

INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION

RULE ON COMPLIANCE AND ENFORCEMENT

ADOPTED: November 16, 2018

EFFECTIVE: November 16, 2018

AMENDMENT HISTORY (LIST WHEN AMENDED AND CITE SECTION NUMBER):

1. Section 7.2, was replaced in its entirety with all sub-paragraphs altered to more accurately reflect the process for the resolution of disputes between member states. – November 16, 2021

Chapter 7 – Compliance and Enforcement

7.1 Authority

This chapter is promulgated by the Interstate Commission pursuant to the Interstate Medical Licensure Compact section 19. The rule shall become effective upon adoption by the Interstate Commission.

7.2 Dispute resolution

- 1) Any disputes between member states shall be presented to and mediated by the Executive Committee of the Interstate Commission.
- 2) Before submitting a complaint to the Executive Committee, the member state(s) shall attempt to resolve the issue(s) by bringing the matter to the attention of the Executive Director. Within 30 calendar days, the Executive Director shall clarify the issue(s) and shall provide a recommended resolution.
- 3) The Executive Director, after obtaining information from all member states involved, shall provide a statement summarizing the issue(s) raised and a recommended resolution of the matter.
- 4) Within 10 calendar days, any member state that is not satisfied with, or cannot comply with, the recommended solution, shall provide the Secretary of the Executive Committee a written statement, not to exceed five pages.

- 5) The Secretary of the Executive Committee shall provide a copy of the written statement to the other member state. That member state shall be invited to provide a written response to the Secretary of the Executive Committee, not to exceed five pages, which must be received within 30 calendar days.
- 6) The Secretary of the Executive Committee shall place this matter on the agenda of the next Executive Committee and notify the member states of the date and time of the meeting, including providing copies of the written statement and response.
- 7) The Executive Committee shall serve as the party responsible for determining potential resolutions to the conflict and shall take action to mediate the concerns with the intention of developing a mutually agreeable resolution.
- 8) The meeting(s) to discuss this matter shall be considered confidential and closed to the public in accordance with IMLC Statute, Section 11, paragraph (h).
- 9) The Executive Committee shall first seek a recommendation to which the member states mutually agree resolves the issue.
- 10) The Executive Committee shall initiate the Default Procedures outlined in IMLC Statute, Section 18, in order to create a binding resolution to the matter, should the member states be unable to find a mutually agreeable resolution.

Rule 6.103 - Enforcement actions against a defaulting state

(a) If the Interstate Commission determines that any state has at any time defaulted (“defaulting state”) in the performance of any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules the Interstate Commission may impose any or all of the following penalties–

1. Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;
2. Remedial training and technical assistance as directed by the Interstate Commission;
3. Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the governor, the chief justice or chief judicial officer of the state; the majority and minority leaders of the defaulting state’s legislature, and the state council.

(b) The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission by-laws, or duly promulgated rules. The Interstate Commission shall immediately notify the defaulting state in writing of the potential penalties that may be imposed by the Interstate Commission on the defaulting state pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension.

(c) Within 60 calendar days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the governor, the chief justice or chief judicial officer and the majority and minority leaders of the defaulting state’s legislature and the state council of such termination.

(d) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

(e) The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state.

(f) Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

History: Adopted November 4, 2003, effective August 1, 2004; [amended August 28, 2013](#), effective March 1, 2014.

503. COMPLIANCE AND ENFORCEMENT.

- (1) Compliance and enforcement issues shall be initiated by the Executive Committee.
- (2) The Executive Committee, through the Director, shall send a written statement to the Compact Administrator in the party state with the alleged non-compliance issue. That Compact Administrator shall respond to the written statement within thirty calendar days.
- (3) The Compact Administrator may appear before the Executive Committee at a time and place as designated by the Executive Committee.
- (4) The Executive Committee shall make a recommendation to the Commission concerning the issue of non-compliance.

History: Adopted August 14, 2018; effective January 1, 2019.

Psychology Interjurisdictional Compact (PSYPACT)
Psychology Interjurisdictional Compact Commission

Title of Rule: Oversight, Dispute Resolution and Enforcement
Drafted: November 21, 2019
Effective: February 27, 2020
Amended:
History for Rule: Introduced at public meeting on November 21-22, 2019
Public hearing February 27, 2020

Section 13: Oversight, Dispute Resolution and Enforcement

Authority: Article XIII: Additional Authorities Invested in a Compact States’
Psychology Regulatory Authority
Article II: Definitions

13.0 Purpose: Pursuant to Article XIII, Executive, Legislative and Judicial branches of the state governments in each Compact State shall enforce the Compact. The provisions of the Compact and the rules promulgated shall have standing as statutory law.

13.1 Definition(s): (A) *“Commission” means: the national administrative body of which all states that have enacted the Compact are members.*
(B) *“Compact” means: Psychology Interjurisdictional Compact (PSYPACT).*
(C) *“Compact State” means: a state, the District of Columbia, or United States territory that has enacted this Compact legislation and which has not withdrawn pursuant to Article XIII Section C or has been terminated pursuant to Article XII, Section B. For the purposes of this Compact, Compact State and Member State may be used interchangeably.*
(D) *“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.*
(E) *“License” means: authorization by a State and Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.*
(F) *“Party State” means: a state that is a party to a dispute.*
(G) *“Rule” means: a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to Article*

XI of this Compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the Compact; or is an organizational, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a member state and includes the amendment, repeal, or suspension of an existing rule.

(H) “State” means: any state, commonwealth, territory, or possession of the United States, the District of Columbia.

(I) “State Psychology Regulatory Authority” means: the Board, office or agency with the legislative mandate to license and regulate the practice of psychology.

13.2 Dispute Resolution Process – Informal, Mediation and Arbitration:

- A. The Commissioner from each Compact State shall enforce the Compact and take all actions necessary and appropriate to carry out the Compact’s purpose and intent. The Commission supports efforts to resolve disputes between and among Compact States and encourages communication directly between Compact States prior to employing formal resolution methods.
- B. Any Compact State may submit a written request to the Executive Board for assistance in interpreting the law, rules, and policies of the Compact. The Executive Board may seek the assistance of the Commission’s legal counsel in interpreting the Compact. The Executive Board shall issue the Commission interpretation of the Compact to all parties to the dispute.
- C. Before submitting a complaint to the Executive Board, the complaining Compact State and responding Compact State shall attempt to resolve the issues without intervention by the Commission.
- D. When disputes among party Compact States are unresolved through informal attempts, the Commission shall request assistance from the Executive Board.
 - (1) It is the duty of the Executive Board to address disputes between or among the Compact States concerning the Compact when informal attempts between the Compact States to resolve disputes have been unsuccessful.
 - (2) The Executive Board, on behalf of the Commission, in the reasonable exercise of its discretion, has the authority to assist in the resolution of disputes between and among Compact States concerning the Compact.
- E. Informal Resolution
 - (1) The Commissioner of the state disputing another Compact State’s interpretation or application of the Compact shall contact the Commissioner of the Compact State with which the dispute has arisen. A written statement describing the situation should be provided and enough time allowed for response and opportunity for the other Commissioner to review and investigate the issues raised in the dispute.
 - (2) If interpretation of the Compact is necessary, the Commissioner shall contact the Executive Board and request assistance in interpreting relevant provisions. This communication to the Executive Board should be made through the Executive Director.
 - (3) The Commissioner raising the concern shall document all attempts to resolve the issues.
 - (4) If all issues are resolved to the satisfaction of all party Compact States involved, no further action is required.

- F. Disputes between two (2) or more Compact States which cannot be resolved through informal resolution or through the Executive Board, may be referred to mediation and/or an arbitration panel to resolve the issues.
- G. Mediation
- (1) A Compact State that is a party to a dispute may request, or the Executive Board may require, the submission of a matter in controversy to mediation.
 - (2) If a member of the Executive Board is a party to the dispute, that individual must recuse him or herself from participation in the matter.
 - (3) Mediation shall be conducted by a mediator appointed by the Executive Board from a list of mediators approved by the National Association of Certified Mediators, or a mediator otherwise agreed to by all parties to the dispute and pursuant to procedures customarily used in mediation proceedings.
 - (4) If all issues are resolved through mediation to the satisfaction of all party Compact States involved, no further action is required.
- H. Arbitration:
- (1) In the event of a dispute between Compact States that cannot be resolved through informal means or by mediation, and upon the recommendation by the Executive Board, the Commissioner of the initiating Compact State(s) shall submit an Arbitration Request form to the Executive Director with a copy to be sent by the initiating state to the other party Compact State(s) involved.
 - (2) Each Compact State party to the dispute and the Executive Board shall submit a signed Arbitration Agreement.
 - (3) The Executive Director shall coordinate the arbitration process.
 - (4) The decision of the arbitration panel shall be final and binding.
 - (5) In the event arbitration is necessary, and unless otherwise agreed by the parties, at the discretion of an independent arbitration panel, the prevailing party or parties may be entitled to recover the costs of such arbitration, including reasonable attorneys' fees, to the extent permitted by state law of the prevailing party state.
 - (6) Arbitration award decisions may be enforced in a court of competent jurisdiction.

13.3 Compliance and Enforcement:

- A. The Commissioner in each party Compact State shall enforce the Compact and shall take all actions necessary and appropriate to carry out the Compact's purposes and intent. The Commission supports voluntary, collaborative efforts to resolve compliance and enforcement issues in lieu of formal dispute resolution procedures or other legal enforcement action between and among all party Compact States. All affected parties are encouraged to communicate with each other directly and make every effort to resolve issues.
- B. Any Compact State may submit a written request to the Executive Board for assistance in interpreting the Compact. The Executive Board may seek the assistance of legal counsel in interpreting the Compact, particularly concerning compliance and enforcement. The Executive Board's interpretation of the Compact will be issued in writing to all parties to the dispute.
- C. At the discretion of the Executive Board, appropriate technical assistance and training may be provided to any party Compact State seeking to voluntarily address a compliance issue.

- D. When compliance or enforcement is unresolved through informal attempts, the Commissioner shall request assistance from the Executive Board.
 - (1) It is the duty of the Executive Board to address alleged substantive or recurrent violations of the Compact when informal attempts to attain compliance have been unsuccessful.
 - (2) The Executive Board shall make recommendations to the parties to resolve the issue.
 - (3) If the parties are unable to resolve the issues, the Commission, in the reasonable exercise of its discretion, shall enforce the Compact.
- E. Compliance and enforcement issues that cannot be resolved through informal resolution or through the Executive Board shall be referred to an arbitration panel or other appropriate legal action as provided in Article X of the Compact at the discretion of the Executive Board.
- F. Dispute Arbitration:
 - (1) In the event that a Compact State's Compact default/non-compliance cannot be resolved through the procedures described above in this section, the Executive Board may order arbitration before a three (3) member independent arbitration panel for determination of the default/non-compliance and enforcement of the Compact.
 - (2) Each involved Compact State shall submit a signed Arbitration Agreement form.
 - (3) The Executive Director shall coordinate the arbitration process.
 - (4) The decision of the arbitration panel is final and binding.
 - (5) Unless otherwise agreed by the parties, and at the discretion of the arbitration panel, the prevailing party or parties may be entitled to recover the costs of the arbitration, including reasonable attorneys' fees, if permitted by the laws of the prevailing state.

13.4 Enforcement Remedies Against a Defaulting State: If the Commission determines that a Compact State has at any time defaulted in the performance of any of its obligations or responsibilities under the Compact, Bylaws or duly promulgated Rules, the Commission may impose any or all of the following remedies:

- A. Remedial training and technical support as directed by the Commission;
- B. Damages and/or costs in such amounts as are deemed to be reasonable as fixed by the Commission;
- C. Suspension of membership in the Compact; and
- D. Termination of membership in the Compact.

13.5 Grounds for Default. Grounds for default include but are not limited to, failure of a Compact State to perform obligations or responsibilities imposed by the Compact, Commission Bylaws, or duly promulgated Rules. The Commission shall notify the defaulting Compact State in writing of any penalty imposed by the Commission on the defaulting Compact State pending a cure for the default in a reasonable time as stipulated by the Commission.

13.6 Costs. The Commission shall not bear any costs relating to the defaulting Compact State unless otherwise mutually agreed upon between the Commission and the defaulting Compact State.

13.7 Judicial Enforcement. The Commission may by majority vote of the Commissioners, initiate legal action in the United District Court for the State of Georgia to enforce compliance

with the provisions of the Compact, its duly promulgated Rules and Bylaws against any Compact State in default. In the event that judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

Italicized definitions are mirrored directly from the PSYPACT Compact Language.