

Resolution

No. 25-154

APPROVING FOR INCLUSION IN THE 2026
MAUI COUNTY COUNCIL LEGISLATIVE
PACKAGE A STATE BILL RELATING TO THE
PSYCHOLOGY INTERJURISDICTIONAL
COMPACT

WHEREAS, the Psychology Interjurisdictional Compact – known as PSYPACT – is an interstate compact to facilitate the practice of telepsychology and the temporary in-person practice of psychology across state boundaries; and

WHEREAS, to join PSYPACT, the State Legislature must enact PSYPACT legislation to authorize the state-to-state practice of qualifying psychologists; and

WHEREAS, after joining PSYPACT, psychologists can practice telepsychology or conduct temporary in-person, face-to-face practice in PSYPACT states without the need to establish independent licensure in those states; and

WHEREAS, PSYPACT is effective in 42 states and jurisdictions within the United States; and

WHEREAS, in May 2025, the University of Hawai'i Economic Research Organization identified provider availability as one of the main barriers to mental health care, with 50 percent of respondents reporting difficulties in finding psychiatrists; and

WHEREAS, the percentage of young adults missing necessary mental health care increased significantly, from eight percent in 2023 to 39 percent in 2024; and

WHEREAS, if Hawai'i joins PSYPACT, it would help reduce regulatory barriers by allowing more psychologists to practice in the state, thus improving access to essential mental health care; now, therefore,

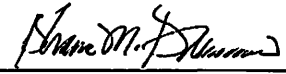
Resolution No. 25-154

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill attached as Exhibit "A," relating to the Psychology Interjurisdictional Compact be included in the 2026 Maui County Council Legislative Package; and
2. That certified copies of this Resolution be transmitted to the Mayor.

paf:clm:25-068b

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Shane M. Sinenci", written over a horizontal line.

SHANE M. SINENCI

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A BILL FOR AN ACT

RELATING TO THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 **"CHAPTER**

5 **PSYCHOLOGY INTERJURISDICTIONAL COMPACT**

6 § -1. **Short title.** This chapter may be cited as the
7 Psychology Interjurisdictional Compact.

8 § -2. **Terms and provisions of compact; authorization;**
9 **governor.** The legislature hereby authorizes the governor to
10 enter into a compact on behalf of the State of Hawaii with any
11 other state legally joining therein, in the form substantially
12 as follows:

13 **PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)**

14 **ARTICLE I**

15 **PURPOSE**

16 Whereas, states license psychologists, in order to protect
17 the public through verification of education, training and

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1 experience and ensure accountability for professional practice;
2 and

3 Whereas, this Compact is intended to regulate the day to
4 day practice of telepsychology (i.e., the provision of
5 psychological services using telecommunication technologies) by
6 psychologists across state boundaries in the performance of
7 their psychological practice as assigned by an appropriate
8 authority; and

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

14 Whereas, this Compact is intended to authorize State
15 Psychology Regulatory Authorities to afford legal recognition,
16 in a manner consistent with the terms of the Compact, to
17 psychologists licensed in another state; and

18 Whereas, this Compact recognizes that states have a vested
19 interest in protecting the public's health and safety through
20 their licensing and regulation of psychologists and that such
21 state regulation will best protect public health and safety; and

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1 Whereas, this Compact does not apply when a psychologist is
2 licensed in both the Home and Receiving States; and

3 Whereas, this Compact does not apply to permanent in-
4 person, face-to-face practice, it does allow for authorization
5 of temporary psychological practice.

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

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

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

4 **ARTICLE II**

5 **DEFINITIONS**

6 A. "Adverse Action" means: Any action taken by a State
7 Psychology Regulatory Authority which finds a violation of a
8 statute or regulation that is identified by the State Psychology
9 Regulatory Authority as discipline and is a matter of public
10 record.

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

16 C. "Authority to Practice Interjurisdictional
17 Telepsychology" means: a licensed psychologist's authority to
18 practice telepsychology, within the limits authorized under this
19 Compact, in another Compact State.

20 D. "Bylaws" means: those Bylaws established by the
21 Psychology Interjurisdictional Compact Commission pursuant to

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1 Article X for its governance, or for directing and controlling
2 its actions and conduct.

3 E. "Client/Patient" means: the recipient of psychological
4 services, whether psychological services are delivered in the
5 context of healthcare, corporate, supervision, and/or consulting
6 services.

7 F. "Commissioner" means: the voting representative
8 appointed by each State Psychology Regulatory Authority pursuant
9 to Article X.

10 G. "Compact State" means: a state, the District of
11 Columbia, or United States territory that has enacted this
12 Compact legislation and which has not withdrawn pursuant to
13 Article XIII, Section C or been terminated pursuant to Article
14 XII, Section B.

15 H. "Coordinated Licensure Information System" also
16 referred to as "Coordinated Database" means: an integrated
17 process for collecting, storing, and sharing information on
18 psychologists' licensure and enforcement activities related to
19 psychology licensure laws, which is administered by the
20 recognized membership organization composed of State and
21 Provincial Psychology Regulatory Authorities.

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1 I. "Confidentiality" means: the principle that data or
2 information is not made available or disclosed to unauthorized
3 persons and/or processes.

4 J. "Day" means: any part of a day in which psychological
5 work is performed.

6 K. "Distant State" means: the Compact State where a
7 psychologist is physically present (not through the use of
8 telecommunications technologies), to provide temporary in-
9 person, face-to-face psychological services.

10 L. "E.Passport" means: a certificate issued by the
11 Association of State and Provincial Psychology Boards (ASPPB)
12 that promotes the standardization in the criteria of
13 interjurisdictional telepsychology practice and facilitates the
14 process for licensed psychologists to provide telepsychological
15 services across state lines.

16 M. "Executive Board" means: a group of directors elected
17 or appointed to act on behalf of, and within the powers granted
18 to them by, the Commission.

19 N. "Home State" means: a Compact State where a
20 psychologist is licensed to practice psychology. If the
21 psychologist is licensed in more than one Compact State and is
22 practicing under the Authorization to Practice

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1 Interjurisdictional Telepsychology, the Home State is the
2 Compact State where the psychologist is physically present when
3 the telepsychological services are delivered. If the
4 psychologist is licensed in more than one Compact State and is
5 practicing under the Temporary Authorization to Practice, the
6 Home State is any Compact State where the psychologist is
7 licensed.

8 O. "Identity History Summary" means: a summary of
9 information retained by the FBI, or other designee with similar
10 authority, in connection with arrests and, in some instances,
11 federal employment, naturalization, or military service.

12 P. "In-Person, Face-to-Face" means: interactions in which
13 the psychologist and the client/patient are in the same physical
14 space and which does not include interactions that may occur
15 through the use of telecommunication technologies.

16 Q. "Interjurisdictional Practice Certificate (IPC)"
17 means: a certificate issued by the Association of State and
18 Provincial Psychology Boards (ASPPB) that grants temporary
19 authority to practice based on notification to the State
20 Psychology Regulatory Authority of intention to practice
21 temporarily, and verification of one's qualifications for such
22 practice.

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1 R. "License" means: authorization by a State Psychology
2 Regulatory Authority to engage in the independent practice of
3 psychology, which would be unlawful without the authorization.

4 S. "Non-Compact State" means: any State which is not at
5 the time a Compact State.

6 T. "Psychologist" means: an individual licensed for the
7 independent practice of psychology.

8 U. "Psychology Interjurisdictional Compact Commission"
9 also referred to as "Commission" means: the national
10 administration of which all Compact States are members.

11 V. "Receiving State" means: a Compact State where the
12 client/patient is physically located when the telepsychological
13 services are delivered.

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

22 X. "Significant Investigatory Information" means:

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

8 2. Investigative information that indicates that the
9 psychologist represents an immediate threat to public
10 health and safety regardless of whether the psychologist
11 has been notified and/or had an opportunity to respond.

12 Y. "State" means: a state, commonwealth, territory, or
13 possession of the United States, the District of Columbia.

14 Z. "State Psychology Regulatory Authority" means: the
15 Board, office or other agency with the legislative mandate to
16 license and regulate the practice of psychology.

17 AA. "Telepsychology" means: the provision of
18 psychological services using telecommunication technologies.

19 BB. "Temporary Authorization to Practice" means: a
20 licensed psychologist's authority to conduct temporary in-
21 person, face-to-face practice, within the limits authorized
22 under this Compact, in another Compact State.

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1 CC. "Temporary In-Person, Face-to-Face Practice"
2 means: where a psychologist is physically present (not through
3 the use of telecommunications technologies), in the Distant
4 State to provide for the practice of psychology for 30 days
5 within a calendar year and based on notification to the Distant
6 State.

7 **ARTICLE III**

8 **HOME STATE LICENSURE**

9 A. The Home State shall be a Compact State where a
10 psychologist is licensed to practice psychology.

11 B. A psychologist may hold one or more Compact State
12 licenses at a time. If the psychologist is licensed in more
13 than one Compact State, the Home State is the Compact State
14 where the psychologist is physically present when the services
15 are delivered as authorized by the Authority to Practice
16 Interjurisdictional Telepsychology under the terms of this
17 Compact.

18 C. Any Compact State may require a psychologist not
19 previously licensed in a Compact State to obtain and retain a
20 license to be authorized to practice in the Compact State under
21 circumstances not authorized by the Authority to Practice

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1 Interjurisdictional Telepsychology under the terms of this
2 Compact.

3 D. Any Compact State may require a psychologist to obtain
4 and retain a license to be authorized to practice in a Compact
5 State under circumstances not authorized by Temporary
6 Authorization to Practice under the terms of this Compact.

7 E. A Home State's license authorizes a psychologist to
8 practice in a Receiving State under the Authority to Practice
9 Interjurisdictional Telepsychology only if the Compact State:

- 10 1. Currently requires the psychologist to hold an active
11 E.Passport;
- 12 2. Has a mechanism in place for receiving and
13 investigating complaints about licensed individuals;
- 14 3. Notifies the Commission, in compliance with the terms
15 herein, of any adverse action or significant
16 investigatory information regarding a licensed
17 individual;
- 18 4. Requires an Identity History Summary of all applicants
19 at initial licensure, including the use of the results
20 of fingerprints or other biometric data checks compliant
21 with the requirements of the Federal Bureau of
22 Investigation (FBI), or other designee with similar

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1 authority, no later than ten years after activation of
2 the Compact; and

3 5. Complies with the Bylaws and Rules of the Commission.

4 F. A Home State's license grants Temporary Authorization
5 to Practice to a psychologist in a Distant State only if the
6 Compact State:

7 1. Currently requires the psychologist to hold an active
8 IPC;

9 2. Has a mechanism in place for receiving and
10 investigating complaints about licensed individuals;

11 3. Notifies the Commission, in compliance with the terms
12 herein, of any adverse action or significant
13 investigatory information regarding a licensed
14 individual;

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

22 5. Complies with the Bylaws and Rules of the Commission.

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ARTICLE IV

COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

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

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

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

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

b. A foreign college or university deemed to be equivalent to 1(a) above by a foreign credential

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1 evaluation service that is a member of the National
2 Association of Credential Evaluation Services (NACES)
3 or by a recognized foreign credential evaluation
4 service; and

5 2. Hold a graduate degree in psychology that meets the
6 following criteria:

7 a. The program, wherever it may be administratively
8 housed, must be clearly identified and labeled as a
9 psychology program. Such a program must specify in
10 pertinent institutional catalogues and brochures its
11 intent to educate and train professional
12 psychologists;

13 b. The psychology program must stand as a recognizable,
14 coherent, organizational entity within the
15 institution;

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

20 d. The program must consist of an integrated, organized
21 sequence of study;

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- 1 e. There must be an identifiable psychology faculty
- 2 sufficient in size and breadth to carry out its
- 3 responsibilities;
- 4 f. The designated director of the program must be a
- 5 psychologist and a member of the core faculty;
- 6 g. The program must have an identifiable body of
- 7 students who are matriculated in that program for a
- 8 degree;
- 9 h. The program must include supervised practicum,
- 10 internship, or field training appropriate to the
- 11 practice of psychology;
- 12 i. The curriculum shall encompass a minimum of three
- 13 academic years of full-time graduate study for
- 14 doctoral degree and a minimum of one academic year of
- 15 full-time graduate study for master's degree; and
- 16 j. The program includes an acceptable residency as
- 17 defined by the Rules of the Commission.
- 18 3. Possess a current, full and unrestricted license to
- 19 practice psychology in a Home State which is a Compact
- 20 State;
- 21 4. Have no history of adverse action that violate the
- 22 Rules of the Commission;

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1 5. Have no criminal record history reported on an Identity
2 History Summary that violates the Rules of the
3 Commission;

4 6. Possess a current, active E.Passport;

5 7. Provide attestations in regard to areas of intended
6 practice, conformity with standards of practice,
7 competence in telepsychology technology; criminal
8 background; and knowledge and adherence to legal
9 requirements in the Home and Receiving States, and
10 provide a release of information to allow for primary
11 source verification in a manner specified by the
12 Commission; and

13 8. Meet other criteria as defined by the Rules of the
14 Commission.

15 C. The Home State maintains authority over the license of
16 any psychologist practicing into a Receiving State under the
17 Authority to Practice Interjurisdictional Telepsychology.

18 D. A psychologist practicing into a Receiving State under
19 the Authority to Practice Interjurisdictional Telepsychology
20 will be subject to the Receiving State's scope of practice. A
21 Receiving State may, in accordance with that state's due process
22 law, limit or revoke a psychologist's Authority to Practice

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1 Interjurisdictional Telepsychology in the Receiving State and
2 may take any other necessary actions under the Receiving State's
3 applicable law to protect the health and safety of the Receiving
4 State's citizens. If a Receiving State takes action, the state
5 shall promptly notify the Home State and the Commission.

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

13 **ARTICLE V**

14 **COMPACT TEMPORARY AUTHORIZATION TO PRACTICE**

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

20 B. To exercise the Temporary Authorization to Practice
21 under the terms and provisions of this Compact, a psychologist
22 licensed to practice in a Compact State must:

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

4 a. Regionally accredited by an accrediting body
5 recognized by the U.S. Department of Education to
6 grant graduate degrees, or authorized by Provincial
7 Statute or Royal Charter to grant doctoral degrees;
8 or

9 b. A foreign college or university deemed to be
10 equivalent to 1(a) above by a foreign credential
11 evaluation service that is a member of the National
12 Association of Credential Evaluation Services (NACES)
13 or by a recognized foreign credential evaluation
14 service; and

15 2. Hold a graduate degree in psychology that meets the
16 following criteria:

17 a. The program, wherever it may be administratively
18 housed, must be clearly identified and labeled as a
19 psychology program. Such a program must specify in
20 pertinent institutional catalogues and brochures its
21 intent to educate and train professional
22 psychologists;

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- 1 b. The psychology program must stand as a recognizable,
2 coherent, organizational entity within the
3 institution;
- 4 c. There must be a clear authority and primary
5 responsibility for the core and specialty areas
6 whether or not the program cuts across administrative
7 lines;
- 8 d. The program must consist of an integrated, organized
9 sequence of study;
- 10 e. There must be an identifiable psychology faculty
11 sufficient in size and breadth to carry out its
12 responsibilities;
- 13 f. The designated director of the program must be a
14 psychologist and a member of the core faculty;
- 15 g. The program must have an identifiable body of
16 students who are matriculated in that program for a
17 degree;
- 18 h. The program must include supervised practicum,
19 internship, or field training appropriate to the
20 practice of psychology;
- 21 i. The curriculum shall encompass a minimum of three
22 academic years of full-time graduate study for

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- 1 doctoral degrees and a minimum of one academic year
2 of full-time graduate study for master's degrees; and
3 j. The program includes an acceptable residency as
4 defined by the Rules of the Commission;
- 5 3. Possess a current, full and unrestricted license to
6 practice psychology in a Home State which is a Compact
7 State;
- 8 4. Have no history of adverse action that violates the
9 Rules of the Commission;
- 10 5. Have no criminal record history that violates the Rules
11 of the Commission;
- 12 6. Possess a current, active IPC;
- 13 7. Provide attestations in regard to areas of intended
14 practice and work experience and provide a release of
15 information to allow for primary source verification in
16 a manner specified by the Commission; and
- 17 8. Meet other criteria as defined by the Rules of the
18 Commission.
- 19 C. A psychologist practicing into a Distant State under
20 the Temporary Authorization to Practice shall practice within
21 the scope of practice authorized by the Distant State.

11 E. If a psychologist's license in any Home State, another
12 Compact State, or any Temporary Authorization to Practice in any
13 Distant State, is restricted, suspended or otherwise limited,
14 the IPC shall be revoked and therefore the psychologist shall
15 not be eligible to practice in a Compact State under the
16 Temporary Authorization to Practice.

CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

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

- 3 1. The psychologist initiates a client/patient contact in
4 a Home State via telecommunications technologies with a
5 client/patient in a Receiving State; and
- 6 2. Other conditions regarding telepsychology as determined
7 by Rules promulgated by the Commission.

8 **ARTICLE VII**

9 **ADVERSE ACTIONS**

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

15 B. A Receiving State may take adverse action on a
16 psychologist's Authority to Practice Interjurisdictional
17 Telepsychology within that Receiving State. A Home State may
18 take adverse action against a psychologist based on an adverse
19 action taken by a Distant State regarding temporary in-person,
20 face-to-face practice.

21 C. If a Home State takes adverse action against a
22 psychologist's license, that psychologist's Authority to

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1 Practice Interjurisdictional Telepsychology is terminated and
2 the E.Passport is revoked. Furthermore, that psychologist's
3 Temporary Authorization to Practice is terminated and the IPC is
4 revoked.

5 1. All Home State disciplinary orders which impose adverse
6 action shall be reported to the Commission in accordance
7 with the Rules promulgated by the Commission. A Compact
8 State shall report adverse actions in accordance with
9 the Rules of the Commission;

10 2. In the event discipline is reported on a psychologist,
11 the psychologist will not be eligible for telepsychology
12 or temporary in-person, face-to-face practice in
13 accordance with the Rules of the Commission; and

14 3. Other actions may be imposed as determined by the Rules
15 promulgated by the Commission.

16 D. A Home State's Psychology Regulatory Authority shall
17 investigate and take appropriate action with respect to reported
18 inappropriate conduct engaged in by a licensee which occurred in
19 a Receiving State as it would if such conduct had been engaged
20 in by a licensee within the Home State. In such cases, the Home
21 State's law shall control in determining any adverse action
22 against a psychologist's license.

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1 E. A Distant State's Psychology Regulatory Authority shall
2 investigate and take appropriate action with respect to reported
3 inappropriate conduct engaged in by a psychologist practicing
4 under Temporary Authorization to Practice which occurred in that
5 Distant State as it would if such conduct had been engaged in by
6 a licensee within the Home State. In such cases, the Distant
7 State's law shall control in determining any adverse action
8 against a psychologist's Temporary Authorization to Practice.

9 F. Nothing in this Compact shall override a Compact
10 State's decision that a psychologist's participation in an
11 alternative program may be used in lieu of adverse action and
12 that such participation shall remain non-public if required by
13 the Compact State's law. Compact States must require
14 psychologists who enter any alternative programs to not provide
15 telepsychology services under the Authority to Practice
16 Interjurisdictional Telepsychology or provide temporary
17 psychological services under the Temporary Authorization to
18 Practice in any other Compact State during the term of the
19 alternative program.

20 G. No other judicial or administrative remedies shall be
21 available to a psychologist in the event a Compact State imposes
22 an adverse action pursuant to subsection C, above.

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

1. Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact State's Psychology Regulatory Authority for the attendance and testimony of witnesses, and/or the production of evidence from another Compact State shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing State Psychology Regulatory Authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence are located;
2. Issue cease and desist and/or injunctive relief orders to revoke a psychologist's Authority to Practice

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1 Interjurisdictional Telepsychology and/or Temporary
2 Authorization to Practice; and

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

22 **ARTICLE IX**

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1 **COORDINATED LICENSURE INFORMATION SYSTEM**

2 A. The Commission shall provide for the development and
3 maintenance of a Coordinated Licensure Information System
4 (Coordinated Database) and reporting system containing licensure
5 and disciplinary action information on all psychologists and
6 individuals to whom this Compact is applicable in all Compact
7 States as defined by the Rules of the Commission.

8 B. Notwithstanding any other provision of state law to the
9 contrary, a Compact State shall submit a uniform data set to the
10 Coordinated Database on all licensees as required by the Rules
11 of the Commission, including:

- 12 1. Identifying information;
- 13 2. Licensure data;
- 14 3. Significant investigatory information;
- 15 4. Adverse actions against a psychologist's license;
- 16 5. An indicator that a psychologist's Authority to
17 Practice Interjurisdictional Telepsychology and/or
18 Temporary Authorization to Practice is revoked;
- 19 6. Non-confidential information related to alternative
20 program participation information;
- 21 7. Any denial of application for licensure, and the
22 reasons for such denial; and

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- 1 1. The Commission is a body politic and an instrumentality
- 2 of the Compact States;
- 3 2. Venue is proper and judicial proceedings by or against
- 4 the Commission shall be brought solely and exclusively
- 5 in a court of competent jurisdiction where the principal
- 6 office of the Commission is located. The Commission may
- 7 waive venue and jurisdictional defenses to the extent it
- 8 adopts or consents to participate in alternative dispute
- 9 resolution proceedings; and
- 10 3. Nothing in this Compact shall be construed to be a
- 11 waiver of sovereign immunity.
- 12 B. Membership, Voting, and Meetings:
- 13 1. The Commission shall consist of one voting
- 14 representative appointed by each Compact State who shall
- 15 serve as that state's Commissioner. The State
- 16 Psychology Regulatory Authority shall appoint its
- 17 delegate. This delegate shall be empowered to act on
- 18 behalf of the Compact State. This delegate shall be
- 19 limited to:
- 20 a. Executive Director, Executive Secretary or similar
- 21 executive;

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- 1 b. Current member of the State Psychology Regulatory
- 2 Authority of a Compact State; or
- 3 c. Designee empowered with the appropriate delegate
- 4 authority to act on behalf of the Compact State;
- 5 2. Any Commissioner may be removed or suspended from
- 6 office as provided by the law of the state from which
- 7 the Commissioner is appointed. Any vacancy occurring in
- 8 the Commission shall be filled in accordance with the
- 9 laws of the Compact State in which the vacancy exists;
- 10 3. Each Commissioner shall be entitled to one (1) vote
- 11 with regard to the promulgation of Rules and creation of
- 12 Bylaws and shall otherwise have an opportunity to
- 13 participate in the business and affairs of the
- 14 Commission. A Commissioner shall vote in person or by
- 15 such other means as provided in the Bylaws. The Bylaws
- 16 may provide for Commissioners' participation in meetings
- 17 by telephone or other means of communication;
- 18 4. The Commission shall meet at least once during each
- 19 calendar year. Additional meetings shall be held as set
- 20 forth in the Bylaws;

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- 1 5. All meetings shall be open to the public, and public
- 2 notice of meetings shall be given in the same manner as
- 3 required under the rulemaking provisions in Article XI;
- 4 6. The Commission may convene in a closed, non-public
- 5 meeting if the Commission must discuss:
- 6 a. Non-compliance of a Compact State with its
- 7 obligations under the Compact;
- 8 b. The employment, compensation, discipline or other
- 9 personnel matters, practices or procedures related to
- 10 specific employees or other matters related to the
- 11 Commission's internal personnel practices and
- 12 procedures;
- 13 c. Current, threatened, or reasonably anticipated
- 14 litigation against the Commission;
- 15 d. Negotiation of contracts for the purchase or sale of
- 16 goods, services or real estate;
- 17 e. Accusation against any person of a crime or formally
- 18 censuring any person;
- 19 f. Disclosure of trade secrets or commercial or
- 20 financial information which is privileged or
- 21 confidential;

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g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigatory records compiled for law enforcement purposes;

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

j. Matters specifically exempted from disclosure by federal and state statute; and

7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a

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1 description of the views expressed. All documents
2 considered in connection with an action shall be
3 identified in such minutes. All minutes and documents
4 of a closed meeting shall remain under seal, subject to
5 release only by a majority vote of the Commission or
6 order of a court of competent jurisdiction.

7 C. The Commission shall, by a majority vote of the
8 Commissioners, prescribe Bylaws and/or Rules to govern its
9 conduct as may be necessary or appropriate to carry out the
10 purposes and exercise the powers of the Compact, including but
11 not limited to:

- 12 1. Establishing the fiscal year of the Commission;
- 13 2. Providing reasonable standards and procedures:
 - 14 a. For the establishment and meetings of other
 - 15 committees; and
 - 16 b. Governing any general or specific delegation of any
 - 17 authority or function of the Commission;
- 18 3. Providing reasonable procedures for calling and
19 conducting meetings of the Commission, ensuring
20 reasonable advance notice of all meetings and providing
21 an opportunity for attendance of such meetings by
22 interested parties, with enumerated exceptions designed

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1 to protect the public's interest, the privacy of
2 individuals of such proceedings, and proprietary
3 information, including trade secrets. The Commission
4 may meet in closed session only after a majority of the
5 Commissioners vote to close a meeting to the public in
6 whole or in part. As soon as practicable, the
7 Commission must make public a copy of the vote to close
8 the meeting revealing the vote of each Commissioner with
9 no proxy votes allowed;

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

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

19 6. Promulgating a Code of Ethics to address permissible
20 and prohibited activities of Commission members and
21 employees;

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1 7. Providing a mechanism for concluding the operations of
2 the Commission and the equitable disposition of any
3 surplus funds that may exist after the termination of
4 the Compact after the payment and/or reserving of all of
5 its debts and obligations;

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

10 9. The Commission shall maintain its financial records in
11 accordance with the Bylaws; and

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

15 D. The Commission shall have the following powers:

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

20 2. To bring and prosecute legal proceedings or actions in
21 the name of the Commission, provided that the standing
22 of any State Psychology Regulatory Authority or other

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- 1 regulatory body responsible for psychology licensure to
2 sue or be sued under applicable law shall not be
3 affected;
- 4 3. To purchase and maintain insurance and bonds;
- 5 4. To borrow, accept or contract for services of
6 personnel, including, but not limited to, employees of a
7 Compact State;
- 8 5. To hire employees, elect or appoint officers, fix
9 compensation, define duties, grant such individuals
10 appropriate authority to carry out the purposes of the
11 Compact, and to establish the Commission's personnel
12 policies and programs relating to conflicts of interest,
13 qualifications of personnel, and other related personnel
14 matters;
- 15 6. To accept any and all appropriate donations and grants
16 of money, equipment, supplies, materials and services,
17 and to receive, utilize and dispose of the same;
18 provided that at all times the Commission shall strive
19 to avoid any appearance of impropriety and/or conflict
20 of interest;
- 21 7. To lease, purchase, accept appropriate gifts or
22 donations of, or otherwise to own, hold, improve or use,

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1 any property, real, personal or mixed; provided that at
2 all times the Commission shall strive to avoid any
3 appearance of impropriety;

4 8. To sell, convey, mortgage, pledge, lease, exchange,
5 abandon or otherwise dispose of any property real,
6 personal or mixed;

7 9. To establish a budget and make expenditures;

8 10. To borrow money;

9 11. To appoint committees, including advisory committees
10 comprised of Members, State regulators, State
11 legislators or their representatives, and consumer
12 representatives, and such other interested persons as
13 may be designated in this Compact and the Bylaws;

14 12. To provide and receive information from, and to
15 cooperate with, law enforcement agencies;

16 13. To adopt and use an official seal; and

17 14. To perform such other functions as may be necessary or
18 appropriate to achieve the purposes of this Compact
19 consistent with the state regulation of psychology
20 licensure, temporary in-person, face-to-face practice
21 and telepsychology practice.

22 E. The Executive Board

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

4 1. The Executive Board shall be comprised of six members:

5 a. Five voting members who are elected from the current
6 membership of the Commission by the Commission;

7 b. One ex-officio, nonvoting member from the recognized
8 membership organization composed of State and
9 Provincial Psychology Regulatory Authorities;

10 2. The ex-officio member must have served as staff or
11 member on a State Psychology Regulatory Authority and
12 will be selected by its respective organization;

13 3. The Commission may remove any member of the Executive
14 Board as provided in Bylaws;

15 4. The Executive Board shall meet at least annually; and

16 5. The Executive Board shall have the following duties and
17 responsibilities:

18 a. Recommend to the entire Commission changes to the
19 Rules or Bylaws, changes to this Compact legislation,
20 fees paid by Compact States such as annual dues, and
21 any other applicable fees;

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- b. Ensure Compact administration services are
appropriately provided, contractual or otherwise;
- c. Prepare and recommend the budget;
- d. Maintain financial records on behalf of the
Commission;
- e. Monitor Compact compliance of member states and
provide compliance reports to the Commission;
- f. Establish additional committees as necessary; and
- g. Other duties as provided in Rules or Bylaws.

F. Financing of the Commission:

1. The Commission shall pay, or provide for the payment of
the reasonable expenses of its establishment,
organization and ongoing activities;
2. The Commission may accept any and all appropriate
revenue sources, donations and grants of money,
equipment, supplies, materials and services;
3. The Commission may levy on and collect an annual
assessment from each Compact State or impose fees on
other parties to cover the cost of the operations and
activities of the Commission and its staff which must be
in a total amount sufficient to cover its annual budget
as approved each year for which revenue is not provided

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1 by other sources. The aggregate annual assessment
2 amount shall be allocated based upon a formula to be
3 determined by the Commission which shall promulgate a
4 rule binding upon all Compact States;

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

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

19 G. Qualified Immunity, Defense, and Indemnification

20 1. The members, officers, Executive Director, employees
21 and representatives of the Commission shall be immune
22 from suit and liability, either personally or in their

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1 official capacity, for any claim for damage to or loss
2 of property or personal injury or other civil liability
3 caused by or arising out of any actual or alleged act,
4 error or omission that occurred, or that the person
5 against whom the claim is made had a reasonable basis
6 for believing occurred within the scope of Commission
7 employment, duties or responsibilities; provided that
8 nothing in this paragraph shall be construed to protect
9 any such person from suit and/or liability for any
10 damage, loss, injury or liability caused by the
11 intentional or willful or wanton misconduct of that
12 person;

- 13 2. The Commission shall defend any member, officer,
14 Executive Director, employee or representative of the
15 Commission in any civil action seeking to impose
16 liability arising out of any actual or alleged act,
17 error or omission that occurred within the scope of
18 Commission employment, duties or responsibilities, or
19 that the person against whom the claim is made had a
20 reasonable basis for believing occurred within the scope
21 of Commission employment, duties or responsibilities;
22 provided that nothing herein shall be construed to

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1 prohibit that person from retaining his or her own
2 counsel; and provided further, that the actual or
3 alleged act, error or omission did not result from that
4 person's intentional or willful or wanton misconduct;
5 and

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

19 **ARTICLE XI**

20 **RULEMAKING**

21 A. The Commission shall exercise its rulemaking powers
22 pursuant to the criteria set forth in this Article and the Rules

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1 adopted thereunder. Rules and amendments shall become binding
2 as of the date specified in each rule or amendment.

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

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

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

- 13 1. On the website of the Commission; and
14 2. On the website of each Compact State's Psychology
15 Regulatory Authority or the publication in which each
16 state would otherwise publish proposed rules.

17 E. The Notice of Proposed Rulemaking shall include:

- 18 1. The proposed time, date, and location of the meeting in
19 which the rule will be considered and voted upon;
20 2. The text of the proposed rule or amendment and the
21 reason for the proposed rule;

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

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

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

9 G. The Commission shall grant an opportunity for a public
10 hearing before it adopts a rule or amendment if a hearing is
11 requested by:

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

14 2. A governmental subdivision or agency; or

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

17 H. If a hearing is held on the proposed rule or amendment,
18 the Commission shall publish the place, time, and date of the
19 scheduled public hearing.

20 1. All persons wishing to be heard at the hearing shall
21 notify the Executive Director of the Commission or other
22 designated member in writing of their desire to appear

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1 and testify at the hearing not less than five (5)
2 business days before the scheduled date of the hearing;
3 2. Hearings shall be conducted in a manner providing each
4 person who wishes to comment a fair and reasonable
5 opportunity to comment orally or in writing;
6 3. No transcript of the hearing is required, unless a
7 written request for a transcript is made, in which case
8 the person requesting the transcript shall bear the cost
9 of producing the transcript. A recording may be made in
10 lieu of a transcript under the same terms and conditions
11 as a transcript. This subsection shall not preclude the
12 Commission from making a transcript or recording of the
13 hearing if it so chooses; and
14 4. Nothing in this section shall be construed as requiring
15 a separate hearing on each rule. Rules may be grouped
16 for the convenience of the Commission at hearings
17 required by this section.
18 I. Following the scheduled hearing date, or by the close
19 of business on the scheduled hearing date if the hearing was not
20 held, the Commission shall consider all written and oral
21 comments received.

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1 J. The Commission shall, by majority vote of all members,
2 take final action on the proposed rule and shall determine the
3 effective date of the rule, if any, based on the rulemaking
4 record and the full text of the rule.

5 K. If no written notice of intent to attend the public
6 hearing by interested parties is received, the Commission may
7 proceed with promulgation of the proposed rule without a public
8 hearing.

9 L. Upon determination that an emergency exists, the
10 Commission may consider and adopt an emergency rule without
11 prior notice, opportunity for comment, or hearing, provided that
12 the usual rulemaking procedures provided in the Compact and in
13 this section shall be retroactively applied to the rule as soon
14 as reasonably possible, in no event later than ninety (90) days
15 after the effective date of the rule. For the purposes of this
16 provision, an emergency rule is one that must be adopted
17 immediately in order to:

18 1. Meet an imminent threat to public health, safety, or
19 welfare;

20 2. Prevent a loss of Commission or Compact State funds;

4. Protect public health and safety.

ARTICLE XII

A. Oversight:

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- 1 1. The Executive, Legislative and Judicial branches of
2 state government in each Compact State shall enforce
3 this Compact and take all actions necessary and
4 appropriate to effectuate the Compact's purposes and
5 intent. The provisions of this Compact and the rules
6 promulgated hereunder shall have standing as statutory
7 law;
- 8 2. All courts shall take judicial notice of the Compact
9 and the rules in any judicial or administrative
10 proceeding in a Compact State pertaining to the subject
11 matter of this Compact which may affect the powers,
12 responsibilities or actions of the Commission; and
- 13 3. The Commission shall be entitled to receive service of
14 process in any such proceeding, and shall have standing
15 to intervene in such a proceeding for all
16 purposes. Failure to provide service of process to the
17 Commission shall render a judgment or order void as to
18 the Commission, this Compact or promulgated rules.
- 19 B. Default, Technical Assistance, and Termination:
- 20 1. If the Commission determines that a Compact State has
21 defaulted in the performance of its obligations or

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responsibilities under this Compact or the promulgated rules, the Commission shall:

a. Provide written notice to the defaulting state and other Compact States of the nature of the default, the proposed means of remedying the default and/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. Notice of intent to suspend or terminate shall be submitted by the Commission to the Governor, the majority and minority

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1 leaders of the defaulting state's legislature, and each
2 of the Compact States;

3 4. A Compact State which has been terminated is
4 responsible for all assessments, obligations and
5 liabilities incurred through the effective date of
6 termination, including obligations which extend beyond
7 the effective date of termination;

8 5. The Commission shall not bear any costs incurred by the
9 state which is found to be in default or which has been
10 terminated from the Compact, unless agreed upon in
11 writing between the Commission and the defaulting state;
12 and

13 6. The defaulting state may appeal the action of the
14 Commission by petitioning the U.S. District Court for
15 the state of Georgia or the federal district where the
16 Compact has its principal offices. The prevailing
17 member shall be awarded all costs of such litigation,
18 including reasonable attorney's fees.

19 C. Dispute Resolution:

20 1. Upon request by a Compact State, the Commission shall
21 attempt to resolve disputes related to the Compact which

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1 arise among Compact States and between Compact and Non-
2 Compact States; and

3 2. The Commission shall promulgate a rule providing for
4 both mediation and binding dispute resolution for
5 disputes that arise before the Commission.

6 D. Enforcement:

7 1. The Commission, in the reasonable exercise of its
8 discretion, shall enforce the provisions and Rules of
9 this Compact;

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

20 3. The remedies herein shall not be the exclusive remedies
21 of the Commission. The Commission may pursue any other
22 remedies available under federal or state law.

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ARTICLE XIII

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

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

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

C. Any Compact State may withdraw from this Compact by enacting a statute repealing the same.

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

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2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Psychology Regulatory Authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

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

E. This Compact may be amended by the Compact States. No amendment to this Compact shall become effective and binding upon any Compact State until it is enacted into the law of all Compact States.

ARTICLE XIV

CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this Compact shall be held contrary to the constitution of any state member thereto, the Compact shall remain in full force and effect as to the remaining Compact States.

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1 § -3. **Rules.** The department of commerce and consumer
2 affairs shall adopt rules pursuant to chapter 91 for the
3 purposes of implementing and administering this chapter."

4 SECTION 2. This Act shall take effect upon its approval.

5

6 INTRODUCED BY: _____

7 paf:clm:25-068d