

1 ~~Indicates Matter Stricken~~
2 Indicates New Matter
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4 COMMITTEE REPORT
5 April 21, 2022
6

H. 3833

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8
9 Introduced by Reps. Erickson, Bradley, Herbkersman, Dabney,
10 Brawley, King, Gilliard, Jefferson, Howard, S. Williams, Henegan
11 and Govan
12

13 S. Printed 4/21/22--S.
14 Read the first time February 24, 2022.
15 _____
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THE COMMITTEE ON MEDICAL AFFAIRS

17
18 To whom was referred a Bill (H. 3833) to amend the Code of
19 Laws of South Carolina, 1976, to enact the "Psychology
20 Interjurisdictional Compact (PSYPACT)" by adding Article 3 to
21 Chapter 55, Title 40, etc., respectfully

REPORT:

22
23 That they have duly and carefully considered the same and
24 recommend that the same do pass:
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26 DANIEL B. VERDIN III for Committee.
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A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)" BY ADDING ARTICLE 3 TO CHAPTER 55, TITLE 40 SO AS TO PROVIDE FOR THE ENTRY OF SOUTH CAROLINA INTO THIS MULTISTATE COMPACT, TO PROVIDE FOR THE STRUCTURE, FUNCTIONS, POWERS, AND DUTIES OF THE GOVERNING BODY OF THE COMPACT; TO PROVIDE THE OBLIGATIONS, BENEFITS, AND RIGHTS OF COMPACT MEMBERS; TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 55, TITLE 40 AS ARTICLE 1 ENTITLED "GENERAL PROVISIONS"; AND TO AMEND SECTIONS 40-55-60 AND 40-55-80, RELATING TO THE STATE BOARD OF EXAMINERS IN PSYCHOLOGY AND QUALIFICATIONS FOR LICENSURE AS A PSYCHOLOGIST RESPECTIVELY, SO AS TO MAKE CONFORMING CHANGES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This article shall be known and may be cited as the "Psychology Interjurisdictional Compact (Psypact)".

SECTION 2. A. Chapter 55, Title 40 of the 1976 Code is amended by adding:

"Article 3
Psychology Interjurisdictional Compact

1 Section 40-55-310. (A) The Psychology Interjurisdictional
2 Compact (Psypact) is enacted into law and entered into by the State
3 of South Carolina with any and all other states legally joining therein
4 in the form substantially as follows.

5 (B) The following principles form the basis for Psypact:

6 (1) States license psychologists, in order to protect the public
7 through verification of education, training, and experience and
8 ensure accountability for professional practice.

9 (2) This compact is intended to regulate the day-to-day
10 practice of telepsychology, i.e., the provision of psychological
11 services using telecommunication technologies, by psychologists
12 across state boundaries in the performance of their psychological
13 practice as assigned by an appropriate authority.

14 (3) This compact is intended to regulate the temporary
15 in-person, face-to-face practice of psychology by psychologists
16 across state boundaries for thirty days within a calendar year in the
17 performance of their psychological practice as assigned by an
18 appropriate authority.

19 (4) This compact is intended to authorize state psychology
20 regulatory authorities to afford legal recognition, in a manner
21 consistent with the terms of the compact, to psychologists licensed
22 in another state.

23 (5) This compact recognizes that states have a vested interest
24 in protecting the public's health and safety through their licensing
25 and regulation of psychologists and that such state regulation will
26 best protect public health and safety.

27 (6) This compact does not apply when a psychologist is
28 licensed in both the home and receiving states.

29 (7) While this compact does not apply to permanent
30 in-person, face-to-face practice, it does allow for authorization of
31 temporary psychological practice.

32 (C) Consistent with the principles set forth in subsection (B), this
33 compact is designed to achieve the following purposes and
34 objectives:

35 (1) increase public access to professional psychological
36 services by allowing for telepsychological practice across state lines
37 as well as temporary in-person, face-to-face services into a state in
38 which the psychologist is not licensed to practice psychology;

39 (2) enhance the states' ability to protect the public's health
40 and safety, especially client/patient safety;

41 (3) encourage the cooperation of compact states in the areas
42 of psychology licensure and regulation;

1 (4) facilitate the exchange of information between compact
2 states regarding psychologist licensure, adverse actions, and
3 disciplinary history;

4 (5) promote compliance with the laws governing
5 psychological practice in each compact state; and

6 (6) invest all compact states with the authority to hold
7 licensed psychologists accountable through the mutual recognition
8 of compact state licenses.

9

10 Section 40-55-320. As used in this article:

11 (1) 'Adverse action' means any action taken by a state
12 psychology regulatory authority which finds a violation of a statute
13 or regulation that is identified by the state psychology regulatory
14 authority as discipline and is a matter of public record.

15 (2) 'Association of State and Provincial Psychology Boards
16 (ASPPB)' means the recognized membership organization
17 composed of state and provincial psychology regulatory authorities
18 responsible for the licensure and registration of psychologists
19 throughout the United States and Canada.

20 (3) 'Authority to practice interjurisdictional telepsychology'
21 means a licensed psychologist's authority to practice
22 telepsychology, within the limits authorized under this compact, in
23 another compact state.

24 (4) 'Bylaws' means those bylaws established by the Psychology
25 Interjurisdictional Compact Commission pursuant to Section
26 40-55-400 for its governance, or for directing and controlling its
27 actions and conduct.

28 (5) 'Client/patient' means the recipient of psychological
29 services, whether psychological services are delivered in the context
30 of health care, corporate, supervision, or consulting services or any
31 combination thereof.

32 (6) 'Commissioner' means the voting representative appointed
33 by each state psychology regulatory authority pursuant to Section
34 40-55-400.

35 (7) 'Compact state' means a state, the District of Columbia, or
36 United States territory that has enacted this compact legislation and
37 which has not withdrawn pursuant to Section 40-55-430(C) or been
38 terminated pursuant to Section 40-55-420(B).

39 (8) 'Coordinated licensure information system' also referred to
40 as 'coordinated database' means an integrated process for
41 collecting, storing, and sharing information on psychologists'
42 licensure and enforcement activities related to psychology licensure
43 laws, which is administered by the recognized membership

1 organization composed of state and provincial psychology
2 regulatory authorities.

3 (9) 'Confidentiality' means the principle that data or
4 information is not made available or disclosed to unauthorized
5 persons or processes, or both.

6 (10) 'Day' means any part of a day in which psychological work
7 is performed.

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

12 (12) 'E. Passport' means a certificate issued by the Association
13 of State and Provincial Psychology Boards (ASPPB) that promotes
14 the standardization in the criteria of interjurisdictional
15 telepsychology practice and facilitates the process for licensed
16 psychologists to provide telepsychological services across state
17 lines.

18 (13) 'Executive board' means a group of directors elected or
19 appointed to act on behalf of, and within the powers granted to them
20 by, the commission.

21 (14) 'Home state' means a compact state where a psychologist is
22 licensed to practice psychology. If the psychologist is licensed in
23 more than one compact state and is practicing under the
24 authorization to practice interjurisdictional telepsychology, the
25 home state is the compact state where the psychologist is physically
26 present when the telepsychological services are delivered. If the
27 psychologist is licensed in more than one compact state and is
28 practicing under the temporary authorization to practice, the home
29 state is any compact state where the psychologist is licensed.

30 (15) 'Identity history summary' means a summary of information
31 retained by the Federal Bureau of Investigation, or other designee
32 with similar authority, in connection with arrests and, in some
33 instances, federal employment, naturalization, or military service.

34 (16) 'In-person, face-to-face' means interactions in which the
35 psychologist and the client/patient are in the same physical space
36 and which does not include interactions that may occur through the
37 use of telecommunication technologies.

38 (17) 'Interjurisdictional practice certificate' also referred to as
39 '(IPC)' means a certificate issued by the Association of State and
40 Provincial Psychology Boards (ASPPB) that grants temporary
41 authority to practice based on notification to the state psychology
42 regulatory authority of intention to practice temporarily, and
43 verification of one's qualifications for such practice.

1 (18) 'License' means authorization by a state psychology
2 regulatory authority to engage in the independent practice of
3 psychology, which would be unlawful without the authorization.
4 (19) 'Noncompact state' means any state which is not at the time
5 a compact state.
6 (20) 'Psychologist' means an individual licensed for the
7 independent practice of psychology.
8 (21) 'Psychology Interjurisdictional Compact Commission' also
9 referred to as 'commission' means the national administration of
10 which all compact states are members.
11 (22) 'Receiving state' means a compact state where the
12 client/patient is physically located when the telepsychological
13 services are delivered.
14 (23) 'Rule' means a written statement by the Psychology
15 Interjurisdictional Compact Commission promulgated pursuant to
16 Section 40-55-410 of the compact that is of general applicability,
17 implements, interprets, or prescribes a policy or provision of the
18 compact, or an organizational, procedural, or practice requirement
19 of the commission and has the force and effect of statutory law in a
20 compact state, and includes the amendment, repeal, or suspension
21 of an existing rule.
22 (24) 'Significant investigatory information' means:
23 (a) investigative information that a state psychology
24 regulatory authority, after a preliminary inquiry that includes
25 notification and an opportunity to respond if required by state law,
26 has reason to believe, if proven true, would indicate more than a
27 violation of a state statute or ethics code that would be considered
28 more substantial than a minor infraction; or
29 (b) investigative information that indicates that the
30 psychologist represents an immediate threat to public health and
31 safety regardless of whether the psychologist has been notified or
32 had an opportunity to respond.
33 (25) 'State' means a state, commonwealth, territory, or
34 possession of the United States, or the District of Columbia.
35 (26) 'State psychology regulatory authority' means the board,
36 office or other agency with the legislative mandate to license and
37 regulate the practice of psychology.
38 (27) 'Telepsychology' means the provision of psychological
39 services using telecommunication technologies.
40 (28) 'Temporary authorization to practice' means a licensed
41 psychologist's authority to conduct temporary in-person,
42 face-to-face practice, within the limits authorized under this
43 compact, in another compact state.

1 (29) 'Temporary in-person, face-to-face practice' means where a
2 psychologist is physically present (not through the use of
3 telecommunications technologies), in the distant state to provide for
4 the practice of psychology for thirty days within a calendar year and
5 based on notification to the distant state.

6

7 Section 40-55-330. (A) The home state shall be a compact state
8 where a psychologist is licensed to practice psychology.

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

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

20 (D) Any compact state may require a psychologist to obtain and
21 retain a license to be authorized to practice in a compact state under
22 circumstances not authorized by temporary authorization to practice
23 under the terms of this compact.

24 (E) A home state's license authorizes a psychologist to practice
25 in a receiving state under the authority to practice interjurisdictional
26 telepsychology only if the compact state:

27 (1) currently requires the psychologist to hold an active E.
28 Passport;

29 (2) has a mechanism in place for receiving and investigating
30 complaints about licensed individuals;

31 (3) notifies the commission, in compliance with the terms
32 herein, of any adverse action or significant investigatory
33 information regarding a licensed individual;

34 (4) requires an identity history summary of all applicants at
35 initial licensure, including the use of the results of fingerprints or
36 other biometric data checks compliant with the requirements of the
37 Federal Bureau of Investigation (FBI), or other designee with
38 similar authority, no later than ten years after activation of the
39 compact; and

40 (5) complies with the bylaws and rules of the commission.

41 (F) A home-state's license grants temporary authorization to
42 practice to a psychologist in a distant state only if the compact state:

43 (1) currently requires the psychologist to hold an active IPC;

1 (2) has a mechanism in place for receiving and investigating
2 complaints about licensed individuals;

3 (3) notifies the commission, in compliance with the terms
4 herein, of any adverse action or significant investigatory
5 information regarding a licensed individual;

6 (4) requires an identity history summary of all applicants at
7 initial licensure, including the use of the results of fingerprints or
8 other biometric data checks compliant with the requirements of the
9 Federal Bureau of Investigation (FBI), or other designee with
10 similar authority, no later than ten years after activation of the
11 compact; and

12 (5) complies with the bylaws and rules of the commission.

13

14 Section 40-55-340.(A) Compact states shall recognize the right
15 of a psychologist, licensed in a compact state in conformance with
16 Section 40-55-330, to practice telepsychology in other compact
17 states (receiving states) in which the psychologist is not licensed,
18 under the authority to practice interjurisdictional telepsychology as
19 provided in the compact.

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

23 (1) hold a graduate degree in psychology from an institute of
24 higher education that was, at the time the degree was awarded:

25 (a) regionally accredited by an accrediting body recognized
26 by the U.S. Department of Education to grant graduate degrees, or
27 authorized by Provincial Statute or Royal Charter to grant doctoral
28 degrees; or

29 (b) a foreign college or university deemed to be equivalent
30 to item (1)(a) by a foreign credential evaluation service that is a
31 member of the National Association of Credential Evaluation
32 Services (NACES) or by a recognized foreign credential evaluation
33 service; and

34 (2) hold a graduate degree in psychology that meets the
35 following criteria:

36 (a) the program, wherever it may be administratively
37 housed, must be clearly identified and labeled as a psychology
38 program. Such a program must specify in pertinent institutional
39 catalogues and brochures its intent to educate and train professional
40 psychologists;

41 (b) the psychology program must stand as a recognizable,
42 coherent, organizational entity within the institution;

1 (c) there must be a clear authority and primary
2 responsibility for the core and specialty areas whether or not the
3 program cuts across administrative lines;

4 (d) the program must consist of an integrated, organized
5 sequence of study;

6 (e) there must be an identifiable psychology faculty
7 sufficient in size and breadth to carry out its responsibilities;

8 (f) the designated director of the program must be a
9 psychologist and a member of the core faculty;

10 (g) the program must have an identifiable body of students
11 who are matriculated in that program for a degree;

12 (h) the program must include supervised practicum,
13 internship, or field training appropriate to the practice of
14 psychology;

15 (i) the curriculum shall encompass a minimum of three
16 academic years of full-time graduate study for a doctoral degree and
17 a minimum of one academic year of full-time graduate study for a
18 master's degree; and

19 (j) the program includes an acceptable residency as
20 defined by the rules of the commission;

21 (3) possess a current, full, and unrestricted license to practice
22 psychology in a home state which is a compact state;

23 (4) have no history of adverse action that violates the rules of
24 the commission;

25 (5) have no criminal record history reported on an identity
26 history summary that violates the rules of the commission;

27 (6) possess a current, active E. Passport;

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

34 (8) meet other criteria as defined by the rules of the
35 commission.

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

39 (D) A psychologist practicing in a receiving state under the
40 authority to practice interjurisdictional telepsychology will be
41 subject to the receiving state's scope of practice. A receiving state
42 may, in accordance with that state's due process law, limit or revoke
43 a psychologist's authority to practice interjurisdictional

1 telepsychology in the receiving state and may take any other
2 necessary actions under the receiving state's applicable law to
3 protect the health and safety of the receiving state's citizens. If a
4 receiving state takes action, the state shall promptly notify the home
5 state and the commission.

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

13

14 Section 40-55-350. (A) Compact states also shall recognize the
15 right of a psychologist, licensed in a compact state in conformance
16 with Section 40-55-330, to practice temporarily in other compact
17 states (distant states) in which the psychologist is not licensed, as
18 provided in the compact.

19 (B) To exercise the temporary authorization to practice under the
20 terms and provisions of this compact, a psychologist licensed to
21 practice in a compact state must:

22 (1) hold a graduate degree in psychology from an institute of
23 higher education that was, at the time the degree was awarded:

24 (a) regionally accredited by an accrediting body recognized
25 by the U.S. Department of Education to grant graduate degrees, or
26 authorized by Provincial Statute or Royal Charter to grant doctoral
27 degrees; or

28 (b) a foreign college or university deemed to be equivalent
29 to subitem (a) by a foreign credential evaluation service that is a
30 member of the National Association of Credential Evaluation
31 Services (NACES) or by a recognized foreign credential evaluation
32 service; and

33 (2) hold a graduate degree in psychology that meets the
34 following criteria:

35 (a) the program, wherever it may be administratively
36 housed, must be clearly identified and labeled as a psychology
37 program. Such a program must specify in pertinent institutional
38 catalogues and brochures its intent to educate and train professional
39 psychologists;

40 (b) the psychology program must stand as a recognizable,
41 coherent, organizational entity within the institution;

1 (c) there must be a clear authority and primary
2 responsibility for the core and specialty areas whether or not the
3 program cuts across administrative lines;

4 (d) the program must consist of an integrated, organized
5 sequence of study;

6 (e) there must be an identifiable psychology faculty
7 sufficient in size and breadth to carry out its responsibilities;

8 (f) the designated director of the program must be a
9 psychologist and a member of the core faculty;

10 (g) the program must have an identifiable body of students
11 who are matriculated in that program for a degree;

12 (h) the program must include supervised practicum,
13 internship, or field training appropriate to the practice of
14 psychology;

15 (i) the curriculum shall encompass a minimum of three
16 academic years of full-time graduate study for a doctoral degree and
17 a minimum of one academic year of full-time graduate study for a
18 master's degree; and

19 (j) the program includes an acceptable residency as
20 defined by the rules of the commission;

21 (3) possess a current, full, and unrestricted license to practice
22 psychology in a home state which is a compact state;

23 (4) have no history of adverse action that violates the rules of
24 the commission;

25 (5) have no criminal record history that violates the rules of
26 the commission;

27 (6) possess a current, active IPC;

28 (7) provide attestations in regard to areas of intended practice
29 and work experience and provide a release of information to allow
30 for primary source verification in a manner specified by the
31 commission; and

32 (8) meet other criteria as defined by the rules of the
33 commission.

34 (C) A psychologist practicing in a distant state under the
35 temporary authorization to practice shall practice within the scope
36 of practice authorized by the distant state.

37 (D) A psychologist practicing in a distant state under the
38 temporary authorization to practice will be subject to the distant
39 state's authority and law. A distant state may, in accordance with
40 that state's due process law, limit or revoke a psychologist's
41 temporary authorization to practice in the distant state and may take
42 any other necessary actions under the distant state's applicable law
43 to protect the health and safety of the distant state's citizens. If a

1 distant state takes action, the state promptly shall notify the home
2 state and the commission.

3 (E) If a psychologist's license in any home state, another
4 compact state, or any temporary authorization to practice in any
5 distant state, is restricted, suspended, or otherwise limited, the IPC
6 shall be revoked and therefore the psychologist shall not be eligible
7 to practice in a compact state under the temporary authorization to
8 practice.

9

10 Section 40-55-360. A psychologist may practice in a receiving
11 state under the authority to practice interjurisdictional
12 telepsychology only in the performance of the scope of practice for
13 psychology as assigned by an appropriate state psychology
14 regulatory authority, as defined in the rules of the commission, and
15 under the following circumstances:

16 (1) the psychologist initiates a client/patient contact in a home
17 state via telecommunications technologies with a client/patient in a
18 receiving state; and

19 (2) other conditions regarding telepsychology as determined by
20 rules promulgated by the commission.

21

22 Section 40-55-370.(A) A home state shall have the power to
23 impose adverse action against a psychologist's license issued by the
24 home state. A distant state shall have the power to take adverse
25 action on a psychologist's temporary authorization to practice
26 within that distant state.

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

33 (C)(1) If a home state takes adverse action against a
34 psychologist's license, that psychologist's authority to practice
35 interjurisdictional telepsychology is terminated and the E. Passport
36 is revoked. Furthermore, that psychologist's temporary
37 authorization to practice is terminated and the IPC is revoked.

38 (2) All home-state disciplinary orders which impose adverse
39 action shall be reported to the commission in accordance with the
40 rules promulgated by the commission. A compact state shall report
41 adverse actions in accordance with the rules of the commission.

42 (3) In the event discipline is reported on a psychologist, the
43 psychologist will not be eligible for telepsychology or temporary

1 in-person, face-to-face practice in accordance with the rules of the
2 commission.

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

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

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

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

30 (G) No other judicial or administrative remedies shall be
31 available to a psychologist in the event a compact state imposes an
32 adverse action pursuant to subsection (C).

33

34 Section 40-55-380. (A) In addition to any other powers granted
35 under state law, a compact state's psychology regulatory authority
36 shall have the authority under this compact to:

37 (1) issue subpoenas, for both hearings and investigations,
38 which require the attendance and testimony of witnesses and the
39 production of evidence. Subpoenas issued by a compact-state's
40 psychology regulatory authority for the attendance and testimony of
41 witnesses, the production of evidence, or any combination of the
42 foregoing from another compact state shall be enforced in the latter
43 state by any court of competent jurisdiction, according to that

1 court's practice and procedure in considering subpoenas issued in
2 its own proceedings. The issuing state psychology regulatory
3 authority shall pay any witness fees, travel expenses, mileage and
4 other fees required by the service statutes of the state where the
5 witnesses, evidence, or both, are located; and

6 (2) issue cease and desist orders, injunctive relief orders, or
7 both, to revoke a psychologist's authority to practice
8 interjurisdictional telepsychology, temporary authorization to
9 practice, or both.

10 (B) During the course of any investigation, a psychologist may
11 not change his/her home state licensure. A home-state psychology
12 regulatory authority is authorized to complete any pending
13 investigations of a psychologist and to take any actions appropriate
14 under its law. The home-state psychology regulatory authority shall
15 promptly report the conclusions of such investigations to the
16 commission. Once an investigation has been completed, and
17 pending the outcome of said investigation, the psychologist may
18 change his/her home state licensure. The commission shall promptly
19 notify the new home state of any such decisions as provided in the
20 rules of the commission. All information provided to the
21 commission or distributed by compact states pursuant to the
22 psychologist shall be confidential, filed under seal and used for
23 investigatory or disciplinary matters. The commission may create
24 additional rules for mandated or discretionary sharing of
25 information by compact states.

26
27 Section 40-55-390. (A) The commission shall provide for the
28 development and maintenance of a coordinated licensure
29 information system (coordinated database) and reporting system
30 containing licensure and disciplinary action information on all
31 psychologists to whom this compact is applicable in all compact
32 states as defined by the rules of the commission.

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

- 37 (1) identifying information;
- 38 (2) licensure data;
- 39 (3) significant investigatory information;
- 40 (4) adverse actions against a psychologist's license;
- 41 (5) an indicator that a psychologist's authority to practice
42 interjurisdictional telepsychology, temporary authorization to
43 practice, or both, is revoked;

1 (6) nonconfidential information related to alternative program
2 participation information;

3 (7) any denial of application for licensure, and the reasons for
4 such denial; and

5 (8) other information which may facilitate the administration
6 of this compact, as determined by the rules of the commission.

7 (C) The coordinated database administrator promptly shall
8 notify all compact states of any adverse action taken against, or
9 significant investigative information on, any licensee in a compact
10 state.

11 (D) Compact states reporting information to the coordinated
12 database may designate information that may not be shared with the
13 public without the express permission of the compact state reporting
14 the information.

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

19

20 Section 40-55-400. (A)(1) The compact states hereby create and
21 establish a joint public agency known as the Psychology
22 Interjurisdictional Compact Commission.

23 (2) The commission is a body politic and an instrumentality
24 of the compact states.

25 (3) Venue is proper and judicial proceedings by or against the
26 commission shall be brought solely and exclusively in a court of
27 competent jurisdiction where the principal office of the commission
28 is located. The commission may waive venue and jurisdictional
29 defenses to the extent it adopts or consents to participate in
30 alternative dispute resolution proceedings.

31 (4) Nothing in this compact shall be construed to be a waiver
32 of sovereign immunity.

33 (B)(1) The commission shall consist of one voting representative
34 appointed by each compact state who shall serve as that state's
35 commissioner. The state psychology regulatory authority shall
36 appoint its delegate. This delegate shall be empowered to act on
37 behalf of the compact state. This delegate shall be limited to:

38 (a) executive director, executive secretary, or similar
39 executive;

40 (b) current member of the state psychology regulatory
41 authority of a compact state; or

42 (c) designee empowered with the appropriate delegate
43 authority to act on behalf of the compact state.

1 (2) Any commissioner may be removed or suspended from
2 office as provided by the law of the state from which the
3 commissioner is appointed. Any vacancy occurring in the
4 commission shall be filled in accordance with the laws of the
5 compact state in which the vacancy exists.

6 (3) Each commissioner shall be entitled to one vote with
7 regard to the promulgation of rules and creation of bylaws and shall
8 otherwise have an opportunity to participate in the business and
9 affairs of the commission. A commissioner shall vote in person or
10 by such other means as provided in the bylaws. The bylaws may
11 provide for commissioners' participation in meetings by telephone
12 or other means of communication.

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

16 (5) All meetings shall be open to the public, and public notice
17 of meetings shall be given in the same manner as required under the
18 rulemaking provisions in Section 40-55-410.

19 (6) The commission may convene in a closed, nonpublic
20 meeting if the commission must discuss:

21 (a) noncompliance of a compact state with its obligations
22 under the compact;

23 (b) the employment, compensation, discipline, or other
24 personnel matters, practices, or procedures related to specific
25 employees or other matters related to the commission's internal
26 personnel practices and procedures;

27 (c) current, threatened, or reasonably anticipated litigation
28 against the commission;

29 (d) negotiation of contracts for the purchase or sale of
30 goods, services, or real estate;

31 (e) accusation against any person of a crime or formally
32 censuring any person;

33 (f) disclosure of trade secrets or commercial or financial
34 information which is privileged or confidential;

35 (g) disclosure of information of a personal nature where
36 disclosure would constitute a clearly unwarranted invasion of
37 personal privacy;

38 (h) disclosure of investigatory records compiled for law
39 enforcement purposes;

40 (i) disclosure of information related to any investigatory
41 reports prepared by or on behalf of or for use of the commission or
42 other committee charged with responsibility for investigation or
43 determination of compliance issues pursuant to the compact; or

1 (j) matters specifically exempted from disclosure by
2 federal and state statute.

3 (7) If a meeting, or portion of a meeting, is closed pursuant to
4 this provision, the commission's legal counsel or designee shall
5 certify that the meeting may be closed and shall reference each
6 relevant exempting provision. The commission shall keep minutes
7 which fully and clearly describe all matters discussed in a meeting
8 and shall provide a full and accurate summary of actions taken, of
9 any person participating in the meeting, and the reasons therefore,
10 including a description of the views expressed. All documents
11 considered in connection with an action shall be identified in such
12 minutes. All minutes and documents of a closed meeting shall
13 remain under seal, subject to release only by a majority vote of the
14 commission or order of a court of competent jurisdiction.

15 (C) The commission shall, by a majority vote of the
16 commissioners, prescribe bylaws, rules, or both, to govern its
17 conduct as may be necessary or appropriate to carry out the purposes
18 and exercise the powers of the compact including, but not limited
19 to:

20 (1) establishing the fiscal year of the commission;

21 (2) providing reasonable standards and procedures:

22 (a) for the establishment and meetings of other committees;

23 and

24 (b) governing any general or specific delegation of any
25 authority or function of the commission;

26 (3) providing reasonable procedures for calling and
27 conducting meetings of the commission, ensuring reasonable
28 advance notice of all meetings and providing an opportunity for
29 attendance of such meetings by interested parties, with enumerated
30 exceptions designed to protect the public's interest, the privacy of
31 individuals of such proceedings, and proprietary information,
32 including trade secrets. The commission may meet in closed session
33 only after a majority of the commissioners vote to close a meeting
34 to the public, in whole or in part. As soon as practicable, the
35 commission must make public a copy of the vote to close the
36 meeting revealing the vote of each commissioner with no proxy
37 votes allowed;

38 (4) establishing the titles, duties, and authority and reasonable
39 procedures for the election of the officers of the commission;

40 (5) providing reasonable standards and procedures for the
41 establishment of the personnel policies and programs of the
42 commission. Notwithstanding any civil service or other similar law

1 of any compact state, the bylaws shall exclusively govern the
2 personnel policies and programs of the commission;

3 (6) promulgating a code of ethics to address permissible and
4 prohibited activities of commission members and employees;

5 (7) providing a mechanism for concluding the operations of
6 the commission and the equitable disposition of any surplus funds
7 that may exist after the termination of the compact after the payment
8 and/or reserving of all of its debts and obligations;

9 (8) publishing its bylaws in a convenient form and filing a
10 copy thereof and a copy of any amendment thereto, with the
11 appropriate agency or officer in each of the compact states;

12 (9) maintaining its financial records in accordance with the
13 bylaws; and

14 (10) meeting and taking such actions as are consistent with the
15 provisions of this compact and the bylaws.

16 (D) The commission shall have the following powers:

17 (1) to promulgate uniform rules to facilitate and coordinate
18 implementation and administration of this compact. The rule shall
19 have the force and effect of law and shall be binding in all compact
20 states;

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

26 (3) to purchase and maintain insurance and bonds;

27 (4) to borrow, accept, or contract for services of personnel
28 including, but not limited to, employees of a compact state;

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

35 (6) to accept any and all appropriate donations and grants of
36 money, equipment, supplies, materials and services, and to receive,
37 utilize, and dispose of the same; provided that at all times the
38 commission shall strive to avoid any appearance of impropriety or
39 conflict of interest;

40 (7) to lease, purchase, accept appropriate gifts or donations of,
41 or otherwise to own, hold, improve, or use, any property, real,
42 personal, or mixed; provided that at all times the commission shall
43 strive to avoid any appearance of impropriety;

1 (8) to sell, convey, mortgage, pledge, lease, exchange,
2 abandon, or otherwise dispose of any property real, personal, or
3 mixed;
4 (9) to establish a budget and make expenditures;
5 (10) to borrow money;
6 (11) to appoint committees, including advisory committees
7 comprised of members, state regulators, state legislators or their
8 representatives, and consumer representatives, and such other
9 interested persons as may be designated in this compact and the
10 bylaws;
11 (12) to provide and receive information from, and to cooperate
12 with, law enforcement agencies;
13 (13) to adopt and use an official seal; and
14 (14) to perform such other functions as may be necessary or
15 appropriate to achieve the purposes of this compact consistent with
16 the state regulation of psychology licensure, temporary in-person,
17 face-to-face practice, and telepsychology practice.
18 (E)(1) The elected officers shall serve as the executive board,
19 which shall have the power to act on behalf of the commission
20 according to the terms of this compact.
21 (2) The executive board shall be comprised of six members:
22 (a) five voting members who are elected from the current
23 membership of the commission by the commission; and
24 (b) one ex officio, nonvoting member from the recognized
25 membership organization composed of state and provincial
26 psychology regulatory authorities.
27 (3) The ex officio member must have served as staff or
28 member on a state psychology regulatory authority and will be
29 selected by its respective organization.
30 (4) The commission may remove any member of the
31 executive board as provided in bylaws.
32 (5) The executive board shall meet at least annually.
33 (6) The executive board shall have the following duties and
34 responsibilities:
35 (a) recommend to the entire commission changes to the
36 rules or bylaws, changes to this compact legislation, fees paid by
37 compact states such as annual dues, and any other applicable fees;
38 (b) ensure compact administration services are
39 appropriately provided, contractual or otherwise;
40 (c) prepare and recommend the budget;
41 (d) maintain financial records on behalf of the commission;
42 (e) monitor compact compliance of member states and
43 provide compliance reports to the commission;

1 (f) establish additional committees as necessary; and

2 (g) other duties as provided in rules or bylaws.

3 (F)(1) The commission shall pay, or provide for the payment of,
4 the reasonable expenses of its establishment, organization, and
5 ongoing activities.

6 (2) The commission may accept any and all appropriate
7 revenue sources, donations, and grants of money, equipment,
8 supplies, materials, and services.

9 (3) The commission may levy and collect an annual
10 assessment from each compact state or impose fees on other parties
11 to cover the cost of the operations and activities of the commission
12 and its staff which must be in a total amount sufficient to cover its
13 annual budget as approved each year for which revenue is not
14 provided by other sources. The aggregate annual assessment amount
15 shall be allocated based upon a formula to be determined by the
16 commission which shall promulgate a rule binding upon all compact
17 states.

18 (4) The commission shall not incur obligations of any kind
19 prior to securing the funds adequate to meet the same; nor shall the
20 commission pledge the credit of any of the compact states, except
21 by and with the authority of the compact state.

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

30 (G)(1) The members, officers, executive director, employees,
31 and representatives of the commission shall be immune from suit
32 and liability, either personally or in their official capacity, for any
33 claim for damage to or loss of property or personal injury or other
34 civil liability caused by or arising out of any actual or alleged act,
35 error, or omission that occurred, or that the person against whom the
36 claim is made had a reasonable basis for believing occurred within
37 the scope of commission employment, duties or responsibilities;
38 provided that nothing in this subsection shall be construed to protect
39 any such person from suit or liability for any damage, loss, injury or
40 liability caused by the intentional or wilful or wanton misconduct of
41 that person.

42 (2) The commission shall defend any member, officer,
43 executive director, employee, or representative of the commission

1 in any civil action seeking to impose liability arising out of any
2 actual or alleged act, error, or omission that occurred within the
3 scope of commission employment, duties, or responsibilities, or that
4 the person against whom the claim is made had a reasonable basis
5 for believing occurred within the scope of commission employment,
6 duties, or responsibilities; provided that nothing herein shall be
7 construed to prohibit that person from retaining his or her own
8 counsel; and provided further, that the actual or alleged act, error, or
9 omission did not result from that person's intentional or wilful or
10 wanton misconduct.

11 (3) The commission shall indemnify and hold harmless any
12 member, officer, executive director, employee, or representative of
13 the commission for the amount of any settlement or judgment
14 obtained against that person arising out of any actual or alleged act,
15 error, or omission that occurred within the scope of commission
16 employment, duties, or responsibilities, or that such person had a
17 reasonable basis for believing occurred within the scope of
18 commission employment, duties or responsibilities, provided that
19 the actual or alleged act, error, or omission did not result from the
20 intentional or wilful or wanton misconduct of that person.

21
22 Section 40-55-410.(A) The commission shall exercise its
23 rulemaking powers pursuant to the criteria set forth in this section
24 and the rules adopted thereunder. Rules and amendments shall
25 become binding as of the date specified in each rule or amendment.

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

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

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

- 36 (1) on the website of the commission; and
37 (2) on the website of each compact-states' psychology
38 regulatory authority or the publication in which each state would
39 otherwise publish proposed rules.

40 (E) The notice of proposed rulemaking shall include:
41 (1) the proposed time, date, and location of the meeting in
42 which the rule will be considered and voted upon;

1 (2) the text of the proposed rule or amendment and the reason
2 for the proposed rule;

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

5 (4) the manner in which interested persons may submit notice
6 to the commission of their intention to attend the public hearing and
7 any written comments.

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

11 (G) The commission shall grant an opportunity for a public
12 hearing before it adopts a rule or amendment if a hearing is
13 requested by:

14 (1) at least twenty-five persons who submit comments
15 independently of each other;

16 (2) a governmental subdivision or agency; or

17 (3) a duly appointed person in an association that has at least
18 twenty-five members.

19 (H)(1) If a hearing is held on the proposed rule or amendment,
20 the commission shall publish the place, time, and date of the
21 scheduled public hearing.

22 (2) All persons wishing to be heard at the hearing shall notify
23 the executive director of the commission or other designated
24 member in writing of their desire to appear and testify at the hearing
25 not less than five business days before the scheduled date of the
26 hearing.

27 (3) Hearings shall be conducted in a manner providing each
28 person who wishes to comment a fair and reasonable opportunity to
29 comment orally or in writing.

30 (4) No transcript of the hearing is required, unless a written
31 request for a transcript is made, in which case the person requesting
32 the transcript shall bear the cost of producing the transcript. A
33 recording may be made in lieu of a transcript under the same terms
34 and conditions as a transcript. This subsection shall not preclude the
35 commission from making a transcript or recording of the hearing if
36 it so chooses.

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

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

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

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

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

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

18 (2) prevent a loss of commission or compact-state funds;

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

21 (4) protect public health and safety.

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

35

36 Section 40-55-420. (A)(1) The executive, legislative, and
37 judicial branches of state government in each compact state shall
38 enforce this compact and take all actions necessary and appropriate
39 to effectuate the compact's purposes and intent. The provisions of
40 this compact and the rules promulgated hereunder shall have
41 standing as statutory law.

42 (2) All courts shall take judicial notice of the compact and the
43 rules in any judicial or administrative proceeding in a compact state

1 pertaining to the subject matter of this compact which may affect
2 the powers, responsibilities, or actions of the commission.

3 (3) The commission shall be entitled to receive service of
4 process in any such proceeding, and shall have standing to intervene
5 in such a proceeding for all purposes. Failure to provide service of
6 process to the commission shall render a judgment or order void as
7 to the commission, this compact or promulgated rules.

8 (B)(1) If the commission determines that a compact state has
9 defaulted in the performance of its obligations or responsibilities
10 under this compact or the promulgated rules, the commission shall:

11 (a) provide written notice to the defaulting state and other
12 compact states of the nature of the default, the proposed means of
13 remedying the default, and any other action to be taken by the
14 commission; and

15 (b) provide remedial training and specific technical
16 assistance regarding the default.

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

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

30 (4) A compact state which has been terminated is responsible
31 for all assessments, obligations, and liabilities incurred through the
32 effective date of termination, including obligations which extend
33 beyond the effective date of termination.

34 (5) The commission shall not bear any costs incurred by the
35 state which is found to be in default or which has been terminated
36 from the compact, unless agreed upon in writing between the
37 commission and the defaulting state.

38 (6) The defaulting state may appeal the action of the
39 commission by petitioning the U.S. District Court for the State of
40 South Carolina or the federal district where the compact has its
41 principal offices. The prevailing member shall be awarded all costs
42 of such litigation, including reasonable attorney's fees.

1 (C)(1) Upon request by a compact state, the commission shall
2 attempt to resolve disputes related to the compact which arise
3 among compact states and between compact and noncompact states.

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

7 (D)(1) The commission, in the reasonable exercise of its
8 discretion, shall enforce the provisions and rules of this compact.

9 (2) By majority vote, the commission may initiate legal action
10 in the United States District Court for the State of South Carolina or
11 the federal district where the compact has its principal offices
12 against a compact state in default to enforce compliance with the
13 provisions of the compact and its promulgated rules and bylaws. The
14 relief sought may include both injunctive relief and damages. In the
15 event judicial enforcement is necessary, the prevailing member shall
16 be awarded all costs of such litigation, including reasonable
17 attorney's fees.

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

21
22 Section 40-55-430.(A) The compact shall come into effect on
23 the date on which the compact is enacted into law in the seventh
24 compact state. The provisions which become effective at that time
25 shall be limited to the powers granted to the commission relating to
26 assembly and the promulgation of rules. Thereafter, the commission
27 shall meet and exercise rulemaking powers necessary to the
28 implementation and administration of the compact.

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

35 (C)(1) Any compact state may withdraw from this compact by
36 enacting a statute repealing the same.

37 (2) A compact-state's withdrawal shall not take effect until
38 six months after enactment of the repealing statute.

39 (3) Withdrawal shall not affect the continuing requirement of
40 the withdrawing state's psychology regulatory authority to comply
41 with the investigative and adverse action reporting requirements of
42 this act prior to the effective date of withdrawal.

1 (D) Nothing contained in this compact shall be construed to
2 invalidate or prevent any psychology licensure agreement or other
3 cooperative arrangement between a compact state and a noncompact
4 state which does not conflict with the provisions of this compact.

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

9
10 Section 40-55-440. This compact shall be liberally construed so
11 as to effectuate the purposes thereof. If this compact shall be held
12 contrary to the constitution of any state member thereto, the compact
13 shall remain in full force and effect as to the remaining compact
14 states.”

15
16 B. The existing provisions of Chapter 55, Title 40 are designated
17 as Article 1 entitled “General Provisions”.

18
19 SECTION 3. Section 40-55-60 of the 1976 Code is amended to
20 read:

21
22 “Section 40-55-60. The board may adopt the code of ethics for
23 psychologists to govern the practices and conduct of psychologists
24 licensed under this chapter. Whenever important aspects of a case
25 fall outside the boundaries of the psychologist’s competence, the
26 psychologist shall consult appropriate specialists. A psychologist
27 may not attempt to diagnose, prescribe for, treat, or advise a client
28 with reference to complaints which are outside the limits of
29 psychological practice as determined by the board. The board shall
30 determine areas of specialization of the applicant to practice
31 psychology and inform the applicant of its decision. The board shall
32 publish a list of licensed psychologists which indicates areas of
33 practice authorized by the board. The board shall have the authority
34 to administer and participate in the ‘Psychology Interjurisdictional
35 Compact (Psypact)’ set forth in Article 3 of this chapter and to
36 recognize and permit the authority to practice interjurisdictional
37 telepsychology and temporary practice in South Carolina as
38 established under such compact.”

39
40 SECTION 4. Section 40-55-80(7) of the 1976 Code is amended to
41 read:

1 “(7) ~~a copy of a criminal history record if the applicant has been~~
2 ~~convicted or plead guilty or nolo contendere to any criminal offense~~
3 ~~excluding traffic violations~~ submission to a state criminal records
4 check, supported by fingerprints, by the South Carolina Law
5 Enforcement Division and a national criminal records check,
6 supported by fingerprints, by the Federal Bureau of Investigation.
7 The results of these criminal records checks must be reported to the
8 department. The South Carolina Law Enforcement Division is
9 authorized to retain the fingerprints for certification purposes and
10 for notification of the department regarding criminal charges. The
11 department shall keep information received pursuant to this section
12 confidential, except that information relied upon in denying
13 licensure may be disclosed as may be necessary to support the
14 administrative action. The results of these criminal records checks
15 must not be shared outside the department; and”

16

17 SECTION 5. This act takes effect upon approval by the Governor.

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