7 licensure and disciplinary action information on all
8 individual psychologists to whom this compact is applicable in
9 all compact states as defined by the rules of the commission.

10 (b) Notwithstanding any other provision of state law
11 to the contrary, a compact state shall submit a uniform data
12 set to the coordinated database on all licensees as required
13 by the rules of the commission, including:

14 (1) Identifying information;

15 (2) Licensure data;

16 (3) Significant investigatory information;

17 (4) Adverse actions against a psychologist's
18 license;

19 (5) An indicator that a psychologist's authority to
20 practice interjurisdictional telepsychology or temporary
21 authorization to practice is revoked;

22 (6) Non-confidential information related to
23 alternative program participation information;

24 (7) Any denial of application for licensure, and the
25 reasons for such denial; and

1 (8) Other information that may facilitate the
2 administration of this compact, as determined by the rules of
3 the commission.

4 (c) The coordinated database administrator shall
5 promptly notify all compact states of any adverse action taken
6 against, or significant investigative information on, any
7 licensee in a compact state.

8 (d) Compact states reporting information to the
9 coordinated database may designate information that may not be
10 shared with the public without the express permission of the
11 compact state reporting the information.

12 (e) Any information submitted to the coordinated
13 database that is subsequently required to be expunged by the
14 law of the compact state reporting the information shall be
15 removed from the coordinated database.

16 §34-26-89. ESTABLISHMENT OF THE PSYCHOLOGY
17 INTERJURISDICTIONAL COMPACT COMMISSION

18 (a) The compact states create and establish a joint
19 public agency known as the Psychology Interjurisdictional
20 Compact Commission.

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

23 (2) Venue and judicial proceedings by or against the
24 commission shall be brought in accordance with state and
25 federal laws or rules.

26 (b) Membership, Voting, and Meetings.

1 (1) The commission shall consist of one voting
2 representative appointed by each compact state who shall serve
3 as that state's commissioner. The state psychology regulatory
4 authority shall appoint its delegate. This delegate shall be
5 empowered to act on behalf of the compact state. This delegate
6 shall be limited to:

7 a. Executive director, executive secretary, or
8 similar executive;

9 b. Current member of the state psychology regulatory
10 authority of a compact state; or

11 c. Designee empowered with the appropriate delegate
12 authority to act on behalf of the compact state.

13 (2) Any commissioner may be removed or suspended
14 from office as provided by the law of the state from which the
15 commissioner is appointed. Any vacancy occurring in the
16 commission shall be filled in accordance with the laws of the
17 compact state in which the vacancy exists.

18 (3) Each commissioner shall be entitled to one vote
19 with regard to the adoption of rules and creation of bylaws
20 and shall otherwise have an opportunity to participate in the
21 business and affairs of the commission. A commissioner shall
22 vote in person or by such other means as provided in the
23 bylaws. The bylaws may provide for commissioners'
24 participation in meetings by telephone or other means of
25 communication.

1 (4) The commission shall meet at least once during
2 each calendar year. Additional meetings shall be held as set
3 forth in the bylaws.

4 (5) All meetings shall be open to the public, and
5 public notice of meetings shall be given in the same manner as
6 required under the rulemaking provisions in Section 34-26-90.

7 (6) The commission may convene in a closed,
8 non-public meeting if the commission must discuss:

9 a. Non-compliance of a compact state with its
10 obligations under the compact;

11 b. The employment, compensation, discipline or other
12 personnel matters, practices, or procedures related to
13 specific employees, or other matters related to the
14 commission's internal personnel practices and procedures;

15 c. Current, threatened, or reasonably anticipated
16 litigation against the commission;

17 d. Negotiation of contracts for the purchase or sale
18 of goods, services, or real estate;

19 e. Accusation against any person of a crime or
20 formally censuring any person;

21 f. Disclosure of trade secrets or commercial or
22 financial information which is privileged or confidential;

23 g. Disclosure of information of a personal nature
24 where disclosure would constitute a clearly unwarranted
25 invasion of personal privacy;

26 h. Disclosure of investigatory records compiled for
27 law enforcement purposes;

1 i. Disclosure of information related to any
2 investigatory reports prepared by, or on behalf of, or for use
3 of, the commission or other committee charged with
4 responsibility for investigation or determination of
5 compliance issues pursuant to the compact; or

6 j. Matters specifically exempted from disclosure by
7 federal and state statute.

8 (7) If a meeting, or portion of a meeting, is closed
9 pursuant to this provision, the commission's legal counsel or
10 designee shall certify that the meeting may be closed and
11 shall reference each relevant exempting provision. The
12 commission shall keep minutes that fully and clearly describe
13 all matters discussed in a meeting and shall provide a full
14 and accurate summary of actions taken, any person
15 participating in the meeting, and the reasons for taking the
16 actions, including a description of the views expressed. All
17 documents considered in connection with an action shall be
18 identified in the minutes. All minutes and documents of a
19 closed meeting shall remain under seal, subject to release
20 only by a majority vote of the commission or order of a court
21 of competent jurisdiction.

22 (c) The commission, by a majority vote of the
23 commissioners, shall adopt bylaws or rules, or both, to govern
24 its conduct as may be necessary or appropriate to carry out
25 the purposes and exercise the powers of the compact,
26 including, but not limited to:

27 (1) Establishing the fiscal year of the commission;

1 (2) Providing reasonable standards and procedures:

2 a. For the establishment and meetings of other
3 committees; and

4 b. Governing any general or specific delegation of
5 any authority or function of the commission.

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

18 (4) Establishing the titles, duties, and authority
19 and reasonable procedures for the election of the officers of
20 the commission;

21 (5) Providing reasonable standards and procedures
22 for the establishment of the personnel policies and programs
23 of the commission. Notwithstanding any civil service or other
24 similar law of any compact state, the bylaws shall exclusively
25 govern the personnel policies and programs of the commission;

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

1 (7) Providing a mechanism for concluding the
2 operations of the commission and the equitable disposition of
3 any surplus funds that may exist after the termination of the
4 compact after the payment or reserving of all of its debts and
5 obligations;

6 (8) The commission shall publish its bylaws in a
7 convenient form and file a copy thereof and a copy of any
8 amendment thereto with the appropriate agency or officer in
9 each of the compact states;

10 (9) The commission shall maintain its financial
11 records in accordance with the bylaws; and

12 (10) The commission shall meet and take such actions
13 as are consistent with the provisions of this compact and the
14 bylaws.

15 (d) The commission shall have the following powers:

16 (1) To adopt uniform rules to facilitate and
17 coordinate implementation and administration of this compact.
18 The rules shall have the force and effect of law and shall be
19 binding in all compact states.

20 (2) Notwithstanding any other provision to the
21 contrary, no uniform rules adopted by the commission will have
22 any effect on any criminal or civil liability laws.

23 (3) To bring and prosecute legal proceedings or
24 actions in the name of the commission, provided that the
25 standing of any state psychology regulatory authority or other
26 regulatory body responsible for psychology licensure to sue or
27 be sued under applicable law shall not be affected.

1 (4) To purchase and maintain insurance and bonds.

2 (5) To borrow, accept, or contract for services of
3 personnel, including, but not limited to, employees of a
4 compact state.

5 (6) To hire employees, elect or appoint officers,
6 fix compensation, define duties, grant such individuals
7 appropriate authority to carry out the purposes of the
8 compact, and establish the commission's personnel policies and
9 programs relating to conflicts of interest, qualifications of
10 personnel, and other related personnel matters.

11 (7) To accept any and all appropriate donations and
12 grants of money, equipment, supplies, materials, and services,
13 and to receive, utilize, and dispose of the same, provided
14 that at all times the commission shall strive to avoid any
15 appearance of impropriety or conflict of interest.

16 (8) To lease, purchase, accept appropriate gifts or
17 donations of, or otherwise to own, hold, improve, or use, any
18 property, real, personal, or mixed, provided that at all times
19 the commission shall strive to avoid any appearance of
20 impropriety.

21 (9) To sell, convey, mortgage, pledge, lease,
22 exchange, abandon, or otherwise dispose of any property, real,
23 personal, or mixed.

24 (10) To establish a budget and make expenditures.

25 (11) To borrow money.

26 (12) To appoint committees, including advisory
27 committees comprised of members, state regulators, state

1 legislators or their representatives, and consumer
2 representatives, and such other interested persons as may be
3 designated in this compact and the bylaws.

4 (13) To provide and receive information from, and to
5 cooperate with, law enforcement agencies.

6 (14) To adopt and use an official seal.

7 (15) To perform such other functions as may be
8 necessary or appropriate to achieve the purposes of this
9 compact consistent with the state regulation of psychology
10 licensure, temporary in-person, face-to-face practice, and
11 telepsychology practice.

12 (e) The Executive Board. The elected officers shall
13 serve as the executive board, which shall have the power to
14 act on behalf of the commission according to the terms of this
15 compact.

16 (1) The executive board shall be comprised of six
17 members:

18 a. Five voting members who are elected from the
19 current membership of the commission by the commission.

20 b. One ex officio, nonvoting member from the
21 recognized membership organization composed of state and
22 provincial psychology regulatory authorities.

23 (2) The ex officio member must have served as staff
24 or member on a state psychology regulatory authority and be
25 selected by its respective organization.

26 (3) The commission may remove any member of the
27 executive board as provided in its bylaws.

1 (4) The executive board shall meet at least
2 annually.

3 (5) The executive board shall have the following
4 duties and responsibilities:

5 a. Recommend to the entire commission changes to the
6 rules or bylaws, changes to this compact legislation, fees
7 paid by compact states such as annual dues, and any other
8 applicable fees.

9 b. Ensure compact administration services are
10 appropriately provided, contractual or otherwise.

11 c. Prepare and recommend the budget.

12 d. Maintain financial records on behalf of the
13 commission.

14 e. Monitor compact compliance of member states and
15 provide compliance reports to the commission.

16 f. Establish additional committees as necessary.

17 g. Other duties as provided in rules or bylaws.

18 (f) Financing of the commission.

19 (1) The commission shall pay, or provide for the
20 payment of, the reasonable expenses of its establishment,
21 organization, and ongoing activities.

22 (2) The commission may accept any and all
23 appropriate revenue sources, donations, and grants of money,
24 equipment, supplies, materials, and services.

25 (3) The commission may levy and collect an annual
26 assessment from each compact state or impose fees on other
27 parties to cover the cost of the operations and activities of

1 the commission and its staff which must be in a total amount
2 sufficient to cover its annual budget as approved each year
3 for which revenue is not provided by other sources. The
4 aggregate annual assessment amount shall be allocated based
5 upon a formula to be determined by the commission which shall
6 adopt a rule binding upon all compact states.

7 (4) The commission shall not incur obligations of
8 any kind prior to securing the funds adequate to meet the
9 same; nor shall the commission pledge the credit of any of the
10 compact states, except by and with the authority of the
11 compact state.

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

20 (g) Defense and Indemnification.

21 (1) The commission shall defend any member, officer,
22 executive director, employee, or representative of the
23 commission in any civil action seeking to impose liability
24 arising out of any actual or alleged act, error, or omission
25 that occurred within the scope of commission employment,
26 duties, or responsibilities, or that the person against whom
27 the claim is made had a reasonable basis for believing

1 occurred within the scope of commission employment, duties, or
2 responsibilities; nothing herein shall be construed to
3 prohibit that person from retaining his or her own counsel,
4 provided that the actual or alleged act, error, or omission
5 did not result from that person's intentional or willful or
6 wanton misconduct.

7 (2) The commission shall indemnify and hold harmless
8 any member, officer, executive director, employee, or
9 representative of the commission for the amount of any
10 settlement or judgment obtained against that person arising
11 out of any actual or alleged act, error, or omission that
12 occurred within the scope of commission employment, duties, or
13 responsibilities, or that such person had a reasonable basis
14 for believing the actual or alleged act, error, or omission
15 occurred within the scope of commission employment, duties, or
16 responsibilities, provided that the actual or alleged act,
17 error, or omission did not result from the intentional or
18 willful or wanton misconduct of that person.

19 §34-26-90. RULEMAKING

20 (a) The commission shall exercise its rulemaking
21 powers pursuant to the criteria set forth in this section and
22 the rules adopted pursuant to this section. Rules and
23 amendments shall become binding as of the date specified in
24 each rule or amendment.

25 (b) If a majority of the legislatures of the compact
26 states rejects a rule, by enactment of a law or resolution in

1 the same manner used to adopt the compact, then such rule
2 shall have no further force and effect in any compact state.

3 (c) Rules or amendments to the rules shall be
4 adopted at a regular or special meeting of the commission.

5 (d) Prior to adoption of a final rule or rules by
6 the commission, and at least 60 days in advance of the meeting
7 at which the rule will be considered and voted upon, the
8 commission shall file a Notice of Proposed Rulemaking:

9 (1) On the website of the commission; and

10 (2) On the website of each compact state's
11 psychology regulatory authority or the publication in which
12 each state would otherwise publish proposed rules.

13 (e) The Notice of Proposed Rulemaking shall include:

14 (1) The proposed time, date, and location of the
15 meeting in which the rule will be considered and voted upon;

16 (2) The text of the proposed rule or amendment and
17 the reason for the proposed rule;

18 (3) A request for comments on the proposed rule from
19 any interested person; and

20 (4) The manner in which interested persons may
21 submit notice to the commission of their intention to attend
22 the public hearing and any written comments.

23 (f) Prior to adoption of a proposed rule, the
24 commission shall allow persons to submit written data, facts,
25 opinions, and arguments, which shall be made available to the
26 public.

1 (g) The commission shall grant an opportunity for a
2 public hearing before it adopts a rule or amendment if a
3 hearing is requested by:

4 (1) At least 25 persons who submit comments
5 independently of each other;

6 (2) A governmental subdivision or agency; or

7 (3) A duly appointed person in an association that
8 has at least 25 members.

9 (h) If a hearing is held on the proposed rule or
10 amendment, the commission shall publish the place, time, and
11 date of the scheduled public hearing.

12 (1) All persons wishing to be heard at the hearing
13 shall notify the executive director of the commission or other
14 designated member in writing of their desire to appear and
15 testify at the hearing not less than five business days before
16 the scheduled date of the hearing.

17 (2) Hearings shall be conducted in a manner
18 providing each person who wishes to comment a fair and
19 reasonable opportunity to comment orally or in writing.

20 (3) No transcript of the hearing is required, unless
21 a written request for a transcript is made, in which case the
22 person requesting the transcript shall bear the cost of
23 producing the transcript. A recording may be made in lieu of a
24 transcript under the same terms and conditions as a
25 transcript. This subdivision shall not preclude the commission
26 from making a transcript or recording of the hearing if it so
27 chooses.

1 (4) Nothing in this subsection shall be construed as
2 requiring a separate hearing on each rule. Rules may be
3 grouped for the convenience of the commission at hearings
4 required by this subsection.

5 (i) Following the scheduled hearing date, or by the
6 close of business on the scheduled hearing date if the hearing
7 was not held, the commission shall consider all written and
8 oral comments received.

9 (j) The commission, by majority vote of all members,
10 shall take final action on the proposed rule and shall
11 determine the effective date of the rule, if any, based on the
12 rulemaking record and the full text of the rule.

13 (k) If no written notice of intent to attend the
14 public hearing by interested parties is received, the
15 commission may proceed with adoption of the proposed rule
16 without a public hearing.

17 (l) Upon determination that an emergency exists, the
18 commission may consider and adopt an emergency rule without
19 prior notice, opportunity for comment, or hearing, provided
20 that the usual rulemaking procedures provided in the compact
21 and in this section shall be retroactively applied to the rule
22 as soon as reasonably possible, in no event later than 90 days
23 after the effective date of the rule. For the purposes of this
24 subsection, an emergency rule is one that must be adopted
25 immediately in order to:

26 (1) Meet an imminent threat to public health,
27 safety, or welfare;

1 (2) Prevent a loss of commission or compact state
2 funds;

3 (3) Meet a deadline for the adoption of an
4 administrative rule that is established by federal law or
5 regulation; or

6 (4) Protect public health and safety.

7 (m) The commission or an authorized committee of the
8 commission may direct revisions to a previously adopted rule
9 or amendment for purposes of correcting typographical errors,
10 errors in format, errors in consistency, or grammatical
11 errors. Public notice of any revisions shall be posted on the
12 website of the commission. The revision shall be subject to
13 challenge by any person for a period of 30 days after posting.
14 The revision may be challenged only on grounds that the
15 revision results in a material change to a rule. A challenge
16 shall be made in writing and delivered to the chair of the
17 commission prior to the end of the notice period. If no
18 challenge is made, the revision will take effect without
19 further action. If the revision is challenged, the revision
20 may not take effect without the approval of the commission.

21 §34-26-91. OVERSIGHT, DISPUTE RESOLUTION, AND
22 ENFORCEMENT

23 (a) Oversight.

24 (1) The executive, legislative, and judicial
25 branches of state government in each compact state shall
26 enforce this compact and take all actions necessary and
27 appropriate to effectuate the compact's purposes and intent.

1 This compact and the rules adopted hereunder shall have
2 standing as statutory law.

3 (2) Notwithstanding any other provision to the
4 contrary, neither this compact or the rules adopted hereunder
5 will have any effect on any criminal or civil liability laws.

6 (3) All courts shall take judicial notice of the
7 compact and the rules in any judicial or administrative
8 proceeding in a compact state pertaining to the subject matter
9 of this compact which may affect the powers, responsibilities,
10 or actions of the commission. However, this compact is subject
11 to existing state criminal and civil liability laws.

12 (4) The commission shall be entitled to receive
13 service of process in any such proceeding, and shall have
14 standing to intervene in such a proceeding for all purposes.
15 Failure to provide service of process to the commission shall
16 render a judgment or order void as to the commission, this
17 compact, or adopted rules.

18 (b) Default, Technical Assistance, and Termination.

19 (1) If the commission determines that a compact
20 state has defaulted in the performance of its obligations or
21 responsibilities under this compact or the adopted rules, the
22 commission shall:

23 a. Provide written notice to the defaulting state
24 and other compact states of the nature of the default, the
25 proposed means of remedying the default or any other action to
26 be taken by the commission; and

1 b. Provide remedial training and specific technical
2 assistance regarding the default.

3 (2) If a state in default fails to remedy the
4 default, the defaulting state may be terminated from the
5 compact upon an affirmative vote of a majority of the compact
6 states, and all rights, privileges, and benefits conferred by
7 this compact shall be terminated on the effective date of
8 termination. A remedy of the default does not relieve the
9 offending state of obligations or liabilities incurred during
10 the period of default.

11 (3) Termination of membership in the compact shall
12 be imposed only after all other means of securing compliance
13 have been exhausted. Notice of intent to suspend or terminate
14 shall be submitted by the commission to the Governor, the
15 majority and minority leaders of the defaulting state's
16 legislature, and each of the compact states.

17 (4) A compact state that has been terminated is
18 responsible for all assessments, obligations, and liabilities
19 incurred through the effective date of termination, including
20 obligations that extend beyond the effective date of
21 termination.

22 (5) The commission shall not bear any costs incurred
23 by the state that is found to be in default or which has been
24 terminated from the compact, unless agreed upon in writing
25 between the commission and the defaulting state.

1 (6) The defaulting state may appeal the action of
2 the commission by petitioning the appropriate state or federal
3 court.

4 (c) Dispute Resolution.

5 (1) Upon request by a compact state, the commission
6 shall attempt to resolve disputes related to the compact which
7 arise among compact states and between compact and non-compact
8 states.

9 (2) The commission shall adopt a rule providing for
10 both non-binding mediation and binding dispute resolution for
11 disputes that arise before the commission. Either dispute
12 resolution process is available so long as all parties agree
13 to the selected process.

14 (d) Enforcement.

15 (1) The commission, in the reasonable exercise of
16 its discretion, shall enforce the provisions and rules of this
17 compact.

18 (2) By majority vote, the commission may initiate
19 legal action in the appropriate state or federal court against
20 a compact state in default to enforce compliance with the
21 compact and its adopted rules and bylaws. The relief sought
22 may include both injunctive relief and damages.

23 (3) The remedies herein shall not be the exclusive
24 remedies of the commission. The commission may pursue any
25 other remedies available under federal or state law.

1 §34-26-92. DATE OF IMPLEMENTATION OF THE PSYCHOLOGY
2 INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES,
3 WITHDRAWAL, AND AMENDMENTS

4 (a) The compact shall come into effect on the date
5 on which the compact is enacted into law in the seventh
6 compact state. The provisions which become effective at that
7 time shall be limited to the powers granted to the commission
8 relating to assembly and the adoption of rules. Thereafter,
9 the commission shall meet and exercise rulemaking powers
10 necessary to the implementation and administration of the
11 compact.

12 (b) Any state that joins the compact subsequent to
13 the commission's initial adoption of the rules shall be
14 subject to the rules as they exist on the date on which the
15 compact becomes law in that state. Any rule that has been
16 previously adopted by the commission shall have the full force
17 and effect of law on the day the compact becomes law in that
18 state.

19 (c) Any compact state may withdraw from this compact
20 by enacting a statute repealing the same.

21 (1) A compact state's withdrawal shall not take
22 effect until six months after enactment of the repealing
23 statute.

24 (2) Withdrawal shall not affect the continuing
25 requirement of the withdrawing state's psychology regulatory
26 authority to comply with the investigative and adverse action

1 reporting requirements of this section prior to the effective
2 date of withdrawal.

3 (d) Nothing contained in this compact shall be
4 construed to invalidate or prevent any psychology licensure
5 agreement or other cooperative arrangement between a compact
6 state and a non-compact state which does not conflict with
7 this compact.

8 (e) This compact may be amended by the compact
9 states. No amendment to this compact shall become effective
10 and binding upon any compact state until it is enacted into
11 the law of all compact states.

12 §34-26-93. CONSTRUCTION AND SEVERABILITY

13 This compact shall be liberally construed so as to
14 effectuate the purposes thereof. If this compact shall be held
15 contrary to the constitution of any state member thereto, the
16 compact shall remain in full force and effect as to the
17 remaining compact states.

18 Section 2. Section 33-26-4 is added to the Code of
19 Alabama 1975, to read as follows:

20 §34-26-4.

21 (a) As used in this section, the following words
22 have the following meanings:

23 (1) COMMITTEE. The Alabama Psychology Professionals
24 Wellness Committee created under this section.

25 (2) IMPAIRED or IMPAIRMENT. The inability of a
26 licensed psychologist or licensed psychological technician to
27 practice with reasonable skill and safety by reason of

1 illness, inebriation, substance dependence, excessive use of
2 drugs, narcotics, controlled substances, alcohol, chemicals,
3 or other dependence forming substances, or as a result of any
4 physical or mental condition rendering the licensee unable to
5 meet the standards of his or her profession.

6 (3) LICENSEE. A professional psychologist or
7 psychological technician licensed under this chapter.

8 (b) The Alabama Board of Examiners in Psychology
9 shall develop a program to promote the early identification,
10 treatment, and rehabilitation of any licensee who may be
11 impaired in accordance with this section.

12 (c) There is established the Alabama Psychology
13 Professionals Wellness Committee, consisting of licensed
14 psychologists or licensed psychological technicians appointed
15 by the board as well as one member who is a representative of
16 the contractor described in subsection (d). The board shall
17 determine the number, qualifications, terms, and manner in
18 which members of the committee shall be appointed, provided
19 the committee shall be comprised of not less than three nor
20 more than 11 members.

21 (d) In order to assist the committee, the board
22 shall contract with a nonprofit organization, health
23 professional, or professional association to undertake those
24 functions and responsibilities specified in the agreement,
25 which may include any of the following:

26 (1) Receiving and evaluating reports from any source
27 of suspected impairment.

1 (2) Intervening in cases of verified impairment.

2 (3) Contracting with providers of treatment
3 programs.

4 (4) Referring impaired licensees to treatment
5 programs.

6 (5) Monitoring the treatment and rehabilitation of
7 impaired licensees.

8 (6) Providing post-treatment monitoring and support
9 of rehabilitated impaired licensees.

10 (7) Performing other related activities prescribed
11 by board rule.

12 (e) The board, by rule, shall develop procedures for
13 the committee to undertake both of the following:

14 (1) Periodic reporting of statistical information
15 regarding impaired licensee program activity as the board
16 deems appropriate, which may include, but not be limited to,
17 the number of reports made, investigations and other actions
18 taken, and the disposition of each report.

19 (2) Annual reporting to the board concerning the
20 operations and proceedings of the committee for the preceding
21 year.

22 (f) The committee shall report to the board both of
23 the following:

24 (1) Any licensee who in the opinion of the committee
25 is unable to practice as a psychologist or as a psychological
26 technician with reasonable skill and safety by reason of
27 impairment.

1 (2) Any licensee who in the opinion of the committee
2 is in need of intervention, treatment, or rehabilitation and
3 who has failed or refused to participate in programs of
4 treatment or rehabilitation recommended by the committee.

5 (g) (1) If the board has reasonable cause to believe
6 that a licensee is impaired, the board may require that an
7 evaluation of the licensee be conducted by the committee for
8 the purpose of determining whether an impairment exists. The
9 committee shall report the findings of its evaluation to the
10 board.

11 (2) The authority of the committee shall not
12 supersede the authority of the board to take disciplinary
13 action against a licensee. Nothing in this section shall limit
14 the authority of the board to discipline an impaired licensee.
15 If a licensee is impaired and currently in need of
16 intervention, treatment, or rehabilitation, and the licensee
17 is currently participating in a program or rehabilitation
18 recommended by the committee, then the board may refrain from
19 taking or continuing disciplinary action against the licensee.
20 If the board, upon reasonable cause to believe a licensee is
21 impaired, has referred the licensee to the committee for
22 evaluation, then the board may refrain from taking or
23 continuing disciplinary action against the licensee.

24 (3) A report of the committee shall be deemed to be
25 a report to the board for the purposes of any mandated
26 reporting of professional psychology impairment otherwise
27 required by law.

1 (h) (1) All information, interviews, reports,
2 statements, memoranda, or other documents furnished to or
3 produced by the committee and any findings, conclusions,
4 recommendations, or reports resulting from any investigation,
5 intervention, treatment, or rehabilitation, or other
6 proceedings of the committee are confidential. All records and
7 proceedings of the committee pertaining to an impaired
8 licensee are confidential and may only be used by the
9 committee and the members of the committee in the exercise of
10 the proper function of the committee and are not public
11 records nor available for court subpoena or for discovery
12 proceedings. The committee may not disclose any personally
13 identifiable information except as otherwise allowed under
14 this chapter.

15 (2) In the event of a breach of contract between the
16 committee and an impaired licensee, all records pertaining to
17 the conduct determined to cause the breach of contract shall
18 be disclosed to the board, upon its request, for disciplinary
19 purposes only.

20 (3) This subsection does not apply to records made
21 in the regular course of business of a licensee, and
22 information, documents, or records otherwise available from
23 original sources may not be construed as immune from discovery
24 or be used in any civil proceeding merely because they were
25 presented or considered during the proceedings of the
26 committee.

1 (i) The board may collect funds or expend available
2 funds to adequately provide for the operational expenses of
3 the committee, including, but not limited to, the actual cost
4 of travel, office overhead, personnel expenses, and
5 compensation for the members of the committee and committee
6 staff. The operational expenses of the committee may not
7 include the cost of treatment or rehabilitation programs
8 recommended by the committee to individual licensees. The
9 funds provided by the board under this section shall not be
10 subject to any competitive bidding law.

11 Section 3. This act shall become effective on the
12 first day of the ninth month following its passage and
13 approval by the Governor, or its otherwise becoming law.