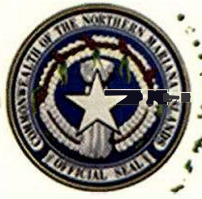


RALPH DLG. TORRES
Governor



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

October 25, 2022

The Honorable Edmund S. Villagomez
Speaker, House of Representatives
Twenty-Second Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

The Honorable Jude U. Hofschneider
President of the Senate
Twenty-Second Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that pursuant to the override action of the House of Representatives and the Senate of the Twenty-Second Northern Marianas Commonwealth Legislature on October 18, 2022 and October 24, 2022, House Bill No. 22-80, entitled, "To have the Commonwealth of the Northern Mariana Islands (CNMI) join the Psychology Interjurisdictional Compact (PSYPACT) to improve and expand access to mental health care in the CNMI; and for other purposes," the bill became **Public Law No. 22-23**. Copies of this law are forwarded for your reference.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ralph DLG. Torres".

RALPH DLG. TORRES
Governor

cc: Acting Press Secretary; Attorney General's Office; Commonwealth Law Revision; Public School System; CHCC; Health Care Professions Licensing; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



House of Representatives

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586
SAIPAN, MP 96950

October 24, 2022


The Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Torres:

This is to inform you that the Twenty-Second Northern Marianas Commonwealth Legislature repassed House Bill No. 22-80, entitled, "An Act to have the Commonwealth of the Northern Mariana Islands (CNMI) join the Psychology Interjurisdictional Compact (PSYPACT) to improve and expand access to mental health care in the CNMI; and for other purposes.", by an affirmative vote of two-thirds (2/3) in each house.

House Bill No. 22-80, is now law. Please inform us of the Public Law number assigned to this Act.

Sincerely yours,


Linda B. Muña
House Clerk

Attachment



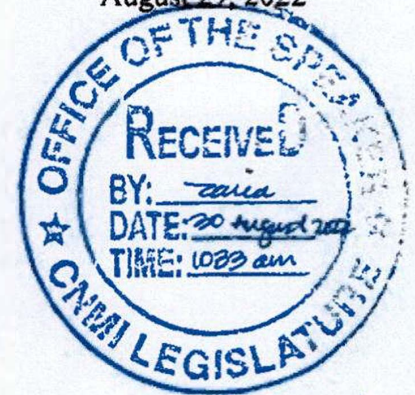
RALPH DLG. TORRES
Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

The Honorable Edmund P. Villagomez
Speaker
House of Representatives
Twenty-Second Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

The Honorable Justo S. Quitugua
Acting Senate President
Twenty-Second Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

August 29, 2022



8/30/22

Dear Mr. Speaker and Acting President:

This is to inform you that I have vetoed **House Bill 22-80** entitled, "To have the Commonwealth of the Northern Mariana Islands (CNMI) join the Psychology Interjurisdictional Compact (PSYPACT) to improve and expand access to mental health care in the CNMI; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twenty-Second Northern Marianas Commonwealth Legislature.

Although I support the Legislature's initiative to improve and expand mental health care within our Commonwealth, there is a financial commitment to joining the Psychology Interjurisdictional Compact Commission which will coordinate the efforts of the participating jurisdictions to provide and regulate psychology services within the jurisdictions. Because the authors of the bill did not include any information detailing what the estimated annual costs will be to administer PSYPACT nor any funding support via appropriation to support this annual financial commitment for the Commonwealth, I must respectfully exercise my constitutional authority to veto this bill. I ask the Legislature to ensure that accountability exists before financial commitments are made on behalf of the Commonwealth by way of Legislative action.

Sincerely,

RALPH DLG. TORRES
Governor

HOUSE CLERK'S OFC
RECEIVED BY [signature]
8/30/2022
DATE TIME 4:18pm

cc: Press Secretary; Special Assistant for Programs and Legislative Review; Special Assistant for Administration; Attorney General; Office of Public Auditor



House of Representatives

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586
SAIPAN, MP 96950


July 26, 2022

The Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action **H. B. No. 22-80**, entitled: "To have the Commonwealth of the Northern Mariana Islands (CNMI) join the Psychology Interjurisdictional Compact (PSYPACT) to improve and expand access to mental health care in the CNMI; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twenty-Second Northern Marianas Commonwealth Legislature.

Sincerely yours,


Linda B. Muña
House Clerk

Attachment



Twenty-Second Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

FIRST REGULAR SESSION

OCTOBER 1, 2021

REPRESENTATIVE CHRISTINA M.E. SABLAN OF SAIPAN, PRECINCT 1 (*for herself*, Representative Edwin K. Propst,) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 22-80

AN ACT

TO HAVE THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS (CNMI) JOIN THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT) TO IMPROVE AND EXPAND ACCESS TO MENTAL HEALTH CARE IN THE CNMI; AND FOR OTHER PURPOSES.

IN THE HOUSE OF REPRESENTATIVES

The Bill was referred to the House Committee on Health and Welfare, which submitted Standing Committee Report 22-44; adopted 4/27/2022.

THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON FIRST AND FINAL READING, APRIL 27, 2022;

without amendments and transmitted to THE SENATE.

THE HOUSE OVERRODE THE GOVERNOR'S VETO ON OCTOBER 18, 2022.


IN THE SENATE

The Bill was referred to the Senate Committee on Health, Education, and Welfare, which submitted Standing Committee Report 22-77; adopted 7/22/2022.

THE BILL WAS PASSED BY THE SENATE ON JULY 22, 2022, FIRST AND FINAL READING;
without amendments and returned to THE HOUSE OF REPRESENTATIVES.

THE SENATE OVERRODE THE GOVERNOR'S VETO ON OCTOBER 24, 2022.

H. B. NO. 22-80 IS DULY PASSED BY THE TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH LEGISLATURE.


Linda B. Muña, House Clerk



Twenty-Second Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

SECOND DAY, FIRST SPECIAL SESSION

APRIL 27, 2022

H. B. No. 22-80

AN ACT

TO HAVE THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS (CNMI) JOIN THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT) TO IMPROVE AND EXPAND ACCESS TO MENTAL HEALTH CARE IN THE CNMI; AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **SECTION 1. FINDINGS AND PURPOSES.**

2 The Legislature finds that states license psychologists, in order to protect the public
3 through verification of education, training and experience and ensure accountability for
4 professional practice. This Compact is intended to regulate the day to day practice of
5 telepsychology (i.e. the provision of psychological services using telecommunication
6 technologies) by psychologists across state boundaries in the performance of their
7 psychological practice as assigned by an appropriate authority; to regulate the temporary in-

HOUSE BILL 22-80

1 person, face-to-face practice of psychology by psychologists across state boundaries for 30
2 days within a calendar year in the performance of their psychological practice as assigned by
3 an appropriate authority; and to authorize State Psychology Regulatory Authorities to afford
4 legal recognition, in a manner consistent with the terms of the Compact, to psychologists
5 licensed in another state.

6 The Legislature further finds that this Compact recognizes that states have a vested
7 interest in protecting the public's health and safety through their licensing and regulation of
8 psychologists and that such state regulation will best protect public health and safety and that
9 this Compact does not apply when a psychologist is licensed in both the Home and Receiving
10 States and does not apply to permanent in-person, face-to-face practice, it does allow for
11 authorization of temporary psychological practice.

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

14 1) Increase public access to professional psychological services by allowing for
15 telepsychological practice across state lines as well as temporary in-person, face-to-face
16 services into a state which the psychologist is not licensed to practice psychology; 2) Enhance
17 the states' ability to protect the public's health and safety, especially client/patient safety; 3)
18 Encourage the cooperation of Compact States in the areas of psychology licensure and
19 regulation; 4) Facilitate the exchange of information between Compact States regarding
20 psychologist licensure, adverse actions and disciplinary history; 5) Promote compliance with
21 the laws governing psychological practice in each Compact State; and 6. Invest all Compact

HOUSE BILL 22-80

1 States with the authority to hold licensed psychologists accountable through the mutual
2 recognition of Compact State licenses.

3 **SECTION 2. ENACTMENT.**

4 The following is hereby enacted subject to codification by the CNMI Law Revision
5 Commission:

6 “Psychology Interjurisdictional Compact.

7 101. Definitions. For the purposes of this Act, the following terms are defined
8 as follows:

9 (a) “Adverse Action” means: Any action taken by a State Psychology
10 Regulatory Authority which finds a violation of a statute or regulation that is identified
11 by the State Psychology Regulatory Authority as discipline and is a matter of public
12 record.

13 (b) “Association of State and Provincial Psychology Boards (ASPPB)” means:
14 the recognized membership organization composed of State and Provincial Psychology
15 Regulatory Authorities responsible for the licensure and registration of psychologists
16 throughout the United States and Canada.

17 (c) “Authority to Practice Interjurisdictional Telepsychology” means: a licensed
18 psychologist’s authority to practice telepsychology, within the limits authorized under
19 this Compact, in another Compact State.

20 (d) “Bylaws” means: those Bylaws established by the Psychology
21 Interjurisdictional Compact Commission pursuant to Section X for its governance, or
22 for directing and controlling its actions and conduct.

HOUSE BILL 22-80

1 (e) "Client/Patient" means: the recipient of psychological services, whether
2 psychological services are delivered in the context of healthcare, corporate,
3 supervision, and/or consulting services.

4 (f) "Commissioner" means: the voting representative appointed by each State
5 Psychology Regulatory Authority pursuant to Section X.

6 (g) "Compact State" means: a state, the District of Columbia, or United States
7 territory that has enacted this Compact legislation and which has not withdrawn
8 pursuant to Article XIII, Section C or been terminated pursuant to Article XII, Section
9 B.

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

15 (i) "Confidentiality" means: the principle that data or information is not made
16 available or disclosed to unauthorized persons and/or processes.

17 (j) "Day" means: any part of a day in which psychological work is performed.

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

21 (l) "E.Passport" means: a certificate issued by the Association of State and
22 Provincial Psychology Boards (ASPPB) that promotes the standardization in the

HOUSE BILL 22-80

1 criteria of interjurisdictional telepsychology practice and facilitates the process for
2 licensed psychologists to provide telepsychological services across state lines.

3 (m) “Executive Board” means: a group of directors elected or appointed to act
4 on behalf of, and within the powers granted to them by, the Commission.

5 (n) “Home State” means: a Compact State where a psychologist is licensed to
6 practice psychology. If the psychologist is licensed in more than one Compact State
7 and is practicing under the Authorization to Practice Interjurisdictional
8 Telepsychology, the Home State is the Compact State where the psychologist is
9 physically present when the telepsychological services are delivered. If the
10 psychologist is licensed in more than one Compact State and is practicing under the
11 Temporary Authorization to Practice, the Home State is any Compact State where the
12 psychologist is licensed.

13 (o) “Identity History Summary” means: a summary of information retained by
14 the FBI, or other designee with similar authority, in connection with arrests and, in
15 some instances, federal employment, naturalization, or military service.

16 (p) “In-Person, Face-to-Face” means: interactions in which the psychologist and
17 the client/patient are in the same physical space and which does not include interactions
18 that may occur through the use of telecommunication technologies.

19 (q) “Interjurisdictional Practice Certificate (IPC)” means: a certificate issued by
20 the Association of State and Provincial Psychology Boards (ASPPB) that grants
21 temporary authority to practice based on notification to the State Psychology

HOUSE BILL 22-80

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

3 (r) "License" means: authorization by a State Psychology Regulatory Authority
4 to engage in the independent practice of psychology, which would be unlawful without
5 the authorization.

6 (s) "Non-Compact State" means: any State which is not at the time a Compact
7 State.

8 (t) "Psychologist" means: an individual licensed for the independent practice of
9 psychology.

10 (u) "Psychology Interjurisdictional Compact Commission" also referred to as
11 "Commission" means: the national administration of which all Compact States are
12 members.

13 (v) "Receiving State" means: a Compact State where the client/patient is
14 physically located when the telepsychological services are delivered.

15 (w) "Rule" means: a written statement by the Psychology Interjurisdictional
16 Compact Commission promulgated pursuant to Section XI of the Compact that is of
17 general applicability, implements, interprets, or prescribes a policy or provision of the
18 Compact, or an organizational, procedural, or practice requirement of the Commission
19 and has the force and effect of statutory law in a Compact State, and includes the
20 amendment, repeal or suspension of an existing rule.

21 (x) "Significant Investigatory Information" means:

HOUSE BILL 22-80

1 (1) investigative information that a State Psychology Regulatory
2 Authority, after a preliminary inquiry that includes notification and an
3 opportunity to respond if required by state law, has reason to believe, if proven
4 true, would indicate more than a violation of state statute or ethics code that
5 would be considered more substantial than minor infraction; or

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

9 (y) "State" means: a state, commonwealth, territory, or possession of the United
10 States, including the District of Columbia.

11 (z) "State Psychology Regulatory Authority" means: the Board, office or other
12 agency with the legislative mandate to license and regulate the practice of psychology.

13 (aa) "Telepsychology" means: the provision of psychological services using
14 telecommunication technologies.

15 (bb) "Temporary Authorization to Practice" means: a licensed psychologist's
16 authority to conduct temporary in-person, face-to-face practice, within the limits
17 authorized under this Compact, in another Compact State.

18 (cc) "Temporary In-Person, Face-to-Face Practice" means: where a
19 psychologist is physically present (not through the use of telecommunications
20 technologies), in the Distant State to provide for the practice of psychology for 30 days
21 within a calendar year and based on notification to the Distant State.

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1 102. Home State Licensure.

2 (a) The Home State shall be a Compact State where a psychologist is licensed
3 to practice psychology.

4 (b) A psychologist may hold one or more Compact State licenses at a time. If
5 the psychologist is licensed in more than one Compact State, the Home State is the
6 Compact State where the psychologist is physically present when the services are
7 delivered as authorized by the Authority to Practice Interjurisdictional Telepsychology
8 under the terms of this Compact.

9 (c) Any Compact State may require a psychologist not previously licensed in a
10 Compact State to obtain and retain a license to be authorized to practice in the Compact
11 State under circumstances not authorized by the Authority to Practice
12 Interjurisdictional Telepsychology under the terms of this Compact.

13 (d) Any Compact State may require a psychologist to obtain and retain a license
14 to be authorized to practice in a Compact State under circumstances not authorized by
15 Temporary Authorization to Practice under the terms of this Compact.

16 (e) A Home State's license authorizes a psychologist to practice in a Receiving
17 State under the Authority to Practice Interjurisdictional Telepsychology only if the
18 Compact State:

- 19 (1) Currently requires the psychologist to hold an active E.Passport;
20 (2) Has a mechanism in place for receiving and investigating complaints
21 about licensed individuals;

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

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

(5) Complies with the Bylaws and Rules of the Commission.

(f) A Home State's license grants Temporary Authorization to Practice to a psychologist in a Distant State only if the Compact State:

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

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

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

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

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(5) Complies with the Bylaws and Rules of the Commission.

103. Compact Privilege to Practice Telepsychology.

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

(b) To exercise the Authority to Practice Interjurisdictional Telepsychology under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:

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

(A) Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, OR authorized by Provincial Statute or Royal Charter to grant doctoral degrees; OR

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

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

HOUSE BILL 22-80

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

5 (B) The psychology program must stand as a recognizable,
6 coherent, organizational entity within the institution;

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

10 (D) The program must consist of an integrated, organized
11 sequence of study;

12 (E) There must be an identifiable psychology faculty sufficient
13 in size and breadth to carry out its responsibilities;

14 (F) The designated director of the program must be a
15 psychologist and a member of the core faculty;

16 (G) The program must have an identifiable body of students who
17 are matriculated in that program for a degree;

18 (H) The program must include supervised practicum, internship,
19 or field training appropriate to the practice of psychology;

20 (I) The curriculum shall encompass a minimum of three
21 academic years of full- time graduate study for doctoral degree and a

HOUSE BILL 22-80

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

3 (J) The program includes an acceptable residency as defined by
4 the Rules of the Commission.

5 (3) Possess a current, full and unrestricted license to practice psychology
6 in a Home State which is a Compact State;

7 (4) Have no history of adverse action that violate the Rules of the
8 Commission;

9 (5) Have no criminal record history reported on an Identity History
10 Summary that violates the Rules of the Commission;

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

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

18 (8) Meet other criteria as defined by the Rules of the Commission.

19 (c) The Home State maintains authority over the license of any psychologist
20 practicing into a Receiving State under the Authority to Practice Interjurisdictional
21 Telepsychology.

HOUSE BILL 22-80

1 (d) A psychologist practicing into a Receiving State under the Authority to
2 Practice Interjurisdictional Telepsychology will be subject to the Receiving State's
3 scope of practice. A Receiving State may, in accordance with that state's due process
4 law, limit or revoke a psychologist's Authority to Practice Interjurisdictional
5 Telepsychology in the Receiving State and may take any other necessary actions under
6 the Receiving State's applicable law to protect the health and safety of the Receiving
7 State's citizens. If a Receiving State takes action, the state shall promptly notify the
8 Home State and the Commission.

9 (e) If a psychologist's license in any Home State, another Compact State, or any
10 Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is
11 restricted, suspended or otherwise limited, the E.Passport shall be revoked and
12 therefore the psychologist shall not be eligible to practice telepsychology in a Compact
13 State under the Authority to Practice Interjurisdictional Telepsychology.

14 104. Compact Temporary Authorization to Practice.

15 (a) Compact States shall recognize the right of a psychologist, licensed in a
16 Compact State in conformance with Article III, to practice temporarily in other
17 Compact States (Distant States) in which the psychologist is not licensed, as provided
18 in the Compact.

19 (b) To exercise the Temporary Authorization to Practice under the terms and
20 provisions of this Compact, a psychologist licensed to practice in a Compact State must:

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

HOUSE BILL 22-80

1 (A) Regionally accredited by an accrediting body recognized by
2 the U.S. Department of Education to grant graduate degrees, OR
3 authorized by Provincial Statute or Royal Charter to grant doctoral
4 degrees; OR

5 (B) A foreign college or university deemed to be equivalent to 1
6 (A) above by a foreign credential evaluation service that is a member of
7 the National Association of Credential Evaluation Services (NACES) or
8 by a recognized foreign credential evaluation service; AND

9 (2) Hold a graduate degree in psychology that meets the following
10 criteria:

11 (A) The program, wherever it may be administratively housed,
12 must be clearly identified and labeled as a psychology program. Such a
13 program must specify in pertinent institutional catalogues and brochures
14 its intent to educate and train professional psychologists;

15 (B) The psychology program must stand as a recognizable,
16 coherent, organizational entity within the institution;

17 (C) There must be a clear authority and primary responsibility
18 for the core and specialty areas whether or not the program cuts across
19 administrative lines;

20 (D) The program must consist of an integrated, organized
21 sequence of study;

HOUSE BILL 22-80

1 (E) There must be an identifiable psychology faculty sufficient
2 in size and breadth to carry out its responsibilities;

3 (F) The designated director of the program must be a
4 psychologist and a member of the core faculty;

5 (G) The program must have an identifiable body of students who
6 are matriculated in that program for a degree;

7 (H) The program must include supervised practicum, internship,
8 or field training appropriate to the practice of psychology;

9 (I) The curriculum shall encompass a minimum of three
10 academic years of full- time graduate study for doctoral degrees and a
11 minimum of one academic year of full-time graduate study for master's
12 degree;

13 (J) The program includes an acceptable residency as defined by
14 the Rules of the Commission.

15 (3) Possess a current, full and unrestricted license to practice psychology
16 in a Home State which is a Compact State;

17 (4) No history of adverse action that violate the Rules of the
18 Commission;

19 (5) No criminal record history that violates the Rules of the
20 Commission;

21 (6) Possess a current, active IPC;

HOUSE BILL 22-80

1 (7) Provide attestations in regard to areas of intended practice and work
2 experience and provide a release of information to allow for primary source
3 verification in a manner specified by the Commission; and

4 (8) Meet other criteria as defined by the Rules of the Commission.

5 (c) A psychologist practicing into a Distant State under the Temporary
6 Authorization to Practice shall practice within the scope of practice authorized by the
7 Distant State.

8 (d) A psychologist practicing into a Distant State under the Temporary
9 Authorization to Practice will be subject to the Distant State's authority and law. A
10 Distant State may, in accordance with that state's due process law, limit or revoke a
11 psychologist's Temporary Authorization to Practice in the Distant State and may take
12 any other necessary actions under the Distant State's applicable law to protect the health
13 and safety of the Distant State's citizens. If a Distant State takes action, the state shall
14 promptly notify the Home State and the Commission.

15 (e) If a psychologist's license in any Home State, another Compact State, or any
16 Temporary Authorization to Practice in any Distant State, is restricted, suspended or
17 otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be
18 eligible to practice in a Compact State under the Temporary Authorization to Practice.

19 105. Conditions of Telepsychology Practice in a Receiving State.

20 (a) A psychologist may practice in a Receiving State under the Authority to
21 Practice Interjurisdictional Telepsychology only in the performance of the scope of
22 practice for psychology as assigned by an appropriate State Psychology Regulatory

HOUSE BILL 22-80

1 Authority, as defined in the Rules of the Commission, and under the following
2 circumstances:

3 (1) The psychologist initiates a client/patient contact in a Home State
4 via telecommunications technologies with a client/patient in a Receiving State;

5 (2) Other conditions regarding telepsychology as determined by Rules
6 promulgated by the Commission.

7 106. Adverse Actions.

8 (a) A Home State shall have the power to impose adverse action against a
9 psychologist's license issued by the Home State. A Distant State shall have the power
10 to take adverse action on a psychologist's Temporary Authorization to Practice within
11 that Distant State.

12 (b) A Receiving State may take adverse action on a psychologist's Authority to
13 Practice Interjurisdictional Telepsychology within that Receiving State. A Home State
14 may take adverse action against a psychologist based on an adverse action taken by a

15 (c) If a Home State takes adverse action against a psychologist's license, that
16 psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated
17 and the E.Passport is revoked. Furthermore, that psychologist's Temporary
18 Authorization to Practice is terminated and the IPC is revoked.

19 (1) All Home State disciplinary orders which impose adverse action
20 shall be reported to the Commission in accordance with the Rules promulgated
21 by the Commission. A Compact State shall report adverse actions in accordance
22 with the Rules of the Commission.

HOUSE BILL 22-80

1 (2) In the event discipline is reported on a psychologist, the psychologist
2 will not be eligible for telepsychology or temporary in-person, face-to-face
3 practice in accordance with the Rules of the Commission.

4 (3) Other actions may be imposed as determined by the Rules
5 promulgated by the Commission.

6 (d) A Home State's Psychology Regulatory Authority shall investigate and take
7 appropriate action with respect to reported inappropriate conduct engaged in by a
8 licensee which occurred in a Receiving State as it would if such conduct had occurred
9 by a licensee within the Home State. In such cases, the Home State's law shall control
10 in determining any adverse action against a psychologist's license.

11 (e) A Distant State's Psychology Regulatory Authority shall investigate and
12 take appropriate action with respect to reported inappropriate conduct engaged in by a
13 psychologist practicing under Temporary Authorization Practice which occurred in that
14 Distant State as it would if such conduct had occurred by a licensee within the Home
15 State. In such cases, Distant State's law shall control in determining any adverse action
16 against a psychologist's Temporary Authorization to Practice.

17 (f) Nothing in this Compact shall override a Compact State's decision that a
18 psychologist's participation in an alternative program may be used in lieu of adverse
19 action and that such participation shall remain non- public if required by the Compact
20 State's law. Compact States must require psychologists who enter any alternative
21 programs to not provide telepsychology services under the Authority to Practice
22 Interjurisdictional Telepsychology or provide temporary psychological services under

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1 the Temporary Authorization to Practice in any other Compact State during the term of
2 the alternative program.

3 (g) No other judicial or administrative remedies shall be available to a
4 psychologist in the event a Compact State imposes an adverse action pursuant to
5 subsection c, above.

6 107. Additional Authorities Invested in a Compact State's Psychology
7 Regulatory Authority.

8 (a) In addition to any other powers granted under state law, a Compact State's
9 Psychology Regulatory Authority shall have the authority under this Compact to:

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

20 (2) Issue cease and desist and/or injunctive relief orders to revoke a
21 psychologist's Authority to Practice Interjurisdictional Telepsychology and/or
22 Temporary Authorization to Practice.

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1 (3) During the course of any investigation, a psychologist may not
2 change his/her Home State licensure. A Home State Psychology Regulatory
3 Authority is authorized to complete any pending investigations of a
4 psychologist and to take any actions appropriate under its law. The Home State
5 Psychology Regulatory Authority shall promptly report the conclusions of such
6 investigations to the Commission. Once an investigation has been completed,
7 and pending the outcome of said investigation, the psychologist may change
8 his/her Home State licensure. The Commission shall promptly notify the new
9 Home State of any such decisions as provided in the Rules of the Commission.
10 All information provided to the Commission or distributed by Compact States
11 pursuant to the psychologist shall be confidential, filed under seal and used for
12 investigatory or disciplinary matters. The Commission may create additional
13 rules for mandated or discretionary sharing of information by Compact States.

14 108. Coordinated Licensure Information System.

15 (a) The Commission shall provide for the development and maintenance of a
16 Coordinated Licensure Information System (Coordinated Database) and reporting
17 system containing licensure and disciplinary action information on all psychologists
18 individuals to whom this Compact is applicable in all Compact States as defined by the
19 Rules of the Commission.

20 (b) Notwithstanding any other provision of state law to the contrary, a Compact
21 State shall submit a uniform data set to the Coordinated Database on all licensees as
22 required by the Rules of the Commission, including:

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- 1 (1) Identifying information;
- 2 (2) Licensure data;
- 3 (3) Significant investigatory information;
- 4 (4) Adverse actions against a psychologist's license;
- 5 (5) An indicator that a psychologist's Authority to Practice
- 6 Interjurisdictional Telepsychology and/or Temporary Authorization to Practice
- 7 is revoked;
- 8 (6) Non-confidential information related to alternative program
- 9 participation information;
- 10 (7) Any denial of application for licensure, and the reasons for such
- 11 denial; and
- 12 (8) Other information which may facilitate the administration of this
- 13 Compact, as determined by the Rules of the Commission.
- 14 (c) The Coordinated Database administrator shall promptly notify all Compact
- 15 States of any adverse action taken against, or significant investigative information on,
- 16 any licensee in a Compact State.
- 17 (d) Compact States reporting information to the Coordinated Database may
- 18 designate information that may not be shared with the public without the express
- 19 permission of the Compact State reporting the information.
- 20 (e) Any information submitted to the Coordinated Database that is subsequently
- 21 required to be expunged by the law of the Compact State reporting the information shall
- 22 be removed from the Coordinated Database.

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1 109. Establishment of the Psychology Interjurisdictional Compact Commission.

2 (a) The Compact States hereby create and establish a joint public agency known
3 as the Psychology Interjurisdictional Compact Commission.

4 (1) The Commission is a body politic and an instrumentality of the
5 Compact States.

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

11 (3) Nothing in this Compact shall be construed to be a waiver of
12 sovereign immunity.

13 (b) Membership, Voting, and Meetings

14 (1) The Commission shall consist of one voting representative appointed
15 by each Compact State who shall serve as that state's Commissioner. The State
16 Psychology Regulatory Authority shall appoint its delegate. This delegate shall
17 be empowered to act on behalf of the Compact State. This delegate shall be
18 limited to:

19 (A) Executive Director, Executive Secretary or similar
20 executive;

21 (B) Current member of the State Psychology Regulatory
22 Authority of a Compact State; OR

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1 (C) Designee empowered with the appropriate delegate authority
2 to act on behalf of the Compact State.

3 (2) Any Commissioner may be removed or suspended from office as
4 provided by the law of the state from which the Commissioner is appointed.
5 Any vacancy occurring in the Commission shall be filled in accordance with
6 the laws of the Compact State in which the vacancy exists.

7 (3) Each Commissioner shall be entitled to one (1) vote with regard to
8 the promulgation of Rules and creation of Bylaws and shall otherwise have an
9 opportunity to participate in the business and affairs of the Commission. A
10 Commissioner shall vote in person or by such other means as provided in the
11 Bylaws. The Bylaws may provide for Commissioners' participation in meetings
12 by telephone or other means of communication.

13 (4) The Commission shall meet at least once during each calendar year.
14 Additional meetings shall be held as set forth in the Bylaws.

15 (5) All meetings shall be open to the public, and public notice of
16 meetings shall be given in the same manner as required under the rulemaking
17 provisions in Article XI.

18 (6) The Commission may convene in a closed, non-public meeting if the
19 Commission must discuss:

20 (A) Non-compliance of a Compact State with its obligations
21 under the Compact;

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(B) The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

(C) Current, threatened, or reasonably anticipated litigation against the Commission;

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

(E) Accusation against any person of a crime or formally censuring any person;

(F) Disclosure of trade secrets or commercial or financial information which is privileged or confidential;

(G) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(H) Disclosure of investigatory records compiled for law enforcement purposes;

(I) Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the Compact; or

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1 (J) Matters specifically exempted from disclosure by federal and
2 state statute.

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

14 (c) The Commission shall, by a majority vote of the Commissioners, prescribe
15 Bylaws and/or Rules to govern its conduct as may be necessary or appropriate to carry
16 out the purposes and exercise the powers of the Compact, including but not limited to:

17 (1) Establishing the fiscal year of the Commission;

18 (2) Providing reasonable standards and procedures:

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

20 (B) governing any general or specific delegation of any authority
21 or function of the Commission;

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

11 (4) Establishing the titles, duties and authority and reasonable
12 procedures for the election of the officers of the Commission;

13 (5) Providing reasonable standards and procedures for the establishment
14 of the personnel policies and programs of the Commission. Notwithstanding
15 any civil service or other similar law of any Compact State, the Bylaws shall
16 exclusively govern the personnel policies and programs of the Commission;

17 (6) Promulgating a Code of Ethics to address permissible and prohibited
18 activities of Commission members and employees;

19 (7) Providing a mechanism for concluding the operations of the
20 Commission and the equitable disposition of any surplus funds that may exist
21 after the termination of the Compact after the payment and/or reserving of all
22 of its debts and obligations;

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(8) The Commission shall publish its Bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compact States;

(9) The Commission shall maintain its financial records in accordance with the Bylaws; and

(10) The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the Bylaws.

(d) The Commission shall have the following powers:

(1) The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rule shall have the force and effect of law and shall be binding in all Compact States;

(2) To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Psychology Regulatory Authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

(3) To purchase and maintain insurance and bonds;

(4) To borrow, accept or contract for services of personnel, including, but not limited to, employees of a Compact State;

(5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies

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1 and programs relating to conflicts of interest, qualifications of personnel, and
2 other related personnel matters;

3 (6) To accept any and all appropriate donations and grants of money,
4 equipment, supplies, materials and services, and to receive, utilize and dispose
5 of the same; provided that at all times the Commission shall strive to avoid any
6 appearance of impropriety and/or conflict of interest;

7 (7) To lease, purchase, accept appropriate gifts or donations of, or
8 otherwise to own, hold, improve or use, any property, real, personal or mixed;
9 provided that at all times the Commission shall strive to avoid any appearance
10 of impropriety;

11 (8) To sell, convey, mortgage, pledge, lease, exchange, abandon or
12 otherwise dispose of any property real, personal or mixed;

13 (9) To establish a budget and make expenditures;

14 (10). To borrow money;

15 (11) To appoint committees, including advisory committees comprised
16 of Members, State regulators, State legislators or their representatives, and
17 consumer representatives, and such other interested persons as may be
18 designated in this Compact and the Bylaws;

19 (12) To provide and receive information from, and to cooperate with,
20 law enforcement agencies;

21 (13) To adopt and use an official seal; and

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1 (14) To perform such other functions as may be necessary or appropriate
2 to achieve the purposes of this Compact consistent with the state regulation of
3 psychology licensure, temporary in-person, face-to- face practice and
4 telepsychology practice.

5 (e) The Executive Board

6 The elected officers shall serve as the Executive Board, which shall have the
7 power to act on behalf of the Commission according to the terms of this Compact.

8 (1) The Executive Board shall be comprised of six members:

9 (A) Five voting members who are elected from the current
10 membership of the Commission by the Commission;

11 (B) One ex-officio, nonvoting member from the recognized
12 membership organization composed of State and Provincial Psychology
13 Regulatory Authorities.

14 (2) The ex-officio member must have served as staff or member on a
15 State Psychology Regulatory Authority and will be selected by its respective
16 organization.

17 (3) The Commission may remove any member of the Executive Board
18 as provided in Bylaws.

19 (4) The Executive Board shall meet at least annually.

20 (5) The Executive Board shall have the following duties and
21 responsibilities:

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(A) Recommend to the entire Commission changes to the Rules or Bylaws, changes to this Compact legislation, fees paid by Compact States such as annual dues, and any other applicable fees;

(B) Ensure Compact administration services are appropriately provided, contractual or otherwise;

(C) Prepare and recommend the budget;

(D) Maintain financial records on behalf of the Commission;

(E) Monitor Compact compliance of member states and provide compliance reports to the Commission;

(F) Establish additional committees as necessary; and

(G) Other duties as provided in Rules or Bylaws.

(f) Financing of the Commission

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

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

(3) The Commission may levy on and collect an annual assessment from each Compact State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual

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1 assessment amount shall be allocated based upon a formula to be determined by
2 the Commission which shall promulgate a rule binding upon all Compact States.

3 (4) The Commission shall not incur obligations of any kind prior to
4 securing the funds adequate to meet the same; nor shall the Commission pledge
5 the credit of any of the Compact States, except by and with the authority of the
6 Compact State.

7 (5) The Commission shall keep accurate accounts of all receipts and
8 disbursements. The receipts and disbursements of the Commission shall be
9 subject to the audit and accounting procedures established under its Bylaws.
10 However, all receipts and disbursements of funds handled by the Commission
11 shall be audited yearly by a certified or licensed public accountant and the report
12 of the audit shall be included in and become part of the annual report of the
13 Commission.

14 (g) Qualified Immunity, Defense, and Indemnification

15 (1) The members, officers, Executive Director, employees and
16 representatives of the Commission shall be immune from suit and liability,
17 either personally or in their official capacity, for any claim for damage to or loss
18 of property or personal injury or other civil liability caused by or arising out of
19 any actual or alleged act, error or omission that occurred, or that the person
20 against whom the claim is made had a reasonable basis for believing occurred
21 within the scope of Commission employment, duties or responsibilities;
22 provided that nothing in this paragraph shall be construed to protect any such

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1 person from suit and/or liability for any damage, loss, injury or liability caused
2 by the intentional or willful or wanton misconduct of that person.

3 (2) The Commission shall defend any member, officer, Executive
4 Director, employee or representative of the Commission in any civil action
5 seeking to impose liability arising out of any actual or alleged act, error or
6 omission that occurred within the scope of Commission employment, duties or
7 responsibilities, or that the person against whom the claim is made had a
8 reasonable basis for believing occurred within the scope of Commission
9 employment, duties or responsibilities; provided that nothing herein shall be
10 construed to prohibit that person from retaining his or her own counsel; and
11 provided further, that the actual or alleged act, error or omission did not result
12 from that person's intentional or willful or wanton misconduct.

13 (3) The Commission shall indemnify and hold harmless any member,
14 officer, Executive Director, employee or representative of the Commission for
15 the amount of any settlement or judgment obtained against that person arising
16 out of any actual or alleged act, error or omission that occurred within the scope
17 of Commission employment, duties or responsibilities, or that such person had
18 a reasonable basis for believing occurred within the scope of Commission
19 employment, duties or responsibilities, provided that the actual or alleged act,
20 error or omission did not result from the intentional or willful or wanton
21 misconduct of that person.

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1 110. Rulemaking.

2 (a) The Commission shall exercise its rulemaking powers pursuant to the
3 criteria set forth in this Article and the Rules adopted thereunder. Rules and
4 amendments shall become binding as of the date specified in each rule or amendment.

5 (b) If a majority of the legislatures of the Compact States rejects a rule, by
6 enactment of a statute or resolution in the same manner used to adopt the Compact,
7 then such rule shall have no further force and effect in any Compact State.

8 (c) Rules or amendments to the rules shall be adopted at a regular or special
9 meeting of the Commission.

10 (d) Prior to promulgation and adoption of a final rule or Rules by the
11 Commission, and at least sixty (60) days in advance of the meeting at which the rule
12 will be considered and voted upon, the Commission shall file a Notice of Proposed
13 Rulemaking:

14 (1) On the website of the Commission; and

15 (2) On the website of each Compact States' Psychology Regulatory
16 Authority or the publication in which each state would otherwise publish
17 proposed rules.

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

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

21 (2) The text of the proposed rule or amendment and the reason for the
22 proposed rule;

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

3 (4) The manner in which interested persons may submit notice to the
4 Commission of their intention to attend the public hearing and any written
5 comments.

6 (f) Prior to adoption of a proposed rule, the Commission shall allow persons to
7 submit written data, facts, opinions and arguments, which shall be made available to
8 the public.

9 (g) The Commission shall grant an opportunity for a public hearing before it
10 adopts a rule or amendment if a hearing is requested by:

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

13 (2) A governmental subdivision or agency; or

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

16 (h) If a hearing is held on the proposed rule or amendment, the Commission
17 shall publish the place, time, and date of the scheduled public hearing.

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

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

4 (3) No transcript of the hearing is required, unless a written request for
5 a transcript is made, in which case the person requesting the transcript shall bear
6 the cost of producing the transcript. A recording may be made in lieu of a
7 transcript under the same terms and conditions as a transcript. This subsection
8 shall not preclude the Commission from making a transcript or recording of the
9 hearing if it so chooses.

10 (4) Nothing in this section shall be construed as requiring a separate
11 hearing on each rule. Rules may be grouped for the convenience of the
12 Commission at hearings required by this section.

13 (i) Following the scheduled hearing date, or by the close of business on the
14 scheduled hearing date if the hearing was not held, the Commission shall consider all
15 written and oral comments received.

16 (j) The Commission shall, by majority vote of all members, take final action on
17 the proposed rule and shall determine the effective date of the rule, if any, based on the
18 rulemaking record and the full text of the rule.

19 (k) If no written notice of intent to attend the public hearing by interested parties
20 is received, the Commission may proceed with promulgation of the proposed rule
21 without a public hearing.

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1 (l) Upon determination that an emergency exists, the Commission may consider
2 and adopt an emergency rule without prior notice, opportunity for comment, or hearing,
3 provided that the usual rulemaking procedures provided in the Compact and in this
4 section shall be retroactively applied to the rule as soon as reasonably possible, in no
5 event later than ninety (90) days after the effective date of the rule. For the purposes of
6 this provision, an emergency rule is one that must be adopted immediately in order to:

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

8 (2) Prevent a loss of Commission or Compact State funds;

9 (3) Meet a deadline for the promulgation of an administrative rule that
10 is established by federal law or rule; or

11 (4) Protect public health and safety.

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

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1 111. Oversight, Dispute Resolution and Enforcement.

2 (a) Oversight

3 (1) The Executive, Legislative and Judicial branches of state
4 government in each Compact State shall enforce this Compact and take all
5 actions necessary and appropriate to effectuate the Compact's purposes and
6 intent. The provisions of this Compact and the rules promulgated hereunder
7 shall have standing as statutory law.

8 (2) All courts shall take judicial notice of the Compact and the rules in
9 any judicial or administrative proceeding in a Compact State pertaining to the
10 subject matter of this Compact which may affect the powers, responsibilities or
11 actions of the Commission.

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

17 (b) Default, Technical Assistance, and Termination

18 (1) If the Commission determines that a Compact State has defaulted in
19 the performance of its obligations or responsibilities under this Compact or the
20 promulgated rules, the Commission shall:

21 (A) Provide written notice to the defaulting state and other
22 Compact States of the nature of the default, the proposed means of

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1 remedying the default and/or any other action to be taken by the
2 Commission; and

3 (B) Provide remedial training and specific technical assistance
4 regarding the default.

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

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

16 (4) A Compact State which has been terminated is responsible for all
17 assessments, obligations and liabilities incurred through the effective date of
18 termination, including obligations which extend beyond the effective date of
19 termination.

20 (5) The Commission shall not bear any costs incurred by the state which
21 is found to be in default or which has been terminated from the Compact, unless
22 agreed upon in writing between the Commission and the defaulting state.

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

5 (c) Dispute Resolution

6 (1) Upon request by a Compact State, the Commission shall attempt to
7 resolve disputes related to the Compact which arise among Compact States and
8 between Compact and Non-Compact States.

9 (2) The Commission shall promulgate a rule providing for both
10 mediation and binding dispute resolution for disputes that arise before the
11 commission.

12 (d) Enforcement

13 (1) The Commission, in the reasonable exercise of its discretion, shall
14 enforce the provisions and Rules of this Compact.

15 (2) By majority vote, the Commission may initiate legal action in the
16 United States District Court for the State of Georgia or the federal district where
17 the Compact has its principal offices against a Compact State in default to
18 enforce compliance with the provisions of the Compact and its promulgated
19 Rules and Bylaws. The relief sought may include both injunctive relief and
20 damages. In the event judicial enforcement is necessary, the prevailing member
21 shall be awarded all costs of such litigation, including reasonable attorney's
22 fees.

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1 (3) The remedies herein shall not be the exclusive remedies of the
2 Commission. The Commission may pursue any other remedies available under
3 federal or state law.

4 112. Date of Implementation of the Psychology Interjurisdictional Compact
5 Commission and Associated Rules, Withdrawal, and Amendments.

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

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

17 (c) Any Compact State may withdraw from this Compact by enacting a statute
18 repealing the same.

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

21 (2) Withdrawal shall not affect the continuing requirement of the
22 withdrawing State's Psychology Regulatory Authority to comply with the

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1 investigative and adverse action reporting requirements of this act prior to the
2 effective date of withdrawal.

3 (d) Nothing contained in this Compact shall be construed to invalidate or
4 prevent any psychology licensure agreement or other cooperative arrangement between
5 a Compact State and a Non-Compact State which does not conflict with the provisions
6 of this Compact.

7 (e) This Compact may be amended by the Compact States. No amendment to
8 this Compact shall become effective and binding upon any Compact State until it is
9 enacted into the law of all Compact States.”

SECTION 3. SEVERABILITY.

10 If any provisions of this Act or the application of any such provision to any person or
11 circumstance should be held invalid by a court of competent jurisdiction, the remainder of this
12 Act or the application of its provisions to persons or circumstances other than those to which
13 it is held invalid shall not be affected thereby.
14

SECTION 4. SAVINGS CLAUSE.

15 This Act and any repealer contained herein shall not be construed as affecting any
16 existing right acquired under contract or acquired under statutes repealed or under any rule,
17 regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect
18 any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not
19 have the effect of terminating, or in any way modifying, any liability, civil or criminal, which
20 shall already be in existence on the date this Act becomes effective.
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SECTION 5. EFFECTIVE DATE.

This Act shall take effect upon its approval by the Governor, or its becoming law without such approval.

Attested to by:




Linda B. Muña, House Clerk

Certified by:



SPEAKER EDMUND S. VILLAGOMEZ
House of Representatives
22nd Northern Marianas Commonwealth Legislature

Disapproved this **29th** day of **August**, 2022




RALPH DLG. TORRES
Governor
Commonwealth of the Northern Mariana Islands

HOUSE BILL 22-80

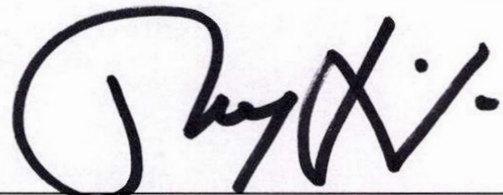
CERTIFICATION:

Overridden by the House of Representatives on October 18, 2022, and by the Senate on October 24, 2022, by the affirmative vote of two-thirds of the members in each house.



EDMUND S. VILLAGOMEZ
SPEAKER OF THE HOUSE

10/24/22
DATE



JUDE U. HOFSCHEIDER
PRESIDENT OF THE SENATE

10/24/2022
DATE

Became Public Law No. 22-23 on 24th day of October, 2022.