

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 361  
Health Care Committee Substitute Adopted 6/12/19  
Third Edition Engrossed 6/26/19

Short Title: Health Care Expansion Act of 2019.

(Public)

Sponsors:

Referred to:

March 27, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS REFORMS THAT WILL INCREASE ACCESS TO HEALTH  
3 CARE IN NORTH CAROLINA.

4 The General Assembly of North Carolina enacts:

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6 **PART I. PSYCHOLOGY INTERJURISDICTIONAL LICENSURE COMPACT**

7 **SECTION 1.(a)** Article 18A of Chapter 90 of the General Statutes, G.S. 90-270.1  
8 through G.S. 90-270.22, is recodified as Article 18G of Chapter 90 of the General Statutes,  
9 G.S. 90-270.135 through G.S. 90-270.159.

10 **SECTION 1.(b)** Chapter 90 of the General Statutes is amended by adding a new  
11 Article to read:

12 "Article 18H.

13 "Psychology Interjurisdictional Licensure Compact.

14 **"§ 90-270.160. Purpose.**

15 This Compact is designed to achieve the following purposes and objectives:

- 16 (1) Increase public access to professional psychological services by allowing for  
17 telepsychological practice across state lines as well as temporary in-person,  
18 face-to-face services into a state which the psychologist is not licensed to  
19 practice psychology.  
20 (2) Enhance the states' ability to protect the public's health and safety, especially  
21 client/patient safety.  
22 (3) Encourage the cooperation of Compact States in the areas of psychology  
23 licensure and regulation.  
24 (4) Facilitate the exchange of information between Compact States regarding  
25 psychologist licensure, adverse actions, and disciplinary history.  
26 (5) Promote compliance with the laws governing psychological practice in each  
27 Compact State.  
28 (6) Invest all Compact States with the authority to hold licensed psychologists  
29 accountable through the mutual recognition of Compact State licenses.

30 **"§ 90-270.161. Definitions.**

- 31 (1) Adverse action. – Any action taken by a State Psychology Regulatory  
32 Authority which finds a violation of a statute or regulation that is identified  
33 by the State Psychology Regulatory Authority as discipline and is a matter of  
34 public record.



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- 1           (2)    Association of State and Provincial Psychology Boards (ASPPB). – The  
2           recognized membership organization composed of State and Provincial  
3           Psychology Regulatory Authorities responsible for the licensure and  
4           registration of psychologists throughout the United States and Canada.  
5           (3)    Authority to Practice Interjurisdictional Telepsychology. – A licensed  
6           psychologist's authority to practice telepsychology, within the limits  
7           authorized under this Compact, in another Compact State.  
8           (4)    Bylaws. – Those Bylaws established by the Psychology Interjurisdictional  
9           Compact Commission pursuant to G.S. 90-270.169 for its governance or for  
10           directing and controlling its actions and conduct.  
11           (5)    Client/patient. – The recipient of psychological services, whether  
12           psychological services are delivered in the context of health care, corporate,  
13           supervision, and/or consulting services.  
14           (6)    Commissioner. – The voting representative appointed by each State  
15           Psychology Regulatory Authority pursuant to G.S. 90-270.169.  
16           (7)    Compact State. – A state, the District of Columbia, or United States territory  
17           that has enacted this Compact legislation and which has not withdrawn  
18           pursuant to G.S. 90-270.172(c) or been terminated pursuant to  
19           G.S. 90-270.171(b).  
20           (8)    Confidentiality. – The principle that data or information is not made available  
21           or disclosed to unauthorized persons and/or processes.  
22           (9)    Coordinated Licensure Information System or Coordinated Database. – An  
23           integrated process for collecting, storing, and sharing information on  
24           psychologists' licensure and enforcement activities related to psychology  
25           licensure laws, which is administered by the recognized membership  
26           organization composed of State and Provincial Psychology Regulatory  
27           Authorities.  
28           (10)   Day. – Any part of a day in which psychological work is performed.  
29           (11)   Distant State. – The Compact State where a psychologist is physically present  
30           (not through the use of telecommunications technologies) to provide  
31           temporary in-person, face-to-face psychological services.  
32           (12)   E.Passport. – A certificate issued by the Association of State and Provincial  
33           Psychology Boards (ASPPB) that promotes the standardization in the criteria  
34           of interjurisdictional telepsychology practice and facilitates the process for  
35           licensed psychologists to provide telepsychological services across state lines.  
36           (13)   Executive Board. – A group of directors elected or appointed to act on behalf  
37           of, and within the powers granted to them by, the Commission.  
38           (14)   Home State. – A Compact State where a psychologist is licensed to practice  
39           psychology. If the psychologist is licensed in more than one Compact State  
40           and is practicing under the Authority to Practice Interjurisdictional  
41           Telepsychology, the Home State is the Compact State where the psychologist  
42           is physically present when the telepsychological services are delivered. If the  
43           psychologist is licensed in more than one Compact State and is practicing  
44           under the Temporary Authorization to Practice, the Home State is any  
45           Compact State where the psychologist is licensed.  
46           (15)   Identity History Summary. – A summary of information retained by the FBI,  
47           or other designee with similar authority, in connection with arrests and, in  
48           some instances, federal employment, naturalization, or military service.  
49           (16)   In-person, face-to-face. – Interactions in which the psychologist and the  
50           client/patient are in the same physical space and which does not include

- 1 interactions that may occur through the use of telecommunication  
2 technologies.
- 3 (17) Interjurisdictional Practice Certificate (IPC). – A certificate issued by the  
4 Association of State and Provincial Psychology Boards (ASPPB) that grants  
5 temporary authority to practice based on notification to the State Psychology  
6 Regulatory Authority of intention to practice temporarily and verification of  
7 one's qualifications for such practice.
- 8 (18) License. – Authorization by a State Psychology Regulatory Authority to  
9 engage in the independent practice of psychology, which would be unlawful  
10 without the authorization.
- 11 (19) Non-Compact State. – Any State which is not at the time a Compact State.
- 12 (20) Psychologist. – An individual licensed for the independent practice of  
13 psychology.
- 14 (21) Psychology Interjurisdictional Compact Commission (Commission). – The  
15 national administration of which all Compact States are members.
- 16 (22) Receiving State. – A Compact State where the client/patient is physically  
17 located when the telepsychological services are delivered.
- 18 (23) Rule. – A written statement by the Psychology Interjurisdictional Compact  
19 Commission promulgated pursuant to G.S. 90-270.170 of the Compact that is  
20 of general applicability, implements, interprets, or prescribes a policy or  
21 provision of the Compact, or an organizational, procedural, or practice  
22 requirement of the Commission and has the force and effect of statutory law  
23 in a Compact State, and includes the amendment, repeal, or suspension of an  
24 existing rule.
- 25 (24) Significant investigatory information. –  
26 a. Investigative information that a State Psychology Regulatory  
27 Authority, after a preliminary inquiry that includes notification and an  
28 opportunity to respond if required by state law, has reason to believe,  
29 if proven true, would indicate more than a violation of state statute or  
30 ethics code that would be considered more substantial than minor  
31 infraction; or  
32 b. Investigative information that indicates that the psychologist  
33 represents an immediate threat to public health and safety regardless  
34 of whether the psychologist has been notified and/or had an  
35 opportunity to respond.
- 36 (25) State. – A state, commonwealth, territory, or possession of the United States  
37 or the District of Columbia.
- 38 (26) State Psychology Regulatory Authority. – The Board, office, or other agency  
39 with the legislative mandate to license and regulate the practice of psychology.
- 40 (27) Telepsychology. – The provision of psychological services using  
41 telecommunication technologies.
- 42 (28) Temporary Authorization to Practice. – A licensed psychologist's authority to  
43 conduct temporary in-person, face-to-face practice, within the limits  
44 authorized under this Compact, in another Compact State.
- 45 (29) Temporary in-person, face-to-face practice. – Where a psychologist is  
46 physically present (not through the use of telecommunications technologies)  
47 in the Distant State to provide for the practice of psychology for 30 days within  
48 a calendar year and based on notification to the Distant State.

49 **"§ 90-270.162. Home State licensure.**

- 50 (a) The Home State shall be a Compact State where a psychologist is licensed to practice  
51 psychology.

1       **(b)** A psychologist may hold one or more Compact State licenses at a time. If the  
2 psychologist is licensed in more than one Compact State, the Home State is the Compact State  
3 where the psychologist is physically present when the services are delivered as authorized by the  
4 Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

5       **(c)** Any Compact State may require a psychologist not previously licensed in a Compact  
6 State to obtain and retain a license to be authorized to practice in the Compact State under  
7 circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology  
8 under the terms of this Compact.

9       **(d)** Any Compact State may require a psychologist to obtain and retain a license to be  
10 authorized to practice in a Compact State under circumstances not authorized by Temporary  
11 Authorization to Practice under the terms of this Compact.

12       **(e)** A Home State's license authorizes a psychologist to practice in a Receiving State  
13 under the Authority to Practice Interjurisdictional Telepsychology only if the Compact State:

14           **(1)** Currently requires the psychologist to hold an active E.Passport;

15           **(2)** Has a mechanism in place for receiving and investigating complaints about  
16 licensed individuals;

17           **(3)** Notifies the Commission, in compliance with the terms herein, of any adverse  
18 action or significant investigatory information regarding a licensed individual;

19           **(4)** Requires an Identity History Summary of all applicants at initial licensure,  
20 including the use of the results of fingerprints or other biometric data checks  
21 compliant with the requirements of the Federal Bureau of Investigation (FBI),  
22 or other designee with similar authority, no later than 10 years after activation  
23 of the Compact; and

24           **(5)** Complies with the Bylaws and Rules of the Commission.

25       **(f)** A Home State's license grants Temporary Authorization to Practice to a psychologist  
26 in a Distant State only if the Compact State:

27           **(1)** Currently requires the psychologist to hold an active IPC;

28           **(2)** Has a mechanism in place for receiving and investigating complaints about  
29 licensed individuals;

30           **(3)** Notifies the Commission, in compliance with the terms herein, of any adverse  
31 action or significant investigatory information regarding a licensed individual;

32           **(4)** Requires an Identity History Summary of all applicants at initial licensure,  
33 including the use of the results of fingerprints or other biometric data checks  
34 compliant with the requirements of the Federal Bureau of Investigation (FBI),  
35 or other designee with similar authority, no later than 10 years after activation  
36 of the Compact; and

37           **(5)** Complies with the Bylaws and Rules of the Commission.

38 **§ 90-270.163. Compact privilege to practice telepsychology.**

39       **(a)** Compact States shall recognize the right of a psychologist, licensed in a Compact  
40 State in conformance with G.S. 90-270.162, to practice telepsychology in other Compact States  
41 (Receiving States) in which the psychologist is not licensed, under the Authority to Practice  
42 Interjurisdictional Telepsychology as provided in the Compact.

43       **(b)** To exercise the Authority to Practice Interjurisdictional Telepsychology under the  
44 terms and provisions of this Compact, a psychologist licensed to practice in a Compact State  
45 must:

46           **(1)** Hold a graduate degree in psychology from an institute of higher education  
47 that was, at the time the degree was awarded:

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

- 1                    b. A foreign college or university deemed to be equivalent to  
2                    sub-subdivision a. of this subdivision by a foreign credential  
3                    evaluation service that is a member of the National Association of  
4                    Credential Evaluation Services (NACES) or by a recognized foreign  
5                    credential evaluation service; and
- 6                    (2) Hold a graduate degree in psychology that meets the following criteria:  
7                    a. The program, wherever it may be administratively housed, must be  
8                    clearly identified and labeled as a psychology program. Such a  
9                    program must specify in pertinent institutional catalogues and  
10                   brochures its intent to educate and train professional psychologists;  
11                   b. The psychology program must stand as a recognizable, coherent,  
12                   organizational entity within the institution;  
13                   c. There must be a clear authority and primary responsibility for the core  
14                   and specialty areas whether or not the program cuts across  
15                   administrative lines;  
16                   d. The program must consist of an integrated, organized sequence of  
17                   study;  
18                   e. There must be an identifiable psychology faculty sufficient in size and  
19                   breadth to carry out its responsibilities;  
20                   f. The designated director of the program must be a psychologist and a  
21                   member of the core faculty;  
22                   g. The program must have an identifiable body of students who are  
23                   matriculated in that program for a degree;  
24                   h. The program must include supervised practicum, internship, or field  
25                   training appropriate to the practice of psychology;  
26                   i. The curriculum shall encompass a minimum of three academic years  
27                   of full-time graduate study for doctoral degree and a minimum of one  
28                   academic year of full-time graduate study for master's degree;  
29                   j. The program includes an acceptable residency as defined by the Rules  
30                   of the Commission.
- 31                   (3) Possess a current, full, and unrestricted license to practice psychology in a  
32                   Home State that is a Compact State;
- 33                   (4) Have no history of adverse action that violate the Rules of the Commission;
- 34                   (5) Have no criminal record history reported on an Identity History Summary that  
35                   violates the Rules of the Commission;
- 36                   (6) Possess a current, active E.Passport;
- 37                   (7) Provide attestations in regard to areas of intended practice, conformity with  
38                   standards of practice, competence in telepsychology technology, criminal  
39                   background, and knowledge and adherence to legal requirements in the home  
40                   and receiving states, and provide a release of information to allow for primary  
41                   source verification in a manner specified by the Commission; and
- 42                   (8) Meet other criteria as defined by the Rules of the Commission.
- 43                   (c) The Home State maintains authority over the license of any psychologist practicing  
44                   into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology.
- 45                   (d) A psychologist practicing in a Receiving State under the Authority to Practice  
46                   Interjurisdictional Telepsychology will be subject to the Receiving State's scope of practice. A  
47                   Receiving State may, in accordance with that state's due process law, limit or revoke a  
48                   psychologist's Authority to Practice Interjurisdictional Telepsychology in the Receiving State  
49                   and may take any other necessary actions under the Receiving State's applicable law to protect  
50                   the health and safety of the Receiving State's citizens. If a Receiving State takes action, the state  
51                   shall promptly notify the Home State and the Commission.

1       (e) If a psychologist's license in any Home State, another Compact State, or any Authority  
2 to Practice Interjurisdictional Telepsychology in any Receiving State is restricted, suspended, or  
3 otherwise limited, the E.Passport shall be revoked and, therefore, the psychologist shall not be  
4 eligible to practice telepsychology in a Compact State under the Authority to Practice  
5 Interjurisdictional Telepsychology.

6 **"§ 90-270.164. Compact Temporary Authorization to Practice.**

7       (a) Compact States shall also recognize the right of a psychologist, licensed in a Compact  
8 State in conformance with G.S. 90-270.162, to practice temporarily in other Compact States  
9 (Distant States) in which the psychologist is not licensed, as provided in the Compact.

10       (b) To exercise the Temporary Authorization to Practice under the terms and provisions  
11 of this Compact, a psychologist licensed to practice in a Compact State must:

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

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

17           b. A foreign college or university deemed to be equivalent to  
18 sub-subdivision a. of this subdivision by a foreign credential  
19 evaluation service that is a member of the National Association of  
20 Credential Evaluation Services (NACES) or by a recognized foreign  
21 credential evaluation service; and

22       (2) Hold a graduate degree in psychology that meets the following criteria:

23           a. The program, wherever it may be administratively housed, must be  
24 clearly identified and labeled as a psychology program. Such a  
25 program must specify in pertinent institutional catalogues and  
26 brochures its intent to educate and train professional psychologists;

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

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

32           d. The program must consist of an integrated, organized sequence of  
33 study;

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

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

38           g. The program must have an identifiable body of students who are  
39 matriculated in that program for a degree;

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

42           i. The curriculum shall encompass a minimum of three academic years  
43 of full-time graduate study for doctoral degrees and a minimum of one  
44 academic year of full-time graduate study for master's degrees;

45           j. The program includes an acceptable residency as defined by the Rules  
46 of the Commission.

47       (3) Possess a current, full, and unrestricted license to practice psychology in a  
48 Home State that is a Compact State;

49       (4) No history of adverse action that violates the Rules of the Commission;

50       (5) No criminal record history that violates the Rules of the Commission;

51       (6) Possess a current, active IPC;

1           (7) Provide attestations in regard to areas of intended practice and work  
2           experience and provide a release of information to allow for primary source  
3           verification in a manner specified by the Commission; and

4           (8) Meet other criteria as defined by the Rules of the Commission.

5           (c) A psychologist practicing into a Distant State under the Temporary Authorization to  
6 Practice shall practice within the scope of practice authorized by the Distant State.

7           (d) A psychologist practicing into a Distant State under the Temporary Authorization to  
8 Practice will be subject to the Distant State's authority and law. A Distant State may, in  
9 accordance with that state's due process law, limit or revoke a psychologist's Temporary  
10 Authorization to Practice in the Distant State and may take any other necessary actions under the  
11 Distant State's applicable law to protect the health and safety of the Distant State's citizens. If a  
12 Distant State takes action, the state shall promptly notify the Home State and the Commission.

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

17 **"§ 90-270.165. Conditions of telepsychology practice in a Receiving State.**

18           A psychologist may practice in a Receiving State under the Authority to Practice  
19 Interjurisdictional Telepsychology only in the performance of the scope of practice for  
20 psychology as assigned by an appropriate State Psychology Regulatory Authority, as defined in  
21 the Rules of the Commission, and under the following circumstances:

22           (1) The psychologist initiates a client/patient contact in a Home State via  
23 telecommunications technologies with a client/patient in a Receiving State.

24           (2) Other conditions regarding telepsychology as determined by Rules  
25 promulgated by the Commission.

26 **"§ 90-270.166. Adverse actions.**

27           (a) A Home State shall have the power to impose adverse action against a psychologist's  
28 license issued by the Home State. A Distant State shall have the power to take adverse action on  
29 a psychologist's Temporary Authorization to Practice within that Distant State.

30           (b) A Receiving State may take adverse action on a psychologist's Authority to Practice  
31 Interjurisdictional Telepsychology within that Receiving State. A Home State may take adverse  
32 action against a psychologist based on an adverse action taken by a Distant State regarding  
33 temporary in-person, face-to-face practice.

34           (c) If a Home State takes adverse action against a psychologist's license, that  
35 psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated and the  
36 E.Passport is revoked. Furthermore, that psychologist's Temporary Authorization to Practice is  
37 terminated and the IPC is revoked.

38           (1) All Home State disciplinary orders which impose adverse action shall be  
39 reported to the Commission in accordance with the Rules promulgated by the  
40 Commission. A Compact State shall report adverse actions in accordance with  
41 the Rules of the Commission.

42           (2) In the event discipline is reported on a psychologist, the psychologist will not  
43 be eligible for telepsychology or temporary in-person, face-to-face practice in  
44 accordance with the Rules of the Commission.

45           (3) Other actions may be imposed as determined by the Rules promulgated by the  
46 Commission.

47           (d) A Home State's Psychology Regulatory Authority shall investigate and take  
48 appropriate action with respect to reported inappropriate conduct engaged in by a licensee which  
49 occurred in a Receiving State as it would if such conduct had occurred by a licensee within the  
50 Home State. In such cases, the Home State's law shall control in determining any adverse action  
51 against a psychologist's license.

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

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

14       (g) No other judicial or administrative remedies shall be available to a psychologist in the  
15 event a Compact State imposes an adverse action pursuant to subsection (c) of this section.

16 **"§ 90-270.167. Additional authorities invested in a Compact State's Psychology Regulatory**  
17 **Authority.**

18       In addition to any other powers granted under state law, a Compact State's Psychology  
19 Regulatory Authority shall have the authority under this Compact to:

20       (1) Issue subpoenas, for both hearings and investigations, which require the  
21 attendance and testimony of witnesses and the production of evidence.  
22 Subpoenas issued by a Compact State's Psychology Regulatory Authority for  
23 the attendance and testimony of witnesses and/or the production of evidence  
24 from another Compact State shall be enforced in the latter state by any court  
25 of competent jurisdiction, according to that court's practice and procedure in  
26 considering subpoenas issued in its own proceedings. The issuing State  
27 Psychology Regulatory Authority shall pay any witness fees, travel expenses,  
28 mileage, and other fees required by the service statutes of the state where the  
29 witnesses and/or evidence are located.

30       (2) Issue cease and desist and/or injunctive relief orders to revoke a psychologist's  
31 Authority to Practice Interjurisdictional Telepsychology and/or Temporary  
32 Authorization to Practice.

33       (3) During the course of any investigation, a psychologist may not change his/her  
34 Home State licensure. A Home State Psychology Regulatory Authority is  
35 authorized to complete any pending investigations of a psychologist and to  
36 take any actions appropriate under its law. The Home State Psychology  
37 Regulatory Authority shall promptly report the conclusions of such  
38 investigations to the Commission. Once an investigation has been completed,  
39 and pending the outcome of said investigation, the psychologist may change  
40 his/her Home State licensure. The Commission shall promptly notify the new  
41 Home State of any such decisions as provided in the Rules of the Commission.  
42 All information provided to the Commission or distributed by Compact States  
43 pursuant to the psychologist shall be confidential, filed under seal, and used  
44 for investigatory or disciplinary matters. The Commission may create  
45 additional rules for mandated or discretionary sharing of information by  
46 Compact States.

47 **"§ 90-270.168. Coordinated Licensure Information System.**

48       (a) The Commission shall provide for the development and maintenance of a Coordinated  
49 Licensure Information System (Coordinated Database) and reporting system containing licensure  
50 and disciplinary action information on all psychologists to whom this Compact is applicable in  
51 all Compact States as defined by the Rules of the Commission.



1       **(b)** Notwithstanding any other provision of state law to the contrary, a Compact State  
2 shall submit a uniform data set to the Coordinated Database on all licensees as required by the  
3 Rules of the Commission, including:

- 4           **(1)** Identifying information;
- 5           **(2)** Licensure data;
- 6           **(3)** Significant investigatory information;
- 7           **(4)** Adverse actions against a psychologist's license;
- 8           **(5)** An indicator that a psychologist's Authority to Practice Interjurisdictional  
9 Telepsychology and/or Temporary Authorization to Practice is revoked;
- 10          **(6)** Nonconfidential information related to alternative program participation  
11 information;
- 12          **(7)** Any denial of application for licensure and the reasons for such denial; and
- 13          **(8)** Other information which may facilitate the administration of this Compact, as  
14 determined by the Rules of the Commission.

15       **(c)** The Coordinated Database administrator shall promptly notify all Compact States of  
16 any adverse action taken against, or significant investigative information on, any licensee in a  
17 Compact State.

18       **(d)** Compact States reporting information to the Coordinated Database may designate  
19 information that may not be shared with the public without the express permission of the  
20 Compact State reporting the information.

21       **(e)** Any information submitted to the Coordinated Database that is subsequently required  
22 to be expunged by the law of the Compact State reporting the information shall be removed from  
23 the Coordinated Database.

24 **"§ 90-270.169. Establishment of the Psychology Interjurisdictional Compact Commission.**

25       **(a)** The Compact States hereby create and establish a joint public agency known as the  
26 Psychology Interjurisdictional Compact Commission.

- 27           **(1)** The Commission is a body politic and an instrumentality of the Compact  
28 States.
- 29           **(2)** Venue is proper and judicial proceedings by or against the Commission shall  
30 be brought solely and exclusively in a court of competent jurisdiction where  
31 the principal office of the Commission is located. The Commission may waive  
32 venue and jurisdictional defenses to the extent it adopts or consents to  
33 participate in alternative dispute resolution proceedings.
- 34           **(3)** Nothing in this Compact shall be construed to be a waiver of sovereign  
35 immunity.

36       **(b)** Membership, Voting, and Meetings. –

- 37           **(1)** The Commission shall consist of one voting representative appointed by each  
38 Compact State who shall serve as that state's Commissioner. The State  
39 Psychology Regulatory Authority shall appoint its delegate. This delegate  
40 shall be empowered to act on behalf of the Compact State. This delegate shall  
41 be limited to:
  - 42           **a.** Executive Director, Executive Secretary, or similar executive;
  - 43           **b.** Current member of the State Psychology Regulatory Authority of a  
44 Compact State; or
  - 45           **c.** Designee empowered with the appropriate delegate authority to act on  
46 behalf of the Compact State.
- 47           **(2)** Any Commissioner may be removed or suspended from office as provided by  
48 the law of the state from which the Commissioner is appointed. Any vacancy  
49 occurring in the Commission shall be filled in accordance with the laws of the  
50 Compact State in which the vacancy exists.

- 1           (3)    Each Commissioner shall be entitled to one vote with regard to the  
2           promulgation of Rules and creation of Bylaws and shall otherwise have an  
3           opportunity to participate in the business and affairs of the Commission. A  
4           Commissioner shall vote in person or by such other means as provided in the  
5           Bylaws. The Bylaws may provide for Commissioners' participation in  
6           meetings by telephone or other means of communication.
- 7           (4)    The Commission shall meet at least once during each calendar year.  
8           Additional meetings shall be held as set forth in the Bylaws.
- 9           (5)    All meetings shall be open to the public, and public notice of meetings shall  
10          be given in the same manner as required under the rule-making provisions in  
11          G.S. 90-270.170.
- 12          (6)    The Commission may convene in a closed, nonpublic meeting if the  
13          Commission must discuss:
- 14           a.    Noncompliance of a Compact State with its obligations under the  
15           Compact;
- 16           b.    The employment, compensation, discipline, or other personnel  
17           matters, practices, or procedures related to specific employees or other  
18           matters related to the Commission's internal personnel practices and  
19           procedures;
- 20           c.    Current, threatened, or reasonably anticipated litigation against the  
21           Commission;
- 22           d.    Negotiation of contracts for the purchase or sale of goods, services, or  
23           real estate;
- 24           e.    Accusation against any person of a crime or formally censuring any  
25           person;
- 26           f.    Disclosure of trade secrets or commercial or financial information  
27           which is privileged or confidential;
- 28           g.    Disclosure of information of a personal nature where disclosure would  
29           constitute a clearly unwarranted invasion of personal privacy;
- 30           h.    Disclosure of investigatory records compiled for law enforcement  
31           purposes;
- 32           i.    Disclosure of information related to any investigatory reports prepared  
33           by or on behalf of or for use of the Commission or other committee  
34           charged with responsibility for investigation or determination of  
35           compliance issues pursuant to the Compact; or
- 36           j.    Matters specifically exempted from disclosure by federal and state  
37           statute.
- 38          (7)    If a meeting, or portion of a meeting, is closed pursuant to this provision, the  
39          Commission's legal counsel or designee shall certify that the meeting may be  
40          closed and shall reference each relevant exempting provision. The  
41          Commission shall keep minutes which fully and clearly describe all matters  
42          discussed in a meeting and shall provide a full and accurate summary of  
43          actions taken, of any person participating in the meeting, and the reasons  
44          therefore, including a description of the views expressed. All documents  
45          considered in connection with an action shall be identified in such minutes.  
46          All minutes and documents of a closed meeting shall remain under seal,  
47          subject to release only by a majority vote of the Commission or order of a  
48          court of competent jurisdiction.
- 49          (c)    The Commission shall, by a majority vote of the Commissioners, prescribe Bylaws  
50          and/or Rules to govern its conduct as may be necessary or appropriate to carry out the purposes  
51          and exercise the powers of the Compact, including, but not limited to:

- 1           (1)    Establishing the fiscal year of the Commission;
- 2           (2)    Providing reasonable standards and procedures:
- 3                a.    For the establishment and meetings of other committees; and
- 4                b.    Governing any general or specific delegation of any authority or
- 5                        function of the Commission;
- 6           (3)    Providing reasonable procedures for calling and conducting meetings of the
- 7                Commission, ensuring reasonable advance notice of all meetings and
- 8                providing an opportunity for attendance of such meetings by interested parties,
- 9                with enumerated exceptions designed to protect the public's interest, the
- 10               privacy of individuals of such proceedings, and proprietary information,
- 11               including trade secrets. The Commission may meet in closed session only
- 12               after a majority of the Commissioners vote to close a meeting to the public in
- 13               whole or in part. As soon as practicable, the Commission must make public a
- 14               copy of the vote to close the meeting revealing the vote of each Commissioner
- 15               with no proxy votes allowed;
- 16           (4)    Establishing the titles, duties, and authority and reasonable procedures for the
- 17                election of the officers of the Commission;
- 18           (5)    Providing reasonable standards and procedures for the establishment of the
- 19                personnel policies and programs of the Commission. Notwithstanding any
- 20                civil service or other similar law of any Compact State, the Bylaws shall
- 21                exclusively govern the personnel policies and programs of the Commission;
- 22           (6)    Promulgating a Code of Ethics to address permissible and prohibited activities
- 23                of Commission members and employees;
- 24           (7)    Providing a mechanism for concluding the operations of the Commission and
- 25                the equitable disposition of any surplus funds that may exist after the
- 26                termination of the Compact after the payment and/or reserving of all of its
- 27                debts and obligations;
- 28           (8)    The Commission shall publish its Bylaws in a convenient form and file a copy
- 29                thereof and a copy of any amendment thereto with the appropriate agency or
- 30                officer in each of the Compact States;
- 31           (9)    The Commission shall maintain its financial records in accordance with the
- 32                Bylaws; and
- 33           (10)   The Commission shall meet and take such actions as are consistent with the
- 34                provisions of this Compact and the Bylaws.
- 35    (d)    The Commission shall have the following powers:
- 36           (1)    The authority to promulgate uniform rules to facilitate and coordinate
- 37                implementation and administration of this Compact. The rules shall have the
- 38                force and effect of law and shall be binding in all Compact States;
- 39           (2)    To bring and prosecute legal proceedings or actions in the name of the
- 40                Commission, provided that the standing of any State Psychology Regulatory
- 41                Authority or other regulatory body responsible for psychology licensure to sue
- 42                or be sued under applicable law shall not be affected;
- 43           (3)    To purchase and maintain insurance and bonds;
- 44           (4)    To borrow, accept, or contract for services of personnel, including, but not
- 45                limited to, employees of a Compact State;
- 46           (5)    To hire employees, elect or appoint officers, fix compensation, define duties,
- 47                grant such individuals appropriate authority to carry out the purposes of the
- 48                Compact, and establish the Commission's personnel policies and programs
- 49                relating to conflicts of interest, qualifications of personnel, and other related
- 50                personnel matters;

- 1           (6)    To accept any and all appropriate donations and grants of money, equipment,  
2           supplies, materials, and services and to receive, utilize, and dispose of the  
3           same, provided that at all times the Commission shall strive to avoid any  
4           appearance of impropriety and/or conflict of interest;
- 5           (7)    To lease, purchase, accept appropriate gifts or donations of, or otherwise to  
6           own, hold, improve, or use any property, real, personal, or mixed, provided  
7           that at all times the Commission shall strive to avoid any appearance of  
8           impropriety;
- 9           (8)    To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
10          dispose of any property, real, personal, or mixed;
- 11          (9)    To establish a budget and make expenditures;
- 12          (10)   To borrow money;
- 13          (11)   To appoint committees, including advisory committees comprised of  
14          members, state regulators, state legislators or their representatives, and  
15          consumer representatives, and such other interested persons as may be  
16          designated in this Compact and the Bylaws;
- 17          (12)   To provide and receive information from, and to cooperate with, law  
18          enforcement agencies;
- 19          (13)   To adopt and use an official seal; and
- 20          (14)   To perform such other functions as may be necessary or appropriate to achieve  
21          the purposes of this Compact consistent with the state regulation of  
22          psychology licensure, temporary in-person, face-to-face practice, and  
23          telepsychology practice.
- 24          (e)    The Executive Board. – The elected officers shall serve as the Executive Board, which  
25          shall have the power to act on behalf of the Commission according to the terms of this Compact.
- 26          (1)    The Executive Board shall be comprised of six members:
- 27                  a.    Five voting members who are elected from the current membership of  
28                  the Commission by the Commission.
- 29                  b.    One ex officio, nonvoting member from the recognized membership  
30                  organization composed of State and Provincial Psychology Regulatory  
31                  Authorities.
- 32          (2)    The ex officio member must have served as staff or member on a State  
33          Psychology Regulatory Authority and will be selected by its respective  
34          organization.
- 35          (3)    The Commission may remove any member of the Executive Board as  
36          provided in Bylaws.
- 37          (4)    The Executive Board shall meet at least annually.
- 38          (5)    The Executive Board shall have the following duties and responsibilities:
- 39                  a.    Recommend to the entire Commission changes to the Rules or Bylaws,  
40                  changes to this Compact legislation, or fees paid by Compact States  
41                  such as annual dues and any other applicable fees;
- 42                  b.    Ensure Compact administration services are appropriately provided,  
43                  contractual or otherwise;
- 44                  c.    Prepare and recommend the budget;
- 45                  d.    Maintain financial records on behalf of the Commission;
- 46                  e.    Monitor Compact compliance of member states and provide  
47                  compliance reports to the Commission;
- 48                  f.    Establish additional committees as necessary; and
- 49                  g.    Other duties as provided in Rules or Bylaws.
- 50          (f)    Financing of the Commission. –

- 1           (1)    The Commission shall pay or provide for the payment of the reasonable  
2           expenses of its establishment, organization, and ongoing activities.
- 3           (2)    The Commission may accept any and all appropriate revenue sources,  
4           donations, and grants of money, equipment, supplies, materials, and services.
- 5           (3)    The Commission may levy on and collect an annual assessment from each  
6           Compact State or impose fees on other parties to cover the cost of the  
7           operations and activities of the Commission and its staff which must be in a  
8           total amount sufficient to cover its annual budget as approved each year for  
9           which revenue is not provided by other sources. The aggregate annual  
10           assessment amount shall be allocated based upon a formula to be determined  
11           by the Commission which shall promulgate a rule binding upon all Compact  
12           States.
- 13           (4)    The Commission shall not incur obligations of any kind prior to securing the  
14           funds adequate to meet the same, nor shall the Commission pledge the credit  
15           of any of the Compact States, except by and with the authority of the Compact  
16           State.
- 17           (5)    The Commission shall keep accurate accounts of all receipts and  
18           disbursements. The receipts and disbursements of the Commission shall be  
19           subject to the audit and accounting procedures established under its Bylaws.  
20           However, all receipts and disbursements of funds handled by the Commission  
21           shall be audited yearly by a certified or licensed public accountant and the  
22           report of the audit shall be included in and become part of the annual report  
23           of the Commission.
- 24       (g)    Qualified Immunity, Defense, and Indemnification. –
- 25           (1)    The members, officers, Executive Director, employees, and representatives of  
26           the Commission shall be immune from suit and liability, either personally or  
27           in their official capacity, for any claim for damage to or loss of property or  
28           personal injury or other civil liability caused by or arising out of any actual or  
29           alleged act, error, or omission that occurred, or that the person against whom  
30           the claim is made had a reasonable basis for believing occurred within the  
31           scope of Commission employment, duties, or responsibilities, provided that  
32           nothing in this subdivision shall be construed to protect any such person from  
33           suit and/or liability for any damage, loss, injury, or liability caused by the  
34           intentional or willful or wanton misconduct of that person.
- 35           (2)    The Commission shall defend any member, officer, Executive Director,  
36           employee, or representative of the Commission in any civil action seeking to  
37           impose liability arising out of any actual or alleged act, error, or omission that  
38           occurred within the scope of Commission employment, duties, or  
39           responsibilities, or that the person against whom the claim is made had a  
40           reasonable basis for believing occurred within the scope of Commission  
41           employment, duties, or responsibilities, provided that nothing herein shall be  
42           construed to prohibit that person from retaining his or her own counsel, and  
43           provided further that the actual or alleged act, error, or omission did not result  
44           from that person's intentional or willful or wanton misconduct.
- 45           (3)    The Commission shall indemnify and hold harmless any member, officer,  
46           Executive Director, employee, or representative of the Commission for the  
47           amount of any settlement or judgment obtained against that person arising out  
48           of any actual or alleged act, error, or omission that occurred within the scope  
49           of employment, duties, or responsibilities, or that such person had a  
50           reasonable basis for believing occurred within the scope of Commission  
51           employment, duties, or responsibilities, provided that the actual or alleged act,

1 error, or omission did not result from the intentional or willful or wanton  
2 misconduct of that person.

3 **"§ 90-270.170. Rule making.**

4 (a) The Commission shall exercise its rule-making powers pursuant to the criteria set  
5 forth in this section and the Rules adopted thereunder. Rules and amendments shall become  
6 binding as of the date specified in each rule or amendment.

7 (b) If a majority of the legislatures of the Compact States rejects a rule, by enactment of  
8 a statute or resolution in the same manner used to adopt the Compact, then such rule shall have  
9 no further force and effect in any Compact State.

10 (c) Rules or amendments to the rules shall be adopted at a regular or special meeting of  
11 the Commission.

12 (d) Prior to promulgation and adoption of a final rule or Rules by the Commission, and  
13 at least 60 days in advance of the meeting at which the rule will be considered and voted upon,  
14 the Commission shall file a Notice of Proposed Rule Making:

15 (1) On the Web site of the Commission; and

16 (2) On the Web site of each Compact States' Psychology Regulatory Authority or  
17 the publication in which each state would otherwise publish proposed rules.

18 (e) The Notice of Proposed Rule Making shall include:

19 (1) The proposed time, date, and location of the meeting in which the rule will be  
20 considered and voted upon;

21 (2) The text of the proposed rule or amendment and the reason for the proposed  
22 rule;

23 (3) A request for comments on the proposed rule from any interested person; and

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

26 (f) Prior to adoption of a proposed rule, the Commission shall allow persons to submit  
27 written data, facts, opinions, and arguments, which shall be made available to the public.

28 (g) The Commission shall grant an opportunity for a public hearing before it adopts a rule  
29 or amendment if a hearing is requested by:

30 (1) At least 25 persons who submit comments independently of each other;

31 (2) A governmental subdivision or agency; or

32 (3) A duly appointed person in an association that has at least 25 members.

33 (h) If a hearing is held on the proposed rule or amendment, the Commission shall publish  
34 the place, time, and date of the scheduled public hearing.

35 (1) All persons wishing to be heard at the hearing shall notify the Executive  
36 Director of the Commission or other designated member in writing of their  
37 desire to appear and testify at the hearing not less than five business days  
38 before the scheduled date of the hearing.

39 (2) Hearings shall be conducted in a manner providing each person who wishes  
40 to comment a fair and reasonable opportunity to comment orally or in writing.

41 (3) No transcript of the hearing is required, unless a written request for a transcript  
42 is made, in which case the person requesting the transcript shall bear the cost  
43 of producing the transcript. A recording may be made in lieu of a transcript  
44 under the same terms and conditions as a transcript. This subsection shall not  
45 preclude the Commission from making a transcript or recording of the hearing  
46 if it so chooses.

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

1        (i) Following the scheduled hearing date, or by the close of business on the scheduled  
2 hearing date if the hearing was not held, the Commission shall consider all written and oral  
3 comments received.

4        (j) The Commission shall, by majority vote of all members, take final action on the  
5 proposed rule and shall determine the effective date of the rule, if any, based on the rule-making  
6 record and the full text of the rule.

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

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

16            (1) Meet an imminent threat to public health, safety, or welfare;

17            (2) Prevent a loss of Commission or Compact State funds;

18            (3) Meet a deadline for the promulgation of an administrative rule that is  
19 established by federal law or rule; or

20            (4) Protect public health and safety.

21        (m) The Commission or an authorized committee of the Commission may direct revisions  
22 to a previously adopted rule or amendment for purposes of correcting typographical errors, errors  
23 in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be  
24 posted on the Web site of the Commission. The revision shall be subject to challenge by any  
25 person for a period of 30 days after posting. The revision may be challenged only on grounds  
26 that the revision results in a material change to a rule. A challenge shall be made in writing and  
27 delivered to the Chair of the Commission prior to the end of the notice period. If no challenge is  
28 made, the revision will take effect without further action. If the revision is challenged, the  
29 revision may not take effect without the approval of the Commission.

30 **"§ 90-270.171. Oversight, dispute resolution, and enforcement.**

31        (a) Oversight. –

32            (1) The executive, legislative, and judicial branches of state government in each  
33 Compact State shall enforce this Compact and take all actions necessary and  
34 appropriate to effectuate the Compact's purposes and intent. The provisions of  
35 this Compact and the rules promulgated hereunder shall have standing as  
36 statutory law.

37            (2) All courts shall take judicial notice of the Compact and the rules in any judicial  
38 or administrative proceeding in a Compact State pertaining to the subject  
39 matter of this Compact which may affect the powers, responsibilities, or  
40 actions of the Commission.

41            (3) The Commission shall be entitled to receive service of process in any such  
42 proceeding and shall have standing to intervene in such a proceeding for all  
43 purposes. Failure to provide service of process to the Commission shall render  
44 a judgment or order void as to the Commission, this Compact, or promulgated  
45 rules.

46        (b) Default, Technical Assistance, and Termination. –

47            (1) If the Commission determines that a Compact State has defaulted in the  
48 performance of its obligations or responsibilities under this Compact or the  
49 promulgated rules, the Commission shall:

- 1                   a.       Provide written notice to the defaulting state and other Compact States  
2                   of the nature of the default, the proposed means of remedying the  
3                   default, and/or any other action to be taken by the Commission; and  
4                   b.       Provide remedial training and specific technical assistance regarding  
5                   the default.
- 6                   (2)      If a state in default fails to remedy the default, the defaulting state may be  
7                   terminated from the Compact upon an affirmative vote of a majority of the  
8                   Compact States and all rights, privileges, and benefits conferred by this  
9                   Compact shall be terminated on the effective date of termination. A remedy  
10                  of the default does not relieve the offending state of obligations or liabilities  
11                  incurred during the period of default.
- 12                  (3)      Termination of membership in the Compact shall be imposed only after all  
13                  other means of securing compliance have been exhausted. Notice of intent to  
14                  suspend or terminate shall be submitted by the Commission to the Governor,  
15                  the majority and minority leaders of the defaulting state's legislature, and each  
16                  of the Compact States.
- 17                  (4)      A Compact State which has been terminated is responsible for all assessments,  
18                  obligations, and liabilities incurred through the effective date of termination,  
19                  including obligations which extend beyond the effective date of termination.
- 20                  (5)      The Commission shall not bear any costs incurred by the state which is found  
21                  to be in default or which has been terminated from the Compact, unless agreed  
22                  upon in writing between the Commission and the defaulting state.
- 23                  (6)      The defaulting state may appeal the action of the Commission by petitioning  
24                  the U.S. District Court for the State of Georgia or the federal district where  
25                  the Compact has its principal offices. The prevailing member shall be awarded  
26                  all costs of such litigation, including reasonable attorneys' fees.
- 27                  (c)      Dispute Resolution. –
- 28                   (1)      Upon request by a Compact State, the Commission shall attempt to resolve  
29                   disputes related to the Compact which arise among Compact States and  
30                   between Compact and Non-Compact States.
- 31                   (2)      The Commission shall promulgate a rule providing for both mediation and  
32                   binding dispute resolution for disputes that arise before the Commission.
- 33                  (d)      Enforcement. –
- 34                   (1)      The Commission, in the reasonable exercise of its discretion, shall enforce the  
35                   provisions and Rules of this Compact.
- 36                   (2)      By majority vote, the Commission may initiate legal action in the United  
37                   States District Court for the State of Georgia or the federal district where the  
38                   Compact has its principal offices against a Compact State in default to enforce  
39                   compliance with the provisions of the Compact and its promulgated Rules and  
40                   Bylaws. The relief sought may include both injunctive relief and damages. In  
41                   the event judicial enforcement is necessary, the prevailing member shall be  
42                   awarded all costs of such litigation, including reasonable attorneys' fees.
- 43                   (3)      The remedies herein shall not be the exclusive remedies of the Commission.  
44                   The Commission may pursue any other remedies available under federal or  
45                   state law.
- 46                  "**§ 90-270.172. Date of implementation of the Psychology Interjurisdictional Compact**  
47                  **Commission and associated rules, withdrawal, and amendments.**
- 48                   (a)      The Compact shall come into effect on the date on which the Compact is enacted into  
49                   law in the seventh Compact State. The provisions which become effective at that time shall be  
50                   limited to the powers granted to the Commission relating to assembly and the promulgation of



1 rules. Thereafter, the Commission shall meet and exercise rule-making powers necessary to the  
2 implementation and administration of the Compact.

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

7 (c) Any Compact State may withdraw from this Compact by enacting a statute repealing  
8 the same.

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

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

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

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

21 **"§ 90-270.173. Construction and severability.**

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

25 **SECTION 1.(c)** Subsections (a) and (b) of this section become effective when at  
26 least seven states have enacted the Psychology Interjurisdictional Compact (PSYPACT) set forth  
27 in subsection (b) of this section. The North Carolina Psychology Board shall report to the Revisor  
28 of Statutes when the PSYPACT set forth in subsection (b) of this section has been enacted by  
29 seven member states.

30  
31 **PART II. ALLOW LICENSED MARRIAGE AND FAMILY THERAPISTS TO**  
32 **CONDUCT FIRST-LEVEL EXAMINATIONS FOR INVOLUNTARY COMMITMENT**  
33 **AND CREATE FEES**

34 **SECTION 2.(a)** G.S. 122C-263.1(a) reads as rewritten:

35 **"§ 122C-263.1. Secretary's authority to certify commitment examiners; training of certified**  
36 **commitment examiners performing first examinations; LME/MCO**  
37 **responsibilities.**

38 (a) Physicians and eligible psychologists are qualified to perform the commitment  
39 examinations required under G.S. 122C-263(c) and G.S. 122C-283(c). The Secretary of Health  
40 and Human Services may individually certify to perform the first commitment examinations  
41 required by G.S. 122C-261 through G.S. 122C-263 and G.S. 122C-281 through G.S. 122C-283  
42 other health, mental health, and substance abuse professionals whose scope of practice includes  
43 diagnosing and documenting psychiatric or substance use disorders and conducting mental status  
44 examinations to determine capacity to give informed consent to treatment as follows:

45 (1) The Secretary has received a request:

- 46 a. To certify a licensed clinical social worker, a master's or higher level  
47 degree nurse practitioner, a licensed professional counsellor, a  
48 licensed marriage and family therapist, or a physician's assistant to  
49 conduct the first examinations described in G.S. 122C-263(c) and  
50 G.S. 122C-283(c).

b. To certify a master's level licensed clinical addictions specialist to conduct the first examination described in G.S. 122C-283(c).

...  
 (5) In no event shall the certification of a licensed clinical social worker, master's or higher level degree nurse practitioner, licensed professional counsellor, a licensed marriage and family therapist, physician assistant, or master's level certified clinical addictions specialist under this section be construed as authorization to expand the scope of practice of the licensed clinical social worker, the master's level nurse practitioner, licensed professional counsellor, a licensed marriage and family therapist, physician assistant, or the master's level certified clinical addictions specialist.

...."

**SECTION 2.(b)** G.S. 90-270.54 reads as rewritten:

**"§ 90-270.54. Requirements for licensure as a marriage and family therapist.**

...  
 (a1) The Board shall issue a license to conduct first examinations pursuant to G.S. 122C-263.1 to applicants who meet the criteria for licensure in subsection (a) of this subsection and who pay a one-time, ten dollar (\$10.00) fee.

...."

**SECTION 2.(c)** G.S. 90-270.57 reads as rewritten:

**"§ 90-270.57. Fees.**

(a) In order to fund the Board's activities under this Article, the Board may charge and collect fees not exceeding the following:

...  
 (10) Application to perform first examinations pursuant to G.S. 122C-263.1 10.00.

In addition to the examination fee provided in subdivision (1) of this subsection, the Board may charge and collect from each applicant for license examination the cost of processing test results and the cost of test materials.

(b) The Board may establish fees for the actual cost of (i) document duplication services, (ii) materials, and (iii) returned bank items as allowed by law. All fees listed in subsection (a) of this section shall be nonrefundable."

**SECTION 2.(d)** This section is effective October 1, 2019. Sections 3(b) and 3(c) apply to applications submitted on or after that date.

**PART III. ELIMINATE REDUNDANCY IN ADULT CARE HOME INSPECTIONS**

**SECTION 3.** G.S. 131D-2.11(a) reads as rewritten:

"(a) State Inspection and Monitoring. – The Department shall ensure that adult care homes required to be licensed by this Article are monitored for licensure compliance on a regular basis. All facilities licensed under this Article and adult care units in nursing homes are subject to inspections at all times by the Secretary. Except as provided in subsection (a1) of this section, the Division of Health Service Regulation shall inspect all adult care homes and adult care units in nursing homes on an annual basis. Beginning July 1, 2012, the Division of Health Service Regulation shall include as part of its inspection of all adult care homes a review of the facility's compliance with G.S. 131D-4.4A(b) and safe practices for injections and any other procedures during which bleeding typically occurs. In addition, the Department shall ensure that adult care homes are inspected every two years to determine compliance with physical plant and life-safety requirements.

If the annual inspection of an adult care home is conducted separately from the inspection required every two years to determine compliance with physical plant and life-safety requirements, the Division of Health Service Regulation shall not cite, as part of the annual

1 inspection, any violation of law that overlaps with an area addressed by the physical plant and  
2 life-safety inspection, unless failure to address the violation during the annual inspection would  
3 pose a risk to resident health or safety. Nothing in this section prevents a licensing inspector from  
4 referring a concern about physical plant and life-safety requirements to the section within the  
5 Division of Health Service Regulation that conducts physical plant and life-safety inspections."  
6

#### 7 **PART IV. RAISE LUPUS AWARENESS**

8 **SECTION 4.(a)** Chapter 103 of the General Statutes is amended by adding a new  
9 section to read:

##### 10 **"§ 103-15. Lupus Awareness Month.**

11 The month of May of each year is designated as Lupus Awareness Month in North Carolina."

12 **SECTION 4.(b)** Article 1B of Chapter 130A of the General Statutes is amended by  
13 adding a new Part to read:

14 "Part 6A. Lupus Advisory Council.

##### 15 **"§ 130A-33.70. Lupus Advisory Council.**

16 (a) There is established the Lupus Advisory Council in the Department. The Council shall  
17 have the following duties and responsibilities with respect to North Carolina residents who have  
18 been diagnosed with lupus:

- 19 (1) Make recommendations to the Governor and the Secretary aimed at improving  
20 their health status.
- 21 (2) Identify and examine the limitations and problems associated with existing  
22 laws, regulations, programs, and services.
- 23 (3) Examine the financing of, and access to, health services.
- 24 (4) Identify and review health promotion and disease prevention strategies  
25 relating to the leading causes of death and disability.
- 26 (5) Advise the Governor and the Secretary upon any matter which the Governor  
27 or Secretary may refer to it.

28 (b) The Lupus Advisory Council in the Department shall consist of 15 members to be  
29 appointed as follows:

- 30 (1) Four members shall be appointed by the Governor, three of whom shall be  
31 scientists with experience in lupus who participate in various fields of  
32 scientific endeavor, including, but not limited to, biomedical research, social,  
33 translational, behavioral, and epidemiological research, and public health; and  
34 one of whom shall be an individual who has been diagnosed with lupus.
- 35 (2) Four members shall be appointed by the Speaker of the House of  
36 Representatives, two of whom shall be medical clinicians with experience in  
37 treating individuals diagnosed with lupus; one of whom shall represent  
38 nonprofit women's organizations and health organizations, including at least  
39 one state or national organization that deals with the treatment of lupus; and  
40 one of whom shall be a public member who has been diagnosed with lupus.
- 41 (3) Four members shall be appointed by the President Pro Tempore of the Senate,  
42 three of whom shall represent nonprofit women's organizations and health  
43 organizations, including at least one state or national organization that deals  
44 with the treatment of lupus; and one of whom shall be a public member who  
45 has been diagnosed with lupus.
- 46 (4) Three members appointed by the Secretary, representing the Divisions of  
47 Public Health and Social Services.
- 48 (5) Of the members appointed by the Governor, two shall serve initial terms of  
49 one year, two shall serve initial terms of two years, and one shall serve an  
50 initial term of three years. Thereafter, the Governor's appointees shall serve  
51 terms of four years.

1           (6) Of the nonlegislative members appointed by the Speaker of the House of  
2           Representatives, two shall serve initial terms of two years and one shall serve  
3           an initial term of three years. Thereafter, nonlegislative members appointed  
4           by the Speaker of the House of Representatives shall serve terms of four years.  
5           Of the nonlegislative members appointed by the President Pro Tempore of the  
6           Senate, two shall serve initial terms of two years and one shall serve an initial  
7           term of three years. Thereafter, nonlegislative members appointed by the  
8           President Pro Tempore of the Senate shall serve terms of four years.  
9           Legislative members of the Council shall serve two-year terms.

10          (c) The Chairperson of the Council shall be elected by the Council from among its  
11          membership.

12          (d) The majority of the Council shall constitute a quorum for the transaction of business.

13          (e) Members of the Council shall receive per diem and necessary travel and subsistence  
14          expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6, or travel and subsistence  
15          expenses in accordance with the provisions of G.S. 120-3.1, as applicable.

16          (f) All clerical support and other services required by the Council shall be provided by the  
17          Department."

18  
19          **PART V. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

20                 **SECTION 5.(a)** If any section or provision of this act is declared unconstitutional or  
21                 invalid by the courts, it does not affect the validity of this act as a whole or any part other than  
22                 the part declared to be unconstitutional or invalid.

23                 **SECTION 5.(b)** Except as otherwise provided, this act is effective when it becomes  
24                 law.