

**As Reported by the House Health Committee**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Sub. S. B. No. 258**

**Senator Gavarone**

**Cosponsors: Senators Roegner, Hackett, Coley, Huffman, S., Antonio, Blessing, Brenner, Burke, Craig, Dolan, Eklund, Fedor, Hoagland, Johnson, Kunze, Lehner, Maharath, Manning, O'Brien, Rulli, Thomas, Williams, Wilson**

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**A BILL**

To amend sections 503.40, 503.41, 503.42, 503.43, 1  
503.44, 503.47, 503.48, 503.49, 503.50, 715.61, 2  
2927.17, 4731.04, 4731.15, and 4731.41; to enact 3  
sections 503.411, 4732.40, and 4732.41; and to 4  
repeal sections 503.45 and 503.46 of the Revised 5  
Code to enter into the Psychology 6  
Interjurisdictional Compact (PSYPACT) and to 7  
make changes to the massage therapy licensing 8  
law. 9

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 503.40, 503.41, 503.42, 503.43, 10  
503.44, 503.47, 503.48, 503.49, 503.50, 715.61, 2927.17, 11  
4731.04, 4731.15, and 4731.41 be amended and sections 503.411, 12  
4732.40, and 4732.41 of the Revised Code be enacted to read as 13  
follows: 14

**Sec. 503.40.** As used in sections 503.40 to 503.49 of the 15  
Revised Code: 16

(A) ~~"Massage therapy" means any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance~~ has the same meaning as in section 4731.04 of the Revised Code. 17  
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(B) "Massage establishment" means any fixed place of business where ~~a person offers massages~~ massage therapy is provided: 23  
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(1) In exchange for anything of value; or 26

(2) In connection with the provision of another legitimate service. 27  
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(C) ~~"Masseur" or "masseuse"~~ "Massage therapist" means any individual ~~person who performs massages at a massage establishment~~ massage therapy. 29  
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(D) ~~"Sexual or genital area" includes the genitalia, pubic area, anus, perineum of any person, and the breasts of a female~~ "Registration" means to provide information to the board of township trustees to indicate the location of the establishment, the names of individuals employed there, and evidence of current state licensure or student status of anyone providing massage therapy at the establishment as provided in division (A) of section 503.411 of the Revised Code. 32  
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**Sec. 503.41.** (A) A board of township trustees, by resolution, may regulate ~~and require the registration of~~ massage establishments ~~and their employees~~ within the unincorporated territory of the township and may require the registration of persons performing massage therapy at the massage establishments. In accordance with sections 503.40 to 503.49 of 40  
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the Revised Code, ~~for that purpose~~ those purposes, the board, by 46  
a majority vote of all members, may adopt, amend, administer, 47  
and enforce such establishment regulations and registration 48  
requirements within the unincorporated territory of the 49  
township. 50

(B) A board may adopt establishment regulations, 51  
registration requirements, and amendments under this section 52  
only after public hearing at not fewer than two regular sessions 53  
of the board. The board shall cause to be published in a 54  
newspaper of general circulation in the township, or as provided 55  
in section 7.16 of the Revised Code, notice of the public 56  
hearings, including the time, date, and place, once a week for 57  
two weeks immediately preceding the hearings. The board shall 58  
make available proposed establishment regulations, registration 59  
requirements, or amendments to the public at the office of the 60  
board. 61

(C) ~~Regulations~~ Establishment regulations, registration 62  
requirements, or amendments adopted by the board are effective 63  
thirty days after the date of adoption unless, within thirty 64  
days after the adoption of the regulations, requirements, or 65  
amendments, the township fiscal officer receives a petition, 66  
signed by a number of qualified electors residing in the 67  
unincorporated area of the township equal to not less than ten 68  
per cent of the total vote cast for all candidates for governor 69  
in the area at the most recent general election at which a 70  
governor was elected, requesting the board to submit the 71  
regulations, requirements, or amendments to the electors of the 72  
area for approval or rejection at the next primary or general 73  
election occurring at least ninety days after the board receives 74  
the petition. 75

No establishment regulation, registration requirement, or 76  
amendment for which the referendum vote has been requested is 77  
effective unless a majority of the votes cast on the issue is in 78  
favor of the regulation, requirement, or amendment. Upon 79  
certification by the board of elections that a majority of the 80  
votes cast on the issue was in favor of the regulation,  81  
requirement, or amendment, the regulation, requirement, or 82  
amendment takes immediate effect. 83

(D) The board shall make available establishment 84  
regulations and registration requirements it adopts or amends to 85  
the public at the office of the board and shall cause to be 86  
published once a notice of the availability of the regulations 87  
and requirements in a newspaper of general circulation in the 88  
township within ten days after their adoption or amendment. 89

(E) Nothing in sections 503.40 to 503.49 of the Revised 90  
Code shall be construed to allow a board of township trustees to 91  
license any massage therapist or otherwise regulate the practice 92  
of any limited branch of medicine specified in section 4731.15 93  
of the Revised Code or the practice of providing therapeutic 94  
massage by a licensed physician, a licensed podiatrist, a 95  
licensed chiropractor, ~~a licensed podiatrist,~~ a licensed nurse, 96  
or any other licensed health professional. ~~As~~ 97

As used in this division, "licensed" means licensed, 98  
certified, or registered to practice in this state. 99

**Sec. 503.411.** If a board of township trustees has adopted 100  
a resolution under section 503.41 of the Revised Code to 101  
regulate massage establishments, all of the following apply: 102

(A) The massage establishment regulations shall include a 103  
requirement that all massage therapy performed in a massage 104

establishment be performed by a person who meets one or more of 105  
the following conditions and that does not exclude any such 106  
person: 107

(1) Is licensed by the state cosmetology and barber board, 108  
or its predecessors or successors, and provides massage therapy 109  
as a portion of, and incidental to, barber services in 110  
accordance with Chapter 4709. of the Revised Code or cosmetology 111  
services in accordance with Chapter 4713. of the Revised Code; 112

(2) Is licensed by the board of nursing, or its 113  
predecessors or successors, and provides massage therapy as a 114  
portion of, and incidental to, nursing services in accordance 115  
with Chapter 4723. of the Revised Code; 116

(3) Is licensed by the state medical board, or its 117  
predecessors or successors, and provides massage therapy as a 118  
portion of, and incidental to, medical services in accordance 119  
with Chapter 4730. or 4731. of the Revised Code or acupuncture 120  
or oriental medicine in accordance with Chapter 4762. of the 121  
Revised Code; 122

(4) Is licensed by the state chiropractic board, or its 123  
predecessors or successors, and provides massage therapy as a 124  
portion of, and incidental to, chiropractic services in 125  
accordance with Chapter 4734. of the Revised Code; 126

(5) Is licensed by the state medical board, or its 127  
predecessors or successors, as a massage therapist in accordance 128  
with Chapter 4731. of the Revised Code; 129

(6) Is licensed by the Ohio occupational therapy, physical 130  
therapy, and athletic trainers board, or its predecessors or 131  
successors, and provides massage therapy as a portion of, and 132  
incidental to, services provided as an occupational therapist, 133

<u>physical therapist, or athletic trainer in accordance with</u>	134
<u>Chapter 4755. of the Revised Code;</u>	135
<u>(7) Is enrolled and regularly and actively participating</u>	136
<u>in a program of study to achieve the training necessary to</u>	137
<u>obtain the massage therapist license specified in division (A)</u>	138
<u>(5) of this section and the program of study is in good standing</u>	139
<u>as determined by the state medical board.</u>	140
<u>(B) No person shall knowingly act as a massage therapist</u>	141
<u>for a massage establishment located in the unincorporated area</u>	142
<u>of the township without first having obtained a license from a</u>	143
<u>board specified in division (A) of this section or without being</u>	144
<u>a student as provided in division (A) (7) of this section.</u>	145
<u>(C) The massage establishment regulations may include any</u>	146
<u>of the following:</u>	147
<u>(1) A requirement that the massage establishment fully</u>	148
<u>comply with any applicable zoning resolution and amendments to</u>	149
<u>the resolution that are adopted by the board under Chapter 519.</u>	150
<u>of the Revised Code;</u>	151
<u>(2) Designated hours as prohibited hours of operation;</u>	152
<u>(3) The prohibitions set forth in division (B) of section</u>	153
<u>503.42 of the Revised Code;</u>	154
<u>(4) Any other regulation considered by the board to be</u>	155
<u>necessary for the health, safety, and welfare of the township</u>	156
<u>residents, subject to division (E) of section 503.41 of the</u>	157
<u>Revised Code.</u>	158
<b>Sec. 503.42.</b> <u>If a board of township trustees has adopted a</u>	159
<u>resolution under section 503.41 of the Revised Code that</u>	160
<u>includes a permit requirement to operate a massage</u>	161

<u>establishment:</u>	162
(A) No person shall <del>engage in, conduct or carry on, or</del>	163
<del>permit to be engaged in, conducted or carried on in the</del>	164
<del>unincorporated areas of the township, the operation of</del> <u>operate</u> a	165
massage establishment <u>in the unincorporated areas of a township</u>	166
without first having obtained a permit from the board of	167
township trustees as provided in section 503.43 of the Revised	168
Code.	169
(B) <del>No individual shall act as a masseur or masseuse for a</del>	170
<del>massage establishment located in the unincorporated areas of the</del>	171
<del>township without first having obtained a license from the board</del>	172
<del>of township trustees as provided in section 503.45 of the</del>	173
<del>Revised Code.</del>	174
<del>(C)</del> No owner or operator of a massage establishment	175
located in the unincorporated <del>areas</del> <u>area</u> of the township shall	176
knowingly do any of the following:	177
(1) <del>Employ an unlicensed masseur or masseuse as a massage</del>	178
<del>therapist a person who does not meet one of the criteria listed</del>	179
<del>in division (A) of section 503.411 of the Revised Code;</del>	180
(2) Refuse to allow appropriate state or local	181
authorities, including police officers, access to the massage	182
establishment for any health or safety inspection conducted	183
pursuant to a <u>massage establishment regulation or massage</u>	184
<u>therapist registration requirement</u> adopted by the township under	185
section 503.41 of the Revised Code;	186
(3) Operate during the hours designated as prohibited	187
hours of operation by the board of township trustees;	188
(4) Employ any person under the age of eighteen.	189

~~(D) No person employed in a massage establishment located in the unincorporated area of the township shall knowingly do any of the following in the performance of duties at the massage establishment:~~ 190-193

~~(1) Place his or her hand upon, touch with any part of his or her body, fondle in any manner, or massage the sexual or genital area of any other person;~~ 194-196

~~(2) Perform, offer, or agree to perform any act which would require the touching of the sexual or genital area of any other person;~~ 197-199

~~(3) Touch, offer, or agree to touch the sexual or genital area of any other person with any mechanical or electrical apparatus or appliance;~~ 200-202

~~(4) Wear unclean clothing, no clothing, transparent clothing, or clothing that otherwise reveals the sexual or genital areas of the masseur or masseuse;~~ 203-205

~~(5) Uncover or allow the sexual or genital area of any other person to be uncovered while providing massages.~~ 206-207

~~(E) No licensed masseur or masseuse shall accept or continue employment at a massage establishment that does not have a current, valid permit issued by the board of township trustees.~~ 208-211

**Sec. 503.43.** If a board of township trustees has adopted a resolution under section 503.41 of the Revised Code that includes a permit requirement to operate a massage establishment, the application for a permit to operate a massage establishment shall be made to the board and shall include the following: 212-217



(A) An initial, nonrefundable filing fee of two hundred 218  
fifty dollars and an annual nonrefundable renewal fee of one 219  
hundred twenty-five dollars; 220

(B) A health and safety report of an inspection of the 221  
premises performed within thirty days of the application to 222  
determine compliance with applicable health and safety codes, 223  
which inspection appropriate state or local authorities acting 224  
pursuant to an agreement with the board shall perform; 225

(C) The full name and address of any person applying for a 226  
permit, including any partner or limited partner of a 227  
partnership applicant, any officer or director of a corporate 228  
applicant, and any stock holder holding more than two per cent 229  
of the stock of a corporate applicant having less than a total 230  
of fifty employees or any stock holder holding more than twenty- 231  
five per cent of the stock of a corporate applicant having more 232  
than a total of fifty employees, the date of birth ~~and social-~~ 233  
~~security number~~ of each individual, and the federal 234  
identification number of any partnership or corporation; 235

(D) Authorization for an investigation into the criminal 236  
record of any person applying for a permit; 237

(E) Proof that the massage establishment fully complies 238  
with any applicable zoning resolution and amendments to the 239  
resolution adopted by the board under Chapter 519. of the 240  
Revised Code; 241

(F) Any other information determined by the board to be 242  
necessary for the health, safety, and welfare of the township 243  
residents, subject to division (E) of section 503.41 of the 244  
Revised Code. 245

A permit issued under this section to a massage 246

establishment shall expire one year after the date of issuance, 247  
except that no massage establishment shall be required to 248  
discontinue business because of the failure of the board to act 249  
on a renewal application filed in a timely manner and pending 250  
before the board on the expiration date of the establishment's 251  
permit. Each permit shall contain the name of the applicant, the 252  
address of the massage establishment, and the expiration date of 253  
the permit. 254

**Sec. 503.44.** If a board of township trustees has adopted a 255  
resolution under section 503.41 of the Revised Code that 256  
includes a permit requirement to operate a massage 257  
establishment, it shall deny any application for a permit to 258  
operate a massage establishment or revoke, at any time, a 259  
previously issued permit, for any of the following reasons: 260

(A) Falsification of any of the information required for 261  
the application or failure to fully complete the application; 262

(B) Failure to cooperate with any required health or 263  
safety inspection; 264

(C) Any one of the persons named on the application is 265  
under the age of eighteen; 266

(D) Any one of the persons named on the application has 267  
been convicted of or pleaded guilty to any violation of Chapter 268  
2907. of the Revised Code, or any violation of any municipal 269  
ordinance that is substantially equivalent to any offense 270  
contained in Chapter 2907. of the Revised Code, within five 271  
years preceding the application; 272

~~(E) Any masseur or masseuse employed at the licensed 273  
massage establishment has been convicted of or pleaded guilty to 274  
a violation of division (D) of section 503.42 of the Revised 275~~

Code.	276
<b>Sec. 503.47.</b> If a board of township trustees has adopted a	277
resolution under section 503.41 of the Revised Code <u>that</u>	278
<u>includes a permit requirement to operate a massage</u>	279
<u>establishment</u> , the regulations adopted for that purpose may	280
require any of the following:	281
(A) A massage establishment to display its current permit	282
in an area open to the public;	283
(B) <del>Each massager</del> <u>A massage establishment</u> to display the	284
<del>massager's license</del> <u>massage therapists' licenses to practice at</u>	285
all times in the areas <u>of the massage establishment where the</u>	286
<del>licensee is providing massages</del> <u>massage therapy is provided;</u>	287
(C) Massage establishments to undergo periodic health and	288
safety inspections to determine continual compliance with	289
applicable health and safety codes;	290
(D) <del>Massagers to undergo periodic physical examinations</del>	291
<del>performed by a licensed physician, a physician assistant, a</del>	292
<del>clinical nurse specialist, a certified nurse practitioner, or a</del>	293
<del>certified nurse-midwife certifying that the massager continues</del>	294
<del>to be free from communicable diseases;</del>	295
<del>(E)</del> Any other requirement reasonably thought necessary by	296
the board <u>for the health, safety, and welfare of township</u>	297
<u>residents, subject to division (E) of section 503.41 of the</u>	298
<u>Revised Code.</u>	299
<b>Sec. 503.48.</b> A board of township trustees acting under	300
sections 503.40 to 503.49 of the Revised Code <u>that has adopted a</u>	301
<u>resolution under section 503.41 of the Revised Code</u> need not	302
hold any hearing in connection with an order denying or revoking	303
a permit to operate a massage establishment <del>or masseur or</del>	304

~~masseuse license~~. The board shall maintain a complete record of 305  
each proceeding and shall notify the applicant in writing of its 306  
order. Any person adversely affected by an order of the board 307  
denying or revoking a permit to operate a massage establishment 308  
~~or masseur or masseuse license~~ may appeal from the order of the 309  
board to the court of common pleas of the county in which the 310  
township is located, ~~the place of business of the permit holder~~ 311  
~~is located, or the person is a resident~~. The appeal shall be in 312  
accordance with Chapter 2506. of the Revised Code. 313

**Sec. 503.49.** If a board of township trustees has adopted a 314  
resolution under section 503.41 of the Revised Code that 315  
includes a permit requirement to operate a massage 316  
establishment, the board shall deposit the fees collected by the 317  
township for massage establishment permits ~~and masseur and~~ 318  
~~masseuse licenses~~ in the township general fund and first use the 319  
fees for the cost of administering and enforcing massage 320  
establishment regulations and massage therapist registration 321  
requirements adopted under section 503.41 of the Revised Code. 322

**Sec. 503.50.** (A) Whoever violates division (A) ~~or (B)~~ of 323  
section 503.42 of the Revised Code is guilty of a misdemeanor of 324  
the first degree. 325

(B) Whoever violates division (B) of section 503.411 or 326  
~~division (C), (D), or (E)~~ (B) of section 503.42 of the Revised 327  
Code is guilty of a misdemeanor of the third degree. 328

**Sec. 715.61.** (A) As used in this section: 329

(1) "Massage establishment" has the same meaning as in 330  
section 503.40 of the Revised Code. 331

(2) "Massage therapy" has the same meaning as in section 332  
4731.04 of the Revised Code. 333

(B) Any municipal corporation may regulate and license 334  
manufacturers and dealers in explosives, chattel mortgage and 335  
salary loan brokers, peddlers, public ballrooms, scavengers, 336  
intelligence officers, billiard rooms, bowling alleys, livery, 337  
sale, and boarding stables, dancing or riding academies or 338  
schools, race courses, ball grounds, street musicians, 339  
secondhand dealers, junk shops, and all persons engaged in the 340  
trade, business, or profession of manicuring, ~~massaging~~, or 341  
chiroprody. In the granting of any license a municipal 342  
corporation may charge such fees as the legislative authority 343  
deems proper and expedient. 344

(C) (1) A municipal corporation may regulate and license 345  
massage establishments within its jurisdiction and may require 346  
the registration of persons performing massage therapy at the 347  
massage establishment. 348

(2) If a municipal corporation regulates massage 349  
establishments under this section, the regulations shall include 350  
a requirement that all massage therapy performed in the massage 351  
establishment be performed by a person described in division (A) 352  
of section 503.411 of the Revised Code. 353

**Sec. 2927.17.** (A) No person, by means of a statement, 354  
solicitation, or offer in a print or electronic publication, 355  
sign, placard, storefront display, or other medium, shall 356  
advertise massage therapy, relaxation massage, any other massage 357  
technique or method, or any related service, with the suggestion 358  
or promise of sexual activity. 359

(B) Whoever violates this section is guilty of unlawful 360  
advertising of massage, a misdemeanor of the first degree. 361

(C) Nothing in this section prevents the legislative 362

authority of a municipal corporation or township from enacting 363  
any regulation of the advertising of massage further than and in 364  
addition to the provisions of divisions (A) and (B) of this 365  
section. 366

(D) As used in this section, ~~"sexual:~~ 367

(1) "Massage therapy" has the same meaning as in section 368  
4731.04 of the Revised Code. 369

(2) "Sexual activity" has the same meaning as in section 370  
2907.01 of the Revised Code. 371

**Sec. 4731.04.** As used in this chapter: 372

(A) "Cosmetic therapy" means the permanent removal of hair 373  
from the human body through the use of electric modalities 374  
approved by the state medical board for use in cosmetic therapy 375  
and may include the systematic friction, stroking, slapping, and 376  
kneading or tapping of the face, neck, scalp, or shoulders. 377

(B) "Fifth pathway training" means supervised clinical 378  
training obtained in the United States as a substitute for the 379  
internship or social service requirements of a foreign medical 380  
school. 381

(C) "Graduate medical education" means education received 382  
through any of the following: 383

(1) An internship, residency, or clinical fellowship 384  
program conducted in the United States and accredited by either 385  
the accreditation council for graduate medical education of the 386  
American medical association or the American osteopathic 387  
association; 388

(2) A clinical fellowship program that is not accredited 389  
as described in division (C) (1) of this section, but is 390

conducted in the United States at an institution with a 391  
residency program that is accredited as described in that 392  
division and is in a clinical field the same as or related to 393  
the clinical field of the fellowship program; 394

(3) An internship program conducted in Canada and 395  
accredited by the committee on accreditation of preregistration 396  
physician training programs of the federation of provincial 397  
medical licensing authorities of Canada; 398

(4) A residency program conducted in Canada and accredited 399  
by either the royal college of physicians and surgeons of Canada 400  
or the college of family physicians of Canada. 401

(D) "Massage therapy" means the ~~treatment of disorders of~~ 402  
~~the human body by the~~ manipulation of soft tissue through the 403  
systematic external application of massage techniques including 404  
touch, stroking, friction, vibration, percussion, kneading, 405  
stretching, compression, and joint movements within the normal 406  
physiologic range of motion; and adjunctive thereto, the 407  
external application of water, heat, cold, topical preparations, 408  
and mechanical devices. 409

"Massage therapy" does not include the manipulation of the 410  
reproductive organs, perineum, rectum, or anus unless the action 411  
is undertaken pursuant to a prescription issued by a person who 412  
is authorized under this chapter to practice medicine and 413  
surgery or osteopathic medicine and surgery or the action is 414  
performed under the supervision of such a physician. 415

(E) "Reflexology" means a protocol of manual techniques 416  
that are applied to specific reflex areas on the feet, hands, 417  
and outer ears for the purpose of stimulating the complex neural 418  
pathways linking body systems to achieve optimal body function. 419

Manual techniques include thumb- and finger-walking, as well as 420  
hook and backup and rotating-on-a-point. 421

**Sec. 4731.15.** (A) The state medical board also shall 422  
regulate the following limited branches of medicine: massage 423  
therapy and cosmetic therapy, and to the extent specified in 424  
section 4731.151 of the Revised Code, naprapathy and 425  
mechanotherapy. The board shall adopt rules governing the 426  
limited branches of medicine under its jurisdiction. The rules 427  
shall be adopted in accordance with Chapter 119. of the Revised 428  
Code. 429

(B) A license to practice a limited branch of medicine 430  
issued by the state medical board is valid for a two-year period 431  
unless revoked or suspended and expires on the date that is two 432  
years after the date of issuance. The license may be renewed for 433  
additional two-year periods in accordance with division (C) of 434  
this section. 435

(C) Both of the following apply with respect to the 436  
renewal of licenses to practice a limited branch of medicine: 437

(1) Each person seeking to renew a license to practice a 438  
limited branch of medicine shall apply for biennial renewal with 439  
the state medical board in a manner prescribed by the board. An 440  
applicant for renewal shall pay a biennial renewal fee of one 441  
hundred dollars. 442

(2) At least one month before a license expires, the board 443  
shall provide a renewal notice to the license holder. 444

(D) All persons who hold a license to practice a limited 445  
branch of medicine issued by the state medical board shall 446  
provide the board notice of any change of address. The notice 447  
shall be submitted to the board not later than thirty days after 448



the change of address. 449

(E) A license to practice a limited branch of medicine 450  
shall be automatically suspended if the license holder fails to 451  
renew the license in accordance with division (C) of this 452  
section. Continued practice after the suspension of the license 453  
to practice shall be considered as practicing in violation of 454  
sections 4731.34 and 4731.41 of the Revised Code. 455

If a license has been suspended pursuant to this division 456  
for two years or less, it may be reinstated. The board shall 457  
reinstate the license upon an applicant's submission of a 458  
renewal application and payment of a reinstatement fee of one 459  
hundred twenty-five dollars. With regard to reinstatement of a 460  
license to practice cosmetic therapy, the applicant also shall 461  
submit with the application a certification that the number of 462  
hours of continuing education necessary to have a suspended 463  
license reinstated have been completed, as specified in rules 464  
the board shall adopt in accordance with Chapter 119. of the 465  
Revised Code. 466

If a license has been suspended pursuant to this division 467  
for more than two years, it may be restored. Subject to section 468  
4731.222 of the Revised Code, the board may restore the license 469  
upon an applicant's submission of a restoration application and 470  
a restoration fee of one hundred fifty dollars and compliance 471  
with sections 4776.01 to 4776.04 of the Revised Code. The board 472  
shall not restore to an applicant a license to practice unless 473  
the board, in its discretion, decides that the results of the 474  
criminal records check do not make the applicant ineligible for 475  
a license issued pursuant to section 4731.17 of the Revised 476  
Code. 477

(F) The following persons are not required to hold a 478

license to practice massage therapy issued under this chapter: 479

(1) A person authorized to practice under Chapter 4709., 480  
4713., 4723., 4730., 4734., 4755., or 4762. of the Revised Code, 481  
provided that the scope of practice authorizes the person to use 482  
massage techniques; 483

(2) An enrolled student practicing massage therapy as part 484  
of a program of study at a school, college, or institution in 485  
good standing as determined by the board in accordance with 486  
division (A) of section 4731.16 of the Revised Code; 487

(3) A person holding a license to practice cosmetic 488  
therapy issued under this chapter and whose practice may include 489  
massage techniques; 490

(4) A person who holds a certification issued by the 491  
American reflexology certification board or its successor and 492  
who practices reflexology in this state; 493

(5) An enrolled student practicing reflexology as part of 494  
a program of study at a school, college, or institution with a 495  
certificate of registration issued by the state board of career 496  
colleges and schools under section 3332.05 of the Revised Code. 497

**Sec. 4731.41.** (A) ~~No~~ Except as provided in division (F) of 498  
section 4731.15 of the Revised Code, no person shall practice 499  
medicine and surgery, or any of its branches, without the 500  
appropriate license or certificate from the state medical board 501  
to engage in the practice. No person shall advertise or claim to 502  
the public to be a practitioner of medicine and surgery, or any 503  
of its branches, without a license or certificate from the 504  
board. No person shall open or conduct an office or other place 505  
for such practice without a license or certificate from the 506  
board. No person shall conduct an office in the name of some 507

person who has a license or certificate to practice medicine and 508  
surgery, or any of its branches. No person shall practice 509  
medicine and surgery, or any of its branches, after the person's 510  
license or certificate has been revoked, or, if suspended, 511  
during the time of such suspension. 512

A license or certificate signed by the secretary of the 513  
board to which is affixed the official seal of the board to the 514  
effect that it appears from the records of the board that no 515  
such license or certificate to practice medicine and surgery, or 516  
any of its branches, in this state has been issued to the person 517  
specified therein, or that a license or certificate to practice, 518  
if issued, has been revoked or suspended, shall be received as 519  
prima-facie evidence of the record of the board in any court or 520  
before any officer of the state. 521

(B) No license or certificate from the state medical board 522  
is required by a physician who comes into this state to practice 523  
medicine at a free-of-charge camp accredited by the SeriousFun 524  
children's network that specializes in providing therapeutic 525  
recreation, as defined in section 2305.231 of the Revised Code, 526  
for individuals with chronic illnesses as long as all of the 527  
following apply: 528

(1) The physician provides documentation to the medical 529  
director of the camp that the physician is licensed and in good 530  
standing to practice medicine in another state; 531

(2) The physician provides services only at the camp or in 532  
connection with camp events or camp activities that occur off 533  
the grounds of the camp; 534

(3) The physician receives no compensation for the 535  
services; 536

(4) The physician provides those services within this	537
state for not more than thirty days per calendar year;	538
(5) The camp has a medical director who holds an	539
unrestricted license to practice medicine issued in accordance	540
with division (A) of this section.	541
(C) Division (A) of this section does not apply to a	542
person who meets both of the following conditions:	543
(1) The person holds in good standing a valid license to	544
practice medicine and surgery issued by another state.	545
(2) The person is practicing as a volunteer without	546
remuneration during a charitable event that lasts not more than	547
seven days.	548
When a person meets the conditions of this division, the	549
person shall be deemed authorized by the state medical board,	550
during the course of the charitable event, to practice medicine	551
and surgery and shall be subject to the provisions of this	552
chapter authorizing the board to take disciplinary action	553
against a physician. Not less than seven calendar days before	554
the first day of the charitable event, the person or the event's	555
organizer shall notify the board of the person's intent to	556
practice medicine and surgery at the event. During the course of	557
the charitable event, the person's scope of practice is limited	558
to the procedures that a physician authorized under this chapter	559
to practice medicine and surgery is authorized to perform unless	560
the person's scope of practice in the other state is more	561
restrictive than in this state. If the latter is the case, the	562
person's scope of practice is limited to the procedures that a	563
physician in the other state may perform.	564
<u>Sec. 4732.40. The "Psychology Interjurisdictional Compact</u>	565

(PSYPACT)" is hereby ratified, enacted into law, and entered 566  
into by the state of Ohio as a party to the compact with any 567  
other state that has legally joined in the compact as follows: 568

PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT) 569

ARTICLE I 570

PURPOSE 571

Whereas, states license psychologists, in order to protect 572  
the public through verification of education, training and 573  
experience and ensure accountability for professional practice; 574  
and 575

Whereas, this Compact is intended to regulate the day to 576  
day practice of telepsychology (i.e. the provision of 577  
psychological services using telecommunication technologies) by 578  
psychologists across state boundaries in the performance of 579  
their psychological practice as assigned by an appropriate 580  
authority; and 581

Whereas, this Compact is intended to regulate the 582  
temporary in-person, face-to-face practice of psychology by 583  
psychologists across state boundaries for 30 days within a 584  
calendar year in the performance of their psychological practice 585  
as assigned by an appropriate authority; 586

Whereas, this Compact is intended to authorize State 587  
Psychology Regulatory Authorities to afford legal recognition, 588  
in a manner consistent with the terms of the Compact, to 589  
psychologists licensed in another state; 590

Whereas, this Compact recognizes that states have a vested 591  
interest in protecting the public's health and safety through 592  
their licensing and regulation of psychologists and that such 593

state regulation will best protect public health and safety; 594

Whereas, this Compact does not apply when a psychologist 595  
is licensed in both the Home and Receiving States; and 596

Whereas, this Compact does not apply to permanent in- 597  
person, face-to-face practice, it does allow for authorization 598  
of temporary psychological practice. 599

Consistent with these principles, this Compact is designed 600  
to achieve the following purposes and objectives: 601

1. Increase public access to professional psychological 602  
services by allowing for telepsychological practice across state 603  
lines as well as temporary in-person, face-to-face services into 604  
a state which the psychologist is not licensed to practice 605  
psychology; 606

2. Enhance the states' ability to protect the public's 607  
health and safety, especially client/patient safety; 608

3. Encourage the cooperation of Compact States in the 609  
areas of psychology licensure and regulation; 610

4. Facilitate the exchange of information between Compact 611  
States regarding psychologist licensure, adverse actions and 612  
disciplinary history; 613

5. Promote compliance with the laws governing 614  
psychological practice in each Compact State; and 615

6. Invest all Compact States with the authority to hold 616  
licensed psychologists accountable through the mutual 617  
recognition of Compact State licenses. 618

ARTICLE II 619

DEFINITIONS 620

A. "Adverse Action" means: Any action taken by a State Psychology Regulatory Authority which 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. 621  
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B. "Association of State and Provincial Psychology Boards (ASPPB)" means: the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities responsible for the licensure and registration of psychologists throughout the United States and Canada. 626  
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C. "Authority to Practice Interjurisdictional Telepsychology" means: a licensed psychologist's authority to practice telepsychology, within the limits authorized under this Compact, in another Compact State. 631  
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D. "Bylaws" means: those Bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to Article X for its governance, or for directing and controlling its actions and conduct. 635  
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E. "Client/Patient" means: the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, and/or consulting services. 639  
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F. "Commissioner" means: the voting representative appointed by each State Psychology Regulatory Authority pursuant to Article X. 643  
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G. "Compact State" means: a state, the District of Columbia, or United States territory that has enacted this Compact legislation and which has not withdrawn pursuant to Article XIII, Section C or been terminated pursuant to Article 646  
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<u>XII, Section B.</u>	650
<u>H. "Coordinated Licensure Information System" also</u>	651
<u>referred to as "Coordinated Database" means: an integrated</u>	652
<u>process for collecting, storing, and sharing information on</u>	653
<u>psychologists' licensure and enforcement activities related to</u>	654
<u>psychology licensure laws, which is administered by the</u>	655
<u>recognized membership organization composed of State and</u>	656
<u>Provincial Psychology Regulatory Authorities.</u>	657
<u>I. "Confidentiality" means: the principle that data or</u>	658
<u>information is not made available or disclosed to unauthorized</u>	659
<u>persons and/or processes.</u>	660
<u>J. "Day" means: any part of a day in which psychological</u>	661
<u>work is performed.</u>	662
<u>K. "Distant State" means: the Compact State where a</u>	663
<u>psychologist is physically present (not through the use of</u>	664
<u>telecommunications technologies), to provide temporary in-</u>	665
<u>person, face-to-face psychological services.</u>	666
<u>L. "E.Passport" means: a certificate issued by the</u>	667
<u>Association of State and Provincial Psychology Boards (ASPPB)</u>	668
<u>that promotes the standardization in the criteria of</u>	669
<u>interjurisdictional telepsychology practice and facilitates the</u>	670
<u>process for licensed psychologists to provide telepsychological</u>	671
<u>services across state lines.</u>	672
<u>M. "Executive Board" means: a group of directors elected</u>	673
<u>or appointed to act on behalf of, and within the powers granted</u>	674
<u>to them by, the Commission.</u>	675
<u>N. "Home State" means: a Compact State where a</u>	676
<u>psychologist is licensed to practice psychology. If the</u>	677
<u>psychologist is licensed in more than one Compact State and is</u>	678



<u>practicing under the Authorization to Practice</u>	679
<u>Interjurisdictional Telepsychology, the Home State is the</u>	680
<u>Compact State where the psychologist is physically present when</u>	681
<u>the telepsychological services are delivered. If the</u>	682
<u>psychologist is licensed in more than one Compact State and is</u>	683
<u>practicing under the Temporary Authorization to Practice, the</u>	684
<u>Home State is any Compact State where the psychologist is</u>	685
<u>licensed.</u>	686
<u>O. "Identity History Summary" means: a summary of</u>	687
<u>information retained by the FBI, or other designee with similar</u>	688
<u>authority, in connection with arrests and, in some instances,</u>	689
<u>federal employment, naturalization, or military service.</u>	690
<u>P. "In-Person, Face-to-Face" means: interactions in which</u>	691
<u>the psychologist and the client/patient are in the same physical</u>	692
<u>space and which does not include interactions that may occur</u>	693
<u>through the use of telecommunication technologies.</u>	694
<u>Q. "Interjurisdictional Practice Certificate (IPC)" means:</u>	695
<u>a certificate issued by the Association of State and Provincial</u>	696
<u>Psychology Boards (ASPPB) that grants temporary authority to</u>	697
<u>practice based on notification to the State Psychology</u>	698
<u>Regulatory Authority of intention to practice temporarily, and</u>	699
<u>verification of one's qualifications for such practice.</u>	700
<u>R. "License" means: authorization by a State Psychology</u>	701
<u>Regulatory Authority to engage in the independent practice of</u>	702
<u>psychology, which would be unlawful without the authorization.</u>	703
<u>S. "Non-Compact State" means: any State which is not at</u>	704
<u>the time a Compact State.</u>	705
<u>T. "Psychologist" means: an individual licensed for the</u>	706
<u>independent practice of psychology.</u>	707

<u>U. "Psychology Interjurisdictional Compact Commission"</u>	708
<u>also referred to as "Commission" means: the national</u>	709
<u>administration of which all Compact States are members.</u>	710
<u>V. "Receiving State" means: a Compact State where the</u>	711
<u>client/patient is physically located when the telepsychological</u>	712
<u>services are delivered.</u>	713
<u>W. "Rule" means: a written statement by the Psychology</u>	714
<u>Interjurisdictional Compact Commission promulgated pursuant to</u>	715
<u>Article XI of the Compact that is of general applicability,</u>	716
<u>implements, interprets, or prescribes a policy or provision of</u>	717
<u>the Compact, or an organizational, procedural, or practice</u>	718
<u>requirement of the Commission and has the force and effect of</u>	719
<u>statutory law in a Compact State, and includes the amendment,</u>	720
<u>repeal or suspension of an existing rule.</u>	721
<u>X. "Significant Investigatory Information" means:</u>	722
<u>1. investigative information that a State Psychology</u>	723
<u>Regulatory Authority, after a preliminary inquiry that includes</u>	724
<u>notification and an opportunity to respond if required by state</u>	725
<u>law, has reason to believe, if proven true, would indicate more</u>	726
<u>than a violation of state statute or ethics code that would be</u>	727
<u>considered more substantial than minor infraction; or</u>	728
<u>2. investigative information that indicates that the</u>	729
<u>psychologist represents an immediate threat to public health and</u>	730
<u>safety regardless of whether the psychologist has been notified</u>	731
<u>and/or had an opportunity to respond.</u>	732
<u>Y. "State" means: a state, commonwealth, territory, or</u>	733
<u>possession of the United States, the District of Columbia.</u>	734
<u>Z. "State Psychology Regulatory Authority" means: the</u>	735
<u>Board, office or other agency with the legislative mandate to</u>	736

license and regulate the practice of psychology. 737

AA. "Telepsychology" means: the provision of psychological 738  
services using telecommunication technologies. 739

BB. "Temporary Authorization to Practice" means: a 740  
licensed psychologist's authority to conduct temporary in- 741  
person, face-to-face practice, within the limits authorized 742  
under this Compact, in another Compact State. 743

CC. "Temporary In-Person, Face-to-Face Practice" means: 744  
where a psychologist is physically present (not through the use 745  
of telecommunications technologies), in the Distant State to 746  
provide for the practice of psychology for 30 days within a 747  
calendar year and based on notification to the Distant State. 748

ARTICLE III 749

HOME STATE LICENSURE 750

A. The Home State shall be a Compact State where a 751  
psychologist is licensed to practice psychology. 752

B. A psychologist may hold one or more Compact State 753  
licenses at a time. If the psychologist is licensed in more than 754  
one Compact State, the Home State is the Compact State where the 755  
psychologist is physically present when the services are 756  
delivered as authorized by the Authority to Practice 757  
Interjurisdictional Telepsychology under the terms of this 758  
Compact. 759

C. Any Compact State may require a psychologist not 760  
previously licensed in a Compact State to obtain and retain a 761  
license to be authorized to practice in the Compact State under 762  
circumstances not authorized by the Authority to Practice 763  
Interjurisdictional Telepsychology under the terms of this 764

<u>Compact.</u>	765
<u>D. Any Compact State may require a psychologist to obtain</u>	766
<u>and retain a license to be authorized to practice in a Compact</u>	767
<u>State under circumstances not authorized by Temporary</u>	768
<u>Authorization to Practice under the terms of this Compact.</u>	769
<u>E. A Home State's license authorizes a psychologist to</u>	770
<u>practice in a Receiving State under the Authority to Practice</u>	771
<u>Interjurisdictional Telepsychology only if the Compact State:</u>	772
<u>1. Currently requires the psychologist to hold an active</u>	773
<u>E.Passport;</u>	774
<u>2. Has a mechanism in place for receiving and</u>	775
<u>investigating complaints about licensed individuals;</u>	776
<u>3. Notifies the Commission, in compliance with the terms</u>	777
<u>herein, of any adverse action or significant investigatory</u>	778
<u>information regarding a licensed individual;</u>	779
<u>4. Requires an Identity History Summary of all applicants</u>	780
<u>at initial licensure, including the use of the results of</u>	781
<u>fingerprints or other biometric data checks compliant with the</u>	782
<u>requirements of the Federal Bureau of Investigation FBI, or</u>	783
<u>other designee with similar authority, no later than ten years</u>	784
<u>after activation of the Compact; and</u>	785
<u>5. Complies with the Bylaws and Rules of the Commission.</u>	786
<u>F. A Home State's license grants Temporary Authorization</u>	787
<u>to Practice to a psychologist in a Distant State only if the</u>	788
<u>Compact State:</u>	789
<u>1. Currently requires the psychologist to hold an active</u>	790
<u>IPC;</u>	791

2. Has a mechanism in place for receiving and 792  
investigating complaints about licensed individuals; 793
3. Notifies the Commission, in compliance with the terms 794  
herein, of any adverse action or significant investigatory 795  
information regarding a licensed individual; 796
4. Requires an Identity History Summary of all applicants 797  
at initial licensure, including the use of the results of 798  
fingerprints or other biometric data checks compliant with the 799  
requirements of the Federal Bureau of Investigation FBI, or 800  
other designee with similar authority, no later than ten years 801  
after activation of the Compact; and 802
5. Complies with the Bylaws and Rules of the Commission. 803

ARTICLE IV 804

COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY 805

A. Compact States shall recognize the right of a 806  
psychologist, licensed in a Compact State in conformance with 807  
Article III, to practice telepsychology in other Compact States 808  
(Receiving States) in which the psychologist is not licensed, 809  
under the Authority to Practice Interjurisdictional 810  
Telepsychology as provided in the Compact. 811

B. To exercise the Authority to Practice 812  
Interjurisdictional Telepsychology under the terms and 813  
provisions of this Compact, a psychologist licensed to practice 814  
in a Compact State must: 815

1. Hold a graduate degree in psychology from an institute 816  
of higher education that was, at the time the degree was 817  
awarded: 818

a. Regionally accredited by an accrediting body recognized 819

by the U.S. Department of Education to grant graduate degrees, 820  
OR authorized by Provincial Statute or Royal Charter to grant 821  
doctoral degrees; OR 822

b. A foreign college or university deemed to be equivalent 823  
to 1 (a) above by a foreign credential evaluation service that 824  
is a member of the National Association of Credential Evaluation 825  
Services (NACES) or by a recognized foreign credential 826  
evaluation service; AND 827

2. Hold a graduate degree in psychology that meets the 828  
following criteria: 829

a. The program, wherever it may be administratively 830  
housed, must be clearly identified and labeled as a psychology 831  
program. Such a program must specify in pertinent institutional 832  
catalogues and brochures its intent to educate and train 833  
professional psychologists; 834

b. The psychology program must stand as a recognizable, 835  
coherent, organizational entity within the institution; 836

c. There must be a clear authority and primary 837  
responsibility for the core and specialty areas whether or not 838  
the program cuts across administrative lines; 839

d. The program must consist of an integrated, organized 840  
sequence of study; 841

e. There must be an identifiable psychology faculty 842  
sufficient in size and breadth to carry out its 843  
responsibilities; 844

f. The designated director of the program must be a 845  
psychologist and a member of the core faculty; 846

g. The program must have an identifiable body of students 847

<u>who are matriculated in that program for a degree;</u>	848
<u>h. The program must include supervised practicum,</u>	849
<u>internship, or field training appropriate to the practice of</u>	850
<u>psychology;</u>	851
<u>i. The curriculum shall encompass a minimum of three</u>	852
<u>academic years of full-time graduate study for doctoral degree</u>	853
<u>and a minimum of one academic year of full-time graduate study</u>	854
<u>for master's degree;</u>	855
<u>j. The program includes an acceptable residency as defined</u>	856
<u>by the Rules of the Commission.</u>	857
<u>3. Possess a current, full and unrestricted license to</u>	858
<u>practice psychology in a Home State which is a Compact State;</u>	859
<u>4. Have no history of adverse action that violate the</u>	860
<u>Rules of the Commission;</u>	861
<u>5. Have no criminal record history reported on an Identity</u>	862
<u>History Summary that violates the Rules of the Commission;</u>	863
<u>6. Possess a current, active E.Passport;</u>	864
<u>7. Provide attestations in regard to areas of intended</u>	865
<u>practice, conformity with standards of practice, competence in</u>	866
<u>telepsychology technology; criminal background; and knowledge</u>	867
<u>and adherence to legal requirements in the home and receiving</u>	868
<u>states, and provide a release of information to allow for</u>	869
<u>primary source verification in a manner specified by the</u>	870
<u>Commission; and</u>	871
<u>8. Meet other criteria as defined by the Rules of the</u>	872
<u>Commission.</u>	873
<u>C. The Home State maintains authority over the license of</u>	874

any psychologist practicing into a Receiving State under the 875  
Authority to Practice Interjurisdictional Telepsychology. 876

D. A psychologist practicing into a Receiving State under 877  
the Authority to Practice Interjurisdictional Telepsychology 878  
will be subject to the Receiving State's scope of practice. A 879  
Receiving State may, in accordance with that state's due process 880  
law, limit or revoke a psychologist's Authority to Practice 881  
Interjurisdictional Telepsychology in the Receiving State and 882  
may take any other necessary actions under the Receiving State's 883  
applicable law to protect the health and safety of the Receiving 884  
State's citizens. If a Receiving State takes action, the state 885  
shall promptly notify the Home State and the Commission. 886

E. If a psychologist's license in any Home State, another 887  
Compact State, or any Authority to Practice Interjurisdictional 888  
Telepsychology in any Receiving State, is restricted, suspended 889  
or otherwise limited, the E.Passport shall be revoked and 890  
therefore the psychologist shall not be eligible to practice 891  
telepsychology in a Compact State under the Authority to 892  
Practice Interjurisdictional Telepsychology. 893

ARTICLE V 894

COMPACT TEMPORARY AUTHORIZATION TO PRACTICE 895

A. Compact States shall also recognize the right of a 896  
psychologist, licensed in a Compact State in conformance with 897  
Article III, to practice temporarily in other Compact States 898  
(Distant States) in which the psychologist is not licensed, as 899  
provided in the Compact. 900

B. To exercise the Temporary Authorization to Practice 901  
under the terms and provisions of this Compact, a psychologist 902  
licensed to practice in a Compact State must: 903



1. Hold a graduate degree in psychology from an institute 904  
of higher education that was, at the time the degree was 905  
awarded: 906
- a. Regionally accredited by an accrediting body recognized 907  
by the U.S. Department of Education to grant graduate degrees, 908  
OR authorized by Provincial Statute or Royal Charter to grant 909  
doctoral degrees; OR 910
- b. A foreign college or university deemed to be equivalent 911  
to 1 (a) above by a foreign credential evaluation service that 912  
is a member of the National Association of Credential Evaluation 913  
Services (NACES) or by a recognized foreign credential 914  
evaluation service; AND 915
2. Hold a graduate degree in psychology that meets the 916  
following criteria: 917
- a. The program, wherever it may be administratively 918  
housed, must be clearly identified and labeled as a psychology 919  
program. Such a program must specify in pertinent institutional 920  
catalogues and brochures its intent to educate and train 921  
professional psychologists; 922
- b. The psychology program must stand as a recognizable, 923  
coherent, organizational entity within the institution; 924
- c. There must be a clear authority and primary 925  
responsibility for the core and specialty areas whether or not 926  
the program cuts across administrative lines; 927
- d. The program must consist of an integrated, organized 928  
sequence of study; 929
- e. There must be an identifiable psychology faculty 930  
sufficient in size and breadth to carry out its 931

<u>responsibilities;</u>	932
<u>f. The designated director of the program must be a</u>	933
<u>psychologist and a member of the core faculty;</u>	934
<u>g. The program must have an identifiable body of students</u>	935
<u>who are matriculated in that program for a degree;</u>	936
<u>h. The program must include supervised practicum,</u>	937
<u>internship, or field training appropriate to the practice of</u>	938
<u>psychology;</u>	939
<u>i. The curriculum shall encompass a minimum of three</u>	940
<u>academic years of full-time graduate study for doctoral degrees</u>	941
<u>and a minimum of one academic year of full-time graduate study</u>	942
<u>for master's degree;</u>	943
<u>j. The program includes an acceptable residency as defined</u>	944
<u>by the Rules of the Commission.</u>	945
<u>3. Possess a current, full and unrestricted license to</u>	946
<u>practice psychology in a Home State which is a Compact State;</u>	947
<u>4. No history of adverse action that violate the Rules of</u>	948
<u>the Commission;</u>	949
<u>5. No criminal record history that violates the Rules of</u>	950
<u>the Commission;</u>	951
<u>6. Possess a current, active IPC;</u>	952
<u>7. Provide attestations in regard to areas of intended</u>	953
<u>practice and work experience and provide a release of</u>	954
<u>information to allow for primary source verification in a manner</u>	955
<u>specified by the Commission; and</u>	956
<u>8. Meet other criteria as defined by the Rules of the</u>	957
<u>Commission.</u>	958

C. A psychologist practicing into a Distant State under the Temporary Authorization to Practice shall practice within the scope of practice authorized by the Distant State. 959  
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D. A psychologist practicing into a Distant State under the Temporary Authorization to Practice will be subject to the Distant State's authority and law. A Distant State may, in accordance with that state's due process law, limit or revoke a psychologist's Temporary Authorization to Practice in the Distant State and may take any other necessary actions under the Distant State's applicable law to protect the health and safety of the Distant State's citizens. If a Distant State takes action, the state shall promptly notify the Home State and the Commission. 962  
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E. If a psychologist's license in any Home State, another Compact State, or any Temporary Authorization to Practice in any Distant State, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a Compact State under the Temporary Authorization to Practice. 972  
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ARTICLE VI 978

CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE 979

A. A psychologist may practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate State Psychology Regulatory Authority, as defined in the Rules of the Commission, and under the following circumstances: 980  
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1. The psychologist initiates a client/patient contact in a Home State via telecommunications technologies with a 986  
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<u>client/patient in a Receiving State;</u>	988
<u>2. Other conditions regarding telepsychology as determined</u>	989
<u>by Rules promulgated by the Commission.</u>	990
<u>ARTICLE VII</u>	991
<u>ADVERSE ACTIONS</u>	992
<u>A. A Home State shall have the power to impose adverse</u>	993
<u>action against a psychologist's license issued by the Home</u>	994
<u>State. A Distant State shall have the power to take adverse</u>	995
<u>action on a psychologist's Temporary Authorization to Practice</u>	996
<u>within that Distant State.</u>	997
<u>B. A Receiving State may take adverse action on a</u>	998
<u>psychologist's Authority to Practice Interjurisdictional</u>	999
<u>Telepsychology within that Receiving State. A Home State may</u>	1000
<u>take adverse action against a psychologist based on an adverse</u>	1001
<u>action taken by a Distant State regarding temporary in-person,</u>	1002
<u>face-to-face practice.</u>	1003
<u>C. If a Home State takes adverse action against a</u>	1004
<u>psychologist's license, that psychologist's Authority to</u>	1005
<u>Practice Interjurisdictional Telepsychology is terminated and</u>	1006
<u>the E.Passport is revoked. Furthermore, that psychologist's</u>	1007
<u>Temporary Authorization to Practice is terminated and the IPC is</u>	1008
<u>revoked.</u>	1009
<u>1. All Home State disciplinary orders which impose adverse</u>	1010
<u>action shall be reported to the Commission in accordance with</u>	1011
<u>the Rules promulgated by the Commission. A Compact State shall</u>	1012
<u>report adverse actions in accordance with the Rules of the</u>	1013
<u>Commission.</u>	1014
<u>2. In the event discipline is reported on a psychologist,</u>	1015

the psychologist will not be eligible for telepsychology or 1016  
temporary in-person, face-to-face practice in accordance with 1017  
the Rules of the Commission. 1018

3. Other actions may be imposed as determined by the Rules 1019  
promulgated by the Commission. 1020

D. A Home State's Psychology Regulatory Authority shall 1021  
investigate and take appropriate action with respect to reported 1022  
inappropriate conduct engaged in by a licensee which occurred in 1023  
a Receiving State as it would if such conduct had occurred by a 1024  
licensee within the Home State. In such cases, the Home State's 1025  
law shall control in determining any adverse action against a 1026  
psychologist's license. 1027

E. A Distant State's Psychology Regulatory Authority shall 1028  
investigate and take appropriate action with respect to reported 1029  
inappropriate conduct engaged in by a psychologist practicing 1030  
under Temporary Authorization Practice which occurred in that 1031  
Distant State as it would if such conduct had occurred by a 1032  
licensee within the Home State. In such cases, Distant States 1033  
law shall control in determining any adverse action against a 1034  
psychologist's Temporary Authorization to Practice. 1035

F. Nothing in this Compact shall override a Compact 1036  
State's decision that a psychologist's participation in an 1037  
alternative program may be used in lieu of adverse action and 1038  
that such participation shall remain non-public if required by 1039  
the Compact State's law. Compact States must require 1040  
psychologists who enter any alternative programs to not provide 1041  
telepsychology services under the Authority to Practice 1042  
Interjurisdictional Telepsychology or provide temporary 1043  
psychological services under the Temporary Authorization to 1044  
Practice in any other Compact State during the term of the 1045

alternative program. 1046

G. No other judicial or administrative remedies shall be 1047  
available to a psychologist in the event a Compact State imposes 1048  
an adverse action pursuant to subsection C, above. 1049

ARTICLE VIII 1050

ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY 1051

REGULATORY AUTHORITY 1052

A. In addition to any other powers granted under state 1053  
law, a Compact State's Psychology Regulatory Authority shall 1054  
have the authority under this Compact to: 1055

1. Issue subpoenas, for both hearings and investigations, 1056  
which require the attendance and testimony of witnesses and the 1057  
production of evidence. Subpoenas issued by a Compact State's 1058  
Psychology Regulatory Authority for the attendance and testimony 1059  
of witnesses, and/or the production of evidence from another 1060  
Compact State shall be enforced in the latter state by any court 1061  
of competent jurisdiction, according to that court's practice 1062  
and procedure in considering subpoenas issued in its own 1063  
proceedings. The issuing State Psychology Regulatory Authority 1064  
shall pay any witness fees, travel expenses, mileage and other 1065  
fees required by the service statutes of the state where the 1066  
witnesses and/or evidence are located; and 1067

2. Issue cease and desist and/or injunctive relief orders 1068  
to revoke a psychologist's Authority to Practice 1069  
Interjurisdictional Telepsychology and/or Temporary 1070  
Authorization to Practice. 1071

3. During the course of any investigation, a psychologist 1072  
may not change his/her Home State licensure. A Home State 1073  
Psychology Regulatory Authority is authorized to complete any 1074

pending investigations of a psychologist and to take any actions 1075  
appropriate under its law. The Home State Psychology Regulatory 1076  
Authority shall promptly report the conclusions of such 1077  
investigations to the Commission. Once an investigation has been 1078  
completed, and pending the outcome of said investigation, the 1079  
psychologist may change his/her Home State licensure. The 1080  
Commission shall promptly notify the new Home State of any such 1081  
decisions as provided in the Rules of the Commission. All 1082  
information provided to the Commission or distributed by Compact 1083  
States pursuant to the psychologist shall be confidential, filed 1084  
under seal and used for investigatory or disciplinary matters. 1085  
The Commission may create additional rules for mandated or 1086  
discretionary sharing of information by Compact States. 1087

ARTICLE IX 1088

COORDINATED LICENSURE INFORMATION SYSTEM 1089

A. The Commission shall provide for the development and 1090  
maintenance of a Coordinated Licensure Information System 1091  
(Coordinated Database) and reporting system containing licensure 1092  
and disciplinary action information on all psychologists 1093  
individuals to whom this Compact is applicable in all Compact 1094  
States as defined by the Rules of the Commission. 1095

B. Notwithstanding any other provision of state law to the 1096  
contrary, a Compact State shall submit a uniform data set to the 1097  
Coordinated Database on all licensees as required by the Rules 1098  
of the Commission, including: 1099

1. Identifying information; 1100

2. Licensure data; 1101

3. Significant investigatory information; 1102

<u>4. Adverse actions against a psychologist's license;</u>	1103
<u>5. An indicator that a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice is revoked;</u>	1104
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<u>6. Non-confidential information related to alternative program participation information;</u>	1107
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<u>7. Any denial of application for licensure, and the reasons for such denial; and</u>	1109
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<u>8. Other information which may facilitate the administration of this Compact, as determined by the Rules of the Commission.</u>	1111
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<u>C. The Coordinated Database administrator shall promptly notify all Compact States of any adverse action taken against, or significant investigative information on, any licensee in a Compact State.</u>	1114
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<u>D. Compact States reporting information to the Coordinated Database may designate information that may not be shared with the public without the express permission of the Compact State reporting the information.</u>	1118
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<u>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.</u>	1122
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<u>ARTICLE X</u>	1126
<u>ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION</u>	1127
	1128
<u>A. The Compact States hereby create and establish a joint</u>	1129



public agency known as the Psychology Interjurisdictional Compact Commission. 1130  
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1. The Commission is a body politic and an instrumentality of the Compact States. 1132  
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2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. 1134  
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3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity. 1140  
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B. Membership, Voting, and Meetings 1142

1. The Commission shall consist of one voting representative appointed by each Compact State who shall serve as that state's Commissioner. The State Psychology Regulatory Authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the Compact State. This delegate shall be limited to: 1143  
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a. Executive Director, Executive Secretary or similar executive; 1149  
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b. Current member of the State Psychology Regulatory Authority of a Compact State; OR 1151  
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c. Designee empowered with the appropriate delegate authority to act on behalf of the Compact State. 1153  
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2. Any Commissioner may be removed or suspended from office as provided by the law of the state from which the Commissioner is appointed. Any vacancy occurring in the 1155  
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1157

Commission shall be filled in accordance with the laws of the 1158  
Compact State in which the vacancy exists. 1159

3. Each Commissioner shall be entitled to one (1) vote 1160  
with regard to the promulgation of Rules and creation of Bylaws 1161  
and shall otherwise have an opportunity to participate in the 1162  
business and affairs of the Commission. A Commissioner shall 1163  
vote in person or by such other means as provided in the Bylaws. 1164  
The Bylaws may provide for Commissioners' participation in 1165  
meetings by telephone or other means of communication. 1166

4. The Commission shall meet at least once during each 1167  
calendar year. Additional meetings shall be held as set forth in 1168  
the Bylaws. 1169

5. All meetings shall be open to the public, and public 1170  
notice of meetings shall be given in the same manner as required 1171  
under the rulemaking provisions in Article XI. 1172

6. The Commission may convene in a closed, non-public 1173  
meeting if the Commission must discuss: 1174

a. Non-compliance of a Compact State with its obligations 1175  
under the Compact; 1176

b. The employment, compensation, discipline or other 1177  
personnel matters, practices or procedures related to specific 1178  
employees or other matters related to the Commission's internal 1179  
personnel practices and procedures; 1180

c. Current, threatened, or reasonably anticipated 1181  
litigation against the Commission; 1182

d. Negotiation of contracts for the purchase or sale of 1183  
goods, services or real estate; 1184

e. Accusation against any person of a crime or formally 1185

<u>censuring any person;</u>	1186
<u>f. Disclosure of trade secrets or commercial or financial information which is privileged or confidential;</u>	1187
<u>g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;</u>	1189
<u>h. Disclosure of investigatory records compiled for law enforcement purposes;</u>	1192
<u>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;</u>	1194
<u>or</u>	1195
<u>j. Matters specifically exempted from disclosure by federal and state statute.</u>	1196
<u>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 description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.</u>	1197
<u>C. The Commission shall, by a majority vote of the</u>	1198
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<u>Commissioners, prescribe Bylaws and/or Rules to govern its</u>	1215
<u>conduct as may be necessary or appropriate to carry out the</u>	1216
<u>purposes and exercise the powers of the Compact, including but</u>	1217
<u>not limited to:</u>	1218
<u>1. Establishing the fiscal year of the Commission;</u>	1219
<u>2. Providing reasonable standards and procedures:</u>	1220
<u>a. for the establishment and meetings of other committees;</u>	1221
<u>and</u>	1222
<u>b. governing any general or specific delegation of any</u>	1223
<u>authority or function of the Commission;</u>	1224
<u>3. Providing reasonable procedures for calling and</u>	1225
<u>conducting meetings of the Commission, ensuring reasonable</u>	1226
<u>advance notice of all meetings and providing an opportunity for</u>	1227
<u>attendance of such meetings by interested parties, with</u>	1228
<u>enumerated exceptions designed to protect the public's interest,</u>	1229
<u>the privacy of individuals of such proceedings, and proprietary</u>	1230
<u>information, including trade secrets. The Commission may meet in</u>	1231
<u>closed session only after a majority of the Commissioners vote</u>	1232
<u>to close a meeting to the public in whole or in part. As soon as</u>	1233
<u>practicable, the Commission must make public a copy of the vote</u>	1234
<u>to close the meeting revealing the vote of each Commissioner</u>	1235
<u>with no proxy votes allowed;</u>	1236
<u>4. Establishing the titles, duties and authority and</u>	1237
<u>reasonable procedures for the election of the officers of the</u>	1238
<u>Commission;</u>	1239
<u>5. Providing reasonable standards and procedures for the</u>	1240
<u>establishment of the personnel policies and programs of the</u>	1241
<u>Commission. Notwithstanding any civil service or other similar</u>	1242
<u>law of any Compact State, the Bylaws shall exclusively govern</u>	1243

<u>the personnel policies and programs of the Commission;</u>	1244
<u>6. Promulgating a Code of Ethics to address permissible</u>	1245
<u>and prohibited activities of Commission members and employees;</u>	1246
<u>7. Providing a mechanism for concluding the operations of</u>	1247
<u>the Commission and the equitable disposition of any surplus</u>	1248
<u>funds that may exist after the termination of the Compact after</u>	1249
<u>the payment and/or reserving of all of its debts and</u>	1250
<u>obligations;</u>	1251
<u>8. The Commission shall publish its Bylaws in a convenient</u>	1252
<u>form and file a copy thereof and a copy of any amendment</u>	1253
<u>thereto, with the appropriate agency or officer in each of the</u>	1254
<u>Compact States;</u>	1255
<u>9. The Commission shall maintain its financial records in</u>	1256
<u>accordance with the Bylaws; and</u>	1257
<u>10. The Commission shall meet and take such actions as are</u>	1258
<u>consistent with the provisions of this Compact and the Bylaws.</u>	1259
<u>D. The Commission shall have the following powers:</u>	1260
<u>1. The authority to promulgate uniform rules to facilitate</u>	1261
<u>and coordinate implementation and administration of this</u>	1262
<u>Compact. The rule shall have the force and effect of law and</u>	1263
<u>shall be binding in all Compact States;</u>	1264
<u>2. To bring and prosecute legal proceedings or actions in</u>	1265
<u>the name of the Commission, provided that the standing of any</u>	1266
<u>State Psychology Regulatory Authority or other regulatory body</u>	1267
<u>responsible for psychology licensure to sue or be sued under</u>	1268
<u>applicable law shall not be affected;</u>	1269
<u>3. To purchase and maintain insurance and bonds;</u>	1270

<u>4. To borrow, accept or contract for services of</u>	1271
<u>personnel, including, but not limited to, employees of a Compact</u>	1272
<u>State;</u>	1273
<u>5. To hire employees, elect or appoint officers, fix</u>	1274
<u>compensation, define duties, grant such individuals appropriate</u>	1275
<u>authority to carry out the purposes of the Compact, and to</u>	1276
<u>establish the Commission's personnel policies and programs</u>	1277
<u>relating to conflicts of interest, qualifications of personnel,</u>	1278
<u>and other related personnel matters;</u>	1279
<u>6. To accept any and all appropriate donations and grants</u>	1280
<u>of money, equipment, supplies, materials and services, and to</u>	1281
<u>receive, utilize and dispose of the same; provided that at all</u>	1282
<u>times the Commission shall strive to avoid any appearance of</u>	1283
<u>impropriety and/or conflict of interest;</u>	1284
<u>7. To lease, purchase, accept appropriate gifts or</u>	1285
<u>donations of, or otherwise to own, hold, improve or use, any</u>	1286
<u>property, real, personal or mixed; provided that at all times</u>	1287
<u>the Commission shall strive to avoid any appearance of</u>	1288
<u>impropriety;</u>	1289
<u>8. To sell, convey, mortgage, pledge, lease, exchange,</u>	1290
<u>abandon or otherwise dispose of any property real, personal or</u>	1291
<u>mixed;</u>	1292
<u>9. To establish a budget and make expenditures;</u>	1293
<u>10. To borrow money;</u>	1294
<u>11. To appoint committees, including advisory committees</u>	1295
<u>comprised of Members, State regulators, State legislators or</u>	1296
<u>their representatives, and consumer representatives, and such</u>	1297
<u>other interested persons as may be designated in this Compact</u>	1298
<u>and the Bylaws;</u>	1299

<u>12. To provide and receive information from, and to</u>	1300
<u>cooperate with, law enforcement agencies;</u>	1301
<u>13. To adopt and use an official seal; and</u>	1302
<u>14. To perform such other functions as may be necessary or</u>	1303
<u>appropriate to achieve the purposes of this Compact consistent</u>	1304
<u>with the state regulation of psychology licensure, temporary in-</u>	1305
<u>person, face-to-face practice and telepsychology practice.</u>	1306
<u>E. The Executive Board</u>	1307
<u>The elected officers shall serve as the Executive Board,</u>	1308
<u>which shall have the power to act on behalf of the Commission</u>	1309
<u>according to the terms of this Compact.</u>	1310
<u>1. The Executive Board shall be comprised of six members:</u>	1311
<u>a. Five voting members who are elected from the current</u>	1312
<u>membership of the Commission by the Commission;</u>	1313
<u>b. One ex-officio, nonvoting member from the recognized</u>	1314
<u>membership organization composed of State and Provincial</u>	1315
<u>Psychology Regulatory Authorities.</u>	1316
<u>2. The ex-officio member must have served as staff or</u>	1317
<u>member on a State Psychology Regulatory Authority and will be</u>	1318
<u>selected by its respective organization.</u>	1319
<u>3. The Commission may remove any member of the Executive</u>	1320
<u>Board as provided in Bylaws.</u>	1321
<u>4. The Executive Board shall meet at least annually.</u>	1322
<u>5. The Executive Board shall have the following duties and</u>	1323
<u>responsibilities:</u>	1324
<u>a. Recommend to the entire Commission changes to the Rules</u>	1325
<u>or Bylaws, changes to this Compact legislation, fees paid by</u>	1326

<u>Compact States such as annual dues, and any other applicable</u>	1327
<u>fees;</u>	1328
<u>b. Ensure Compact administration services are</u>	1329
<u>appropriately provided, contractual or otherwise;</u>	1330
<u>c. Prepare and recommend the budget;</u>	1331
<u>d. Maintain financial records on behalf of the Commission;</u>	1332
<u>e. Monitor Compact compliance of member states and provide</u>	1333
<u>compliance reports to the Commission;</u>	1334
<u>f. Establish additional committees as necessary; and</u>	1335
<u>g. Other duties as provided in Rules or Bylaws.</u>	1336
<u>F. Financing of the Commission</u>	1337
<u>1. The Commission shall pay, or provide for the payment of</u>	1338
<u>the reasonable expenses of its establishment, organization and</u>	1339
<u>ongoing activities.</u>	1340
<u>2. The Commission may accept any and all appropriate</u>	1341
<u>revenue sources, donations and grants of money, equipment,</u>	1342
<u>supplies, materials and services.</u>	1343
<u>3. The Commission may levy on and collect an annual</u>	1344
<u>assessment from each Compact State or impose fees on other</u>	1345
<u>parties to cover the cost of the operations and activities of</u>	1346
<u>the Commission and its staff which must be in a total amount</u>	1347
<u>sufficient to cover its annual budget as approved each year for</u>	1348
<u>which revenue is not provided by other sources. The aggregate</u>	1349
<u>annual assessment amount shall be allocated based upon a formula</u>	1350
<u>to be determined by the Commission which shall promulgate a rule</u>	1351
<u>binding upon all Compact States.</u>	1352
<u>4. The Commission shall not incur obligations of any kind</u>	1353



prior to securing the funds adequate to meet the same; nor shall 1354  
the Commission pledge the credit of any of the Compact States, 1355  
except by and with the authority of the Compact State. 1356

5. The Commission shall keep accurate accounts of all 1357  
receipts and disbursements. The receipts and disbursements of 1358  
the Commission shall be subject to the audit and accounting 1359  
procedures established under its Bylaws. However, all receipts 1360  
and disbursements of funds handled by the Commission shall be 1361  
audited yearly by a certified or licensed public accountant and 1362  
the report of the audit shall be included in and become part of 1363  
the annual report of the Commission. 1364

G. Qualified Immunity, Defense, and Indemnification 1365

1. The members, officers, Executive Director, employees 1366  
and representatives of the Commission shall be immune from suit 1367  
and liability, either personally or in their official capacity, 1368  
for any claim for damage to or loss of property or personal 1369  
injury or other civil liability caused by or arising out of any 1370  
actual or alleged act, error or omission that occurred, or that 1371  
the person against whom the claim is made had a reasonable basis 1372  
for believing occurred within the scope of Commission 1373  
employment, duties or responsibilities; provided that nothing in 1374  
this paragraph shall be construed to protect any such person 1375  
from suit and/or liability for any damage, loss, injury or 1376  
liability caused by the intentional or willful or wanton 1377  
misconduct of that person. 1378

2. The Commission shall defend any member, officer, 1379  
Executive Director, employee or representative of the Commission 1380  
in any civil action seeking to impose liability arising out of 1381  
any actual or alleged act, error or omission that occurred 1382  
within the scope of Commission employment, duties or 1383

responsibilities, or that the person against whom the claim is 1384  
made had a reasonable basis for believing occurred within the 1385  
scope of Commission employment, duties or responsibilities; 1386  
provided that nothing herein shall be construed to prohibit that 1387  
person from retaining his or her own counsel; and provided 1388  
further, that the actual or alleged act, error or omission did 1389  
not result from that person's intentional or willful or wanton 1390  
misconduct. 1391

3. The Commission shall indemnify and hold harmless any 1392  
member, officer, Executive Director, employee or representative 1393  
of the Commission for the amount of any settlement or judgment 1394  
obtained against that person arising out of any actual or 1395  
alleged act, error or omission that occurred within the scope of 1396  
Commission employment, duties or responsibilities, or that such 1397  
person had a reasonable basis for believing occurred within the 1398  
scope of Commission employment, duties or responsibilities, 1399  
provided that the actual or alleged act, error or omission did 1400  
not result from the intentional or willful or wanton misconduct 1401  
of that person. 1402

ARTICLE XI 1403

RULEMAKING 1404

A. The Commission shall exercise its rulemaking powers 1405  
pursuant to the criteria set forth in this Article and the Rules 1406  
adopted thereunder. Rules and amendments shall become binding as 1407  
of the date specified in each rule or amendment. 1408

B. If a majority of the legislatures of the Compact States 1409  
rejects a rule, by enactment of a statute or resolution in the 1410  
same manner used to adopt the Compact, then such rule shall have 1411  
no further force and effect in any Compact State. 1412

<u>C. Rules or amendments to the rules shall be adopted at a</u>	1413
<u>regular or special meeting of the Commission.</u>	1414
<u>D. Prior to promulgation and adoption of a final rule or</u>	1415
<u>Rules by the Commission, and at least sixty (60) days in advance</u>	1416
<u>of the meeting at which the rule will be considered and voted</u>	1417
<u>upon, the Commission shall file a Notice of Proposed Rulemaking:</u>	1418
<u>1. On the website of the Commission; and</u>	1419
<u>2. On the website of each Compact States' Psychology</u>	1420
<u>Regulatory Authority or the publication in which each state</u>	1421
<u>would otherwise publish proposed rules.</u>	1422
<u>E. The Notice of Proposed Rulemaking shall include:</u>	1423
<u>1. The proposed time, date, and location of the meeting in</u>	1424
<u>which the rule will be considered and voted upon;</u>	1425
<u>2. The text of the proposed rule or amendment and the</u>	1426
<u>reason for the proposed rule;</u>	1427
<u>3. A request for comments on the proposed rule from any</u>	1428
<u>interested person; and</u>	1429
<u>4. The manner in which interested persons may submit</u>	1430
<u>notice to the Commission of their intention to attend the public</u>	1431
<u>hearing and any written comments.</u>	1432
<u>F. Prior to adoption of a proposed rule, the Commission</u>	1433
<u>shall allow persons to submit written data, facts, opinions and</u>	1434
<u>arguments, which shall be made available to the public.</u>	1435
<u>G. The Commission shall grant an opportunity for a public</u>	1436
<u>hearing before it adopts a rule or amendment if a hearing is</u>	1437
<u>requested by:</u>	1438
<u>1. At least twenty-five (25) persons who submit comments</u>	1439

<u>independently of each other;</u>	1440
<u>2. A governmental subdivision or agency; or</u>	1441
<u>3. A duly appointed person in an association that has</u>	1442
<u>having at least twenty-five (25) members.</u>	1443
<u>H. If a hearing is held on the proposed rule or amendment,</u>	1444
<u>the Commission shall publish the place, time, and date of the</u>	1445
<u>scheduled public hearing.</u>	1446
<u>1. All persons wishing to be heard at the hearing shall</u>	1447
<u>notify the Executive Director of the Commission or other</u>	1448
<u>designated member in writing of their desire to appear and</u>	1449
<u>testify at the hearing not less than five (5) business days</u>	1450
<u>before the scheduled date of the hearing.</u>	1451
<u>2. Hearings shall be conducted in a manner providing each</u>	1452
<u>person who wishes to comment a fair and reasonable opportunity</u>	1453
<u>to comment orally or in writing.</u>	1454
<u>3. No transcript of the hearing is required, unless a</u>	1455
<u>written request for a transcript is made, in which case the</u>	1456
<u>person requesting the transcript shall bear the cost of</u>	1457
<u>producing the transcript. A recording may be made in lieu of a</u>	1458
<u>transcript under the same terms and conditions as a transcript.</u>	1459
<u>This subsection shall not preclude the Commission from making a</u>	1460
<u>transcript or recording of the hearing if it so chooses.</u>	1461
<u>4. Nothing in this section shall be construed as requiring</u>	1462
<u>a separate hearing on each rule. Rules may be grouped for the</u>	1463
<u>convenience of the Commission at hearings required by this</u>	1464
<u>section.</u>	1465
<u>I. Following the scheduled hearing date, or by the close</u>	1466
<u>of business on the scheduled hearing date if the hearing was not</u>	1467

held, the Commission shall consider all written and oral 1468  
comments received. 1469

J. The Commission shall, by majority vote of all members, 1470  
take final action on the proposed rule and shall determine the 1471  
effective date of the rule, if any, based on the rulemaking 1472  
record and the full text of the rule. 1473

K. If no written notice of intent to attend the public 1474  
hearing by interested parties is received, the Commission may 1475  
proceed with promulgation of the proposed rule without a public 1476  
hearing. 1477

L. Upon determination that an emergency exists, the 1478  
Commission may consider and adopt an emergency rule without 1479  
prior notice, opportunity for comment, or hearing, provided that 1480  
the usual rulemaking procedures provided in the Compact and in 1481  
this section shall be retroactively applied to the rule as soon 1482  
as reasonably possible, in no event later than ninety (90) days 1483  
after the effective date of the rule. For the purposes of this 1484  
provision, an emergency rule is one that must be adopted 1485  
immediately in order to: 1486

1. Meet an imminent threat to public health, safety, or 1487  
welfare; 1488

2. Prevent a loss of Commission or Compact State funds; 1489

3. Meet a deadline for the promulgation of an 1490  
administrative rule that is established by federal law or rule; 1491  
or 1492

4. Protect public health and safety. 1493

M. The Commission or an authorized committee of the 1494  
Commission may direct revisions to a previously adopted rule or 1495

amendment for purposes of correcting typographical errors, 1496  
errors in format, errors in consistency, or grammatical errors. 1497  
Public notice of any revisions shall be posted on the website of 1498  
the Commission. The revision shall be subject to challenge by 1499  
any person for a period of thirty (30) days after posting. The 1500  
revision may be challenged only on grounds that the revision 1501  
results in a material change to a rule. A challenge shall be 1502  
made in writing, and delivered to the Chair of the Commission 1503  
prior to the end of the notice period. If no challenge is made, 1504  
the revision will take effect without further action. If the 1505  
revision is challenged, the revision may not take effect without 1506  
the approval of the Commission. 1507

ARTICLE XII 1508

OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT 1509

A. Oversight 1510

1. The Executive, Legislative and Judicial branches of 1511  
state government in each Compact State shall enforce this 1512  
Compact and take all actions necessary and appropriate to 1513  
effectuate the Compact's purposes and intent. The provisions of 1514  
this Compact and the rules promulgated hereunder shall have 1515  
standing as statutory law. 1516

2. All courts shall take judicial notice of the Compact 1517  
and the rules in any judicial or administrative proceeding in a 1518  
Compact State pertaining to the subject matter of this Compact 1519  
which may affect the powers, responsibilities or actions of the 1520  
Commission. 1521

3. The Commission shall be entitled to receive service of 1522  
process in any such proceeding, and shall have standing to 1523  
intervene in such a proceeding for all purposes. Failure to 1524

provide service of process to the Commission shall render a 1525  
judgment or order void as to the Commission, this Compact or 1526  
promulgated rules. 1527

B. Default, Technical Assistance, and Termination 1528

1. If the Commission determines that a Compact State has 1529  
defaulted in the performance of its obligations or 1530  
responsibilities under this Compact or the promulgated rules, 1531  
the Commission shall: 1532

a. Provide written notice to the defaulting state and 1533  
other Compact States of the nature of the default, the proposed 1534  
means of remedying the default and/or any other action to be 1535  
taken by the Commission; and 1536

b. Provide remedial training and specific technical 1537  
assistance regarding the default. 1538

2. If a state in default fails to remedy the default, the 1539  
defaulting state may be terminated from the Compact upon an 1540  
affirmative vote of a majority of the Compact States, and all 1541  
rights, privileges and benefits conferred by this Compact shall 1542  
be terminated on the effective date of termination. A remedy of 1543  
the default does not relieve the offending state of obligations 1544  
or liabilities incurred during the period of default. 1545

3. Termination of membership in the Compact shall be 1546  
imposed only after all other means of securing compliance have 1547  
been exhausted. Notice of intent to suspend or terminate shall 1548  
be submitted by the Commission to the Governor, the majority and 1549  
minority leaders of the defaulting state's legislature, and each 1550  
of the Compact States. 1551

4. A Compact State which has been terminated is 1552  
responsible for all assessments, obligations and liabilities 1553

incurred through the effective date of termination, including 1554  
obligations which extend beyond the effective date of 1555  
termination. 1556

5. The Commission shall not bear any costs incurred by the 1557  
state which is found to be in default or which has been 1558  
terminated from the Compact, unless agreed upon in writing 1559  
between the Commission and the defaulting state. 1560

6. The defaulting state may appeal the action of the 1561  
Commission by petitioning the U.S. District Court for the state 1562  
of Georgia or the federal district where the Compact has its 1563  
principal offices. The prevailing member shall be awarded all 1564  
costs of such litigation, including reasonable attorney's fees. 1565

C. Dispute Resolution 1566

1. Upon request by a Compact State, the Commission shall 1567  
attempt to resolve disputes related to the Compact which arise 1568  
among Compact States and between Compact and Non-Compact States. 1569

2. The Commission shall promulgate a rule providing for 1570  
both mediation and binding dispute resolution for disputes that 1571  
arise before the commission. 1572

D. Enforcement 1573

1. The Commission, in the reasonable exercise of its 1574  
discretion, shall enforce the provisions and Rules of this 1575  
Compact. 1576

2. By majority vote, the Commission may initiate legal 1577  
action in the United States District Court for the State of 1578  
Georgia or the federal district where the Compact has its 1579  
principal offices against a Compact State in default to enforce 1580  
compliance with the provisions of the Compact and its 1581



promulgated Rules and Bylaws. The relief sought may include both 1582  
injunctive relief and damages. In the event judicial enforcement 1583  
is necessary, the prevailing member shall be awarded all costs 1584  
of such litigation, including reasonable attorney's fees. 1585

3. The remedies herein shall not be the exclusive remedies 1586  
of the Commission. The Commission may pursue any other remedies 1587  
available under federal or state law. 1588

ARTICLE XIII 1589

DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL 1590  
COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND 1591  
AMENDMENTS 1592

A. The Compact shall come into effect on the date on which 1593  
the Compact is enacted into law in the seventh Compact State. 1594  
The provisions which become effective at that time shall be 1595  
limited to the powers granted to the Commission relating to 1596  
assembly and the promulgation of rules. Thereafter, the 1597  
Commission shall meet and exercise rulemaking powers necessary 1598  
to the implementation and administration of the Compact. 1599

B. Any state which joins the Compact subsequent to the 1600  
Commission's initial adoption of the rules shall be subject to 1601  
the rules as they exist on the date on which the Compact becomes 1602  
law in that state. Any rule which has been previously adopted by 1603  
the Commission shall have the full force and effect of law on 1604  
the day the Compact becomes law in that state. 1605

C. Any Compact State may withdraw from this Compact by 1606  
enacting a statute repealing the same. 1607

1. A Compact State's withdrawal shall not take effect 1608  
until six (6) months after enactment of the repealing statute. 1609

2. Withdrawal shall not affect the continuing requirement 1610  
of the withdrawing State's Psychology Regulatory Authority to 1611  
comply with the investigative and adverse action reporting 1612  
requirements of this act prior to the effective date of 1613  
withdrawal. 1614

D. Nothing contained in this Compact shall be construed to 1615  
invalidate or prevent any psychology licensure agreement or 1616  
other cooperative arrangement between a Compact State and a Non- 1617  
Compact State which does not conflict with the provisions of 1618  
this Compact. 1619

E. This Compact may be amended by the Compact States. No 1620  
amendment to this Compact shall become effective and binding 1621  
upon any Compact State until it is enacted into the law of all 1622  
Compact States. 1623

ARTICLE XIV 1624

CONSTRUCTION AND SEVERABILITY 1625

This Compact shall be liberally construed so as to 1626  
effectuate the purposes thereof. If this Compact shall be held 1627  
contrary to the constitution of any state member thereto, the 1628  
Compact shall remain in full force and effect as to the 1629  
remaining Compact States. 1630

Sec. 4732.41. Not later than thirty days after the 1631  
"Psychology Interjurisdictional Compact (PSYPACT)" is entered 1632  
into under section 4732.40 of the Revised Code, the state board 1633  
of psychology shall appoint a member to the psychology 1634  
interjurisdictional compact commission created under the 1635  
compact. The board shall fill a vacancy not later than thirty 1636  
days after the vacancy occurs. 1637

**Section 2.** That existing sections 503.40, 503.41, 503.42, 1638

503.43, 503.44, 503.47, 503.48, 503.49, 503.50, 715.61, 2927.17, 1639  
4731.04, 4731.15, and 4731.41 of the Revised Code are hereby 1640  
repealed. 1641

**Section 3.** That sections 503.45 and 503.46 of the Revised 1642  
Code are hereby repealed. 1643