

TITLE 54  
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 23  
PSYCHOLOGISTS

54-2301. PRACTICE OF PSYCHOLOGY -- REGULATION -- OBJECTS AND PURPOSES. The practice of psychology in the state of Idaho is hereby declared to affect the public health, safety and welfare, and to be subject to regulation and control in the public interest to protect the public from unprofessional, improper, unauthorized and unqualified practice of psychology, and from unprofessional conduct by persons licensed to practice psychology. This act should be liberally construed to carry out these objects and purposes.

[54-2301, added 1963, ch. 186, sec. 1, p. 549.]

54-2302. DEFINITIONS. Within the meaning of this chapter the following definitions apply:

(1) "Department" means the department of self-governing agencies of the state of Idaho.

(2) "Board" means the Idaho state board of psychologist examiners.

(3) "Division administrator" means the chief administrative officer of the division of occupational and professional licenses.

(4) "Licensed medical provider" means a physician or physician assistant licensed pursuant to [chapter 18, title 54](#), Idaho Code, or an advanced practice registered nurse licensed pursuant to [chapter 14, title 54](#), Idaho Code.

(5) "Person" means a human individual.

(6) "Psychological services" means any services to which the words "psychological," "psychologist" or "psychology" are applied by the person rendering or offering to render them or to the "practice of psychology" as defined in subsection (7) of this section.

(7) "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of personnel evaluation, group relations, and behavior adjustment. The application of said principles includes, but is not restricted to, counseling and the use of psychotherapeutic measures with persons or groups to eliminate symptomatic, maladaptive or undesired behavior so as to enhance interpersonal relationships in the areas of work, family, school, and personal relationships; measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes, and skills; diagnosing and treating mental and emotional disorders or disabilities; and doing research on problems relating to human behavior.

(8) A person represents himself to be a psychologist when he holds himself out to the public by any title or description incorporating the words "psychological," "psychologist" or "psychology" or offers to render or renders psychological services for remuneration.

(9) "Service extender" means a person who has earned a doctoral degree in psychology or a master's degree in a mental health field and is permitted to provide psychological services under the supervision of a licensed psychologist.

(10) "Temporary permit" means a document issued by the board to a psychologist licensed in another state authorizing the individual to practice

psychology in Idaho for a limited period as set forth in this chapter and rules of the board.

[54-2302, added 1963, ch. 186, sec. 2, p. 549; am. 1974, ch. 13, sec. 158, p. 138; am. 1987, ch. 147, sec. 1, p. 292; am. 2009, ch. 33, sec. 1, p. 90; am. 2017, ch. 238, sec. 1, p. 585; am. 2022, ch. 94, sec. 30, p. 302; am. 2022, ch. 262, sec. 1, p. 840.]

54-2303. LICENSE REQUIRED -- EXEMPTIONS. (1) It shall be unlawful for any person to practice or to offer to practice psychology, or to represent himself to be a psychologist, unless he shall first obtain a license pursuant to this chapter, except as hereinafter provided.

(2) Nothing in this chapter shall be construed to limit the activities, and use of an official title on the part of a person in the employ of a federal, state, county, or municipal agency, or other political subdivision, insofar as such activities or services are a part of the duties in his salaried position, and insofar as such activities or services are performed solely on behalf of his employer.

(3) Nothing in this chapter shall be construed to limit the activities and services of an undergraduate student or intern pursuing a course of study approved by the board as qualifying training and experience for psychologists, provided that such activities and services constitute a part of his supervised course of study, and he is designated by such titles as "psychology intern," "psychology trainee," or other title clearly indicating such training status. Nothing in this chapter shall be construed to limit the activities of a person employed by a duly chartered educational institution solely as an administrator, teacher, or researcher or combination thereof in the discharge of those duties.

(4) Nothing in this chapter shall be construed to prevent unlicensed persons from providing certain services under the direct supervision and control of licensed psychologists, under such rules as may be established by the board. Such services may include but are not limited to test administration, shadowing, co-conducting therapy, and brief interventions in the presence of other health care professionals.

(5) Nothing in this chapter shall be construed to prevent qualified members of other professions licensed or registered by the state of Idaho from doing work of a psychological nature consistent with their training and consistent with the code of ethics of their respective professions.

[54-2303, added 1963, ch. 186, sec. 3, p. 549; am. 1984, ch. 141, sec. 1, p. 330; am. 2004, ch. 323, sec. 1, p. 906; am. 2009, ch. 33, sec. 2, p. 90; am. 2022, ch. 262, sec. 2, p. 841.]

54-2304. ESTABLISHMENT OF BOARD OF PSYCHOLOGIST EXAMINERS. There is hereby created in the division of occupational and professional licenses an Idaho state board of psychologist examiners as follows:

(1) Said board shall consist of four (4) licensed psychologist members and one (1) public member who is not a practitioner or spouse of a practitioner in any health care field and who is not a convicted felon and who has not been an applicant for licensure as a psychologist, who are citizens of the United States, residents of the state of Idaho, and appointed by the governor for four (4) year terms. The psychologist members' terms shall be staggered such that only one (1) term expires June 30 of each year.

(2) Each psychologist board member shall be licensed under this chapter.

(3) When the term of each psychologist member of the board ends, the governor shall appoint his successor for a term of four (4) years. The governor may consider recommendations for appointment to the board from the Idaho psychological association and from any individual residing in this state. Any vacancy occurring on the board shall be filled by the governor by appointment for the unexpired term. Board members shall serve at the pleasure of the governor.

(4) At all times, the board shall have at least one (1) member who is engaged primarily in rendering services in psychology and at least one (1) member who is engaged primarily in teaching, training, or research in psychology.

(5) No board member shall serve more than two (2) consecutive terms.

(6) Each board member shall be compensated as provided by section [59-509](#)(n), Idaho Code.

(7) The board shall annually in the month of July, hold a meeting, and elect a chairman and vice chairman. The board shall meet at such other times as deemed necessary and advisable by the chairman, or by a majority of its members, or by the governor. Reasonable notice of all meetings shall be given as required by law. A majority of the board shall constitute a quorum at any meeting or hearing.

[54-2304, added 1963, ch. 186, sec. 4, p. 549; am. 1965, ch. 201, sec. 7, p. 446; am. 1969, ch. 464, sec. 17, p. 1304; am. 1974, ch. 13, sec. 159, p. 138; am. 1980, ch. 247, sec. 69, p. 637; am. 1982, ch. 145, sec. 1, p. 406; am. 1990, ch. 68, sec. 1, p. 150; am. 1996, ch. 66, sec. 6, p. 203; am. 1999, ch. 150, sec. 1, p. 421; am. 2009, ch. 33, sec. 3, p. 91; am. 2016, ch. 340, sec. 28, p. 949; am. 2021, ch. 222, sec. 21, p. 636.]

54-2305. BOARD OF PSYCHOLOGIST EXAMINERS -- POWERS. The board of psychologist examiners shall have the following powers:

(1) To pass upon the qualifications and fitness of applicants for licenses, reciprocal licenses, certification and provisional certification of prescriptive authority; and, at its option, to adopt and revise rules requiring applicants to pass examinations relating to their qualifications as a prerequisite to the issuance of licenses.

(2) To adopt and, from time to time, revise such rules in accordance with the provisions of [chapter 52, title 67](#), Idaho Code, and not inconsistent with the law as may be necessary to carry into effect the provisions of this chapter. Such rules shall include, but need not be limited to, a code of ethics for psychologists in the state consistent with the current, and as future amended, ethical standards for psychologists of the American psychological association and the educational and professional qualifications of applicants for licensing under this chapter.

(3) To examine for, deny, approve, issue, revoke, suspend and renew the licenses, permits, and certifications of psychologists, service extenders, and psychologist applicants pursuant to this chapter, and to conduct hearings in connection therewith.

(4) To conduct hearings upon complaints concerning violations of the provisions of, and the rules adopted pursuant to, this chapter and cause the prosecution and enjoinder of all such violations.

(5) The board, or its duly appointed hearing officer, shall have the power in any disciplinary proceeding under this chapter to administer oaths,

take depositions of witnesses within or without the state in the manner provided by law in civil cases, and may apply to any district court of this state for a subpoena to require the attendance of such witnesses and the production of such books, records, and papers as it deems necessary. The fees and mileage of the witnesses shall be the same as that allowed in district courts in criminal cases, which fees and mileage shall be paid in the same manner as other expenses of the board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of any district court in this state, on application by the board, to compel compliance with the subpoena by proceedings for contempt, as in the case of disobedience of the requirements of the subpoena issued from such court for refusal to testify therein. The licensed person accused in such proceedings shall have the same right of subpoena.

(6) Proceedings before the board and judicial review of the action of the board shall be governed by the provisions of [chapter 52, title 67](#), Idaho Code.

(7) To authorize, by written agreement, the division of occupational and professional licenses as agent to act in its interest.

(8) To adopt a rule requiring continuing education as a condition of continued licensure and certification.

(9) To adopt rules allowing for a temporary permit to individuals licensed as psychologists in another state authorizing such individuals to practice psychology in Idaho for a period not to exceed thirty (30) days pursuant to such terms and requirements as set forth in the rules.

(10) To establish by rule an inactive license status.

(11) To establish by rule the standards and requirements for the use of communication technology in the practice of psychology, including supervision.

(12) To establish by rule certification and provisional certification of prescriptive authority pursuant to sections [54-2316](#) through [54-2319](#), Idaho Code.

(13) To establish by rule a limited formulary or formularies for prescribing use by holders of certification and provisional certification of prescriptive authority.

(14) To establish by rule the permitting of service extenders.

[54-2305, added 1963, ch. 186, sec. 5, p. 549; am. 1974, ch. 13, sec. 160, p. 138; am. 1984, ch. 141, sec. 2, p. 331; am. 1987, ch. 147, sec. 2, p. 293; am. 1993, ch. 216, sec. 80, p. 656; am. 2009, ch. 33, sec. 4, p. 92; am. 2013, ch. 13, sec. 1, p. 23; am. 2017, ch. 238, sec. 2, p. 586; am. 2022, ch. 94, sec. 31, p. 303; am. 2022, ch. 262, sec. 3, p. 842.]

54-2307. QUALIFICATIONS FOR LICENSE -- APPLICANTS FOR WHOM AN EXAMINATION MAY BE REQUIRED. An applicant shall be qualified for a license to practice psychology provided proof satisfactory to the board has been received showing:

(1) That the applicant has not been convicted, found guilty, or received a withheld judgment or suspended sentence in this state or in any other state of a crime deemed relevant in accordance with section [67-9411](#)(1), Idaho Code; and

(2) Either one of the following:

- (a) Graduation from an accredited college or university with a doctoral degree in psychology and two (2) years of supervised experience acceptable to the board, one (1) year of which may include a predoctoral practicum or internship and one (1) of which must be postdoctoral; or
- (b) Graduation from an accredited college or university with a doctoral degree in a field related to psychology, provided experience and training are acceptable to the board; and
- (3) Successful passage of an examination if such examination is required by the rules duly adopted by the board; and
- (4) Receipt of a completed application accompanied by an application fee as established by board rules not to exceed three hundred dollars (\$300), and when an examination is required a processing fee of twenty-five dollars (\$25.00) payable to the division of occupational and professional licenses. The fee for any required examination or reexamination shall be submitted directly to the national examining entity. The application fee and the processing fee are not refundable.

[54-2307, added 1963, ch. 186, sec. 7, p. 549; am. 1969, ch. 464, sec. 18, p. 1304; am. 1975, ch. 27, sec. 1, p. 42; am. 1982, ch. 145, sec. 2, p. 407; am. 1994, ch. 16, sec. 1, p. 31; am. 2003, ch. 120, sec. 1, p. 368; am. 2009, ch. 33, sec. 6, p. 93; am. 2022, ch. 94, sec. 32, p. 304; am. 2022, ch. 246, sec. 19, p. 802.]

54-2309. NONISSUANCE AND REVOCATION OF LICENSE OR PERMIT. No license or permit may be issued, and a license or permit previously issued may be revoked, suspended, restricted, or otherwise disciplined if the person applying, or the person licensed or permitted, is:

- (1) Found guilty by a court of competent jurisdiction of a crime that is deemed relevant in accordance with section [67-9411](#)(1), Idaho Code;
- (2) Found by the board to be a repeated and excessive abuser of a controlled substance;
- (3) Found by the board to be a repeated and excessive abuser of alcohol;
- (4) Found by the board to be in violation of any provision of this chapter or any of the rules adopted pursuant to this chapter; or
- (5) Found by the board to have been unethical as detailed by the current, and future amended, ethical standards of the American psychological association.

[54-2309, added 1963, ch. 186, sec. 9, p. 549; am. 1974, ch. 13, sec. 161, p. 138; am. 1984, ch. 141, sec. 3, p. 332; am. 2004, ch. 109, sec. 1, p. 383; am. 2009, ch. 33, sec. 7, p. 93; am. 2022, ch. 262, sec. 4, p. 843.]

54-2310. VIOLATION AND PENALTY. Any person who shall practice or attempt to offer to practice psychology, as defined in this act, without having at the time of so doing a valid, unexpired, unrevoked, and unsuspended license issued under this act shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than six (6) months or both for each violation.

[54-2310, added 1963, ch. 186, sec. 10, p. 549; am. 1984, ch. 141, sec. 4, p. 332.]

54-2311. DUTY OF PROSECUTING ATTORNEYS. It shall be the duty of the several prosecuting attorneys to prosecute all violations of this act in their respective counties.

[54-2311, added 1963, ch. 186, sec. 11, p. 549.]

54-2312. QUALIFICATIONS FOR LICENSE -- ENDORSEMENT. The board may recommend the granting of a license to any person who is licensed or certified by a regulatory board of psychologists in the United States or Canada where such certification or licensure was based on a doctoral degree and who:

(1) Submits a complete application, including the application fee and a license fee not to exceed three hundred dollars (\$300) as established by board rule;

(2) Has not been convicted, found guilty, or received a withheld judgment or suspended sentence in this state or in any other state of a crime deemed relevant in accordance with section [67-9411](#)(1), Idaho Code;

(3) Has not had a certification or license revoked, suspended or otherwise sanctioned; and

(4) Has certified under oath that they have reviewed and will abide by the laws and rules governing the practice of psychology in Idaho and the code of ethics of the American psychological association and either:

(a) Holds a current certificate of professional qualification in psychology or holds a certificate of professional standing issued by a national credentialing entity approved by the board by rule; or

(b) Meets the requirements of section [54-2307](#)(2), Idaho Code, and board rules relating to endorsement and educational and credentialing requirements for licensure.

[54-2312, added 1963, ch. 186, sec. 12, p. 549; am. 1969, ch. 464, sec. 19, p. 1304; am. 1976, ch. 166, sec. 19, p. 613; am. 2001, ch. 81, sec. 1, p. 203; am. 2009, ch. 33, sec. 8, p. 93; am. 2022, ch. 246, sec. 20, p. 803.]

54-2312A. SENIOR PSYCHOLOGIST. The board may grant a license to any person who submits a completed application, including the application fee and a license fee not to exceed three hundred dollars (\$300) as established by board rule, and who:

(1) Has not been convicted, found guilty, or received a withheld judgment or suspended sentence in this state or in any other state of a crime deemed relevant in accordance with section [67-9411](#)(1), Idaho Code;

(2) Has maintained a valid psychology license based on a doctoral degree in the United States or Canada for a period of not less than twenty (20) years;

(3) Has a documented record of psychology practice for five (5) of the last seven (7) years immediately prior to the date of application;

(4) Has a documented record of meeting the continuing education requirement of the jurisdiction where they practiced for not less than five (5) calendar years immediately prior to the date of application;

(5) Has not been the subject of any disciplinary action within the last seven (7) years prior to application or has never voluntarily surrendered a license to practice psychology in any jurisdiction; and

(6) Has certified under oath that he has reviewed and will abide by the laws and rules governing the practice of psychology in Idaho and the code of ethics of the American psychological association.

[54-2312A, added 2001, ch. 81, sec. 2, p. 204; am. 2009, ch. 33, sec. 9, p. 94; am. 2022, ch. 246, sec. 21, p. 803.]

54-2313. UNAUTHORIZED PRACTICE OF MEDICINE. Nothing herein shall be construed as authorizing any person licensed as a psychologist to engage in any manner in the practice of medicine as defined in the laws of this state. A psychologist who engages in psychotherapy shall make provision for the diagnosis and treatment of medical conditions in collaboration with a physician licensed pursuant to [title 54](#), chapter 18, Idaho Code. A psychologist shall not diagnose, prescribe for or treat a client with reference to a medical condition.

[54-2313, added 1963, ch. 186, sec. 13, p. 549; am. 1987, ch. 147, sec. 4, p. 294.]

54-2314. PRIVILEGED COMMUNICATION -- CONFIDENTIAL RELATIONS AND COMMUNICATIONS BETWEEN PSYCHOLOGIST AND CLIENT. A person licensed as a psychologist under the provisions of this act cannot, without the written consent of his client, be examined in a civil or criminal action as to any information acquired in the course of his professional services in behalf of the client. The confidential relations and communications between a psychologist and his client are on the same basis as those provided by law between an attorney and client, and nothing in this article shall be construed to require any such privileged communication to be disclosed.

[54-2314, added 1963, ch. 186, sec. 14, p. 549.]

54-2315. ADMINISTRATION BY DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES -- FEE FOR RENEWAL OF LICENSE -- RENEWAL AND REINSTATEMENT. This chapter shall be administered by the division of occupational and professional licenses. The fee for renewal of license shall be a fee as established by board rule not to exceed four hundred dollars (\$400) per annum. All licenses issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board regarding applications for renewal, continuing education, and fees. License renewal and reinstatement shall be in accordance with section [67-2614](#), Idaho Code.

[54-2315, added 1963, ch. 186, sec. 16, p. 549; am. 1965, ch. 164, sec. 9, p. 317; am. 1969, ch. 464, sec. 20, p. 1304; am. 1974, ch. 13, sec. 162, p. 138; am. 1976, ch. 166, sec. 20, p. 613; am. 1982, ch. 145, sec. 3, p. 407; am. 1987, ch. 147, sec. 3, p. 294; am. 1999, ch. 150, sec. 3, p. 422; am. 2003, ch. 21, sec. 11, p. 84; am. 2006, ch. 52, sec. 1, p. 163; am. 2009, ch. 33, sec. 10, p. 94; am. 2022, ch. 94, sec. 33, p. 305.]

54-2316. PRESCRIPTIVE AUTHORITY. (1) No psychologist licensed under this chapter shall issue a prescription without valid certification or provisional certification of prescriptive authority issued pursuant to section [54-2317](#), [54-2318](#) or [54-2319](#), Idaho Code.

(2) Psychologists licensed under this chapter who hold a certification or a provisional certification of prescriptive authority shall prescribe only those drugs or controlled substances that are:

(a) Recognized in or customarily used in the diagnosis, treatment and management of individuals with psychiatric, mental, cognitive, nervous, emotional or behavioral disorders;

(b) Relevant to the practice of psychology or other procedures directly related thereto; and

(c) Within the scope of the psychologist's license and certification of prescriptive authority.

(3) A psychologist who holds provisional certification of prescriptive authority may prescribe only under the direct supervision of a supervising physician who meets the requirements of section [54-2317](#)(6), Idaho Code.

(4) A psychologist who issues a prescription to a patient pursuant to this section shall collaborate with the patient's licensed medical provider.

(5) All prescriptions issued pursuant to this section shall comply with all applicable federal and state laws, rules and regulations and rules of the board.

(6) No psychologist may prescribe for a pediatric or geriatric patient without meeting all requirements of this chapter, including the provisions of section [57-2318](#)(2), Idaho Code.

(7) No person licensed under this chapter shall accept any payment, directly or indirectly:

(a) From any person licensed as a health care provider under [title 54](#), Idaho Code, whose license does not permit the writing of prescriptions, for writing a prescription or dispensing a prescription drug to a patient;

(b) From any person who holds himself or herself out as a health care provider in any form who is not licensed under [title 54](#), Idaho Code; or

(c) From any business or professional entity regardless of the form of its organization, for writing a prescription or dispensing a prescription drug to a patient unless such entity is authorized to conduct business under [chapter 17, title 54](#), Idaho Code, or licensed as a licensed health care provider or health care facility or is otherwise approved by the board.

(8) The restriction contained in subsection (7) of this section shall not prevent a person licensed under this chapter from accepting payment from any such person who is a patient, or for services provided to a patient or to someone the patient is legally obligated to support or from any insurer or other entity authorized under the laws of this state to provide insurance or pay benefits on behalf of a self-insured plan or government program.

[54-2316, added 2017, ch. 238, sec. 3, p. 587.]

54-2317. PRESCRIPTIVE AUTHORITY -- PROVISIONAL CERTIFICATION. To qualify for provisional certification of prescriptive authority, a psychologist licensed under this chapter shall meet such standards as prescribed by rule of the board. At a minimum, these standards shall include:

(1) A current license to practice psychology in Idaho;

(2) A doctorate degree in psychology awarded by an accredited program within a United States department of education-approved, regionally accredited institution of higher education;

(3) A master's degree in clinical psychopharmacology awarded by an accredited program within a United States department of education-approved, regionally accredited institution of higher education. The didactic portion of the education shall be at least two (2) years of full-time education,

or the equivalent thereof, and shall be substantially equivalent to the education required of an advanced practice psychiatric nurse practitioner in this state as determined by the institution that offers both clinical psychopharmacology and psychiatric nurse practitioner degrees. The necessary prerequisites for the education shall be determined by the institution that offers the degrees and, in the institution's judgment, shall include sufficient biomedical education to ensure the necessary knowledge and skills to prescribe psychotropic medications in a safe and effective manner. The program shall satisfy the requirements to become designated a post-doctoral education and training program in clinical psychopharmacology by the American psychological association. The program must be established and administered by biomedically trained educators and must demonstrate that all content is covered and that students achieve clinical competency in all areas, and shall include at a minimum:

- (a) Basic science:
  - (i) Anatomy;
  - (ii) Physiology;
  - (iii) Biochemistry;
- (b) Neurosciences:
  - (i) Neuroanatomy;
  - (ii) Neurophysiology;
  - (iii) Neurochemistry;
- (c) Physical assessments and laboratory exams:
  - (i) Physical assessment;
  - (ii) Laboratory and radiological assessment;
  - (iii) Medical terminology and documentation;
- (d) Clinical medicine and pathophysiology:
  - (i) Pathophysiology with particular emphasis on cardiac, renal, hepatic, neurologic, gastrointestinal, hematologic, dermatologic and endocrine systems;
  - (ii) Clinical medicine with particular emphasis on signs, symptoms and treatment of disease states with behavioral, cognitive and emotional manifestations or comorbidities;
  - (iii) Differential diagnosis;
  - (iv) Clinical correlations -- the illustration of the content of this domain through case study;
  - (v) Substance-related and co-occurring disorders;
  - (vi) Chronic pain management;
- (e) Clinical and research pharmacology and psychopharmacology:
  - (i) Pharmacology;
  - (ii) Clinical pharmacology;
  - (iii) Pharmacogenetics;
  - (iv) Psychopharmacology;
  - (v) Developmental psychopharmacology;
  - (vi) Issues of diversity in pharmacological practice -- lifespan related to drug metabolism;
- (f) Clinical pharmacotherapeutics:
  - (i) Combined therapies -- psychotherapy/pharmacotherapy interactions;
  - (ii) Computer-based aids to practice;
  - (iii) Pharmacoepidemiology;
- (g) Research:
  - (i) Methodology and design of psychopharmacology research;

- (ii) Interpretation and evaluation of research;
- (iii) Federal food and drug administration drug development and regulatory processes; and
- (h) Professional, ethical, and legal issues:
  - (i) Application of existing law, standards and guidelines to pharmacological practice; and
  - (ii) Relationship with pharmaceutical industry:
    1. Conflicts of interest;
    2. Evaluation of pharmaceutical marketing practices; and
    3. Critical consumer;
- (4) Clinical experience that is sufficient to attain competency in the psychopharmacological treatment of a diverse patient population under the direction of qualified practitioners including, but not limited to, licensed physicians and prescribing psychologists as determined by the institution offering the clinical psychopharmacology degree;
- (5) A passing score on an examination developed by a nationally recognized body and approved by the board; and
- (6) Supervision agreements with board-certified psychiatrists, neurologists, family medicine physicians, or other physicians with a minimum of two (2) years of experience in the management of psychotropic medication who are licensed under [chapter 18, title 54](#), Idaho Code, or an equivalent licensing provision of the law of an adjoining state.

[54-2317, added 2017, ch. 238, sec. 4, p. 588; am. 2020, ch. 263, sec. 1, p. 761.]

54-2318. PRESCRIPTIVE AUTHORITY -- CERTIFICATION. (1) An applicant for certification of prescriptive authority may be granted such certification by the board if the applicant possesses provisional certification of prescriptive authority and has successfully completed two (2) years of satisfactory prescribing as attested to by the supervising physician or physicians.

(2) An applicant for certification of prescriptive authority who seeks to prescribe for pediatric or geriatric patients shall have completed at least one (1) year of satisfactory prescribing to such patient populations as attested to by a supervising physician or supervising physicians with specialized training and experience in treating such patient populations.

(3) The board shall develop rules to effect the purposes of sections [54-2316](#) through [54-2319](#), Idaho Code. Such rules shall include educational and training standards necessary to qualify for certification of prescriptive authority, application and testing procedures, and fees for an application, provisional certification, certification and renewal of certification. Such fees shall not exceed three hundred dollars (\$300) each.

[54-2318, added 2017, ch. 238, sec. 5, p. 589.]

54-2319. PRESCRIPTIVE AUTHORITY -- CERTIFICATION BY ENDORSEMENT. An applicant who has a current and unrestricted license to practice psychology and a current and unrestricted certification of prescriptive authority from another state, or training from the United States department of defense demonstration project or other similar program developed and operated by any branch of the armed forces that imposes substantially equivalent educational and training requirements as those contained in this chapter and required by the board, upon payment of the required fees, compliance with

section [54-2317](#)(1), Idaho Code, and the approval of the application, may be certified by endorsement pursuant to this chapter. The board may consider an applicant's experience in prescribing in another state as meeting a portion of the requirements necessary to obtain provisional certification or certification under this chapter, but also shall require additional education and supervision if the board deems it necessary to meet the educational and training requirements imposed by this chapter.

[54-2319, added 2017, ch. 238, sec. 6, p. 590.]

54-2320. ADVISORY PANEL. The board shall establish an advisory panel to review and advise the board on proposed prescriptive rules and other regulations governing the prescriptive authority for psychologists, including any formulary or limited formulary, and also including the sufficiency of education and training for an applicant seeking certification by endorsement. If requested by the board, the panel may be consulted on complaints against psychologists with prescriptive authority. The panel shall consist of a psychiatrist and a pediatric psychiatrist or a pediatrician recommended by the Idaho state board of medicine, a pharmacist holding a doctoral-level degree recommended by the Idaho state board of pharmacy, and two (2) psychologists licensed in Idaho. The board shall not promulgate rules governing prescriptive authority, governing collaboration or supervision of prescribing psychologists, establishing a formulary or establishing standards for granting certification by endorsement, unless the rules first have been approved by a majority vote of the advisory panel.

[54-2320, added 2017, ch. 238, sec. 7, p. 590.]

54-2321. PSYCHOLOGY INTERJURISDICTIONAL COMPACT. The terms and conditions of the psychology interjurisdictional compact are hereby enacted as follows:

## PSYCHOLOGY INTERJURISDICTIONAL COMPACT

### ARTICLE I PURPOSE

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

Whereas, this compact is intended to regulate the day-to-day practice of telepsychology (i.e., the provision of psychological services using telecommunications technologies) by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority;

Whereas, this compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for thirty (30) days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;

Whereas, this compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of this compact, to psychologists licensed in another state;

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

Whereas, this compact does not apply when a psychologist is licensed in both the home state and receiving states; and

Whereas, although this compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.

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

1. Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state in which the psychologist is not licensed to practice psychology;
2. Enhance the states' ability to protect the public's health and safety, especially client/patient safety;
3. Encourage the cooperation of compact states in the areas of psychology licensure and regulation;
4. Facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions, and disciplinary history;
5. Promote compliance with the laws governing psychological practice in each compact state; and
6. Invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

## ARTICLE II DEFINITIONS

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

B. "Association of state and provincial psychology boards" or "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.

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.

D. "Bylaws" means those bylaws established by the psychology interjurisdictional compact commission pursuant to article X of this compact for its governance or for directing and controlling its actions and conduct.

E. "Client/patient" means the recipient of psychological services, whether psychological services are delivered in the context of health care, corporate, supervision, or consulting services.

F. "Commissioner" means the voting representative appointed by each state psychology regulatory authority pursuant to article X of this compact.

G. "Compact state" means a state, the District of Columbia, or a United States territory that has enacted this compact legislation and that has not

withdrawn pursuant to article XIII, subsection C of this compact or been terminated pursuant to article XII, subsection B of this compact.

H. "Confidentiality" means the principle that data or information is not made available or disclosed to unauthorized persons or processes.

I. "Coordinated licensure information system" or "coordinated database" means an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which process is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities.

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

K. "Distant state" means the compact state where a psychologist is physically present (not through the use of telecommunications technologies) to provide temporary in-person, face-to-face psychological services.

L. "E.Passport" means a certificate issued by the ASPPB that promotes standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

M. "Executive board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

N. "Home state" means a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one (1) compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one (1) compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed.

O. "Identity history summary" means a summary of information retained by the federal bureau of investigation (FBI), or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service.

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

Q. "Interjurisdictional practice certificate" or "IPC" means a certificate issued by the ASPPB that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily and verification of one's qualifications for such practice.

R. "License" means authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without such authorization.

S. "Non-compact state" means any state that is not at a given time a compact state.

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

U. "Psychology interjurisdictional compact commission" or "commission" means the national administration of which all compact states are members.

V. "Receiving state" means a compact state where the client/patient is physically located when the telepsychological services are delivered.

W. "Rule" means a written statement by the psychology interjurisdictional compact commission promulgated pursuant to article XI of this compact that is of general applicability; that implements, interprets, or prescribes a policy or provision of the compact; or that is an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a compact state, and includes the amendment, repeal, or suspension of an existing rule.

X. "Significant investigatory information" means:

1. Investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code and would be considered more substantial than a minor infraction; or

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

Y. "State" means a state, commonwealth, territory, or possession of the United States, and includes the District of Columbia.

Z. "State psychology regulatory authority" means the board, office, or other agency with the legislative mandate to license and regulate the practice of psychology.

AA. "Telepsychology" means the provision of psychological services using telecommunications technologies.

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

CC. "Temporary in-person, face-to-face practice" means a psychologist is physically present (not through the use of telecommunications technologies) in the distant state to provide psychological services for thirty (30) days within a calendar year and is based on notification to the distant state.

### ARTICLE III HOME STATE LICENSURE

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

B. A psychologist may hold more than one (1) compact state license at a time. If the psychologist is licensed in more than one (1) compact state, the home state is the compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

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

D. Any compact state may require a psychologist to obtain and retain a license to be authorized to practice in a compact state under circumstances

not authorized by temporary authorization to practice under the terms of this compact.

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

1. Currently requires the psychologist to hold an active E.Passport;
2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;
3. Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
4. Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the federal bureau of investigation, or other designee with similar authority, no later than ten (10) years after activation of the compact; and
5. Complies with the bylaws and rules of the commission.

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

1. Currently requires the psychologist to hold an active IPC;
2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;
3. Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
4. Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the federal bureau of investigation, or other designee with similar authority, no later than ten (10) years after activation of the compact; and
5. Complies with the bylaws and rules of the commission.

#### ARTICLE IV COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

A. Compact states shall recognize the right of a psychologist licensed in a compact state, in conformance with article III of this compact, to practice telepsychology in other compact states (receiving states) in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in this compact.

B. To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this compact, a psychologist licensed to practice in a compact state must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:
  - a. Regionally accredited by an accrediting body recognized by the United States department of education to grant graduate degrees or authorized by provincial statute or royal charter to grant doctoral degrees; or
  - b. A foreign college or university deemed to be equivalent to subparagraph a. of this paragraph by a foreign credential evaluation service that is a member of the national association of credential

evaluation services or by a recognized foreign credential evaluation service; and

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

- a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogs and brochures its intent to educate and train professional psychologists;
- b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;
- c. There must be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines;
- d. The program must consist of an integrated, organized sequence of study;
- e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;
- f. The designated director of the program must be a psychologist and a member of the core faculty;
- g. The program must have an identifiable body of students who are matriculated in that program for a degree;
- h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;
- i. The curriculum shall encompass a minimum of three (3) academic years of full-time graduate study for doctoral degrees and a minimum of one (1) academic year of full-time graduate study for master's degrees; and
- j. The program includes an acceptable residency as defined by the rules of the commission;

3. Possess a current, full and unrestricted license to practice psychology in a home state that is a compact state;

4. Have no history of adverse action that violates the rules of the commission;

5. Have no criminal record history reported on an identity history summary that violates the rules of the commission;

6. Possess a current, active E.Passport;

7. Provide attestations in regard to areas of intended practice, conformity with standards of practice, and competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the commission; and

8. Meet other criteria as defined by the rules of the commission.

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

D. A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state's scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state's applicable law

to protect the health and safety of the receiving state's citizens. If a receiving state takes action, the state shall promptly notify the home state and the commission.

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

ARTICLE V  
COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

A. Compact states shall recognize the right of a psychologist licensed in a compact state in conformance with article III of this compact, to practice temporarily in other compact states (distant states) in which the psychologist is not licensed as provided in this compact.

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

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:
  - a. Regionally accredited by an accrediting body recognized by the United States department of education to grant graduate degrees or authorized by provincial statute or royal charter to grant doctoral degrees; or
  - b. A foreign college or university deemed to be equivalent to subparagraph a. of this paragraph by a foreign credential evaluation service that is a member of the national association of credential evaluation services or by a recognized foreign credential evaluation service; and
2. Hold a graduate degree in psychology that meets the following criteria:
  - a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogs and brochures its intent to educate and train professional psychologists;
  - b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;
  - c. There must be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines;
  - d. The program must consist of an integrated, organized sequence of study;
  - e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;
  - f. The designated director of the program must be a psychologist and a member of the core faculty;
  - g. The program must have an identifiable body of students who are matriculated in that program for a degree;
  - h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;

i. The curriculum shall encompass a minimum of three (3) academic years of full-time graduate study for doctoral degrees and a minimum of one (1) academic year of full-time graduate study for master's degrees; and

j. The program includes an acceptable residency as defined by the rules of the commission;

3. Possess a current, full and unrestricted license to practice psychology in a home state that is a compact state;

4. No history of adverse action that violates the rules of the commission;

5. No criminal record history that violates the rules of the commission;

6. Possess a current, active IPC;

7. Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and

8. Meet other criteria as defined by the rules of the commission.

C. A psychologist practicing into a distant state under the temporary authorization to practice shall do so within the scope of practice authorized by the distant state.

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.

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.

#### ARTICLE VI

##### CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

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:

1. The psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state; or

2. Other conditions regarding telepsychology as determined by rules promulgated by the commission.

#### ARTICLE VII

##### ADVERSE ACTIONS

A. A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have

the power to take adverse action on a psychologist's temporary authorization to practice within that distant state.

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

C. If a home state takes adverse action against a psychologist's license, that psychologist's authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's temporary authorization to practice is terminated and the IPC is revoked.

1. All home state disciplinary orders that impose adverse action shall be reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules of the commission.

2. In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission.

3. Other actions may be imposed as determined by the rules promulgated by the commission.

D. A home state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee that occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state's law shall control in determining any adverse action against a psychologist's license.

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

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

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

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

A. In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this compact to:

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

B. During the course of any investigation, a psychologist may not change home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change home state licensure. The commission shall promptly notify the new home state of any such decisions as provided in the rules of the commission. All information provided to the commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal, and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

#### ARTICLE IX COORDINATED LICENSURE INFORMATION SYSTEM

A. The commission shall provide for the development and maintenance of a coordinated licensure information system (coordinated database) and reporting system containing licensure and disciplinary action information on all psychologists to whom this compact is applicable in all compact states as defined by the rules of the commission.

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

1. Identifying information;
2. Licensure data;
3. Significant investigatory information;
4. Adverse actions against a psychologist's license;
5. An indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked;
6. Nonconfidential information related to alternative program participation information;

7. Any denial of application for licensure and the reasons for such denial; and

8. Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

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.

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.

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

#### ARTICLE X

##### ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

A. The compact states hereby create and establish a joint public agency known as the psychology interjurisdictional compact commission.

1. The commission is a body politic and an instrumentality of the compact states.

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.

3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

B. Membership, voting, and meetings.

1. The commission shall consist of one (1) voting representative appointed by each compact state to 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:

a. Executive director, executive secretary, or similar executive;

b. Current member of the state psychology regulatory authority of a compact state; or

c. Designee empowered with the appropriate delegate authority to act on behalf of the compact state.

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 commission shall be filled in accordance with the laws of the compact state in which the vacancy exists.

3. Each commissioner shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall 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.

4. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

5. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in article XI of this compact.

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

- a. Noncompliance of a compact state with its obligations under the compact;
- b. The 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;
- c. Current, threatened, or reasonably anticipated litigation against the commission;
- d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;
- e. Accusation against any person of a crime or formally censuring any person;
- f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
- g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- h. Disclosure of investigatory records compiled for law enforcement purposes;
- i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact; or
- j. Matters specifically exempted from disclosure by federal and state statute.

7. If a meeting, or portion of a meeting, is closed pursuant to this article, 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 that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken by 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 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.

C. The commission shall, by a majority vote of the commissioners, prescribe bylaws or 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:

1. Establishing the fiscal year of the commission;
2. Providing reasonable standards and procedures for the establishment and meetings of other committees and governing any general or specific delegation of any authority or function of the commission;
3. 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 of 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 must make public a copy of the vote to close the meeting, revealing the vote of each commissioner, with no proxy votes allowed;

4. Establishing the titles, duties, and authority and reasonable procedures for the election of the officers of the commission;

5. 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 shall exclusively govern the personnel policies and programs of the commission;

6. Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees; and

7. 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.

D. The commission shall publish its bylaws in a convenient form and file a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the compact states.

E. The commission shall maintain its financial records in accordance with the bylaws.

F. The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

G. The commission shall have the following powers:

1. To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all compact states;

2. To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;

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

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

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

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

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

9. To establish a budget and make expenditures;
  10. To borrow money;
  11. To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;
  12. To provide and receive information from, and to cooperate with, law enforcement agencies;
  13. To adopt and use an official seal; and
  14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice, and telepsychology practice.
- H. The executive board.
1. The elected officers shall serve as the executive board, which shall have the power to act on behalf of the commission according to the terms of this compact.
  2. The executive board shall be comprised of six (6) members:
    - a. Five (5) voting members who are elected from the current membership of the commission by the commission;
    - b. One (1) ex officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.
  3. The ex officio member must have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.
  4. The commission may remove any member of the executive board as provided in bylaws.
  5. The executive board shall meet at least annually.
  6. The executive board shall have the following duties and responsibilities:
    - a. Recommend to the entire commission changes to the rules or bylaws, changes to this compact, fees paid by compact states such as annual dues and any other applicable fees;
    - b. Ensure compact administration services are appropriately provided, contractual or otherwise;
    - c. Prepare and recommend the budget;
    - d. Maintain financial records on behalf of the commission;
    - e. Monitor compact compliance of member states and provide compliance reports to the commission;
    - f. Establish additional committees as necessary; and
    - g. Other duties as provided in rules or bylaws.
- I. Financing of the commission.
1. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.
  2. The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.
  3. The commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, the total amount of which must be sufficient to cover its annual budget as

approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based on a formula to be determined by the commission, which shall promulgate a rule binding upon all compact states.

4. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same or pledge the credit of any of the compact states, except by and with the authority of the compact state.

5. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

J. Qualified immunity, defense, and indemnification.

1. The members, officers, executive director, employees, and representatives of the commission shall be 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 occurred, within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

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

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

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

B. If a majority of the legislatures of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compact state.

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

D. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted on, the commission shall file a notice of proposed rulemaking:

1. On the website of the commission; and
2. On the website of each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

E. The notice of proposed rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted on;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

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

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

1. At least twenty-five (25) persons who submit comments independently of each other;
2. A governmental subdivision or agency; or
3. A duly appointed person in an association that has at least twenty-five (25) members.

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

1. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing no less than five (5) business days before the scheduled date of the hearing.
2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.
3. No transcript of the hearing is required unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This paragraph shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

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

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

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

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

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of commission or compact state funds;
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect public health and safety.

M. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revisions shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

## ARTICLE XII OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

### A. Oversight.

1. The executive, legislative, and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

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

3. The commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the com-

mission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

B. Default, technical assistance, and termination.

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

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

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

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

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

4. A compact state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The commission shall not bear any costs incurred by the state that are found to be in default or that have been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

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

C. Dispute resolution.

1. Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact that arise among compact states and between compact and non-compact states.

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

D. Enforcement.

1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the commission may initiate legal action in the United States district court for the state of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial

enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

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

#### ARTICLE XIII

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

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

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

C. Any compact state may withdraw from this compact by enacting legislation repealing the same.

1. A compact state's withdrawal shall not take effect until six (6) months after enactment of the repealing legislation.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

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

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

#### ARTICLE XIV

##### CONSTRUCTION AND SEVERABILITY

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