

**§3847. Adverse actions - Article 7****(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)****(WHOLE SECTION TEXT EFFECTIVE ON CONTINGENCY: See T. 32, §3850-C, sub-§1)**

**1. Authority of home state and distant state.** A home state has the power to impose adverse action against a psychologist's license issued by the home state. A distant state has the power to take adverse action on a psychologist's temporary authorization to practice within that distant state. [PL 2021, c. 331, §1 (NEW).]

**2. Authority of receiving state and home state.** 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. [PL 2021, c. 331, §1 (NEW).]

**3. Adverse action by home state.** 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. Furthermore, that psychologist's temporary authorization to practice is terminated, and the interjurisdictional practice certificate is revoked.

A. All home state disciplinary orders that impose adverse action must be reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules. [PL 2021, c. 331, §1 (NEW).]

B. In the event discipline is reported on a psychologist, the psychologist is not eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules. [PL 2021, c. 331, §1 (NEW).]

C. Other actions may be imposed as determined by the rules promulgated by the commission. [PL 2021, c. 331, §1 (NEW).]  
[PL 2021, c. 331, §1 (NEW).]

**4. Investigation by home state.** A home state's state 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 by a licensee had occurred within the home state. In such cases, the home state's law controls in determining any adverse action against a psychologist's license. [PL 2021, c. 331, §1 (NEW).]

**5. Investigation by distant state.** A distant state's state psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under temporary authorization to practice that occurred in that distant state as it would if such conduct by a licensee had occurred within the home state. In such cases, the distant state's law controls in determining any adverse action against a psychologist's temporary authorization to practice. [PL 2021, c. 331, §1 (NEW).]

**6. Participation in alternative program in lieu of adverse action.** Nothing in this compact overrides 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 program to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or not provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program. [PL 2021, c. 331, §1 (NEW).]

**7. No additional judicial or administrative remedies.** No other judicial or administrative remedies are available to a psychologist in the event a compact state imposes an adverse action pursuant to subsection 3.

[PL 2021, c. 331, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 331, §1 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 130th Maine Legislature and is current through October 1, 2022. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.
--