

IN THE SENATE

SENATE BILL NO. 1305

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PSYCHOLOGISTS; AMENDING CHAPTER 23, TITLE 54, IDAHO CODE, BY THE  
2 ADDITION OF A NEW SECTION 54-2321, IDAHO CODE, TO ESTABLISH PROVISIONS  
3 REGARDING THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT AND TO PROVIDE  
4 FOR PARTICIPATION IN THE COMPACT; AND DECLARING AN EMERGENCY AND PRO-  
5 VIDING AN EFFECTIVE DATE.  
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 23, Title 54, Idaho Code, be, and the same is  
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
10 ignated as Section 54-2321, Idaho Code, and to read as follows:

11 54-2321. PSYCHOLOGY INTERJURISDICTIONAL COMPACT. The terms and con-  
12 ditions of the psychology interjurisdictional compact are hereby enacted as  
13 follows:

14 PSYCHOLOGY INTERJURISDICTIONAL COMPACT

15 ARTICLE I  
16 PURPOSE

17 Whereas, states license psychologists in order to protect the public  
18 through verification of education, training, and experience and to ensure  
19 accountability for professional practice;

20 Whereas, this compact is intended to regulate the day-to-day practice  
21 of telepsychology (i.e., the provision of psychological services using  
22 telecommunications technologies) by psychologists across state boundaries  
23 in the performance of their psychological practice as assigned by an appro-  
24 priate authority;

25 Whereas, this compact is intended to regulate the temporary in-person,  
26 face-to-face practice of psychology by psychologists across state bound-  
27 aries for thirty (30) days within a calendar year in the performance of their  
28 psychological practice as assigned by an appropriate authority;

29 Whereas, this compact is intended to authorize state psychology regu-  
30 latory authorities to afford legal recognition, in a manner consistent with  
31 the terms of this compact, to psychologists licensed in another state;

32 Whereas, this compact recognizes that states have a vested interest in  
33 protecting the public's health and safety through their licensing and reg-  
34 ulation of psychologists and that such state regulation will best protect  
35 public health and safety;

36 Whereas, this compact does not apply when a psychologist is licensed in  
37 both the home state and receiving states; and

1           Whereas, although this compact does not apply to permanent in-person,  
2 face-to-face practice, it does allow for authorization of temporary psycho-  
3 logical practice.

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

- 6           1. Increase public access to professional psychological services by  
7 allowing for telepsychological practice across state lines as well as  
8 temporary in-person, face-to-face services into a state in which the  
9 psychologist is not licensed to practice psychology;
- 10          2. Enhance the states' ability to protect the public's health and  
11 safety, especially client/patient safety;
- 12          3. Encourage the cooperation of compact states in the areas of psychol-  
13 ogy licensure and regulation;
- 14          4. Facilitate the exchange of information between compact states re-  
15 garding psychologist licensure, adverse actions, and disciplinary his-  
16 tory;
- 17          5. Promote compliance with the laws governing psychological practice  
18 in each compact state; and
- 19          6. Invest all compact states with the authority to hold licensed psy-  
20 chologists accountable through the mutual recognition of compact state  
21 licenses.

22                                   ARTICLE II  
23                                   DEFINITIONS

24          A. "Adverse action" means any action taken by a state psychology reg-  
25 ulatory authority that finds a violation of a statute or regulation that is  
26 identified by the state psychology regulatory authority as discipline and is  
27 a matter of public record.

28          B. "Association of state and provincial psychology boards" or "ASPPB"  
29 means the recognized membership organization composed of state and provin-  
30 cial psychology regulatory authorities responsible for the licensure and  
31 registration of psychologists throughout the United States and Canada.

32          C. "Authority to practice interjurisdictional telepsychology" means  
33 a licensed psychologist's authority to practice telepsychology, within the  
34 limits authorized under this compact, in another compact state.

35          D. "Bylaws" means those bylaws established by the psychology inter-  
36 jurisdictional compact commission pursuant to article X of this compact for  
37 its governance or for directing and controlling its actions and conduct.

38          E. "Client/patient" means the recipient of psychological services,  
39 whether psychological services are delivered in the context of health care,  
40 corporate, supervision, or consulting services.

41          F. "Commissioner" means the voting representative appointed by each  
42 state psychology regulatory authority pursuant to article X of this compact.

43          G. "Compact state" means a state, the District of Columbia, or a United  
44 States territory that has enacted this compact legislation and that has not  
45 withdrawn pursuant to article XIII, subsection C of this compact or been ter-  
46 minated pursuant to article XII, subsection B of this compact.

47          H. "Confidentiality" means the principle that data or information is  
48 not made available or disclosed to unauthorized persons or processes.

1 I. "Coordinated licensure information system" or "coordinated data-  
2 base" means an integrated process for collecting, storing, and sharing in-  
3 formation on psychologists' licensure and enforcement activities related to  
4 psychology licensure laws, which process is administered by the recognized  
5 membership organization composed of state and provincial psychology regula-  
6 tory authorities.

7 J. "Day" means any part of a day in which psychological work is per-  
8 formed.

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

12 L. "E.Passport" means a certificate issued by the ASPPB that promotes  
13 standardization in the criteria of interjurisdictional telepsychology  
14 practice and facilitates the process for licensed psychologists to provide  
15 telepsychological services across state lines.

16 M. "Executive board" means a group of directors elected or appointed to  
17 act on behalf of, and within the powers granted to them by, the commission.

18 N. "Home state" means a compact state where a psychologist is licensed  
19 to practice psychology. If the psychologist is licensed in more than one  
20 (1) compact state and is practicing under the authorization to practice in-  
21 terjurisdictional telepsychology, the home state is the compact state where  
22 the psychologist is physically present when the telepsychological services  
23 are delivered. If the psychologist is licensed in more than one (1) compact  
24 state and is practicing under the temporary authorization to practice, the  
25 home state is any compact state where the psychologist is licensed.

26 O. "Identity history summary" means a summary of information retained  
27 by the federal bureau of investigation (FBI), or other designee with similar  
28 authority, in connection with arrests and, in some instances, federal em-  
29 ployment, naturalization, or military service.

30 P. "In-person, face-to-face" means interactions in which the psychol-  
31 ogist and the client/patient are in the same physical space and does not  
32 include interactions that may occur through the use of telecommunications  
33 technologies.

34 Q. "Interjurisdictional practice certificate" or "IPC" means a cer-  
35 tificate issued by the ASPPB that grants temporary authority to practice  
36 based on notification to the state psychology regulatory authority of inten-  
37 tion to practice temporarily and verification of one's qualifications for  
38 such practice.

39 R. "License" means authorization by a state psychology regulatory au-  
40 thority to engage in the independent practice of psychology, which would be  
41 unlawful without such authorization.

42 S. "Non-compact state" means any state that is not at a given time a com-  
43 pact state.

44 T. "Psychologist" means an individual licensed for the independent  
45 practice of psychology.

46 U. "Psychology interjurisdictional compact commission" or "commis-  
47 sion" means the national administration of which all compact states are  
48 members.

49 V. "Receiving state" means a compact state where the client/patient is  
50 physically located when the telepsychological services are delivered.

1 W. "Rule" means a written statement by the psychology interjurisdic-  
2 tional compact commission promulgated pursuant to article XI of this com-  
3 pact that is of general applicability; that implements, interprets, or pre-  
4 scribes a policy or provision of the compact; or that is an organizational,  
5 procedural, or practice requirement of the commission and has the force and  
6 effect of statutory law in a compact state, and includes the amendment, re-  
7 peal, or suspension of an existing rule.

8 X. "Significant investigatory information" means:

9 1. Investigative information that a state psychology regulatory au-  
10 thority, after a preliminary inquiry that includes notification and an  
11 opportunity to respond if required by state law, has reason to believe,  
12 if proven true, would indicate more than a violation of state statute  
13 or ethics code and would be considered more substantial than a minor  
14 infraction; or

15 2. Investigative information that indicates the psychologist repre-  
16 sents an immediate threat to public health and safety, regardless of  
17 whether the psychologist has been notified or had an opportunity to re-  
18 spond.

19 Y. "State" means a state, commonwealth, territory, or possession of the  
20 United States, and includes the District of Columbia.

21 Z. "State psychology regulatory authority" means the board, office, or  
22 other agency with the legislative mandate to license and regulate the prac-  
23 tice of psychology.

24 AA. "Telepsychology" means the provision of psychological services us-  
25 ing telecommunications technologies.

26 BB. "Temporary authorization to practice" means a licensed psychol-  
27 ogist's authority to conduct temporary in-person, face-to-face practice,  
28 within the limits authorized under this compact, in another compact state.

29 CC. "Temporary in-person, face-to-face practice" means a psychologist  
30 is physically present (not through the use of telecommunications technolo-  
31 gies) in the distant state to provide psychological services for thirty  
32 (30) days within a calendar year and is based on notification to the distant  
33 state.

34 ARTICLE III  
35 HOME STATE LICENSURE

36 A. The home state shall be a compact state where a psychologist is li-  
37 censed to practice psychology.

38 B. A psychologist may hold more than one (1) compact state license at a  
39 time. If the psychologist is licensed in more than one (1) compact state, the  
40 home state is the compact state where the psychologist is physically present  
41 when the services are delivered as authorized by the authority to practice  
42 interjurisdictional telepsychology under the terms of this compact.

43 C. Any compact state may require a psychologist not previously licensed  
44 in a compact state to obtain and retain a license to be authorized to prac-  
45 tice in the compact state under circumstances not authorized by the author-  
46 ity to practice interjurisdictional telepsychology under the terms of this  
47 compact.

1 D. Any compact state may require a psychologist to obtain and retain a  
 2 license to be authorized to practice in a compact state under circumstances  
 3 not authorized by temporary authorization to practice under the terms of  
 4 this compact.

5 E. A home state's license authorizes a psychologist to practice in a re-  
 6 ceiving state under the authority to practice interjurisdictional telepsy-  
 7 chology only if the compact state:

- 8 1. Currently requires the psychologist to hold an active E.Passport;
- 9 2. Has a mechanism in place for receiving and investigating complaints  
 10 about licensed individuals;
- 11 3. Notifies the commission, in compliance with the terms herein, of any  
 12 adverse action or significant investigatory information regarding a  
 13 licensed individual;
- 14 4. Requires an identity history summary of all applicants at initial  
 15 licensure, including the use of the results of fingerprints or other  
 16 biometric data checks compliant with the requirements of the federal  
 17 bureau of investigation, or other designee with similar authority, no  
 18 later than ten (10) years after activation of the compact; and
- 19 5. Complies with the bylaws and rules of the commission.

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

- 22 1. Currently requires the psychologist to hold an active IPC;
- 23 2. Has a mechanism in place for receiving and investigating complaints  
 24 about licensed individuals;
- 25 3. Notifies the commission, in compliance with the terms herein, of any  
 26 adverse action or significant investigatory information regarding a  
 27 licensed individual;
- 28 4. Requires an identity history summary of all applicants at initial  
 29 licensure, including the use of the results of fingerprints or other  
 30 biometric data checks compliant with the requirements of the federal  
 31 bureau of investigation, or other designee with similar authority, no  
 32 later than ten (10) years after activation of the compact; and
- 33 5. Complies with the bylaws and rules of the commission.

#### 34 ARTICLE IV

#### 35 COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

36 A. Compact states shall recognize the right of a psychologist licensed  
 37 in a compact state, in conformance with article III of this compact, to prac-  
 38 tice telepsychology in other compact states (receiving states) in which the  
 39 psychologist is not licensed, under the authority to practice interjuris-  
 40 dictional telepsychology as provided in this compact.

41 B. To exercise the authority to practice interjurisdictional telepsy-  
 42 chology under the terms and provisions of this compact, a psychologist li-  
 43 censed to practice in a compact state must:

- 44 1. Hold a graduate degree in psychology from an institute of higher edu-  
 45 cation that was, at the time the degree was awarded:
  - 46 a. Regionally accredited by an accrediting body recognized by the  
 47 United States department of education to grant graduate degrees

- 1 or authorized by provincial statute or royal charter to grant doc-  
2 toral degrees; or
- 3 b. A foreign college or university deemed to be equivalent to sub-  
4 paragraph a. of this paragraph by a foreign credential evaluation  
5 service that is a member of the national association of credential  
6 evaluation services or by a recognized foreign credential evalua-  
7 tion service; and
- 8 2. Hold a graduate degree in psychology that meets the following crite-  
9 ria:
- 10 a. The program, wherever it may be administratively housed, must  
11 be clearly identified and labeled as a psychology program. Such  
12 a program must specify in pertinent institutional catalogs and  
13 brochures its intent to educate and train professional psycholo-  
14 gists;
- 15 b. The psychology program must stand as a recognizable, coherent,  
16 organizational entity within the institution;
- 17 c. There must be a clear authority and primary responsibility  
18 for the core and specialty areas, whether or not the program cuts  
19 across administrative lines;
- 20 d. The program must consist of an integrated, organized sequence  
21 of study;
- 22 e. There must be an identifiable psychology faculty sufficient in  
23 size and breadth to carry out its responsibilities;
- 24 f. The designated director of the program must be a psychologist  
25 and a member of the core faculty;
- 26 g. The program must have an identifiable body of students who are  
27 matriculated in that program for a degree;
- 28 h. The program must include supervised practicum, internship, or  
29 field training appropriate to the practice of psychology;
- 30 i. The curriculum shall encompass a minimum of three (3) academic  
31 years of full-time graduate study for doctoral degrees and a min-  
32 imum of one (1) academic year of full-time graduate study for mas-  
33 ter's degrees; and
- 34 j. The program includes an acceptable residency as defined by the  
35 rules of the commission;
- 36 3. Possess a current, full and unrestricted license to practice psy-  
37 chology in a home state that is a compact state;
- 38 4. Have no history of adverse action that violates the rules of the com-  
39 mission;
- 40 5. Have no criminal record history reported on an identity history sum-  
41 mary that violates the rules of the commission;
- 42 6. Possess a current, active E.Passport;
- 43 7. Provide attestations in regard to areas of intended practice, con-  
44 formity with standards of practice, and competence in telepsychology  
45 technology; criminal background; and knowledge and adherence to legal  
46 requirements in the home and receiving states, and provide a release of  
47 information to allow for primary source verification in a manner speci-  
48 fied by the commission; and
- 49 8. Meet other criteria as defined by the rules of the commission.

1 C. The home state maintains authority over the license of any psychol-  
2 ogist practicing into a receiving state under the authority to practice in-  
3 terjurisdictional telepsychology.

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

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

19 ARTICLE V

20 COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

21 A. Compact states shall recognize the right of a psychologist licensed  
22 in a compact state in conformance with article III of this compact, to prac-  
23 tice temporarily in other compact states (distant states) in which the psy-  
24 chologist is not licensed as provided in this compact.

25 B. To exercise the temporary authorization to practice under the terms  
26 and provisions of this compact, a psychologist licensed to practice in a com-  
27 pact state must:

28 1. Hold a graduate degree in psychology from an institute of higher edu-  
29 cation that was, at the time the degree was awarded:

30 a. Regionally accredited by an accrediting body recognized by the  
31 United States department of education to grant graduate degrees  
32 or authorized by provincial statute or royal charter to grant doc-  
33 toral degrees; or

34 b. A foreign college or university deemed to be equivalent to sub-  
35 paragraph a. of this paragraph by a foreign credential evaluation  
36 service that is a member of the national association of credential  
37 evaluation services or by a recognized foreign credential evalua-  
38 tion service; and

39 2. Hold a graduate degree in psychology that meets the following crite-  
40 ria:

41 a. The program, wherever it may be administratively housed, must  
42 be clearly identified and labeled as a psychology program. Such  
43 a program must specify in pertinent institutional catalogs and  
44 brochures its intent to educate and train professional psycholo-  
45 gists;

46 b. The psychology program must stand as a recognizable, coherent,  
47 organizational entity within the institution;

- 1 c. There must be a clear authority and primary responsibility  
2 for the core and specialty areas, whether or not the program cuts  
3 across administrative lines;
- 4 d. The program must consist of an integrated, organized sequence  
5 of study;
- 6 e. There must be an identifiable psychology faculty sufficient in  
7 size and breadth to carry out its responsibilities;
- 8 f. The designated director of the program must be a psychologist  
9 and a member of the core faculty;
- 10 g. The program must have an identifiable body of students who are  
11 matriculated in that program for a degree;
- 12 h. The program must include supervised practicum, internship, or  
13 field training appropriate to the practice of psychology;
- 14 i. The curriculum shall encompass a minimum of three (3) academic  
15 years of full-time graduate study for doctoral degrees and a min-  
16 imum of one (1) academic year of full-time graduate study for mas-  
17 ter's degrees; and
- 18 j. The program includes an acceptable residency as defined by the  
19 rules of the commission;
- 20 3. Possess a current, full and unrestricted license to practice psy-  
21 chology in a home state that is a compact state;
- 22 4. No history of adverse action that violates the rules of the commis-  
23 sion;
- 24 5. No criminal record history that violates the rules of the commis-  
25 sion;
- 26 6. Possess a current, active IPC;
- 27 7. Provide attestations in regard to areas of intended practice and  
28 work experience and provide a release of information to allow for pri-  
29 mary source verification in a manner specified by the commission; and
- 30 8. Meet other criteria as defined by the rules of the commission.
- 31 C. A psychologist practicing into a distant state under the temporary  
32 authorization to practice shall do so within the scope of practice autho-  
33 rized by the distant state.
- 34 D. A psychologist practicing into a distant state under the temporary  
35 authorization to practice will be subject to the distant state's authority  
36 and law. A distant state may, in accordance with that state's due process  
37 law, limit or revoke a psychologist's temporary authorization to practice  
38 in the distant state and may take any other necessary actions under the dis-  
39 tant state's applicable law to protect the health and safety of the distant  
40 state's citizens. If a distant state takes action, the state shall promptly  
41 notify the home state and the commission.
- 42 E. If a psychologist's license in any home state, another compact  
43 state, or any temporary authorization to practice in any distant state is  
44 restricted, suspended, or otherwise limited, the IPC shall be revoked, and  
45 therefore the psychologist shall not be eligible to practice in a compact  
46 state under the temporary authorization to practice.



1 ARTICLE VI  
2 CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

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

- 8 1. The psychologist initiates a client/patient contact in a home state  
9 via telecommunications technologies with a client/patient in a receiv-  
10 ing state; or  
11 2. Other conditions regarding telepsychology as determined by rules  
12 promulgated by the commission.

13 ARTICLE VII  
14 ADVERSE ACTIONS

15 A. A home state shall have the power to impose adverse action against a  
16 psychologist's license issued by the home state. A distant state shall have  
17 the power to take adverse action on a psychologist's temporary authorization  
18 to practice within that distant state.

19 B. A receiving state may take adverse action on a psychologist's au-  
20 thority to practice interjurisdictional telepsychology within that receiv-  
21 ing state. A home state may take adverse action against a psychologist based  
22 on an adverse action taken by a distant state regarding temporary in-person,  
23 face-to-face practice.

24 C. If a home state takes adverse action against a psychologist's  
25 license, that psychologist's authority to practice interjurisdictional  
26 telepsychology is terminated and the E.Passport is revoked. Furthermore,  
27 that psychologist's temporary authorization to practice is terminated and  
28 the IPC is revoked.

29 1. All home state disciplinary orders that impose adverse action shall  
30 be reported to the commission in accordance with the rules promulgated  
31 by the commission. A compact state shall report adverse actions in ac-  
32 cordance with the rules of the commission.

33 2. In the event discipline is reported on a psychologist, the psychol-  
34 ogist will not be eligible for telepsychology or temporary in-person,  
35 face-to-face practice in accordance with the rules of the commission.

36 3. Other actions may be imposed as determined by the rules promulgated  
37 by the commission.

38 D. A home state's psychology regulatory authority shall investigate  
39 and take appropriate action with respect to reported inappropriate conduct  
40 engaged in by a licensee that occurred in a receiving state as it would if  
41 such conduct had occurred by a licensee within the home state. In such cases,  
42 the home state's law shall control in determining any adverse action against  
43 a psychologist's license.

44 E. A distant state's psychology regulatory authority shall investigate  
45 and take appropriate action with respect to reported inappropriate con-  
46 duct engaged in by a psychologist practicing under temporary authorization  
47 practice that occurred in that distant state as it would if such conduct had

1 occurred by a licensee within the home state. In such cases, the distant  
2 state's law shall control in determining any adverse action against a psy-  
3 chologist's temporary authorization to practice.

4 F. Nothing in this compact shall override a compact state's decision  
5 that a psychologist's participation in an alternative program may be used in  
6 lieu of adverse action and that such participation shall remain nonpublic if  
7 required by the compact state's law. Compact states must require psycholo-  
8 gists who enter any alternative programs to not provide telepsychology ser-  
9 vices under the authority to practice interjurisdictional telepsychology or  
10 provide temporary psychological services under the temporary authorization  
11 to practice in any other compact state during the term of the alternative  
12 program.

13 G. No other judicial or administrative remedies shall be available to a  
14 psychologist in the event a compact state imposes an adverse action pursuant  
15 to subsection C of this article.

16 ARTICLE VIII  
17 ADDITIONAL AUTHORITIES INVESTED IN A  
18 COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY

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

22 1. Issue subpoenas, for both hearings and investigations, that re-  
23 quire the attendance and testimony of witnesses and the production of  
24 evidence. Subpoenas issued by a compact state's psychology regulatory  
25 authority for the attendance and testimony of witnesses or the produc-  
26 tion of evidence from another compact state shall be enforced in the  
27 latter state by any court of competent jurisdiction, according to that  
28 court's practice and procedure in considering subpoenas issued in its  
29 own proceedings. The issuing state psychology regulatory authority  
30 shall pay any witness fees, travel expenses, mileage, and other fees  
31 required by the service statutes of the state where the witnesses or  
32 evidence are located; and

33 2. Issue cease and desist or injunctive relief orders to revoke a psy-  
34 chologist's authority to practice interjurisdictional telepsychology  
35 or temporary authorization to practice.

36 B. During the course of any investigation, a psychologist may not  
37 change home state licensure. A home state psychology regulatory authority  
38 is authorized to complete any pending investigations of a psychologist and  
39 to take any actions appropriate under its law. The home state psychology  
40 regulatory authority shall promptly report the conclusions of such inves-  
41 tigation to the commission. Once an investigation has been completed, and  
42 pending the outcome of said investigation, the psychologist may change home  
43 state licensure. The commission shall promptly notify the new home state of  
44 any such decisions as provided in the rules of the commission. All informa-  
45 tion provided to the commission or distributed by compact states pursuant  
46 to the psychologist shall be confidential, filed under seal, and used for  
47 investigatory or disciplinary matters. The commission may create addi-

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

3 ARTICLE IX  
4 COORDINATED LICENSURE INFORMATION SYSTEM

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

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

- 13 1. Identifying information;
- 14 2. Licensure data;
- 15 3. Significant investigatory information;
- 16 4. Adverse actions against a psychologist's license;
- 17 5. An indicator that a psychologist's authority to practice inter-  
18 jurisdictional telepsychology or temporary authorization to practice  
19 is revoked;
- 20 6. Nonconfidential information related to alternative program partic-  
21 ipation information;
- 22 7. Any denial of application for licensure and the reasons for such de-  
23 nial; and
- 24 8. Other information that may facilitate the administration of this  
25 compact, as determined by the rules of the commission.

26 C. The coordinated database administrator shall promptly notify all  
27 compact states of any adverse action taken against, or significant inves-  
28 tigative information on, any licensee in a compact state.

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

32 E. Any information submitted to the coordinated database that is subse-  
33 quently required to be expunged by the law of the compact state reporting the  
34 information shall be removed from the coordinated database.

35 ARTICLE X  
36 ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

37 A. The compact states hereby create and establish a joint public agency  
38 known as the psychology interjurisdictional compact commission.

- 39 1. The commission is a body politic and an instrumentality of the com-  
40 pact states.
- 41 2. Venue is proper, and judicial proceedings by or against the commis-  
42 sion shall be brought solely and exclusively in a court of competent ju-  
43 risdiction where the principal office of the commission is located. The  
44 commission may waive venue and jurisdictional defenses to the extent  
45 it adopts or consents to participate in alternative dispute resolution  
46 proceedings.

1 3. Nothing in this compact shall be construed to be a waiver of  
2 sovereign immunity.

3 B. Membership, voting, and meetings.

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

9 a. Executive director, executive secretary, or similar execu-  
10 tive;

11 b. Current member of the state psychology regulatory authority of  
12 a compact state; or

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

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

19 3. Each commissioner shall be entitled to one (1) vote with regard to  
20 the promulgation of rules and creation of bylaws and shall otherwise  
21 have an opportunity to participate in the business and affairs of the  
22 commission. A commissioner shall vote in person or by such other means  
23 as provided in the bylaws. The bylaws may provide for commissioners'  
24 participation in meetings by telephone or other means of communication.

25 4. The commission shall meet at least once during each calendar year.  
26 Additional meetings shall be held as set forth in the bylaws.

27 5. All meetings shall be open to the public, and public notice of meet-  
28 ings shall be given in the same manner as required under the rulemaking  
29 provisions in article XI of this compact.

30 6. The commission may convene in a closed nonpublic meeting if the com-  
31 mission must discuss:

32 a. Noncompliance of a compact state with its obligations under the  
33 compact;

34 b. The employment, compensation, discipline, or other personnel  
35 matters, practices, or procedures related to specific employees  
36 or other matters related to the commission's internal personnel  
37 practices and procedures;

38 c. Current, threatened, or reasonably anticipated litigation  
39 against the commission;

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

42 e. Accusation against any person of a crime or formally censuring  
43 any person;

44 f. Disclosure of trade secrets or commercial or financial infor-  
45 mation that is privileged or confidential;

46 g. Disclosure of information of a personal nature where disclo-  
47 sure would constitute a clearly unwarranted invasion of personal  
48 privacy;

49 h. Disclosure of investigatory records compiled for law enforce-  
50 ment purposes;

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

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

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

18 C. The commission shall, by a majority vote of the commissioners, pre-  
19 scribe bylaws or rules to govern its conduct as may be necessary or appropri-  
20 ate to carry out the purposes and exercise the powers of the compact, includ-  
21 ing but not limited to:

22 1. Establishing the fiscal year of the commission;

23 2. Providing reasonable standards and procedures for the establishment  
24 and meetings of other committees and governing any general or specific  
25 delegation of any authority or function of the commission;

26 3. Providing reasonable procedures for calling and conducting meetings  
27 of the commission, ensuring reasonable advance notice of all meetings,  
28 and providing an opportunity for attendance of such meetings by in-  
29 terested parties, with enumerated exceptions designed to protect the  
30 public's interest, the privacy of individuals of such proceedings, and  
31 proprietary information, including trade secrets. The commission may  
32 meet in closed session only after a majority of the commissioners vote  
33 to close a meeting to the public in whole or in part. As soon as practi-  
34 cable, the commission must make public a copy of the vote to close the  
35 meeting, revealing the vote of each commissioner, with no proxy votes  
36 allowed;

37 4. Establishing the titles, duties, and authority and reasonable pro-  
38 cedures for the election of the officers of the commission;

39 5. Providing reasonable standards and procedures for the establishment  
40 of the personnel policies and programs of the commission. Notwith-  
41 standing any civil service or other similar law of any compact state,  
42 the bylaws shall exclusively govern the personnel policies and programs  
43 of the commission;

44 6. Promulgating a code of ethics to address permissible and prohibited  
45 activities of commission members and employees; and

46 7. Providing a mechanism for concluding the operations of the commis-  
47 sion and the equitable disposition of any surplus funds that may exist  
48 after the termination of the compact after the payment or reserving of  
49 all of its debts and obligations.

1 D. The commission shall publish its bylaws in a convenient form and file  
2 a copy thereof, and a copy of any amendment thereto, with the appropriate  
3 agency or officer in each of the compact states.

4 E. The commission shall maintain its financial records in accordance  
5 with the bylaws.

6 F. The commission shall meet and take such actions as are consistent  
7 with the provisions of this compact and the bylaws.

8 G. The commission shall have the following powers:

9 1. To promulgate uniform rules to facilitate and coordinate implemen-  
10 tation and administration of this compact. The rules shall have the  
11 force and effect of law and shall be binding in all compact states;

12 2. To bring and prosecute legal proceedings or actions in the name of  
13 the commission, provided that the standing of any state psychology reg-  
14 ulatory authority or other regulatory body responsible for psychology  
15 licensure to sue or be sued under applicable law shall not be affected;

16 3. To purchase and maintain insurance and bonds;

17 4. To borrow, accept, or contract for services of personnel, including  
18 but not limited to employees of a compact state;

19 5. To hire employees, elect or appoint officers, fix compensation, de-  
20 fine duties, grant such individuals appropriate authority to carry out  
21 the purposes of the compact, and establish the commission's personnel  
22 policies and programs relating to conflicts of interest, qualifica-  
23 tions of personnel, and other related personnel matters;

24 6. To accept any and all appropriate donations and grants of money,  
25 equipment, supplies, materials, and services and to receive, utilize,  
26 and dispose of the same; provided that at all times the commission shall  
27 strive to avoid any appearance of impropriety or conflict of interest;

28 7. To lease, purchase, and accept appropriate gifts or donations of,  
29 or otherwise to own, hold, improve, or use, any property, real, per-  
30 sonal, or mixed; provided that at all times the commission shall strive  
31 to avoid any appearance of impropriety;

32 8. To sell, convey, mortgage, pledge, lease, exchange, abandon, or oth-  
33 erwise dispose of any property, real, personal, or mixed;

34 9. To establish a budget and make expenditures;

35 10. To borrow money;

36 11. To appoint committees, including advisory committees comprised of  
37 members, state regulators, state legislators or their representatives,  
38 and consumer representatives, and such other interested persons as may  
39 be designated in this compact and the bylaws;

40 12. To provide and receive information from, and to cooperate with, law  
41 enforcement agencies;

42 13. To adopt and use an official seal; and

43 14. To perform such other functions as may be necessary or appropriate  
44 to achieve the purposes of this compact consistent with the state reg-  
45 ulation of psychology licensure, temporary in-person, face-to-face  
46 practice, and telepsychology practice.

47 H. The executive board.

48 1. The elected officers shall serve as the executive board, which shall  
49 have the power to act on behalf of the commission according to the terms  
50 of this compact.

- 1       2. The executive board shall be comprised of six (6) members:
  - 2           a. Five (5) voting members who are elected from the current mem-  
3           bership of the commission by the commission;
  - 4           b. One (1) ex officio, nonvoting member from the recognized mem-  
5           bership organization composed of state and provincial psychology  
6           regulatory authorities.
- 7       3. The ex officio member must have served as staff or member on a state  
8       psychology regulatory authority and will be selected by its respective  
9       organization.
- 10      4. The commission may remove any member of the executive board as pro-  
11      vided in bylaws.
- 12      5. The executive board shall meet at least annually.
- 13      6. The executive board shall have the following duties and responsibil-  
14      ities:
  - 15           a. Recommend to the entire commission changes to the rules or by-  
16           laws, changes to this compact, fees paid by compact states such as  
17           annual dues and any other applicable fees;
  - 18           b. Ensure compact administration services are appropriately pro-  
19           vided, contractual or otherwise;
  - 20           c. Prepare and recommend the budget;
  - 21           d. Maintain financial records on behalf of the commission;
  - 22           e. Monitor compact compliance of member states and provide com-  
23           pliance reports to the commission;
  - 24           f. Establish additional committees as necessary; and
  - 25           g. Other duties as provided in rules or bylaws.
- 26      I. Financing of the commission.
  - 27           1. The commission shall pay, or provide for the payment of, the reason-  
28           able expenses of its establishment, organization, and ongoing activi-  
29           ties.
  - 30           2. The commission may accept any and all appropriate revenue sources,  
31           donations, and grants of money, equipment, supplies, materials, and  
32           services.
  - 33           3. The commission may levy on and collect an annual assessment from  
34           each compact state or impose fees on other parties to cover the cost  
35           of the operations and activities of the commission and its staff, the  
36           total amount of which must be sufficient to cover its annual budget as  
37           approved each year for which revenue is not provided by other sources.  
38           The aggregate annual assessment amount shall be allocated based on a  
39           formula to be determined by the commission, which shall promulgate a  
40           rule binding upon all compact states.
  - 41           4. The commission shall not incur obligations of any kind prior to se-  
42           curing the funds adequate to meet the same or pledge the credit of any  
43           of the compact states, except by and with the authority of the compact  
44           state.
  - 45           5. The commission shall keep accurate accounts of all receipts and dis-  
46           bursements. The receipts and disbursements of the commission shall be  
47           subject to the audit and accounting procedures established under its  
48           bylaws. However, all receipts and disbursements of funds handled by the  
49           commission shall be audited yearly by a certified or licensed public

1 accountant and the report of the audit shall be included in and become  
2 part of the annual report of the commission.

3 J. Qualified immunity, defense, and indemnification.

4 1. The members, officers, executive director, employees, and represen-  
5 tatives of the commission shall be immune from suit and liability, ei-  
6 ther personally or in their official capacity, for any claim for dam-  
7 age to or loss of property or personal injury or other civil liability  
8 caused by or arising out of any actual or alleged act, error, or omission  
9 that occurred, or that the person against whom the claim is made had a  
10 reasonable basis for believing occurred, within the scope of commission  
11 employment, duties, or responsibilities; provided that nothing in this  
12 paragraph shall be construed to protect any such person from suit or li-  
13 ability for any damage, loss, injury, or liability caused by the inten-  
14 tional or willful or wanton misconduct of that person.

15 2. The commission shall defend any member, officer, executive direc-  
16 tor, employee, or representative of the commission in any civil action  
17 seeking to impose liability arising out of any actual or alleged act,  
18 error, or omission that occurred within the scope of commission employ-  
19 ment, duties, or responsibilities, or that the person against whom the  
20 claim is made had a reasonable basis for believing occurred within the  
21 scope of commission employment, duties, or responsibilities; provided  
22 that nothing herein shall be construed to prohibit that person from re-  
23 taining private counsel; and provided further, that the actual or al-  
24 leged act, error, or omission did not result from that person's inten-  
25 tional or willful or wanton misconduct.

26 3. The commission shall indemnify and hold harmless any member, offi-  
27 cer, executive director, employee, or representative of the commission  
28 for the amount of any settlement or judgment obtained against that per-  
29 son arising out of any actual or alleged act, error, or omission that  
30 occurred within the scope of commission employment, duties, or respon-  
31 sibilities, or that such person had a reasonable basis for believing oc-  
32 curred within the scope of commission employment, duties, or responsi-  
33 bilities; provided that the actual or alleged act, error, or omission  
34 did not result from the intentional or willful or wanton misconduct of  
35 that person.

36 ARTICLE XI  
37 RULEMAKING

38 A. The commission shall exercise its rulemaking powers pursuant to the  
39 criteria set forth in this article and the rules adopted thereunder. Rules  
40 and amendments shall become binding as of the date specified in each rule or  
41 amendment.

42 B. If a majority of the legislatures of the compact states rejects a  
43 rule, by enactment of a statute or resolution in the same manner used to adopt  
44 the compact, then such rule shall have no further force and effect in any com-  
45 pact state.

46 C. Rules or amendments to the rules shall be adopted at a regular or spe-  
47 cial meeting of the commission.



1 D. Prior to promulgation and adoption of a final rule or rules by the  
2 commission, and at least sixty (60) days in advance of the meeting at which  
3 the rule will be considered and voted on, the commission shall file a notice  
4 of proposed rulemaking:

5 1. On the website of the commission; and

6 2. On the website of each compact states' psychology regulatory author-  
7 ity or the publication in which each state would otherwise publish pro-  
8 posed rules.

9 E. The notice of proposed rulemaking shall include:

10 1. The proposed time, date, and location of the meeting in which the  
11 rule will be considered and voted on;

12 2. The text of the proposed rule or amendment and the reason for the pro-  
13 posed rule;

14 3. A request for comments on the proposed rule from any interested per-  
15 son; and

16 4. The manner in which interested persons may submit notice to the com-  
17 mission of their intention to attend the public hearing and any written  
18 comments.

19 F. Prior to adoption of a proposed rule, the commission shall allow per-  
20 sons to submit written data, facts, opinions, and arguments, which shall be  
21 made available to the public.

22 G. The commission shall grant an opportunity for a public hearing be-  
23 fore it adopts a rule or amendment if a hearing is requested by:

24 1. At least twenty-five (25) persons who submit comments independently  
25 of each other;

26 2. A governmental subdivision or agency; or

27 3. A duly appointed person in an association that has at least twenty-  
28 five (25) members.

29 H. If a hearing is held on the proposed rule or amendment, the commis-  
30 sion shall publish the place, time, and date of the scheduled public hearing.

31 1. All persons wishing to be heard at the hearing shall notify the exec-  
32 utive director of the commission or other designated member in writing  
33 of their desire to appear and testify at the hearing no less than five  
34 (5) business days before the scheduled date of the hearing.

35 2. Hearings shall be conducted in a manner providing each person who  
36 wishes to comment a fair and reasonable opportunity to comment orally or  
37 in writing.

38 3. No transcript of the hearing is required unless a written request for  
39 a transcript is made, in which case the person requesting the transcript  
40 shall bear the cost of producing the transcript. A recording may be made  
41 in lieu of a transcript under the same terms and conditions as a tran-  
42 script. This paragraph shall not preclude the commission from making a  
43 transcript or recording of the hearing if it so chooses.

44 4. Nothing in this section shall be construed as requiring a separate  
45 hearing on each rule. Rules may be grouped for the convenience of the  
46 commission at hearings required by this section.

47 I. Following the scheduled hearing date, or by the close of business on  
48 the scheduled hearing date if the hearing was not held, the commission shall  
49 consider all written and oral comments received.

1 J. The commission shall, by majority vote of all members, take final ac-  
2 tion on the proposed rule and shall determine the effective date of the rule,  
3 if any, based on the rulemaking record and the full text of the rule.

4 K. If no written notice of intent to attend the public hearing by inter-  
5 ested parties is received, the commission may proceed with promulgation of  
6 the proposed rule without a public hearing.

7 L. Upon determination that an emergency exists, the commission may con-  
8 sider and adopt an emergency rule without prior notice, opportunity for com-  
9 ment, or hearing, provided that the usual rulemaking procedures provided in  
10 the compact and in this section shall be retroactively applied to the rule as  
11 soon as reasonably possible and in no event later than ninety (90) days after  
12 the effective date of the rule. For the purposes of this subsection, an emer-  
13 gency rule is one that must be adopted immediately in order to:

- 14 1. Meet an imminent threat to public health, safety, or welfare;
- 15 2. Prevent a loss of commission or compact state funds;
- 16 3. Meet a deadline for the promulgation of an administrative rule that  
17 is established by federal law or rule; or
- 18 4. Protect public health and safety.

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

## 31 ARTICLE XII

### 32 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

#### 33 A. Oversight.

34 1. The executive, legislative, and judicial branches of state govern-  
35 ment in each compact state shall enforce this compact and take all ac-  
36 tions necessary and appropriate to effectuate the compact's purposes  
37 and intent. The provisions of this compact and the rules promulgated  
38 hereunder shall have standing as statutory law.

39 2. All courts shall take judicial notice of the compact and the rules in  
40 any judicial or administrative proceeding in a compact state pertain-  
41 ing to the subject matter of this compact that may affect the powers, re-  
42 sponsibilities, or actions of the commission.

43 3. The commission shall be entitled to receive service of process in any  
44 such proceeding and shall have standing to intervene in such a proceed-  
45 ing for all purposes. Failure to provide service of process to the com-  
46 mission shall render a judgment or order void as to the commission, this  
47 compact, or promulgated rules.

#### 48 B. Default, technical assistance, and termination.

1 1. If the commission determines that a compact state has defaulted in  
2 the performance of its obligations or responsibilities under this com-  
3 pact or the promulgated rules, the commission shall:

4 a. Provide written notice to the defaulting state and other com-  
5 pact states of the nature of the default, the proposed means of  
6 remedying the default, and any other action to be taken by the com-  
7 mission; and

8 b. Provide remedial training and specific technical assistance  
9 regarding the default.

10 2. If a state in default fails to remedy the default, the defaulting  
11 state may be terminated from the compact upon an affirmative vote of a  
12 majority of the compact states, and all rights, privileges, and bene-  
13 fits conferred by this compact shall be terminated on the effective date  
14 of termination. A remedy of the default does not relieve the offending  
15 state of obligations or liabilities incurred during the period of de-  
16 fault.

17 3. Termination of membership in the compact shall be imposed only af-  
18 ter all other means of securing compliance have been exhausted. Notice  
19 of intent to suspend or terminate shall be submitted by the commission  
20 to the governor, the majority and minority leaders of the defaulting  
21 state's legislature, and each of the compact states.

22 4. A compact state that has been terminated is responsible for all as-  
23 sessments, obligations, and liabilities incurred through the effective  
24 date of termination, including obligations that extend beyond the ef-  
25 fective date of termination.

26 5. The commission shall not bear any costs incurred by the state that  
27 are found to be in default or that have been terminated from the compact,  
28 unless agreed upon in writing between the commission and the defaulting  
29 state.

30 6. The defaulting state may appeal the action of the commission by peti-  
31 tioning the United States district court for the state of Georgia or the  
32 federal district where the compact has its principal offices. The pre-  
33 vailing member shall be awarded all costs of such litigation, including  
34 reasonable attorney's fees.

35 C. Dispute resolution.

36 1. Upon request by a compact state, the commission shall attempt to re-  
37 solve disputes related to the compact that arise among compact states  
38 and between compact and non-compact states.

39 2. The commission shall promulgate a rule providing for both mediation  
40 and binding dispute resolution for disputes that arise before the com-  
41 mission.

42 D. Enforcement.

43 1. The commission, in the reasonable exercise of its discretion, shall  
44 enforce the provisions and rules of this compact.

45 2. By majority vote, the commission may initiate legal action in the  
46 United States district court for the state of Georgia or the federal  
47 district where the compact has its principal offices against a com-  
48 pact state in default to enforce compliance with the provisions of  
49 the compact and its promulgated rules and bylaws. The relief sought  
50 may include both injunctive relief and damages. In the event judicial

1 enforcement is necessary, the prevailing member shall be awarded all  
2 costs of such litigation, including reasonable attorney's fees.

3 3. The remedies herein shall not be the exclusive remedies of the com-  
4 mission. The commission may pursue any other remedies available under  
5 federal or state law.

#### 6 ARTICLE XIII

#### 7 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL 8 COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

9 A. The compact shall come into effect on the date on which the compact  
10 is enacted into law in the seventh compact state. The provisions that be-  
11 come effective at that time shall be limited to the powers granted to the com-  
12 mission relating to assembly and the promulgation of rules. Thereafter, the  
13 commission shall meet and exercise rulemaking powers necessary to the imple-  
14 mentation and administration of the compact.

15 B. Any state that joins the compact subsequent to the commission's ini-  
16 tial adoption of the rules shall be subject to the rules as they exist on the  
17 date on which the compact becomes law in that state. Any rule that has been  
18 previously adopted by the commission shall have the full force and effect of  
19 law on the day the compact becomes law in that state.

20 C. Any compact state may withdraw from this compact by enacting legis-  
21 lation repealing the same.

22 1. A compact state's withdrawal shall not take effect until six (6)  
23 months after enactment of the repealing legislation.

24 2. Withdrawal shall not affect the continuing requirement of the with-  
25 drawing state's psychology regulatory authority to comply with the in-  
26 vestigative and adverse action reporting requirements of this compact  
27 prior to the effective date of withdrawal.

28 D. Nothing contained in this compact shall be construed to invalidate  
29 or prevent any psychology licensure agreement or other cooperative arrange-  
30 ment between a compact state and a non-compact state that does not conflict  
31 with the provisions of this compact.

32 E. This compact may be amended by the compact states. No amendment to  
33 this compact shall become effective and binding upon any compact state until  
34 it is enacted into the law of all compact states.

#### 35 ARTICLE XIV

#### 36 CONSTRUCTION AND SEVERABILITY

37 This compact shall be liberally construed so as to effectuate the pur-  
38 poses thereof. If this compact shall be held contrary to the constitution of  
39 any member state, the compact shall remain in full force and effect as to the  
40 remaining compact states.

41 SECTION 2. An emergency existing therefor, which emergency is hereby  
42 declared to exist, this act shall be in full force and effect on and after  
43 July 1, 2022.