

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 33

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

AN ACT

RELATING TO PROFESSIONAL LICENSURE; ENACTING THE PSYCHOLOGY
INTERJURISDICTIONAL COMPACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] PSYCHOLOGY INTERJURISDICTIONAL
COMPACT ENTERED INTO.--The Psychology Interjurisdictional
Compact is entered into law and entered into with all other
jurisdictions legally joining therein in a form substantially
as follows:

"ARTICLE 1

PRESERVATION OF STATE AUTHORITY

A. States license psychologists in order to protect the public through verification of education, training and experience and ensure accountability for professional practice.

B. This compact is intended to regulate the day-to-day

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1 practice of telepsychology, i.e., the provision of
2 psychological services using telecommunication technologies, by
3 psychologists across state boundaries in the performance of
4 their psychological practice as assigned by an appropriate
5 authority.

6 C. This compact is intended to regulate the temporary
7 in-person, face-to-face practice of psychology by psychologists
8 across state boundaries for thirty days within a calendar year
9 in the performance of their psychological practice as assigned
10 by an appropriate authority.

11 D. This compact is intended to authorize state psychology
12 regulatory authorities to afford legal recognition, in a manner
13 consistent with the terms of the compact, to psychologists
14 licensed in another state.

15 E. This compact recognizes that states have a vested
16 interest in protecting the public's health and safety through
17 their licensing and regulation of psychologists and that such
18 state regulation will best protect public health and safety.

19 F. This compact does not apply when a psychologist is
20 licensed in both the home and receiving states.

21 G. While this compact does not apply to permanent in-
22 person, face-to-face practice, it does allow for authorization
23 of temporary psychological practice.

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

(1) increasing 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) enhancing the states' ability to protect the public's health and safety, especially client/patient safety;

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

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

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

(6) investing all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

ARTICLE 2

DEFINITIONS

As used in the compact:

A. "adverse action" means any action taken by a state psychology regulatory authority that finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record;

1 B. "association of state and provincial psychology
2 boards" means the recognized membership organization composed
3 of state and provincial psychology regulatory authorities
4 responsible for the licensure and registration of psychologists
5 throughout the United States and Canada;

6 C. "authority to practice interjurisdictional
7 telepsychology" means a licensed psychologist's authority to
8 practice telepsychology, within the limits authorized under
9 this compact, in another compact state;

10 D. "bylaws" means those bylaws established by the
11 Psychology Interjurisdictional Compact commission pursuant to
12 Article 10 of this compact for its governance or for directing
13 and controlling its actions and conduct;

14 E. "client/patient" means the recipient of
15 psychological services, whether psychological services are
16 delivered in the context of health care, corporate, supervision
17 or consulting services;

18 F. "commissioner" means the voting representative
19 appointed by each state psychology regulatory authority
20 pursuant to Article 10 of this compact;

21 G. "compact state" means a state, the District of
22 Columbia or a United States territory that has enacted this
23 compact legislation and that has not withdrawn pursuant to
24 Subsection C of Article 13 of this compact or been terminated
25 pursuant to Subsection B of Article 12 of this compact;

1 H. "confidentiality" means the principle that data
2 or information is not made available or disclosed to
3 unauthorized persons or processes;

4 I. "coordinated licensure information system", also
5 referred to as "coordinated database", means an integrated
6 process for collecting, storing and sharing information on
7 psychologists' licensure and enforcement activities related to
8 psychology licensure laws and the Psychology
9 Interjurisdictional Compact, which is administered by the
10 recognized membership organization composed of state and
11 provincial psychology regulatory authorities;

12 J. "day" means any part of a day in which
13 psychological work is performed;

14 K. "distant state" means the compact state where a
15 psychologist is physically present, not through the use of
16 telecommunications technologies, to provide temporary in-
17 person, face-to-face psychological services;

18 L. "E.Passport" means a certificate issued by the
19 association of state and provincial psychology boards that
20 promotes the standardization in the criteria of
21 interjurisdictional telepsychology practice and facilitates the
22 process for licensed psychologists to provide telepsychological
23 services across state lines;

24 M. "executive board" means a group of directors
25 elected or appointed to act on behalf of, and within the powers

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1 granted to them by, the commission;

2 N. "home state" means a compact state where a
3 psychologist is licensed to practice psychology. If the
4 psychologist is licensed in more than one compact state and is
5 practicing under the authorization to practice
6 interjurisdictional telepsychology, the home state is the
7 compact state where the psychologist is physically present when
8 the telepsychological services are delivered. If the
9 psychologist is licensed in more than one compact state and is
10 practicing under a temporary authorization to practice, the
11 home state is any compact state where the psychologist is
12 licensed;

13 O. "identity history summary" means a summary of
14 information retained by the United States federal bureau of
15 investigation, or other designee with similar authority, in
16 connection with arrests and, in some instances, federal
17 employment, naturalization or military service;

18 P. "in-person, face-to-face" means interactions in
19 which the psychologist and the client/patient are in the same
20 physical space and does not include interactions that may occur
21 through the use of telecommunication technologies;

22 Q. "interjurisdictional practice certificate" means
23 a certificate issued by the association of state and provincial
24 psychology boards that grants temporary authority to practice
25 based on notification to the state psychology regulatory

1 authority of intention to practice temporarily and verification
2 of one's qualifications for such practice;

3 R. "license" means authorization by a state
4 psychology regulatory authority to engage in the independent
5 practice of psychology, which would be unlawful without the
6 authorization;

7 S. "non-compact state" means any state that is not
8 at the time a compact state;

9 T. "psychologist" means an individual licensed for
10 the independent practice of psychology;

11 U. "Psychology Interjurisdictional Compact
12 commission", also referred to as "commission", means the
13 national administration of which all compact states are
14 members;

15 V. "receiving state" means a compact state where
16 the client/patient is physically located when the
17 telepsychological services are delivered;

18 W. "rule" means a written statement by the
19 Psychology Interjurisdictional Compact commission promulgated
20 pursuant to Article 11 of this compact that is of general
21 applicability, implements, interprets or prescribes a policy or
22 provision of the compact, or an organizational, procedural or
23 practice requirement of the commission, and has the force and
24 effect of statutory law in a compact state and includes the
25 amendment, repeal or suspension of an existing rule;

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1 X. "significant investigatory information" means:

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

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

13 Y. "state" means a state, commonwealth, territory
14 or possession of the United States or the District of Columbia;

15 Z. "state psychology regulatory authority" means
16 the board, office or other agency with the legislative mandate
17 to license and regulate the practice of psychology;

18 AA. "telepsychology" means the provision of
19 psychological services using telecommunication technologies;

20 BB. "temporary authorization to practice" means a
21 licensed psychologist's authority to conduct temporary in-
22 person, face-to-face practice, within the limits authorized
23 under this compact, in another compact state; and

24 CC. "temporary in-person, face-to-face practice"
25 means where a psychologist is physically present, not through

the use of telecommunications technologies, in a distant state to provide for the practice of psychology for thirty days within a calendar year and based on notification to the distant state.

ARTICLE 3

HOME STATE LICENSURE

A. The home state shall be a compact state where a psychologist is licensed to practice psychology.

B. A psychologist may hold one or more compact state licenses at a time. If the psychologist is licensed in more than one compact state, the home state is the compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of the Psychology Interjurisdictional Compact.

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

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

1 E. A home state's license authorizes a psychologist
2 to practice in a receiving state under the authority to
3 practice interjurisdictional telepsychology only if the compact
4 state:

5 (1) currently requires the psychologist to
6 hold an active E.Passport;

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

9 (3) notifies the commission, in compliance
10 with the terms of the compact, of any adverse action or
11 significant investigatory information regarding a licensed
12 individual;

13 (4) requires an identity history summary of
14 all applicants at initial licensure, including the use of the
15 results of fingerprints or other biometric data checks
16 compliant with the requirements of the United States federal
17 bureau of investigation or other designee with similar
18 authority, no later than ten years after activation of the
19 compact; and

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

22 F. A home state's license grants temporary
23 authorization to practice to a psychologist in a distant state
24 only if the compact state:

25 (1) currently requires the psychologist to

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1 hold an active interjurisdictional practice certificate;

2 (2) has a mechanism in place for receiving and

3 investigating complaints about licensed individuals;

4 (3) notifies the commission, in compliance

5 with the terms herein, of any adverse action or significant

6 investigatory information regarding a licensed individual;

7 (4) requires an identity history summary of

8 all applicants at initial licensure, including the use of the

9 results of fingerprints or other biometric data checks

10 compliant with the requirements of the United States federal

11 bureau of investigation, or other designee with similar

12 authority, no later than ten years after activation of the

13 compact; and

14 (5) complies with the bylaws and rules of the

15 commission.

16 ARTICLE 4

17 COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

18 A. Compact states shall recognize the right of a

19 psychologist, licensed in a compact state in conformance with

20 Article 3 of the Psychology Interjurisdictional Compact, to

21 practice telepsychology in other compact states (receiving

22 states) in which the psychologist is not licensed, under the

23 authority to practice interjurisdictional telepsychology as

24 provided in the compact.

25 B. To exercise the authority to practice

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interjurisdictional telepsychology under the terms and provisions of the compact, a psychologist licensed to practice in a compact state must:

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

(a) regionally accredited by an accrediting body recognized by the United States department of education to grant graduate degrees or authorized by provincial statute or royal charter to grant doctoral degrees; or

(b) a foreign college or university deemed to be equivalent to Subparagraph (a) of this paragraph by a foreign credential evaluation service that is a member of the national association of credential evaluation services or by a recognized foreign credential evaluation service;

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

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

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

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

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

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

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

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

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

(i) the curriculum shall encompass a minimum of three 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

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

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

1 compact state;

2 (4) have no history of adverse action that
3 violates the rules of the commission;

4 (5) have no criminal record history reported
5 on an identity history summary that violates the rules of the
6 commission;

7 (6) possess a current, active E.Passport;

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

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

17 C. The home state maintains authority over the
18 license of any psychologist practicing into a receiving state
19 under the authority to practice interjurisdictional
20 telepsychology.

21 D. A psychologist practicing in a receiving state
22 under the authority to practice interjurisdictional
23 telepsychology will be subject to the receiving state's scope
24 of practice. A receiving state may, in accordance with that
25 state's due process law, limit or revoke a psychologist's

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1 authority to practice interjurisdictional telepsychology in the
2 receiving state and may take any other necessary actions under
3 the receiving state's applicable law to protect the health and
4 safety of the receiving state's citizens. If a receiving state
5 takes action, the state shall promptly notify the home state
6 and the commission.

7 E. If a psychologist's license in any home state or
8 another compact state, or any authority to practice
9 interjurisdictional telepsychology in any receiving state, is
10 restricted, suspended or otherwise limited, the E.Passport
11 shall be revoked and, therefore, the psychologist shall not be
12 eligible to practice telepsychology in a compact state under
13 the authority to practice interjurisdictional telepsychology.

14 ARTICLE 5

15 COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

16 A. Compact states shall also recognize the right of
17 a psychologist, licensed in a compact state in conformance with
18 Article 3 of the Psychology Interjurisdictional Compact, to
19 practice temporarily in other compact states (distant states)
20 in which the psychologist is not licensed, as provided in the
21 compact.

22 B. To exercise the temporary authorization to
23 practice under the terms and provisions of this compact, a
24 psychologist licensed to practice in a compact state must:

25 (1) hold a graduate degree in psychology from

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1 an institute of higher education that was, at the time the
2 degree was awarded:

3 (a) regionally accredited by an
4 accrediting body recognized by the United States department of
5 education to grant graduate degrees or authorized by provincial
6 statute or royal charter to grant doctoral degrees; or

7 (b) a foreign college or university
8 deemed to be equivalent to Subparagraph (a) of this paragraph
9 by a foreign credential evaluation service that is a member of
10 the national association of credential evaluation services or
11 by a recognized foreign credential evaluation service;

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

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

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

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

25 (d) the program must consist of an

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1 integrated, organized sequence of study;
2 (e) there must be an identifiable
3 psychology faculty sufficient in size and breadth to carry out
4 its responsibilities;

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

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

11 (h) the program must include a
12 supervised practicum or internship or field training
13 appropriate to the practice of psychology;

14 (i) the curriculum shall encompass a
15 minimum of three academic years of full-time graduate study for
16 doctoral degrees and a minimum of one academic year of full-
17 time graduate study for master's degrees; and

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

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

23 (4) have no history of adverse action that
24 violates the rules of the commission;

25 (5) have no criminal record history that

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1 violates the rules of the commission;

2 (6) possess a current, active

3 interjurisdictional practice certificate;

4 (7) provide attestations in regard to areas of
5 intended practice and work experience and provide a release of
6 information to allow for primary source verification in a
7 manner specified by the commission; and

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

10 C. A psychologist practicing in a distant state
11 under the temporary authorization to practice shall practice
12 within the scope of practice authorized by the distant state.

13 D. A psychologist practicing in a distant state
14 under the temporary authorization to practice will be subject
15 to the distant state's authority and law. A distant state may,
16 in accordance with that state's due process law, limit or
17 revoke a psychologist's temporary authorization to practice in
18 the distant state and may take any other necessary actions
19 under the distant state's applicable law to protect the health
20 and safety of the distant state's citizens. If a distant state
21 takes action, the state shall promptly notify the home state
22 and the commission.

23 E. If a psychologist's license in any home state or
24 another compact state, or any temporary authorization to
25 practice in any distant state, is restricted, suspended or

otherwise limited, the interjurisdictional practice certificate shall be revoked and, therefore, the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice interjurisdictional telepsychology.

ARTICLE 6

CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

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

A. the psychologist initiates a client/patient contact in a home state via telecommunication technologies with a client/patient in a receiving state; or

B. other conditions regarding telepsychology as determined by rules promulgated by the commission.

ARTICLE 7

ADVERSE ACTIONS

A. A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.

B. A receiving state may take adverse action on a

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

6 C. If a home state takes adverse action against a
7 psychologist's license, that psychologist's authority to
8 practice interjurisdictional telepsychology is terminated and
9 the E.Passport is revoked. Furthermore, that psychologist's
10 temporary authorization to practice is terminated and the
11 interjurisdictional practice certificate is revoked; provided
12 that:

13 (1) all home state disciplinary orders that
14 impose adverse action shall be reported to the commission in
15 accordance with the rules promulgated by the commission. A
16 compact state shall report adverse actions in accordance with
17 the rules of the commission;

18 (2) in the event discipline is reported on a
19 psychologist, the psychologist will not be eligible for
20 telepsychology or temporary in-person, face-to-face practice in
21 accordance with the rules of the commission; and

22 (3) other actions may be imposed as determined
23 by the rules promulgated by the commission.

24 D. A home state's psychology regulatory authority
25 shall investigate and take appropriate action with respect to

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1 reported inappropriate conduct engaged in by a licensee that
2 occurred in a receiving state as it would if such conduct had
3 occurred by a licensee within the home state. In such cases,
4 the home state's law shall control in determining any adverse
5 action against a psychologist's license.

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

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

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1 G. No other judicial or administrative remedies
2 shall be available to a psychologist in the event a compact
3 state imposes an adverse action pursuant to Subsection C of
4 this article.

5 ARTICLE 8

6 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY
7 REGULATORY AUTHORITY

8 A. In addition to any other powers granted under
9 state law, a compact state's psychology regulatory authority
10 shall have the authority under the Psychology
11 Interjurisdictional Compact to:

12 (1) issue subpoenas, for both hearings and
13 investigations, that require the attendance and testimony of
14 witnesses and the production of evidence. Subpoenas issued by
15 a compact state's psychology regulatory authority for the
16 attendance and testimony of witnesses, or the production of
17 evidence from another compact state, shall be enforced in the
18 latter state by any court of competent jurisdiction, according
19 to that court's practice and procedure in considering subpoenas
20 issued in its own proceedings. The issuing state psychology
21 regulatory authority shall pay any witness fees, travel
22 expenses, mileage and other fees required by the service
23 statutes of the state where the witnesses or evidence are
24 located; and

25 (2) issue cease and desist or injunctive

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1 relief orders to revoke a psychologist's authority to practice
2 interjurisdictional telepsychology or temporary authorization
3 to practice.

4 B. During the course of any investigation, a
5 psychologist shall not change the psychologist's home state
6 licensure. A home state psychology regulatory authority is
7 authorized to complete any pending investigations of a
8 psychologist and to take any actions appropriate under its law.
9 The home state psychology regulatory authority shall promptly
10 report the conclusions of such investigations to the
11 commission. Once an investigation has been completed, and
12 pending the outcome of the investigation, the psychologist may
13 change the psychologist's home state licensure. The commission
14 shall promptly notify the new home state of any such decisions
15 as provided in the rules of the commission. All information
16 provided to the commission or distributed by compact states
17 pursuant to the psychologist shall be confidential, filed under
18 seal and used for investigatory or Psychology
19 Interjurisdictional Compact disciplinary matters. The
20 commission may create additional rules for mandated or
21 discretionary sharing of information by compact states.

22 ARTICLE 9

23 COORDINATED LICENSURE INFORMATION SYSTEM

24 A. The commission shall provide for the development
25 and maintenance of a coordinated licensure information system

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1 (coordinated database) and reporting system containing
2 licensure and disciplinary action information on all
3 psychologists and individuals to whom the Psychology
4 Interjurisdictional Compact is applicable in all compact states
5 as defined by the rules of the commission.

6 B. Notwithstanding any other provision of state law
7 to the contrary, a compact state shall submit a uniform data
8 set to the coordinated database on all licensees as required by
9 the rules of the commission, including:

10 (1) identifying information;
11 (2) licensure data;
12 (3) significant investigatory information;
13 (4) adverse actions against a psychologist's
14 license;

15 (5) an indicator that a psychologist's
16 authority to practice interjurisdictional telepsychology or
17 temporary authorization to practice is revoked;

18 (6) non-confidential information related to
19 alternative program participation information;

20 (7) any denial of application for licensure
21 and the reasons for such denial; and

22 (8) other information that may facilitate the
23 administration of this compact, as determined by the rules of
24 the commission.

25 C. The coordinated database administrator shall

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promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.

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

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

ARTICLE 10

ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT
COMMISSION

A. The compact states hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact commission as follows:

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

(2) by majority vote, the commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact, and by majority vote, the commission may initiate legal action in the United States district court for the District of Columbia, the federal district where the commission has its principal offices or, at

1 the discretion of the commission, federal or state courts of
2 New Mexico to enforce compliance with the provisions of the
3 compact and its promulgated rules and bylaws. The prevailing
4 party shall be awarded all costs of such litigation, including
5 reasonable attorney fees. The commission may waive venue and
6 jurisdictional defenses to the extent it adopts or consents to
7 participate in alternative dispute resolution proceedings; and

8 (3) nothing in the compact shall be construed
9 to be a waiver of sovereign immunity.

10 B. Membership, voting and meetings are as follows:

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

17 (a) the executive director, executive
18 secretary or similar executive;

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

21 (c) a designee empowered with the
22 appropriate delegate authority to act on behalf of the compact
23 state;

24 (2) any commissioner may be removed or
25 suspended from office as provided by the law of the state from

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1 which the commissioner is appointed. Any vacancy occurring in
2 the commission shall be filled in accordance with the laws of
3 the compact state in which the vacancy exists;

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

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

15 (5) all meetings shall be open to the public,
16 and public notice of meetings shall be given in the same manner
17 as required under the rulemaking provisions in Article 11 of
18 this compact;

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

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

23 (b) employment, compensation, discipline
24 or other personnel matters, practices or procedures related to
25 specific employees or other matters related to the commission's

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1 internal personnel practices and procedures;

2 (c) current, threatened or reasonably

3 anticipated litigation against the commission;

4 (d) negotiation of contracts for the

5 purchase or sale of goods, services or real estate;

6 (e) accusation against any person of a

7 crime or formally censuring any person;

8 (f) disclosure of trade secrets or

9 commercial or financial information that is privileged or

10 confidential;

11 (g) disclosure of information of a

12 personal nature where disclosure would constitute a clearly

13 unwarranted invasion of personal privacy;

14 (h) disclosure of investigatory records

15 compiled for law enforcement purposes;

16 (i) disclosure of information related to

17 any investigatory reports prepared by or on behalf of or for

18 use of the commission or other committee charged with

19 responsibility for investigation or determination of compliance

20 issues pursuant to the compact; or

21 (j) matters specifically exempted from

22 disclosure by federal and state statute; and

23 (7) if a meeting, or portion of a meeting, is

24 closed pursuant to this subsection, the commission's legal

25 counsel or designee shall certify that the meeting may be

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underscored material = new
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1 closed and shall reference each relevant exempting provision.
2 The commission shall keep minutes that fully and clearly
3 describe all matters discussed in a meeting and shall provide a
4 full and accurate summary of actions taken, of any person
5 participating in the meeting and the reasons therefore,
6 including a description of the views expressed. All documents
7 considered in connection with an action shall be identified in
8 such minutes. All minutes and documents of a closed meeting
9 shall remain under seal, subject to release only by a majority
10 vote of the commission or order of a court of competent
11 jurisdiction.

12 C. The commission shall, by a majority vote of the
13 commissioners, prescribe bylaws or rules to govern its conduct
14 as may be necessary or appropriate to carry out the purposes
15 and exercise the powers of this compact, including but not
16 limited to:

17 (1) establishing the fiscal year of the
18 commission;

19 (2) providing reasonable standards and
20 procedures:

21 (a) for the establishment and meetings
22 of other committees; and

23 (b) governing any general or specific
24 delegation of any authority or function of the commission;

25 (3) providing reasonable procedures for

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

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

16 (5) providing reasonable standards and
17 procedures for the establishment of the personnel policies and
18 programs of the commission. Notwithstanding any civil service
19 or other similar law of any compact state, the bylaws shall
20 exclusively govern the personnel policies and programs of the
21 commission;

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

25 (7) providing a mechanism for concluding the

1 operations of the commission and the equitable disposition of
2 any surplus funds that may exist after the termination of the
3 compact, after the payment, and/or reserving, of all of its
4 debts and obligations;

5 (8) the commission shall publish its bylaws in
6 a convenient form and file a copy, and a copy of any
7 amendments, with the appropriate agency or officer in each of
8 the compact states;

9 (9) the commission shall maintain its
10 financial records in accordance with the bylaws; and

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

14 D. The commission shall have the following powers:

15 (1) the authority to promulgate uniform rules
16 to facilitate and coordinate implementation and administration
17 of this compact. The rules shall have the force and effect of
18 law and shall be binding in all compact states;

19 (2) to bring and prosecute legal proceedings
20 or actions in the name of the commission; provided that the
21 standing of any state psychology regulatory authority or other
22 regulatory body responsible for psychology licensure to sue or
23 be sued under applicable law shall not be affected;

24 (3) to purchase and maintain insurance and
25 bonds;

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

(5) to hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

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

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

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

(9) to establish a budget and make expenditures;

(10) to borrow money;

(11) to appoint committees, including advisory committees composed of members, state regulators, state legislators or their representatives and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

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

(13) to adopt and use an official seal; and

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

E. The executive board is created as follows: the elected officers shall serve as the executive board, which shall have the power to act on behalf of the commission according to the terms of this compact;

(1) the executive board shall be composed of six members:

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

(b) one ex-officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities;

(2) the ex-officio member must have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization;

(3) the commission may remove any member of the executive board as provided in the bylaws;

(4) the executive board shall meet at least annually; and

(5) the executive board shall have the following duties and responsibilities:

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

(b) ensure that compact administration services are appropriately provided, contractual or otherwise;

(c) prepare and recommend the budget;

(d) maintain financial records on behalf of the commission;

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

(f) establish additional committees as necessary; and

(g) other duties as provided in rules or bylaws.

F. Financing of the commission:

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

(2) the commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services;

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

The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all compact states;

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

(5) the commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws.

However, all receipts and disbursements of funds handled by the

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1 commission shall be audited yearly by a certified or licensed
2 public accountant, and the report of the audit shall be
3 included in and become part of the annual report of the
4 commission.

5 G. Qualified immunity, defense and indemnification:

6 (1) the members, officers, executive director,
7 employees and representatives of the commission shall be immune
8 from suit and liability, either personally or in their official
9 capacity, for any claim for damage to or loss of property or
10 personal injury or other civil liability caused by or arising
11 out of any actual or alleged act, error or commission that
12 occurred, or that the person against whom the claim is made had
13 a reasonable basis for believing occurred, within the scope of
14 commission employment, duties or responsibilities; provided
15 that nothing in this paragraph shall be construed to protect
16 any such person from suit and/or liability for any damage,
17 loss, injury or liability caused by the intentional or willful
18 or wanton misconduct of that person;

19 (2) the commission shall defend any member,
20 officer, executive director, employee or representative of the
21 commission in any civil action seeking to impose liability
22 arising out of any actual or alleged act, error or omission
23 that occurred within the scope of commission employment, duties
24 or responsibilities, or that the person against whom the claim
25 is made had a reasonable basis for believing occurred within

the scope of commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining the person's own counsel; and provided further that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct; and

(3) the commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission or Psychology Interjurisdictional Compact employment, duties or responsibilities; or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

ARTICLE 11

RULEMAKING

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

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B. 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 shall have no further force and effect in any compact state.

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

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

(1) on the website of the commission; and

(2) on the website of each compact state's psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

E. The notice of proposed rulemaking shall include:

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

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

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

(4) the manner in which interested persons may submit notice to the commission of their intention to attend

1 the public hearing and any written comments.

2 F. Prior to adoption of a proposed rule, the
3 commission shall allow persons to submit written data, facts,
4 opinions and arguments, which shall be made available to the
5 public.

6 G. The commission shall grant an opportunity for a
7 public hearing before it adopts a rule or amendment if a
8 hearing is requested by:

9 (1) at least twenty-five persons who submit
10 comments independently of each other;

11 (2) a governmental subdivision or agency; or

12 (3) a duly appointed person in an association
13 that has at least twenty-five members.

14 H. If a hearing is held on the proposed rule or
15 amendment, the commission shall publish the place, time and
16 date of the scheduled public hearing; provided that:

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

22 (2) hearings shall be conducted in a manner
23 providing each person who wishes to comment a fair and
24 reasonable opportunity to comment orally or in writing;

25 (3) no transcript of the hearing is required,

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1 unless a written request for a transcript is made, in which
2 case the person requesting the transcript shall bear the cost
3 of producing the transcript. A recording may be made in lieu
4 of a transcript under the same terms and conditions as a
5 transcript. This paragraph shall not preclude the commission
6 from making a transcript or recording of the hearing if it so
7 chooses; and

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

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

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

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

24 L. Upon determination that an emergency exists, the
25 commission may consider and adopt an emergency rule without

1 prior notice, opportunity for comment or hearing; provided that
2 the usual rulemaking procedures provided in the compact and in
3 this article shall be retroactively applied to the rule as soon
4 as reasonably possible, in no event later than ninety days
5 after the effective date of the rule. For the purposes of this
6 provision, an emergency rule is one that must be adopted
7 immediately in order to:

8 (1) meet an imminent threat to public health,
9 safety or welfare;

10 (2) prevent a loss of commission or compact
11 state funds;

12 (3) meet a deadline for the promulgation of an
13 administrative rule that is established by federal law or rule;
14 or

15 (4) protect public health and safety.

16 M. The commission or an authorized committee of the
17 commission may direct revisions to a previously adopted rule or
18 amendment for purposes of correcting typographical errors,
19 errors in format, errors in consistency or grammatical errors.
20 Public notice of any revisions shall be posted on the website
21 of the commission. The revision shall be subject to challenge
22 by any person for a period of thirty days after posting. The
23 revision may be challenged only on grounds that the revision
24 results in a material change to a rule. A challenge shall be
25 made in writing and delivered to the chair of the commission

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prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision shall not take effect without the approval of the commission.

ARTICLE 12

OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

A. Oversight:

(1) the executive, legislative and judicial branches of state government in each compact state shall enforce the Psychology Interjurisdictional Compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of the compact and the rules promulgated hereunder shall have the force of law;

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

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

B. Default, technical assistance and termination:

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

(a) provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default or any other action to be taken by the commission; and

(b) provide remedial training and specific technical assistance regarding the default;

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

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

(4) a compact state that has been terminated

1 is responsible for all assessments, obligations and liabilities
2 incurred through the effective date of termination, including
3 obligations that extend beyond the effective date of
4 termination;

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

9 (6) the defaulting state may appeal the action
10 of the commission by petitioning the United States district
11 court for the state of Georgia or the federal district where
12 the compact has its principal offices. The prevailing member
13 shall be awarded all costs of such litigation, including
14 reasonable attorney fees.

15 C. Dispute resolution:

16 (1) upon request by a compact state, the
17 commission shall attempt to resolve disputes related to the
18 compact that arise among compact states and between compact and
19 non-compact states; and

20 (2) the commission shall promulgate a rule
21 providing for both mediation and binding dispute resolution for
22 disputes that arise before the commission.

23 D. Enforcement:

24 (1) the commission, in the reasonable exercise
25 of its discretion, shall enforce the provisions and rules of

1 this compact;

2 (2) by majority vote, the commission may
3 initiate legal action in the United States district court for
4 the state of Georgia, the federal district where the compact
5 has its principal offices or, at the discretion of the
6 commission, federal or state courts of New Mexico against a
7 compact state in default to enforce compliance with the
8 provisions of the compact and its promulgated rules and bylaws.
9 The relief sought may include both injunctive relief and
10 damages. In the event judicial enforcement is necessary, the
11 prevailing member shall be awarded all costs of such
12 litigation, including reasonable attorney fees; and

13 (3) the remedies herein shall not be the
14 exclusive remedies of the commission. The commission may
15 pursue any other remedies available under federal or state law.

16 ARTICLE 13

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

20 A. The Psychology Interjurisdictional Compact shall
21 come into effect on the date on which the compact is enacted
22 into law in the seventh compact state. The provisions that
23 become effective at that time shall be limited to the powers
24 granted to the commission relating to assembly and the
25 promulgation of rules. Thereafter, the commission shall meet

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1 and exercise rulemaking powers necessary to the implementation
2 and administration of the compact.

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

9 C. Any compact state may withdraw from the compact
10 by enacting a statute repealing the same; provided that:

11 (1) a compact state's withdrawal shall not
12 take effect until six months after enactment of the repealing
13 statute; and

14 (2) withdrawal shall not affect the continuing
15 requirement of the withdrawing state's psychology regulatory
16 authority to comply with the investigative and adverse action
17 reporting requirements of this act prior to the effective date
18 of withdrawal.

19 D. Nothing contained in the compact shall be
20 construed to invalidate or prevent any psychology licensure
21 agreement or other cooperative arrangement between a compact
22 state and a non-compact state that does not conflict with the
23 provisions of the compact.

24 E. The compact may be amended by the compact
25 states. No amendment to the compact shall become effective and

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binding upon any compact state until it is enacted into the law of all compact states.

ARTICLE 14

CONSTRUCTION AND SEVERABILITY

The Psychology Interjurisdictional Compact shall be liberally construed so as to effectuate the purposes of the compact. If the compact shall be held contrary to the constitution of any state member to the compact, the compact shall remain in full force and effect as to the remaining compact states.".

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