

SENATE BILL No. 365

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-33-1-3.5; IC 25-33.5; IC 34-30-2-101.7.

Synopsis: Psychology interjurisdictional compact. Establishes the psychology interjurisdictional compact concerning interjurisdictional telepsychology and the temporary authorization to practice psychology in another compact state. Sets forth requirements of a compact state. Sets forth the duties of the psychology interjurisdictional compact commission.

Effective: July 1, 2022.

Becker, Messmer

January 11, 2022, read first time and referred to Committee on Health and Provider Services.



Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

SENATE BILL No. 365

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-33-1-3.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2022]: **Sec. 3.5. The board is the state psychology regulatory**
4 **authority for purposes of IC 25-33.5.**

5 SECTION 2. IC 25-33.5 IS ADDED TO THE INDIANA CODE AS
6 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
7 2022]:

8 **ARTICLE 33.5. PSYCHOLOGY INTERJURISDICTIONAL** 9 **COMPACT**

10 **Chapter 1. Purpose and Applicability**

11 **Sec. 1. The party states make the following findings:**

12 (1) States license psychologists in order to protect the public
13 through verification of education, training, and experience,
14 and to ensure accountability for professional practice.

15 (2) The compact under this article is intended to regulate the
16 following:

17 (A) The day to day practice of telepsychology by



psychologists across state boundaries in the performance of the practice of psychology, as assigned by an appropriate authority.

(B) The temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for not more than thirty (30) days within a calendar year in the performance of the practice of psychology, as assigned by an appropriate authority.

(3) The compact under this article is intended to authorize the state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the compact under this article, to psychologists licensed in another state.

(4) States have a vested interest in protecting the public's health and safety through licensing and regulating psychologists and that state regulation best protects public health and safety.

Sec. 2. The compact set forth in this article does not apply to the following:

(1) When a psychologist is licensed in both the home and receiving state.

(2) Permanent in-person, face-to-face practice.

However, the compact does allow for the authorization of a temporary psychologic practice.

Sec. 3. The compact set forth in this article is designed to achieve the following purposes and objectives:

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

(2) Enhance the states' ability to protect the health and safety of the public, especially client and patient safety.

(3) Encourage the cooperation of compact states in the area of psychology licensure and regulation.

(4) Facilitate the exchange of information between compact states concerning psychologist licensure, adverse actions, and disciplinary history.

(5) Promote compliance with the laws governing psychological practice in each compact state.

(6) Invest all compact states with the authority to hold licensed psychologists accountable through the mutual



recognition of compact state licenses.

Chapter 2. Definitions

Sec. 1. The definitions set forth in this chapter apply to this article.

Sec. 2. "Adverse action" means any action taken by a state psychology regulatory authority that finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record.

Sec. 3. "Association of State and Provincial Psychology Boards" means the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

Sec. 4. "Authority to practice interjurisdictional telepsychology" means the authority of a licensed psychologist to practice telepsychology, within the limits authorized under the compact set forth in this article, in another compact state.

Sec. 5. "Bylaws" refers to the bylaws established by the psychology interjurisdictional compact commission under IC 25-33.5-10 for the governance of the compact or for directing and controlling actions and conduct under the compact.

Sec. 6. "Client" or "patient" refers to the recipient of psychological services, whether psychological services are delivered in the context of health care, corporate, supervision, or consulting services.

Sec. 7. "Commission" refers to the psychology interjurisdictional compact commission, that national administration of which all compact states are members, as established by IC 25-33.5-10.

Sec. 8. "Commissioner" means the voting representative appointed by each state psychology regulatory authority under IC 25-33.5-10.

Sec. 9. "Compact state" means a state, the District of Columbia, or a United States territory that has enacted the compact set forth in this article and has not withdrawn under IC 25-33.5-13 or been terminated under IC 25-33.5-12.

Sec. 10. "Confidentiality" means the principle that data or information is not made available or disclosed to unauthorized persons or processes.

Sec. 11. "Coordinated licensure information system" or "coordinated data base" refers to the integrated process for collecting, storing, and sharing information on psychologist



1 licensure and enforcement activities related to psychology licensure
 2 laws and that is administered by the recognized membership
 3 organization composed of state and provincial psychology
 4 regulatory authorities.

5 Sec. 12. "Day" means any part of a day in which psychological
 6 work is performed.

7 Sec. 13. "Distant state" means the compact state where a
 8 psychologist is physically present (not through the use of
 9 telecommunication technology) to provide temporary in-person,
 10 face-to-face psychological services.

11 Sec. 14. "E.Passport" means a certificate issued by the
 12 Association of State and Provincial Psychology Boards that
 13 promotes the standardization in the criteria of interjurisdictional
 14 telepsychology practice and facilitates the process for licensed
 15 psychologists to provide telepsychological services across state
 16 lines.

17 Sec. 15. "Executive board" means a group of directors elected
 18 or appointed to act on behalf of and within the powers granted to
 19 the group by the commission.

20 Sec. 16. "Home state" means one (1) of the following:

21 (1) The compact state where a psychologist is licensed to
 22 practice psychology.

23 (2) If the psychologist is licensed in more than one (1) compact
 24 state as a psychologist and is practicing under the
 25 authorization to practice interjurisdictional telepsychology,
 26 the compact state where the psychologist is physically present
 27 when the telepsychological services are delivered.

28 (3) If the psychologist is licensed in more than one (1) compact
 29 state and is practicing under the temporary authorization to
 30 practice, the compact state where the psychologist is licensed.

31 Sec. 17. "Identity history summary" means a summary of
 32 information retained by the Federal Bureau of Investigation or
 33 other designee with similar authority in connection with arrests
 34 and, in some instances, federal employment, naturalization, or
 35 military service.

36 Sec. 18. "In-person, face-to-face" means interactions in which
 37 the psychologist and the client or patient are in the same physical
 38 space and that does not include interactions that may occur
 39 through the use of telecommunication technology.

40 Sec. 19. "Interjurisdictional practice certificate" refers to a
 41 certificate issued by the Association of State and Provincial
 42 Psychology Boards that grants temporary authority to practice



1 based on notification to the state psychology regulatory authority
 2 of intention to practice temporarily and the verification of the
 3 individual's qualifications to practice psychology.

4 Sec. 20. "License" means the authorization by a state regulatory
 5 authority to engage in the independent practice of psychology that
 6 would otherwise be unlawful to practice without authorization.

7 Sec. 21. "Noncompact state" refers to any state that is not a
 8 compact state.

9 Sec. 22. "Psychologist" means an individual who is licensed for
 10 the independent practice of psychology.

11 Sec. 23. "Receiving state" refers to a compact state where the
 12 client or patient is physically located when the telepsychological
 13 services are delivered.

14 Sec. 24. "Rule" means a written statement by the psychology
 15 interjurisdictional compact commission promulgated under
 16 IC 25-33.5-11 that is of general applicability, implements,
 17 interprets, or prescribes a policy or provision of the compact, or an
 18 organizational, procedural, or practice requirement of the
 19 commission and has the force and effect of statutory law in a
 20 compact state, including the amendment, repeal, or suspension of
 21 an existing rule.

22 Sec. 25. "Significant investigatory information" means:

- 23 (1) investigatory information that the state psychology
 24 regulatory authority has reason to believe, after a preliminary
 25 inquiry that includes notification and opportunity to respond
 26 if required by state law, if proven true, would indicate more
 27 than a violation of state statute or ethics code that would be
 28 considered more substantial than a minor infraction; or
 29 (2) investigatory information that indicates that the
 30 psychologist represents an immediate threat to public health
 31 and safety regardless of whether the psychologist has been
 32 notified or had an opportunity to respond.

33 Sec. 26. "State" refers to a state, commonwealth, territory, or
 34 possession of the United States, including the District of Columbia.

35 Sec. 27. "State psychology regulatory authority" means a board,
 36 office, or other agency with the legislative mandate to license or
 37 regulate the practice of psychology. For purposes of investigatory
 38 activities, the term includes any other state agency lawfully
 39 responsible for conducting investigations.

40 Sec. 28. "Telepsychology" means the provision of psychological
 41 services using telecommunication technology.

42 Sec. 29. "Temporary authorization to practice" means the



1 authority of a licensed psychologist to conduct temporary
 2 in-person, face-to-face practice, within the limits authorized under
 3 the compact set forth in this article, in a compact state.

4 Sec. 30. "Temporary in-person, face-to-face practice" means
 5 that a psychologist is physically present (not through the use of
 6 telecommunication technology) in the distant state to provide for
 7 the practice of psychology for not more than thirty (30) days within
 8 a calendar year and based on notification to the distant state.

9 Chapter 3. Home State Licensure

10 Sec. 1. The home state is a compact state where the psychologist
 11 is licensed to practice psychology.

12 Sec. 2. (a) A psychologist may hold more than one (1) compact
 13 state license at a time.

14 (b) If the psychologist is licensed in more than one (1) compact
 15 state, the home state is the compact state where the psychologist is
 16 physically present when the services are delivered, as authorized
 17 by the authority to practice interjurisdictional telepsychology
 18 under the terms of the compact.

19 Sec. 3. A compact state may require a psychologist not
 20 previously licensed in the compact state to obtain and retain a
 21 license to be authorized to practice in the compact state under
 22 circumstances not authorized by the authority to practice
 23 interjurisdictional telepsychology under the terms of the compact.

24 Sec. 4. A compact state may require a psychologist to obtain and
 25 retain a license to be authorized to practice in a compact state
 26 under circumstances not authorized by temporary authorization
 27 to practice under the terms of the compact.

28 Sec. 5. A home state's license authorizes a psychologist to
 29 practice in a receiving state under the authority to practice
 30 interjurisdictional telepsychology only if the compact state:

- 31 (1) currently requires the psychologist to hold an active
- 32 E.Passport;
- 33 (2) has a mechanism in place for receiving and investigating
- 34 complaints about licensed individuals;
- 35 (3) notifies the commission, in compliance with the compact
- 36 terms, of any adverse action or significant investigatory
- 37 information concerning a licensed individual;
- 38 (4) requires an identity history summary of all applicants at
- 39 initial licensure, including the use of the results of fingerprints
- 40 or other biometric data checks compliant with the
- 41 requirements of the Federal Bureau of Investigation, or other
- 42 designee with similar authority, not later than ten (10) years



after activation of the compact; and

(5) complies with the bylaws and rules of the commission.

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

(1) currently requires the psychologist to hold an active interjurisdictional practice certificate;

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

(3) notifies the commission, in compliance with the compact terms, of any adverse action or significant investigatory information concerning a licensed individual;

(4) requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, not later than ten (10) years after activation of the compact; and

(5) complies with the bylaws and rules of the commission.

Chapter 4. Compact Privilege to Practice Telepsychology

Sec. 1. A compact state shall recognize the right of a psychologist, licensed in a compact state in compliance with IC 25-33.5-3, to practice telepsychology in another compact state in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology, as provided by the compact.

Sec. 2. To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of the compact, a psychologist licensed to practice in a compact state must meet the following:

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

(A) either:

(i) regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees; or

(ii) authorized by provincial statute or royal charter to grant doctoral degrees; or

(B) a foreign college or university deemed to be equivalent to an institute described under clause (A) by a foreign credential evaluation service that is a member of the



- 1 **National Association of Credential Evaluation Services**
- 2 **(NACES) or by a recognized foreign credential evaluation**
- 3 **service.**
- 4 **(2) Hold a graduate degree in psychology from a program**
- 5 **that meets the following:**
- 6 **(A) The program, wherever it may be administratively**
- 7 **housed, must:**
- 8 **(i) be clearly identified and labeled as a psychology**
- 9 **program; and**
- 10 **(ii) specify in institutional catalogs and brochures the**
- 11 **intent to educate and train professional psychologists.**
- 12 **(B) Stands as a recognizable, coherent, organizational**
- 13 **entity within the institution.**
- 14 **(C) Has a clear authority and primary responsibility for**
- 15 **the core and specialty areas, whether or not the program**
- 16 **cuts across administrative lines.**
- 17 **(D) Consists of an integrated, organized sequence of study.**
- 18 **(E) Includes identifiable psychology faculty that are**
- 19 **sufficient in size and breadth to carry out faculty**
- 20 **responsibilities.**
- 21 **(F) Employs a director of the program that is a**
- 22 **psychologist and a member of the core faculty.**
- 23 **(G) Has an identifiable body of students who are**
- 24 **matriculated in the program for a degree.**
- 25 **(H) Includes supervised practicum, internship, or field**
- 26 **training appropriate to the practice of psychology.**
- 27 **(I) Encompasses curriculum of a minimum of three (3)**
- 28 **academic years of full-time graduate study for a doctoral**
- 29 **degree and a minimum of one (1) academic year of**
- 30 **full-time graduate study for a master's degree.**
- 31 **(J) Includes an acceptable residency, as defined by the**
- 32 **rules of the commission.**
- 33 **(3) Possess a current, full, and unrestricted license to practice**
- 34 **psychology in a home state that is a compact state.**
- 35 **(4) Have no history of an adverse action that violates the rules**
- 36 **of the commission.**
- 37 **(5) Have no criminal record history reported on an identity**
- 38 **history summary that violates the rules of the commission.**
- 39 **(6) Possess a current, active E.Passport.**
- 40 **(7) Provide attestations concerning the following:**
- 41 **(A) Areas of intended practice.**
- 42 **(B) Conformity with standards of practice.**



(C) Competence in telepsychology technology.

(D) Criminal background.

(E) Knowledge and adherence to legal requirements in the home state and receiving state.

(F) The provision and release of information to allow for primary source verification in a manner specified by the commission.

(8) Meet other criteria, as determined by the rules of the commission.

Sec. 3. The home state maintains authority over the license of a psychologist practicing in a receiving state under the authority to practice interjurisdictional telepsychology.

Sec. 4. (a) A psychologist practicing in a receiving state under the authority to practice interjurisdictional telepsychology is subject to the receiving state's scope of practice.

(b) A receiving state may, in accordance with the state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect the health and safety of the receiving state's citizens.

(c) If the receiving state takes any action described in this section, the receiving state shall promptly notify the home state and the commission.

Sec. 5. If a psychologist's:

(1) license in any home state or another compact state; or

(2) authority to practice interjurisdictional telepsychology in any receiving state;

is restricted, suspended, or otherwise limited, the E.Passport shall be revoked and the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

Chapter 5. Compact Temporary Authorization to Practice

Sec. 1. A compact state shall recognize the right of a psychologist who is licensed in a compact state, in conformance with IC 25-33.5-3, to practice temporarily in another compact state in which the psychologist is not licensed, as provided in the compact.

Sec. 2. To exercise the temporary authorization to practice under the terms and provisions of the compact, a psychologist licensed to practice in a compact state must meet the following:

(1) Hold a graduate degree in psychology from an institute of



higher education that was, at the time the degree was awarded:

(A) either:

(i) regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees; or

(ii) authorized by provincial statute or royal charter to grant doctoral degrees; or

(B) a foreign college or university deemed to be equivalent to an institute described under clause (A) by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service.

(2) Hold a graduate degree in psychology from a program that meets the following:

(A) The program, wherever it may be administratively housed, must:

(i) be clearly identified and labeled as a psychology program; and

(ii) specify in institutional catalogs and brochures the intent to educate and train professional psychologists.

(B) Stands as a recognizable, coherent, organizational entity within the institution.

(C) Has a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines.

(D) Consists of an integrated, organized sequence of study.

(E) Includes identifiable psychology faculty that are sufficient in size and breadth to carry out faculty responsibilities.

(F) Employs a director of the program that is a psychologist and a member of the core faculty.

(G) Has an identifiable body of students who are matriculated in the program for a degree.

(H) Includes supervised practicum, internship, or field training appropriate to the practice of psychology.

(I) Encompasses curriculum of a minimum of three (3) academic years of full-time graduate study for a doctoral degree and a minimum of one (1) academic year of full-time graduate study for a master's degree.

(J) Includes an acceptable residency, as defined by the



- 1 rules of the commission.
- 2 (3) Possess a current, full, and unrestricted license to practice
- 3 psychology in a home state that is a compact state.
- 4 (4) Have no history of an adverse action that violates the rules
- 5 of the commission.
- 6 (5) Have no criminal record history reported on an identity
- 7 history summary that violates the rules of the commission.
- 8 (6) Possess a current, active interjurisdictional practice
- 9 certificate.
- 10 (7) Provide attestations concerning the following:
- 11 (A) Areas of intended practice.
- 12 (B) Work experience.
- 13 (C) The provision and release of information to all for
- 14 primary source verification in a manner specified by the
- 15 commission.
- 16 (8) Meet other criteria, as determined by the rules of the
- 17 commission.

18 Sec. 3. A psychologist practicing into a distant state under the
 19 temporary authorization to practice shall practice within the scope
 20 of practice authorized by the distant state.

21 Sec. 4. (a) A psychologist practicing into a distant state under
 22 the temporary authorization to practice is subject to the distant
 23 state's authority and law.

24 (b) A distant state may, in accordance with the state's due
 25 process law, limit or revoke a psychologist's temporary
 26 authorization to practice in the distant state and may take any
 27 other necessary actions under the distant state's applicable law to
 28 protect the health and safety of the distant state's citizens.

29 (c) If the distant state takes any action under this section, the
 30 distant state shall promptly notify the home state and the
 31 commission.

32 Sec. 5. If a psychologist's:

- 33 (1) license in any home state or another compact state; or
- 34 (2) temporary authorization to practice in any distant state;
- 35 is restricted, suspended, or otherwise limited, the
- 36 interjurisdictional practice certificate shall be revoked and the
- 37 psychologist shall not be eligible to practice in a compact state
- 38 under the temporary authorization to practice.

39 Chapter 6. Conditions of Telepsychology Practice in a Receiving 40 State

41 Sec. 1. A psychologist may practice in a receiving state under
 42 the authority to practice interjurisdictional telepsychology only in



the performance of the scope of practice for psychology, as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the commission, and under the following circumstances:

(1) The psychologist initiates a client or patient contact in a home state via telecommunication technologies with a client or patient in a receiving state.

(2) Other conditions concerning telepsychology, as determined by the rules promulgated by the commission.

Chapter 7. Adverse Actions

Sec. 1. A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within the distant state.

Sec. 2. A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within the receiving state. A home state may take adverse action against a psychologist based on an adverse action taken by a distant state concerning temporary in-person, face-to-face practice.

Sec. 3. (a) If a home state takes adverse action against a psychologist's license, the psychologist's:

(1) authority to practice interjurisdictional telepsychology is terminated;

(2) E.Passport is revoked;

(3) temporary authorization to practice is terminated; and

(4) interjurisdictional practice certificate is revoked.

(b) All home state disciplinary orders that impose adverse action must be reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules of the commission.

(c) In the event discipline is reported on a psychologist, the psychologist is not eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission.

(d) Other actions may be imposed on the psychologist, as determined by the rules promulgated by the commission.

Sec. 4. A home state's psychology regulatory authority shall investigate and take appropriate action concerning reported inappropriate conduct engaged in by a licensee that occurred in a receiving state as it would if the conduct had occurred by a licensee



1 within the home state. The home state's law shall control in
2 determining any adverse action against a psychologist's license.

3 **Sec. 5.** A distant state's psychology regulatory authority shall
4 investigate and take appropriate action concerning reported
5 inappropriate conduct engaged in by a psychologist practicing
6 under temporary authorization to practice that occurred in the
7 distant state as the distant state would if the conduct had occurred
8 by a licensee within the home state. The distant state's law shall
9 control in determining any adverse action against the
10 psychologist's temporary authorization to practice.

11 **Sec. 6. (a)** Nothing in this compact shall override a compact
12 state's decision that a psychologist's participation in an alternative
13 program may be used instead of adverse action and the
14 participation must remain nonpublic if required by the compact
15 state's law.

16 **(b)** Compact states must require psychologists who enter any
17 alternative programs to not provide telepsychology services under
18 the authority to practice interjurisdictional telepsychology or
19 provide temporary psychological services under the temporary
20 authorization to practice in any other compact state during the
21 term of the alternative program.

22 **Sec. 7.** No other judicial or administrative remedies shall be
23 available to a psychologist in the event a compact state imposes an
24 adverse action under section 3 of this chapter.

25 **Chapter 8. Additional Authorities in a Compact State's**
26 **Psychology Regulatory Authority**

27 **Sec. 1.** In addition to any other powers granted under state law,
28 a compact state's psychology regulatory authority shall have the
29 authority under this compact to do the following:

30 **(1)** Issue subpoenas for both hearings and investigations that
31 require the attendance and testimony of witnesses and the
32 production of evidence. Subpoenas issued by a compact state's
33 psychology regulatory authority for the attendance and
34 testimony of witnesses or the production of evidence from
35 another compact state must be enforced in the latter state by
36 any court of competent jurisdiction, and according to the
37 court's practice and procedure in considering subpoenas
38 issued by the court's proceedings. The issuing state
39 psychology regulatory authority shall pay any witness fees,
40 travel expenses, mileage, and other fees required by the
41 service statutes of the state where the witness or evidence is
42 located.



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

Sec. 2. (a) During the course of any investigation, a psychologist may not change the psychologist's home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under the home state's laws.

(b) The home state psychology regulatory authority shall promptly report the conclusions of the investigations to the commission.

(c) Once an investigation has been completed, and pending the outcome of the investigation, the psychologist may change the psychologist's home licensure. The commission shall promptly notify the new home state of any decision, as provided in the rules of the commission.

(d) All information provided to the commission or distributed by compact states concerning the psychologist shall be confidential, filed under seal, and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

Chapter 9. Coordinated Licensure Information System

Sec. 1. The commission shall provide for the development and maintenance of a coordinated licensure information system and reporting system (coordinated data base) containing licensure and disciplinary action information on all individuals to whom this compact is applicable in all compact states, as defined by the rules of the commission.

Sec. 2. Notwithstanding any other provision of state law, a compact state shall submit a uniform data set to the coordinated data base on all licenses as required by the rules of the commission, including the following:

- (1) Identifying information.
- (2) Licensure data.
- (3) Significant investigatory information.
- (4) Adverse actions against a psychologist's license.
- (5) An indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked.
- (6) Nonconfidential information concerning alternative program participation information.
- (7) Any denial of application for licensure and the reason for



the denial.

(8) Other information to facilitate the administration of the compact, as determined by the rules of the commission.

Sec. 3. The coordinated data base administrator shall promptly notify all compact states of any:

(1) adverse action taken against; or

(2) significant investigative information on;
any licensee in a compact state.

Sec. 4. A compact state reporting information to the coordinated data base may designate information that may not be shared with the public without the express permission of the compact state reporting the information.

Sec. 5. Any information submitted to the coordinated data base that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the coordinated data base.

Chapter 10. Establishment of the Psychology Interjurisdictional Compact Commission

Sec. 1. (a) The compact states hereby create and establish a joint public agency known as the psychology interjurisdictional compact commission.

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

(c) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent the commission adopts or consents to participate in alternative dispute resolution proceedings.

(d) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

Sec. 2. (a) The commission shall consist of one (1) voting delegate appointed by each compact state who shall serve as the state's commissioner. The state psychology regulatory authority shall appoint the state's delegate.

(b) The delegate shall be empowered to act on behalf of the compact state. The delegate shall be limited to:

(1) an executive director, executive secretary, or a similar executive position;

(2) a current member of the state psychology regulatory authority of a compact state; or

(3) a designee empowered with the appropriate delegate



1 authority to act on behalf of the compact state.

2 (c) Any commissioner may be removed or suspended from office
3 as provided by the law of the state from which the commissioner is
4 appointed. Any vacancy occurring on the commission shall be filled
5 in accordance with the laws of the compact state in which the
6 vacancy exists.

7 Sec. 3. Each commissioner shall be entitled to one (1) vote
8 concerning the promulgation of rules and the creation of bylaws,
9 and otherwise have an opportunity to participate in the business
10 and affairs of the commission. A commissioner shall vote in person
11 or by any other means provided by the bylaws. The bylaws may
12 provide for commissioners to participate in meetings by telephone
13 or other means of communication.

14 Sec. 4. The commission shall meet at least once during each
15 calendar year. Additional meetings shall be held as set forth in the
16 bylaws.

17 Sec. 5. All meetings shall be open to the public, and public notice
18 of the meetings shall be given in the same manner as required
19 under the rulemaking provisions set forth in IC 25-33.5-11.

20 Sec. 6. (a) The commission may convene in a closed, nonpublic
21 meeting if the commission must discuss any of the following:

22 (1) Noncompliance of a compact state with the compact state's
23 obligations under the compact.

24 (2) The employment, compensation, discipline, other
25 personnel matters, practices or procedures concerning
26 specific employees, or other matters related to the
27 commission's internal personnel practices and procedures.

28 (3) Current, threatened, or reasonably anticipated litigation
29 against the commission.

30 (4) Negotiation of contracts for the purchase or sale of goods,
31 services, or real estate.

32 (5) Accusations against any person of a crime or formal
33 censure of a person.

34 (6) Disclosure of trade secrets, commercial, or financial
35 information that is privileged or confidential.

36 (7) Disclosure of information of a personal nature where
37 disclosure would constitute a clearly unwarranted invasion of
38 personal privacy.

39 (8) Disclosure of investigatory records compiled for law
40 enforcement purposes.

41 (9) Disclosure of information concerning any investigatory
42 reports prepared by or on behalf of or for use of the



1 commission or other committee charged with responsibility
 2 for investigation or determination of compliance issues under
 3 the compact.

4 (10) Matters specifically exempted from disclosure by federal
 5 or state statute.

6 (b) If a meeting, or portion of a meeting, is closed under
 7 subsection (a), the commission's legal counsel or designee shall
 8 certify that the meeting may be closed and shall reference each
 9 relevant exempting provision.

10 Sec. 7. (a) The commission shall keep minutes which fully and
 11 clearly describe all matters discussed in a meeting, and the reasons
 12 therefore, including a description of the views expressed.

13 (b) All documents considered in connection with an action shall
 14 be identified in the minutes.

15 (c) All minutes and documents of a closed meeting shall remain
 16 under seal, subject to release only by a majority vote of the
 17 commission or order of a court of competent jurisdiction.

18 Sec. 8. (a) The commission shall, by a majority vote of the
 19 commissioners, prescribe bylaws or rules to govern the
 20 commission's conduct as may be necessary or appropriate to carry
 21 out the purposes and exercise the powers of the compact, including
 22 the following:

23 (1) Establishing the fiscal year of the commission.

24 (2) Providing reasonable standards and procedures:

25 (A) for the establishment and meetings of other
 26 committees; and

27 (B) for the governing of any general or specific delegation
 28 of any authority or function of the commission.

29 (3) Providing reasonable procedures for calling and
 30 conducting meetings of the commission, ensuring reasonable
 31 advance notice of all meetings and providing an opportunity
 32 for attendance of the meetings by interested parties, with
 33 enumerated exceptions designed to protect the public's
 34 interest, the privacy of individuals of any proceeding, and
 35 proprietary information, including trade secrets.

36 (4) Establishing the titles, duties, and authority and
 37 reasonable procedures for the election of the officers of the
 38 commission.

39 (5) Providing reasonable standards and procedures for the
 40 establishment of the personnel policies and programs of the
 41 commission. Notwithstanding any other state law, the bylaws
 42 shall exclusively govern the personnel policies and programs



of the commission.

(6) Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees.

(7) Providing a mechanism for concluding the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of the commission's debts and obligations.

(b) The commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed.

(c) The commission shall publish the bylaws in a convenient form and file a copy of the bylaws and any amendments to the bylaws with the appropriate agency or officer in each compact state.

(d) The commission shall maintain the commission's financial records in accordance with the bylaws.

(e) The commission shall meet and take any action that is consistent with the provisions of the compact and the bylaws.

Sec. 9. The commission shall have the following powers:

(1) Promulgate uniform rules to facilitate and coordinate implementation and administration of the compact. The rules shall have the force and effect of laws and shall be binding in all compact states.

(2) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected.

(3) Purchase and maintain insurance and bonds.

(4) Borrow, accept, or contract for services of personnel, including employees of a compact state.

(5) Hire employees, elect or appoint officers, fix compensation, define duties, grant appropriate authority to individuals to carry out the purposes of the compact, and establish the commission's personnel policies and programs concerning conflicts of interest, qualifications of personnel, and other related personnel matters.

(6) Accept, receive, utilize, and dispose of any and all appropriate donations and grants of money, equipment,



1 supplies, materials, and services.

2 (7) Lease, purchase, accept appropriate gifts or donations, or
3 otherwise own, hold, improve, or use, any:

4 (A) real;

5 (B) personal; or

6 (C) mixed;

7 property, provided that at all times the commission shall
8 strive to avoid any appearance of impropriety.

9 (8) Sell, convey, mortgage, pledge, lease, exchange, abandon,
10 or otherwise dispose of any:

11 (A) real;

12 (B) personal; or

13 (C) mixed;

14 property.

15 (9) Establish a budget and make expenditures.

16 (10) Borrow money.

17 (11) Appoint committees, including advisory committees,
18 comprised of members, state regulators, state legislators or a
19 state legislator's designee, consumer representatives, and any
20 other interested persons as may be designated in the compact
21 and the bylaws.

22 (12) Provide and receive information from, and cooperate
23 with, law enforcement agencies.

24 (13) Adopt and use an official seal.

25 (14) Perform other functions that may be necessary or
26 appropriate to achieve the purposes of the compact and that
27 are consistent with the state regulation of psychology
28 licensure, temporary in-person, face-to-face practice, and the
29 practice of telepsychology.

30 Sec. 10. (a) The elected officers of the commission shall serve as
31 the executive board and have the power to act on behalf of the
32 commission in accordance with the compact.

33 (b) The executive board shall be comprised of the following six
34 (6) members:

35 (1) Five (5) voting members who are elected from the current
36 membership of the commission by the commission.

37 (2) One (1) ex officio, nonvoting member from the recognized
38 membership organization composed of state and provincial
39 psychology regulatory authorities.

40 (c) The ex officio member must have served as staff or a
41 member of a state psychology regulatory authority and will be
42 selected by the respective organization.



(d) The commission may remove any member of the executive board as provided in the bylaws of the compact.

(e) The executive board shall meet at least once annually.

(f) The executive board shall have the following duties and responsibilities:

(1) Make recommendations to the entire commission for any:

(A) changes to the rules or bylaws;

(B) changes to compact legislation; and

(C) fees to be paid by compact states, including annual dues and other applicable fees.

(2) Ensure compact administration services are appropriately provided, whether by contract or otherwise.

(3) Prepare and recommend the budget.

(4) Maintain financial records on behalf of the commission.

(5) Monitor compact compliance of member states and provide compliance reports to the commission.

(6) Establish additional committees, as necessary.

(7) Perform any other duties provided in the rules or bylaws.

Sec. 11. (a) The commission shall pay, or provide for the payment of, the reasonable expenses of the commission's establishment, organization, and any ongoing activities.

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

(c) The commission may:

(1) levy on, and collect an annual assessment from, each compact state; or

(2) impose fees on other parties;

to cover the cost of the operations and activities of the commission and the commission's staff in an amount that is sufficient to cover the commission's annual budget as approved each year for revenue that is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula determined by the commission and promulgated through a rule binding all the compact states.

(d) The commission shall not incur any obligations of any kind before securing adequate funds to meet the obligation. The commission may not pledge the credit of any of the compact states except by and with the authority of the compact state.

(e) The commission shall keep accurate accounts of all receipts and disbursements. The commission's receipts and disbursements shall be subject to the audit and accounting procedures established



1 under the commission's bylaws. However, all receipts and
 2 disbursements of funds handled by the commission shall be audited
 3 yearly by a certified or licensed public accountant and the report
 4 of the audit shall be included in, and become part of, the
 5 commission's annual report.

6 **Sec. 12. (a) The:**

- 7 (1) members;
- 8 (2) officers;
- 9 (3) executive director;
- 10 (4) employees; and
- 11 (5) representatives;

12 of the commission shall be immune from each suit and liability,
 13 either personally or in the individual's official capacity, for any
 14 claim for damage to or loss of property, personal injury, or other
 15 civil liability caused by or arising out of an actual or alleged act,
 16 error, or omission that occurred, or that the person against whom
 17 the claim is made had a reasonable basis for believing occurred
 18 within the scope of commission employment, duties, or
 19 responsibilities as long as nothing may be construed to protect any
 20 individual from a suit or liability for any damage, loss, injury, or
 21 liability caused by the intentional or willful or wanton misconduct
 22 of the individual.

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

- 31 (1) nothing shall be construed to prohibit the individual from
- 32 retaining the individual's own counsel; and
- 33 (2) the actual or alleged act, error, or omission did not result
- 34 from the individual's intentional or willful or wanton
- 35 misconduct.

36 (c) The commission shall indemnify and hold harmless any
 37 member, officer, executive director, employee, or representative of
 38 the commission for the amount of any settlement or judgment
 39 obtained against the individual arising out of any actual or alleged
 40 act, error, or omission that occurred within the scope of
 41 commission employment, duties, or responsibilities, or that the
 42 individual had reasonable basis for believing occurred within the



1 scope of commission employment, duties, or responsibilities,
 2 provided that the actual or alleged act, error, or omission did not
 3 result from intentional or willful or wanton misconduct by the
 4 individual.

5 **Chapter 11. Rulemaking**

6 **Sec. 1.** The commission shall exercise the commission's
 7 rulemaking powers pursuant to the criteria set forth in this chapter
 8 and the rules adopted under this chapter. Rules and amendments
 9 shall become binding as of the date specified in each rule or
 10 amendment.

11 **Sec. 2.** If a majority of the legislatures of the compact states
 12 reject a rule, by enactment of a statute or resolution in the same
 13 manner that was used to adopt the compact, then the rule shall
 14 have no further force and effect in any compact state.

15 **Sec. 3.** Rules, or amendments to the rules, shall be adopted at a
 16 regular or special meeting of the commission.

17 **Sec. 4. (a)** Before promulgation and adoption of a final rule by
 18 the commission, and at least sixty (60) days in advance of the
 19 meeting at which the rule will be considered and voted upon, the
 20 commission shall file a notice of proposed rulemaking as follows:

21 (1) On the commission's Internet web site.

22 (2) On:

23 (A) the Internet web site of each compact state's
 24 psychology regulatory authority; or

25 (B) the publication in which each state would otherwise
 26 publish proposed rules.

27 (b) The notice of proposed rulemaking shall include the
 28 following:

29 (1) The proposed time, date, and location of the meeting in
 30 which the rule will be considered and voted upon.

31 (2) The text of the proposed rule or amendment and the
 32 reason for the proposed rule.

33 (3) A request for comments on the proposed rule from any
 34 interested person.

35 (4) The manner in which an interested person may submit
 36 notice to the commission of the person's intention to attend
 37 the public hearing and any written comments.

38 **Sec. 5.** Before the adoption of a proposed rule, the commission
 39 shall allow a person to submit written data, facts, opinions, and
 40 arguments to the commission and the submission shall be made
 41 available to the public.

42 **Sec. 6. (a)** The commission shall grant an opportunity for a



1 public hearing before the commission adopts a rule or amendment
2 if a hearing is requested by:

- 3 (1) at least twenty-five (25) persons who submit comments
4 independently of each other;
5 (2) a governmental subdivision or agency; or
6 (3) a duly appointed person in an association that has at least
7 twenty-five (25) members.

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

11 (c) Any person wishing to be heard at the hearing shall notify
12 the executive director of the commission or other designated
13 member in writing of the person's desire to appear and testify at
14 the hearing not less than five (5) business days before the scheduled
15 date of the hearing.

16 (d) The hearing shall be conducted in a manner that provides
17 each person who wishes to comment a fair and reasonable
18 opportunity to comment orally or in writing.

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

27 (f) Nothing in this section shall be construed as requiring a
28 separate hearing on each rule. Rules may be grouped for the
29 convenience of the commission at hearings required by this section.

30 (g) Following the scheduled hearing date, or by the close of
31 business on the scheduled hearing date if the hearing was not held,
32 the commission shall consider all written and oral comments
33 received.

34 (h) The commission shall, by a majority vote of all members,
35 take final action on the proposed rule and shall determine the
36 effective date of the rule, if any, based on the rulemaking record
37 and the full text of the rule.

38 (i) If no written notice of intent to attend the public hearing by
39 interested parties is received, the commission may proceed with
40 promulgation of the proposed rule without a public hearing.

41 Sec. 7. (a) Upon determination that an emergency exists, the
42 commission may consider and adopt an emergency rule without:



- (1) prior notice;
- (2) opportunity for comment; or
- (3) hearing;

provided that the usual rulemaking procedures provided in the compact and in this chapter shall be retroactively applied to the rule as soon as reasonably possible, and not later than ninety (90) days after the effective date of the rule.

(b) For the purposes of this section, an emergency rule is a rule that must be adopted immediately in order to:

- (1) meet an imminent threat to public health, safety, or welfare;
- (2) prevent a loss of commission or compact state funds;
- (3) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
- (4) protect public health and safety.

Sec. 8. (a) The commission, or an authorized committee of the commission, may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the commission's Internet web site. The revision must be subject to challenge by any person for a period of thirty (30) days after posting.

(b) The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge must be made in writing and delivered to the chair of the commission before the end of the notice period.

(c) If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

Chapter 12. Oversight, Dispute Resolution, and Enforcement

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

(b) The provisions of this compact and the rules promulgated under the compact shall have standing as statutory law.

(c) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of the compact that may affect the powers, responsibilities, or actions of the commission.

(d) The commission shall be entitled to receive service of process in any proceeding, and shall have standing to intervene in the



1 proceeding for all purposes. Failure to provide service of process
 2 to the commission shall render a judgment or order void as to the
 3 commission, this compact, or promulgated rules.

4 Sec. 2. (a) If the commission determines that a compact state has
 5 defaulted in the performance of the compact state's obligations or
 6 responsibilities under this compact or the promulgated rules, the
 7 commission shall provide the following:

8 (1) Written notice to the defaulting state and other compact
 9 states of the nature of the default, the proposed means of
 10 remedying the default, and any other action to be taken by the
 11 commission.

12 (2) Remedial training and specific technical assistance
 13 concerning the default.

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

21 Sec. 3. (a) Termination of membership in the compact shall be
 22 imposed only after all means of securing compliance have been
 23 exhausted. Notice of intent to suspend or terminate shall be
 24 submitted by the commission to the governor, the majority and
 25 minority leaders of the defaulting state's legislature, and each of
 26 the compact states.

27 (b) A compact state that has been terminated is responsible for
 28 all assessments, obligations, and liabilities incurred through the
 29 effective date of the termination, including obligations that extend
 30 beyond the effective date of termination.

31 Sec. 4. The commission shall not bear any costs incurred by the
 32 state that is found to be in default or that has been terminated from
 33 the compact unless agreed upon in writing by the commission and
 34 defaulting state.

35 Sec. 5. The defaulting state may appeal the action of the
 36 commission by petitioning the United States District Court for the
 37 state of Georgia or the federal district where the compact has the
 38 compact's principal offices. The prevailing member shall be
 39 awarded all costs of the litigation, including reasonable attorney's
 40 fees.

41 Sec. 6. (a) Upon request by a compact state, the commission
 42 shall attempt to resolve disputes that arise concerning the compact



1 among compact states and between compact and noncompact
2 states.

3 (b) The commission shall promulgate a rule providing for both
4 mediation and binding dispute resolution for disputes that arise
5 before the commission.

6 Sec. 7. The commission, in the reasonable exercise of the
7 commission's discretion, shall enforce the provisions and rules of
8 the compact.

9 Sec. 8. (a) By a majority vote, the commission may initiate legal
10 action in the United States District Court for the state of Georgia
11 or the federal district where the compact has the compact's
12 principal offices against a compact state in default to enforce
13 compliance with the provisions of the compact and the
14 commission's promulgated rules and bylaws.

15 (b) The relief sought may include both injunctive relief and
16 damages.

17 (c) If judicial enforcement is necessary, the prevailing member
18 shall be awarded all costs of the litigation, including reasonable
19 attorney's fees.

20 Sec. 9. The remedies in this chapter shall not be the exclusive
21 remedies of the commission. The commission may pursue any other
22 remedies available under federal or state law.

23 **Chapter 13. Date of Implementation of the Compact,**
24 **Commission, and Rules; Withdrawal and Amendments**

25 Sec. 1. The compact shall come into effect on the date on which
26 the compact is enacted into law in the seventh compact state. The
27 provisions that become effective shall be limited to the powers
28 granted to the commission concerning assembly and the
29 promulgation of rules. Thereafter, the commission shall meet and
30 exercise rulemaking powers necessary to the implementation and
31 administration of the compact.

32 Sec. 2. (a) Any state that joins the compact after the
33 commission's initial adoption of the rules shall be subject to the
34 rules as the rules exist on the date in which the compact becomes
35 law in the state.

36 (b) Any rules that have been previously adopted by the
37 commission shall have the full force and effect of law on the day the
38 compact becomes law in the state.

39 Sec. 3. (a) Any compact state may withdraw from the compact
40 by enacting a statute repealing the compact.

41 (b) A compact state's withdrawal shall not take effect until six
42 (6) months after enactment of the repealing statute.



1 (c) Withdrawal from the compact shall not affect the continuing
2 requirement of the withdrawing state's psychology regulatory
3 authority to comply with the investigative and adverse action
4 reporting requirements of this article before the effective date of
5 withdrawal.

6 Sec. 4. Nothing contained in the compact shall be construed to
7 invalidate or prevent any psychology licensure agreement or other
8 cooperative arrangement between a compact state and a
9 noncompact state that does not conflict with the provisions of the
10 compact.

11 Sec. 5. The compact may be amended by the compact states. No
12 amendment to this compact shall become effective and binding
13 upon any compact state until the amendment is enacted into the
14 law of all compact states.

15 Chapter 14. Construction and Severability

16 Sec. 1. This compact shall be liberally construed so as to
17 effectuate the purposes of the compact. If the compact shall be held
18 to be contrary to the constitution of any state member of the
19 compact, the compact shall remain in full force and effect as to the
20 remaining compact states.

21 SECTION 3. IC 34-30-2-101.7 IS ADDED TO THE INDIANA
22 CODE AS A NEW SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2022]: Sec. 101.7. IC 25-33.5-10-12
24 (Concerning acts, errors, and omissions under the psychology
25 interjurisdictional compact).

