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Reducing Regulatory Barriers. Increasing Access to Mental Health Care.

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**TESTIMONY**

**HB 2209**

**Legislation Enacting the Interjurisdictional Authorization to Practice Telepsychology and Temporary In-person, Face-to-Face Psychology**

**Senate Committee on Public Health and Welfare**

**March 24, 2021**

Chairman Hilderbrand and Members of the Committee:

Hello, I am Janet Orwig, Executive Director for PSYPACT. I am writing to you in support of HB 2209 that would open the door to the State of Kansas becoming a part of PSYPACT.

I would like to express my appreciation for your consideration of the Psychology Interjurisdictional Compact (PSYPACT) legislation. The Association of State and Provincial Psychology Boards (ASPPB) is the association of all psychology regulatory boards throughout the United States and Canada. Since 1961, ASPPB has existed to support the consumer protection functions afforded by psychology regulatory boards throughout North America. ASPPB is dedicated to making psychology regulation efficient, effective, and focused on protecting the consumer of psychological services by assisting its member boards to adopt the best practices in the field of credentialing and regulation. In doing so, ASPPB created PSYPACT, allowing for the interstate practice of telehealth as well as the ability to practice for a limited period of time while physically located in a PSYPACT participating state. PSYPACT, is an interstate compact which provides a mechanism for the ethical and legal practice of telepsychology, as it reduces regulatory barriers and provides for client or patient protection. The goal of PSYPACT is to improve access to mental health services by facilitating the competent practice of telehealth by licensed psychologists across state lines and represents a significant and crucial step in the profession of psychology.

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Psychology Interjurisdictional Compact (PSYPACT)

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As people begin to understand more about mental health issues and the need to treat them, an increase in those seeking the services of psychologists may continue to grow. Unfortunately, like so many other health professionals, psychologists are not always available in underserved areas. Increasingly, psychologists are using telehealth as a means of responding to the demand for services. Psychology is uniquely suited to taking advantage of telehealth services as psychology intervention is talking and does not need additional equipment like some medical specialties. When done via live video links, treatments are as effective via telehealth as when patients come to the psychologist's office.

PSYPACT would be particularly helpful when patients travel out of state, for patients such as family of military personnel who move frequently and as has been seen during COVID.

PSYPACT provides protection to the public by certifying that psychologists have met acceptable standards of practice. Importantly, it provides compact states with a mechanism to address disciplinary issues that occur across state lines. It increases access to mental health care where care is not readily available, while at the same time, providing for continuity of care for an increasingly mobile society. PSYPACT promotes public protection, where none may currently exist, for the interstate practice of telehealth.

PSYPACT has been enacted in 18 states and several of those states are direct neighbors with Kansas (Colorado, Missouri, Nebraska, and Oklahoma. In addition to Kansas, legislation has been introduced in 13 more states with one of those being Iowa.

Several years of work preceded the final version of PSYPACT, much of which was completed in collaboration with many other psychology professional organizations such as the American Psychological Association and the American Insurance Trust. Through this collective process, PSYPACT provides a means for providers to legitimately practice as well as a mechanism for the oversight of such practice in such a manner as to benefit all parties. This is important for the profession as well as for protection of the public.

Thank you for considering this very important mental health care issue.



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Attachments:

- PsyPact Legislation Summary
- PsyPact Reducing Regulatory Barriers Informational Sheet

# PSYPACT LEGISLATION SUMMARY

## ARTICLE I PURPOSE

- Allows for the delivery of psychological services via telecommunications from providers to patients in separate states.
- Allows for up to 30 days of in-person, face-to-face practice.
- Recognizes that states have a vested interest in the protection of public health and safety and through this compact and regulation will afford the best available protection.

## ARTICLE II DEFINITIONS

- This article defines terms used throughout the compact to alleviate confusion on the part of the states and practitioners.
  - (N) "Home State" is the Compact State where a psychologist is licensed to practice.
  - When delivering telepsychology services it is where the psychologist is physically located, and in this case the client/patient is in the (V) "Receiving State."
  - When practicing in-person and face-to-face on a temporary basis, both the psychologist and the client/patient are present is the (K) "Distant State."
- (L) "E.Passport" is the credential vetted and issued by ASPPB granting authorization to practice interjurisdictional telepsychology in a "Receiving State" where the psychologist with this credential is not currently licensed.
- (Q) "Interjurisdictional Practice Certificate" or "IPC" is the credential vetted and issued by ASPPB granting temporary authority to practice in a "Distant State" where the psychologist with this credential is not currently licensed.

## ARTICLE III HOME STATE LICENSURE

This article denotes what home state licensure means, what the minimum requirements to provide services through the compact are, and what must be required by the state to allow for the practice of telepsychology and the temporary in-person, face-to-face practice of psychology.

## ARTICLE IV COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

This section lays out the education and training requirements to provide services through the compact. This section also requires a psychologist practicing under the compact to practice within his or her areas of competencies, be subject to the scope of practice of the Receiving State, and possess a current and active E.Passport. A psychologist must be licensed at the doctoral level to qualify for the E.Passport.

## ARTICLE V COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

By accepting the compact, the jurisdiction will allow for temporary in-person, face-to-face practice for up to 30 days within each calendar year. The education requirements are similar to those listed in Article IV with the substitution of a requirement to hold an IPC instead of the E.Passport. The psychologist must be licensed at the doctoral level to qualify for the IPC. The other components are like those in Article IV.

## ARTICLE VI CONDITION OF TELEPSYCHOLOGICAL PRACTICE IN A RECEIVING STATE

A psychologist must practice interjurisdictional telepsychology in accordance with the scope of practice of the Receiving State and within the rules of the Commission. Specifically, this means that any psychologist practicing telepsychology into a Receiving State via PSYPACT would abide by the Receiving State's scope of practice; therefore, no psychologist would be afforded prescriptive privileges even if those privileges were granted by his/her Home State.



## ARTICLE VI ADVERSE ACTIONS

This section covers how the Home, Receiving, and Distant States will conduct and report adverse actions to each other, as well as the consequences for a psychologist who receives an adverse action. Any compact state can cause the E.Passport or IPC to be revoked for an out-of-state psychologist who violates that state's laws.

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

- This section provides all compact states the right to maintain their psychology regulatory authority and the right to: Issue Subpoenas, for both hearings and investigations.
- Issue Cease and Desist and/or Injunctive Relief Orders to revoke a psychologist's authority to practice interjurisdictional telepsychology and/or authorization for temporary practice.

## ARTICLE IX COORDINATED LICENSURE INFORMATION SYSTEM

This section denotes the requirement of sharing licensee information for all compact states.

## ARTICLE X ESTABLISHMENT OF THE PSYPACT COMMISSION

This section establishes the ruling Commission of the compact. The compact is not a waiver of sovereign immunity.

- The Commission shall consist of one voting representative appointed by each compact state who shall serve as that state's Commissioner, appointed by each state's psychology regulatory authority.
- Each Commissioner is granted (1) vote regarding creation of rules and bylaws and shall otherwise have the opportunity to participate in the business and affairs of the Commission.

## ARTICLE XI RULEMAKING

This section lays out the requirements for rules made to the current compact once accepted by the first seven (7) states. Commission rules are limited to Compact administration and do not constitute new rules for the State Regulatory Authority as to its state responsibilities. The rules of PSYPACT would only supersede any state law pertaining to the interjurisdictional practice of telepsychology and temporary in-person, face-to-face practice pursuant to the compact.

## ARTICLE XII OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

This section details the oversight and enforcement of the compact by accepting states.

## ARTICLE XIII DATE OF IMPLEMENTATION OF PSYPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWALS, AND AMENDMENT

The compact becomes effective on the date of enactment in the seventh compact state. States that join after the adoption of the rules shall be subject to the rules as they exist on the date which the compact becomes law in that state.

## ARTICLE XIV CONSTRUCTION AND SEVERABILITY

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

# PSYPACT

## Reducing Regulatory Barriers. Increasing Access to Mental Health Care.

Created by the Association of State and Provincial Psychology Boards (ASPPB), the Psychology Interjurisdictional Compact (PSYPACT) is an interstate compact that facilitates the practice of psychology using telecommunications technologies (telepsychology) and/or temporary in-person, face-to-face psychological practice.

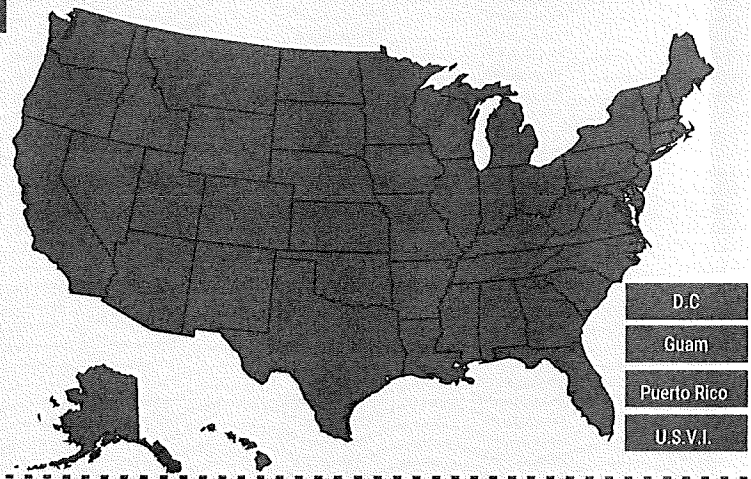
### ABOUT PSYPACT

PSYPACT is a cooperative agreement enacted into law by participating states

Addresses increased demand to provide/receive psychological services via electronic means (telepsychology)

Authorizes both telepsychology and temporary in-person, face-to-face practice of psychology across state lines in PSYPACT states

PSYPACT states have the ability to regulate telepsychology and temporary in-person, face-to-face practice



### HOW PSYPACT WORKS

PSYPACT must be enacted by a state legislature. Once enacted, a state joins the PSYPACT Commission, the governing body of PSYPACT.

Psychologists licensed in a PSYPACT state can practice under PSYPACT via two different methods:

**Telepsychology:**  
Psychologists obtain an Authority to Practice Interjurisdictional Telepsychology from the PSYPACT Commission, which requires an active ASPPB E.Passport.

**Temporary Practice:**  
Psychologists obtain a Temporary Authorization to Practice from the PSYPACT Commission, which requires an active ASPPB IPC.

PSYPACT states communicate and exchange information including verification of licensure and disciplinary sanctions.

### BENEFITS OF PSYPACT

- Increases client/patient access to care
- Facilitates continuity of care when client/patient relocates, travels, etc.
- Certifies that psychologists have met acceptable standards of practice
- Promotes cooperation between PSYPACT states in the areas of licensure and regulation
- Offers a higher degree of consumer protection across state lines

### HOW PSYPACT IMPACTS PSYCHOLOGISTS

- Allows licensed psychologists to practice telepsychology and/or conduct temporary in-person, face-to-face practice across state lines without having to become licensed in additional PSYPACT states
- Permits psychologists to provide services to populations currently underserved or geographically isolated
- Standardizes time allowances for temporary practice regulations in PSYPACT states

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