PSYPACT LEGISLATIVE TESTIMONY FAQs

The goal of PSYPACT is to improve access to mental health services by facilitating the practice of telehealth by licensed psychologists across state lines and represents a significant and crucial step in the profession of psychology.

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 especially during COVID-19. 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, and for patients such as family of military personnel who move frequently.

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.

• What is the charge to the state to participate in PSYPACT?

When PSYPACT was being developed, research regarding how other compacts were structured and funded was conducted. When we presented PSYPACT to interested states, one of the main concerns was the cost to the states especially those with smaller number of licensees. At the first PSYPACT Commission meeting held in July 2019, several possible state assessment fee options were presented. The Commission felt that a fee based on actual usage best suited the Compact and its members. The final rule regarding that structure is:

10.2 Annual Assessment of Compact States: Commission shall determine the annual assessment to be paid by Compact States.
(A) Compact States will be charged an assessment of $10 per Authorization Holder licensed in their Home State per fiscal year to be no greater than $6,000 annually.
(B) The Commission may choose to have a zero ($0) dollar assessment.
(C) The Commission shall provide public notice of any proposed revision to the annual assessment fee at least 90 calendar days prior to the Commission meeting to consider the proposed revision.
(D) The annual assessment must be paid by the Compact State within ninety (90) days of the date of the invoice sent by the Commission.

- How is insurance reimbursement managed under PSYPACT?

As with face-to-face practice, the psychologist contacts the client’s insurance carrier to ascertain what coverage is provided before initiating a session. Payment arrangements can then be discussed with the client based on the insurance carrier’s verification.

It is important to note that in its MLN Matters Newsletter (Number SE20008), the Center for Medicare & Medicaid Services (CMS) stated that it has determined that those authorized under the Psychology Interstate Compact will be "treated as valid, full licenses for the purposes of meeting our federal license requirements."

- Will states have substantial loss of licensure fees?

Although, PSYPACT does not require licensure fees to be paid to the state, this only applies to those psychologists wishing to practice telehealth into the receiving state. Any psychologist wishing to establish a face-to-face practice would still need to follow the current licensure process.

The PSYPACT Commission is currently tracking the number of APIT/TAP applications in comparison to the number of licensees to assess usage of PSYPACT as well as impact on the number of licensees. The data below represents approved applications from July 1, 2020 – December 31, 2020. The overall usage of PSYPACT for the 13 participating states in that time period is 3.2%.

<table>
<thead>
<tr>
<th>States</th>
<th># of Licensees</th>
<th>APITs</th>
<th>% of APITs</th>
<th>TAPs</th>
<th>% of TAPs</th>
</tr>
</thead>
<tbody>
<tr>
<td>AZ</td>
<td>1891</td>
<td>70</td>
<td>3.7%</td>
<td>4</td>
<td>0.2%</td>
</tr>
<tr>
<td>CO</td>
<td>3474</td>
<td>107</td>
<td>3.1%</td>
<td>4</td>
<td>0.1%</td>
</tr>
<tr>
<td>DE</td>
<td>563</td>
<td>17</td>
<td>3.0%</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>GA</td>
<td>2468</td>
<td>122</td>
<td>4.9%</td>
<td>9</td>
<td>0.4%</td>
</tr>
<tr>
<td>IL</td>
<td>5384</td>
<td>195</td>
<td>3.6%</td>
<td>12</td>
<td>0.2%</td>
</tr>
<tr>
<td>MO</td>
<td>1994</td>
<td>80</td>
<td>4.0%</td>
<td>3</td>
<td>0.2%</td>
</tr>
<tr>
<td>NE</td>
<td>543</td>
<td>16</td>
<td>2.9%</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>NV</td>
<td>537</td>
<td>47</td>
<td>8.8%</td>
<td>5</td>
<td>0.9%</td>
</tr>
<tr>
<td>NH</td>
<td>628</td>
<td>24</td>
<td>3.8%</td>
<td>1</td>
<td>0.2%</td>
</tr>
<tr>
<td>OK</td>
<td>605</td>
<td>14</td>
<td>2.3%</td>
<td>2</td>
<td>0.3%</td>
</tr>
<tr>
<td>PA</td>
<td>6,359</td>
<td>171</td>
<td>2.7%</td>
<td>5</td>
<td>0.1%</td>
</tr>
<tr>
<td>TX</td>
<td>10004</td>
<td>208</td>
<td>2.1%</td>
<td>16</td>
<td>0.2%</td>
</tr>
<tr>
<td>UT</td>
<td>1015</td>
<td>58</td>
<td>5.7%</td>
<td>8</td>
<td>0.8%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>35465</td>
<td>1129</td>
<td>3.2%</td>
<td>69</td>
<td>0.2%</td>
</tr>
</tbody>
</table>

- How with the disciplinary process impact the state and staff resources?
PSYPACT Rule 7.2 addresses investigations under PSYPACT as follows:

7.2 Investigations:
A. In cases where a psychologist holds a license in more than one Compact State, the Compact State identified as the Home State shall have the responsibility for the investigation(s).
B. Upon discovery that the psychologist is under investigation in another Compact State, the other Compact States may contact the investigating Compact State and request investigative documents and information.
C. This section shall not be construed as limiting any Compact State’s authority to investigate any conduct within that state or to investigate any licensee.

Since this rule requires the Home State to conduct investigations on their own licensees, it is structured similarly to the way a state conducts its investigations currently.

- Does PSYPACT undermine and circumvent state licensure requirements and state laws protecting patients?

It is important to note that PSYPACT only pertains to practice of telepsychology and/or temporary practice as authorized under the authority of PSYPACT. Should a state enact PSYPACT legislation, that psychology licensing board would have a representative sitting on the Commission to address the needs of their state.

Psychology licensing boards across the states do have varying licensure requirements and should a state join PSYPACT, there may be psychologists practicing into a state that do not meet that state’s specific licensing requirements. However, as the practice of telepsychology continues to evolve and become more prominent, states outside of PSYPACT do not otherwise have regulatory mechanisms with the same strength of an interstate compact to address disciplinary issues and to provide public protection for the interstate practice of telepsychology. Additionally, as demonstrated by the COVID-19 pandemic, and even prior to, there is a need for access to mental health care services as well as continuity of mental health care for those already receiving care. PSYPACT provides licensed psychologists in participating states with another means to provide care to patients and clients. There is a give and take for participating PSYPACT states. Though requirements to practice under PSYPACT may not exactly mirror each state’s specific requirements, the PSYPACT Commission provides each Commissioner the opportunity to represent their states’ views for the regulation of telepsychology.

In order to address the variations amongst state licensing, each psychologist wishing to practice under PSYPACT must obtain either an E.Passport or an Interjurisdictional Practice Certificate (IPC) required as part of the Authority to Practice Interjurisdictional Telepsychology and Temporary Authorization, respectively, granted by the PSYPACT Commission. The PSYPACT Commission is ultimately responsible for setting all remaining requirements. As stated above, these certificates have set criteria to ensure that all practitioners have met acceptable and uniform levels of training.
ASPPB has set the educational criteria for the E.Passport and the IPC to be:

*The applicant’s doctoral program must be a program accredited by the American Psychological Association, the Canadian Psychological Association, or designated as a psychology program by the Joint Designation Committee of the Association of State and Provincial Psychology Boards and the National Register of Health Service Psychologists at the time the degree was conferred. (Foreign trained applicants would be required to provide an evaluation by an acceptable evaluation service, demonstrating equivalence to APA/CPA/Joint Designation).*

- **How are scope of practice issues addressed?**

Although the psychologist practices under the authority of their home state license, they must abide by the scope of practice of the “receiving” state. More specifically, Articles IV.D and V.D of the compact language specifically state that a psychologist practicing under the Compact’s temporary in-person privileges is subject to “the Distant State’s applicable law to protect the health and safety of the Distant State’s citizens.” As stated in PSYPACT Rule 4.5: Scope of Practice, “A psychologist practicing under an Authority to Practice Interjurisdictional Telepsychology into a Receiving State is subject to the scope of practice of the Receiving State.

All psychologists applying for the authorization to practice under PSYPACT has a series of acknowledgements that they must attest to as part of their application process. One of these acknowledgements specifically addressing being knowledgeable and abide by other receiving states legal requirements.

*I acknowledge that I must be knowledgeable of and will practice within the specified legal requirements of my Home State and all other Receiving States, including but not limited to any requirement to have liability insurance in the state into which the services are being provided. Where there is a conflict between states with regard to laws, regulations, and standards, psychologists shall adhere to the laws, regulations and standards of my Home State in a manner consistent with the Receiving States’ laws and regulations as is reasonably possible. I will inform the patient/client of all significant conflicts that may adversely impact the professional services that I will provide with a particular emphasis on any limits to confidentiality, privilege, and duties to report.*

- **How do compacts compare with reciprocity agreements?**

Traversing the various state licensing requirements, rules, regulations and fee structures can be confusing and present challenges for practitioners and state boards alike. To address these challenges, professions have turned to the creation of occupational licensure interstate compacts. These compacts create mutual professional licensing practices between states, while ensuring the quality and safety of services and safeguarding state sovereignty. As of January 2021, over 40 states and territories have adopted at least one occupational licensure compacts.

Should a state enact PSYPACT legislation, that psychology licensing board would have a representative sitting on the Commission to address the needs of its state. This may not be the case with reciprocity agreements which are not ratified through the legislative process. Reviewing and ensuring compliance is maintained within reciprocity agreements can be timely as state licensure requirements are ever changing. Additionally, impact on state staff could be extreme since vetting of reciprocity applicants would need to be done by the state staff. It is important to note that ASPPB
has an Agreement of Reciprocity for many years. In order to participate, each jurisdiction had to meet the requirements of the agreement as well as add language to the existing state practice act covering the agreement. As licensing requirements changed, jurisdictional members had to withdraw due to their new laws not meeting the requirements of the reciprocity agreement. The agreement was finally sunsetted in 2020.

Under PSYPACT, all vetting of psychologists participating in PSYPACT is done by the PSYPACT Commission and ASPPB as a service to the Commission. PSYPACT, through the certificate requirements, maintains current standards regardless of changes to licensure requirements where in reciprocity agreements those states might have to be removed from such agreements. The PSYPACT Commission rulemaking process allows for licensure requirements to be consistently reviewed and make changes as needed as the profession evolves. If a state enacts PSYPACT, their representative would be part of this process.

Another important element to consider when reviewing reciprocity agreements and compacts involves how discipline cases will be managed. The Psychology Interjurisdictional Compact (PSYPACT) provides a means for psychologists to legitimately practice as well as a mechanism for licensing boards to work together regarding the oversight of that practice in such a manner to benefit all parties. Through the disciplinary process outline within the PSYPACT legislation and further detailed in the Commission Rules, PSYPACT promotes public protection, where none currently exists, for the interstate practice of telehealth. While a state’s disciplinary process for their own licensees would remain as it is currently, as being part of a compact, additional joint investigation procedures exist.

Management of disciplinary cases under a reciprocity agreement is less clear since data does not exist to explore this further. Recently interviews were conducted with ASPPB member jurisdictions. After conducting interviews with 40 jurisdictions, none identified any reciprocity agreements they were in with other jurisdictions.