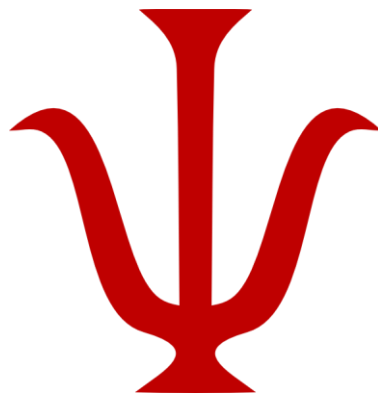




# STATE OF OKLAHOMA BOARD OF EXAMINERS OF PSYCHOLOGISTS

## THE PSYCHOLOGISTS LICENSING ACT

*(effective November 1, 2024)*



# THE PSYCHOLOGISTS LICENSING ACT

(Amended by Laws 2024)

59 OS §§ 1351-1376.

## Section 1351 - Short Title

This act may be cited as the "Psychologists Licensing Act."

Laws 1965, c. 347, § 1, emerg. eff. June 28, 1965.

## Section 1352 – Definitions

In the Psychologists Licensing Act, unless the context otherwise requires:

1. "Board" means the Oklahoma State Board of Examiners of Psychologists;
2. "Psychologist" means a person who represents himself or herself to be a psychologist by using any title or description of services incorporating the words "psychology", "psychological", or "psychologist", or by offering to the public or rendering to individuals or to groups of individuals services defined as the practice of psychology. A psychologist shall not be entitled to use the term "physician" in any title or designation or in any description of services performed by the psychologist unless such psychologist is otherwise authorized to use such designation by Section [725.2](#) of this title;
3. "Practice of psychology" means the observation, description, evaluation, interpretation, and modification of human behavior by the application of psychological principles, methods, and procedures, for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology, a branch of the healing arts, includes, but is not limited to, psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered;
4. "Health service" means the delivery of direct, preventive, assessment and therapeutic intervention services to individuals whose growth, adjustment, or functioning is actually impaired or may be at risk of impairment; and
5. "Health service psychologist" means an individual licensed as a psychologist under the Psychologists Licensing Act to provide health services to the public and who engages in the direct practice of psychology and evidences two (2) years of formal supervised experience conducting psychological intervention services as defined by the rules and regulations of the Board. Effective September 1, 1993, "clinical

psychologist" and "licensed clinical psychologist" shall mean "health service psychologist". Wherever in the Oklahoma Statutes or in rules promulgated pursuant thereto reference is made to clinical psychologist or licensed clinical psychologist, it shall mean health service psychologist.

Laws 1965, c. 347, § 2, emerg. eff. June 28, 1965; Laws 1991, c. 144, § 1, eff. July 1, 1991. Amended by Laws 1993, c. 168, § 4, eff. September 1, 1993.

### **Section 1352.1 - State Board of Examiners of Psychologists - Powers and Duties**

The State Board of Examiners of Psychologists, in addition to the other powers and duties prescribed by the Psychologists Licensing Act, shall have the power and duty to:

1. Regulate the practice of psychology in this state; and
2. Examine and issue the appropriate licenses pursuant to the provisions of the Psychologists Licensing Act to applicants qualified in the practice of psychology; and
3. Continue in effect, suspend, revoke, modify, or deny, pursuant to the provisions of the Psychologists Licensing Act and such conditions as the Board may prescribe, licenses for the practice of psychology in this state; and
4. Investigate complaints, and hold hearings pursuant to the provisions of Sections 301 through 326 of Title 75 of the Oklahoma Statutes; and
5. Initiate prosecution; and
6. Reprimand or place on probation or both any holder of a license pursuant to the provisions of the Psychologists Licensing Act; and
7. Adopt and promulgate standards of professional conduct for psychologists; and
8. Develop and promulgate the rules and regulations and establish fees, not otherwise provided in the Psychologist Licensing Act, necessary to effectuate the provisions of the Psychologists Licensing Act; and
9. Enforce the standards and rules and regulations promulgated pursuant to the provisions of the Psychologists Licensing Act; and
10. Exercise all incidental powers and duties which are necessary and proper to effectuate the provisions of the Psychologists Licensing Act.

Laws 1984, c. 34 § 1, operative July 1, 1984; Amended by Laws 2016, c.169, § 1, effective November 1, 2016.

### **Section 1353 - License Required - Activities Exempt**

No person shall represent himself or herself as a psychologist or engage in the practice of psychology unless the person is licensed pursuant to the provisions of the Psychologists Licensing Act. The provisions of the Psychologists Licensing Act shall not apply to:

1. The teaching of psychology, the conduct of psychological research, or the provision of psychological services or consultation to organizations or institutions; provided, that such teaching, research, or service does not involve the delivery or supervision of direct psychological services to individuals or groups of individuals who are themselves, rather than a third party, the intended beneficiaries of the services, without regard to the source or extent of payment for services rendered. Nothing in the Psychologists Licensing Act shall prevent the provision of expert testimony by psychologists who are otherwise exempt from the provisions of Section 1351 et seq. of this title. Persons holding an earned doctoral degree in psychology from an institution of higher education may use the title "psychologist" in conjunction with the activities permitted by this subsection;

2. Qualified members of other professions, including, but not limited to, physicians, licensed social workers, licensed professional counselors, licensed marital and family therapists, or pastoral counselors, doing work of a psychological nature consistent with their training and consistent with the code of ethics of their respective professions provided they do not hold themselves out to the public by any title or description incorporating the word psychological, psychologist, or psychology, or derivatives thereof, excluding psychotherapy;

3. The activities, services, and use of an official title by a person in the employ of a state agency, if such activities, services, and use are a part of the duties of the office or position of such person within an agency or institution;

4. The activities and services of a person in the employ of a private, nonprofit behavioral services provider contracting with the state to provide behavioral services to the state if such activities and services are a part of the official duties of such person with the private nonprofit agency.

a. Any person who is unlicensed and operating under these exemptions shall not use any of the following official titles or descriptions or derivatives thereof:

- (1) psychologist, psychology or psychological,
- (2) licensed social worker,
- (3) clinical social worker,
- (4) certified rehabilitation specialist,
- (5) licensed professional counselor,
- (6) psychoanalyst, or
- (7) marital and family therapist.

b. Such exemption to the provisions of the Psychologists Licensing Act shall apply only while the unlicensed individual is operating under the auspices of a contract with the state and within the employ of the nonprofit agency contracting with the state. Such exemption will not be applicable to any other setting.

c. State agencies contracting to provide behavioral health services will strive to ensure that quality of care is not compromised by contracting with external providers and that the quality of service is at least equal to the service that would be delivered if that agency were able to provide the service directly. The persons exempt under the provisions of this act shall

provide services that are consistent with their training and experience. Agencies will also ensure that the entity with which they are contracting has qualified professionals in its employ and that sufficient liability insurance is in place to allow for reasonable recourse by the public;

5. The activities and services of a person in the employ of a private, for-profit behavioral services provider contracting with the state to provide behavioral services to youth and families in the care and custody of the Office of Juvenile Affairs or the Department of Human Services on March 14, 1997, if such activities and services are a part of the official duties of such person with the private for-profit contracting agency.

a. Any person who is unlicensed and operating under these exemptions shall not use any of the following official titles or descriptions or derivatives thereof:

- (1) psychologist, psychology or psychological,
- (2) licensed social worker,
- (3) clinical social worker,
- (4) certified rehabilitation specialist,
- (5) licensed professional counselor,
- (6) psychoanalyst, or
- (7) marital and family therapist.

b. Such exemption to the provisions of this act shall apply only while the unlicensed individual is operating under the auspices of a contract with the state and within the employ of the for-profit agency contracting with the state. Such exemption shall only be available for ongoing contracts and contract renewals with the same state agency and will not be applicable to any other setting.

c. State agencies contracting to provide behavioral health services will strive to ensure that quality of care is not compromised by contracting with external providers and that the quality of service is at least equal to the service that would be delivered if that agency were able to provide the service directly. The persons exempt under the provisions of this act shall provide services that are consistent with their training and experience. Agencies will also ensure that the entity with which they are contracting has qualified professionals in its employ and that sufficient liability insurance is in place to allow for reasonable recourse by the public;

6. The activities and services of a student, intern, or resident in psychology, pursuing a course of study at a university or college that is regionally accredited by an organization recognized by the United States Department of Education, or working in a training center recognized by that university or college, if the activities and services constitute a part of the supervised course of study for the student, intern, or resident;

7. Individuals who have been certified as school psychologists by the State Department of Education. They shall be permitted to use the term "certified school psychologist". Such persons shall be restricted in their practice to employment within those settings under the purview of the State Board of Education;

8. The activities and services of a person who performs psychological services pursuant to the direct supervision of a licensed psychologist or psychiatrist or an applicant for licensure who is engaged in the applicant's postdoctoral year of supervision. Such person shall be subject to approval by the Board and to such rules as the Board may prescribe pursuant to the provisions of the Psychologists Licensing Act;

9. The activities and services of a nonresident of this state who renders consulting or other psychological services if such activities and services are rendered for a period which does not exceed in the aggregate more than five (5) days during any year and if the nonresident is authorized pursuant to the laws of the state or country of the person's residence to perform these activities and services. Such person shall inform the Board prior to initiation of services;

10. The activities and services of a nonresident of this state who renders consulting or other psychological services if such activities and services are rendered in cooperation with the American Red Cross or as a member of the Disaster Response Network of the American Psychological Association. The Board shall be informed prior to initiation of services; or

11. For one (1) year, the activities and services of a person who has recently become a resident of this state and has had his or her application for licensing accepted by the Board, and if the person was authorized by the laws of the state or country of his or her former residence to perform such activities and services.

Laws 1965, c. 347, § 3, emerg. eff. June 28, 1965; Laws 1984, c. 34, § 2, emerg. Eff. July 1, 1984; Laws 1991, c. 144, § 2, eff. July 1, 1991. Amended by Laws 1993, c. 168, § 5, eff. September 1, 1993. Amended by Laws 1998, c.153, §2 emerg eff. 4-27-98 & 8-28-98. Amended by Laws 1999, c.1, § 17, emerg. Eff. February 24, 1999. Amended by Laws 2016, c.169, § 2, effective November 1, 2016.

### **Section 1354 - Board of Examiners - Membership - Tenure – Oath**

There is hereby re-created, to continue until July 1, 2025, pursuant to the provisions of the Oklahoma Sunset Law, the State Board of Examiners of Psychologists. The Board shall administer the provisions of the Psychologists Licensing Act. The Board shall consist of seven (7) members appointed by the Governor. Five members shall be psychologists from various areas in psychology and two members shall be lay persons. At the expiration of the term of each Board member who is a psychologist, the Governor shall appoint a successor from a list of ten licensed psychologists which is provided by the Oklahoma State Psychological Association. Members shall serve for a term of four (4) years and until a successor is appointed and qualified. Before entering upon the duties of office, each member of the Board shall take the constitutional oath of office and file it with the Secretary of State.

Laws 1965, c. 347, § 4, emerg. eff. June 28, 1965; Laws 1979 c. 121, § 5, emerg eff. May 1, 1979; Laws 1983, c. 55, § 1, operative July 1, 1983; Laws 1985, c. 24, § 1, operative July 1, 1985; Laws 1991, c. 4, Section 1, eff. July 1, 1991; Laws 1991, c. 144, § 3, eff. July 1, 1991; Laws 1991, c. 335, § 37, emerg. eff. June 15, 1991; Laws 1997, c. 35, § 1. Laws 2003, c.14 § 1; Amended by Laws 2009, HB 1015, C. 18 § 1; Amended by Laws 2013, HB 1683, c. 345 § 1; Amended by Laws 2019, HB 1444, c. 467 § 1.

### **Section 1355 - Qualifications of Examiners**

Each member of the State Board of Examiners of Psychologists shall be a citizen of the United States and a resident of this state. The members of the Board who are

psychologists shall be licensed pursuant to the provisions of the Psychologists Licensing Act. Members of the Board may be reappointed for one four-year term. However, following the termination of a term of service on the Board a former member may be reappointed only after a period of years equal to or greater than the number of years of his or her previous service.

Laws 1965, c. 347, § 5, emerg. eff. June 28, 1965; Laws 1983, c. 55, § 2, operative July 1, 1983; Laws 1991, c. 144, § 4, eff. July 1, 1991, Laws 2004, eff July 1, 2004.

### **Section 1356 - Repealed**

Repealed by Laws 1985, HB 1164, c. 178, § 81, emerg. eff. July 1, 1985

### **Section 1357 - Removal from Board – Vacancies**

After giving the member a written statement of the charges and an opportunity to be heard thereon, the Governor may remove any member of the Board for misconduct, incompetency, or neglect of duty. Any vacancy in the membership of the Board shall be filled by the Governor for the unexpired term. If there is a vacancy in the psychologist membership of the Board, the Governor shall fill it from a list of ten (10) psychologists which is provided by the Oklahoma State Psychological Association.

Laws 1965, § 347, § 7, emerg. eff. June 28, 1965; Laws 1983, c. 55, § 3, operative July 1, 1983; Laws 1991, c. 144, § 5, eff. July 1, 1991.

### **Section 1358 - Meetings - Officers - Employees - Office Space – Seal**

The Board shall hold a regular meeting at which it shall annually select from its membership a chair and a vice-chair. Other regular meetings shall be held at such times as the rules of the Board may provide. Special meetings may be held at such times as may be deemed necessary by the Board or a majority of its members. Reasonable notice of all meetings shall be given in the manner prescribed by the rules of the Board. Four members of the Board shall constitute a quorum. The secretary of the Board shall be appointed by the Board and shall hold office at the pleasure of the Board. The secretary may be a member of the Board. The Board may employ such other persons and may rent or purchase such office space and office equipment as it deems necessary to implement the provisions of the Psychologists Licensing Act. The Board shall adopt an official seal.

Laws 1965, c. 347, § 8, emerg. eff. June 28, 1965; Laws 1983, c. 55, § 4, operative July 1, 1983; Laws 1991, c. 144, § 6, eff. July 1, 1991.

### **Section 1359 - Repealed**

Repealed by Laws 1984, HB 1551, c. 34, § 7, emerg. eff. July 1, 1984.

### **Section 1360 - Psychologists Licensing Fund**

The secretary of the Board shall receive and account for all monies derived under this act. The secretary shall pay these monies monthly to the State Treasurer who shall keep them in a separate fund to be known as the "Psychologists Licensing Fund". All monies received in said fund are hereby appropriated to the Board. Expenditures from the Psychologist Licensing Fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and

payment. It is further provided that all monies in the Psychologists Licensing Fund at the end of each fiscal year, being the unexpended balance of such fund, shall be carried forward and placed to the credit of the Psychologists Licensing Fund for the succeeding fiscal year. The Board may make expenditures from this fund for any purpose which is reasonably necessary to carry out the provisions of this act; provided that all reimbursement for expenses shall be paid only from the Psychologists Licensing Fund. No money shall ever be paid from the General Revenue Fund for the administration of this act and any expenses or liabilities incurred by said Board shall not constitute a charge on any state funds other than said Psychologists Licensing Fund.

Laws 1965, c347, § 10, emerg. Eff. June 28, 1965; Amended by Laws 1980, c.159 § 15, emerg. eff. April 2, 1980; Amended by Laws 1991, c.144, § 144, emerg. Eff. July 1, 1991; Amended by Laws 2016, c169, § 3, eff. November 1, 2016.

### **Section 1361 - Code of Ethics**

The State Board of Examiners of Psychologists shall publish a code of ethics. The code shall take into account the professional character of psychological service and shall be designed to protect the interest of the client and the public. In developing and revising this code, the Board shall hold hearings where interested persons may be heard on the subject and the Board may take into account the Ethical Principles of Psychologists and Code of Conduct promulgated by the American Psychological Association and the Code of Conduct promulgated by the Association of State and Provincial Psychology Boards.

Laws 1965, c. 347, § 11, emerg. eff. June 28, 1965; Amended by Laws 2004, c.313, § 19, emerg. eff. May 19, 2004.

### **Section 1362 - Qualifications of Applicants for Examination**

An applicant is qualified to take the examination to be licensed when the applicant has met the following criteria:

1. Applicants for licensure shall possess a doctoral degree in psychology from an institution of higher education. The degree shall be obtained from a recognized program of graduate study in psychology as defined by the rules and regulations of the Board. Applicants for licensure who graduated before January 1, 1997, shall have completed a doctoral program in psychology that meets recognized acceptable professional standards as determined by the Board. Applicants for licensure who graduated on or after January 1, 1997, shall have completed a doctoral program in psychology that is accredited by the American Psychological Association (APA). In areas where no accreditation exists, applicants for licensure shall have completed a doctoral program in psychology that meets recognized acceptable professional standards as determined by the Board. When a new specialty of professional psychology is recognized as being within the accreditation scope of the APA, doctoral programs within that specialty will be afforded a transition period of eight (8) years from their first class of students to the time of their accreditation. During that transition period, graduates of such programs may sit for licensure examination whether or not the program has been accredited. This also applies to new doctoral programs of specialties previously recognized within the



scope of APA accreditation. Applicants trained in institutions outside the United States shall meet requirements established by the Board;

2. For admission to the licensure examination, applicants shall demonstrate that they have completed two (2) years of supervised professional experience, one (1) year of which shall be postdoctoral. In accordance with the rules and regulations promulgated by the Board, applicants may be allowed to sit for examination during the applicant's second year of experience. The criteria for appropriate supervision shall be in accordance with regulations which shall be promulgated by the Board. Postdoctoral experience shall be compatible with the knowledge and skills acquired during formal doctoral or postdoctoral education in accordance with professional requirements and relevant to the intended area of practice; and

3. Applicants shall be required to show that they have not been convicted of a criminal offense that bears directly on the fitness of the individual to be licensed. Each applicant shall submit to a national criminal history record check, as defined in [Section 150.9 of Title 74](#) of the Oklahoma Statutes. The costs associated with the national criminal history record check shall be paid by the applicant.

Laws 1965, c. 347, § 12, emerg. eff. June 28, 1965; Amended by Laws 1984, c. 34, § 3, emerg. eff. July 1, 1984; Amended by Laws 1991, c. 144, § 8, emerg. eff. July 1, 1991; Amended by Laws 2016, c.169, § 4, eff. November 1, 2016. Amended by Laws 2019, HB 3713, c. 363, § 50, eff. November 1, 2019

### **Section 1362.1 - Certification Required - Additional Requirements**

A. Any licensed psychologist who independently provides or offers to provide health services to the public shall be certified as a Health Service Psychologist by the State Board of Examiners of Psychologists. The Board shall certify as a Health Service Psychologist an applicant who demonstrates that the applicant has at least two (2) years of full-time supervised health service experience as defined by the rules and regulations of the Board.

B. Notwithstanding the provisions of Section 1362 of this title, the applicant shall be certified by the Board as a Health Service Psychologist if the applicant meets one of the following conditions:

1. The psychologist is Board certified by the American Board of Professional Psychology; or

2. The psychologist has the equivalent of two (2) years of full-time experience satisfactory to the Board, one year of which was a doctoral internship, and one year of which was postdoctoral, at a site where health services are provided.

Laws 1991, c. 144, § 9, eff. July 1, 1991; Amended by Laws 2004, c.313, § 20, emerg. eff. May 19, 2004.

### **Section 1363 - Application Form**

Application for examination for a license as a psychologist or for a license without examination shall be upon the forms prescribed by the Board. The Board may require that the application be verified. The fee for the license shall accompany the application.

Laws 1965, c. 347, § 13, emerg. eff. June 28, 1965.

### **Section 1363.1 - Oklahoma State Board of Examiners of Psychologists Agreements with Other Jurisdictions**

The Oklahoma State Board of Examiners of Psychologists may enter into and implement agreements with other jurisdictions for the issuance of a license by reciprocity if the other jurisdiction's requirements for licensure are substantially equal to the requirements of the Psychologists Licensing Act.

Laws 2024, HB 1345, c. 137, § 1. eff. November 1, 2024.

### **Section 1364 - Documentary Evidence as to Experience**

In determining the acceptability of the applicant's professional experience, the Board may require such documentary evidence of the quality, scope, and nature of the applicant's experience as it deems necessary.

Laws 1965, c. 347, § 14, emerg. eff. June 28, 1965.

### **Section 1365 - Examinations - Time - Scope – Reexaminations**

The Board shall administer examinations to qualified applicants at least once a year. The Board shall determine the subject and scope of the examinations. Written examinations may be supplemented by such oral examinations as the Board shall determine. An applicant who fails his or her examination may be reexamined at a subsequent examination upon payment of a reexamination fee.

Laws 1965, c. 347, § 15, emerg. eff. June 28, 1965; Amended by Laws 2019, HB 2195, c. 267, § 2, eff. November 1, 2019.

### **Section 1366 - Issuance of License - License Without Examination**

The Oklahoma State Board of Examiners of Psychologists may issue a license pursuant to the provisions of the Psychologists Licensing Act:

1. To a qualified applicant who has successfully passed the examination prescribed by the Board and who has paid the fee required by the rules promulgated pursuant to the provisions of the Psychologists Licensing Act; or
2. Upon application to the Board and payment of the fees required by the Board by rules of the Board promulgated pursuant to the provisions of the Psychologists Licensing Act, to any person who is a diplomate of the American Board of Professional Psychology, or who holds a current Certificate of Professional Qualification in Psychology from the Association of State and Provincial Psychology Boards, or who is licensed as a psychologist by a state with whom the Board has established a formal written agreement of reciprocity.

Laws 1965, c. 347, § 16, emerg. eff. June 28, 1965; Amended by Laws 1984, c. 34, § 4, emerg. eff. July 1, 1984; Amended by Laws 1991, c. 144, § 10, emerg. eff. July 1, 1991; Amended by Law 1998, c.291, § 2, eff. August 28, 1998; Amended by Laws 2016, c.169, § 5, eff. November 1, 2016. Amended by Laws 2024, HB 1345, c. 137, § 2

### **Section 1367 - Amount of Application and Renewal Fees**

The application fee and the annual renewal fee shall be amounts fixed by the Oklahoma State Board of Examiners of Psychologists. The Board shall fix the amount of the fees so that the total fees collected will be sufficient to meet the expenses of administering the provisions of the Psychologists Licensing Act and so there are no unnecessary surpluses in the "Psychologists Licensing Fund".

Laws 1965, c. 347, § 17, emerg. eff. June 28, 1965; Amended by Laws 1974, c. 176, § 1, emerg. eff. July 1, 1974; Amended by Laws 1977, c. 65, § 1; Laws 1983, c. 55, Section 5, operative July 1, 1993. Amended by

Laws 1993, c. 168, § 6, eff. September 1, 1993; Amended by Laws 2004, c.313, § 21, emerg. eff. May 19, 2004.

### **Section 1368 - Licenses - Contents - Renewals - Inactive Status - Compliance with the Income Tax Laws**

A. The State Board of Examiners of Psychologists shall issue a license to each person that it registers as a psychologist. The license shall show the full name of the psychologist and shall bear a serial number. The license shall be signed by the chairman and secretary of the Board under the seal of the Board.

B. Licenses expire on the thirty-first day of December following their issuance or renewal and are invalid thereafter unless renewed.

C. The Board shall notify every person licensed under this act of the date of expiration and the amount of the renewal fee. Notice shall be provided at least one (1) month before the expiration of the license. Renewal may be made at any time during the months of November or December upon application therefor by payment of the renewal fee. Failure on the part of any person licensed to pay his or her renewal fee before the first day of January does not deprive such person of the right to renew his or her license, but the fee to be paid for renewal after December shall be increased ten percent (10%) for each month or fraction thereof that the payment of the renewal fee is delayed. However, the maximum fee for delayed renewal shall not exceed twice the normal renewal fee. A psychologist who wishes to place his or her license on inactive status may do so upon application by payment of a fee as fixed by the Board; such a psychologist shall not accrue any penalty for late payment of the renewal fee.

D. The Oklahoma Tax Commission shall notify any psychologist who is not in compliance with the income tax laws of this state. Such notification shall include:

1. A statement that the Tax Commission shall proceed by garnishment to collect any delinquent tax and to collect any penalty or interest due and owing as a result of a tax delinquency until the psychologist is deemed by the Commission to be in compliance with the income tax laws of this state;
2. The reasons that the psychologist is considered to be out of compliance with the income tax laws of this state, including a statement of the amount of any tax, penalties and interest due or a list of the tax years for which income tax returns have not been filed as required by law;
3. An explanation of the rights of the psychologist and the procedures which must be followed by the psychologist in order to come into compliance with the income tax laws of this state; and
4. Such other information as may be deemed necessary by the Tax Commission.

Laws 1965, c. 347, § 18, emerg. eff. June 28, 1965; Amended by Laws 1974, c.305, § 1, emerg. eff. May 29, 1974; Amended by Laws 1977, c. 65, § 2, Amended by Laws 2004, § 22, eff. May 19, 2004; Amended by Laws 2019, HB 2195, c. 267, § 3, eff. November 1, 2019.

### **Section 1368.1 - Establishment of Continuing Education Requirements**

The Board is hereby authorized to establish requirements of continuing education as a condition for the renewal of licensure of psychologists; however, rules and regulations concerning accreditation of continuing education programs and other educational experience, and the assignment of credit for participation therein must be promulgated by the board at least one (1) year prior to implementation of continuing education.

Laws 1987, c. 206, § 67, emerg. eff. July 1, 1987; Amended by Laws 1987, c.236, § 35, emerg. eff. July 20, 1987.

### **Section 1369 - List of Licensed Psychologists**

The State Board of Examiners of Psychologists shall maintain and publish an up-to-date list of all psychologists licensed under this act on the website of the Board. The list shall contain the name and address of the psychologist and such other information that the Board deems desirable.

Laws 1965, c. 347, § 19, emerg. eff. June 28, 1965, Amended by Laws 2004, c.313, § 23, emerg. eff. May 19, 2004; Amended by Laws 2016, c.169, § 6, eff. November 1, 2016.

### **Section 1370 - Conduct of Professional Activities - License**

A. A psychologist and any other persons under the supervision of the psychologist shall conduct their professional activities in conformity with ethical and professional standards promulgated by the State Board of Examiners of Psychologists by rule.

B. The Board shall have the power and duty to suspend, place on probation, require remediation, revoke any license to practice psychology, impose an administrative fine not to exceed Five Thousand Dollars (\$5,000.00) per incident, or assess reasonable costs or to take any other action specified in the rules whenever the Board shall find by clear and convincing evidence that the psychologist has engaged in any of the following acts or offenses:

1. Fraud in applying for or procuring a license to practice psychology;
2. Immoral, unprofessional, or dishonorable conduct as defined in the rules promulgated by the Board;
3. Practicing psychology in a manner as to endanger the welfare of clients or patients;
4. Conviction of a felony crime that substantially relates to the business practices of psychology or poses a reasonable threat to public safety;
5. Harassment, intimidation, or abuse, sexual or otherwise, of a client or patient;
6. Engaging in sexual intercourse or other sexual contact with a client or patient;
7. Use of repeated untruthful, deceptive or improbable statements concerning the licensee's qualifications or the effects or results of proposed treatment, including practicing outside of the psychologist's professional competence established by education, training, and experience;

8. Gross malpractice or repeated malpractice or gross negligence in the practice of psychology;
9. Aiding or abetting the practice of psychology by any person not approved by the Board or not otherwise exempt from the provisions of [Section 1351](#) et seq. of this title;
10. Conviction of or pleading guilty or nolo contendere to fraud in filing Medicare or Medicaid claims or in filing claims with any third-party payor. A copy of the record of plea or conviction, certified by the clerk of the court entering the plea or conviction, shall be conclusive evidence of the plea or conviction;
11. Exercising undue influence in a manner to exploit the client, patient, student, or supervisee for financial advantage beyond the payment of professional fees or for other personal advantage to the practitioner or a third party;
12. The suspension or revocation by another state of a license to practice psychology. A certified copy of the record of suspension or revocation of the state making such a suspension or revocation shall be conclusive evidence thereof;
13. Refusal to appear before the Board after having been ordered to do so in writing by the executive officer or chair of the Board;
14. Making any fraudulent or untrue statement to the Board;
15. Violation of the code of ethics adopted in the rules and regulations of the Board; and
16. Inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.

C. No license shall be suspended or revoked nor the licensee placed on probation or reprimanded until the licensee has been given an opportunity for a hearing before the Board pursuant to the provisions of subsection D of this section. Whenever the Board determines that there has been a violation of any of the provisions of the Psychologists Licensing Act or of any order of the Board, it shall give written notice to the alleged violator specifying the cause of complaint. The notice shall require that the alleged violator appear before the Board at a time and place specified in the notice and answer the charges specified in the notice. The notice shall be delivered to the alleged violator in accordance with the provisions of subsection E of this section not less than ten (10) days before the time set for the hearing.

D. On the basis of the evidence produced at the hearing, the Board shall make findings of fact and conclusions of law and enter an order thereon in writing or stated in the record. A final order adverse to the alleged violator shall be in writing. An order stated in the record shall become effective immediately, provided the

Board gives written notice of the order to the alleged violator and to the other persons who appeared at the hearing and made written request for notice of the order. If the hearing is held before any person other than the Board itself, such person shall transmit the record of the hearing together with recommendations for findings of fact and conclusions of law to the Board, which shall thereupon enter its order. The Board may enter its order on the basis of such record or, before issuing its order, require additional hearings or further evidence to be presented. The order of the Board shall become final and binding on all parties unless appealed to the district court as provided for in the Administrative Procedures Act.

E. Except as otherwise expressly provided for by law, any notice, order, or other instrument issued by or pursuant to the authority of the Board may be served on any person affected, by publication or by mailing a copy of the notice, order, or other instrument by registered mail directed to the person affected at the last-known post office address of such person as shown by the files or records of the Board. Proof of the service shall be made as in case of service of a summons or by publication in a civil action. Proof of mailing may be made by the affidavit of the person who mailed the notice. Proof of service shall be filed in the office of the Board.

F. Every certificate or affidavit of service made and filed as provided for in this section shall be prima facie evidence of the facts stated therein, and a certified copy thereof shall have same force and effect as the original certificate or affidavit of service.

G. If the psychologist fails or refuses to appear, the Board may proceed to hearing and determine the charges in his or her absence. If the psychologist pleads guilty, or if upon hearing the charges, a majority of the Board finds them to be true, the Board may enter an order suspending or revoking the license of the psychologist, reprimanding the psychologist, or placing the psychologist on probation or any combination of penalties authorized by the provisions of this section.

H. The secretary of the Board shall preserve a record of all proceedings of the hearings and shall furnish a transcript of the hearings to the defendant upon request. The defendant shall prepay the actual cost of preparing the transcript.

I. Upon a vote of four of its members, the Board may restore a license which has been revoked, reduce the period of suspension or probation, or withdraw a reprimand.

J. As used in this section:

1. "Substantially relates" means the nature of criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation; and

2. "Poses a reasonable threat" means the nature of criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation.

K. The Board may keep confidential its investigative files.

L. The forfeiture, nonrenewal, surrender or voluntary relinquishment of a license by a licensee shall not bar jurisdiction by the Board to proceed with any investigation, action or proceeding to revoke, suspend, condition or limit the licensee's license or fine the licensee.

Laws 1965, c.347, § 20; Amended by Laws 1974, c.64, § 1, emerg. eff. April 13, 1974; Amended by Laws 1984, c.34, § 5, emerg. eff. July 1, 1984; Amended by Laws 1991, c.144, § 11, emerg. eff. July 1, 1991; Amended by Laws 1998, c.291, § 3, eff. August 28, 1998, Amended by Laws 2004, c.313, § 24, emerg. eff. May 19, 2004; Amended by Laws 2015, c.183 § 8, eff. November 1, 2015; Amended by Laws 2016, c.169, § 7, eff. November 1, 2016; Amended by Laws 2019, HB 2195, c. 267, § 4, eff. November 1, 2019.

### **Section 1370.1 Conduct of Hearings**

A. The hearings provided for by Section 1370 of Title 59 of the Oklahoma Statutes shall be conducted by the Board itself at a regular or special meeting of the Board. Such hearings shall be conducted in conformity with and records made thereof as provided by the provisions of Sections 301 through 326 of Title 75 of the Oklahoma Statutes.

B. It shall continue to be the duty of the Attorney General to issue his official opinion to the Board and to prosecute and defend actions for the Board, if requested to do so.

Laws 1984, c. 34, § 6, emerg. eff. July 1, 1984.

### **Section 1370.2 - Chair of the State Board of Examiners of Psychologists - Conduct a Hearing - Emergency Temporary License Suspension**

The chair of the State Board of Examiners of Psychologists, upon concurrence of the vice-chair of the Board that an emergency exists for which the immediate suspension of a license is imperative for the public health, safety, and welfare, may conduct a hearing as provided by Section 314 of Title 75 of the Oklahoma Statutes to temporarily suspend the license of any person under the jurisdiction of the Board.

Laws 2012, c.211 § 1, eff. November 1, 2012.

### **Section 1370.3 - Duty to Report Psychologist Suspected of Practicing While Impaired or Incapacitated**

A. A licensed psychologist shall report to the Board information regarding a psychologist suspected of practicing psychology while being impaired or incapacitated by misuse of drugs, narcotics, alcohol, chemicals, or as a result of any mental or physical condition. Any person making a report to the Board under this section shall be immune from any civil or criminal liability resulting from such reports, provided such reports are made in good faith.

B. The Board may defer disciplinary action under Section 1370 of this title for an impaired psychologist who voluntarily signs an agreement, in a form satisfactory to the Board, agreeing to enter a Board-approved treatment and monitoring program for impaired practitioners. The impaired psychologist shall consent, in accordance with applicable law, to the release of any treatment information to the Board from anyone within the approved treatment program.

C. In the event the psychologist fails to comply with the agreement terms and make satisfactory progress in the treatment and monitoring program, the Board shall

suspend the license immediately and assign a hearing date for the matter to be presented to the Board.

D. Any person who enters into an agreement under this section shall be responsible for any and all costs associated with participation in the treatment program.

E. A psychologist's participation in a treatment program does not prevent the Board from conducting additional proceedings for acts or omissions of acts not specifically related to the impairment.

Laws 2016, c.169, § 9, eff. November 1, 2016.

### **Section 1371. Repealed**

Repealed by Laws 1991, HB 1684, c. 144, § 13, emerg. eff. July 1, 1991

### **Section 1372. Repealed**

Repealed by Laws 1978, SB 276, c. 285, § 1102, eff. October 1, 1978

### **Section 1373 – Injunction**

The Board, the Attorney General, or the local district attorney may apply to the district court in the county in which a violation of this act is alleged to have occurred for an order enjoining or restraining the commission or continuance of the acts complained of. Thereupon, the court has jurisdiction of the proceedings and may grant such temporary or permanent injunction or restraining order, without bond, as it deems just and proper. The remedy provided by this section is in addition to, and independent of, any other remedies available for the enforcement of this act.

Laws 1965, c.347, § 23, emerg. eff. June 28, 1965.

### **Section 1374 - Violations and Penalties**

Any person who, after the first day of January, 1966, represents himself to be a psychologist or engages in the practice of psychology within this state without being licensed or exempted in accordance with the provisions of this act is guilty of a misdemeanor and, upon conviction, shall be fined not more than Five Hundred Dollars (\$500.00) or be confined in jail for not more than six (6) months, or both. Each day of violation is a separate offense.

Laws 1965, c. 347, § 24, emerg. eff. June 28, 1965.

### **Section 1375 - Annual Reports**

The Board shall make an annual report to the Governor, not later than the 15th day of November of each year, which report shall contain an account of all monies received, licenses issued, suspended, or revoked and all expenditures made by said Board in the previous fiscal year prior to said date.

Laws 1965, c. 347, § 25, emerg. eff. June 28, 1965; Amended by Laws 2016, c.169, § 8, eff. November 1, 2016.

### **Section 1376 - Confidential Nature of Communications - Disclosure – Exceptions**

All communications between a licensed psychologist and the individual with whom the psychologist engages in the practice of psychology are confidential. At the initiation of the professional relationship the psychologist shall inform the patient of



the following limitations to the confidentiality of their communications. No psychologist, colleague, agent or employee of any psychologist, whether professional, clerical, academic or therapeutic, shall disclose any information acquired or revealed in the course of or in connection with the performance of the psychologist's professional services, including the fact, circumstances, findings or records of such services, except under the following circumstances:

1. Pursuant to the provisions of Section 2503 of Title 12 of the Oklahoma Statutes or where otherwise provided by law;

2. Upon express, written consent of the patient;

3. Upon the need to disclose information to protect the rights and safety of self or others if:

a. the patient presents a clear and present danger to himself and refuses explicitly or by behavior to voluntarily accept further appropriate treatment. In such circumstances, where the psychologist has a reasonable basis to believe that a patient can be committed to a hospital pursuant to Section 5-401 of Title 43A of the Oklahoma Statutes, the psychologist shall have a duty to seek commitment. The psychologist may also contact members of the patient's family, or other individuals if in the opinion of the psychologist, such contact would assist in protecting the safety of the patient,

b. the patient has communicated to the psychologist an explicit threat to kill or inflict serious bodily injury upon a reasonably identified person and the patient has the apparent intent and ability to carry out the threat. In such circumstances the psychologist shall have a duty to take reasonable precautions. A psychologist shall be deemed to have taken reasonable precautions if the psychologist makes reasonable efforts to take one or more of the following actions:

(1) communicates a threat of death or serious bodily injury to the reasonably identified person,

(2) notifies an appropriate law enforcement agency in the vicinity where the patient or any potential victim resides,

(3) arranges for the patient to be hospitalized voluntarily, or

(4) takes appropriate steps to initiate proceedings for involuntary hospitalization pursuant to law,

c. the patient has a history of physical violence which is known to the psychologist and the psychologist has a reasonable basis to believe that there is a clear and imminent danger that the patient will attempt to kill or inflict serious bodily injury upon a reasonably identified person. In such circumstances the psychologist shall have a duty to take reasonable precaution. A psychologist shall be deemed to have taken reasonable precautions if the psychologist makes reasonable efforts to take one or more of the following actions:

- (1) communicates a threat of death or serious bodily injury to the reasonably identified person,
- (2) notifies an appropriate law enforcement agency in the vicinity where the patient or any potential victim resides,
- (3) arranges for the patient to be hospitalized voluntarily,
- (4) takes appropriate steps to initiate proceedings for involuntary hospitalization pursuant to law,

d. nothing contained in subparagraph b of this paragraph shall require a psychologist to take any action which, in the exercise of reasonable professional judgment, would endanger the psychologist or increase the danger to a potential victim or victims, or

e. the psychologist shall only disclose that information which is essential in order to protect the rights and safety of others;

4. In order to collect amounts owed by the patient for professional services rendered by the psychologist or employees of the psychologist. Provided, the psychologist may only disclose the nature of services provided, the dates of services, the amount due for services and other relevant financial information. If the patient raises as a defense to said action, a substantive assertion concerning the competence of the psychologist or the quality of the services provided, the psychologist may disclose whatever information is necessary to rebut such assertion;

5. In any proceeding brought by the patient against the psychologist and in any malpractice, criminal or license revocation proceeding in which disclosure is necessary or relevant to the claim or defense of the psychologist;

6. In such other situations as shall be defined by the rules and regulations of the Board; or

7. When the patient is an inmate in the custody of the Department of Corrections or a private prison or facility under contract with the Department of Corrections, and the release of the information is necessary:

a. to prevent or lessen a serious and imminent threat to the health or safety of a person or the public, and it is to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat, or

b. for law enforcement authorities to identify or apprehend an individual where it appears from all the circumstances that the individual has escaped from a correctional institution or from lawful custody.

Laws 1991, c. 144, § 12, eff. July 1, 1991; Amended by Laws 2004, c.168, § 14, emerg. eff. April 27, 2004.

### **Section 1377 - Short Title**

This act shall be known and may be cited as the "Psychology Interjurisdictional Compact".

Laws 2019, HB 1057, c. 187, § 1, eff. November 1, 2019.

## **Section 1378 - Findings - Purposes and Objectives**

The Oklahoma Legislature makes the following findings:

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

This Compact is intended to regulate the day-to-day practice of telepsychology, which is the provision of psychological services using telecommunication technologies, by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority.

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.

This Compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the Compact, to psychologists licensed in another state.

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 the public health and safety.

This Compact does not apply when a psychologist is licensed in both the home and receiving states.

This Compact does not apply to permanent in-person, face-to-face practice, but it does allow for the 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 the compact states in the areas of psychology licensure and regulation;
4. Facilitate the exchange of information between the 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.

### **Section 1379 – Definitions**

As used in this act:

1. "Adverse action" means any action taken by a state psychology regulatory authority, which is identified by that authority as discipline, which action is taken upon the finding of a violation and is a matter of public record;
2. "Association of State and Provincial Psychology Boards (ASPPB)" means the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada;
3. "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;
4. "Bylaws" means those bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to Section 11 of this act for its governance, or for directing and controlling its actions and conduct;
5. "Client/patient" means the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision and/or consulting services;
6. "Commissioner" means the voting representative appointed by each state psychology regulatory authority pursuant to Section 11 of this act;
7. "Compact state" means a state, the District of Columbia or United States territory that has enacted this Compact and which has not withdrawn pursuant to Section 14 of this act or been terminated pursuant to Section 13 of this act;
8. "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 is administered by the recognized membership organization composed of the state psychology regulatory authorities;
9. "Confidentiality" means the principle that data or information is not made available or disclosed to unauthorized persons or processes;
10. "Day" means any part of a day in which psychological work is performed;
11. "Distant state" means the compact state where a psychologist is physically present, not through using telecommunications technologies, to provide temporary in-person, face-to-face psychological services;
12. "E-Passport" means a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines;

13. "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;
14. "Home state" means a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist was physically present when the telepsychological services were delivered. If the psychologist is licensed in more than one compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed;
15. "Identity history summary" means a summary of information retained by the Federal Bureau of Investigation, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization or military service;
16. "In-person, face-to-face" means interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies;
17. "Interjurisdictional practice certificate (IPC)" means a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the state psychology regulatory authority of the intention to practice temporarily, and verification of one's qualifications for such practice;
18. "License" means authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without the authorization;
19. "Noncompact state" means any state which is not at the time a compact state;
20. "Psychologist" means an individual licensed for the independent practice of psychology;
21. "Psychology Interjurisdictional Compact Commission" or "Commission" means the national administration of which all compact states are members;
22. "Receiving state" means a compact state where the client/patient is physically located when the telepsychological services are delivered;
23. "Rule" means a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to Section 12 of this act that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or 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;
24. "Significant investigatory information" means:

- a. 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 that would be considered more substantial than a minor infraction, or
  - b. investigative information that indicates that the psychologist represents an immediate threat to the public health and safety, regardless of whether the psychologist has been notified or had an opportunity to respond;
25. "State" means a state, commonwealth, territory or possession of the United States or the District of Columbia;
26. "State psychology regulatory authority" means the board, office or other agency with the legislative mandate to license and regulate the practice of psychology;
27. "Telepsychology" means the provision of psychological services using telecommunication technologies;
28. "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; and
29. "Temporary in-person, face-to-face practice" means where a psychologist is physically present, not through using telecommunications technologies, in the distant state to provide for the practice of psychology for thirty (30) days within a calendar year and based on notification to the distant state.

Laws 2019, HB 1057, c. 187, § 3, eff. November 1, 2019.

### **Section 1380 - Licenses**

- A. The home state shall be a compact state where a psychologist is licensed to practice psychology.
- B. A psychologist may hold one or more compact state licenses at a time. If the psychologist is licensed in more than one compact state, the home state is the compact state where the psychologist was physically present when the services were 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 the 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, not 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 interjurisdictional practice certificate (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.

Laws 2019, HB 1057, c. 187, § 4, eff. November 1, 2019.

**Section 1381 - Requirements to Practice Telepsychology in Compact State**

A. Compact states shall recognize the right of a psychologist licensed in a compact state in conformance with Section 4 of this act to practice telepsychology in other compact states, in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the Compact.

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

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

- a. regionally accredited by an accrediting body recognized by the 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 (NACES) or by a recognized foreign credential evaluation service;
2. Hold a graduate degree in psychology that meets the following criteria:
- a. the program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program and such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists,
  - b. the psychology program must stand as a recognizable, coherent organizational entity within the institution,
  - c. there must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines,
  - d. the program must consist of an integrated, organized sequence of study,
  - e. there must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities,
  - f. the designated director of the program must be a psychologist and a member of the core faculty,
  - g. the program must have an identifiable body of students who are matriculated in that program for a degree,
  - h. the program must include supervised practicum, internship or field training appropriate to the practice of psychology,
  - i. the curriculum shall encompass a minimum of three (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 a master's degree, and
  - j. the program must include 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 which 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, 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 in 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 or 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.

Laws 2019, HB 1057, c. 187, § 5, eff. November 1, 2019.

### **Section 1382 - Requirements for Temporary Authorization to Practice in Compact State**

A. Compact states shall also recognize the right of a psychologist, licensed in a compact state in conformance with Section 4 of this act, to practice temporarily in other compact states, or distant states, in which the psychologist is not licensed, as provided in the 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 (NACES) or by a recognized foreign credential evaluation service;

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

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

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

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

d. the program must consist of an integrated, organized sequence of study,

e. there must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities,

f. the designated director of the program must be a psychologist and a member of the core faculty,

g. the program must have an identifiable body of students who are matriculated in that program for a degree,

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

i. the curriculum shall encompass a minimum of three (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 must include 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 which 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 interjurisdictional practice certificate (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 in a distant state under the temporary authorization to practice shall practice 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 or 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.

Laws 2019, HB 1057, c. 187, § 6, eff. November 1, 2019.

### **Section 1383 - Circumstances for Telepsychology**

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.

Laws 2019, HB 1057, c. 187, § 7, eff. November 1, 2019.

### **Section 1384 - Adverse Action**

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 interjurisdictional practice certificate (IPC) is revoked.

1. All home state disciplinary orders which 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 which 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 the temporary authorization to practice which 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 section.

Laws 2019, HB 1057, c. 187, § 8, eff. November 1, 2019.

### **Section 1385 - 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, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses and/or the production of evidence from another compact state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence is located; and

2. Issue cease and desist and/or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology and/or temporary authorization to practice.

B. During the course of any investigation, a psychologist may not change his or her 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 his or her 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.

Laws 2019, HB 1057, c. 187, § 9, eff. November 1, 2019.

### **Section 1386 - Coordinated Licensure Information System/Coordinated Database**

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 psychologist individuals 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 which 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.

Laws 2019, HB 1057, c. 187, § 10, eff. November 1, 2019.

### **Section 1387 - Psychology Interjurisdictional Compact Commission**

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

1. The Commission is a body politic and an instrumentality of the compact states;
2. 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; and
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 voting representative appointed by each compact state who shall serve as that state's Commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:
  - a. an executive director, executive secretary or similar executive,
  - b. a current member of the state psychology regulatory authority of a compact state, or
  - c. a 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 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 Section 12 of this act.

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 which 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 provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons 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 and/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:
  - a. for the establishment and meetings of other committees, and
  - b. 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;
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 and reserving of all of its debts and obligations;

8. 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;

9. The Commission shall maintain its financial records in accordance with the bylaws; and

10. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the bylaws.

D. The Commission shall have the following powers:

1. The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact which 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 to 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, 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.

E. The Executive Board.

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

1. The Executive Board shall be comprised of six (6) members:
  - a. five voting members who are elected from the current membership of the Commission by the Commission, and
  - b. one ex officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.
2. The ex officio member must have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.
3. The Commission may remove any member of the Executive Board as provided in the bylaws.
4. The Executive Board shall meet at least annually.
5. The Executive Board shall have the following duties and responsibilities:
  - a. recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by compact states, such as annual dues, and any other applicable fees,
  - b. ensure 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 the rules or bylaws.

#### F. Financing of the Commission.

1. The Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.
2. The Commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.
3. The Commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission which shall promulgate a rule binding upon all compact states.
4. The Commission shall not incur obligations of any kind before securing the funds adequate to meet the same, nor shall the Commission pledge the credit of any of the compact states, except by and with the authority of the compact state.
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.

#### G. 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 subsection shall be construed to protect any such person from suit and/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 his or her own counsel, and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

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.

Laws 2019, HB 1057, c. 187, § 11, eff. November 1, 2019.

### **Section 1388 - The Commission - Rules and Amendments**

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section 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 upon, the Commission shall file a notice of proposed rulemaking:

1. On the website of the Commission; and
2. On the website of the 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 upon;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend 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 persons who submit comments independently of each other;
2. A government subdivision or agency; or
3. A duly appointed person in an association that has at least twenty-five 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 and:

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 not 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 subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses; and
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 provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to the 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 the 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 Internet website of the Commission. The revision 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 before 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.

Laws 2019, HB 1057, c. 187, § 13, eff. November 1, 2019.

### **Section 1389 - Oversight - Default, Technical Assistance and Termination - Dispute Resolution – 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 which 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 Commission 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 the 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 which has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

5. The Commission shall not bear any costs incurred by the state which is found to be in default or which has 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 fees.

C. Dispute Resolution.

1. Upon request by a compact state, the Commission shall attempt to resolve disputes related to the Compact which arise among compact states and between compact and noncompact 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 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.

Laws 2019, HB 1057, c. 187, § 13, eff. November 1, 2019; Amended by Laws 2021, HB 2770, c. 165, § 1, eff. November 1, 2021

**Section 1390 - Compact Effective Date - Withdrawal – Amendment**

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

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

C. Any compact state may withdraw from this Compact by enacting a statute repealing the same:

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

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

D. Nothing contained in this Compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a



compact state and a noncompact state which does not conflict with the provisions of this Compact.

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

Laws 2019, HB 1057, c. 187, § 14, eff. November 1, 2019

### **Section 1391 - Injunctions Against Any Person Practicing Psychology Without a License**

The Oklahoma State Board of Examiners of Psychologists (OSBEP) through the Attorney General may maintain in any court of competent jurisdiction a suit for an injunction against any person practicing psychology without a license or authorization to practice psychology in this state.

Such an injunction:

1. May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure; and
2. Does not relieve any person from criminal prosecution for practicing without a license.

Laws 2019, HB 1057, c. 187, § 15, eff. November 1, 2019.

### **Section 1392 - Persons Allowed to Offer Services as a Psychologist**

Except as authorized by the Psychology Interjurisdictional Compact:

1. A person shall not represent himself or herself as a psychologist within the meaning of this chapter or engage in the practice of psychology unless he or she is licensed under the provisions of this chapter, except that any psychological scientist employed by an accredited educational institution or public agency that has set explicit standards may represent himself or herself by the title conferred upon him or her by such institution or agency;
2. This Compact does not grant approval for any person to offer services as a psychologist to any other person as a consultant, and to accept remuneration for such psychological services, other than that of an institutional salary, unless the psychologist has been licensed under the provisions of this chapter;
3. This Compact does not prevent the teaching of psychology or psychological research, unless the teaching or research involves the delivery or supervision of direct psychological services to a person. Persons who have earned a doctoral degree in psychology from an accredited educational institution may use the title "psychologist" in conjunction with the activities permitted by this section;
4. A graduate student in psychology whose activities are part of the course of study for a graduate degree in psychology at an accredited educational institution or a person pursuing postdoctoral training or experience in psychology to fulfill the requirements for licensure under the provisions of this chapter may use the terms "psychological trainee", "psychological intern", "psychological resident" or "psychological assistant" if the activities are performed under the supervision of a

licensed psychologist in accordance with the regulations adopted by the Oklahoma State Board of Examiners of Psychologists; and

5. A person who is certified as a school psychologist licensed under the statutes of the State of Oklahoma may use the title "school psychologist" in connection with activities relating to school psychologists.

Laws 2019, HB 1057, c. 187, § 16, eff. November 1, 2019.

**Section 1393 - Force and Effect**

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

Laws 2019, HB 1057, c. 187, § 17, eff. November 1, 2019.