CHAPTER 56

PSYCHOLOGISTS

SUBCHAPTER 1

GENERAL PROVISIONS

§3811. Definition of practice of psychology

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

Two levels of psychological practice are defined for the purpose of this chapter. Such levels shall be known and referred to as "psychological examiner" and "psychologist". [PL 1967, c. 544, §82 (NEW).]

1. Psychological examiner. A person practices as a "psychological examiner" within the meaning of this chapter when he holds himself out to be a psychological examiner, or renders to individuals or to the public for remuneration services involving the application of recognized principles, methods and procedures of the science and profession of psychology, but limited to interviewing or administering and interpreting tests of mental abilities, aptitudes, interests and personality characteristics, for such purposes as psychological evaluation or for educational or vocational selection, guidance or placement. A psychological examiner may provide intervention, such as consultation, behavior management or social skills training under the supervision of a licensed psychologist or as otherwise provided in law or rules issued in accordance with this chapter. A psychological examiner may not provide psychotherapy services under any circumstances. The State Board of Examiners of Psychologists shall establish rules for supervision of psychological examiners for intervention services.
[PL 1985, c. 481, Pt. A, §55 (AMD).]

2. Psychologist. A person practices as a "psychologist" within the meaning of this chapter when he holds himself out to be a psychologist, or renders to individuals or to the public for remuneration any service involving the application of recognized principles, methods and procedures of the science and profession of psychology. Services which may be provided by psychologists include diagnosing, assessing and treating mental, emotional and psychological illness, disorders, problems and concerns and evaluation and treatment of vocational, social, educational, behavioral, intellectual and learning and cognitive disorders. These functions are performed through recognized psychological techniques such as, but not limited to, psychological testing, psychological interviews, psychological assessments, psychotherapy, personality counseling, behavior modification, cognitive therapies, learning therapies, biofeedback, hypnotherapy and psychological consultation to individuals and organizations.
[PL 1985, c. 481, Pt. A, §55 (AMD).]

3. (TEXT EFFECTIVE UNTIL 1/01/27) Limitation. Nothing in this chapter shall be construed as permitting the practice of medicine as defined in section 3270 by psychological examiners or psychologists.
[PL 1977, c. 564, §124 (AMD).]

3. (TEXT EFFECTIVE 1/01/27) Limitation. This chapter may not be construed as permitting the practice of medicine as defined in section 20102, subsection 11 by psychological examiners or psychologists.
[PL 2025, c. 738, Pt. C, §42 (AMD); PL 2025, c. 738, Pt. C, §54 (AFF).]

SECTION HISTORY

PL 1967, c. 544, §82 (NEW). PL 1977, c. 564, §124 (AMD). PL 1985, c. 481, §A55 (AMD). PL 2025, c. 738, Pt. C, §42 (AMD). PL 2025, c. 738, Pt. C, §54 (AFF).

§3811-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2007, c. 402, Pt. Q, §1 (NEW).]

1. Board. "Board" means the State Board of Examiners of Psychologists.
[PL 2007, c. 402, Pt. Q, §1 (NEW).]

2. Mental illness. "Mental illness" means a clinically significant behavioral or psychological syndrome or pattern that occurs in an individual and that is typically associated with either a painful symptom or impairment in one or more important areas of functioning.
[PL 2007, c. 402, Pt. Q, §1 (NEW).]

SECTION HISTORY

PL 1985, c. 481, §A56 (NEW). PL 2007, c. 402, Pt. Q, §1 (RPR).

§3812. Unlicensed practice; exemptions

An individual or organization may not profess to be or be presented to the public by any title incorporating the name "psychological," "psychologist" or "psychology," other than those so licensed by this chapter, except that any psychological scientist employed by a recognized research laboratory, college, university or state or federal agency may use the title conferred upon the scientist by the administration of such or equivalent laboratory, college, university or state or federal agency. Nothing in this section may be construed as permitting such persons to offer their service to any other persons or organizations as consultants or to accept remuneration for any psychological services other than that of their institutional salaries unless they have been licensed under this chapter. Visiting lecturers from recognized laboratories, colleges or universities are exempt from this section and may utilize their academic research title when presenting lectures to similar institutions or organizations. Students of psychology, psychological interns and other persons preparing for the profession of psychological examiner or psychologist under qualified supervision in recognized training institutions or facilities may be designated by such titles as "psychological intern", "psychological trainee" or others clearly indicating such training status. [PL 2007, c. 402, Pt. Q, §2 (AMD).]

The use of occasional services of qualified consultant psychologists from another state or jurisdiction or the use of the services of organizations from another state or jurisdiction employing qualified psychologists does not constitute the unlawful practice of psychology. [PL 2007, c. 402, Pt. Q, §2 (AMD).]

SECTION HISTORY

PL 1967, c. 544, §82 (NEW). PL 2007, c. 402, Pt. Q, §2 (AMD).

§3812-A. Delegation authorized

1. Delegation authorized. This chapter may not be construed to prohibit a psychologist from delegating to an individual the administration and observation of tests and certain activities relating to the practice of psychology, as long as those activities are under the supervision and control of the psychologist. "Supervision and control" may not be construed to require the personal presence of the supervising and controlling psychologist at the place where those activities take place, unless a physical presence is necessary to provide patient care of the same quality as provided by the psychologist. The board may adopt rules identifying delegated activities and appropriate levels of supervision in the practice setting. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. The activities delegated by a psychologist under this subsection may not include the interpretation of test results and diagnosing and treating mental, emotional and psychological illnesses and disorders.

[PL 2009, c. 112, Pt. A, §11 (NEW).]

2. Responsibility. A psychologist who delegates activities as described in subsection 1 to an individual is legally and ethically responsible for all of the professional activities of that individual, and the individual in this relationship is considered the psychologist's agent. This subsection may not be construed to apply to an individual acting under a separate license accepted by the State to render services independently.
[PL 2009, c. 112, Pt. A, §11 (NEW).]

SECTION HISTORY

PL 2009, c. 112, Pt. A, §11 (NEW).

§3813. Limitations

Nothing in this chapter shall be construed to limit the professional pursuits of teachers and counselors in recognized public and private schools. Students of psychology, psychological interns and other persons preparing for the profession of psychological examiner or psychologist may perform as a part of their training the functions specified in section 3811, but only under the supervision of a licensed psychologist. No industrial or business firm or corporation may sell or offer to the public or to other firms or corporations for remuneration any psychological services as specified in section 3811, unless such services are performed or supervised by individuals duly and appropriately licensed under this chapter as "psychologist". [PL 1967, c. 544, §82 (NEW).]

SECTION HISTORY

PL 1967, c. 544, §82 (NEW).

§3814. Penalties for unlicensed practice

Persons who hold themselves out to the public as psychologists or psychological examiners or engage in psychological practice as defined in this chapter and do not then possess in full force valid licenses to practice as psychological examiners or psychologists under this chapter are subject to the provisions of Title 10, section 8003-C. A person who engages in the practice of a psychological examiner or psychologist without a license under this chapter has engaged in an unfair trade practice in violation of Title 5, chapter 10. [PL 2021, c. 233, §1 (AMD); PL 2021, c. 233, §6 (AFF).]

SECTION HISTORY

PL 1967, c. 544, §82 (NEW). PL 1983, c. 413, §146 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2007, c. 402, Pt. Q, §3 (AMD). PL 2021, c. 233, §1 (AMD). PL 2021, c. 233, §6 (AFF).

§3815. Privileged communications

(REPEALED)

SECTION HISTORY

PL 1967, c. 544, §82 (NEW). PL 1977, c. 564, §125 (RP).

§3816. Code of ethics

The board shall adopt rules establishing a code of ethics in keeping with those standards established by the American Psychological Association or its successor or other organization approved by the board to govern appropriate practices or behavior as referred to in this chapter. [PL 2007, c. 402, Pt. Q, §4 (AMD).]

SECTION HISTORY

PL 1967, c. 544, §82 (NEW). PL 1983, c. 413, §147 (AMD). PL 2007, c. 402, Pt. Q, §4 (AMD).

§3817. Services to minors for substance use

Any person licensed under this chapter who renders psychological services to a minor for problems associated with substance use is under no obligation to obtain the consent of the minor's parent or guardian or to inform the parent or guardian of such services. Nothing in this section may be construed so as to prohibit the licensed person rendering such services from informing the parent or guardian. For purposes of this section, "substance use" means the use of drugs or alcohol solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment. [PL 2017, c. 407, Pt. A, §129 (AMD).]

SECTION HISTORY

PL 1971, c. 237, §4 (NEW). PL 1973, c. 145, §4 (RPR). PL 1979, c. 96, §4 (AMD). PL 2017, c. 407, Pt. A, §129 (AMD).

§3817-A. Services to minors with consent of a parent or guardian

A person licensed under this chapter who practices clinical psychology and who renders services under this chapter to a minor with the consent of one of the minor's parents or the minor's guardian is under no obligation to obtain the consent of any other parent or guardian of the minor. Nothing in this section may be construed so as to prohibit the licensed person rendering the services from informing another parent or guardian of the services. [PL 2021, c. 302, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 302, §1 (NEW).

§3818. Reports

(REPEALED)

SECTION HISTORY

PL 1975, c. 767, §43 (NEW). PL 2007, c. 402, Pt. Q, §5 (RP).

§3819. Review committee immunity

Any member of a peer review committee of a state association composed of psychologists licensed under this chapter, any staff member of such an association assisting a peer review committee and any witness or consultant appearing before or presenting information to the peer review committee is immune from civil liability for, without malice, undertaking or failing to undertake any act within the scope of the function of the committee. [PL 1987, c. 646, §13 (NEW).]

SECTION HISTORY

PL 1987, c. 646, §13 (NEW).

§3820. Duty to warn and protect

1. Duty. A licensee under this chapter has a duty to warn of or to take reasonable precautions to provide protection from a patient's violent behavior if the licensee has a reasonable belief based on communications with the patient that the patient is likely to engage in physical violence that poses a serious risk of harm to self or others. The duty imposed under this subsection may not be interpreted to require the licensee to take any action that in the reasonable professional judgment of the licensee would endanger the licensee or increase the threat of danger to a potential victim.
[PL 2019, c. 317, §3 (NEW).]

2. Discharge of duty. A licensee subject to a duty to warn or provide protection under subsection 1 may discharge that duty if the licensee makes reasonable efforts to communicate the threat to a potential victim, notifies a law enforcement agency or seeks involuntary hospitalization of the patient under Title 34-B, chapter 3, subchapter 4, article 3.
[PL 2019, c. 317, §3 (NEW).]

3. Immunity. No monetary liability and no cause of action may arise concerning patient privacy or confidentiality against a person licensed under this chapter for information disclosed to 3rd parties in an effort to discharge a duty under subsection 2.
[PL 2019, c. 317, §3 (NEW).]

SECTION HISTORY

PL 2019, c. 317, §3 (NEW).

§3820-A. Use of artificial intelligence to assist in providing administrative support and supplementary support in therapy or psychotherapy services

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Administrative support" means tasks performed to assist a licensed professional in the delivery of therapy or psychotherapy services that do not involve therapeutic communication. "Administrative support" includes, but is not limited to:

(1) Managing appointment scheduling and reminders;

(2) Processing billing and insurance claims; and

(3) Drafting general communications related to the logistics of delivering therapy or psychotherapy services that do not include therapeutic communication. [PL 2025, c. 687, §5 (NEW).]

B. "Artificial intelligence" means a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs, such as predictions, content, recommendations or decisions, that can influence physical or virtual environments. [PL 2025, c. 687, §5 (NEW).]

C. "Consent" means a clear, explicit and affirmative act by an individual that: unambiguously communicates the individual's express, informed, voluntary, specific and unambiguous written agreement, including a written agreement provided by electronic means or provided by initialing a specific section of an individual's general consent to treatment agreement; and is revocable by the individual.

"Consent" does not include an agreement that is obtained by:

(1) The acceptance of a general or broad terms-of-use agreement or a similar document that contains descriptions of artificial intelligence along with unrelated information;

(2) An individual's hovering over, muting, pausing or closing a given piece of electronic content; or

(3) An agreement obtained through the use of deceptive actions. [PL 2025, c. 687, §5 (NEW).]

D. "Supplementary support" means tasks performed to assist a licensed professional in the delivery of therapy or psychotherapy services that do not involve therapeutic communication and that are not administrative support. "Supplementary support" includes, but is not limited to:

(1) Preparing and maintaining client records, including therapy notes;

(2) Analyzing anonymized data to track client progress or identify trends, subject to review by a licensed professional; and

(3) Identifying and organizing external resources or referrals for client use. [PL 2025, c. 687, §5 (NEW).]

E. "Therapeutic communication" means any verbal, nonverbal or written interaction, conducted in a clinical or professional setting, that is intended to diagnose, treat or address an individual's mental, emotional or behavioral health concerns. "Therapeutic communication" includes, but is not limited to:

(1) Direct interactions with individuals for the purpose of understanding their thoughts, emotions or experiences;

(2) Providing guidance, therapeutic strategies or interventions designed to achieve mental health outcomes;

(3) Offering emotional support, reassurance or empathy in response to psychological or emotional distress;

(4) Collaborating with individuals to develop or modify therapeutic goals or treatment plans; and

(5) Offering behavioral feedback intended to promote psychological growth or address mental health conditions. [PL 2025, c. 687, §5 (NEW).]

F. "Therapy or psychotherapy services" means services provided to diagnose, treat or address an individual's mental health or behavioral health through therapeutic communication. [PL 2025, c. 687, §5 (NEW).]

[PL 2025, c. 687, §5 (NEW).]

2. Permitted use of artificial intelligence. A person licensed or privileged to practice under this chapter, referred to in this section as "the licensee," may provide administrative support or supplementary support in the delivery of therapy or psychotherapy services through the use of artificial intelligence as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this chapter and in accordance with standards of practice, and only if:

A. The licensee maintains full responsibility for all interactions, outputs and data use associated with the use of artificial intelligence; and [PL 2025, c. 687, §5 (NEW).]

B. For the use of artificial intelligence to assist in providing supplementary support, the licensee satisfies the requirements of subsection 3. [PL 2025, c. 687, §5 (NEW).]

[PL 2025, c. 687, §5 (NEW).]

3. Requirements of use; supplementary support. A licensee may use artificial intelligence to assist in providing supplementary support in therapy or psychotherapy services only when the client's therapeutic session is recorded or transcribed, and only if:

A. The client or the client's legally authorized representative is informed in writing of the following:

(1) That artificial intelligence will be used;

(2) The specific purpose of the artificial intelligence tool or system that will be used; and

(3) How session data collected by artificial intelligence will be stored, retained, used for training and deleted upon termination of therapy or psychotherapy services; and [PL 2025, c. 687, §5 (NEW).]

B. The client or the client's legally authorized representative provides consent to the use of artificial intelligence. [PL 2025, c. 687, §5 (NEW).]

[PL 2025, c. 687, §5 (NEW).]

4. Prohibition of use. A licensee may use artificial intelligence to provide supplementary support only to the extent the use meets the requirements of subsection 3. A licensee may not allow artificial intelligence to:

A. Make independent therapeutic decisions; [PL 2025, c. 687, §5 (NEW).]

B. Directly interact with clients in any form of therapeutic communication; or [PL 2025, c. 687, §5 (NEW).]

C. Generate therapeutic recommendations or treatment plans without review and approval by the licensee. [PL 2025, c. 687, §5 (NEW).]

[PL 2025, c. 687, §5 (NEW).]

5. Denial of treatment prohibited; failure to provide consent. A licensee may not deny, or refuse to provide, therapy or psychotherapy services to a client on the sole basis that the client has not provided consent to the use of artificial intelligence to assist in providing supplementary support in therapy or psychotherapy services.

[PL 2025, c. 687, §5 (NEW).]

6. Confidentiality. When using artificial intelligence pursuant to this section, a licensee shall comply with all state and federal confidentiality and privacy laws and shall ensure that any artificial intelligence technology is compliant with all state and federal confidentiality and privacy laws.

[PL 2025, c. 687, §5 (NEW).]

7. Professional responsibility. All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a licensee also apply to that licensee when using artificial intelligence pursuant to this section.

[PL 2025, c. 687, §5 (NEW).]

8. Violation. A violation of this section is subject to disciplinary action by the board pursuant to Title 10, section 8003, subsection 5.

[PL 2025, c. 687, §5 (NEW).]

9. Exception. This section does not apply to an artificial intelligence-based intervention that is used solely within a research project approved by an institutional review board, as defined in Title 22, section 1711-C, subsection 6, paragraph G, and conducted in compliance with all applicable federal protections for human subjects in research.

[PL 2025, c. 687, §5 (NEW).]

10. Rules. The board shall adopt rules to implement the requirements of this section. Rules adopted pursuant to this subsection are major substantive rules as described in Title 5, chapter 375, subchapter 2-A.

[PL 2025, c. 687, §5 (NEW).]

11. Client waiver void and unenforceable. Any waiver by a client of the provisions of this section is contrary to public policy and is void and unenforceable.

[PL 2025, c. 687, §5 (NEW).]

12. Right to civil action. This section may not be construed to prohibit a client or a client's authorized representative from:

A. Maintaining an action for harm caused to a client that is attributable to the use of artificial intelligence to assist in providing administrative support or supplementary support in the delivery of therapy or psychotherapy services; [PL 2025, c. 687, §5 (NEW).]

B. Maintaining an action alleging professional negligence of a licensee; or [PL 2025, c. 687, §5 (NEW).]

C. Seeking any other remedies available under other provisions of law. [PL 2025, c. 687, §5 (NEW).]

[PL 2025, c. 687, §5 (NEW).]

SECTION HISTORY

PL 2025, c. 687, §5 (NEW).

SUBCHAPTER 2

BOARD OF EXAMINERS

§3821. Membership; terms; vacancies

The State Board of Examiners of Psychologists, as established by Title 5, section 12004-A, subsection 34, consists of 9 members who are appointed by the Governor to serve a term of 3 years. Two members of the board must be public members as defined in Title 5, section 12004-A. Seven members of the board must be licensed psychologists or psychological examiners and insofar as possible be representative of the field of psychology. Appointments of members must comply with Title 10, section 8009. Before the filling of any vacancies of professional or public members, the Governor may solicit recommendations. A board member may be removed by the Governor for cause. [PL 2007, c. 402, Pt. Q, §6 (AMD).]

SECTION HISTORY

PL 1967, c. 544, §82 (NEW). PL 1975, c. 575, §43 (RPR). PL 1981, c. 501, §§66,67 (AMD). PL 1983, c. 413, §148 (AMD). PL 1983, c. 812, §233 (AMD). PL 1985, c. 481, §A57 (AMD). PL 1989, c. 503, §B142 (AMD). PL 1993, c. 600, §A249 (AMD). PL 2007, c. 402, Pt. Q, §6 (AMD).

§3821-A. Consultant

The board may contract with a psychologist or psychologists or other qualified individual or individuals familiar with the board's purpose and operation who are available as needed to respond to inquiries from applicants for licensure, primarily inquiries regarding the component of the licensure process dealing with credentials review. The contractor shall advise, consult and assist the board with the credentials review process, as well as other matters as needed. [PL 1999, c. 386, Pt. M, §1 (AMD).]

SECTION HISTORY

PL 1987, c. 395, §A173 (NEW). PL 1999, c. 386, §M1 (AMD).

§3822. Meetings; chair

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. [PL 2013, c. 246, Pt. B, §12 (AMD).]

SECTION HISTORY

PL 1967, c. 544, §82 (NEW). PL 1975, c. 575, §44 (AMD). PL 1975, c. 767, §44 (AMD). PL 1983, c. 413, §149 (RPR). PL 1983, c. 812, §234 (AMD). PL 1985, c. 481, §A58 (AMD). PL 2007, c. 402, Pt. Q, §7 (AMD). PL 2013, c. 246, Pt. B, §12 (AMD).

§3823. Grants

The board may accept grants from foundations or institutions. These grants must be deposited in the State Treasury to the credit of the board. [PL 1995, c. 397, §60 (AMD).]

SECTION HISTORY

PL 1967, c. 544, §82 (NEW). PL 1983, c. 413, §150 (AMD). PL 1985, c. 389, §21 (AMD). PL 1995, c. 397, §60 (AMD).

§3824. Powers and duties

The board shall have the following powers and duties, in addition to those otherwise set forth in this chapter. [PL 1983, c. 413, §151 (NEW).]

1. Licenses. The board shall evaluate the qualifications of applicants for licensure under this chapter.
[PL 2007, c. 402, Pt. Q, §8 (AMD).]

2. Rules. The board may, in accordance with procedures established by Title 5, chapter 375, subchapter 2, adopt such rules as may be reasonably necessary for the proper performance of its duties and the administration of this chapter.
[PL 2007, c. 402, Pt. Q, §8 (AMD).]

3. Hearings.
[PL 2007, c. 402, Pt. Q, §8 (RP).]

4. Assistants; contracts.
[PL 1995, c. 397, §61 (RP).]

5. Temporary licensure. The board shall adopt rules for the granting of a temporary license to enable psychologists to practice in this State under supervision pending such examination as the board may require. An applicant who possesses at least 1,500 hours of postdoctoral experience and fulfills all the requirements for licensure, with the exception of any required examination, may apply to the board for a temporary license. Upon receiving a completed application and fee as set under section 3833-A, the board shall issue a temporary license that entitles the applicant to practice as a psychologist or psychological examiner under supervision while completing the requirements for permanent licensure. The temporary license is effective for one year.
[PL 2009, c. 415, Pt. A, §18 (RPR).]

6. Continuing education. The board shall establish in rules requirements for continuing education. The board shall require the applicant for license renewal to present evidence of the applicant's satisfactory completion of continuing professional education in accordance with rules adopted by the board.
[PL 2007, c. 402, Pt. Q, §8 (AMD).]

SECTION HISTORY

PL 1983, c. 413, §151 (NEW). PL 1983, c. 553, §46 (AMD). PL 1985, c. 481, §§A59,60 (AMD). PL 1991, c. 144, §1 (AMD). RR 1993, c. 1, §88 (COR). PL 1995, c. 397, §61 (AMD). PL 2007, c. 10, §1 (AMD). PL 2007, c. 402, Pt. Q, §8 (AMD). PL 2009, c. 415, Pt. A, §18 (AMD).

SUBCHAPTER 3

LICENSURE

§3831. Licensure; qualifications

1. Psychological examiner. A candidate for this license shall furnish the board with satisfactory evidence that the candidate is trustworthy and competent to practice as a psychological examiner in such manner as to safeguard the interests of the public; has had a master's degree reflecting comprehensive training in psychology from an accredited educational institution recognized by the

board as maintaining satisfactory standards; has had at least one year of full-time supervised experience in psychology of a type considered by the board to be qualifying in nature; is competent as a psychological examiner as shown by passing such examinations, written or oral, or both, as the board determines necessary; and is not considered by the board to be engaged in unethical practice.
[PL 2025, c. 577, §1 (AMD).]

2. Psychologist. A candidate for this license shall furnish the board with satisfactory evidence that the candidate is trustworthy and competent to practice as a psychologist in such manner as to safeguard the interest of the public; has received a doctorate degree reflecting comprehensive training in psychology from an accredited institution recognized by the board as maintaining satisfactory standards, at the time the degree was granted; has had at least 2 years of experience in psychology of a type considered by the board to be qualifying in nature; is competent in psychology, as shown by passing such examinations as the board determines necessary; and is not considered by the board to be engaged in unethical practice. The board shall recognize that valid comprehensive training in psychology must be received in or accepted by a single program, but may be obtained through a degree given by administrative units other than a department of psychology, including programs approved by the National Association of School Psychologists or the American Psychological Association designation program or their successors or other organizations approved by the board. The board shall adopt a list of these programs. Individuals with degrees from programs not on that list must be evaluated on a case-by-case basis.

Beginning January 1, 2020, a candidate for initial licensure shall furnish the board with satisfactory evidence that the candidate has successfully completed a minimum of 3 hours of course work in family or intimate partner violence screening and referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. A candidate may fulfill this requirement through course work taken in fulfillment of other educational requirements for licensure or through separate course work provided through any combination of contact hours, Internet hours and distance learning programs, as evidenced by certification from an accredited educational institution. The board shall accept certification from the accredited educational institution from which the applicant is a graduate that verifies the applicant's satisfaction of this requirement within the applicant's completed course curriculum. A candidate for initial licensure that is unable to demonstrate completion of the requirement of 3 hours of course work at the time the initial application is submitted shall demonstrate to the board that this requirement has been fulfilled upon the candidate's first application for license renewal.
[PL 2025, c. 577, §2 (AMD).]

SECTION HISTORY

PL 1967, c. 544, §82 (NEW). PL 1983, c. 413, §152 (AMD). PL 1983, c. 468, §22 (AMD). PL 1983, c. 816, §A34 (RPR). PL 1985, c. 481, §A61 (AMD). PL 2007, c. 402, Pt. Q, §9 (AMD). PL 2013, c. 262, §1 (AMD). PL 2025, c. 577, §§1, 2 (AMD).

§3832. Examination

Examination of applicants for a license to practice psychology or as psychological examiner shall be made by the Board of Examiners of Psychologists at least once a year according to methods and in such subject fields as may be deemed by the board to be the most practical and expeditious to test the applicant's qualifications. The examinations shall include the basic psychological sciences. The board shall require the examinations to be written or oral, or both, provided that in any written examination each applicant shall be designated by a number instead of his name so that his identity shall not be disclosed to the members of the board until the examination papers have been graded. [PL 1983, c. 468, §23 (AMD).]

SECTION HISTORY

PL 1967, c. 544, §82 (NEW). PL 1983, c. 468, §23 (AMD).

§3833. Application and examination fees

An application fee under section 3833-A and an examination fee may be established by the director under section 3833-A. No part of these fees is returnable under any circumstances other than failure of the board to hold examinations at the time originally announced. The examination fee only may be returned at the option of the candidate if the examination is not held at the time originally announced. [PL 2001, c. 323, §23 (AMD).]

SECTION HISTORY

PL 1967, c. 544, §82 (NEW). PL 1973, c. 220, §1 (AMD). PL 1977, c. 186 (AMD). PL 1979, c. 189, §1 (AMD). PL 1983, c. 413, §153 (RPR). PL 1999, c. 386, §M2 (AMD). PL 2001, c. 323, §23 (AMD).

§3833-A. Fees

The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable for their respective purposes, except that the fee for any one purpose may not exceed $500 biennially. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. [PL 2001, c. 323, §24 (NEW); PL 2011, c. 286, Pt. B, §5 (REV).]

SECTION HISTORY

PL 2001, c. 323, §24 (NEW). PL 2011, c. 286, Pt. B, §5 (REV).

§3833-B. Criminal history record information; fees

1. Background check. The board shall request a background check for each person who submits an application for initial licensure or licensure by endorsement as a psychologist under this chapter. The background check must include criminal history record information obtained from the Maine Criminal Justice Information System, established in Title 16, section 631, and the Federal Bureau of Investigation.

A. The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8. [PL 2023, c. 506, §7 (NEW).]

B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information. [PL 2023, c. 506, §7 (NEW).]

C. An applicant shall submit to having fingerprints taken. The Department of Public Safety, Bureau of State Police, upon payment by the applicant of a fee established by the board, shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the Department of Public Safety, Bureau of State Police, State Bureau of Identification so that the State Bureau of Identification can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the Bureau of State Police for purposes of this paragraph must be paid to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety. Any person who fails to transmit criminal fingerprint records to the State Bureau of Identification pursuant to this paragraph is subject to the provisions of Title 25, section 1550. [PL 2023, c. 506, §7 (NEW).]

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check

may inspect and review the criminal history record information pursuant to Title 16, section 709. [PL 2023, c. 506, §7 (NEW).]

E. State and federal criminal history record information of an applicant for a psychologist license may be used by the board for the purpose of screening the applicant. A board action against an applicant under this subsection is subject to the provisions of Title 5, chapter 341. [PL 2023, c. 506, §7 (NEW).]

F. Information obtained pursuant to this subsection is confidential. The results of background checks received by the board are for official use only and may not be disseminated to the Psychology Interjurisdictional Compact Commission, established under section 3850, or to any other person. [PL 2023, c. 506, §7 (NEW).]

G. An applicant whose license has expired and who has not applied for renewal may request in writing that the Department of Public Safety, Bureau of State Police, State Bureau of Identification remove the applicant's fingerprints from the State Bureau of Identification's fingerprint file. In response to a written request, the bureau shall remove the applicant's fingerprints from the fingerprint file and provide written confirmation of that removal. [PL 2023, c. 506, §7 (NEW).]
[PL 2023, c. 506, §7 (NEW).]

2. Rules. The board, following consultation with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2023, c. 506, §7 (NEW).]

SECTION HISTORY

PL 2023, c. 506, §7 (NEW).

§3834. Issuance of license

(REPEALED)

SECTION HISTORY

PL 1967, c. 544, §82 (NEW). PL 1983, c. 413, §154 (AMD). PL 2007, c. 402, Pt. Q, §10 (RP).

§3835. License renewal

Licenses issued under this chapter expire biennially or as established by the Commissioner of Professional and Financial Regulation. A person licensed under this chapter shall submit, on or before the established expiration date, an application for license renewal together with the renewal fee as set under section 3833-A. Beginning January 1, 2020, a person that submits an application for license renewal shall demonstrate to the satisfaction of the board a one-time successful completion of a minimum of 3 contact hours of course work in family or intimate partner violence screening and referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. The board may accept equivalent courses in spousal or partner abuse screening and referral and intervention strategies or equivalent teaching or practice experience completed prior to January 1, 2020 in satisfaction of this requirement. Continuing education courses taken pursuant to this paragraph may be used to satisfy the licensee's required hours of continuing education. [PL 2013, c. 262, §2 (AMD).]

A license may be renewed up to 90 days after the date of expiration upon payment of a late fee in addition to the renewal fee as set under section 3833-A. Any person who submits an application for renewal more than 90 days after the license renewal date is subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if that renewal application is received, together with the late fee and renewal fee, within 2 years from the date of that expiration. [PL 2007, c. 402, Pt. Q, §11 (AMD).]

SECTION HISTORY

PL 1967, c. 544, §82 (NEW). PL 1973, c. 220, §2 (AMD). PL 1975, c. 767, §§45,46 (AMD). PL 1979, c. 189, §2 (AMD). PL 1983, c. 204, §10 (AMD). PL 1983, c. 413, §155 (RPR). PL 1983, c. 553, §46 (AMD). PL 1985, c. 481, §A62 (AMD). PL 1995, c. 502, §H32 (AMD). PL 2001, c. 323, §25 (AMD). PL 2007, c. 402, Pt. Q, §11 (AMD). PL 2013, c. 262, §2 (AMD).

§3836. Conditional licensure

The board may, at any time at its discretion, grant a conditional license without examination to any person who at the time of application is licensed by a similar board of another state whose standards, in the opinion of the board, are equivalent to those required by this chapter. The board, at its discretion, may issue a conditional license, at the appropriate level, to applicants for a permanent license upon payment of the fee as set under section 3833-A. The conditional license is effective for one year and requires that the licensee practice only under supervision. The board may require conditional licensees to pass an examination approved by the board during the term of the conditional license. [PL 2007, c. 402, Pt. Q, §12 (AMD).]

SECTION HISTORY

PL 1967, c. 544, §82 (NEW). PL 1973, c. 625, §219 (AMD). PL 1983, c. 413, §156 (AMD). PL 1983, c. 468, §24 (AMD). PL 1983, c. 816, §A35 (RPR). PL 1991, c. 144, §2 (AMD). PL 2001, c. 323, §26 (AMD). PL 2007, c. 402, Pt. Q, §12 (AMD). PL 2021, c. 642, §19 (AMD).

§3836-A. Licensure by endorsement

Notwithstanding any provision of this chapter to the contrary, the board, in accordance with Title 10, section 8003-H and any applicable rules adopted pursuant to that section, shall establish a process to issue a license by endorsement for each license authorized under this chapter that the board determines is appropriate for licensure by endorsement. An applicant may submit an application under the process established under this section or any other licensure process authorized in this chapter. [PL 2021, c. 642, §20 (NEW).]

SECTION HISTORY

PL 2021, c. 642, §20 (NEW).

§3837. Suspension; refusal; or revocation of license

(REPEALED)

SECTION HISTORY

PL 1967, c. 544, §82 (NEW). PL 1973, c. 303, §3 (AMD). PL 1975, c. 575, §45 (AMD). PL 1983, c. 413, §157 (RPR). PL 1993, c. 600, §A250 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2007, c. 402, Pt. Q, §13 (RP).

§3837-A. Denial or refusal to renew license; disciplinary action

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Disciplinary action. In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for:

A. Practice of psychology under a false or assumed name or impersonation of another practitioner of a like or different name; [PL 2007, c. 402, Pt. Q, §14 (NEW).]

B. Habitual substance use that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients; [PL 2017, c. 407, Pt. A, §130 (AMD).]

C. An incapacitating mental illness or condition; [PL 2007, c. 402, Pt. Q, §14 (NEW).]

D. **(TEXT EFFECTIVE UNTIL 1/01/27)** Practice of medicine without a license to do so in violation of section 3270; [PL 2007, c. 402, Pt. Q, §14 (NEW).]

D. **(TEXT EFFECTIVE 1/01/27)** Practice of medicine without a license to do so in violation of chapter 153; [PL 2025, c. 738, Pt. C, §43 (AMD); PL 2025, c. 738, Pt. C, §54 (AFF).]

E. Practice by a licensed psychological examiner at a level requiring a psychologist's license or any representation by a psychological examiner that that psychological examiner is a psychologist; [PL 2019, c. 165, §17 (AMD).]

F. Negligence in the performance of the licensee's duties; or [PL 2019, c. 165, §17 (AMD).]

G. A violation of section 3837-B. [PL 2019, c. 165, §18 (NEW).]

[PL 2019, c. 165, §§17, 18 (AMD); PL 2025, c. 738, Pt. C, §43 (AMD); PL 2025, c. 738, Pt. C, §54 (AFF).]

2. Reinstatement. The board, for reasons it determines sufficient, may reissue a license to a psychological examiner or psychologist whose license has been revoked or has not been renewed if 4 or more of its members vote in favor of reissuance.

[PL 2007, c. 402, Pt. Q, §14 (NEW).]

SECTION HISTORY

PL 2007, c. 402, Pt. Q, §14 (NEW). PL 2017, c. 407, Pt. A, §130 (AMD). PL 2019, c. 165, §§17, 18 (AMD). PL 2025, c. 738, Pt. C, §43 (AMD). PL 2025, c. 738, Pt. C, §54 (AFF).

§3837-B. Prohibition on providing conversion therapy to minors

An individual licensed under this chapter may not advertise, offer or administer conversion therapy to a minor. [PL 2019, c. 165, §19 (NEW).]

SECTION HISTORY

PL 2019, c. 165, §19 (NEW).

§3838. Hearing on refusal to issue or renew

(REPEALED)

SECTION HISTORY

PL 1967, c. 544, §82 (NEW). PL 1977, c. 694, §619 (AMD). PL 1983, c. 413, §158 (RPR). PL 1985, c. 481, §A63 (AMD). PL 2007, c. 402, Pt. Q, §15 (RP).

§3839. Judicial review

(REPEALED)

SECTION HISTORY

PL 1967, c. 544, §82 (NEW). PL 1983, c. 413, §159 (RPR). PL 2007, c. 402, Pt. Q, §16 (RP).

§3840. Coordinated licensure-certification processes

(REPEALED)

SECTION HISTORY

PL 1985, c. 481, §A64 (NEW). PL 1985, c. 763, §A84 (RPR). PL 1989, c. 700, §A148 (AMD). PL 1993, c. 207, §3 (RP).

SUBCHAPTER 4

PSYCHOLOGY INTERJURISDICTIONAL COMPACT

§3841. Short title; legislative intent; declaration of purpose - Article 1

1. Short title. This subchapter may be known and cited as "the Psychology Interjurisdictional Compact."
[PL 2021, c. 331, §1 (NEW).]

2. Legislative intent. This compact is the Maine enactment of the Psychology Interjurisdictional Compact, which is referred to in this subchapter as "the compact." The form, format and text of the compact have been changed minimally so as to conform to the Maine Revised Statutes. The changes to the compact are technical in nature, and this Act must be interpreted as substantively the same as the compact that is enacted by other compact states.
[PL 2021, c. 331, §1 (NEW).]

3. Purpose. The compact protects the public through the verification of education, training and experience and ensures accountability for the professional practice of psychology.

A. The compact:

(1) Regulates the day-to-day practice of telepsychology, that is, the provision of psychological services using telecommunications technologies by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority;

(2) Regulates 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;

(3) Authorizes state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the compact, to psychologists licensed in another state;

(4) Recognizes that states have a vested interest in protecting public health and safety through their licensing and regulation of psychologists and that such regulation will best protect public health and safety;

(5) Does not apply when psychologists are licensed in both their home state and receiving states; and

(6) Does not apply to ongoing in-person, face-to-face practice but allows for authorization of a temporary psychological practice. [PL 2021, c. 331, §1 (NEW).]

B. The compact is designed to achieve the following purposes and objectives:

(1) To 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 in a state in which the psychologist is not licensed to practice psychology;

(2) To enhance a state's ability to protect public health and safety, especially client safety;

(3) To encourage the cooperation of compact states in the areas of psychology licensure and regulation;

(4) To facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions and disciplinary history;

(5) To promote compliance with the laws governing psychological practice in each compact state; and

(6) To invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact states' licenses. [PL 2021, c. 331, §1 (NEW).]
[PL 2021, c. 331, §1 (NEW).]

REVISOR'S NOTE: §3841. Definitions (As enacted by PL 2021, c. 291, Pt. B, §11 is REALLOCATED TO TITLE 32, SECTION 3850-E)

SECTION HISTORY

PL 2021, c. 331, §1 (NEW).

§3842. Definitions - Article 2

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2021, c. 331, §1 (NEW).]

1. Adverse action. "Adverse action" means any action taken by a state psychology regulatory authority that is identified by the state psychology regulatory authority as discipline for a violation of a statute or regulation and that is a matter of public record.
[PL 2021, c. 331, §1 (NEW).]

2. Association of State and Provincial Psychology Boards. "Association of State and Provincial Psychology Boards" 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.
[PL 2021, c. 331, §1 (NEW).]

3. Authority to practice interjurisdictional telepsychology. "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.
[PL 2021, c. 331, §1 (NEW).]

4. Bylaws. "Bylaws" means the bylaws established by the commission pursuant to section 3850 for its governance or for directing and controlling its actions and conduct.
[PL 2021, c. 331, §1 (NEW).]

5. Client. "Client" means the recipient of psychological services, whether psychological services are delivered in the context of health care, corporate, supervision or consulting services.
[PL 2021, c. 331, §1 (NEW).]

6. Commission. "Commission" means the Psychology Interjurisdictional Compact Commission established by section 3850, which is the governing body of the compact.
[PL 2021, c. 331, §1 (NEW).]

7. Commissioner. "Commissioner" means the voting representative appointed by each state psychology regulatory authority pursuant to section 3850.
[PL 2021, c. 331, §1 (NEW).]

8. Compact state. "Compact state" means a state, the District of Columbia or a United States territory that has enacted the compact and that has not withdrawn pursuant to section 3850-C, subsection 3 or has not been terminated pursuant to section 3850-B, subsection 2.
[PL 2021, c. 331, §1 (NEW).]

9. Confidential. "Confidential" means the principle that data or information is not made available or disclosed to unauthorized persons or processes.
[PL 2021, c. 331, §1 (NEW).]

10. Coordinated database. "Coordinated database" means the coordinated licensure information system described in section 3849, which is an integrated process for collecting, storing and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws.
[PL 2021, c. 331, §1 (NEW).]

11. Day. "Day" means any part of a day in which psychological services are performed.
[PL 2021, c. 331, §1 (NEW).]

12. Distant state. "Distant state" means a 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.
[PL 2021, c. 331, §1 (NEW).]

13. E-passport. "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.
[PL 2021, c. 331, §1 (NEW).]

14. Executive board. "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 pursuant to section 3850, subsection 5.
[PL 2021, c. 331, §1 (NEW).]

15. Home state. "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 authority 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 pursuant to section 3845, the home state is any compact state where the psychologist is licensed.
[PL 2021, c. 331, §1 (NEW).]

16. Identity history summary. "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.
[PL 2021, c. 331, §1 (NEW).]

17. In-person, face-to-face. "In-person, face-to-face" means interactions in which the psychologist and the client are in the same physical space and does not include interactions that may occur through the use of telecommunications technologies.
[PL 2021, c. 331, §1 (NEW).]

18. Interjurisdictional practice certificate. "Interjurisdictional practice certificate" means a certificate issued by the Association of State and Provincial Psychology Boards that grants temporary authorization to practice based on notification to the state psychology regulatory authority of intention to practice temporarily and verifies the qualifications for such practice.
[PL 2021, c. 331, §1 (NEW).]

19. License. "License" means authorization by a state psychology regulatory authority to engage in the independent practice of psychology.
[PL 2021, c. 331, §1 (NEW).]

20. Non-compact state. "Non-compact state" means any state that is not a compact state.
[PL 2021, c. 331, §1 (NEW).]

21. Psychologist. "Psychologist" means an individual licensed for the independent practice of psychology.
[PL 2021, c. 331, §1 (NEW).]

22. Receiving state. "Receiving state" means a compact state where the client is physically located when telepsychological services are delivered.
[PL 2021, c. 331, §1 (NEW).]

23. Rule. "Rule" means a written statement by the commission, promulgated pursuant to section 3850-A, 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. A rule has the force and effect of statutory law in a compact state and includes the amendment, repeal or suspension of an existing rule.
[PL 2021, c. 331, §1 (NEW).]

24. Significant investigatory information. "Significant investigatory information" means either:

A. Investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, 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 a minor infraction; or [PL 2021, c. 331, §1 (NEW).]

B. Investigative information that indicates that a psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and had an opportunity to respond. [PL 2021, c. 331, §1 (NEW).]
[PL 2021, c. 331, §1 (NEW).]

25. State. "State" means a state, the District of Columbia or a territory of the United States.
[PL 2021, c. 331, §1 (NEW).]

26. State psychology regulatory authority. "State psychology regulatory authority" means the board, office or other agency with the legislative mandate to license and regulate the practice of psychology.
[PL 2021, c. 331, §1 (NEW).]

27. Telepsychology. "Telepsychology" means the provision of psychological services using telecommunications technologies.
[PL 2021, c. 331, §1 (NEW).]

28. Temporary authorization to practice. "Temporary authorization to practice" means a licensed psychologist's authority to provide temporary in-person, face-to-face practice within the limits authorized under this compact in another compact state.
[PL 2021, c. 331, §1 (NEW).]

29. Temporary in-person, face-to-face practice. "Temporary in-person, face-to-face practice" means the practice of psychology when a psychologist is physically present in a distant state to provide services for 30 days within a calendar year and is based on notification to the distant state. "Temporary in-person face-to-face practice" does not include the use of telecommunications technologies.
[PL 2021, c. 331, §1 (NEW).]

REVISOR'S NOTE: §3842. Telehealth services permitted (As enacted by PL 2021, c. 291, Pt. B, §11 is REALLOCATED TO TITLE 32, SECTION 3850-F)

SECTION HISTORY

PL 2021, c. 331, §1 (NEW).

§3843. Home state licensure - Article 3

1. Home state. The home state must be a compact state where a psychologist is licensed to practice psychology.
[PL 2021, c. 331, §1 (NEW).]

2. Licensing in more than one compact state. 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.
[PL 2021, c. 331, §1 (NEW).]

3. Circumstances not authorized by compact for telepsychology practice. 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.
[PL 2021, c. 331, §1 (NEW).]

4. Circumstances not authorized by compact for temporary authorization to practice. 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 the temporary authorization to practice under the terms of this compact.
[PL 2021, c. 331, §1 (NEW).]

5. Home state license; telepsychology practice. 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:

A. Currently requires the psychologist to hold an active e-passport; [PL 2021, c. 331, §1 (NEW).]

B. Has a mechanism in place for receiving and investigating complaints about licensed psychologists; [PL 2021, c. 331, §1 (NEW).]

C. Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed psychologist; [PL 2021, c. 331, §1 (NEW).]

D. 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 [PL 2021, c. 331, §1 (NEW).]

E. Complies with the bylaws and rules of the commission. [PL 2021, c. 331, §1 (NEW).]
[PL 2021, c. 331, §1 (NEW).]

6. Home state license; temporary authorization to practice. A home state's license grants temporary authorization to practice to a psychologist in a distant state only if the compact state:

A. Currently requires the psychologist to hold an active interjurisdictional practice certificate; [PL 2021, c. 331, §1 (NEW).]

B. Has a mechanism in place for receiving and investigating complaints about licensed psychologists; [PL 2021, c. 331, §1 (NEW).]

C. Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed psychologist; [PL 2021, c. 331, §1 (NEW).]

D. 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 [PL 2021, c. 331, §1 (NEW).]

E. Complies with the bylaws and rules of the commission. [PL 2021, c. 331, §1 (NEW).]
[PL 2021, c. 331, §1 (NEW).]

REVISOR'S NOTE: §3843. Confidentiality (As enacted by PL 2021, c. 291, Pt. B, §11 is REALLOCATED TO TITLE 32, SECTION 3850-G)

SECTION HISTORY

PL 2021, c. 331, §1 (NEW).

§3844. Compact privilege to practice telepsychology - Article 4

1. Privilege to practice telepsychology in receiving states. Compact states shall recognize the right of a psychologist, licensed in a compact state in conformance with section 3843, to practice telepsychology in receiving states in which the psychologist is not licensed under the authority to practice interjurisdictional telepsychology as provided in the compact.
[PL 2021, c. 331, §1 (NEW).]

2. Conditions to exercise authority to practice interjurisdictional telepsychology. 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:

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

(1) 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

(2) A foreign college or university determined to satisfy subparagraph (1) 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; [PL 2021, c. 331, §1 (NEW).]

B. Hold a graduate degree in psychology that meets the following criteria:

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

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

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

(4) The program must consist of an integrated, organized sequence of study;

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

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

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

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

(9) The curriculum must encompass a minimum of 3 academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degrees; and

(10) The program includes an acceptable residency as defined by the rules; [PL 2021, c. 331, §1 (NEW).]

C. Possess a current, full and unrestricted license to practice psychology in a home state that is a compact state; [PL 2021, c. 331, §1 (NEW).]

D. Have no history of adverse actions that violate the rules; [PL 2021, c. 331, §1 (NEW).]

E. Have no criminal history record reported on an identity history summary that violates the rules; [PL 2021, c. 331, §1 (NEW).]

F. Possess a current, active e-passport; [PL 2021, c. 331, §1 (NEW).]

G. 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 [PL 2021, c. 331, §1 (NEW).]

H. Meet other criteria as defined by the rules. [PL 2021, c. 331, §1 (NEW).]
[PL 2021, c. 331, §1 (NEW).]

3. Home state authority. The home state maintains authority over the license of any psychologist practicing in a receiving state under the authority to practice interjurisdictional telepsychology.
[PL 2021, c. 331, §1 (NEW).]

4. Scope of practice in receiving state. A psychologist practicing in a receiving state under the authority to practice interjurisdictional telepsychology is 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 the health and safety of the receiving state's citizens. If a receiving state takes action, the receiving state shall promptly notify the home state and the commission.
[PL 2021, c. 331, §1 (NEW).]

5. Revocation of authority. 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 the psychologist is not eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.
[PL 2021, c. 331, §1 (NEW).]

REVISOR'S NOTE: §3844. Professional responsibility (As enacted by PL 2021, c. 291, Pt. B, §11 is REALLOCATED TO TILE 32, SECTION 3850-H)

SECTION HISTORY

PL 2021, c. 331, §1 (NEW).

§3845. Compact temporary authorization to practice - Article 5

1. Temporary authorization to practice. Compact states shall recognize the right of a psychologist licensed in a compact state in conformance with section 3843 to practice temporarily in distant states in which the psychologist is not licensed, as provided in the compact.
[PL 2021, c. 331, §1 (NEW).]

2. Conditions to exercise authority. To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state must:

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

(1) 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

(2) A foreign college or university determined to satisfy subparagraph (1) 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; [PL 2021, c. 331, §1 (NEW).]

B. Hold a graduate degree in psychology that meets the following criteria:

(1) 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;

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

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

(4) The program must consist of an integrated, organized sequence of study;

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

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

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

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

(9) The curriculum must encompass a minimum of 3 academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degrees; and

(10) The program must include an acceptable residency as defined by the rules; [PL 2021, c. 331, §1 (NEW).]

C. Possess a current, full and unrestricted license to practice psychology in a home state that is a compact state; [PL 2021, c. 331, §1 (NEW).]

D. Have no history of adverse actions that violate the rules; [PL 2021, c. 331, §1 (NEW).]

E. Have no criminal history record that violates the rules; [PL 2021, c. 331, §1 (NEW).]

F. Possess a current, active interjurisdictional practice certificate; [PL 2021, c. 331, §1 (NEW).]

G. 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 [PL 2021, c. 331, §1 (NEW).]

H. Meet other criteria as defined by the rules. [PL 2021, c. 331, §1 (NEW).]
[PL 2021, c. 331, §1 (NEW).]

3. Scope of practice. A psychologist practicing in a distant state under the temporary authorization to practice shall practice within the scope of practice authorized by the distant state.
[PL 2021, c. 331, §1 (NEW).]

4. Authority of distant state. A psychologist practicing in a distant state under the temporary authorization to practice is 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 the health and safety of the distant state's citizens. If a distant state takes action, the distant state shall promptly notify the home state and the commission.
[PL 2021, c. 331, §1 (NEW).]

5. Revocation. 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 the psychologist is not eligible to practice in a compact state under the temporary authorization to practice.
[PL 2021, c. 331, §1 (NEW).]

REVISOR'S NOTE: §3845. Rulemaking (As enacted by PL 2021, c. 291, Pt. B, §11 is REALLOCATED TO TITLE 32, SECTION 3850-I)

SECTION HISTORY

PL 2021, c. 331, §1 (NEW).

§3846. Conditions of telepsychology practice in receiving state - Article 6

1. Conditions of telepsychology practice. 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, and under the following circumstances:

A. The psychologist initiates contact with a client in a home state via telecommunications technologies with a client in a receiving state; and [PL 2021, c. 331, §1 (NEW).]

B. Other conditions regarding telepsychology as determined by rules promulgated by the commission. [PL 2021, c. 331, §1 (NEW).]
[PL 2021, c. 331, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 331, §1 (NEW).

§3847. Adverse actions - Article 7

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).

§3848. Additional authorities invested in compact state's psychology regulatory authority - Article 8

1. Authority under compact. In addition to any other powers granted under state law, a state psychology regulatory authority has the authority under this compact to:

A. Issue subpoenas, for both hearings and investigations, that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a state psychology regulatory authority for the attendance and testimony of witnesses or the production of evidence from another compact state are 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 is located; [PL 2021, c. 331, §1 (NEW).]

B. Issue cease and desist or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice; and [PL 2021, c. 331, §1 (NEW).]

C. During the course of any investigation, deny a change in 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 outcome of said 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. All information provided to the commission or distributed by compact states about the psychologist must be confidential, filed under seal and used only for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states. [PL 2021, c. 331, §1 (NEW).]

[PL 2021, c. 331, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 331, §1 (NEW).

§3849. Coordinated licensure information system - Article 9

1. Coordinated licensure information system. 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 licensees to whom this compact is applicable in all compact states as defined by the rules.
[PL 2021, c. 331, §1 (NEW).]

2. Uniform dataset. Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform dataset to the coordinated database on all licensees as required by the rules, including:

A. Identifying information; [PL 2021, c. 331, §1 (NEW).]

B. Licensure data; [PL 2021, c. 331, §1 (NEW).]

C. Significant investigatory information; [PL 2021, c. 331, §1 (NEW).]

D. Adverse actions against a psychologist's license; [PL 2021, c. 331, §1 (NEW).]

E. An indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked; [PL 2021, c. 331, §1 (NEW).]

F. Nonconfidential information related to alternative program participation information; [PL 2021, c. 331, §1 (NEW).]

G. Any denial of an application for licensure and the reasons for such denial; and [PL 2021, c. 331, §1 (NEW).]

H. Other information that may facilitate the administration of this compact, as determined by the rules. [PL 2021, c. 331, §1 (NEW).]

[PL 2021, c. 331, §1 (NEW).]

3. Notice of adverse action. 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.
[PL 2021, c. 331, §1 (NEW).]

4. Designation of nonpublic information. 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.
[PL 2021, c. 331, §1 (NEW).]

5. Expunging of data pursuant to law of compact state. Any information submitted to the coordinated database that is subsequently required to be expunged under the law of the compact state reporting the information must be removed from the coordinated database.
[PL 2021, c. 331, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 331, §1 (NEW).

§3850. Establishment of the Psychology Interjurisdictional Compact Commission - Article 10

1. Commission established. The compact states hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission.

A. The commission is a body politic and an instrumentality of the compact states. [PL 2021, c. 331, §1 (NEW).]

B. 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. [PL 2021, c. 331, §1 (NEW).]

C. Nothing in this compact may be construed to be a waiver of sovereign immunity. [PL 2021, c. 331, §1 (NEW).]
[PL 2021, c. 331, §1 (NEW).]

2. Membership, voting and meetings. The commission must consist of one voting representative appointed by each compact state who serves as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate is empowered to act on behalf of the compact state.

A. This delegate must be limited to:

(1) An executive director, executive secretary or similar executive;

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

(3) A designee empowered with the appropriate delegate authority to act on behalf of the compact state. [PL 2021, c. 331, §1 (NEW).]

B. 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. [PL 2021, c. 331, §1 (NEW).]

C. Each commissioner is 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. [PL 2021, c. 331, §1 (NEW).]

D. The commission shall meet at least once during each calendar year. Additional meetings must be held as set forth in the bylaws. [PL 2021, c. 331, §1 (NEW).]

E. All meetings are open to the public, and public notice of meetings must be given in the same manner as required under the rule-making provisions in section 3850-A. [RR 2021, c. 1, Pt. A, §33 (COR).]

F. The commission may convene in a closed, nonpublic meeting if the commission must discuss:

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

(2) 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;

(3) Current, threatened or reasonably anticipated litigation against the commission;

(4) The negotiation of contracts for the purchase or sale of goods, services or real estate;

(5) An accusation against any person of a crime or formally censuring any person;

(6) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

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

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

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

(10) Matters specifically exempted from disclosure by federal and state statute. [PL 2021, c. 331, §1 (NEW).]

G. If a meeting, or portion of a meeting, is closed pursuant to paragraph F, the commission's legal counsel or designee shall certify that the meeting may be closed and must reference each relevant subparagraph in paragraph F. 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 and of any person participating in the meeting, and the reasons therefor, 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 by order of a court of competent jurisdiction. [PL 2021, c. 331, §1 (NEW).]

[RR 2021, c. 1, Pt. A, §33 (COR).]

3. Bylaws. The commission shall, by a majority vote of the commissioners, prescribe bylaws and rules 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:

A. Establishing the fiscal year of the commission; [PL 2021, c. 331, §1 (NEW).]

B. Providing reasonable standards and procedures:

(1) For the establishment and meetings of other committees; and

(2) Governing any general or specific delegation of any authority or function of the commission; [PL 2021, c. 331, §1 (NEW).]

C. 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 attending such proceedings and proprietary information, including trade secrets. The commission may meet in 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; [PL 2021, c. 331, §1 (NEW).]

D. Establishing the titles, duties, authority and reasonable procedures for the election of the officers of the commission; [PL 2021, c. 331, §1 (NEW).]

E. 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; [PL 2021, c. 331, §1 (NEW).]

F. Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees; [PL 2021, c. 331, §1 (NEW).]

G. 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 of its debts and obligations; [PL 2021, c. 331, §1 (NEW).]

H. Publishing its bylaws in a convenient form and filing a copy thereof and a copy of any amendment thereto with the appropriate agency or officer in each of the compact states; [PL 2021, c. 331, §1 (NEW).]

I. Maintaining its financial records in accordance with the bylaws; and [PL 2021, c. 331, §1 (NEW).]

J. Meeting and taking such actions as are consistent with the provisions of this compact and the bylaws. [PL 2021, c. 331, §1 (NEW).]

[PL 2021, c. 331, §1 (NEW).]

4. Powers of commission. The commission has the following powers:

A. To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules have the force and effect of law and are binding in all compact states; [PL 2021, c. 331, §1 (NEW).]

B. To bring and prosecute legal proceedings or actions in the name of the commission, as long as the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law is not affected; [PL 2021, c. 331, §1 (NEW).]

C. To purchase and maintain insurance and bonds; [PL 2021, c. 331, §1 (NEW).]

D. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a compact state; [PL 2021, c. 331, §1 (NEW).]

E. 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; [PL 2021, c. 331, §1 (NEW).]

F. To accept any appropriate donations and grants of money, equipment, supplies, materials and services and to receive, utilize and dispose of the same, as long as at all times the commission strives to avoid any appearance of impropriety or conflict of interest; [PL 2021, c. 331, §1 (NEW).]

G. To lease, purchase, accept appropriate gifts or donations of or otherwise to own, hold, improve or use any property, real, personal or mixed, as long as at all times the commission strives to avoid any appearance of impropriety; [PL 2021, c. 331, §1 (NEW).]

H. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed; [PL 2021, c. 331, §1 (NEW).]

I. To establish a budget and make expenditures; [PL 2021, c. 331, §1 (NEW).]

J. To borrow money; [PL 2021, c. 331, §1 (NEW).]

K. To appoint committees, including advisory committees, composed of members, state regulators, state legislators or their representatives, consumer representatives and such other interested persons as may be designated in this compact and the bylaws; [PL 2021, c. 331, §1 (NEW).]

L. To provide and receive information from, and to cooperate with, law enforcement agencies; [PL 2021, c. 331, §1 (NEW).]

M. To adopt and use an official seal; and [PL 2021, c. 331, §1 (NEW).]

N. To perform 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. [PL 2021, c. 331, §1 (NEW).]
[PL 2021, c. 331, §1 (NEW).]

5. Executive board. The elected officers shall serve as the executive board, which has the power to act on behalf of the commission according to the terms of this compact.

A. The executive board is composed of 6 members:

(1) Five voting members who are elected from the current membership of the commission by the commission; and

(2) One ex officio, nonvoting member from the Association of State and Provincial Psychology Boards. [PL 2021, c. 331, §1 (NEW).]

B. The ex officio member must have served as staff or been a member of a state psychology regulatory authority and is selected by the member's respective organization. [PL 2021, c. 331, §1 (NEW).]

C. The commission may remove any member of the executive board as provided in the bylaws. [PL 2021, c. 331, §1 (NEW).]

D. The executive board shall meet at least annually. [PL 2021, c. 331, §1 (NEW).]

E. The executive board has the following duties and responsibilities:

(1) To recommend to the entire commission changes to the rules or bylaws, this compact, fees paid by compact states such as annual dues and any other applicable fees;

(2) To ensure compact administration services are appropriately provided, contractual or otherwise;

(3) To prepare and recommend the budget;

(4) To maintain financial records on behalf of the commission;

(5) To monitor compact compliance of member states and provide compliance reports to the commission;

(6) To establish additional committees as necessary; and

(7) To perform other duties as provided in the rules or bylaws. [PL 2021, c. 331, §1 (NEW).]
[PL 2021, c. 331, §1 (NEW).]

6. Financing of commission. The commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

A. The commission may accept any appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services. [PL 2021, c. 331, §1 (NEW).]

B. The commission may levy 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, which must promulgate a rule binding upon all compact states. [PL 2021, c. 331, §1 (NEW).]

C. The commission may not incur obligations of any kind prior to securing the funds adequate to meet the same. The commission may not pledge the credit of any of the compact states, except by and with the authority of the compact state. [PL 2021, c. 331, §1 (NEW).]

D. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission are subject to the audit and accounting procedures established under its bylaws. 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 of the commission. [PL 2021, c. 331, §1 (NEW).]

[PL 2021, c. 331, §1 (NEW).]

7. Qualified immunity, defense and indemnification. The members, officers, executive director, employees and representatives of the commission are 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 the alleged act, error or omission occurred within the scope of commission employment, duties or responsibilities. Nothing in this subsection may be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional, willful or wanton misconduct of that person.

A. 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 the alleged act, error or omission occurred within the scope of commission employment, duties or responsibilities if the actual or alleged act, error or omission did not result from that person's intentional, willful or wanton misconduct. Nothing in this paragraph may be construed to prohibit that person from retaining separate counsel. [PL 2021, c. 331, §1 (NEW).]

B. 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 the alleged act, error or omission occurred within the scope of commission employment, duties or responsibilities if the actual or alleged act, error or omission did not result from the intentional, willful or wanton misconduct of that person. [PL 2021, c. 331, §1 (NEW).]

[PL 2021, c. 331, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 331, §1 (NEW). RR 2021, c. 1, Pt. A, §33 (COR).

§3850-A. Rulemaking - Article 11

1. Authority to adopt rules. The commission may exercise its rule-making powers pursuant to the criteria set forth in this subchapter and the rules promulgated by the commission. Rules and amendments are binding as of the date specified in each rule or amendment.
[PL 2021, c. 331, §1 (NEW).]

2. Rejection of rule. If a majority of the legislatures 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 has no further force and effect in any compact state.
[PL 2021, c. 331, §1 (NEW).]

3. Adoption required at regular or special meetings. Rules or amendments to the rules must be adopted at a regular or special meeting of the commission.
[PL 2021, c. 331, §1 (NEW).]

4. Notice of rulemaking. 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:

A. On the website of the commission; and [PL 2021, c. 331, §1 (NEW).]

B. On the website of each state psychology regulatory authority or the publication in which each state would otherwise publish proposed rules. [PL 2021, c. 331, §1 (NEW).]

The notice of proposed rulemaking must include the proposed time, date and location of the meeting in which the rule will be considered and voted upon; the text of the proposed rule or amendment and the reason for the proposed rule or amendment; a request for comments on the proposed rule from any interested person; and the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which must be made available to the public.
[PL 2021, c. 331, §1 (NEW).]

5. Public hearing. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

A. At least 25 persons who submit comments independently of each other; [PL 2021, c. 331, §1 (NEW).]

B. A governmental subdivision or agency; or [PL 2021, c. 331, §1 (NEW).]

C. A duly appointed person from an association that has at least 25 members. [PL 2021, c. 331, §1 (NEW).]
[PL 2021, c. 331, §1 (NEW).]

6. Notice of public hearing. 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.

A. All persons wishing to be heard at the hearing must 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 5 business days before the scheduled date of the hearing. [PL 2021, c. 331, §1 (NEW).]

B. Hearings must be conducted in a manner that provides each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. [PL 2021, c. 331, §1 (NEW).]

C. A transcript of the hearing is not required, unless a written request for a transcript is made. 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 paragraph

does not preclude the commission from making a transcript or recording of the hearing if it so chooses. [PL 2021, c. 331, §1 (NEW).]

D. Nothing in this subsection 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 subsection. [PL 2021, c. 331, §1 (NEW).]

[PL 2021, c. 331, §1 (NEW).]

7. Written comments. 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.

[PL 2021, c. 331, §1 (NEW).]

8. Final action. 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 rule-making record and the full text of the rule.

[PL 2021, c. 331, §1 (NEW).]

9. Adoption of rule without hearing. 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.

[PL 2021, c. 331, §1 (NEW).]

10. Emergency rules. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing. The usual rule-making procedures provided in the compact and in this section 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 subsection, an emergency rule is one that must be adopted immediately in order to:

A. Meet an imminent threat to public health, safety or welfare; [PL 2021, c. 331, §1 (NEW).]

B. Prevent a loss of commission or compact state funds; [PL 2021, c. 331, §1 (NEW).]

C. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or [PL 2021, c. 331, §1 (NEW).]

D. Protect public health and safety. [PL 2021, c. 331, §1 (NEW).]

[PL 2021, c. 331, §1 (NEW).]

11. Revisions. 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 is subject to challenge by any person for a period of 30 days after posting. The revision may be challenged 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 a challenge is not made, the revision takes effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

[PL 2021, c. 331, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 331, §1 (NEW).

§3850-B. Oversight, dispute resolution and enforcement - Article 12

1. Oversight. 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 hereunder have standing as statutory law.

A. 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. [PL 2021, c. 331, §1 (NEW).]

B. The commission may receive service of process in any proceeding under paragraph A and has standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission renders a judgment or order void as to the commission, this compact or promulgated rules. [PL 2021, c. 331, §1 (NEW).]

[PL 2021, c. 331, §1 (NEW).]

2. Default, technical assistance and termination. This subsection governs the default of a compact state.

A. 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:

(1) 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

(2) Provide remedial training and specific technical assistance regarding the default. [PL 2021, c. 331, §1 (NEW).]

B. 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. [PL 2021, c. 331, §1 (NEW).]

C. Termination of membership in the compact may 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. [PL 2021, c. 331, §1 (NEW).]

D. 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. [PL 2021, c. 331, §1 (NEW).]

E. The commission may not bear any costs incurred by a 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. [PL 2021, c. 331, §1 (NEW).]

F. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the State of Georgia or the federal district where the compact has its principal offices. The prevailing member must be awarded all costs of such litigation, including reasonable attorney's fees. [PL 2021, c. 331, §1 (NEW).]

[PL 2021, c. 331, §1 (NEW).]

3. Dispute resolution. 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. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

[PL 2021, c. 331, §1 (NEW).]

4. Enforcement. This subsection governs the commission's enforcement of the compact.

A. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact. [PL 2021, c. 331, §1 (NEW).]

B. By majority vote, the commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the compact 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. If judicial enforcement is necessary, the prevailing member must be awarded all costs of such litigation, including reasonable attorney's fees. [PL 2021, c. 331, §1 (NEW).]

C. The remedies herein are not the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law. [PL 2021, c. 331, §1 (NEW).]

[PL 2021, c. 331, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 331, §1 (NEW).

§3850-C. Date of implementation of Psychology Interjurisdictional Compact Commission and associated rules; withdrawal; amendments - Article 13

1. Effective date. The compact comes into effect on the date on which the compact is enacted into law in the 7th compact state. The provisions, which become effective at that time, are limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rule-making powers necessary for the implementation and administration of the compact.

[PL 2021, c. 331, §1 (NEW).]

2. New compact state; application of rules. Any state that joins the compact subsequent to the commission's initial adoption of the rules is 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 has the full force and effect of law on the day the compact becomes law in that state.

[PL 2021, c. 331, §1 (NEW).]

3. Withdrawal. Any compact state may withdraw from this compact by enacting a statute repealing the same.

A. A compact state's withdrawal does not take effect until 6 months after enactment of the repealing statute. [PL 2021, c. 331, §1 (NEW).]

B. Withdrawal does 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 compact prior to the effective date of withdrawal. [PL 2021, c. 331, §1 (NEW).]

[PL 2021, c. 331, §1 (NEW).]

4. Construction. 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.

[PL 2021, c. 331, §1 (NEW).]

5. Amendment of compact. This compact may be amended by the compact states. An amendment to this compact is not effective and binding upon any compact state until it is enacted into the law of all compact states.

[PL 2021, c. 331, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 331, §1 (NEW).

§3850-D. Construction and severability - Article 14

This compact must be liberally construed so as to effectuate the purposes thereof. If this compact is held contrary to the constitution of any state member thereto, the compact remains in full force and effect as to the remaining compact states. [PL 2021, c. 331, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 331, §1 (NEW).

SUBCHAPTER 5

TELEHEALTH SERVICES

§3850-E. Definitions

(REALLOCATED FROM TITLE 32, SECTION 3841)

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2021, c. 291, Pt. B, §11 (NEW); RR 2021, c. 1, Pt. A, §28 (RAL).]

1. Asynchronous encounter. "Asynchronous encounter" means an interaction between a patient and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the patient and the person licensed under this chapter.
[PL 2021, c. 291, Pt. B, §11 (NEW); RR 2021, c. 1, Pt. A, §28 (RAL).]

2. Store and forward transfer. "Store and forward transfer" means the transmission of a patient's records through a secure electronic system to a person licensed under this chapter.
[PL 2021, c. 291, Pt. B, §11 (NEW); RR 2021, c. 1, Pt. A, §28 (RAL).]

3. Synchronous encounter. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a patient and a person licensed under this chapter or between a person licensed under this chapter and another health care provider.
[PL 2021, c. 291, Pt. B, §11 (NEW); RR 2021, c. 1, Pt. A, §28 (RAL).]

4. Telehealth services. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.
[PL 2021, c. 291, Pt. B, §11 (NEW); RR 2021, c. 1, Pt. A, §28 (RAL).]

5. Telemonitoring. "Telemonitoring" means the use of information technology to remotely monitor a patient's health status via electronic means, allowing the person licensed under this chapter to track the patient's health data over time. Telemonitoring may be synchronous or asynchronous.
[PL 2021, c. 291, Pt. B, §11 (NEW); RR 2021, c. 1, Pt. A, §28 (RAL).]

SECTION HISTORY

PL 2021, c. 291, Pt. B, §11 (NEW). RR 2021, c. 1, Pt. A, §28 (RAL).

§3850-F. Telehealth services permitted

(REALLOCATED FROM TITLE 32, SECTION 3842)

A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this subchapter and in accordance with standards of practice. [PL 2021, c. 291, Pt. B, §11 (NEW); RR 2021, c. 1, Pt. A, §29 (RAL).]

SECTION HISTORY

PL 2021, c. 291, Pt. B, §11 (NEW). RR 2021, c. 1, Pt. A, §29 (RAL).

§3850-G. Confidentiality

(REALLOCATED FROM TITLE 32, SECTION 3843)

When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws. [PL 2021, c. 291, Pt. B, §11 (NEW); RR 2021, c. 1, Pt. A, §30 (RAL).]

SECTION HISTORY

PL 2021, c. 291, Pt. B, §11 (NEW). RR 2021, c. 1, Pt. A, §30 (RAL).

§3850-H. Professional responsibility

(REALLOCATED FROM TITLE 32, SECTION 3844)

All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services. [PL 2021, c. 291, Pt. B, §11 (NEW); RR 2021, c. 1, Pt. A, §31 (RAL).]

SECTION HISTORY

PL 2021, c. 291, Pt. B, §11 (NEW). RR 2021, c. 1, Pt. A, §31 (RAL).

§3850-I. Rulemaking

(REALLOCATED FROM TITLE 32, SECTION 3845)

The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. [PL 2021, c. 291, Pt. B, §11 (NEW); RR 2021, c. 1, Pt. A, §32 (RAL).]

SECTION HISTORY

PL 2021, c. 291, Pt. B, §11 (NEW). RR 2021, c. 1, Pt. A, §32 (RAL).

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