

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

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

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

B. Venue is proper and judicial proceedings by or against the commission must be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. [PL 2021, c. 331, §1 (NEW).]

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

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

A. This delegate must be limited to:

- (1) An executive director, executive secretary or similar executive;
- (2) A current member of the state psychology regulatory authority of a compact state; or
- (3) A designee empowered with the appropriate delegate authority to act on behalf of the compact state. [PL 2021, c. 331, §1 (NEW).]

B. Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission must be filled in accordance with the laws of the compact state in which the vacancy exists. [PL 2021, c. 331, §1 (NEW).]

C. Each commissioner is entitled to one vote with regard to the promulgation of rules and creation of bylaws and must otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication. [PL 2021, c. 331, §1 (NEW).]

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

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

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

- (1) Noncompliance of a compact state with its obligations under the compact;
- (2) Employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;
- (3) Current, threatened or reasonably anticipated litigation against the commission;
- (4) The negotiation of contracts for the purchase or sale of goods, services or real estate;

- (5) An accusation against any person of a crime or formally censuring any person;
 - (6) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
 - (7) Disclosure of information of a personal nature when disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - (8) Disclosure of investigatory records compiled for law enforcement purposes;
 - (9) Disclosure of information related to any investigatory reports prepared by or on behalf of or for use by the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact; or
 - (10) Matters specifically exempted from disclosure by federal and state statute. [PL 2021, c. 331, §1 (NEW).]
- G. If a meeting, or portion of a meeting, is closed pursuant to paragraph F, the commission's legal counsel or designee shall certify that the meeting may be closed and must reference each relevant subparagraph in paragraph F. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken and of any person participating in the meeting, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action must be identified in such minutes. All minutes and documents of a closed meeting must remain under seal, subject to release only by a majority vote of the commission or by order of a court of competent jurisdiction. [PL 2021, c. 331, §1 (NEW).]
[RR 2021, c. 1, Pt. A, §33 (COR).]

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

- A. Establishing the fiscal year of the commission; [PL 2021, c. 331, §1 (NEW).]
- B. Providing reasonable standards and procedures:
 - (1) For the establishment and meetings of other committees; and
 - (2) Governing any general or specific delegation of any authority or function of the commission; [PL 2021, c. 331, §1 (NEW).]
- C. Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals attending such proceedings and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission shall make public a copy of the vote to close the meeting, revealing the vote of each commissioner with no proxy votes allowed; [PL 2021, c. 331, §1 (NEW).]
- D. Establishing the titles, duties, authority and reasonable procedures for the election of the officers of the commission; [PL 2021, c. 331, §1 (NEW).]
- E. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws must exclusively govern the personnel policies and programs of the commission; [PL 2021, c. 331, §1 (NEW).]
- F. Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees; [PL 2021, c. 331, §1 (NEW).]

G. Providing a mechanism for concluding the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of its debts and obligations; [PL 2021, c. 331, §1 (NEW).]

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

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

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

[PL 2021, c. 331, §1 (NEW).]

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

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

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

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

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

E. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters; [PL 2021, c. 331, §1 (NEW).]

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

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

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

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

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

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

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

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

N. To perform other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice. [PL 2021, c. 331, §1 (NEW).]

[PL 2021, c. 331, §1 (NEW).]

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

A. The executive board is composed of 6 members:

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

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

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

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

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

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

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

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

(3) To prepare and recommend the budget;

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

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

(6) To establish additional committees as necessary; and

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

[PL 2021, c. 331, §1 (NEW).]

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

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

B. The commission may levy and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount must be allocated based upon a formula to be determined by the commission, which must promulgate a rule binding upon all compact states. [PL 2021, c. 331, §1 (NEW).]

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

D. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission are subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission must be audited yearly by a certified or licensed public accountant, and the report of the audit must be included in and become part of the annual report of the commission. [PL 2021, c. 331, §1 (NEW).]

[PL 2021, c. 331, §1 (NEW).]

7. Qualified immunity, defense and indemnification. The members, officers, executive director, employees and representatives of the commission are immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred or that the person against whom the claim is made had a reasonable basis for believing the alleged act, error or omission occurred within the scope of commission employment, duties or responsibilities. Nothing in this subsection may be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional, willful or wanton misconduct of that person.

A. The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities or that the person against whom the claim is made had a reasonable basis for believing the alleged act, error or omission occurred within the scope of commission employment, duties or responsibilities if the actual or alleged act, error or omission did not result from that person's intentional, willful or wanton misconduct. Nothing in this paragraph may be construed to prohibit that person from retaining separate counsel. [PL 2021, c. 331, §1 (NEW).]

B. The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities or that such person had a reasonable basis for believing the alleged act, error or omission occurred within the scope of commission employment, duties or responsibilities if the actual or alleged act, error or omission did not result from the intentional, willful or wanton misconduct of that person. [PL 2021, c. 331, §1 (NEW).]

[PL 2021, c. 331, §1 (NEW).]

SECTION HISTORY

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

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