

As Reported by the House Health Committee

133rd General Assembly

Regular Session

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Sub. S. B. No. 258

Senator Gavarone

Cosponsors: Senators Roegner, Hackett, Coley, Huffman, S., Antonio, Blessing, Brenner, Burke, Craig, Dolan, Eklund, Fedor, Hoagland, Johnson, Kunze, Lehner, Maharath, Manning, O'Brien, Rulli, Thomas, Williams, Wilson

A BILL

To amend sections 503.40, 503.41, 503.42, 503.43, 1
503.44, 503.47, 503.48, 503.49, 503.50, 715.61, 2
2927.17, 4731.04, 4731.15, and 4731.41; to enact 3
sections 503.411, 4732.40, and 4732.41; and to 4
repeal sections 503.45 and 503.46 of the Revised 5
Code to enter into the Psychology 6
Interjurisdictional Compact (PSYPACT) and to 7
make changes to the massage therapy licensing 8
law. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 503.40, 503.41, 503.42, 503.43, 10
503.44, 503.47, 503.48, 503.49, 503.50, 715.61, 2927.17, 11
4731.04, 4731.15, and 4731.41 be amended and sections 503.411, 12
4732.40, and 4732.41 of the Revised Code be enacted to read as 13
follows: 14

Sec. 503.40. As used in sections 503.40 to 503.49 of the 15
Revised Code: 16

(A) ~~"Massage therapy" means any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance~~ has the same meaning as in section 4731.04 of the Revised Code.

(B) "Massage establishment" means any fixed place of business where ~~a person offers massages~~ massage therapy is provided:

(1) In exchange for anything of value; or

(2) In connection with the provision of another legitimate service.

(C) ~~"Masseur" or "masseuse"~~ "Massage therapist" means any individual ~~person who performs massages at a massage establishment~~ massage therapy.

(D) ~~"Sexual or genital area" includes the genitalia, pubic area, anus, perineum of any person, and the breasts of a female~~ "Registration" means to provide information to the board of township trustees to indicate the location of the establishment, the names of individuals employed there, and evidence of current state licensure or student status of anyone providing massage therapy at the establishment as provided in division (A) of section 503.411 of the Revised Code.

Sec. 503.41. (A) A board of township trustees, by resolution, may regulate ~~and require the registration of~~ massage establishments ~~and their employees~~ within the unincorporated territory of the township and may require the registration of persons performing massage therapy at the massage establishments. In accordance with sections 503.40 to 503.49 of

the Revised Code, for ~~that purpose~~ those purposes, the board, by 46
a majority vote of all members, may adopt, amend, administer, 47
and enforce such establishment regulations and registration 48
requirements within the unincorporated territory of the 49
township. 50

(B) A board may adopt establishment regulations, 51
registration requirements, and amendments under this section 52
only after public hearing at not fewer than two regular sessions 53
of the board. The board shall cause to be published in a 54
newspaper of general circulation in the township, or as provided 55
in section 7.16 of the Revised Code, notice of the public 56
hearings, including the time, date, and place, once a week for 57
two weeks immediately preceding the hearings. The board shall 58
make available proposed establishment regulations, registration 59
requirements, or amendments to the public at the office of the 60
board. 61

(C) ~~Regulations~~ Establishment regulations, registration 62
requirements, or amendments adopted by the board are effective 63
thirty days after the date of adoption unless, within thirty 64
days after the adoption of the regulations, requirements, or 65
amendments, the township fiscal officer receives a petition, 66
signed by a number of qualified electors residing in the 67
unincorporated area of the township equal to not less than ten 68
per cent of the total vote cast for all candidates for governor 69
in the area at the most recent general election at which a 70
governor was elected, requesting the board to submit the 71
regulations, requirements, or amendments to the electors of the 72
area for approval or rejection at the next primary or general 73
election occurring at least ninety days after the board receives 74
the petition. 75

No establishment regulation, registration requirement, or 76
amendment for which the referendum vote has been requested is 77
effective unless a majority of the votes cast on the issue is in 78
favor of the regulation, requirement, or amendment. Upon 79
certification by the board of elections that a majority of the 80
votes cast on the issue was in favor of the regulation, 81
requirement, or amendment, the regulation, requirement, or 82
amendment takes immediate effect. 83

(D) The board shall make available establishment 84
regulations and registration requirements it adopts or amends to 85
the public at the office of the board and shall cause to be 86
published once a notice of the availability of the regulations 87
and requirements in a newspaper of general circulation in the 88
township within ten days after their adoption or amendment. 89

(E) Nothing in sections 503.40 to 503.49 of the Revised 90
Code shall be construed to allow a board of township trustees to 91
license any massage therapist or otherwise regulate the practice 92
of any limited branch of medicine specified in section 4731.15 93
of the Revised Code or the practice of providing therapeutic 94
massage by a licensed physician, a licensed podiatrist, a 95
licensed chiropractor, ~~a licensed podiatrist,~~ a licensed nurse, 96
or any other licensed health professional. ~~As~~ 97

As used in this division, "licensed" means licensed, 98
certified, or registered to practice in this state. 99

Sec. 503.411. If a board of township trustees has adopted 100
a resolution under section 503.41 of the Revised Code to 101
regulate massage establishments, all of the following apply: 102

(A) The massage establishment regulations shall include a 103
requirement that all massage therapy performed in a massage 104

establishment be performed by a person who meets one or more of 105
the following conditions and that does not exclude any such 106
person: 107

(1) Is licensed by the state cosmetology and barber board, 108
or its predecessors or successors, and provides massage therapy 109
as a portion of, and incidental to, barber services in 110
accordance with Chapter 4709. of the Revised Code or cosmetology 111
services in accordance with Chapter 4713. of the Revised Code; 112

(2) Is licensed by the board of nursing, or its 113
predecessors or successors, and provides massage therapy as a 114
portion of, and incidental to, nursing services in accordance 115
with Chapter 4723. of the Revised Code; 116

(3) Is licensed by the state medical board, or its 117
predecessors or successors, and provides massage therapy as a 118
portion of, and incidental to, medical services in accordance 119
with Chapter 4730. or 4731. of the Revised Code or acupuncture 120
or oriental medicine in accordance with Chapter 4762. of the 121
Revised Code; 122

(4) Is licensed by the state chiropractic board, or its 123
predecessors or successors, and provides massage therapy as a 124
portion of, and incidental to, chiropractic services in 125
accordance with Chapter 4734. of the Revised Code; 126

(5) Is licensed by the state medical board, or its 127
predecessors or successors, as a massage therapist in accordance 128
with Chapter 4731. of the Revised Code; 129

(6) Is licensed by the Ohio occupational therapy, physical 130
therapy, and athletic trainers board, or its predecessors or 131
successors, and provides massage therapy as a portion of, and 132
incidental to, services provided as an occupational therapist, 133

physical therapist, or athletic trainer in accordance with 134
Chapter 4755. of the Revised Code; 135

(7) Is enrolled and regularly and actively participating 136
in a program of study to achieve the training necessary to 137
obtain the massage therapist license specified in division (A) 138
(5) of this section and the program of study is in good standing 139
as determined by the state medical board. 140

(B) No person shall knowingly act as a massage therapist 141
for a massage establishment located in the unincorporated area 142
of the township without first having obtained a license from a 143
board specified in division (A) of this section or without being 144
a student as provided in division (A) (7) of this section. 145

(C) The massage establishment regulations may include any 146
of the following: 147

(1) A requirement that the massage establishment fully 148
comply with any applicable zoning resolution and amendments to 149
the resolution that are adopted by the board under Chapter 519. 150
of the Revised Code; 151

(2) Designated hours as prohibited hours of operation; 152

(3) The prohibitions set forth in division (B) of section 153
503.42 of the Revised Code; 154

(4) Any other regulation considered by the board to be 155
necessary for the health, safety, and welfare of the township 156
residents, subject to division (E) of section 503.41 of the 157
Revised Code. 158

Sec. 503.42. If a board of township trustees has adopted a 159
resolution under section 503.41 of the Revised Code that 160
includes a permit requirement to operate a massage 161

establishment: 162

(A) No person shall ~~engage in, conduct or carry on, or~~ 163
~~permit to be engaged in, conducted or carried on in the~~ 164
~~unincorporated areas of the township, the operation of operate a~~ 165
massage establishment in the unincorporated areas of a township 166
without first having obtained a permit from the board of 167
township trustees as provided in section 503.43 of the Revised 168
Code. 169

(B) ~~No individual shall act as a masseur or masseuse for a~~ 170
~~massage establishment located in the unincorporated areas of the~~ 171
~~township without first having obtained a license from the board~~ 172
~~of township trustees as provided in section 503.45 of the~~ 173
~~Revised Code.~~ 174

~~(C)~~ No owner or operator of a massage establishment 175
located in the unincorporated ~~areas~~ area of the township shall 176
knowingly do any of the following: 177

(1) ~~Employ an unlicensed masseur or masseuse as a massage~~ 178
~~therapist a person who does not meet one of the criteria listed~~ 179
in division (A) of section 503.411 of the Revised Code; 180

(2) Refuse to allow appropriate state or local 181
authorities, including police officers, access to the massage 182
establishment for any health or safety inspection conducted 183
pursuant to a massage establishment regulation or massage 184
therapist registration requirement adopted by the township under 185
section 503.41 of the Revised Code; 186

(3) Operate during the hours designated as prohibited 187
hours of operation by the board of township trustees; 188

(4) Employ any person under the age of eighteen. 189

~~(D) No person employed in a massage establishment located~~ 190
~~in the unincorporated area of the township shall knowingly do~~ 191
~~any of the following in the performance of duties at the massage~~ 192
~~establishment.~~ 193

~~(1) Place his or her hand upon, touch with any part of his~~ 194
~~or her body, fondle in any manner, or massage the sexual or~~ 195
~~genital area of any other person;~~ 196

~~(2) Perform, offer, or agree to perform any act which~~ 197
~~would require the touching of the sexual or genital area of any~~ 198
~~other person;~~ 199

~~(3) Touch, offer, or agree to touch the sexual or genital~~ 200
~~area of any other person with any mechanical or electrical~~ 201
~~apparatus or appliance;~~ 202

~~(4) Wear unclean clothing, no clothing, transparent~~ 203
~~clothing, or clothing that otherwise reveals the sexual or~~ 204
~~genital areas of the masseur or masseuse;~~ 205

~~(5) Uncover or allow the sexual or genital area of any~~ 206
~~other person to be uncovered while providing massages.~~ 207

~~(E) No licensed masseur or masseuse shall accept or~~ 208
~~continue employment at a massage establishment that does not~~ 209
~~have a current, valid permit issued by the board of township~~ 210
~~trustees.~~ 211

Sec. 503.43. If a board of township trustees has adopted a 212
resolution under section 503.41 of the Revised Code that 213
includes a permit requirement to operate a massage 214
establishment, the application for a permit to operate a massage 215
establishment shall be made to the board and shall include the 216
following: 217

(A) An initial, nonrefundable filing fee of two hundred 218
fifty dollars and an annual nonrefundable renewal fee of one 219
hundred twenty-five dollars; 220

(B) A health and safety report of an inspection of the 221
premises performed within thirty days of the application to 222
determine compliance with applicable health and safety codes, 223
which inspection appropriate state or local authorities acting 224
pursuant to an agreement with the board shall perform; 225

(C) The full name and address of any person applying for a 226
permit, including any partner or limited partner of a 227
partnership applicant, any officer or director of a corporate 228
applicant, and any stock holder holding more than two per cent 229
of the stock of a corporate applicant having less than a total 230
of fifty employees or any stock holder holding more than twenty- 231
five per cent of the stock of a corporate applicant having more 232
than a total of fifty employees, the date of birth ~~and social-~~ 233
~~security number~~ of each individual, and the federal 234
identification number of any partnership or corporation; 235

(D) Authorization for an investigation into the criminal 236
record of any person applying for a permit; 237

(E) Proof that the massage establishment fully complies 238
with any applicable zoning resolution and amendments to the 239
resolution adopted by the board under Chapter 519. of the 240
Revised Code; 241

(F) Any other information determined by the board to be 242
necessary for the health, safety, and welfare of the township 243
residents, subject to division (E) of section 503.41 of the 244
Revised Code. 245

A permit issued under this section to a massage 246

establishment shall expire one year after the date of issuance, 247
except that no massage establishment shall be required to 248
discontinue business because of the failure of the board to act 249
on a renewal application filed in a timely manner and pending 250
before the board on the expiration date of the establishment's 251
permit. Each permit shall contain the name of the applicant, the 252
address of the massage establishment, and the expiration date of 253
the permit. 254

Sec. 503.44. If a board of township trustees has adopted a 255
resolution under section 503.41 of the Revised Code that 256
includes a permit requirement to operate a massage 257
establishment, it shall deny any application for a permit to 258
operate a massage establishment or revoke, at any time, a 259
previously issued permit, for any of the following reasons: 260

(A) Falsification of any of the information required for 261
the application or failure to fully complete the application; 262

(B) Failure to cooperate with any required health or 263
safety inspection; 264

(C) Any one of the persons named on the application is 265
under the age of eighteen; 266

(D) Any one of the persons named on the application has 267
been convicted of or pleaded guilty to any violation of Chapter 268
2907. of the Revised Code, or any violation of any municipal 269
ordinance that is substantially equivalent to any offense 270
contained in Chapter 2907. of the Revised Code, within five 271
years preceding the application; 272

~~(E) Any masseur or masseuse employed at the licensed 273~~
~~massage establishment has been convicted of or pleaded guilty to 274~~
~~a violation of division (D) of section 503.42 of the Revised 275~~

Code. 276

Sec. 503.47. If a board of township trustees has adopted a 277
resolution under section 503.41 of the Revised Code that 278
includes a permit requirement to operate a massage 279
establishment, the regulations adopted for that purpose may 280
require any of the following: 281

(A) A massage establishment to display its current permit 282
in an area open to the public; 283

(B) ~~Each massager~~ A massage establishment to display the 284
~~massager's license~~ massage therapists' licenses to practice at 285
all times in the areas of the massage establishment where the 286
~~licensee is providing massages~~ massage therapy is provided; 287

(C) Massage establishments to undergo periodic health and 288
safety inspections to determine continual compliance with 289
applicable health and safety codes; 290

(D) ~~Massagers to undergo periodic physical examinations~~ 291
~~performed by a licensed physician, a physician assistant, a~~ 292
~~clinical nurse specialist, a certified nurse practitioner, or a~~ 293
~~certified nurse-midwife certifying that the massager continues~~ 294
~~to be free from communicable diseases;~~ 295

~~(E)~~ Any other requirement reasonably thought necessary by 296
the board for the health, safety, and welfare of township 297
residents, subject to division (E) of section 503.41 of the 298
Revised Code. 299

Sec. 503.48. A board of township trustees acting under 300
sections 503.40 to 503.49 of the Revised Code that has adopted a 301
resolution under section 503.41 of the Revised Code need not 302
hold any hearing in connection with an order denying or revoking 303
a permit to operate a massage establishment ~~or masseur or~~ 304

~~masseuse license~~. The board shall maintain a complete record of
each proceeding and shall notify the applicant in writing of its
order. Any person adversely affected by an order of the board
denying or revoking a permit to operate a massage establishment
~~or masseur or masseuse license~~ may appeal from the order of the
board to the court of common pleas of the county in which the
township is located, ~~the place of business of the permit holder~~
~~is located, or the person is a resident~~. The appeal shall be in
accordance with Chapter 2506. of the Revised Code.

Sec. 503.49. If a board of township trustees has adopted a
resolution under section 503.41 of the Revised Code that
includes a permit requirement to operate a massage
establishment, the board shall deposit the fees collected by the
township for massage establishment permits ~~and masseur and~~
~~masseuse licenses~~ in the township general fund and first use the
fees for the cost of administering and enforcing massage
establishment regulations and massage therapist registration
requirements adopted under section 503.41 of the Revised Code.

Sec. 503.50. (A) Whoever violates division (A) ~~or (B)~~ of
section 503.42 of the Revised Code is guilty of a misdemeanor of
the first degree.

(B) Whoever violates division (B) of section 503.411 or
division ~~(C), (D), or (E)~~ (B) of section 503.42 of the Revised
Code is guilty of a misdemeanor of the third degree.

Sec. 715.61. (A) As used in this section:

(1) "Massage establishment" has the same meaning as in
section 503.40 of the Revised Code.

(2) "Massage therapy" has the same meaning as in section
4731.04 of the Revised Code.

(B) Any municipal corporation may regulate and license 334
manufacturers and dealers in explosives, chattel mortgage and 335
salary loan brokers, peddlers, public ballrooms, scavengers, 336
intelligence officers, billiard rooms, bowling alleys, livery, 337
sale, and boarding stables, dancing or riding academies or 338
schools, race courses, ball grounds, street musicians, 339
secondhand dealers, junk shops, and all persons engaged in the 340
trade, business, or profession of manicuring, ~~massaging~~, or 341
chiroprody. In the granting of any license a municipal 342
corporation may charge such fees as the legislative authority 343
deems proper and expedient. 344

(C) (1) A municipal corporation may regulate and license 345
massage establishments within its jurisdiction and may require 346
the registration of persons performing massage therapy at the 347
massage establishment. 348

(2) If a municipal corporation regulates massage 349
establishments under this section, the regulations shall include 350
a requirement that all massage therapy performed in the massage 351
establishment be performed by a person described in division (A) 352
of section 503.411 of the Revised Code. 353

Sec. 2927.17. (A) No person, by means of a statement, 354
solicitation, or offer in a print or electronic publication, 355
sign, placard, storefront display, or other medium, shall 356
advertise massage therapy, relaxation massage, any other massage 357
technique or method, or any related service, with the suggestion 358
or promise of sexual activity. 359

(B) Whoever violates this section is guilty of unlawful 360
advertising of massage, a misdemeanor of the first degree. 361

(C) Nothing in this section prevents the legislative 362

authority of a municipal corporation or township from enacting 363
any regulation of the advertising of massage further than and in 364
addition to the provisions of divisions (A) and (B) of this 365
section. 366

(D) As used in this section, ~~"sexual:~~ 367

(1) "Massage therapy" has the same meaning as in section 368
4731.04 of the Revised Code. 369

(2) "Sexual activity" has the same meaning as in section 370
2907.01 of the Revised Code. 371

Sec. 4731.04. As used in this chapter: 372

(A) "Cosmetic therapy" means the permanent removal of hair 373
from the human body through the use of electric modalities 374
approved by the state medical board for use in cosmetic therapy 375
and may include the systematic friction, stroking, slapping, and 376
kneading or tapping of the face, neck, scalp, or shoulders. 377

(B) "Fifth pathway training" means supervised clinical 378
training obtained in the United States as a substitute for the 379
internship or social service requirements of a foreign medical 380
school. 381

(C) "Graduate medical education" means education received 382
through any of the following: 383

(1) An internship, residency, or clinical fellowship 384
program conducted in the United States and accredited by either 385
the accreditation council for graduate medical education of the 386
American medical association or the American osteopathic 387
association; 388

(2) A clinical fellowship program that is not accredited 389
as described in division (C) (1) of this section, but is 390

conducted in the United States at an institution with a 391
residency program that is accredited as described in that 392
division and is in a clinical field the same as or related to 393
the clinical field of the fellowship program; 394

(3) An internship program conducted in Canada and 395
accredited by the committee on accreditation of preregistration 396
physician training programs of the federation of provincial 397
medical licensing authorities of Canada; 398

(4) A residency program conducted in Canada and accredited 399
by either the royal college of physicians and surgeons of Canada 400
or the college of family physicians of Canada. 401

(D) "Massage therapy" means the ~~treatment of disorders of~~ 402
~~the human body by the~~ manipulation of soft tissue through the 403
systematic external application of massage techniques including 404
touch, stroking, friction, vibration, percussion, kneading, 405
stretching, compression, and joint movements within the normal 406
physiologic range of motion; and adjunctive thereto, the 407
external application of water, heat, cold, topical preparations, 408
and mechanical devices. 409

"Massage therapy" does not include the manipulation of the 410
reproductive organs, perineum, rectum, or anus unless the action 411
is undertaken pursuant to a prescription issued by a person who 412
is authorized under this chapter to practice medicine and 413
surgery or osteopathic medicine and surgery or the action is 414
performed under the supervision of such a physician. 415

(E) "Reflexology" means a protocol of manual techniques 416
that are applied to specific reflex areas on the feet, hands, 417
and outer ears for the purpose of stimulating the complex neural 418
pathways linking body systems to achieve optimal body function. 419

Manual techniques include thumb- and finger-walking, as well as 420
hook and backup and rotating-on-a-point. 421

Sec. 4731.15. (A) The state medical board also shall 422
regulate the following limited branches of medicine: massage 423
therapy and cosmetic therapy, and to the extent specified in 424
section 4731.151 of the Revised Code, naprapathy and 425
mechanotherapy. The board shall adopt rules governing the 426
limited branches of medicine under its jurisdiction. The rules 427
shall be adopted in accordance with Chapter 119. of the Revised 428
Code. 429

(B) A license to practice a limited branch of medicine 430
issued by the state medical board is valid for a two-year period 431
unless revoked or suspended and expires on the date that is two 432
years after the date of issuance. The license may be renewed for 433
additional two-year periods in accordance with division (C) of 434
this section. 435

(C) Both of the following apply with respect to the 436
renewal of licenses to practice a limited branch of medicine: 437

(1) Each person seeking to renew a license to practice a 438
limited branch of medicine shall apply for biennial renewal with 439
the state medical board in a manner prescribed by the board. An 440
applicant for renewal shall pay a biennial renewal fee of one 441
hundred dollars. 442

(2) At least one month before a license expires, the board 443
shall provide a renewal notice to the license holder. 444

(D) All persons who hold a license to practice a limited 445
branch of medicine issued by the state medical board shall 446
provide the board notice of any change of address. The notice 447
shall be submitted to the board not later than thirty days after 448

the change of address. 449

(E) A license to practice a limited branch of medicine 450
shall be automatically suspended if the license holder fails to 451
renew the license in accordance with division (C) of this 452
section. Continued practice after the suspension of the license 453
to practice shall be considered as practicing in violation of 454
sections 4731.34 and 4731.41 of the Revised Code. 455

If a license has been suspended pursuant to this division 456
for two years or less, it may be reinstated. The board shall 457
reinstate the license upon an applicant's submission of a 458
renewal application and payment of a reinstatement fee of one 459
hundred twenty-five dollars. With regard to reinstatement of a 460
license to practice cosmetic therapy, the applicant also shall 461
submit with the application a certification that the number of 462
hours of continuing education necessary to have a suspended 463
license reinstated have been completed, as specified in rules 464
the board shall adopt in accordance with Chapter 119. of the 465
Revised Code. 466

If a license has been suspended pursuant to this division 467
for more than two years, it may be restored. Subject to section 468
4731.222 of the Revised Code, the board may restore the license 469
upon an applicant's submission of a restoration application and 470
a restoration fee of one hundred fifty dollars and compliance 471
with sections 4776.01 to 4776.04 of the Revised Code. The board 472
shall not restore to an applicant a license to practice unless 473
the board, in its discretion, decides that the results of the 474
criminal records check do not make the applicant ineligible for 475
a license issued pursuant to section 4731.17 of the Revised 476
Code. 477

(F) The following persons are not required to hold a 478

license to practice massage therapy issued under this chapter: 479

(1) A person authorized to practice under Chapter 4709., 480
4713., 4723., 4730., 4734., 4755., or 4762. of the Revised Code, 481
provided that the scope of practice authorizes the person to use 482
massage techniques; 483

(2) An enrolled student practicing massage therapy as part 484
of a program of study at a school, college, or institution in 485
good standing as determined by the board in accordance with 486
division (A) of section 4731.16 of the Revised Code; 487

(3) A person holding a license to practice cosmetic 488
therapy issued under this chapter and whose practice may include 489
massage techniques; 490

(4) A person who holds a certification issued by the 491
American reflexology certification board or its successor and 492
who practices reflexology in this state; 493

(5) An enrolled student practicing reflexology as part of 494
a program of study at a school, college, or institution with a 495
certificate of registration issued by the state board of career 496
colleges and schools under section 3332.05 of the Revised Code. 497

Sec. 4731.41. (A) No—Except as provided in division (F) of 498
section 4731.15 of the Revised Code, no person shall practice 499
medicine and surgery, or any of its branches, without the 500
appropriate license or certificate from the state medical board 501
to engage in the practice. No person shall advertise or claim to 502
the public to be a practitioner of medicine and surgery, or any 503
of its branches, without a license or certificate from the 504
board. No person shall open or conduct an office or other place 505
for such practice without a license or certificate from the 506
board. No person shall conduct an office in the name of some 507

person who has a license or certificate to practice medicine and 508
surgery, or any of its branches. No person shall practice 509
medicine and surgery, or any of its branches, after the person's 510
license or certificate has been revoked, or, if suspended, 511
during the time of such suspension. 512

A license or certificate signed by the secretary of the 513
board to which is affixed the official seal of the board to the 514
effect that it appears from the records of the board that no 515
such license or certificate to practice medicine and surgery, or 516
any of its branches, in this state has been issued to the person 517
specified therein, or that a license or certificate to practice, 518
if issued, has been revoked or suspended, shall be received as 519
prima-facie evidence of the record of the board in any court or 520
before any officer of the state. 521

(B) No license or certificate from the state medical board 522
is required by a physician who comes into this state to practice 523
medicine at a free-of-charge camp accredited by the SeriousFun 524
children's network that specializes in providing therapeutic 525
recreation, as defined in section 2305.231 of the Revised Code, 526
for individuals with chronic illnesses as long as all of the 527
following apply: 528

(1) The physician provides documentation to the medical 529
director of the camp that the physician is licensed and in good 530
standing to practice medicine in another state; 531

(2) The physician provides services only at the camp or in 532
connection with camp events or camp activities that occur off 533
the grounds of the camp; 534

(3) The physician receives no compensation for the 535
services; 536

(4) The physician provides those services within this 537
state for not more than thirty days per calendar year; 538

(5) The camp has a medical director who holds an 539
unrestricted license to practice medicine issued in accordance 540
with division (A) of this section. 541

(C) Division (A) of this section does not apply to a 542
person who meets both of the following conditions: 543

(1) The person holds in good standing a valid license to 544
practice medicine and surgery issued by another state. 545

(2) The person is practicing as a volunteer without 546
remuneration during a charitable event that lasts not more than 547
seven days. 548

When a person meets the conditions of this division, the 549
person shall be deemed authorized by the state medical board, 550
during the course of the charitable event, to practice medicine 551
and surgery and shall be subject to the provisions of this 552
chapter authorizing the board to take disciplinary action 553
against a physician. Not less than seven calendar days before 554
the first day of the charitable event, the person or the event's 555
organizer shall notify the board of the person's intent to 556
practice medicine and surgery at the event. During the course of 557
the charitable event, the person's scope of practice is limited 558
to the procedures that a physician authorized under this chapter 559
to practice medicine and surgery is authorized to perform unless 560
the person's scope of practice in the other state is more 561
restrictive than in this state. If the latter is the case, the 562
person's scope of practice is limited to the procedures that a 563
physician in the other state may perform. 564

Sec. 4732.40. The "Psychology Interjurisdictional Compact 565

(PSYPACT)" is hereby ratified, enacted into law, and entered 566
into by the state of Ohio as a party to the compact with any 567
other state that has legally joined in the compact as follows: 568

PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT) 569

ARTICLE I 570

PURPOSE 571

Whereas, states license psychologists, in order to protect 572
the public through verification of education, training and 573
experience and ensure accountability for professional practice; 574
and 575

Whereas, this Compact is intended to regulate the day to 576
day practice of telepsychology (i.e. the provision of 577
psychological services using telecommunication technologies) by 578
psychologists across state boundaries in the performance of 579
their psychological practice as assigned by an appropriate 580
authority; and 581

Whereas, this Compact is intended to regulate the 582
temporary in-person, face-to-face practice of psychology by 583
psychologists across state boundaries for 30 days within a 584
calendar year in the performance of their psychological practice 585
as assigned by an appropriate authority; 586

Whereas, this Compact is intended to authorize State 587
Psychology Regulatory Authorities to afford legal recognition, 588
in a manner consistent with the terms of the Compact, to 589
psychologists licensed in another state; 590

Whereas, this Compact recognizes that states have a vested 591
interest in protecting the public's health and safety through 592
their licensing and regulation of psychologists and that such 593

state regulation will best protect public health and safety; 594

Whereas, this Compact does not apply when a psychologist 595
is licensed in both the Home and Receiving States; and 596

Whereas, this Compact does not apply to permanent in- 597
person, face-to-face practice, it does allow for authorization 598
of temporary psychological practice. 599

Consistent with these principles, this Compact is designed 600
to achieve the following purposes and objectives: 601

1. Increase public access to professional psychological 602
services by allowing for telepsychological practice across state 603
lines as well as temporary in-person, face-to-face services into 604
a state which the psychologist is not licensed to practice 605
psychology; 606

2. Enhance the states' ability to protect the public's 607
health and safety, especially client/patient safety; 608

3. Encourage the cooperation of Compact States in the 609
areas of psychology licensure and regulation; 610

4. Facilitate the exchange of information between Compact 611
States regarding psychologist licensure, adverse actions and 612
disciplinary history; 613

5. Promote compliance with the laws governing 614
psychological practice in each Compact State; and 615

6. Invest all Compact States with the authority to hold 616
licensed psychologists accountable through the mutual 617
recognition of Compact State licenses. 618

ARTICLE II 619

DEFINITIONS 620

A. "Adverse Action" means: Any action taken by a State 621
Psychology Regulatory Authority which finds a violation of a 622
statute or regulation that is identified by the State Psychology 623
Regulatory Authority as discipline and is a matter of public 624
record. 625

B. "Association of State and Provincial Psychology Boards 626
(ASPPB)" means: the recognized membership organization composed 627
of State and Provincial Psychology Regulatory Authorities 628
responsible for the licensure and registration of psychologists 629
throughout the United States and Canada. 630

C. "Authority to Practice Interjurisdictional 631
Telepsychology" means: a licensed psychologist's authority to 632
practice telepsychology, within the limits authorized under this 633
Compact, in another Compact State. 634

D. "Bylaws" means: those Bylaws established by the 635
Psychology Interjurisdictional Compact Commission pursuant to 636
Article X for its governance, or for directing and controlling 637
its actions and conduct. 638

E. "Client/Patient" means: the recipient of psychological 639
services, whether psychological services are delivered in the 640
context of healthcare, corporate, supervision, and/or consulting 641
services. 642

F. "Commissioner" means: the voting representative 643
appointed by each State Psychology Regulatory Authority pursuant 644
to Article X. 645

G. "Compact State" means: a state, the District of 646
Columbia, or United States territory that has enacted this 647
Compact legislation and which has not withdrawn pursuant to 648
Article XIII, Section C or been terminated pursuant to Article 649

XII, Section B.

H. "Coordinated Licensure Information System" also
referred to as "Coordinated Database" means: an integrated
process for collecting, storing, and sharing information on
psychologists' licensure and enforcement activities related to
psychology licensure laws, which is administered by the
recognized membership organization composed of State and
Provincial Psychology Regulatory Authorities.

I. "Confidentiality" means: the principle that data or
information is not made available or disclosed to unauthorized
persons and/or processes.

J. "Day" means: any part of a day in which psychological
work is performed.

K. "Distant State" means: the Compact State where a
psychologist is physically present (not through the use of
telecommunications technologies), to provide temporary in-
person, face-to-face psychological services.

L. "E.Passport" means: a certificate issued by the
Association of State and Provincial Psychology Boards (ASPPB)
that promotes the standardization in the criteria of
interjurisdictional telepsychology practice and facilitates the
process for licensed psychologists to provide telepsychological
services across state lines.

M. "Executive Board" means: a group of directors elected
or appointed to act on behalf of, and within the powers granted
to them by, the Commission.

N. "Home State" means: a Compact State where a
psychologist is licensed to practice psychology. If the
psychologist is licensed in more than one Compact State and is

practicing under the Authorization to Practice 679
Interjurisdictional Telepsychology, the Home State is the 680
Compact State where the psychologist is physically present when 681
the telepsychological services are delivered. If the 682
psychologist is licensed in more than one Compact State and is 683
practicing under the Temporary Authorization to Practice, the 684
Home State is any Compact State where the psychologist is 685
licensed. 686

O. "Identity History Summary" means: a summary of 687
information retained by the FBI, or other designee with similar 688
authority, in connection with arrests and, in some instances, 689
federal employment, naturalization, or military service. 690

P. "In-Person, Face-to-Face" means: interactions in which 691
the psychologist and the client/patient are in the same physical 692
space and which does not include interactions that may occur 693
through the use of telecommunication technologies. 694

Q. "Interjurisdictional Practice Certificate (IPC)" means: 695
a certificate issued by the Association of State and Provincial 696
Psychology Boards (ASPPB) that grants temporary authority to 697
practice based on notification to the State Psychology 698
Regulatory Authority of intention to practice temporarily, and 699
verification of one's qualifications for such practice. 700

R. "License" means: authorization by a State Psychology 701
Regulatory Authority to engage in the independent practice of 702
psychology, which would be unlawful without the authorization. 703

S. "Non-Compact State" means: any State which is not at 704
the time a Compact State. 705

T. "Psychologist" means: an individual licensed for the 706
independent practice of psychology. 707

U. "Psychology Interjurisdictional Compact Commission" 708
also referred to as "Commission" means: the national 709
administration of which all Compact States are members. 710

V. "Receiving State" means: a Compact State where the 711
client/patient is physically located when the telepsychological 712
services are delivered. 713

W. "Rule" means: a written statement by the Psychology 714
Interjurisdictional Compact Commission promulgated pursuant to 715
Article XI of the Compact that is of general applicability, 716
implements, interprets, or prescribes a policy or provision of 717
the Compact, or an organizational, procedural, or practice 718
requirement of the Commission and has the force and effect of 719
statutory law in a Compact State, and includes the amendment, 720
repeal or suspension of an existing rule. 721

X. "Significant Investigatory Information" means: 722

1. investigative information that a State Psychology 723
Regulatory Authority, after a preliminary inquiry that includes 724
notification and an opportunity to respond if required by state 725
law, has reason to believe, if proven true, would indicate more 726
than a violation of state statute or ethics code that would be 727
considered more substantial than minor infraction; or 728

2. investigative information that indicates that the 729
psychologist represents an immediate threat to public health and 730
safety regardless of whether the psychologist has been notified 731
and/or had an opportunity to respond. 732

Y. "State" means: a state, commonwealth, territory, or 733
possession of the United States, the District of Columbia. 734

Z. "State Psychology Regulatory Authority" means: the 735
Board, office or other agency with the legislative mandate to 736

license and regulate the practice of psychology. 737

AA. "Telepsychology" means: the provision of psychological 738
services using telecommunication technologies. 739

BB. "Temporary Authorization to Practice" means: a 740
licensed psychologist's authority to conduct temporary in- 741
person, face-to-face practice, within the limits authorized 742
under this Compact, in another Compact State. 743

CC. "Temporary In-Person, Face-to-Face Practice" means: 744
where a psychologist is physically present (not through the use 745
of telecommunications technologies), in the Distant State to 746
provide for the practice of psychology for 30 days within a 747
calendar year and based on notification to the Distant State. 748

ARTICLE III 749

HOME STATE LICENSURE 750

A. The Home State shall be a Compact State where a 751
psychologist is licensed to practice psychology. 752

B. A psychologist may hold one or more Compact State 753
licenses at a time. If the psychologist is licensed in more than 754
one Compact State, the Home State is the Compact State where the 755
psychologist is physically present when the services are 756
delivered as authorized by the Authority to Practice 757
Interjurisdictional Telepsychology under the terms of this 758
Compact. 759

C. Any Compact State may require a psychologist not 760
previously licensed in a Compact State to obtain and retain a 761
license to be authorized to practice in the Compact State under 762
circumstances not authorized by the Authority to Practice 763
Interjurisdictional Telepsychology under the terms of this 764

Compact. 765

D. Any Compact State may require a psychologist to obtain 766
and retain a license to be authorized to practice in a Compact 767
State under circumstances not authorized by Temporary 768
Authorization to Practice under the terms of this Compact. 769

E. A Home State's license authorizes a psychologist to 770
practice in a Receiving State under the Authority to Practice 771
Interjurisdictional Telepsychology only if the Compact State: 772

1. Currently requires the psychologist to hold an active 773
E.Passport; 774

2. Has a mechanism in place for receiving and 775
investigating complaints about licensed individuals; 776

3. Notifies the Commission, in compliance with the terms 777
herein, of any adverse action or significant investigatory 778
information regarding a licensed individual; 779

4. Requires an Identity History Summary of all applicants 780
at initial licensure, including the use of the results of 781
fingerprints or other biometric data checks compliant with the 782
requirements of the Federal Bureau of Investigation FBI, or 783
other designee with similar authority, no later than ten years 784
after activation of the Compact; and 785

5. Complies with the Bylaws and Rules of the Commission. 786

F. A Home State's license grants Temporary Authorization 787
to Practice to a psychologist in a Distant State only if the 788
Compact State: 789

1. Currently requires the psychologist to hold an active 790
IPC; 791

2. Has a mechanism in place for receiving and 792
investigating complaints about licensed individuals; 793

3. Notifies the Commission, in compliance with the terms 794
herein, of any adverse action or significant investigatory 795
information regarding a licensed individual; 796

4. Requires an Identity History Summary of all applicants 797
at initial licensure, including the use of the results of 798
fingerprints or other biometric data checks compliant with the 799
requirements of the Federal Bureau of Investigation FBI, or 800
other designee with similar authority, no later than ten years 801
after activation of the Compact; and 802

5. Complies with the Bylaws and Rules of the Commission. 803

ARTICLE IV 804

COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY 805

A. Compact States shall recognize the right of a 806
psychologist, licensed in a Compact State in conformance with 807
Article III, to practice telepsychology in other Compact States 808
(Receiving States) in which the psychologist is not licensed, 809
under the Authority to Practice Interjurisdictional 810
Telepsychology as provided in the Compact. 811

B. To exercise the Authority to Practice 812
Interjurisdictional Telepsychology under the terms and 813
provisions of this Compact, a psychologist licensed to practice 814
in a Compact State must: 815

1. Hold a graduate degree in psychology from an institute 816
of higher education that was, at the time the degree was 817
awarded: 818

a. Regionally accredited by an accrediting body recognized 819

by the U.S. Department of Education to grant graduate degrees, 820
OR authorized by Provincial Statute or Royal Charter to grant 821
doctoral degrees; OR 822

b. A foreign college or university deemed to be equivalent 823
to 1 (a) above by a foreign credential evaluation service that 824
is a member of the National Association of Credential Evaluation 825
Services (NACES) or by a recognized foreign credential 826
evaluation service; AND 827

2. Hold a graduate degree in psychology that meets the 828
following criteria: 829

a. The program, wherever it may be administratively 830
housed, must be clearly identified and labeled as a psychology 831
program. Such a program must specify in pertinent institutional 832
catalogues and brochures its intent to educate and train 833
professional psychologists; 834

b. The psychology program must stand as a recognizable, 835
coherent, organizational entity within the institution; 836

c. There must be a clear authority and primary 837
responsibility for the core and specialty areas whether or not 838
the program cuts across administrative lines; 839

d. The program must consist of an integrated, organized 840
sequence of study; 841

e. There must be an identifiable psychology faculty 842
sufficient in size and breadth to carry out its 843
responsibilities; 844

f. The designated director of the program must be a 845
psychologist and a member of the core faculty; 846

g. The program must have an identifiable body of students 847

who are matriculated in that program for a degree; 848

h. The program must include supervised practicum, 849
internship, or field training appropriate to the practice of 850
psychology; 851

i. The curriculum shall encompass a minimum of three 852
academic years of full-time graduate study for doctoral degree 853
and a minimum of one academic year of full-time graduate study 854
for master's degree; 855

j. The program includes an acceptable residency as defined 856
by the Rules of the Commission. 857

3. Possess a current, full and unrestricted license to 858
practice psychology in a Home State which is a Compact State; 859

4. Have no history of adverse action that violate the 860
Rules of the Commission; 861

5. Have no criminal record history reported on an Identity 862
History Summary that violates the Rules of the Commission; 863

6. Possess a current, active E.Passport; 864

7. Provide attestations in regard to areas of intended 865
practice, conformity with standards of practice, competence in 866
telepsychology technology; criminal background; and knowledge 867
and adherence to legal requirements in the home and receiving 868
states, and provide a release of information to allow for 869
primary source verification in a manner specified by the 870
Commission; and 871

8. Meet other criteria as defined by the Rules of the 872
Commission. 873

C. The Home State maintains authority over the license of 874

any psychologist practicing into a Receiving State under the 875
Authority to Practice Interjurisdictional Telepsychology. 876

D. A psychologist practicing into a Receiving State under 877
the Authority to Practice Interjurisdictional Telepsychology 878
will be subject to the Receiving State's scope of practice. A 879
Receiving State may, in accordance with that state's due process 880
law, limit or revoke a psychologist's Authority to Practice 881
Interjurisdictional Telepsychology in the Receiving State and 882
may take any other necessary actions under the Receiving State's 883
applicable law to protect the health and safety of the Receiving 884
State's citizens. If a Receiving State takes action, the state 885
shall promptly notify the Home State and the Commission. 886

E. If a psychologist's license in any Home State, another 887
Compact State, or any Authority to Practice Interjurisdictional 888
Telepsychology in any Receiving State, is restricted, suspended 889
or otherwise limited, the E.Passport shall be revoked and 890
therefore the psychologist shall not be eligible to practice 891
telepsychology in a Compact State under the Authority to 892
Practice Interjurisdictional Telepsychology. 893

ARTICLE V 894

COMPACT TEMPORARY AUTHORIZATION TO PRACTICE 895

A. Compact States shall also recognize the right of a 896
psychologist, licensed in a Compact State in conformance with 897
Article III, to practice temporarily in other Compact States 898
(Distant States) in which the psychologist is not licensed, as 899
provided in the Compact. 900

B. To exercise the Temporary Authorization to Practice 901
under the terms and provisions of this Compact, a psychologist 902
licensed to practice in a Compact State must: 903

1. Hold a graduate degree in psychology from an institute 904
of higher education that was, at the time the degree was 905
awarded: 906

a. Regionally accredited by an accrediting body recognized 907
by the U.S. Department of Education to grant graduate degrees, 908
OR authorized by Provincial Statute or Royal Charter to grant 909
doctoral degrees; OR 910

b. A foreign college or university deemed to be equivalent 911
to 1 (a) above by a foreign credential evaluation service that 912
is a member of the National Association of Credential Evaluation 913
Services (NACES) or by a recognized foreign credential 914
evaluation service; AND 915

2. Hold a graduate degree in psychology that meets the 916
following criteria: 917

a. The program, wherever it may be administratively 918
housed, must be clearly identified and labeled as a psychology 919
program. Such a program must specify in pertinent institutional 920
catalogues and brochures its intent to educate and train 921
professional psychologists; 922

b. The psychology program must stand as a recognizable, 923
coherent, organizational entity within the institution; 924

c. There must be a clear authority and primary 925
responsibility for the core and specialty areas whether or not 926
the program cuts across administrative lines; 927

d. The program must consist of an integrated, organized 928
sequence of study; 929

e. There must be an identifiable psychology faculty 930
sufficient in size and breadth to carry out its 931

responsibilities; 932

f. The designated director of the program must be a 933
psychologist and a member of the core faculty; 934

g. The program must have an identifiable body of students 935
who are matriculated in that program for a degree; 936

h. The program must include supervised practicum, 937
internship, or field training appropriate to the practice of 938
psychology; 939

i. The curriculum shall encompass a minimum of three 940
academic years of full-time graduate study for doctoral degrees 941
and a minimum of one academic year of full-time graduate study 942
for master's degree; 943

j. The program includes an acceptable residency as defined 944
by the Rules of the Commission. 945

3. Possess a current, full and unrestricted license to 946
practice psychology in a Home State which is a Compact State; 947

4. No history of adverse action that violate the Rules of 948
the Commission; 949

5. No criminal record history that violates the Rules of 950
the Commission; 951

6. Possess a current, active IPC; 952

7. Provide attestations in regard to areas of intended 953
practice and work experience and provide a release of 954
information to allow for primary source verification in a manner 955
specified by the Commission; and 956

8. Meet other criteria as defined by the Rules of the 957
Commission. 958

C. A psychologist practicing into a Distant State under 959
the Temporary Authorization to Practice shall practice within 960
the scope of practice authorized by the Distant State. 961

D. A psychologist practicing into a Distant State under 962
the Temporary Authorization to Practice will be subject to the 963
Distant State's authority and law. A Distant State may, in 964
accordance with that state's due process law, limit or revoke a 965
psychologist's Temporary Authorization to Practice in the 966
Distant State and may take any other necessary actions under the 967
Distant State's applicable law to protect the health and safety 968
of the Distant State's citizens. If a Distant State takes 969
action, the state shall promptly notify the Home State and the 970
Commission. 971

E. If a psychologist's license in any Home State, another 972
Compact State, or any Temporary Authorization to Practice in any 973
Distant State, is restricted, suspended or otherwise limited, 974
the IPC shall be revoked and therefore the psychologist shall 975
not be eligible to practice in a Compact State under the 976
Temporary Authorization to Practice. 977

ARTICLE VI 978

CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE 979

A. A psychologist may practice in a Receiving State under 980
the Authority to Practice Interjurisdictional Telepsychology 981
only in the performance of the scope of practice for psychology 982
as assigned by an appropriate State Psychology Regulatory 983
Authority, as defined in the Rules of the Commission, and under 984
the following circumstances: 985

1. The psychologist initiates a client/patient contact in 986
a Home State via telecommunications technologies with a 987

<u>client/patient in a Receiving State;</u>	988
<u>2. Other conditions regarding telepsychology as determined</u>	989
<u>by Rules promulgated by the Commission.</u>	990
<u>ARTICLE VII</u>	991
<u>ADVERSE ACTIONS</u>	992
<u>A. A Home State shall have the power to impose adverse</u>	993
<u>action against a psychologist's license issued by the Home</u>	994
<u>State. A Distant State shall have the power to take adverse</u>	995
<u>action on a psychologist's Temporary Authorization to Practice</u>	996
<u>within that Distant State.</u>	997
<u>B. A Receiving State may take adverse action on a</u>	998
<u>psychologist's Authority to Practice Interjurisdictional</u>	999
<u>Telepsychology within that Receiving State. A Home State may</u>	1000
<u>take adverse action against a psychologist based on an adverse</u>	1001
<u>action taken by a Distant State regarding temporary in-person,</u>	1002
<u>face-to-face practice.</u>	1003
<u>C. If a Home State takes adverse action against a</u>	1004
<u>psychologist's license, that psychologist's Authority to</u>	1005
<u>Practice Interjurisdictional Telepsychology is terminated and</u>	1006
<u>the E.Passport is revoked. Furthermore, that psychologist's</u>	1007
<u>Temporary Authorization to Practice is terminated and the IPC is</u>	1008
<u>revoked.</u>	1009
<u>1. All Home State disciplinary orders which impose adverse</u>	1010
<u>action shall be reported to the Commission in accordance with</u>	1011
<u>the Rules promulgated by the Commission. A Compact State shall</u>	1012
<u>report adverse actions in accordance with the Rules of the</u>	1013
<u>Commission.</u>	1014
<u>2. In the event discipline is reported on a psychologist,</u>	1015

the psychologist will not be eligible for telepsychology or 1016
temporary in-person, face-to-face practice in accordance with 1017
the Rules of the Commission. 1018

3. Other actions may be imposed as determined by the Rules 1019
promulgated by the Commission. 1020

D. A Home State's Psychology Regulatory Authority shall 1021
investigate and take appropriate action with respect to reported 1022
inappropriate conduct engaged in by a licensee which occurred in 1023
a Receiving State as it would if such conduct had occurred by a 1024
licensee within the Home State. In such cases, the Home State's 1025
law shall control in determining any adverse action against a 1026
psychologist's license. 1027

E. A Distant State's Psychology Regulatory Authority shall 1028
investigate and take appropriate action with respect to reported 1029
inappropriate conduct engaged in by a psychologist practicing 1030
under Temporary Authorization Practice which occurred in that 1031
Distant State as it would if such conduct had occurred by a 1032
licensee within the Home State. In such cases, Distant States 1033
law shall control in determining any adverse action against a 1034
psychologist's Temporary Authorization to Practice. 1035

F. Nothing in this Compact shall override a Compact 1036
State's decision that a psychologist's participation in an 1037
alternative program may be used in lieu of adverse action and 1038
that such participation shall remain non-public if required by 1039
the Compact State's law. Compact States must require 1040
psychologists who enter any alternative programs to not provide 1041
telepsychology services under the Authority to Practice 1042
Interjurisdictional Telepsychology or provide temporary 1043
psychological services under the Temporary Authorization to 1044
Practice in any other Compact State during the term of the 1045

alternative program. 1046

G. No other judicial or administrative remedies shall be 1047
available to a psychologist in the event a Compact State imposes 1048
an adverse action pursuant to subsection C, above. 1049

ARTICLE VIII 1050

ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY 1051

REGULATORY AUTHORITY 1052

A. In addition to any other powers granted under state 1053
law, a Compact State's Psychology Regulatory Authority shall 1054
have the authority under this Compact to: 1055

1. Issue subpoenas, for both hearings and investigations, 1056
which require the attendance and testimony of witnesses and the 1057
production of evidence. Subpoenas issued by a Compact State's 1058
Psychology Regulatory Authority for the attendance and testimony 1059
of witnesses, and/or the production of evidence from another 1060
Compact State shall be enforced in the latter state by any court 1061
of competent jurisdiction, according to that court's practice 1062
and procedure in considering subpoenas issued in its own 1063
proceedings. The issuing State Psychology Regulatory Authority 1064
shall pay any witness fees, travel expenses, mileage and other 1065
fees required by the service statutes of the state where the 1066
witnesses and/or evidence are located; and 1067

2. Issue cease and desist and/or injunctive relief orders 1068
to revoke a psychologist's Authority to Practice 1069
Interjurisdictional Telepsychology and/or Temporary 1070
Authorization to Practice. 1071

3. During the course of any investigation, a psychologist 1072
may not change his/her Home State licensure. A Home State 1073
Psychology Regulatory Authority is authorized to complete any 1074

pending investigations of a psychologist and to take any actions 1075
appropriate under its law. The Home State Psychology Regulatory 1076
Authority shall promptly report the conclusions of such 1077
investigations to the Commission. Once an investigation has been 1078
completed, and pending the outcome of said investigation, the 1079
psychologist may change his/her Home State licensure. The 1080
Commission shall promptly notify the new Home State of any such 1081
decisions as provided in the Rules of the Commission. All 1082
information provided to the Commission or distributed by Compact 1083
States pursuant to the psychologist shall be confidential, filed 1084
under seal and used for investigatory or disciplinary matters. 1085
The Commission may create additional rules for mandated or 1086
discretionary sharing of information by Compact States. 1087

ARTICLE IX 1088

COORDINATED LICENSURE INFORMATION SYSTEM 1089

A. The Commission shall provide for the development and 1090
maintenance of a Coordinated Licensure Information System 1091
(Coordinated Database) and reporting system containing licensure 1092
and disciplinary action information on all psychologists 1093
individuals to whom this Compact is applicable in all Compact 1094
States as defined by the Rules of the Commission. 1095

B. Notwithstanding any other provision of state law to the 1096
contrary, a Compact State shall submit a uniform data set to the 1097
Coordinated Database on all licensees as required by the Rules 1098
of the Commission, including: 1099

1. Identifying information; 1100

2. Licensure data; 1101

3. Significant investigatory information; 1102

<u>4. Adverse actions against a psychologist's license;</u>	1103
<u>5. An indicator that a psychologist's Authority to</u>	1104
<u>Practice Interjurisdictional Telepsychology and/or Temporary</u>	1105
<u>Authorization to Practice is revoked;</u>	1106
<u>6. Non-confidential information related to alternative</u>	1107
<u>program participation information;</u>	1108
<u>7. Any denial of application for licensure, and the</u>	1109
<u>reasons for such denial; and</u>	1110
<u>8. Other information which may facilitate the</u>	1111
<u>administration of this Compact, as determined by the Rules of</u>	1112
<u>the Commission.</u>	1113
<u>C. The Coordinated Database administrator shall promptly</u>	1114
<u>notify all Compact States of any adverse action taken against,</u>	1115
<u>or significant investigative information on, any licensee in a</u>	1116
<u>Compact State.</u>	1117
<u>D. Compact States reporting information to the Coordinated</u>	1118
<u>Database may designate information that may not be shared with</u>	1119
<u>the public without the express permission of the Compact State</u>	1120
<u>reporting the information.</u>	1121
<u>E. Any information submitted to the Coordinated Database</u>	1122
<u>that is subsequently required to be expunged by the law of the</u>	1123
<u>Compact State reporting the information shall be removed from</u>	1124
<u>the Coordinated Database.</u>	1125
<u>ARTICLE X</u>	1126
<u>ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT</u>	1127
<u>COMMISSION</u>	1128
<u>A. The Compact States hereby create and establish a joint</u>	1129

public agency known as the Psychology Interjurisdictional 1130
Compact Commission. 1131

1. The Commission is a body politic and an instrumentality 1132
of the Compact States. 1133

2. Venue is proper and judicial proceedings by or against 1134
the Commission shall be brought solely and exclusively in a 1135
court of competent jurisdiction where the principal office of 1136
the Commission is located. The Commission may waive venue and 1137
jurisdictional defenses to the extent it adopts or consents to 1138
participate in alternative dispute resolution proceedings. 1139

3. Nothing in this Compact shall be construed to be a 1140
waiver of sovereign immunity. 1141

B. Membership, Voting, and Meetings 1142

1. The Commission shall consist of one voting 1143
representative appointed by each Compact State who shall serve 1144
as that state's Commissioner. The State Psychology Regulatory 1145
Authority shall appoint its delegate. This delegate shall be 1146
empowered to act on behalf of the Compact State. This delegate 1147
shall be limited to: 1148

a. Executive Director, Executive Secretary or similar 1149
executive; 1150

b. Current member of the State Psychology Regulatory 1151
Authority of a Compact State; OR 1152

c. Designee empowered with the appropriate delegate 1153
authority to act on behalf of the Compact State. 1154

2. Any Commissioner may be removed or suspended from 1155
office as provided by the law of the state from which the 1156
Commissioner is appointed. Any vacancy occurring in the 1157

Commission shall be filled in accordance with the laws of the 1158
Compact State in which the vacancy exists. 1159

3. Each Commissioner shall be entitled to one (1) vote 1160
with regard to the promulgation of Rules and creation of Bylaws 1161
and shall otherwise have an opportunity to participate in the 1162
business and affairs of the Commission. A Commissioner shall 1163
vote in person or by such other means as provided in the Bylaws. 1164
The Bylaws may provide for Commissioners' participation in 1165
meetings by telephone or other means of communication. 1166

4. The Commission shall meet at least once during each 1167
calendar year. Additional meetings shall be held as set forth in 1168
the Bylaws. 1169

5. All meetings shall be open to the public, and public 1170
notice of meetings shall be given in the same manner as required 1171
under the rulemaking provisions in Article XI. 1172

6. The Commission may convene in a closed, non-public 1173
meeting if the Commission must discuss: 1174

a. Non-compliance of a Compact State with its obligations 1175
under the Compact; 1176

b. The employment, compensation, discipline or other 1177
personnel matters, practices or procedures related to specific 1178
employees or other matters related to the Commission's internal 1179
personnel practices and procedures; 1180

c. Current, threatened, or reasonably anticipated 1181
litigation against the Commission; 1182

d. Negotiation of contracts for the purchase or sale of 1183
goods, services or real estate; 1184

e. Accusation against any person of a crime or formally 1185

censuring any person; 1186

f. Disclosure of trade secrets or commercial or financial 1187
information which is privileged or confidential; 1188

g. Disclosure of information of a personal nature where 1189
disclosure would constitute a clearly unwarranted invasion of 1190
personal privacy; 1191

h. Disclosure of investigatory records compiled for law 1192
enforcement purposes; 1193

i. Disclosure of information related to any investigatory 1194
reports prepared by or on behalf of or for use of the Commission 1195
or other committee charged with responsibility for investigation 1196
or determination of compliance issues pursuant to the Compact; 1197
or 1198

j. Matters specifically exempted from disclosure by 1199
federal and state statute. 1200

7. If a meeting, or portion of a meeting, is closed 1201
pursuant to this provision, the Commission's legal counsel or 1202
designee shall certify that the meeting may be closed and shall 1203
reference each relevant exempting provision. The Commission 1204
shall keep minutes which fully and clearly describe all matters 1205
discussed in a meeting and shall provide a full and accurate 1206
summary of actions taken, of any person participating in the 1207
meeting, and the reasons therefore, including a description of 1208
the views expressed. All documents considered in connection with 1209
an action shall be identified in such minutes. All minutes and 1210
documents of a closed meeting shall remain under seal, subject 1211
to release only by a majority vote of the Commission or order of 1212
a court of competent jurisdiction. 1213

C. The Commission shall, by a majority vote of the 1214

Commissioners, prescribe Bylaws and/or Rules to govern its 1215
conduct as may be necessary or appropriate to carry out the 1216
purposes and exercise the powers of the Compact, including but 1217
not limited to: 1218

1. Establishing the fiscal year of the Commission; 1219

2. Providing reasonable standards and procedures: 1220

a. for the establishment and meetings of other committees; 1221

and 1222

b. governing any general or specific delegation of any 1223
authority or function of the Commission; 1224

3. Providing reasonable procedures for calling and 1225
conducting meetings of the Commission, ensuring reasonable 1226
advance notice of all meetings and providing an opportunity for 1227
attendance of such meetings by interested parties, with 1228
enumerated exceptions designed to protect the public's interest, 1229
the privacy of individuals of such proceedings, and proprietary 1230
information, including trade secrets. The Commission may meet in 1231
closed session only after a majority of the Commissioners vote 1232
to close a meeting to the public in whole or in part. As soon as 1233
practicable, the Commission must make public a copy of the vote 1234
to close the meeting revealing the vote of each Commissioner 1235
with no proxy votes allowed; 1236

4. Establishing the titles, duties and authority and 1237
reasonable procedures for the election of the officers of the 1238
Commission; 1239

5. Providing reasonable standards and procedures for the 1240
establishment of the personnel policies and programs of the 1241
Commission. Notwithstanding any civil service or other similar 1242
law of any Compact State, the Bylaws shall exclusively govern 1243

<u>the personnel policies and programs of the Commission;</u>	1244
<u>6. Promulgating a Code of Ethics to address permissible</u>	1245
<u>and prohibited activities of Commission members and employees;</u>	1246
<u>7. Providing a mechanism for concluding the operations of</u>	1247
<u>the Commission and the equitable disposition of any surplus</u>	1248
<u>funds that may exist after the termination of the Compact after</u>	1249
<u>the payment and/or reserving of all of its debts and</u>	1250
<u>obligations;</u>	1251
<u>8. The Commission shall publish its Bylaws in a convenient</u>	1252
<u>form and file a copy thereof and a copy of any amendment</u>	1253
<u>thereto, with the appropriate agency or officer in each of the</u>	1254
<u>Compact States;</u>	1255
<u>9. The Commission shall maintain its financial records in</u>	1256
<u>accordance with the Bylaws; and</u>	1257
<u>10. The Commission shall meet and take such actions as are</u>	1258
<u>consistent with the provisions of this Compact and the Bylaws.</u>	1259
<u>D. The Commission shall have the following powers:</u>	1260
<u>1. The authority to promulgate uniform rules to facilitate</u>	1261
<u>and coordinate implementation and administration of this</u>	1262
<u>Compact. The rule shall have the force and effect of law and</u>	1263
<u>shall be binding in all Compact States;</u>	1264
<u>2. To bring and prosecute legal proceedings or actions in</u>	1265
<u>the name of the Commission, provided that the standing of any</u>	1266
<u>State Psychology Regulatory Authority or other regulatory body</u>	1267
<u>responsible for psychology licensure to sue or be sued under</u>	1268
<u>applicable law shall not be affected;</u>	1269
<u>3. To purchase and maintain insurance and bonds;</u>	1270

4. To borrow, accept or contract for services of 1271
personnel, including, but not limited to, employees of a Compact 1272
State; 1273
5. To hire employees, elect or appoint officers, fix 1274
compensation, define duties, grant such individuals appropriate 1275
authority to carry out the purposes of the Compact, and to 1276
establish the Commission's personnel policies and programs 1277
relating to conflicts of interest, qualifications of personnel, 1278
and other related personnel matters; 1279
6. To accept any and all appropriate donations and grants 1280
of money, equipment, supplies, materials and services, and to 1281
receive, utilize and dispose of the same; provided that at all 1282
times the Commission shall strive to avoid any appearance of 1283
impropriety and/or conflict of interest; 1284
7. To lease, purchase, accept appropriate gifts or 1285
donations of, or otherwise to own, hold, improve or use, any 1286
property, real, personal or mixed; provided that at all times 1287
the Commission shall strive to avoid any appearance of 1288
impropriety; 1289
8. To sell, convey, mortgage, pledge, lease, exchange, 1290
abandon or otherwise dispose of any property real, personal or 1291
mixed; 1292
9. To establish a budget and make expenditures; 1293
10. To borrow money; 1294
11. To appoint committees, including advisory committees 1295
comprised of Members, State regulators, State legislators or 1296
their representatives, and consumer representatives, and such 1297
other interested persons as may be designated in this Compact 1298
and the Bylaws; 1299

<u>12. To provide and receive information from, and to</u>	1300
<u>cooperate with, law enforcement agencies;</u>	1301
<u>13. To adopt and use an official seal; and</u>	1302
<u>14. To perform such other functions as may be necessary or</u>	1303
<u>appropriate to achieve the purposes of this Compact consistent</u>	1304
<u>with the state regulation of psychology licensure, temporary in-</u>	1305
<u>person, face-to-face practice and telepsychology practice.</u>	1306
<u>E. The Executive Board</u>	1307
<u>The elected officers shall serve as the Executive Board,</u>	1308
<u>which shall have the power to act on behalf of the Commission</u>	1309
<u>according to the terms of this Compact.</u>	1310
<u>1. The Executive Board shall be comprised of six members:</u>	1311
<u>a. Five voting members who are elected from the current</u>	1312
<u>membership of the Commission by the Commission;</u>	1313
<u>b. One ex-officio, nonvoting member from the recognized</u>	1314
<u>membership organization composed of State and Provincial</u>	1315
<u>Psychology Regulatory Authorities.</u>	1316
<u>2. The ex-officio member must have served as staff or</u>	1317
<u>member on a State Psychology Regulatory Authority and will be</u>	1318
<u>selected by its respective organization.</u>	1319
<u>3. The Commission may remove any member of the Executive</u>	1320
<u>Board as provided in Bylaws.</u>	1321
<u>4. The Executive Board shall meet at least annually.</u>	1322
<u>5. The Executive Board shall have the following duties and</u>	1323
<u>responsibilities:</u>	1324
<u>a. Recommend to the entire Commission changes to the Rules</u>	1325
<u>or Bylaws, changes to this Compact legislation, fees paid by</u>	1326

<u>Compact States such as annual dues, and any other applicable</u>	1327
<u>fees;</u>	1328
<u>b. Ensure Compact administration services are</u>	1329
<u>appropriately provided, contractual or otherwise;</u>	1330
<u>c. Prepare and recommend the budget;</u>	1331
<u>d. Maintain financial records on behalf of the Commission;</u>	1332
<u>e. Monitor Compact compliance of member states and provide</u>	1333
<u>compliance reports to the Commission;</u>	1334
<u>f. Establish additional committees as necessary; and</u>	1335
<u>g. Other duties as provided in Rules or Bylaws.</u>	1336
<u>F. Financing of the Commission</u>	1337
<u>1. The Commission shall pay, or provide for the payment of</u>	1338
<u>the reasonable expenses of its establishment, organization and</u>	1339
<u>ongoing activities.</u>	1340
<u>2. The Commission may accept any and all appropriate</u>	1341
<u>revenue sources, donations and grants of money, equipment,</u>	1342
<u>supplies, materials and services.</u>	1343
<u>3. The Commission may levy on and collect an annual</u>	1344
<u>assessment from each Compact State or impose fees on other</u>	1345
<u>parties to cover the cost of the operations and activities of</u>	1346
<u>the Commission and its staff which must be in a total amount</u>	1347
<u>sufficient to cover its annual budget as approved each year for</u>	1348
<u>which revenue is not provided by other sources. The aggregate</u>	1349
<u>annual assessment amount shall be allocated based upon a formula</u>	1350
<u>to be determined by the Commission which shall promulgate a rule</u>	1351
<u>binding upon all Compact States.</u>	1352
<u>4. The Commission shall not incur obligations of any kind</u>	1353

prior to securing the funds adequate to meet the same; nor shall 1354
the Commission pledge the credit of any of the Compact States, 1355
except by and with the authority of the Compact State. 1356

5. The Commission shall keep accurate accounts of all 1357
receipts and disbursements. The receipts and disbursements of 1358
the Commission shall be subject to the audit and accounting 1359
procedures established under its Bylaws. However, all receipts 1360
and disbursements of funds handled by the Commission shall be 1361
audited yearly by a certified or licensed public accountant and 1362
the report of the audit shall be included in and become part of 1363
the annual report of the Commission. 1364

G. Qualified Immunity, Defense, and Indemnification 1365

1. The members, officers, Executive Director, employees 1366
and representatives of the Commission shall be immune from suit 1367
and liability, either personally or in their official capacity, 1368
for any claim for damage to or loss of property or personal 1369
injury or other civil liability caused by or arising out of any 1370
actual or alleged act, error or omission that occurred, or that 1371
the person against whom the claim is made had a reasonable basis 1372
for believing occurred within the scope of Commission 1373
employment, duties or responsibilities; provided that nothing in 1374
this paragraph shall be construed to protect any such person 1375
from suit and/or liability for any damage, loss, injury or 1376
liability caused by the intentional or willful or wanton 1377
misconduct of that person. 1378

2. The Commission shall defend any member, officer, 1379
Executive Director, employee or representative of the Commission 1380
in any civil action seeking to impose liability arising out of 1381
any actual or alleged act, error or omission that occurred 1382
within the scope of Commission employment, duties or 1383

responsibilities, or that the person against whom the claim is 1384
made had a reasonable basis for believing occurred within the 1385
scope of Commission employment, duties or responsibilities; 1386
provided that nothing herein shall be construed to prohibit that 1387
person from retaining his or her own counsel; and provided 1388
further, that the actual or alleged act, error or omission did 1389
not result from that person's intentional or willful or wanton 1390
misconduct. 1391

3. The Commission shall indemnify and hold harmless any 1392
member, officer, Executive Director, employee or representative 1393
of the Commission for the amount of any settlement or judgment 1394
obtained against that person arising out of any actual or 1395
alleged act, error or omission that occurred within the scope of 1396
Commission employment, duties or responsibilities, or that such 1397
person had a reasonable basis for believing occurred within the 1398
scope of Commission employment, duties or responsibilities, 1399
provided that the actual or alleged act, error or omission did 1400
not result from the intentional or willful or wanton misconduct 1401
of that person. 1402

ARTICLE XI 1403

RULEMAKING 1404

A. The Commission shall exercise its rulemaking powers 1405
pursuant to the criteria set forth in this Article and the Rules 1406
adopted thereunder. Rules and amendments shall become binding as 1407
of the date specified in each rule or amendment. 1408

B. If a majority of the legislatures of the Compact States 1409
rejects a rule, by enactment of a statute or resolution in the 1410
same manner used to adopt the Compact, then such rule shall have 1411
no further force and effect in any Compact State. 1412

C. Rules or amendments to the rules shall be adopted at a 1413
regular or special meeting of the Commission. 1414

D. Prior to promulgation and adoption of a final rule or 1415
Rules by the Commission, and at least sixty (60) days in advance 1416
of the meeting at which the rule will be considered and voted 1417
upon, the Commission shall file a Notice of Proposed Rulemaking: 1418

1. On the website of the Commission; and 1419

2. On the website of each Compact States' Psychology 1420
Regulatory Authority or the publication in which each state 1421
would otherwise publish proposed rules. 1422

E. The Notice of Proposed Rulemaking shall include: 1423

1. The proposed time, date, and location of the meeting in 1424
which the rule will be considered and voted upon; 1425

2. The text of the proposed rule or amendment and the 1426
reason for the proposed rule; 1427

3. A request for comments on the proposed rule from any 1428
interested person; and 1429

4. The manner in which interested persons may submit 1430
notice to the Commission of their intention to attend the public 1431
hearing and any written comments. 1432

F. Prior to adoption of a proposed rule, the Commission 1433
shall allow persons to submit written data, facts, opinions and 1434
arguments, which shall be made available to the public. 1435

G. The Commission shall grant an opportunity for a public 1436
hearing before it adopts a rule or amendment if a hearing is 1437
requested by: 1438

1. At least twenty-five (25) persons who submit comments 1439

independently of each other; 1440

2. A governmental subdivision or agency; or 1441

3. A duly appointed person in an association that has 1442
having at least twenty-five (25) members. 1443

H. If a hearing is held on the proposed rule or amendment, 1444
the Commission shall publish the place, time, and date of the 1445
scheduled public hearing. 1446

1. All persons wishing to be heard at the hearing shall 1447
notify the Executive Director of the Commission or other 1448
designated member in writing of their desire to appear and 1449
testify at the hearing not less than five (5) business days 1450
before the scheduled date of the hearing. 1451

2. Hearings shall be conducted in a manner providing each 1452
person who wishes to comment a fair and reasonable opportunity 1453
to comment orally or in writing. 1454

3. No transcript of the hearing is required, unless a 1455
written request for a transcript is made, in which case the 1456
person requesting the transcript shall bear the cost of 1457
producing the transcript. A recording may be made in lieu of a 1458
transcript under the same terms and conditions as a transcript. 1459
This subsection shall not preclude the Commission from making a 1460
transcript or recording of the hearing if it so chooses. 1461

4. Nothing in this section shall be construed as requiring 1462
a separate hearing on each rule. Rules may be grouped for the 1463
convenience of the Commission at hearings required by this 1464
section. 1465

I. Following the scheduled hearing date, or by the close 1466
of business on the scheduled hearing date if the hearing was not 1467

held, the Commission shall consider all written and oral 1468
comments received. 1469

J. The Commission shall, by majority vote of all members, 1470
take final action on the proposed rule and shall determine the 1471
effective date of the rule, if any, based on the rulemaking 1472
record and the full text of the rule. 1473

K. If no written notice of intent to attend the public 1474
hearing by interested parties is received, the Commission may 1475
proceed with promulgation of the proposed rule without a public 1476
hearing. 1477

L. Upon determination that an emergency exists, the 1478
Commission may consider and adopt an emergency rule without 1479
prior notice, opportunity for comment, or hearing, provided that 1480
the usual rulemaking procedures provided in the Compact and in 1481
this section shall be retroactively applied to the rule as soon 1482
as reasonably possible, in no event later than ninety (90) days 1483
after the effective date of the rule. For the purposes of this 1484
provision, an emergency rule is one that must be adopted 1485
immediately in order to: 1486

1. Meet an imminent threat to public health, safety, or 1487
welfare; 1488

2. Prevent a loss of Commission or Compact State funds; 1489

3. Meet a deadline for the promulgation of an 1490
administrative rule that is established by federal law or rule; 1491
or 1492

4. Protect public health and safety. 1493

M. The Commission or an authorized committee of the 1494
Commission may direct revisions to a previously adopted rule or 1495

amendment for purposes of correcting typographical errors, 1496
errors in format, errors in consistency, or grammatical errors. 1497
Public notice of any revisions shall be posted on the website of 1498
the Commission. The revision shall be subject to challenge by 1499
any person for a period of thirty (30) days after posting. The 1500
revision may be challenged only on grounds that the revision 1501
results in a material change to a rule. A challenge shall be 1502
made in writing, and delivered to the Chair of the Commission 1503
prior to the end of the notice period. If no challenge is made, 1504
the revision will take effect without further action. If the 1505
revision is challenged, the revision may not take effect without 1506
the approval of the Commission. 1507

ARTICLE XII 1508

OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT 1509

A. Oversight 1510

1. The Executive, Legislative and Judicial branches of 1511
state government in each Compact State shall enforce this 1512
Compact and take all actions necessary and appropriate to 1513
effectuate the Compact's purposes and intent. The provisions of 1514
this Compact and the rules promulgated hereunder shall have 1515
standing as statutory law. 1516

2. All courts shall take judicial notice of the Compact 1517
and the rules in any judicial or administrative proceeding in a 1518
Compact State pertaining to the subject matter of this Compact 1519
which may affect the powers, responsibilities or actions of the 1520
Commission. 1521

3. The Commission shall be entitled to receive service of 1522
process in any such proceeding, and shall have standing to 1523
intervene in such a proceeding for all purposes. Failure to 1524

provide service of process to the Commission shall render a 1525
judgment or order void as to the Commission, this Compact or 1526
promulgated rules. 1527

B. Default, Technical Assistance, and Termination 1528

1. If the Commission determines that a Compact State has 1529
defaulted in the performance of its obligations or 1530
responsibilities under this Compact or the promulgated rules, 1531
the Commission shall: 1532

a. Provide written notice to the defaulting state and 1533
other Compact States of the nature of the default, the proposed 1534
means of remedying the default and/or any other action to be 1535
taken by the Commission; and 1536

b. Provide remedial training and specific technical 1537
assistance regarding the default. 1538

2. If a state in default fails to remedy the default, the 1539
defaulting state may be terminated from the Compact upon an 1540
affirmative vote of a majority of the Compact States, and all 1541
rights, privileges and benefits conferred by this Compact shall 1542
be terminated on the effective date of termination. A remedy of 1543
the default does not relieve the offending state of obligations 1544
or liabilities incurred during the period of default. 1545

3. Termination of membership in the Compact shall be 1546
imposed only after all other means of securing compliance have 1547
been exhausted. Notice of intent to suspend or terminate shall 1548
be submitted by the Commission to the Governor, the majority and 1549
minority leaders of the defaulting state's legislature, and each 1550
of the Compact States. 1551

4. A Compact State which has been terminated is 1552
responsible for all assessments, obligations and liabilities 1553

incurred through the effective date of termination, including 1554
obligations which extend beyond the effective date of 1555
termination. 1556

5. The Commission shall not bear any costs incurred by the 1557
state which is found to be in default or which has been 1558
terminated from the Compact, unless agreed upon in writing 1559
between the Commission and the defaulting state. 1560

6. The defaulting state may appeal the action of the 1561
Commission by petitioning the U.S. District Court for the state 1562
of Georgia or the federal district where the Compact has its 1563
principal offices. The prevailing member shall be awarded all 1564
costs of such litigation, including reasonable attorney's fees. 1565

C. Dispute Resolution 1566

1. Upon request by a Compact State, the Commission shall 1567
attempt to resolve disputes related to the Compact which arise 1568
among Compact States and between Compact and Non-Compact States. 1569

2. The Commission shall promulgate a rule providing for 1570
both mediation and binding dispute resolution for disputes that 1571
arise before the commission. 1572

D. Enforcement 1573

1. The Commission, in the reasonable exercise of its 1574
discretion, shall enforce the provisions and Rules of this 1575
Compact. 1576

2. By majority vote, the Commission may initiate legal 1577
action in the United States District Court for the State of 1578
Georgia or the federal district where the Compact has its 1579
principal offices against a Compact State in default to enforce 1580
compliance with the provisions of the Compact and its 1581

promulgated Rules and Bylaws. The relief sought may include both 1582
injunctive relief and damages. In the event judicial enforcement 1583
is necessary, the prevailing member shall be awarded all costs 1584
of such litigation, including reasonable attorney's fees. 1585

3. The remedies herein shall not be the exclusive remedies 1586
of the Commission. The Commission may pursue any other remedies 1587
available under federal or state law. 1588

ARTICLE XIII 1589

DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL 1590
COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND 1591
AMENDMENTS 1592

A. The Compact shall come into effect on the date on which 1593
the Compact is enacted into law in the seventh Compact State. 1594
The provisions which become effective at that time shall be 1595
limited to the powers granted to the Commission relating to 1596
assembly and the promulgation of rules. Thereafter, the 1597
Commission shall meet and exercise rulemaking powers necessary 1598
to the implementation and administration of the Compact. 1599

B. Any state which joins the Compact subsequent to the 1600
Commission's initial adoption of the rules shall be subject to 1601
the rules as they exist on the date on which the Compact becomes 1602
law in that state. Any rule which has been previously adopted by 1603
the Commission shall have the full force and effect of law on 1604
the day the Compact becomes law in that state. 1605

C. Any Compact State may withdraw from this Compact by 1606
enacting a statute repealing the same. 1607

1. A Compact State's withdrawal shall not take effect 1608
until six (6) months after enactment of the repealing statute. 1609

2. Withdrawal shall not affect the continuing requirement 1610
of the withdrawing State's Psychology Regulatory Authority to 1611
comply with the investigative and adverse action reporting 1612
requirements of this act prior to the effective date of 1613
withdrawal. 1614

D. Nothing contained in this Compact shall be construed to 1615
invalidate or prevent any psychology licensure agreement or 1616
other cooperative arrangement between a Compact State and a Non- 1617
Compact State which does not conflict with the provisions of 1618
this Compact. 1619

E. This Compact may be amended by the Compact States. No 1620
amendment to this Compact shall become effective and binding 1621
upon any Compact State until it is enacted into the law of all 1622
Compact States. 1623

ARTICLE XIV 1624

CONSTRUCTION AND SEVERABILITY 1625

This Compact shall be liberally construed so as to 1626
effectuate the purposes thereof. If this Compact shall be held 1627
contrary to the constitution of any state member thereto, the 1628
Compact shall remain in full force and effect as to the 1629
remaining Compact States. 1630

Sec. 4732.41. Not later than thirty days after the 1631
"Psychology Interjurisdictional Compact (PSYPACT)" is entered 1632
into under section 4732.40 of the Revised Code, the state board 1633
of psychology shall appoint a member to the psychology 1634
interjurisdictional compact commission created under the 1635
compact. The board shall fill a vacancy not later than thirty 1636
days after the vacancy occurs. 1637

Section 2. That existing sections 503.40, 503.41, 503.42, 1638

503.43, 503.44, 503.47, 503.48, 503.49, 503.50, 715.61, 2927.17, 1639
4731.04, 4731.15, and 4731.41 of the Revised Code are hereby 1640
repealed. 1641

Section 3. That sections 503.45 and 503.46 of the Revised 1642
Code are hereby repealed. 1643