



AN ACT ADOPTING THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT; PROVIDING FOR RECOGNITION OF HOME STATE LICENSURE; PROVIDING FOR REQUIREMENTS TO PRACTICE TELEPSYCHOLOGY; PROVIDING FOR TEMPORARY AUTHORIZATION TO PRACTICE PSYCHOLOGY; PROVIDING FOR CONDITIONS TO PRACTICE TELEPSYCHOLOGY IN A RECEIVING STATE; PROVIDING FOR AN ADVERSE ACTION PROCESS; PROVIDING FOR A COORDINATED LICENSURE INFORMATION SYSTEM; RECOGNIZING THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION; PROVIDING RULEMAKING AUTHORITY; PROVIDING FOR CONDITIONS OF DEFAULT AND TERMINATION; PROVIDING DEFINITIONS; AMENDING SECTION 37-17-202, MCA; AND PROVIDING AN EFFECTIVE DATE FOR COMMISSION RULES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Enactment -- provisions. The Psychology Interjurisdictional Compact is enacted into law and entered into with all other jurisdictions joining in the compact in the form substantially as follows:

ARTICLE I

PURPOSE

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

WHEREAS, this compact is intended to regulate the day-to-day practice of telepsychology, defined in Article II, by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority; and

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

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

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

WHEREAS, this compact does not apply to the practice of psychology by a psychologist licensed in both the home and receiving states; and

WHEREAS, this compact does not apply to permanent in-person, face-to-face practice, but it does allow for authorization of temporary psychological practice.

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

- (1) increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state in which the psychologist is not licensed to practice psychology;
- (2) enhance the states' ability to protect the public's health and safety, especially client and patient safety;
- (3) encourage the cooperation of compact states in the areas of psychology licensure and regulation;
- (4) facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions, and disciplinary history;
- (5) promote compliance with the laws governing psychological practice in each compact state; and
- (6) invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

ARTICLE II

DEFINITIONS

(A) "Adverse action" means any action taken by a state psychology regulatory authority that finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and

is a matter of public record.

(B) "Association of state and provincial psychology boards" or "ASPPB" means the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

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

(D) "Bylaws" means those bylaws established by the psychology interjurisdictional compact commission pursuant to Article X for its governance or for directing and controlling its actions and conduct.

(E) "Client" or "patient" means the recipient of psychological services, whether psychological services are delivered in the context of health care, corporate, supervision, or consulting services.

(F) "Commissioner" means the voting representative appointed by each state psychology regulatory authority pursuant to Article X.

(G) "Compact state" means a state, the District of Columbia, or a United States territory that has enacted this compact legislation and that has not withdrawn pursuant to Article XIII, section (C), or been terminated pursuant to Article XII, section (B).

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

(I) "Coordinated licensure information system" or "coordinated database" means an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws that is administered by the recognized membership organization composed of state psychology regulatory authorities.

(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 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 interjurisdictional telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed.

(O) "Identity history summary" means a summary of information retained by the federal bureau of investigation, or other designee with similar authority, in connection with arrests and in some instances federal employment, naturalization, or military service.

(P) "In-person" or "face-to-face" or "in-person, face-to-face" means interactions in which the psychologist and the client or patient are in the same physical space and does not include interactions that may occur through the use of telecommunication technologies.

(Q) "Interjurisdictional practice certificate" or "IPC" means a certificate issued by the association of state and provincial psychology boards that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily and verification of one's qualifications for such practice.

(R) "License" means authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

(S) "Non-compact state" means any state that is not at the time a compact state.

(T) "Psychologist" means an individual licensed for the independent practice of psychology.

(U) "Psychology interjurisdictional compact commission" or "commission" means the national administration of which all compact states are members.

(V) "Receiving state" means a compact state where the client or patient is physically located when the telepsychological services are delivered.

(W) "Rule" means a written statement by the psychology interjurisdictional compact commission promulgated pursuant to Article XI of the compact that is of general applicability, implements, interprets, or

prescribes a policy or provision of the compact or an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a compact state, and includes the amendment, repeal, or suspension of an existing rule.

(X) "Significant investigatory information" means:

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

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

(Y) "State" means a state, commonwealth, territory, or possession of the United States, or the District of Columbia.

(Z) "State psychology regulatory authority" means the board, office, or other agency with the legislative mandate to license and regulate the practice of psychology.

(AA) "Telepsychology" means the provision of psychological services using telecommunication technologies.

(BB) "Temporary authorization to practice" means a licensed psychologist's authority to conduct temporary in-person, face-to-face practice within the limits authorized under this compact, in another compact state.

(CC) "Temporary in-person, face-to-face practice" means where a psychologist is physically present, not through the use of telecommunications technologies, in the distant state to provide for the practice of psychology for 30 days within a calendar year and based on notification to the distant state.

ARTICLE III

HOME STATE LICENSURE

(A) The home state must be a compact state where a psychologist is licensed to practice psychology.

(B) A psychologist may hold one or more compact state licenses at a time. If the psychologist is

licensed in more than one compact state, the home state is the compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

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

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

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

- (1) currently requires the psychologist to hold an active E.passport;
- (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, or other designee with similar authority, no later than 10 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 interjurisdictional practice certificate;
- (2) has a mechanism in place for receiving and investigating complaints about licensed individuals;
- (3) notifies the commission, in compliance with the terms of the compact, 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, or other designee with similar authority, no later than 10 years after activation of the compact; and

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

ARTICLE IV

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 or 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:

(1) must 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 United States 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 Article IV, subsection (B)(1)(a), by a foreign credential evaluation service that is a member of the national association of credential evaluation services or by a recognized foreign credential evaluation service;

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

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

(b) the psychology program must stand as a recognizable, coherent, organizational entity within the institution;

(c) there must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) the program must consist of an integrated, organized sequence of study;

(e) there must be an identifiable psychology faculty sufficient in size and breadth to carry out its

responsibilities;

(f) the designated director of the program must be a psychologist and a member of the core faculty;

(g) the program must have an identifiable body of students who are matriculated in that program for a degree;

(h) the program must include supervised practicum, internship, or field training appropriate to the practice of psychology;

(i) the curriculum must encompass a minimum of 3 academic years of full-time graduate study for doctoral degree and a minimum of 1 academic year of full-time graduate study for master's degree; and

(j) the program includes an acceptable residency as defined by the rules of the commission;

(3) must possess a current, full, and unrestricted license to practice psychology in a home state that is a compact state;

(4) may not have a history of adverse action that violates the rules of the commission;

(5) may not have a criminal record history reported on an identity history summary that violates the rules of the commission;

(6) must possess a current, active E.passport;

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

(8) shall meet other criteria as defined by the rules of the commission.

(C) The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.

(D) A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law to protect health and safety of the receiving state's citizens. If a receiving state takes action, the

state shall promptly notify the home state and the commission.

(E) If a psychologist's license in any home state or another compact state or any authority to practice interjurisdictional telepsychology in any receiving state is restricted, suspended, or otherwise limited, the E.passport must be revoked and therefore the psychologist may not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

ARTICLE V

COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

(A) Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with Article III, to practice temporarily in other compact states or distant states in which the psychologist is not licensed.

(B) To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state:

(1) must 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 United States 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 Article V, subsection (B)(1)(a), by a foreign credential evaluation service that is a member of the national association of credential evaluation services or by a recognized foreign credential evaluation service;

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

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

(b) the psychology program must stand as a recognizable, coherent, organizational entity within the institution;

(c) there must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

- (d) the program must consist of an integrated, organized sequence of study;
- (e) there must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;
- (f) the designated director of the program must be a psychologist and a member of the core faculty;
- (g) the program must have an identifiable body of students who are matriculated in that program for a degree;
- (h) the program must include supervised practicum, internship, or field training appropriate to the practice of psychology;
- (i) the curriculum must encompass a minimum of 3 academic years of full-time graduate study for doctoral degree and a minimum of 1 academic year of full-time graduate study for master's degree; and
- (j) the program includes an acceptable residency as defined by the rules of the commission;
- (3) must possess a current, full, and unrestricted license to practice psychology in a home state that is a compact state;
- (4) may not have a history of adverse action that violates the rules of the commission;
- (5) may not have a criminal record history that violates the rules of the commission;
- (6) must possess a current, active interjurisdictional practice certificate.
- (7) shall provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and
- (8) shall meet other criteria as defined by the rules of the commission.
- (C) A psychologist practicing into a distant state under the temporary authorization to practice shall practice within the scope of practice authorized by the distant state.
- (D) A psychologist practicing into a distant state under the temporary authorization to practice will be subject to the distant state's authority and law. A distant state may, in accordance with that state's due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect health and safety of the distant state's citizens. If a distant state takes action, the state shall promptly notify the home state and the

commission.

(E) If a psychologist's license in any home state or another compact state or any temporary authorization to practice in any distant state is restricted, suspended, or otherwise limited, the interjurisdictional practice certificate must be revoked and therefore the psychologist may not be eligible to practice in a compact state under the temporary authorization to practice.

ARTICLE VI

CONDITIONS OF TELEPSYCHOLOGY PRACTICE

IN A RECEIVING STATE

(A) A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority as defined in the rules of the commission and under the following circumstances:

- (1) the psychologist initiates a client or patient contact in a home state via telecommunications technologies with a client or patient in a receiving state; and
- (2) other conditions regarding telepsychology as determined by the rules promulgated by the commission.

ARTICLE VII

ADVERSE ACTIONS

(A) A home state must have the power to impose adverse action against a psychologist's license issued by the home state. A distant state must have the power to take adverse action on a psychologist's temporary authorization to practice in the distant state.

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

(C) If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the e.passport is revoked. The psychologist's temporary authorization to practice is also terminated and the interjurisdictional practice

certificate is revoked.

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

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

(3) Other actions may be imposed as determined by the rules promulgated by the commission.

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

(E) A distant state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under temporary authorization practice that occurred in that distant state as it would if such conduct had occurred by a licensee within the home state. In such cases, the distant state's law must control in determining any adverse action against a psychologist's temporary authorization to practice.

(F) Nothing in this compact may override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation must remain nonpublic if required by the compact state's law. Compact states shall require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

(G) No other judicial or administrative remedies may be available to a psychologist in the event a compact state imposes an adverse action pursuant to Article VII, subsection (C), above.

ARTICLE VIII

ADDITIONAL AUTHORITIES INVESTED IN A

COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY

(A) In addition to any other powers granted under state law, a compact state's psychology

regulatory authority must have the authority under this compact to:

- (1) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses or the production of evidence, or both, from another compact state must be enforced in the latter state by any court of competent jurisdiction according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located.
- (2) issue cease and desist or injunctive relief orders, or both, to revoke a psychologist's authority to practice interjurisdictional telepsychology and temporary authorization to practice.
- (3) During the course of any investigation, a psychologist may not change the psychologist's home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcomes of the investigation, the psychologist may change the psychologist's home state licensure. The commission shall promptly notify the new home state of any such decisions as provided in the rules of the commission. All information provided to the commission or distributed by compact states pursuant to the psychologist must be confidential, filed under seal, and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

ARTICLE IX

COORDINATED LICENSURE INFORMATION SYSTEM

- (A) The commission shall provide for the development and maintenance of a coordinated licensure information system and reporting system containing licensure and disciplinary action information on all psychologist individuals to whom this compact is applicable in all compact states as defined by the rules of the commission.
- (B) Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission,

including:

- (1) identifying information;
- (2) licensure data;
- (3) significant investigatory information;
- (4) adverse actions against a psychologist's license;
- (5) an indicator that a psychologist's authority to practice interjurisdictional telepsychology or

temporary authorization to practice is revoked;

- (6) nonconfidential information related to alternative program participation information;
- (7) any denial of application for licensure, and the reasons for such denial; and
- (8) other information that may facilitate the administration of this compact, as determined by the

rules of the commission.

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

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

(E) Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact state reporting the information must be removed from the coordinated database.

ARTICLE X

ESTABLISHMENT OF THE PSYCHOLOGY

INTERJURISDICTIONAL COMPACT COMMISSION

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

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

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

alternative dispute resolution proceedings.

(3) Nothing in this compact may be construed to be a waiver of sovereign immunity.

(B) Membership, Voting, and Meetings

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

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

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

(c) a designee empowered with the appropriate delegate authority to act on behalf of the compact state.

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

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

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

(5) All meetings must be open to the public, and public notices of meetings must be given in the same manner as required under the rulemaking provisions in Article XI.

(6) The commission may convene in a closed, nonpublic meeting if the commission must discuss:

(a) noncompliance of a compact state with its obligations under the compact;

(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) the negotiation of contracts for the purchase or sale of goods, services, or real estate;
 - (e) an accusation against any person of a crime or formally censuring any person;
 - (f) disclosure of trade secrets or commercial or financial information that is privileged or confidential;
 - (g) disclosure of information of a personal nature in which 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
 - (j) matters specifically exempted from disclosure by federal or state statute.
- (7) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons for each, including a description of the views expressed. All documents considered in connection with an action must be identified in such minutes. All minutes and documents of a closed meeting must remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

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

- (1) establishing the fiscal year of the commission;
- (2) providing reasonable standards and procedures:
 - (a) for the establishment and meetings of other committees; and
 - (b) governing any general or specific delegation of any authority or function of the commission;
- (3) providing reasonable procedures for calling and conducting meetings of the commission,

ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The commission may meet in a closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission shall make public a copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed.

(4) establishing the titles, duties, and authority and reasonable procedures for the election of the officers of the commission;

(5) providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws must exclusively govern the personnel policies and programs of the commission.

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

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

(8) The commission shall publish its bylaws in a convenient form and file a copy of the bylaws and a copy of any amendments 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.

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

(D) The commission must have the following powers:

(1) the authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rule must have the force and effect of law and must 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 may 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 establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
 - (6) to accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same provided that at all times the commission shall strive to avoid any appearance of impropriety or conflict of interest;
 - (7) to lease, purchase, and accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any real, personal, or mixed property provided that at all times the commission shall strive to avoid any appearance of impropriety;
 - (8) to sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any real, personal, or mixed property;
 - (9) to establish a budget and make expenditures;
 - (10) to borrow money;
 - (11) to appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives and such other interested persons as may be designated in this compact and the bylaws;
 - (12) to provide and receive information from, and to cooperate with, law enforcement agencies;
 - (13) to adopt and use an official seal; and
 - (14) to perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice, and telepsychology practice.
- (E) The elected officers shall serve as the executive board, which must have the power to act on behalf of the commission according to the terms of this compact.
- (1) The executive board must be comprised of six members:

- (a) five voting members who are elected from the current members of the commission by the commission; and
 - (b) one ex-officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.
- (2) The ex-officio member must have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.
- (3) The commission may remove any member of the executive board as provided in the bylaws.
- (4) The executive board shall meet at least annually.
- (5) The executive board must have the following duties and responsibilities:
- (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 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 assessment amount must be allocated based upon a formula to be determined by the commission that shall promulgate a rule binding upon all compact states.

(4) The commission may not incur obligations of any kind prior to securing the funds adequate to meet the same. Nor shall the commission pledge the credit of any of the compact states, except by and with the authority of the compact state.

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

(G) Qualified Immunity, Defense, and Indemnification

(1) The members, officers, executive director, employees, and representatives of the commission must be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that nothing in this paragraph may be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

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

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing

occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

ARTICLE XI

RULEMAKING

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

(B) If a majority of the legislature of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule may not have further force and effect in any compact state.

(C) Rules or amendments to the rules must be adopted at a regular or special meeting of the commission.

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

- (1) on the website of the commission; and
- (2) on the website of each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

(E) The notice of proposed rulemaking must include:

- (1) the proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
- (2) the text of the rule or amendment and the reason for the proposed rule;
- (3) a request for comments on the proposed rule from any interested person; and
- (4) the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(F) Prior to adoption of a proposed rule, the commission shall allow a person to submit written data, facts, opinions, and arguments that must be made available to the public.

(G) The commission shall grant an opportunity for a public hearing before it adopts a rule or

amendment if a hearing is requested by:

- (1) at least 25 persons who submit comments independently of each other;
- (2) a governmental subdivision or agency; or
- (3) a duly appointed person in an association that has at least 25 members.
- (H) If a hearing is held on the proposed rule or amendment, the commission shall publish the

place, time, and date of the scheduled public hearing.

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

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

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

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

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

(J) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking records and the full text of the rule.

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

(L) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this article must be retroactively applied to the rule as soon as reasonably possible, and in no event later than 90 days after the effective date of the rule. For the purposes of

this provision, an emergency rule is one that must be adopted immediately in order to:

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

(M) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions must be posted on the website of the commission. The revision must be subject to challenge only on grounds that the revision results in a material change to a rule. A challenge must be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

ARTICLE XII

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

(A) Oversight

(1) The executive, legislative, and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated pursuant to the compact must have standing as statutory law.

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

(3) The commission must be entitled to receive service of process in any such proceeding and must have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission must render a judgment or order void as to the commission, this compact, or promulgated rules.

(B) Default, Technical Assistance, and Termination

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

- (a) provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default, and any other action to be taken by the commission; and
- (b) provide remedial training and specific technical assistance regarding the default.

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

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

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

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

(6) The defaulting state may appeal the action of the commission by petitioning the United States district court for the northern, middle, or southern districts of Georgia or the federal district where the commission has its principal offices. The prevailing member must be awarded all costs of such litigation, including reasonable attorney fees.

(C) Dispute Resolution

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

(2) The commission shall promulgate a rule providing for both mediation and binding dispute

resolution for disputes that arise before the commission.

(D) Enforcement

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

(2) By majority vote, the commission may initiate legal action in the United States district court for the northern, middle, or southern districts of Georgia or the federal district where the commission has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member must be awarded all costs of such litigation, including reasonable attorney fees.

(3) The remedies identified in the compact may not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

ARTICLE XIII

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

(A) The compact must come into effect on the date on which the compact is enacted into law in the seventh compact state. The provisions which become effective at that time must be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(B) Any state that joins the compact subsequent to the commission's initial adoption of the rules must be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission must have the full force and effect of law on the day the compact becomes law in that state.

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

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

(2) Withdrawal may not affect the continuing requirement of the withdrawing state's psychology

regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(D) Nothing contained in this compact may be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a non-compact state that does not conflict with the provisions of this compact.

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

ARTICLE XIV

CONSTRUCTION AND SEVERABILITY

This compact must be liberally construed as to effectuate the purposes of the compact. If this compact must be held contrary to the constitution of any state member to the compact, the compact must remain in full force and effect as to the remaining compact states.

Section 2. Section 37-17-202, MCA, is amended to read:

"37-17-202. Powers. (1) The board may make reasonable and necessary rules for the proper performance of its duties and for the regulation of proceedings before it.

(2) In addition to the other powers and duties set forth, the board may:

(a) revoke and suspend licenses;

(b) conduct hearings upon complaints concerning persons licensed under this chapter;

(c) cause the prosecution and enjoinder of all persons violating this chapter, by the complaint of its secretary signed with the county attorney, in the county where the violation took place and incur necessary expenses for the prosecution; and

(d) study and review new developments in research, training, and the practice of psychology and make recommendations to the governor and other state officials regarding new and revised programs and legislation related to psychology which could be beneficial to the citizens of the state of Montana.

(3) (a) The board shall require each applicant for licensure as a psychologist to submit a full set of the applicant's fingerprints to the board for the purpose of obtaining a state and federal criminal history background check.

(b) Each license applicant is responsible to pay all fees charged in relation to obtaining the state and federal criminal history background check.

(c) The board may require a licensee renewing a license to submit a full set of the licensee's fingerprints to the board for the purpose of obtaining a state and federal criminal history background check.

(c) The Montana department of justice may share the fingerprint data obtained under this subsection (3) with the federal bureau of investigation."

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 17, and the provisions of Title 37, chapter 17, apply to [section 1].

- END -

I hereby certify that the within bill,
HB 241, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2025.

President of the Senate

Signed this _____ day
of _____, 2025.

HOUSE BILL NO. 241

INTRODUCED BY J. ETCHART, L. DEMING

AN ACT ADOPTING THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT; PROVIDING FOR RECOGNITION OF HOME STATE LICENSURE; PROVIDING FOR REQUIREMENTS TO PRACTICE TELEPSYCHOLOGY; PROVIDING FOR TEMPORARY AUTHORIZATION TO PRACTICE PSYCHOLOGY; PROVIDING FOR CONDITIONS TO PRACTICE TELEPSYCHOLOGY IN A RECEIVING STATE; PROVIDING FOR AN ADVERSE ACTION PROCESS; PROVIDING FOR A COORDINATED LICENSURE INFORMATION SYSTEM; RECOGNIZING THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION; PROVIDING RULEMAKING AUTHORITY; PROVIDING FOR CONDITIONS OF DEFAULT AND TERMINATION; PROVIDING DEFINITIONS; AMENDING SECTION 37-17-202, MCA; AND PROVIDING AN EFFECTIVE DATE FOR COMMISSION RULES.